

113TH CONGRESS
2D SESSION

S. _____

To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PAUL (for himself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Record Expungement Designed to Enhance Employment
6 Act of 2014” or the “REDEEM Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sealing of criminal records.
- Sec. 3. Juvenile sealing and expungement.

- Sec. 4. Study and report on cost savings from sealing and expungement provisions.
- Sec. 5. TANF assistance and SNAP benefits.
- Sec. 6. State incentives.
- Sec. 7. Ensuring accuracy in the FBI background check system.
- Sec. 8. Report on statutory and regulatory restrictions and disqualifications based on criminal records.

1 **SEC. 2. SEALING OF CRIMINAL RECORDS.**

2 (a) IN GENERAL.—Chapter 229 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“Subchapter D—Sealing of Criminal Records**

- “Sec.
“3631. Definitions; eligible individuals.
“3632. Sealing petition.
“3633. Effect of sealing order.

6 **“§ 3631. Definitions; eligible individuals**

7 “(a) DEFINITIONS.—In this subchapter—

8 “(1) the term ‘covered nonviolent offense’
9 means a Federal criminal offense that is not—

10 “(A) a crime of violence (as that term is
11 defined in section 16); or

12 “(B) a sex offense (as that term is defined
13 in section 111 of the Sex Offender Registration
14 and Notification Act (42 U.S.C. 16911));

15 “(2) the term ‘eligible individual’ means an in-
16 dividual who—

17 “(A) has been arrested for or convicted of
18 a covered nonviolent offense;

1 “(B) in the case of a conviction described
2 in subparagraph (A), has fulfilled each require-
3 ment of the sentence for the covered nonviolent
4 offense, including—

5 “(i) completing each term of imprison-
6 ment, probation, or supervised release; and

7 “(ii) satisfying each condition of im-
8 prisonment, probation, or supervised re-
9 lease;

10 “(C) subject to subsection (b), has not
11 been convicted of more than 2 felonies that are
12 covered nonviolent offenses, including any such
13 convictions that have been sealed; and

14 “(D) has not been convicted of any felony
15 that is not a covered nonviolent offense;

16 “(3) the term ‘petitioner’ means an individual
17 who files a sealing petition; and

18 “(4) the term ‘protected information’, with re-
19 spect to a covered nonviolent offense, means any ref-
20 erence to—

21 “(A) an arrest, conviction, or sentence of
22 an individual for the offense;

23 “(B) the institution of criminal pro-
24 ceedings against an individual for the offense;

25 or

1 “(C) the result of criminal proceedings de-
2 scribed in subparagraph (B);

3 “(5) the term ‘seal’—

4 “(A) means—

5 “(i) to close a record from public
6 viewing so that the record cannot be exam-
7 ined except by court order; and

8 “(ii) to physically seal the record shut
9 and label the record ‘SEALED’ or, in the
10 case of an electronic record, the sub-
11 stantive equivalent; and

12 “(B) has the effect described in section
13 3633, including—

14 “(i) the right to treat the offense to
15 which a sealed record relates, and any ar-
16 rest, criminal proceeding, conviction, or
17 sentence relating to the offense, as if it
18 never occurred; and

19 “(ii) protection from civil and criminal
20 perjury, false swearing, and false state-
21 ment laws with respect to a sealed record;

22 “(6) the term ‘sealing hearing’ means a hearing
23 held under section 3632(b)(2); and

24 “(7) the term ‘sealing petition’ means a petition
25 for a sealing order filed under section 3632(a).

1 “(b) ELIGIBLE INDIVIDUALS.—

2 “(1) MULTIPLE CONVICTIONS DEEMED TO BE 1
3 CONVICTION.—For purposes of subsection
4 (a)(2)(C)—

5 “(A) multiple convictions shall be deemed
6 to be 1 conviction if the convictions result from
7 or relate to—

8 “(i) the same act; or

9 “(ii) acts committed at the same time;

10 and

11 “(B) subject to paragraph (2), multiple
12 convictions, not to exceed 3, that do not result
13 from or relate to the same act or acts com-
14 mitted at the same time shall be deemed to be
15 1 conviction if the convictions—

16 “(i) result from or relate to—

17 “(I) the same—

18 “(aa) indictment, informa-
19 tion, or complaint;

20 “(bb) plea of guilty; or

21 “(cc) official proceeding; or

22 “(II) related criminal acts that
23 were committed within a 3-month pe-
24 riod; or

1 “(ii) are determined to be directly re-
2 lated to addiction or a substance use dis-
3 order.

4 “(2) DISCRETION OF COURT.—

5 “(A) IN GENERAL.—A court reviewing a
6 sealing petition may determine that it is not in
7 the public interest to deem multiple convictions
8 described in paragraph (1)(B) to be 1 convic-
9 tion.

10 “(B) REASONING.—If a court makes a de-
11 termination under subparagraph (A), the court
12 shall make available to the public the reasoning
13 for the determination.

14 “(C) REPORTING.—Not later than 2 years
15 after the date of enactment of this subchapter,
16 and each year thereafter, each district court of
17 the United States shall submit to the Attorney
18 General a report that describes the exercise of
19 discretion by the court under subparagraph
20 (B).

21 **“§ 3632. Sealing petition**

22 “(a) RIGHT TO FILE SEALING PETITION.—

23 “(1) IN GENERAL.—On and after the date de-
24 scribed in paragraph (2), an eligible individual may
25 file a petition for a sealing order with respect to a

1 covered nonviolent offense in a district court of the
2 United States.

3 “(2) DATES.—The date described in this para-
4 graph is—

5 “(A) for an eligible individual who is con-
6 victed of a covered nonviolent offense and sen-
7 tenced to a term of imprisonment, probation, or
8 supervised release, the date that is 1 year after
9 the date on which the eligible individual has
10 completed every such term of imprisonment,
11 probation, or supervised release; and

12 “(B) for an eligible individual not de-
13 scribed in subparagraph (A), the date on which
14 the case relating to the covered nonviolent of-
15 fense is disposed of.

16 “(3) NOTICE OF OPPORTUNITY TO FILE PETI-
17 TION.—

18 “(A) CONVICTED INDIVIDUALS.—

19 “(i) IN GENERAL.—If an individual is
20 convicted of a covered nonviolent offense
21 and will potentially be eligible to file a
22 sealing petition with respect to the offense
23 upon fulfilling each requirement of the sen-
24 tence for the offense as described in sec-
25 tion 3631(a)(2)(B), the court in which the

1 individual is convicted shall inform the in-
2 dividual, on each date described in clause
3 (ii), of—

4 “(I) that potential eligibility;

5 “(II) the necessary procedures
6 for filing the sealing petition; and

7 “(III) the benefits of sealing a
8 record, including protection from civil
9 and criminal perjury, false swearing,
10 and false statement laws with respect
11 to the record.

12 “(ii) DATES.—The dates described in
13 this clause are—

14 “(I) the date on which the indi-
15 vidual is convicted; and

16 “(II) the date on which the indi-
17 vidual has completed every term of
18 imprisonment, probation, or super-
19 vised release relating to the offense.

20 “(B) INDIVIDUALS NOT CONVICTED.—

21 “(i) ARREST ONLY.—If an individual
22 is arrested for a covered nonviolent of-
23 fense, criminal proceedings are not insti-
24 tuted against the individual for the offense,
25 and the individual is potentially eligible to

1 file a sealing petition with respect to the
2 offense, the arresting authority shall in-
3 form the individual, on the date on which
4 the case relating to the offense is disposed
5 of, of—

6 “(I) that potential eligibility;

7 “(II) the necessary procedures
8 for filing the sealing petition; and

9 “(III) the benefits of sealing a
10 record, including protection from civil
11 and criminal perjury, false swearing,
12 and false statement laws with respect
13 to the record.

14 “(ii) COURT PROCEEDINGS.—If an in-
15 dividual is arrested for a covered non-
16 violent offense, criminal proceedings are in-
17 stituted against the individual for the of-
18 fense, the individual is not convicted of the
19 offense, and the individual is potentially el-
20 igible to file a sealing petition with respect
21 to the offense, the court in which the
22 criminal proceedings take place shall in-
23 form the individual, on the date on which
24 the case relating to the offense is disposed
25 of, of—

1 “(I) that potential eligibility;
2 “(II) the necessary procedures
3 for filing the sealing petition; and
4 “(III) the benefits of sealing a
5 record, including protection from civil
6 and criminal perjury, false swearing,
7 and false statement laws with respect
8 to the record.

