RIGHT ON CRIME

SAFER COMMUNITIES THROUGH SECOND CHANCES:

The Case for Federal Expungement

WRITTEN BY
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KEY POINTS

- **The federal expungement** system is effectively nonexistent.
- **Permanent criminal records** for non-violent federal offenses undermine work opportunities, family stability, and reentry.
- **Nearly every state** has an expungement law, proving that it can work as a public safety measure.
- **Expungement advances public safety** and promotes rehabilitation while maintaining accountability.
- **Congress should modernize** its federal expungement laws.

EXECUTIVE SUMMARY

The United States has long recognized that justice requires both accountability and redemption, yet federal law offers almost no meaningful way for people to clear their criminal records. As a result, millions of Americans remain burdened by lifelong collateral consequences that limit employment, housing, family stability, and successful reintegration. Currently, federal expungement law is extremely narrow, with eligibility only for certain drug offenders and human trafficking survivors, while even dismissed charges, acquittals, and pardons can still leave permanent federal records.

Congress should modernize this outdated system by creating a comprehensive expungement framework. Nearly every state already provides some form of record clearing, and the evidence shows that expungement supports public safety by improving employment and reducing recidivism. A federal framework should automatically clear non-conviction records and certain low-level offenses, create a petition process for rehabilitated individuals, and exclude violent and high-risk crimes. The proposed *Alice Marie Johnson Federal Expungement Act* offers a path to strengthen public safety, promote work and family stability, and ensure punishment does not last forever once a debt to society has been paid.

INTRODUCTION

America is a nation built on the promise of new beginnings. Our founding fathers fought tyranny on the premise that the past did not define the future. As Alexander Hamilton pointed out in the Federalist Papers, the ability to "wipe the slate" counterbalances the tyrannical hand of the government (Hamilton, 1788). And without any power to correct a criminal record and sentence, justice would be "too sanguinary and cruel" (Hamilton, 1788). Second chances were not then—and are not now—merely a platitude; rather, second chances are in the DNA of the United States of America.

In short, from our nation's birth, it has been argued and largely agreed upon that justice is equal parts punishment and restoration. Once a debt is paid, punishment should stop. Permanent punishment is no more than wasted potential. In our criminal justice system, second chances are most evident where someone can leave behind the scarlet letter of a criminal conviction and earn the opportunity to live as a law-abiding taxpayer. Expunging a criminal record is emblematic of a new beginning. A person stuck in perpetual debt to society, branded with a criminal conviction, will face hurdles in finding and keeping work, living in a safe neighborhood, and supporting a family.

But earning a second chance is often not easy. The system can be too onerous, eligibility can be unclear, or the cost of seeking expungement can be too high. Also, expungement is often not possible simply because no law or system exists. This is particularly true for those convicted of federal crimes.

Creating more comprehensive federal expungement laws is a smart, meaningful, and practical solution to help those who have paid their debt to society earn their renewed chance at the American dream. This paper will examine current state and federal expungement laws, the gaps in those policies, and why filling those gaps will build on our common promise of second chances, promote public safety, and fit within 21st-century criminal justice reforms.

FEDERAL LAW AND ITS IMPACT

When an individual has completed his criminal sentence, returned to society, obeyed the law, and demonstrated rehabilitation, justice is no longer served by the perpetual punishment of a criminal record. Yet under current federal law, millions of Americans face exactly that: lifelong consequences associated with a criminal record with virtually no mechanism for relief.

Expungement is a primary legal mechanism for removing a criminal record from official databases. However, federal courts have no inherent authority to expunge federal conviction records (*Doe v. United States,* 2016). Under federal statutory law, only a narrow subset of individuals can have their records cleared. Pursuant to 18 U.S.C. §3607(c), expungement is available only if the person:

- has been found guilty of federal misdemeanor drug possession under 21 U.S.C. §844;
- has completed federal probation for the federal misdemeanor drug possession charge;
- has no prior drug conviction; and
- was less than 21 years of age at the time of the offense (18 U.S.C. §3607(c)).

