

Submitter: Tom Espinosa
On Behalf Of:
Committee: House Committee On Judiciary
Measure: HB4097

My Dear Representatives,
Regarding HB4097 and proposals related to set-aside, expungement,

The social impacts of the internet are undeniable and a responsible government should modify the way they do business accordingly. On line availability of arrest records are a source of shame and a serious impediment to meaningful employment. The maintenance of a public criminal records by state agencies extends this harm furthering the detrimental socioeconomic effects for years after the restitution has been completed. Making it worse, for-profit companies maintain unflattering data in the public domain unless they are paid to remove it, a form of extortion. These facts have stripped away the dignity of anyone unfortunate enough to have any encounter with law enforcement thus negatively impacting public opinion of the police and the judicial system. Unless a person has extensive resources to defend their on-line record, a single encounter with law enforcement is a life altering event. For the average person this is so overwhelming, they give up reducing societal advancement. I would argue that publicly available arrest records, coupled with the humiliating physical experience, time and incurred fees of an arrest, an arrest is a punishment in and of its self and is a powerful deterrence. In order to preserve the strength of this deterrence and provide incentive for individuals to rehabilitate themselves, I would propose, all misdemeanor records be automatically expunged at the completion of their sentence, fees and or treatment, barring any additional charges or circumstances that may preclude this. I would also propose a portal that allows arrestees to check and monitor their status toward expungement. Discussion could be on whether to make this information public or limited access only by State agencies that need it and the individual who owns the record.

Thank you for your time and consideration,
Respectfully submitted, Tom Espinosa