9 “(b) PROCEDURES.—

10 “(1) NOTIFICATION OF PROSECUTOR AND VIC-
11 TIMS.—If an individual files a petition under sub-
12 section (a) with respect to an offense, the district
13 court in which the petition is filed shall provide no-
14 tice of the petition—

15 “(A) to the office of the United States at-
16 torney that prosecuted the petitioner for the of-
17 fense;

18 “(B) to the extent reasonable and prac-
19 ticable, to each victim of the offense; and

20 “(C) upon the request of the petitioner, to
21 any other individual that the petitioner deter-
22 mines may testify as to the—

23 “(i) conduct of the petitioner since the
24 date of the offense; or

1 “(ii) reasons that the sealing order
2 should be entered.

3 “(2) HEARING.—

4 “(A) IN GENERAL.—Not later than 6
5 months after the date on which an individual
6 files a sealing petition, the district court shall
7 conduct a hearing to determine whether to
8 enter a sealing order for the individual.

9 “(B) OPPORTUNITY TO TESTIFY AND
10 OFFER EVIDENCE.—

11 “(i) PETITIONER.—The petitioner
12 may testify or offer evidence at the sealing
13 hearing in support of sealing.

14 “(ii) PROSECUTOR.—The office of a
15 United States attorney that receives notice
16 under paragraph (1)(A) may send a rep-
17 resentative to testify or offer evidence at
18 the sealing hearing in support of or
19 against sealing.

20 “(iii) VICTIMS.—

21 “(I) IN GENERAL.—A victim who
22 receives notice under paragraph
23 (1)(B) may testify or offer evidence at
24 the sealing hearing in support of or
25 against sealing.

1 “(II) LOCATING VICTIMS.—The
2 inability of a court to locate a victim
3 shall not—

4 “(aa) delay a proceeding
5 under this section;

6 “(bb) preclude the holding
7 of a sealing hearing; or

8 “(cc) impact the issuance of
9 a sealing order.

10 “(iv) OTHER INDIVIDUALS.—An indi-
11 vidual who receives notice under paragraph
12 (1)(C) may testify or offer evidence at the
13 sealing hearing as to the issues described
14 in clauses (i) and (ii) of that paragraph.

15 “(C) MAGISTRATE JUDGES.—A magistrate
16 judge may preside over a hearing under this
17 paragraph.

18 “(3) BASIS FOR DECISION.—

19 “(A) IN GENERAL.—In determining wheth-
20 er to enter an sealing order with respect to pro-
21 tected information relating to a covered non-
22 violent offense, the district court—

23 “(i) shall consider all the evidence and
24 testimony presented at the sealing hearing;

1 “(ii) may not consider any non-Fed-
2 eral nonviolent crimes for which the peti-
3 tioner has been arrested or proceeded
4 against, or of which the petitioner has been
5 convicted; and

6 “(iii) shall balance—

7 “(I)(aa) the interest of public
8 knowledge and safety; and

9 “(bb) the legitimate interest, if
10 any, of the Government in maintain-
11 ing the accessibility of the protected
12 information, including any potential
13 impact of sealing the protected infor-
14 mation on Federal licensure, permit,
15 or employment restrictions; against

16 “(II)(aa) the conduct and dem-
17 onstrated desire of the petitioner to be
18 rehabilitated and positively contribute
19 to the community; and

20 “(bb) the interest of the peti-
21 tioner in having the protected infor-
22 mation sealed, including the harm of
23 the protected information to the abil-
24 ity of the petitioner to secure and
25 maintain employment.

1 “(B) BURDEN ON GOVERNMENT.—The
2 burden shall be on the Government to show
3 that the interests under subclause (I) of sub-
4 paragraph (A)(iii) outweigh the interests of the
5 petitioner under subclause (II) of that subpara-
6 graph.

7 “(4) WAITING PERIOD AFTER DENIAL.—If the
8 district court denies a sealing petition, the petitioner
9 may not file a new sealing petition with respect to
10 the same offense until the date that is 2 years after
11 the date of the denial.

12 “(5) UNIVERSAL FORM.—The Attorney General
13 shall create a universal form, available over the
14 Internet and in paper form, that an individual may
15 use to file a sealing petition.

16 “(6) FEE WAIVER.—The Attorney General shall
17 by regulation establish a waiver of any fee for filing
18 a sealing petition that is available to indigent peti-
19 tioners.

20 “(7) REPORTING.—Not later than 2 years after
21 the date of enactment of this subchapter, and each
22 year thereafter, each district court of the United
23 States shall issue a public report that—

24 “(A) describes—

1 “(i) the number of sealing petitions
2 granted and denied under this section; and

3 “(ii) the number of instances in which
4 the office of a United States attorney sup-
5 ported or opposed a sealing petition; and

6 “(B) includes any supporting data that the
7 court determines relevant and that does not
8 name any petitioner.

9 “(8) PUBLIC DEFENDER ELIGIBILITY.—

10 “(A) IN GENERAL.—The district court
11 may, in its discretion, appoint a public defender
12 to represent a petitioner for purposes of this
13 section.

14 “(B) CONSIDERATIONS.—In making a de-
15 termination whether to appoint a public de-
16 fender under subparagraph (A), the court shall
17 consider—

18 “(i) the anticipated complexity of the
19 sealing hearing, including the number and
20 type of witnesses called to advocate against
21 the sealing of the protected information of
22 the petitioner; and

23 “(ii) the potential for adverse testi-
24 mony by a victim or a representative of the
25 office of the United States attorney.

1 **“§ 3633. Effect of sealing order**

2 “(a) IN GENERAL.—Except as provided in this sec-
3 tion, if a district court of the United States enters a seal-
4 ing order with respect to an offense, the offense and any
5 arrest, criminal proceeding, conviction, or sentence relat-
6 ing to the offense shall be treated as if it never occurred.

7 “(b) VERIFICATION OF SEALING.—If a district court
8 of the United States enters a sealing order with respect
9 to an offense, the court shall—

10 “(1) send a copy of the sealing order to each
11 entity or person that possesses a record containing
12 protected information that relates to the offense, in-
13 cluding each law enforcement agency, each public or
14 private correctional, detention, or treatment facility,
15 each other public or private agency, and each person
16 who provided treatment or rehabilitation services for
17 the petitioner under an order of the court;

18 “(2) in the sealing order, require each entity or
19 person described in paragraph (1) to—

20 “(A) seal the record in accordance with
21 this section; and

22 “(B) submit a written certification to the
23 court, under penalty of perjury, that the entity
24 or person has sealed each paper and electronic
25 copy of the record;

1 “(3) seal each paper and electronic copy of the
2 record in the possession of the court; and

3 “(4) after receiving a written certification from
4 each entity or person under paragraph (2)(B), notify
5 the petitioner that each entity or person described in
6 paragraph (1) has sealed each paper and electronic
7 copy of the record.

8 “(c) PROTECTION FROM PERJURY LAWS.—Except as
9 provided in subsection (f)(3)(A), a petitioner with respect
10 to whom a sealing order has been entered for an offense
11 shall not be subject to prosecution under any civil or crimi-
12 nal provision of Federal or State law relating to perjury,
13 false swearing, or making a false statement, including sec-
14 tion 1001, 1621, 1622, or 1623, for failing to recite or
15 acknowledge any protected information with respect to the
16 offense or respond to any inquiry made of the petitioner,
17 relating to the protected information, for any purpose.

18 “(d) ATTORNEY GENERAL NONPUBLIC RECORDS.—
19 The Attorney General—

20 “(1) shall maintain a nonpublic record of all
21 protected information that has been sealed under
22 this subchapter; and

23 “(2) may access or utilize protected information
24 only—

25 “(A) for legitimate investigative purposes;

1 “(B) in defense of any civil suit arising out
2 of the facts of the arrest or subsequent pro-
3 ceedings; or

4 “(C) if the Attorney General determines
5 that disclosure is necessary to serve the inter-
6 ests of justice, public safety, or national secu-
7 rity.