As expected, the number of people eligible for expungement under this law is incredibly small (Congressional Budget Office, 2021).

A positive development in federal law is the recent enactment of the *Trafficking Survivors Relief Act* (TSRA) (Trafficking Survivors Relief Act, 2026). This Republican-led bill, signed into law by President Trump in early 2026, marks an historic, albeit specialized, shift in federal policy. The TSRA provides the first-ever federal pathway for survivors of human trafficking to vacate non-violent federal convictions and expunge related arrest records. By acknowledging that crimes committed under the duress of exploitation are scars of victimization rather than marks of criminal intent, the law brings federal practice into closer alignment with various state-level relief mechanisms. However, like the narrow drug possession exception, the TSRA is far from a general expungement statute. To obtain relief, a petitioner must meet specific standards:

1. the underlying offense must be a non-violent federal crime;
2. the petitioner must prove by a preponderance of the evidence that the offense was committed as a direct result of being a human trafficking victim;
3. the petitioner must establish by clear and convincing evidence that she was a victim of human trafficking at the time of the offense; and
4. the offense must not involve a child as a victim (Trafficking Survivors Relief Act, 2026).

The TSRA underscores the piecemeal nature of federal record relief. While it offers a vital second chance to a specific, sympathetic population, the majority of rehabilitated federal offenders, including those with decades of law-abiding conduct, remain excluded from any judicial mechanism to clear their names.

Practically speaking, therefore, the federal expungement system is so narrow that its purpose is largely obsolete. The exceptions swallow any semblance of a rule. For most federal offenders, there are no opportunities to ask federal courts for a record expungement. This is the harsh reality for federal adult and juvenile offenders alike; for those who have received a pardon from the President of the United States; and for those who committed non-violent felonies decades ago. Federal criminal records even follow someone who has received a full pardon from the President of the United States (Office of Legal Counsel, 2006). The record also follows those convicted only of a misdemeanor; those with dismissed charges; those acquitted; or those arrested but never charged.

Alice Marie Johnson's story illustrates these systematic deficiencies. Her journey from a life sentence for a non-violent drug conspiracy to a full presidential pardon in 2020 captured national attention (Duster, 2025). Despite her high-profile rehabilitation and her current role as the White House "pardon czar," where she leads the Trump Administration's clemency efforts, Johnson remains a felon in the eyes of the law. Without an expungement mechanism, even the individual tasked with advising the President on justice and mercy must carry the mark of her 1996 conviction.[1]

A similar wall is hit by those like Weldon Angelos, who was sentenced to a 55-year mandatory sentence for non-violent marijuana charges (Pitts, 2015). Although Angelos eventually received a full pardon, the residual federal record continued to block his full restoration. His struggle to shed the stigma of his record directly inspired the introduction of the *Weldon Angelos Presidential Pardon Expungements Act*, a federal bill meant to bridge the gap between a presidential pardon and the judicial removal of a criminal record (H.R. 10248, 2024).

That same injustice is illustrated by the case of Michelino Sunseri. Sunseri was convicted of a non-violent federal offense for running the wrong part of a trail in Grand Teton National Park (Sullum, 2025). The judge ultimately dismissed the charges (White, 2025), and Sunseri also received a presidential pardon (Executive Order No. 1417111, 2025). Yet even after dismissal and pardon, Sunseri will be left with a permanent federal criminal record for an innocuous crime.

Together, these cases expose a structural failure in federal law. Even where the justice system acknowledges error, rehabilitation, or mercy—through dismissal, commutation, or pardon—it lacks the tools to finish the job. As a result, individuals whom the federal government has explicitly determined should no longer bear the weight of a conviction are nonetheless condemned to carry it for life.

1 Ms. Johnson's case is also evidence of the severity of federal drug sentencing laws, particularly for individuals who are non-violent, first-time offenders. Current federal law and sentencing guidelines largely inhibit prosecutorial or judicial discretion that could avoid overly punitive sentences. However, for the purposes of this paper, commentary on or research into the appropriate length of criminal sentences will be tabled.

