



SEARCH Membership Survey – October 2020

SEARCH staff periodically survey our Members regarding policies and issues of interest to state criminal history repositories. In October 2020, SEARCH conducted such a survey, whose results are summarized below.

A note to the Reader

Although the survey was sent to 44 SEARCH Members, just over half (57%) responded, a total of 25 states. The findings nevertheless provide important insight on current practices in many criminal history repositories around the nation, but with information on only one-half of repositories, definitive national conclusions cannot be drawn.

Overview of the Survey

In recent years, many states have significantly expanded laws allowing individuals to have their criminal history records sealed or expunged. According to the Collateral Consequences Resources Center (CCRC), 43 states, the District of Columbia, and the federal government enacted 153 laws to provide criminal record relief during 2019 alone. ([CCRC Reports on Criminal Record Reforms in 2019](#)) While these reforms are essential in providing individuals with increased access to employment opportunities, housing and public assistance programs, they can have unintended negative consequences for recidivism research when records are erased from criminal history databases. Sealing and expungement policies can also create significant increases in workloads on the part of criminal history repositories, courts, and other custodians of data that are required to remove or seal records housed within their records

management systems. During several roundtable discussions, SEARCH Members have reported challenges with implementing newly enacted sealing and expungement laws. The results of the survey present how often records are being sealed or expunged and identifies state efforts to expand these policies further.

Another challenge to state criminal history repository managers is implementing Child Care and Development Block Grant (CCDBG) background checks. While state repositories are not responsible for administering these grant programs, they must work closely with their respective state human services agencies to achieve compliance. The survey results present information on how states are compliant with the various CCDBG background check requirements.

Finally, the survey provides information on the fees charged by state criminal history repositories for fingerprint-based and name-based background checks performed for non-criminal justice purposes.

Methods

SEARCH released a survey to its Membership between October 8–23, 2020. It was sent to 44 Member states, and 25 states responded. Please note the number of completed responses (denominator) fluctuates by question, as some states did not respond to every question.

Survey Results

Survey results are provided on the following pages.