8 “(e) LAW ENFORCEMENT ACCESS.—A law enforce-
9 ment agency may access a record that is sealed under this
10 subchapter solely—

11 “(1) to determine whether the individual to
12 whom the record relates is eligible for a first-time-
13 offender diversion program;

14 “(2) for investigatory or prosecutorial purposes;
15 or

16 “(3) for a background check that relates to law
17 enforcement employment or any employment that re-
18 quires a government security clearance.

19 “(f) PROHIBITION ON DISCLOSURE.—

20 “(1) PROHIBITION.—Except as provided in
21 paragraph (3), it shall be unlawful to intentionally
22 make or attempt to make an unauthorized disclosure
23 of any protected information from a record that has
24 been sealed under this subchapter.

1 “(2) PENALTY.—Any person who violates para-
2 graph (1) shall be fined under this title, imprisoned
3 for not more than 1 year, or both.

4 “(3) EXCEPTIONS.—

5 “(A) BACKGROUND CHECKS.—An indi-
6 vidual who is the subject of a record sealed
7 under this subchapter shall disclose the record
8 in the case of a background check for—

9 “(i) law enforcement employment; or

10 “(ii) any employment that requires a
11 government security clearance.

12 “(B) DISCLOSURE TO ARMED FORCES.—A
13 person may disclose protected information from
14 a record sealed under this subchapter to the
15 Secretaries of the military departments (or the
16 Secretary of Homeland Security with respect to
17 the Coast Guard when it is not operating as a
18 service in the Navy) for the purpose of vetting
19 an enlistment or commission, or with regard to
20 any member of the Armed Forces.”.

21 (b) APPLICABILITY.—The right to file a sealing peti-
22 tion under section 3632(a) of title 18, United States Code,
23 as added by subsection (a), shall apply with respect to a
24 covered nonviolent offense (as defined in section 3631(a)

1 of such title) that is committed before, on, or after the
 2 date of enactment of this Act.

3 (c) **TRANSITION PERIOD FOR HEARINGS DEAD-**
 4 **LINE.**—During the 1-year period beginning on the date
 5 of enactment of this Act, section 3632(b)(2)(A) of title
 6 18, United States Code, as added by subsection (a), shall
 7 be applied by substituting “1 year” for “6 months”.

8 (d) **TECHNICAL AND CONFORMING AMENDMENT.**—
 9 The table of subchapters for chapter 229 of title 18,
 10 United States Code, is amended by adding at the end the
 11 following:

“D. Sealing of Criminal Records 3631”.

12 **SEC. 3. JUVENILE SEALING AND EXPUNGEMENT.**

13 (a) **PURPOSE.**—The purpose of this section is to—

14 (1) protect children and adults against damage
 15 stemming from their juvenile acts and subsequent
 16 juvenile delinquency records, including law enforce-
 17 ment, arrest, and court records; and

18 (2) prevent the unauthorized use or disclosure
 19 of confidential juvenile delinquency records and any
 20 potential employment, financial, psychological, or
 21 other harm that would result from such unauthor-
 22 ized use or disclosure.

23 (b) **DEFINITIONS.**—Section 5031 of title 18, United
 24 States Code, is amended to read as follows:

1 **“§ 5031. Definitions**

2 “In this chapter—

3 “(1) the term ‘adjudication’ means a deter-
4 mination by a judge that a person committed an act
5 of juvenile delinquency;

6 “(2) the term ‘conviction’ means a judgment or
7 disposition in criminal court against a person fol-
8 lowing a finding of guilt by a judge or jury;

9 “(3) the term ‘destroy’ means to render a file
10 unreadable, whether paper, electronic, or otherwise
11 stored, by shredding, pulverizing, pulping, incin-
12 erating, overwriting, reformatting the media, or
13 other means;

14 “(4) the term ‘expunge’—

15 “(A) means to physically destroy a record
16 and obliterate the name of the person to whom
17 the record pertains from each official index or
18 public record; and

19 “(B) has the effect described in section
20 5044(c), including—

21 “(i) the right to treat an offense to
22 which an expunged record relates, and any
23 arrest, juvenile delinquency proceeding, ad-
24 judication, or other result of such pro-
25 ceeding relating to the offense, as if it
26 never occurred; and

1 “(ii) protection from civil and criminal
2 perjury, false swearing, and false state-
3 ment laws with respect to an expunged
4 record;

5 “(5) the term ‘expungement hearing’ means a
6 hearing held under section 5044(b)(2)(B);

7 “(6) the term ‘expungement petition’ means a
8 petition for expungement filed under section
9 5044(b);

10 “(7) the term ‘juvenile’ means—

11 “(A) except as provided in subparagraph
12 (B), a person who has not attained the age of
13 18; and

14 “(B) for the purpose of proceedings and
15 disposition under this chapter for an alleged act
16 of juvenile delinquency, a person who has not
17 attained the age of 21;

18 “(8) the term ‘juvenile delinquency’ means the
19 violation of a law of the United States committed by
20 a person before attaining the age of 18 which would
21 have been a crime if committed by an adult, or a
22 violation by such a person of section 922(x);

23 “(9) the term ‘juvenile nonviolent offense’
24 means an act of juvenile delinquency that is not—

1 “(A) a violent crime (as defined in section
2 103 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5603)); or

4 “(B) a sex offense (as that term is defined
5 in section 111 of the Sex Offender Registration
6 and Notification Act (42 U.S.C. 16911));

7 “(10) the term ‘juvenile record’—

8 “(A) means a record maintained by a
9 court, the probation system, or law enforce-
10 ment, of the juvenile delinquency proceedings of
11 a person; and

12 “(B) includes—

13 “(i) a juvenile legal file, including a
14 formal document such as a petition, notice,
15 motion, legal memorandum, order, or de-
16 cree;

17 “(ii) a social record, including—

18 “(I) a record of a probation offi-
19 cer;

20 “(II) a record of any government
21 agency that keeps records relating to
22 juvenile delinquency;

23 “(III) a medical record;

24 “(IV) a psychiatric or psycho-
25 logical record;

1 “(V) a birth certificate;

2 “(VI) an education record, in-
3 cluding an individualized education
4 plan;

5 “(VII) a detention record;

6 “(VIII) demographic information
7 that identifies a juvenile or the family
8 of a juvenile; or

9 “(IX) any other record that in-
10 cludes personally identifiable informa-
11 tion that may be associated with a ju-
12 venile delinquency proceeding, an act
13 of juvenile delinquency, or an alleged
14 act of juvenile delinquency;

15 “(iii) a law enforcement record, in-
16 cluding—

17 “(I) fingerprints;

18 “(II) a DNA sample; or

19 “(III) a photograph; and

20 “(iv) a State criminal justice informa-
21 tion system record;

22 “(11) the term ‘petitioner’ means a person who
23 files an expungement petition or a sealing petition;

24 “(12) the term ‘seal’—

25 “(A) means—

1 “(i) to close a record from public
2 viewing so that the record cannot be exam-
3 ined except by court order; and

4 “(ii) to physically seal the record shut
5 and label the record ‘SEALED’ or, in the
6 case of an electronic record, the sub-
7 stantive equivalent; and

8 “(B) has the effect described in section
9 5043(c), including—

10 “(i) the right to treat an offense to
11 which a sealed record relates, and any ar-
12 rest, juvenile delinquency proceeding, adju-
13 dication, or other result of such proceeding
14 relating to the offense, as if it never oc-
15 curred; and

16 “(ii) protection from civil and criminal
17 perjury, false swearing, and false state-
18 ment laws with respect to a sealed record;

19 “(13) the term ‘sealing hearing’ means a hear-
20 ing held under section 3632(b)(2)(A); and

21 “(14) the term ‘sealing petition’ means a peti-
22 tion for a sealing order filed under section
23 5043(b).”.

24 (c) CONFIDENTIALITY.—Section 5038 of title 18,
25 United States Code, is amended—

1 (1) in subsection (a), in the flush text following
2 paragraph (6), by inserting after “bonding,” the fol-
3 lowing: “participation in an educational system,”;
4 and

5 (2) in subsection (b), by striking “District
6 courts exercising jurisdiction over any juvenile” and
7 inserting the following: “Not later than 7 days after
8 the date on which a district court exercises jurisdic-
9 tion over a juvenile, the district court”.