The impact of permanent federal criminal records is huge. Some estimates indicate that over 1,000 restrictions apply to individuals with federal convictions (National Inventory of Collateral Consequences of Conviction, 2026). Past convictions can hinder employment, housing, and reentry for Americans (Berson, 2013, p. 1). Federal criminal records can create ineligibility for government contracts; restrict family relationships and living arrangements, such as child custody, fostering, and adoption; impact residency requirements; and exclude someone from the management and operation of regulated businesses (Berson, 2013, p. 1). It stands to reason, then, that "[f]or many people convicted of crimes, the most severe and long[-]lasting effect of conviction is not imprisonment or fine. Rather, it is being subjected to collateral consequences involving the actual or potential loss of civil rights, parental rights, public benefits, and employment opportunities" (Chin, 2012, p. 1791).

Job security is particularly difficult, but important, for those with criminal records. Some employers have reported taking steps to avoid hiring someone with a record (Rodriguez & Emsellem, 2011, p. 2). One Department of Labor study found that some employers are driven by "bias and stigma" (U.S. Department of Labor, 2001, p. 11); others find that ex-criminals are not as trustworthy (Holzer, 2007, p. 8); and some fear a negligent-hiring lawsuit should the employee with a criminal record commit a crime while on the job (Love et al., 2022).

To mitigate some of these concerns, some employers conduct background checks, believing it will benefit their businesses if they do not hire someone with a criminal record.[2] However, these limited choices to exclude people with records can impact Main Street in the aggregate. Some studies have found that excluding people with criminal records from the workforce results in $78 to $87 billion in annual U.S. gross domestic product (Bucknor & Barber, 2016, p. 1). Also, an employer who declines to hire someone with a criminal record "simply shifts risks to others, or even amplifies those risks" (Prescott & Starr, 2020, p. 2522).

These subjective concerns aside, criminal records often preclude consideration for a job. Take, for example, jobs that require occupational licensing. More than a quarter of all jobs in the U.S. require some kind of license to perform them (Hershbein et al., 2015), but "both states and the federal government have enacted more than 20,000 licensing restrictions on those with a criminal record" (Mooney & Haggerty, 2019; National Conference of State Legislatures, 2024). This covers jobs such as barbers, cosmetologists, and EMTs. In short, licensing restrictions often prohibit ex-offenders from fully participating in a free market.[3]

To be sure, some "collateral consequences" to a criminal conviction can serve a legitimate public safety function—i.e., prohibiting people convicted of assault or abuse from working with children (45 C.F.R. §98.43(a)(1)) or the elderly (42 C.F.R. § 483.12(a)(3)); barring those convicted of fraud from positions of public trust (48 C.F.R. §252.203-7001; 18 U.S.C.§201); or sex offender registration (34 U.S.C. §20901, et. seq.). But, at the same time, it is undeniable that many perpetual punishments are too broad, overly punitive, and inhibitory to successful post-conviction reentry. Altogether, these obstacles are a "new civil death" (Chin, 2012, p. 1790).

The breadth of collateral consequences is concurrent with the sheer volume of federal convictions in the 1980s and 1990s, driven largely by anti-drug legislation and lengthy mandatory minimum sentences (Violent Crime Control and Law Enforcement Act of 1994). The Federal Bureau of Investigation (FBI) adds over ten thousand names to its database each day (Fields &

2 Presumably, under the misguided belief (see supra p. 9 for data on recidivism for expunged offenders) that someone with a criminal record is untrustworthy, would be a bad employee, or could commit a crime against the business.

3 See, e.g., Florida's laws on these three occupational licensing professions, which habitually require passage of a criminal background check (Nastasi & Staley, n.d.).

Emshwiller, 2014). And collectively, law enforcement agencies have made almost 250 million arrests, resulting in close to 80 million individuals in the FBI criminal database (Fields & Emshwiller, 2014).

Compounding this is the elimination of federal parole (U.S. Parole Commission, 2003, pp. 1-2) and the underutilization of the pardon power by many presidents.[4] Overall, this highlights a growing need for a carefully tailored federal expungement process for individuals who have demonstrated rehabilitation.

