



March 15, 2022

The Honorable Steven Bradford
Chair, Senate Public Safety Committee
1021 N Street, Suite 7210
Sacramento, CA 95814

Re: SB 1106: The Fresh Start Act (Wiener) - SUPPORT

Dear Senator Bradford:

The National Consumer Law Center (NCLC)¹ supports SB 1106, The Fresh Start Act, by Senator Scott Wiener. This bill removes barriers currently preventing Californians from clearing their criminal records and successfully re-integrating into society. Specifically, SB 1106 prohibits expungement denial due solely to outstanding restitution.

In a recent report, *The High Cost of a Fresh Start: A State-by-State Analysis of Court Debt as a Bar to Record Clearing* (the full version of which is available at <https://www.nclc.org/issues/the-high-cost-of-a-fresh-start.html>), we examined how restricting access to record clearing based on outstanding criminal fines, fees, costs, and restitution—collectively known as “court debt”—prevents poor and low-income people from getting a second chance. Specifically, we analyzed the extent to which outstanding court debt is a barrier to record clearing under the laws of each of the 50 states (including California), the District of Columbia, and the federal system. Based on our research, we recommend in our report that qualification for record clearance should never be conditioned on payment of court debt, and outstanding court debt—including restitution debt—should never be a basis for a judge or other decisionmaker to deny record-clearing relief.

As we observe in our report, for the nearly one-third of adults in the U.S. with a record of arrest or conviction, their record is not just part of their past but a continuing condition that impacts nearly every aspect of their life. Their record makes it hard to get a job and support a family, secure a place to live, contribute to the community, and participate fully in civic affairs. In recent years, most states have passed laws aimed at restoring economic opportunity, personal freedoms, and human dignity to millions of these individuals by providing a path to clear their record. But for too many, this relief remains out of reach because of the requirement in many jurisdictions that applicants satisfy debt incurred as part of the underlying criminal case before they can have their record cleared. This monetary barrier to record clearing disproportionately affects Black

¹ The National Consumer Law Center (NCLC) is a nonprofit organization that engages in research, education, advocacy, and litigation to advance economic justice for low-income and other disadvantaged people, including people of color and older adults. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, federal and state governments, and courts across the nation to protect low-income people from harmful lending and debt collection practices, help financially stressed families build and retain wealth, and advance economic fairness. Through its Criminal Justice Debt Project, NCLC works to address fines-and-fees policies that trap low-income families in poverty, criminalize poverty, and strip wealth from communities of color.

and Brown communities, which are more likely to have high concentrations of both records and poverty because of structural racism in criminal law enforcement and in the economy.

People prevented from clearing their record because they cannot afford to pay are usually those most in need of relief. And, perversely, because a record significantly impairs economic opportunity, having a record makes it harder to pay off court debt (including restitution), and, in turn, harder to qualify for record clearing. Linking record clearing to payment of court debt therefore helps neither the people ordered to pay nor the government entities and people who are supposed to receive compensation, including people awarded restitution.

Senate Bill 1106 recognizes that many Californians are unable to access criminal record relief because they cannot afford to pay court debt—specifically, restitution debt—leading to the detrimental results summarized above and described at greater length in our report. SB 1106 offers a path for California to obviate these harmful consequences, and to benefit the people of California and the State alike, by ensuring that outstanding restitution no longer stands as a barrier to record relief and the opportunity to achieve financial stability.

For these reasons, NCLC urges your aye vote on SB 1106 (Wiener). Thank you for your consideration.

Sincerely,

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cc: The Honorable Members of the Senate Committee on Public Safety
The Honorable Scott Wiener, California State Senate