10 (d) SEALING; EXPUNGEMENT.—

11 (1) IN GENERAL.—Chapter 403 of title 18,
12 United States Code, is amended by adding at the
13 end the following:

14 **“§ 5043. Sealing**

15 “(a) AUTOMATIC SEALING OF NONVIOLENT OF-
16 FENSES.—

17 “(1) IN GENERAL.—Three years after the date
18 on which a person who is adjudicated delinquent
19 under this chapter for a juvenile nonviolent offense
20 completes every term of probation, official detention,
21 or juvenile delinquent supervision ordered by the
22 court with respect to the offense, the court shall
23 order the sealing of each juvenile record that relates
24 to the offense if the person—

1 “(A) has not been convicted of a crime or
2 adjudicated delinquent for an act of juvenile de-
3 linquency since the date of the disposition; and

4 “(B) is not engaged in active criminal
5 court proceedings or juvenile delinquency pro-
6 ceedings.

7 “(2) AUTOMATIC NATURE OF SEALING.—The
8 order of sealing under paragraph (1) shall require
9 no action by the person whose juvenile records are
10 to be sealed.

11 “(3) NOTICE OF AUTOMATIC SEALING.—A
12 court that orders the sealing of a juvenile record of
13 a person under paragraph (1) shall inform the per-
14 son of the sealing and the benefits of sealing the
15 record, including protection from civil and criminal
16 perjury, false swearing, and false statement laws
17 with respect to the record.

18 “(b) PETITIONING FOR EARLY SEALING OF NON-
19 VIOLENT OFFENSES.—

20 “(1) RIGHT TO FILE SEALING PETITION.—

21 “(A) IN GENERAL.—During the 3-year pe-
22 riod beginning on the date on which a person,
23 who is adjudicated delinquent under this chap-
24 ter for a juvenile nonviolent offense, completes
25 every term of probation, official detention, or

1 juvenile delinquent supervision ordered by the
2 court with respect to the offense, the person
3 may petition the court to seal the juvenile
4 records that relate to the offense.

5 “(B) NOTICE OF OPPORTUNITY TO FILE
6 PETITION.—If a person is adjudged delinquent
7 for a juvenile nonviolent offense, the court in
8 which the person is adjudged delinquent shall
9 inform the person of the potential eligibility of
10 the person to file a sealing petition with respect
11 to the offense upon completing every term of
12 probation, official detention, or juvenile delin-
13 quent supervision ordered by the court with re-
14 spect to the offense, and the necessary proce-
15 dures for filing the sealing petition—

16 “(i) on the date on which the indi-
17 vidual is adjudged delinquent; and

18 “(ii) on the date on which the indi-
19 vidual has completed every term of proba-
20 tion, official detention, or juvenile delin-
21 quent supervision ordered by the court
22 with respect to the offense.

23 “(2) PROCEDURES.—

24 “(A) NOTIFICATION OF PROSECUTOR AND
25 VICTIMS.—If a person files a sealing petition

1 with respect to an offense, the court in which
2 the petition is filed shall provide notice of the
3 petition—

4 “(i) to the Attorney General;

5 “(ii) to the extent reasonable and
6 practicable, to each victim of the offense;
7 and

8 “(iii) upon the request of the peti-
9 tioner, to any other individual that the pe-
10 titioner determines may testify as to—

11 “(I) the conduct of the petitioner
12 since the date of the offense; or

13 “(II) the reasons that the sealing
14 order should be entered.

15 “(B) HEARING.—

16 “(i) IN GENERAL.—Not later than 6
17 months after the date on which a person
18 files a sealing petition, the court shall con-
19 duct a hearing to determine whether to
20 enter a sealing order for the person.

21 “(ii) OPPORTUNITY TO TESTIFY AND
22 OFFER EVIDENCE.—

23 “(I) PETITIONER.—The peti-
24 tioner may testify or offer evidence at

1 the sealing hearing in support of seal-
2 ing.

3 “(II) PROSECUTOR.—The Attor-
4 ney General may send a representa-
5 tive to testify or offer evidence at the
6 sealing hearing in support of or
7 against sealing.

8 “(III) VICTIMS.—

9 “(aa) IN GENERAL.—A vic-
10 tim who receives notice under
11 subparagraph (A)(ii) may testify
12 or offer evidence at the sealing
13 hearing in support of or against
14 sealing.

15 “(bb) LOCATING VICTIMS.—
16 The inability of a court to locate
17 a victim shall not delay a pro-
18 ceeding under this subsection,
19 preclude the holding of a sealing
20 hearing, or preclude the issuance
21 of a sealing order.

22 “(IV) OTHER INDIVIDUALS.—An
23 individual who receives notice under
24 subparagraph (A)(iii) may testify or
25 offer evidence at the sealing hearing

1 as to the issues described in sub-
2 clauses (I) and (II) of that paragraph.

3 “(C) BASIS FOR DECISION.—In conducting
4 the hearing under subparagraph (B), the court
5 shall determine whether to grant the sealing pe-
6 tition after considering—

7 “(i) the evidence and testimony pre-
8 sented by the Attorney General and any
9 victims at the hearing;

10 “(ii) the best interests of the peti-
11 tioner;

12 “(iii) the age of the petitioner during
13 his or her contact with the court or any
14 law enforcement agency;

15 “(iv) the nature of the offense;

16 “(v) the disposition of the case;

17 “(vi) the manner in which the peti-
18 tioner participated in any court-ordered re-
19 habilitative programming or supervised
20 services;

21 “(vii) the length of the time period
22 during which the petitioner has been with-
23 out contact with any court or law enforce-
24 ment agency;

1 “(viii) whether the petitioner has had
2 any criminal or juvenile delinquency in-
3 volvement since the disposition of the juve-
4 nile delinquency proceeding; and

5 “(ix) the adverse consequences the pe-
6 titioner may suffer if the petition is not
7 granted.

8 “(D) WAITING PERIOD AFTER DENIAL.—If
9 the court denies a sealing petition, the peti-
10 tioner may not file a new sealing petition with
11 respect to the same offense until the date that
12 is 2 years after the date of the denial.

13 “(E) UNIVERSAL FORM.—The Attorney
14 General shall create a universal form, available
15 over the Internet and in paper form, that an in-
16 dividual may use to file a sealing petition.

17 “(F) NO FEE FOR SEALING.—There shall
18 be no cost for filing a sealing petition.

19 “(G) REPORTING.—Not later than 2 years
20 after the date of enactment of this section, and
21 each year thereafter, each district court of the
22 United States shall issue a public report that—

23 “(i) describes—

1 “(I) the number of sealing peti-
2 tions granted and denied under this
3 subsection; and

4 “(II) the number of instances in
5 which the Attorney General supported
6 or opposed a sealing petition; and

7 “(ii) includes any supporting data
8 that the court determines relevant and that
9 does not name any petitioner.

10 “(H) PUBLIC DEFENDER ELIGIBILITY.—

11 “(i) PETITIONERS UNDER AGE 18.—
12 The district court shall appoint a public
13 defender to represent a petitioner for pur-
14 poses of this subsection if the petitioner is
15 less than 18 years of age.

16 “(ii) PETITIONERS AGE 18 AND
17 OLDER.—

18 “(I) DISCRETION OF COURT.—In
19 the case of a petitioner who not less
20 than 18 years of age, the district
21 court may, in its discretion, appoint a
22 public defender to represent the peti-
23 tioner for purposes of this subsection.

24 “(II) CONSIDERATIONS.—In de-
25 termining whether to appoint a public

1 defender under subclause (I), the
2 court shall consider—

3 “(aa) the anticipated com-
4 plexity of the sealing hearing, in-
5 cluding the number and type of
6 witnesses called to advocate
7 against the sealing of the records
8 of the petitioner; and

9 “(bb) the potential for ad-
10 verse testimony by a victim or a
11 representative of the Attorney
12 General.

13 “(c) EFFECT OF SEALING ORDER.—

14 “(1) IN GENERAL.—Except as provided in this
15 subsection, if a court orders the sealing of a juvenile
16 record under subsection (a) or (b) with respect to a
17 juvenile nonviolent offense, the offense and any ar-
18 rest, juvenile delinquency proceeding, adjudication,
19 or other result of such proceeding relating to the of-
20 fense shall be treated as if it never occurred.