But Congress has been largely unsuccessful in creating a meaningful expungement system.[5] To be sure, there have been several efforts to seal records at the federal level, expunge certain offenses, or support state efforts to seal or expunge criminal records.[6] However, few of these efforts have advanced, let alone received votes or meaningful bipartisan consideration in Congress.

STATE EXPUNGEMENT LAWS

Where the federal system has been lacking, the states have been leading. In fact, today, almost every state offers some form of record expungement or sealing (Collateral Consequences Resource Center, 2024; National Conference of State Legislatures, 2020; White Collar Support Group, n.d.). There is a wide variety in how states have chosen to clear criminal records. Some states offer virtually no relief, while others have adopted automatic record-clearing models for a broad range of offenses.

States like Alaska, for example, generally do not authorize the expungement or sealing of adult convictions, often limiting relief to non-conviction records or "set asides," which remain visible to the public (Alaska Stat. § 12.55.085(e)). With a single exception for marijuana possession enacted in 2024, Alaska law makes no provision for sealing or expunging records of a valid conviction, and there exists "a clear preference for public records to remain accessible" (*Johnson v. State*, 2002). Otherwise, record sealing is available only where the information resulted from mistaken identity or false accusation, and only if, beyond a reasonable doubt, the head of the agency responsible for maintaining the records proves it (Alaska Stat. § 12.62.180(b)).

Most states are similar to Kentucky and North Carolina, requiring a petition to the court, which then weighs several discretionary factors in determining whether or not to grant a request for record expungement (Ky. Rev. Stat. Ann. § 431.073; Ky. Rev. Stat. Ann. § 431.079; N.C. Gen. Stat. § 15-A0145.5(c)(1)).

A small cohort of states, including Pennsylvania (Community Legal Services, n.d.), Utah (Clean Slate Utah, n.d.), and Michigan (Michigan State Police, n.d.), have shifted away from a petition-based system and instead implemented automated systems that seal eligible misdemeanor and non-violent felony records after a crime-free waiting period.

Texas law allows limited expungement of arrests, indictments, and certain convictions under certain circumstances. Expungement may be granted for dismissals, acquittals, pardons, and specific program completions through record clearing (Texas Code of Criminal Procedure art. 55A.01) and the specific process for minors (Texas Alcoholic Beverage Code § 106.12). And absent a pardon or an acquittal on appeal, a person who is convicted of any offense or who is placed on community supervision for an offense other than a Class C misdemeanor is not eligible for expunction (Texas Code of Criminal Procedure art. 55A.051). In recent years, Texas has expanded both automatic and petition-based record sealing to include a limited scope

4 President Trump is the notable exception to this trend (U.S. Department of Justice Office of the Pardon Attorney).

5 To its credit, in December 2019, Congress passed the *Fair Chance Act* as part of the National Defense Authorization Act of 2020 to prohibit employers in all three branches of the federal government and private-sector federal contractors from asking about a job applicant's arrest and conviction record until a conditional offer of employment has been extended. This "ban the box" approach was signed into law by President Trump. President Trump also recently signed the TSRA into law, as mentioned on supra page 4 and infra page 12.

6 More on this in section below (see pages 10-12).

of first-time, nonviolent misdemeanors and felonies, with varying qualifications and wait periods.

Despite variations among state laws, there are notable and meaningful common threads.

Waiting Periods

Every state with a conviction relief statute requires a period of demonstrated rehabilitation after sentencing before a person is considered eligible. The impetus behind this pervasive policy is that a convicted person must prove that he can live as a law-abiding citizen for a certain number of years before being eligible for expungement. And generally, if a person is arrested or convicted of a new crime during this waiting period, the clock resets to zero.

Satisfaction of the Sentence

It is typically accepted that a record cannot be cleared while an obligation to the state or the victim remains outstanding. Therefore, eligibility for record-sealing or expungement almost always begins *after* the completion of the sentence. This includes not just time served in jail or prison, but also the successful discharge from probation or parole, and the repayment of all fines and restitution.