States with Statutes/Policies for Sealing or Expungement

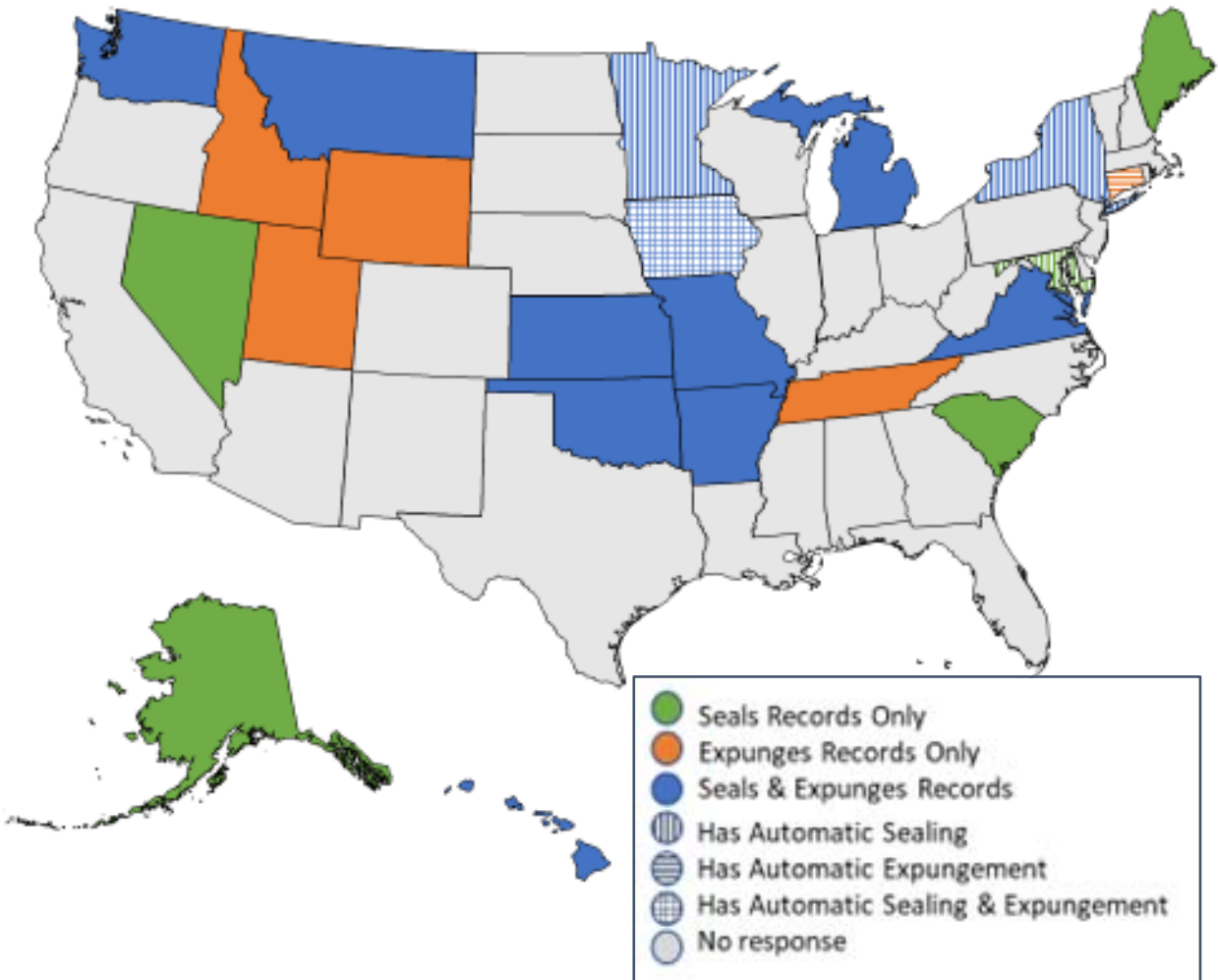
54.5% of States Offer Sealing & Expungement (n=12)

22.7% of States Offer Sealing only (n=5)

22.7% of States Offer Expungement only (n=5)

5 states (Iowa, Minnesota, New York, Connecticut, Maryland) offer Automatic Sealing and/or Expungement)

Sealing and Expungement Practices, 2020



58.8% of states (10 out of 17) have access to sealed records for research purposes.

States Accept Requests to Seal/Expunge Records Via...



95.7%
(22/23)



34.8%
(8/23)



30.4%
(7/23)

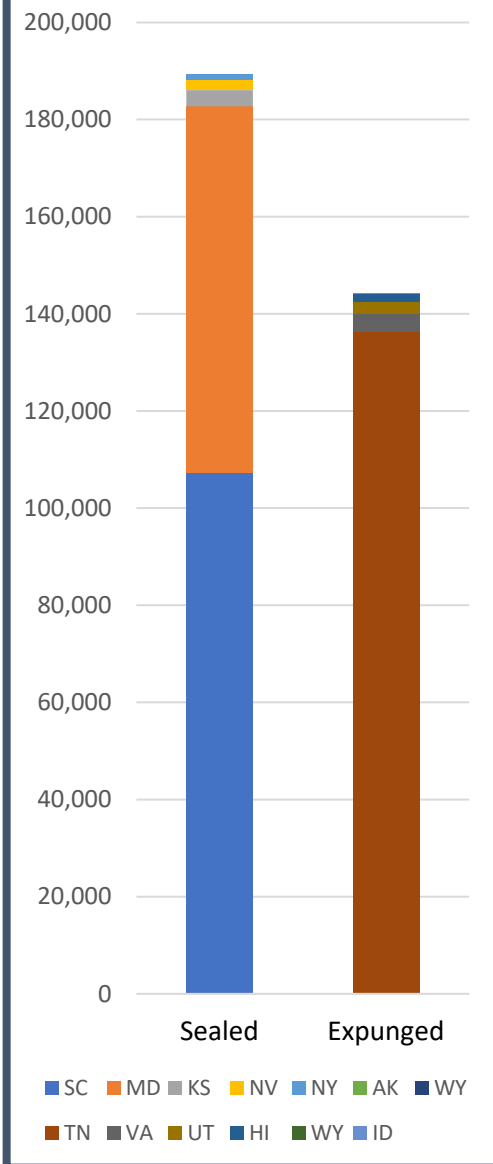


21.7%
(5/23)