21 “(2) VERIFICATION OF SEALING.—If a court
22 orders the sealing of a juvenile record under sub-
23 section (a) or (b) with respect to a juvenile non-
24 violent offense, the court shall—

1 “(A) send a copy of the sealing order to
2 each entity or person that possesses a record
3 relating to the offense, including each law en-
4 forcement agency, each public or private correc-
5 tional, detention, or treatment facility, each
6 other public or private agency, and each person
7 who provided treatment or rehabilitation serv-
8 ices for the petitioner under an order of the
9 court;

10 “(B) in the sealing order, require each en-
11 tity or person described in paragraph (1) to—

12 “(i) seal the record; and

13 “(ii) submit a written certification to
14 the court, under penalty of perjury, that
15 the entity or person has sealed each paper
16 and electronic copy of the record;

17 “(C) seal each paper and electronic copy of
18 the record in the possession of the court; and

19 “(D) after receiving a written certification
20 from each entity or person under paragraph
21 (2)(B), notify the petitioner that each entity or
22 person described in paragraph (1) has sealed
23 each paper and electronic copy of the record.

24 “(3) PROTECTION FROM PERJURY LAWS.—Ex-
25 cept as provided in paragraph (5)(C)(i), the person

1 who is the subject of the record or a parent of the
2 person shall not be subject to prosecution under any
3 civil or criminal provision of Federal or State law re-
4 lating to perjury, false swearing, or making a false
5 statement, including section 1001, 1621, 1622, or
6 1623, for failing to acknowledge the record or re-
7 spond to any inquiry made of the person or the par-
8 ent, relating to the record, for any purpose.

9 “(4) LAW ENFORCEMENT ACCESS TO SEALED
10 RECORDS.—A law enforcement agency may access a
11 sealed juvenile record of a person solely—

12 “(A) to determine whether the person is el-
13 igible for a first-time-offender diversion pro-
14 gram;

15 “(B) for investigatory or prosecutorial pur-
16 poses within the juvenile justice system; or

17 “(C) for a background check that relates
18 to—

19 “(i) law enforcement employment; or

20 “(ii) any employment that requires a
21 government security clearance.

22 “(5) PROHIBITION ON DISCLOSURE.—

23 “(A) PROHIBITION.—Except as provided
24 in subparagraph (C), it shall be unlawful to in-
25 tentiously make or attempt to make an unau-

1 thorized disclosure of any information from a
2 sealed juvenile record in violation of this sec-
3 tion.

4 “(B) PENALTY.—Any person who violates
5 subparagraph (A) shall be fined under this title,
6 imprisoned for not more than 1 year, or both.

7 “(C) EXCEPTIONS.—

8 “(i) BACKGROUND CHECKS.—A per-
9 son who is the subject of a juvenile record
10 sealed under this section shall disclose the
11 record in the case of a background check
12 for—

13 “(I) law enforcement employ-
14 ment; or

15 “(II) any employment that re-
16 quires a government security clear-
17 ance.

18 “(ii) DISCLOSURE TO ARMED
19 FORCES.—A person may disclose informa-
20 tion from a sealed juvenile record to the
21 Secretaries of the military departments (or
22 the Secretary of Homeland Security with
23 respect to the Coast Guard when it is not
24 operating as a service in the Navy) for the
25 purpose of vetting an enlistment or com-

1 mission, or with regard to any member of
2 the Armed Forces.

3 **“§ 5044. Expungement**

4 “(a) AUTOMATIC EXPUNGEMENT OF CERTAIN
5 RECORDS.—

6 “(1) NONVIOLENT OFFENSES COMMITTED BE-
7 FORE A PERSON TURNED 15.—On the date on which
8 a person attains 18 years of age, a court in which
9 the person was adjudicated delinquent under this
10 chapter for a nonviolent juvenile offense committed
11 before the person attained 15 years of age shall
12 order that each juvenile record of the person that re-
13 lates to the offense be expunged.

14 “(2) ARRESTS; DISMISSED CASES.—

15 “(A) ARREST ONLY.—If a juvenile is ar-
16 rested for an offense for which a juvenile delin-
17 quency proceeding is not instituted under this
18 subchapter, the district court of the United
19 States that would have had jurisdiction of the
20 proceeding shall order that each juvenile record
21 relating to the arrest be expunged.

22 “(B) DISMISSED CASES.—If a court dis-
23 misses an information with respect to a juvenile
24 under this subchapter or finds a juvenile not to
25 be delinquent in a juvenile delinquency pro-

1 ceeding under this subchapter, the court shall
2 concurrently order that each juvenile record re-
3 lating to the applicable proceeding be expunged.

4 “(3) AUTOMATIC NATURE OF EXPUNGEMENT.—
5 An order of expungement under paragraph (1) or
6 (2) shall not require any action by the person whose
7 records are to be expunged.

8 “(4) NOTICE OF AUTOMATIC EXPUNGEMENT.—
9 A court that orders the expungement of a juvenile
10 record of a person under paragraph (1) or (2) shall
11 inform the person of the expungement and the bene-
12 fits of expunging the record, including protection
13 from civil and criminal perjury, false swearing, and
14 false statement laws with respect to the record.

15 “(b) PETITIONING FOR EXPUNGEMENT OF NON-
16 VIOLENT OFFENSES.—

17 “(1) IN GENERAL.—A person who is adjudged
18 delinquent under this chapter for a juvenile non-
19 violent offense committed on or after the date on
20 which the person attained the age of 15 may petition
21 the court in which the proceeding took place to order
22 the expungement of the juvenile record that relates
23 to the offense.

24 “(2) PROCEDURES.—

1 “(A) NOTIFICATION OF PROSECUTOR AND
2 VICTIMS.—If a person files an expungement pe-
3 tition with respect to an offense, the court in
4 which the petition is filed shall provide notice of
5 the petition—

6 “(i) to the Attorney General;

7 “(ii) to the extent reasonable and
8 practicable, to each victim of the offense;
9 and

10 “(iii) upon the request of the peti-
11 tioner, to any other individual that the pe-
12 titioner determines may testify as to—

13 “(I) the conduct of the petitioner
14 since the date of the offense; or

15 “(II) the reasons that the
16 expungement order should be entered.

17 “(B) HEARING.—

18 “(i) IN GENERAL.—Not later than 6
19 months after the date on which a person
20 files an expungement petition, the court
21 shall conduct a hearing to determine
22 whether to enter an expungement order for
23 the person.

24 “(ii) OPPORTUNITY TO TESTIFY AND
25 OFFER EVIDENCE.—

1 “(I) PETITIONER.—The peti-
2 tioner may testify or offer evidence at
3 the expungement hearing in support
4 of expungement.

5 “(II) PROSECUTOR.—The Attor-
6 ney General may send a representa-
7 tive to testify or offer evidence at the
8 expungement hearing in support of or
9 against expungement.

10 “(III) VICTIMS.—

11 “(aa) IN GENERAL.—A vic-
12 tim who receives notice under
13 subparagraph (A)(ii) may testify
14 or offer evidence at the
15 expungement hearing in support
16 of or against expungement.

17 “(bb) LOCATING VICTIMS.—
18 The inability of a court to locate
19 a victim shall not delay a pro-
20 ceeding under this subsection,
21 preclude the holding of an
22 expungement hearing, or pre-
23 clude the issuance of an
24 expungement order.

1 “(IV) OTHER INDIVIDUALS.—An
2 individual who receives notice under
3 subparagraph (A)(iii) may testify or
4 offer evidence at the expungement
5 hearing as to the issues described in
6 subclauses (I) and (II) of that para-
7 graph.

8 “(C) BASIS FOR DECISION.—In conducting
9 a hearing under subparagraph (B), the court
10 shall determine whether to grant the
11 expungement petition after considering—

12 “(i) the evidence and testimony pre-
13 sented by the Attorney General and any
14 victims at the hearing;

15 “(ii) the best interests of the peti-
16 tioner;

17 “(iii) the age of the petitioner during
18 his or her contact with the court or any
19 law enforcement agency;

20 “(iv) the nature of the offense;

21 “(v) the disposition of the case;

22 “(vi) the manner in which the peti-
23 tioner participated in any court-ordered re-
24 habilitative programming or supervised
25 services;

1 “(vii) the length of the time period
2 during which the petitioner has been with-
3 out contact with any court or any law en-
4 forcement agency;

5 “(viii) whether the petitioner has had
6 any criminal or juvenile delinquency in-
7 volvement since the disposition of the juve-
8 nile delinquency proceeding; and

9 “(ix) the adverse consequences the pe-
10 titioner may suffer if the petition is not
11 granted.