Ineligibility

In expungement laws, ineligibility pertains to *what* can be cleared and *how much* can be cleared.[7] There is a near-universal consensus among the states that certain crimes are too serious for record clearing. Almost every state strictly excludes violent offenses,[8] sex offenses, and DUI crimes from either automatic or petition-based expungement systems. And while possession of drugs—particularly marijuana—is becoming increasingly eligible for expungement, the manufacturing or large-scale trafficking of controlled substances is barred from eligibility in most states.

EXPUNGEMENT AND ITS DISCONTENTS

Expungement laws have not always been common nor largely appreciated. Like all policies, there are areas for disagreement and skepticism. In general, opponents raise two concerns: public safety outcomes and inefficacy in a digital age. However, as will be discussed further below, neither of these areas of discontent discredits expungement laws.

Expungement and Public Safety

Despite the near ubiquity of record-clearing programs across the 50 states, the federal criminal justice system affords almost no reprieve to those with criminal records.

This is most likely due to a public safety concern. In general, the argument is that the public—particularly people with specific interests at stake—has the right to know when someone has a criminal record because of a belief that this person poses a heightened risk of future crime.[9] Recidivism measures the rate at which an individual reoffends.[10] Recidivism data are often the barometer for a successful criminal justice law or policy. The recidivism rate for those who have had their records sealed or expunged is, therefore, "critical to addressing objections from those who fear endorsing expungement policies because of the possibility that these policies could hide or increase recidivism risk" (Prescott & Starr, 2020, p. 2478).

The essential question, therefore, must be: Does expungement increase the risk of recidivism or conceal other substantial dangers from the public, thereby negatively impacting public safety? New evidence argues that it does not.

A chief difficulty in expanding expungement laws in states and creating a federal expungement system has been the misguided and blanket argument

7 It is common practice that those who have been granted expungement cannot petition the court for expungement again.

8 E.g., homicide, serious assault, kidnapping, robbery, arson.

9 *See* Murray, B.M. (2016). A New Era for Expungement Law Reform? Recent Developments at the State and Federal Levels, *Harvard Law Review & Policy Review, 10(2)*, 361, 375 (describing the counterargument to expungement that "federal crimes are serious, and actors within the community should be able to obtain information about ex-offenders that might be relevant to an important decision, especially related to hiring") (Murray, 2016, p. 375).

10 Recidivism is incredibly broad, however, encompassing not just new convictions, but also new arrests, new charges, or new non-violent technical violations.

that erased criminal records threaten public safety. Anecdotal stories easily rebut this argument.[11] But until recently, there has been a lack of concrete evidence outlining the successes and failures of state expungement laws regarding public safety, upon which a federal system can be built.

In a landmark 2020 study, researchers provide a compelling empirical rebuttal to the primary objection to expungement: the concern that it jeopardizes public safety by "hiding" a person's criminal history. Their data reveal that individuals who receive an expungement actually pose a lower crime risk than the general population (Prescott & Starr, 2020, p. 2466). In fact, recidivism rates for those whose records were successfully set aside were strikingly low. Within five years of receiving an expungement:

- Only 4.2% were reconvicted of any crime.
- The rate of reconviction for violent crimes was an infinitesimal 0.6%.
- The rate of reconviction for felony offenses was only 1% (Prescott & Starr, 2020, pp. 2513-2514).

These figures suggest that expungement recipients are not just "low risk" in comparison to other felons; they are statistically safer than the average person in the general population (La Vigne & Lopez, 2021).

The study identifies two primary drivers for these outcomes: waiting periods and post-incarceration stability.

First, as mentioned, most state laws require a person to wait a certain period (typically between five and ten years) after completing the sentence before becoming eligible for expungement. By the time this individual is eligible, he has "proven" his rehabilitation or, at a minimum, his ability to reintegrate into society and live a crime-free life. Criminological data show that after a period of law-abiding behavior, a person's risk of committing a new crime drops to the same level as that of someone who has never been arrested (Ritter, 2009, p. 1).

