AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5651
OFFERED BY MR. NADLER OF NEW YORK

Strike all that follows after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Fresh Start Act of 2022”.

4 SEC. 2. ESTABLISHMENT.

(a) IN GENERAL.—The Attorney General may make not more than 1 grant under this Act to each eligible State. Each such grant shall be in an amount of not more than $5,000,000.

(b) ELIGIBILITY.—A State shall be eligible if—

(1) the State has in effect a covered expungement law;

(2) the law of the State provides that expungement or sealing of a criminal record shall not be delayed by reason of a failure to pay a fee or fine; and

(3) the State submits an application to the Attorney General, containing such information as the
Attorney General may require, including, at a minimum—

(A) information identifying whether there is a system that, as of the date of the application, exists for record expungement or record sealing in the State;

(B) a description of how infrastructure created through grant funding will facilitate automatic expungement or record sealing funding for individuals eligible for record sealing or expungement; and

(C) an identification of the anticipated number of individuals that would benefit from the implementation of automated expungement or record sealing infrastructure.

(e) CONSULTATION.—The Attorney General shall develop the grant program under this section in consultation with all relevant stakeholders including State and local law enforcement agencies, directly impacted individuals, organizations with expertise in justice information systems and digital information sharing processes, associations of State and local prosecutors, State and local corrections agencies, associations representing State court systems, family advocacy organizations, and civil rights and civil liberties groups.
SEC. 3. USE OF GRANT AMOUNTS.

A grant under section 2 shall be used to implement a covered expungement law in accordance with the following:

(1) Not more than 10 percent of such grant shall be used for research or planning for criminal record data infrastructure improvements that will make criminal record expungement or sealing automatic.

(2) Any remaining amounts shall be used to implement such improvements.

(3) The portion of the costs of implementing such a law provided by a grant under this section may not exceed 75 percent.

SEC. 4. REPORTING REQUIREMENTS.

(a) IN GENERAL.—A State receiving a grant under section 2 shall report to the Attorney General, each year of the grant term, pursuant to guidelines established by the Attorney General, information regarding the following:

(1) The number of individuals eligible for automatic expungement or sealing under the covered expungement law of that State, disaggregated by race, ethnicity, and gender.

(2) The number of individuals whose records have been expunged or sealed annually since the en-
actment of such law, disaggregated by race, ethnicity, and gender.

(3) The number of individuals whose application for expungement or sealing under such law are still pending, disaggregated by race, ethnicity, and gender.

(b) INACCESSIBILITY OF DATA FOR REPORTING.—In the event that elements of the data on expungement and sealing required to be reported under subsection (a) are not able to be compiled and reported, the State shall develop and report a comprehensive plan to obtain as much of the unavailable data as possible not later than the date that is one year after the first year of the grant being awarded.

(c) PUBLICATION.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall publish, and make available to the public, a report containing the data reported to the Attorney General under this section.

SEC. 5. DEFINITIONS.

In this Act:

(1) Terms used have the meanings given such terms in section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).
(2) The term “automatic” means, with regard to the expungement or sealing of a criminal record, that such expungement or sealing occurs without any action required on the part of the State from an eligible individual.

(3) The term “covered expungement law” means a law of a State providing for the automatic expungement or sealing, subject to such requirements as the State may impose, of a criminal record of an individual.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $50,000,000 for each of fiscal years 2023 through 2027 to carry out this Act.