12 “(D) WAITING PERIOD AFTER DENIAL.—If
13 the court denies an expungement petition, the
14 petitioner may not file a new expungement peti-
15 tion with respect to the same offense until the
16 date that is 2 years after the date of the denial.

17 “(E) UNIVERSAL FORM.—The Attorney
18 General shall create a universal form, available
19 over the Internet and in paper form, that an in-
20 dividual may use to file an expungement peti-
21 tion.

22 “(F) NO FEE FOR EXPUNGEMENT.—There
23 shall be no cost for filing an expungement peti-
24 tion.

1 “(G) REPORTING.—Not later than 2 years
2 after the date of enactment of this section, and
3 each year thereafter, each district court of the
4 United States shall issue a public report that—

5 “(i) describes—

6 “(I) the number of expungement
7 petitions granted and denied under
8 this subsection; and

9 “(II) the number of instances in
10 which the Attorney General supported
11 or opposed an expungement petition;
12 and

13 “(ii) includes any supporting data
14 that the court determines relevant and that
15 does not name any petitioner.

16 “(H) PUBLIC DEFENDER ELIGIBILITY.—

17 “(i) PETITIONERS UNDER AGE 18.—
18 The district court shall appoint a public
19 defender to represent a petitioner for pur-
20 poses of this subsection if the petitioner is
21 less than 18 years of age.

22 “(ii) PETITIONERS AGE 18 AND
23 OLDER.—

24 “(I) DISCRETION OF COURT.—In
25 the case of a petitioner who not less

1 than 18 years of age, the district
2 court may, in its discretion, appoint a
3 public defender to represent the peti-
4 tioner for purposes of this subsection.

5 “(II) CONSIDERATIONS.—In de-
6 termining whether to appoint a public
7 defender under subclause (I), the
8 court shall consider—

9 “(aa) the anticipated com-
10 plexity of the expungement hear-
11 ing, including the number and
12 type of witnesses called to advo-
13 cate against the expungement of
14 the records of the petitioner; and

15 “(bb) the potential for ad-
16 verse testimony by a victim or a
17 representative of the Attorney
18 General.

19 “(c) EFFECT OF EXPUNGED JUVENILE RECORD.—

20 “(1) IN GENERAL.—Except as provided in this
21 subsection, if a court orders the expungement of a
22 juvenile record under subsection (a) or (b) with re-
23 spect to a juvenile nonviolent offense—

24 “(A) the offense and any arrest, juvenile
25 delinquency proceeding, adjudication, or other

1 result of such proceeding relating to the offense
2 shall be treated as if it never occurred; and

3 “(B) the person to whom the record per-
4 tains shall not be required to disclose the exist-
5 ence of the record.

6 “(2) VERIFICATION OF EXPUNGEMENT.—If a
7 court orders the expungement of a juvenile record
8 under subsection (a) or (b) with respect to a juvenile
9 nonviolent offense, the court shall—

10 “(A) send a copy of the expungement order
11 to each entity or person that possesses a record
12 relating to the offense, including each law en-
13 forcement agency, each public or private correc-
14 tional, detention, or treatment facility, each
15 other public or private agency, and each person
16 who provided treatment or rehabilitation serv-
17 ices for the petitioner under an order of the
18 court;

19 “(B) in the expungement order, require
20 each entity or person described in paragraph
21 (1) to—

22 “(i) destroy the record; and

23 “(ii) submit a written certification to
24 the court, under penalty of perjury, that

1 the entity or person has destroyed each
2 paper and electronic copy of the record;

3 “(C) destroy each paper and electronic
4 copy of the record in the possession of the
5 court; and

6 “(D) after receiving a written certification
7 from each entity or person under paragraph
8 (2)(B), notify the petitioner that each entity or
9 person described in paragraph (1) has de-
10 stroyed each paper and electronic copy of the
11 record.

12 “(3) REPLY TO INQUIRIES.—In the case of an
13 inquiry relating to a juvenile record of a person that
14 is expunged under this section, the court in which
15 the proceeding took place, each law enforcement offi-
16 cer, any agency that provided treatment or rehabili-
17 tation services to the person, and the person shall
18 reply to the inquiry that no such juvenile record ex-
19 ists.

20 “(4) PROTECTION FROM PERJURY LAWS.—Ex-
21 cept as provided in paragraph (5), if a juvenile
22 record of a person is expunged under this section,
23 the person who is the subject of the record or a par-
24 ent of the person shall not be subject to prosecution
25 under any civil or criminal provision of Federal or

1 State law relating to perjury, false swearing, or
2 making a false statement, including section 1001,
3 1621, 1622, or 1623, for failing to acknowledge the
4 record or respond to any inquiry made of the person
5 or the parent, relating to the record, for any pur-
6 pose.

7 “(5) CIVIL ACTIONS.—

8 “(A) IN GENERAL.—If a person whose ju-
9 venile record is expunged under this section
10 brings an action that might be defended with
11 the contents of the record, the defendant is pre-
12 sumed to have a complete defense to the action.

13 “(B) SHOWING BY PLAINTIFF.—In an ac-
14 tion described in subparagraph (A), for the
15 plaintiff to recover, the plaintiff shall be re-
16 quired to show that the contents of the ex-
17 punged record would not exonerate the defend-
18 ant.

19 “(C) DUTY TO TESTIFY AS TO EXISTENCE
20 OF RECORD.—The court in which an action de-
21 scribed in subparagraph (A) is filed may re-
22 quire the plaintiff to state under oath whether
23 the plaintiff had a juvenile record and whether
24 the record was expunged.

1 “(D) PROOF OF EXISTENCE OF JUVENILE
2 RECORD.—If the plaintiff in an action described
3 in subparagraph (A) denies the existence of a
4 juvenile record, the defendant may prove the ex-
5 istence of the record in any manner compatible
6 with the applicable laws of evidence.”.

7 (2) TECHNICAL AND CONFORMING AMEND-
8 MENT.—The table of sections for chapter 403 of
9 title 18, United States Code, is amended by adding
10 at the end the following:

“5043. Sealing.

“5044. Expungement.”.

11 (e) JUVENILE SOLITARY CONFINEMENT.—

12 (1) IN GENERAL.—Chapter 403 of title 18,
13 United States Code, as amended by subsection (d),
14 is amended by adding at the end the following:

15 **“§ 5045. Juvenile solitary confinement**

16 “(a) DEFINITIONS.—In this section—

17 “(1) the term ‘juvenile detention facility’ means
18 any facility to which juveniles are committed, wheth-
19 er pursuant to an adjudication of delinquency under
20 this subchapter or conviction for an offense; and

21 “(2) the term ‘room confinement’ means the in-
22 voluntary restriction of a juvenile alone in a cell,
23 room, or other area for any reason.

24 “(b) PROHIBITION.—

1 “(1) IN GENERAL.—The use of room confine-
2 ment at a juvenile detention facility for discipline,
3 punishment, retaliation, staffing shortages, adminis-
4 trative convenience, or any reason other than as a
5 temporary response to the behavior of a juvenile that
6 poses a serious and immediate risk of physical harm
7 to the juvenile or others is prohibited.

8 “(2) JUVENILES POSING RISK OF HARM TO
9 OTHERS OR TO SELF AND OTHERS.—

10 “(A) REQUIREMENT TO USE LEAST RE-
11 STRICTIVE TECHNIQUES.—

12 “(i) IN GENERAL.—Before an em-
13 ployee of a juvenile detention facility places
14 a juvenile in room confinement, the em-
15 ployee shall attempt to use less restrictive
16 techniques, including—

17 “(I) talking with the juvenile to
18 de-escalate the situation; and

19 “(II) when possible, bringing in
20 other employees, qualified mental
21 health professionals, or other juveniles
22 to talk with the juvenile.