Second, post-incarceration stability is a good predictor of future criminal activity for individuals with expunged records. Expungement laws can remove many barriers to reentry, and employment is a staple of stability and successful reentry. Without employment, recidivism rates tend to rise (Bhuller et al., 2016). In turn, employment has been identified as the single most important factor in reducing recidivism (Berg & Huebner, 2011). Rearrest and reconviction rates are cut nearly in half for those who can get—and keep—full-time jobs, compared to unemployed people with criminal records (Cronin, 2011). But as detailed earlier, getting a job is difficult—if not impossible—for those with criminal records. But for those who *can* find a job, there is a bright light at the end of the tunnel: wages increased by 23% within just one year of expungement, creating a cycle of stability that reinforces law-abiding behavior (Prescott & Starr, 2020, p. 2528). Stability begets stability. Getting a job encourages behavior that keeps that job, which in turn encourages more motivated, law-abiding behavior.

These low recidivism rates and the reasons for the data are strong arguments in favor of expungement laws for federal offenders. Rehabilitated individuals pose a negligible risk when given the opportunity to earn a second chance and maintain stability. And, as eloquently summarized by the authors of the empirical study on expungement:

11 Take, for example, the high-profile cases of Martha Stewart and Mark Wahlberg. Stewart was convicted in 2004 on federal charges of conspiracy, obstruction of justice, and making false statements to federal investigators related to an insider trading investigation. She served five months in federal prison and five months of home confinement. Post-release, Stewart successfully rebuilt her multi-billion-dollar media empire and remains a prominent figure in American business and lifestyle branding. Similarly, Mark Wahlberg was convicted of felony assault in 1988 as a teenager, for which he served 45 days of a two-year sentence. Wahlberg subsequently transitioned from a music career to becoming one of Hollywood's most bankable actors and a prolific entrepreneur in the hospitality and fitness industries.

Expungement opponents have never offered any empirical evidence that expungement somehow undermines public safety, and the logic underlying this theory crumbles under even a little bit of scrutiny. The idea seems to be that awareness of an individual's criminal record allows members of the public to avoid victimization—that knowledge provides safety. But this is illogical as a strategy for protecting the public at large. People don't conduct background checks on everyone they meet, much less on every stranger who could potentially harm them. *Having a criminal record that appears in public databases inflicts many disadvantages, but it in no way disables an individual from committing future crimes.* If anything, it might allow a particular employer or landlord to avoid the individual. But this only displaces risk to others in society—and if the individual ends up jobless or homeless, the risk will only be greater (Prescott & Starr, 2020) [emphasis added].

With incredibly low recidivism rates within reach, federal expungement laws should be pursued as not only a mechanism rooted in the redemptive power of second chances but also as sound public safety policy.

Expungement and the Internet

Some cynics of federal expungement simply do not think it is a meaningful policy in the age of the internet, artificial intelligence, and beyond. News stories, mug shots, and other information about past offenses can be easily found through Google or other digital sources. The Department of Justice (DOJ) proudly touts its accomplishments, including arrests, charges, indictments, and convictions of defendants, online for all to see in perpetuity (U.S. Department of Justice, n.d.). For all matters, including criminal histories, the "Internet is a near-bottomless repository of information, impossible to fully clean" (Murray, 2016, p. 377). In practice, expungement cannot work perfectly, and some individuals will never escape the digital trail of their prior convictions.

Nevertheless, the information's mere existence does not eliminate the practical value of expungement. While digital records may continue to present challenges, expungement reforms will still make a massive difference on an individual basis. And to quote a tired yet true maxim: perfection cannot be the enemy of good. Expungement will never be a panacea for all the ills afflicting the administration of justice, particularly when it comes to a digital footprint. But the pros—i.e., access to work, motivation to rehabilitate, promoting a non-criminal lifestyle, and pursuing a new beginning—severely outweigh this discrete con.

How Congress evaluates and legislates on federal expungement in the future should aim to fill some of the policy and political gaps that may have stymied the progress of prior proposals.

CONGRESSIONAL ACTION

The landscape of federal criminal record relief has historically been characterized by its restrictive nature, with no general statute allowing for the expungement of valid federal convictions. However, over the last decade, there has been a moderate legislative shift.