8.7%
(2/23)

Sealed and Expunged Records by State, 2019



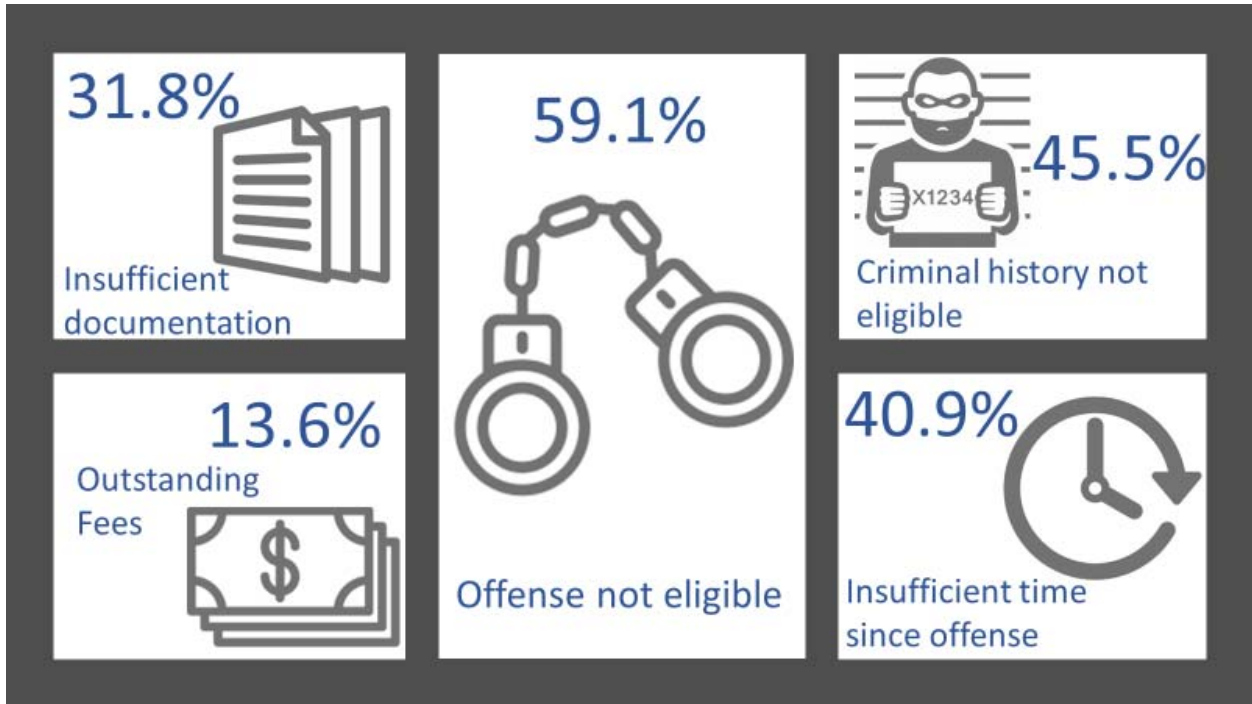
Wide Range in Number of Sealed and Expunged Records by State

South Carolina and Maryland sealed the most records during 2019 with 107,347 and 75,369 records sealed, respectively. Kansas was a distant third — sealing 3,333 records during 2019.

Tennessee expunged the most records (136,211) during the same time period, with Virginia having the next highest number of expungements (3,888).