23 “(ii) EXPLANATION.—Before an em-
24 ployee of a juvenile facility places a juve-
25 nile in room confinement, or immediately

1 after doing so, the employee shall explain
2 to the juvenile—

3 “(I) the reasons for the room
4 confinement; and

5 “(II) the fact that the juvenile
6 will be released from room confine-
7 ment upon regaining self-control.

8 “(B) 3-HOUR MAXIMUM.—Except as pro-
9 vided in paragraph (3), if a juvenile is placed
10 in room confinement because the juvenile poses
11 a serious and immediate risk of physical harm
12 to others or to the juvenile and others, the juve-
13 nile shall not remain in room confinement for
14 more than 3 hours.

15 “(C) RELEASE.—As soon as a juvenile
16 placed in room confinement under subpara-
17 graph (A) is sufficiently under control so as to
18 no longer pose a serious and immediate risk of
19 physical harm to the juvenile or others, the ju-
20 venile shall be released from room confinement.

21 “(D) SPIRIT AND PURPOSE.—The use of
22 consecutive periods of room confinement to
23 evade the spirit and purpose of this subsection
24 shall be prohibited.

1 “(E) CONDITIONS.—A room used for room
2 confinement for a juvenile shall—

3 “(i) have not less than 80 square feet
4 of floor space;

5 “(ii) have adequate lighting, heating
6 or cooling (as applicable), and ventilation
7 for the comfort of the juvenile;

8 “(iii) be suicide-resistant and protru-
9 sion-free; and

10 “(iv) have reasonable access to water,
11 toilet facilities, and hygiene supplies.

12 “(F) ACCESS TO SERVICES.—A juvenile
13 placed in room confinement shall—

14 “(i) have access to appropriate med-
15 ical and psychological services; and

16 “(ii) receive crisis intervention and
17 one-on-one observation.

18 “(G) RISK OF HARM AFTER 3 HOURS.—If,
19 after 3 hours of room confinement, a juvenile
20 continues to pose a serious and immediate risk
21 of physical harm to others or to the juvenile
22 and others—

23 “(i) the juvenile shall be transferred
24 to another juvenile detention facility or in-
25 ternal location where services can be pro-

1 vided to the juvenile without relying on
2 room confinement; or

3 “(ii) if the juvenile cannot be trans-
4 ferred to another juvenile detention facility
5 or internal location in accordance with
6 clause (i), an employee of the juvenile de-
7 tention facility shall initiate a referral to a
8 mental health facility that can meet the
9 needs of the juvenile.

10 “(3) JUVENILES POSING RISK OF HARM TO
11 SELF.—

12 “(A) IN GENERAL.—A juvenile may be
13 placed in room confinement to protect the juve-
14 nile from a serious and immediate risk of phys-
15 ical harm that the juvenile poses to himself or
16 herself.

17 “(B) RELEASE.—A juvenile placed in room
18 confinement under subparagraph (A) shall be
19 released—

20 “(i) immediately when the juvenile no
21 longer poses a serious and immediate risk
22 of physical harm to himself or herself; and

23 “(ii) not later than 30 minutes after
24 being placed in room confinement.

1 “(C) EXPLANATION.—Before placing a ju-
2 venile in room confinement under subparagraph
3 (A) or immediately after doing so, an employee
4 of a juvenile detention facility shall explain to
5 the juvenile—

6 “(i) the reasons for the room confine-
7 ment; and

8 “(ii) the fact that the juvenile will be
9 released within 30 minutes.

10 “(c) STUDY AND REPORT.—Not later than 2 years
11 after the date of enactment of this Act, and each year
12 thereafter, the Attorney General shall submit to Congress
13 a report that—

14 “(1) contains a detailed description of the type
15 of physical force, restraints, and room confinement
16 used at juvenile detention facilities; and

17 “(2) describes the number of instances physical
18 force, restraints, or room confinement are used at
19 juvenile detention facilities, disaggregated by race,
20 ethnicity, and gender.”.

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENT.—The table of sections for chapter 403 of
23 title 18, United States Code, as amended by sub-
24 section (d), is amended by adding at the end the fol-
25 lowing:

“5045. Juvenile solitary confinement.”.

1 **SEC. 4. STUDY AND REPORT ON COST SAVINGS FROM SEAL-**
2 **ING AND EXPUNGEMENT PROVISIONS.**

3 (a) STUDY.—

4 (1) IN GENERAL.—Not later than 5 years after
5 the date of enactment of this Act, the Attorney Gen-
6 eral, in consultation with the Secretary of Labor and
7 the Director of the Office of Management and Budg-
8 et, shall conduct a study on the cost savings and
9 broader economic impact of the sealing and
10 expungement provisions in the amendments made by
11 sections 2, 3, and 6 of this Act.

12 (2) CONSIDERATIONS.—In conducting the study
13 under paragraph (1), the Attorney General shall
14 consider—

15 (A) the reduction in recidivism and associ-
16 ated cost savings related to corrections and
17 public safety;

18 (B) increased economic activity by former
19 offenders, including by conducting an analysis
20 of the tax revenue generated by that activity;
21 and

22 (C) the economic impact on the household
23 of former offenders and the children of former
24 offenders.

25 (b) REPORT.—Not later than 5 years after the date
26 of enactment of this Act, the Attorney General shall sub-

1 mit to Congress a report on the study conducted under
2 subsection (a).

3 **SEC. 5. TANF ASSISTANCE AND SNAP BENEFITS.**

4 (a) AMENDMENT TO BAN ON ASSISTANCE.—Section
5 115 of the Personal Responsibility and Work Opportunity
6 Reconciliation Act of 1996 (21 U.S.C. 862a) is amend-
7 ed—

8 (1) in subsection (a)—

9 (A) by redesignating paragraphs (1) and
10 (2) as subparagraphs (A) and (B), respectively,
11 and adjusting the margins accordingly;

12 (B) in the matter preceding subparagraph
13 (A), as redesignated—

14 (i) by striking “An individual” and in-
15 serting the following:

16 “(1) DENIAL OF ASSISTANCE AND BENEFITS.—
17 Except as provided in paragraph (2), an individual”;
18 and

19 (ii) by striking “possession, use, or”;
20 and

21 (C) by adding at the end the following:

22 “(2) EXCEPTION FOR INDIVIDUALS WHO RE-
23 CEIVE TREATMENT AND OTHER INDIVIDUALS.—The
24 prohibition under paragraph (1) shall not apply to

1 an individual convicted of an offense described in
2 paragraph (1) who—

3 “(A) has committed an offense that the
4 court in which the individual is convicted (re-
5 ferred to in this paragraph as the ‘court’) deter-
6 mines is rationally related to a substance abuse
7 disorder;

8 “(B)(i) is on a waiting list for, is accepted
9 for, successfully participates in, or has satisfac-
10 torily completed a substance abuse treatment
11 program approved by the court; or

12 “(ii) has been determined by the court to
13 not need substance abuse treatment; and

14 “(C) complies with all obligations imposed
15 by the court.”;

16 (2) in subsection (d), by striking “the date of
17 the enactment of this Act” each place that term ap-
18 pears and inserting “the date of enactment of the
19 Record Expungement Designed to Enhance Employ-
20 ment Act of 2014”; and

21 (3) in subsection (f), by striking paragraph (5)
22 and inserting the following:

23 “(5) Employment services, including job train-
24 ing programs and any other employment services

1 that are funded using assistance or benefits referred
2 to in subsection (a).”.

3 (b) EFFECT ON STATE ELECTIONS TO OPT OUT OR
4 LIMIT PERIOD OF PROHIBITION.—An election by any
5 State under subparagraph (A) or (B) of section 115(d)(1)
6 of the Personal Responsibility and Work Opportunity Rec-
7 onciliation Act of 1996 (21 U.S.C. 862a(d)(1)) (as in ef-
8 fect on the day before the date of enactment of this Act)
9 before the date of enactment of this Act shall be null and
10 void.