Some of the first efforts to create federal expungement laws were the Record Expungement Designed to Enhance Employment (REDEEM) Act of 2017 (S. 827, 2017) and the Expungement Act of 2017 (H.R. 3578, 2017). These bills proposed a petition-based model, in which individuals convicted of nonviolent offenses could request that a court to seal or expunge their records after a designated waiting period. The REDEEM Act specifically emphasized juvenile record protection, proposing automatic sealing for certain juvenile records and a streamlined process for adults.

A prominent trend for expungement policy has been focusing on drug-related offenses, particularly those involving marijuana. For instance, the Marijuana Misdemeanor Expungement Act (H.R. 8917, 2024) and the Nonviolent Drug Crime Expungement Act of 2020 (H.R. 8980, 2020) were targeted efforts to expunge

Table 1
Summary of Previous Federal Expungement Bills

Bill	Relief Type	Target Offenders	Mechanism for Relief
REDEEM Act	Sealing	Nonviolent adult and juvenile offenders	Automatic for juveniles Petition-based for certain adult offenses
Expungement Act of 2017	Expungement	Nonviolent adult offenders	Petition-based
Nonviolent Drug Crime Expungement Act of 2020	Expungement	Nonviolent drug offenses	Review initiated by federal district courts
MORE Act (sec. 10)	Expungement	Cannabis-specific	Automatic
CAOA (sec. 311)	Expungement	Cannabis-specific	Automatic
Clean Slate Act	Sealing	Nonviolent and drug-related adult offenses	Automatic for certain drug offenses Petition-based for certain adult offenses

federal marijuana offenses. The Nonviolent Drug Crime Expungement Act introduced a mechanism for federal districts to identify and expunge convictions for nonviolent offenses involving substances like marijuana and cocaine. Both bills utilized more automatic or government-initiated procedures.

Some comprehensive reform efforts have integrated expungement as a pillar of restorative justice within broader marijuana legalization frameworks. Section 10 of the Marijuana Opportunity Reinvestment and Expungement (MORE) Act (H.R. 3617, 2021) and Section 311 of the Cannabis Administration and Opportunity Act (CAOA) (S. 4591, 2022) are the most prominent examples. These sections would facilitate the expungement and resentencing of federal cannabis offenses in tandem with descheduling the drug. These bills focus largely on restorative justice policy goals, with expungement provisions as just one part of a broader framework.[12]

A discrete proposal would eliminate the arbitrary age-specific limitation for the current federal drug expungement. This bill, the Kenneth P. Thompson Begin Again Act, removes the age restriction, which currently allows only first-time offenders under 21 to be eligible, allowing individuals of any age who have successfully completed court-imposed probation for a first-time possession offense to clear their federal record (H.R. 1924, 2021; S. 2502, 2021).

In recent years, the Clean Slate Act of 2025 has introduced a distinct regulatory framework into the federal record-clearing conversation, focusing on the categorical sealing of specific records (H.R. 3114, 2025; S. 1580, 2025). If passed, federal courts would be mandated to automatically seal records related to convictions for simple possession of controlled substances, nonviolent offenses involving marijuana, and arrests that did not result in a conviction. For other nonviolent offenses not covered by the automatic mandate, the bill establishes a petition-based pathway, allowing individuals to request relief provided they have fulfilled their sentencing requirements and remained crime-free for a designated period. The legislation excludes sex offenses, terrorism, treason, and violent crimes such as murder or aggravated assault. By codifying these specific eligibility criteria and protecting employers from liability related to sealed records, the Clean Slate Act seeks to standardize the federal approach to record relief, ensuring that the legal system accounts for a person's rehabilitation while maintaining necessary access for law enforcement and national security background checks.

12 For example, in both the CAOA and the MORE Act, a 5% sales tax on marijuana and marijuana products would be used to create an Opportunity Trust Fund, which would establish several grant programs directed to benefit people who were negatively impacted by the "War on Drugs."