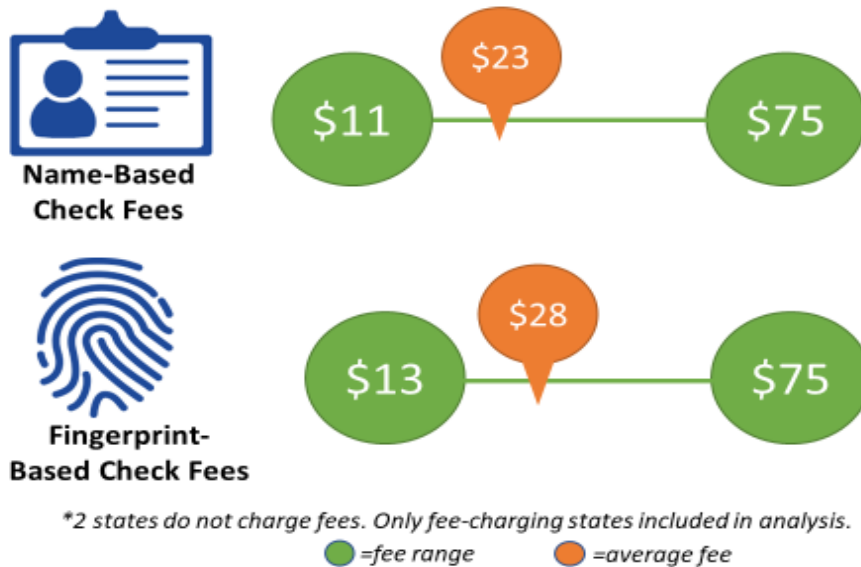


Common Reasons to Deny Record Sealing and/or Expungement



Fees for Civil Background Checks vary widely, with many states having a different fee schedules depending on the request’s origin (volunteer or paid position, request made within or outside of state).

Civil Background Check Fees*



Initiatives to Expand the Sealing and Expungement of Records

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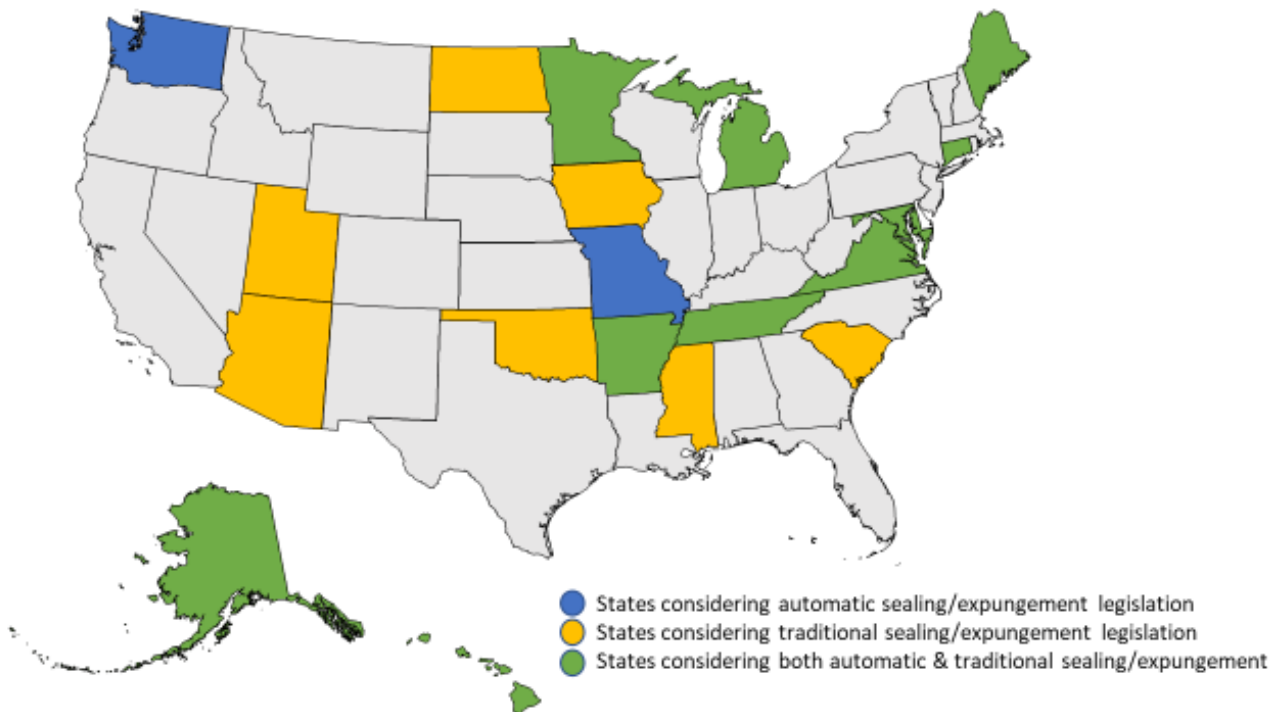
states are considering initiatives for automatic record sealing/expungement.