11 **SEC. 6. STATE INCENTIVES.**

12 (a) COPS GRANTS PRIORITY.—Section 1701(c) of
13 the Omnibus Crime Control and Safe Streets Act of 1968
14 (42 U.S.C. 3796dd(c)) is amended—

15 (1) by striking “In” and inserting the following:

16 “(1) IN GENERAL.—In”;

17 (2) by striking “where feasible” and all that fol-
18 lows, and inserting the following: “where feasible, to
19 an application—

20 “(A) for hiring and rehiring additional ca-
21 reer law enforcement officers that involves a
22 non-Federal contribution exceeding the 25 per-
23 cent minimum under subsection (g); or

24 “(B) from an applicant in a State that has
25 in effect—

1 “(i) a law relating to the confiden-
2 tiality, sealing, and expungement of juve-
3 nile records that is substantially similar to,
4 or more generous to the former offender
5 than, the amendments made by subsections
6 (b) through (d) of section 3 of the Record
7 Expungement Designed to Enhance Em-
8 ployment Act of 2014;

9 “(ii) a law prohibiting juvenile solitary
10 confinement that is substantially similar
11 to, or more restrictive than, the amend-
12 ment made by subsection (e) of section 3
13 of the Record Expungement Designed to
14 Enhance Employment Act of 2014;

15 “(iii) a law relating to the sealing of
16 adult records that is substantially similar
17 to, or more generous to the former of-
18 fender than, the amendments made by sec-
19 tion 2 of the Record Expungement De-
20 signed to Enhance Employment Act of
21 2014;

22 “(iv) subject to paragraph (2), a law
23 that establishes that an adult criminal
24 court may not have original jurisdiction
25 over an individual who was less than 18

1 years of age when the individual committed
2 an offense;

3 “(v) a law that allows an individual
4 who has successfully sealed or expunged a
5 criminal record to be free from civil and
6 criminal perjury laws; or

7 “(vi) a law relating to the eligibility of
8 individuals for assistance or benefits re-
9 ferred to in subsection (a) of section 115
10 of the Personal Responsibility and Work
11 Opportunity Reconciliation Act of 1996
12 (21 U.S.C. 862a(a)) that is no more re-
13 strictive than such section, as amended by
14 section 5 of the Record Expungement De-
15 signed to Enhance Employment Act of
16 2014.”; and

17 (3) by adding at the end the following:

18 “(2) JUVENILE TRANSFER PROVISIONS.—Para-
19 graph (1)(B)(iv) shall not be construed to preclude
20 from preferential consideration an application from
21 an applicant in a State that—

22 “(A) has in effect a law that authorizes the
23 transfer of an individual who is less than 18
24 years of age to adult criminal court if the indi-
25 vidual commits a specified offense or an offense

1 that falls under a specified category of offenses;

2 or

3 “(B) exercises other case-specific transfer
4 mechanisms.

5 “(3) DEGREE OF PRIORITY COMMENSURATE
6 WITH DEGREE OF COMPLIANCE.—If the Attorney
7 General, in awarding grants under this subchapter,
8 gives preferential consideration to any application as
9 authorized under paragraph (1)(B), the Attorney
10 General shall base the degree of preferential consid-
11 eration given to an application from an applicant in
12 a particular State on the number of clauses under
13 such paragraph that the State has satisfied, relative
14 to the number of such clauses that each other State
15 has satisfied.”.

16 (b) ATTORNEY GENERAL GUIDELINES AND TECH-
17 NICAL ASSISTANCE.—The Attorney General shall issue
18 guidelines and provide technical assistance to assist States
19 in complying with the incentive under section
20 1701(c)(1)(B) of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (42 U.S.C. 3796dd(c)(1)(B)), as
22 added by subsection (a).

1 **SEC. 7. ENSURING ACCURACY IN THE FBI BACKGROUND**
2 **CHECK SYSTEM.**

3 (a) IN GENERAL.—Section 534 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(g) ENSURING ACCURACY IN THE FBI BACK-
7 GROUND CHECK SYSTEM.—

8 “(1) DEFINITIONS.—In this subsection—

9 “(A) the term ‘applicant’ means the indi-
10 vidual to whom a record sought to be exchanged
11 pertains;

12 “(B) the term ‘incomplete record’ means a
13 record that—

14 “(i) indicates that an individual was
15 arrested but does not describe the offense
16 for which the individual was arrested; or

17 “(ii) indicates that an individual was
18 arrested or criminal proceedings were insti-
19 tuted against an individual but does not
20 include the final disposition of the arrest
21 or of the proceedings if a final disposition
22 has been reached;

23 “(C) the term ‘record’ means a record or
24 other information collected under this section;

25 “(D) the term ‘reporting jurisdiction’
26 means any person or entity that provides a

1 record to the Attorney General under this sec-
2 tion; and

3 “(E) the term ‘requesting entity’—

4 “(i) means a person or entity that
5 seeks the exchange of a record for civil
6 purposes that include employment, hous-
7 ing, credit, or any other type of applica-
8 tion; and

9 “(ii) does not include a law enforce-
10 ment or intelligence agency that seeks the
11 exchange of a record for—

12 “(I) investigative purposes; or

13 “(II) purposes relating to—

14 “(aa) law enforcement em-
15 ployment; or

16 “(bb) employment that re-
17 quires a government security
18 clearance.

19 “(2) PERIODIC REVIEW AND UPDATE OF
20 RECORDS.—Not later than 1 year after the date of
21 enactment of the Record Expungement Designed to
22 Enhance Employment Act of 2014, and every 2
23 years thereafter, the Attorney General shall—

24 “(A) review each record for completeness
25 and accuracy; and

1 “(B) to the extent feasible, update or cor-
2 rect each incomplete or inaccurate record.

3 “(3) INCOMPLETE OR INACCURATE RECORDS.—
4 If the Attorney General determines under paragraph
5 (2)(A) that a record is incomplete or inaccurate, the
6 Attorney General—

7 “(A) shall notify each relevant reporting
8 jurisdiction that the record is incomplete or in-
9 accurate; and

10 “(B) may not exchange the record with a
11 requesting entity until the Attorney General up-
12 dates or corrects the record.”.

13 (b) REPORT.—Not later than 2 years after the date
14 of enactment of this Act, the Attorney General shall sub-
15 mit to Congress a report on the implementation of section
16 534(g) of title 28, United States Code, as added by sub-
17 section (a), that includes—

18 (1) the number of exchanges of records or in-
19 formation for employment-related purposes made
20 with entities in each State through the records sys-
21 tem created under section 534 of title 28, United
22 States Code;

23 (2) appropriate statistical information to deter-
24 mine whether the exchange of records or information
25 about arrests that did not result in convictions is af-

1 fecting the employment opportunities of employees
2 to whom those records or information pertain;

3 (3) any prolonged failure of a reporting jurisdic-
4 tion to comply with a request by the Attorney
5 General for information about dispositions of ar-
6 rests; and

7 (4) the numbers of successful and unsuccessful
8 challenges to the accuracy and completeness of
9 records or information, by State where the records
10 and information originated.

11 **SEC. 8. REPORT ON STATUTORY AND REGULATORY RE-**
12 **STRICTIONS AND DISQUALIFICATIONS BASED**
13 **ON CRIMINAL RECORDS.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of enactment of this Act, the Attorney General, in
16 consultation with the Secretary of Labor and the Director
17 of the Office of Personnel Management, shall submit to
18 Congress a report on each Federal statute, regulation, or
19 policy that authorizes a restriction on, or disqualification
20 of, an applicant for employment or for a Federal license
21 or permit based on the criminal record of the applicant.

22 (b) IDENTIFICATION OF INFORMATION.—In the re-
23 port submitted under subsection (a), the Attorney General
24 shall—

1 (1) identify each occupation, position, license,
2 or permit to which a restriction or disqualification
3 described in subsection (a) applies; and

4 (2) for each occupation, position, license, or
5 permit identified under paragraph (1), include—

6 (A) a description of the restriction or dis-
7 qualification;

8 (B) the duration of the restriction or dis-
9 qualification;

10 (C) an evaluation of the rationale for the
11 restriction or disqualification and its continuing
12 usefulness;

13 (D) the procedures, if any, to appeal, waive
14 or exempt the restriction or disqualification
15 based on a showing of rehabilitation or other
16 relevant evidence;

17 (E) any information available about the
18 numbers of individuals restricted or disqualified
19 on the basis of a criminal record; and

20 (F) the identity of the Federal agency with
21 jurisdiction over the restriction or disqualifica-
22 tion.