The most impactful expungement advancement to date has been the Trafficking Survivors Relief Act (TSRA). As described, this newly minted law provides expungement opportunities for survivors of human trafficking (Trafficking Survivors Relief Act, 2026).

Unfortunately, outside the TSRA, the above proposals have yet to gain meaningful or consistent traction in Congress.

RECOMMENDATIONS

The current federal system lacks a clear mechanism for individuals to regain their standing in society after fully paying their debts. To ensure that the federal government does not remain a permanent obstacle to those who have demonstrated rehabilitation, Congress should enact the following policies in a comprehensive expungement bill.

1. Automated Relief for Non-Conviction Records and Drug Misdemeanors

It is a matter of fundamental fairness that an arrest, acquittal, or dismissal should not serve as a lifelong barrier to employment.

Congress should require federal districts to conduct comprehensive reviews and automatically expunge "non-conviction dispositions," including arrests, indictments, and acquittals.

For minor drug offenses with a sentence of 12 months or less, records should be cleared five years after the completion of all sentencing requirements, including supervised release and restitution.

2. A Petition-Based Pathway for Rehabilitated Offenders

For certain federal convictions and pardoned offenses, relief should be earned through a transparent judicial process that evaluates a petitioner's conduct since his offense.

Eligibility should only begin five years after the successful completion of the entire sentence, including all terms of supervised release and the full repayment of restitution to victims.

Judges must retain the discretion to deny petitions based on public safety considerations, the nature of the offense, and the perspectives of the victims.

To ensure the process is grounded in merit rather than wealth, the system should waive filing fees and provide counsel for indigent petitioners with viable claims.

3. Rigorous Exclusions for Violent and High-Risk Crimes

Public safety must be the paramount priority. Expungement is a tool for those who have made a mistake, not for those who pose a continued threat to society.

Any offense involving violence, sexual abuse, terrorism, or the unlawful possession of firearms or explosives must be ineligible for relief.

Drug offenses that involve the use or threat of violence or large-scale trafficking must remain on the permanent record.

4. Clearing Digital Obstacles to Reentry

In the modern era, the government's own digital footprint can act as a perpetual punishment.

If charges are dismissed or an individual is acquitted, the DOJ should be required to remove the accompanying press releases from its official website and social media channels.

A granted expungement should prohibit an individual's expunged record from serving as the sole basis for disqualification from federal employment.

The Attorney General should provide clear guidance for employers and landlords on what federal expungement means, helping to replace stigma with an understanding of an individual's rehabilitated status.

CONCLUSION

The above recommendations provide meaningful, discrete, and public safety-oriented solutions to finally bridge the chasm in our federal justice system. Legislation that comprehensively addresses these ills is currently being crafted by Right On Crime, named in homage to a powerful example of restorative justice, the Alice Marie Johnson Federal Expungement Act, offers a common-sense solution to a growing federal crisis. By moving away from a model of perpetual debt, we allow former offenders to reclaim their dignity and resume their roles as productive, law-abiding taxpayers.

Expanding federal expungement is not a departure from our heritage, but a return to it. To deny a reformed individual the ability to clear his name is to demand a debt that can never be paid—an un-American concept that serves neither the victim nor the state. By adopting these targeted provisions, Congress can ensure the federal government supports—rather than stifles—the American promise of a second chance. In doing so, we do more than just wipe the slate; we reaffirm that in the United States, the final word on a person's life is written by their character, not their darkest day. ■

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Rachel also spent five years as counsel to the U.S. Senate Judiciary Committee in Washington, D.C., where she advised Senators on legislation and committee hearings, particularly those dealing with illicit drug policy and criminal justice reform. In this position, Rachel was fortunate to staff Senator Grassley (R-Iowa) on the implementation of the First Step Act, as well as several other criminal justice focused bills.

Rachel began her legal career as an Assistant Commonwealth's Attorney in Kenton County, Kentucky, where she specialized on drug possession cases, particularly those where alternatives to incarceration—such as diversion and drug court—were effective. She also got to participate in multiple jury trials, including attempted murder, arson, and rape.

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