17

states are considering, or expect to soon be considering, initiatives to expand traditional sealing/expungement of records.

Automatic record sealing is the most common initiative being considered.

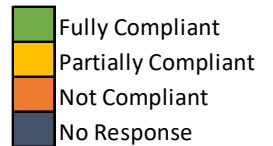
States Considering Record Sealing/Expungement Legislation, 2020



Child Care and Development Block Grant (CCDBG) Background Check Requirements by State

Most states are “fully compliant” on most of the CCDBG items. The In-State Sex Offender Registry had the highest full compliance (92%), followed by In-State Criminal History Check and National FBI Criminal History Check (both 84%), and In-State Child Abuse and Neglect Registry Check (81%). The items that were most likely to have less-than-full compliance include the Interstate Child Abuse and Neglect Registry Check (44% in less than full compliance), the Interstate Sex Offender Registry (30%), and Interstate Criminal History Check (30%). Interstate Child Abuse and Neglect Registry Check generated the most uncertainty about their state’s status.

States Responding to Survey	National FBI Criminal History Check (Fingerprint-Based)	NIC National Sex Offender Registry (Name-Based)	In-state Criminal History Check (Fingerprint-Based)	In-state Sex Offender Registry Check (Fingerprint-Based)	In-state Child Abuse and Neglect Registry Check (Name-Based)	Interstate Criminal History Check (Fingerprints Optional)	Interstate Sex Offender Registry Check (Fingerprints Optional)	Interstate Child Abuse and Neglect Registry Check (Name-Based)
AK	Not Compliant	Not Compliant	Fully Compliant	Fully Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant
AZ	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Partially Compliant	Not Compliant
AR	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Not Compliant	Fully Compliant	Not Compliant	Not Compliant
CT	Fully Compliant	Fully Compliant	Partially Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant
HI	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Not Compliant	Fully Compliant	Not Compliant	Not Compliant
ID	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Not Compliant	Partially Compliant	Fully Compliant	Partially Compliant
IA	Partially Compliant	Fully Compliant	Partially Compliant	Fully Compliant	Partially Compliant	Fully Compliant	Partially Compliant	Partially Compliant
KS	Fully Compliant	Fully Compliant	Fully Compliant	Partially Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Partially Compliant
ME	Fully Compliant	Partially Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Partially Compliant	Partially Compliant
MD	Fully Compliant	Not Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
MI*	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
MN	Partially Compliant	Fully Compliant	Partially Compliant	Partially Compliant	Partially Compliant	Partially Compliant	Partially Compliant	Partially Compliant
MO	Fully Compliant	Partially Compliant	Fully Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant
MT	Fully Compliant	Not Compliant	Fully Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant
NV	Not Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant
NY*	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
ND*	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
OK*	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
SC*	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
TN*	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
UT*	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
VA	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Not Compliant	Not Compliant
WA	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant
WI*	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant	Fully Compliant
WY	Fully Compliant	Not Compliant	Fully Compliant	Fully Compliant	Not Compliant	Not Compliant	Not Compliant	Not Compliant



*Indicates fully compliant as of October 20, 2020.