

The Clean Start Act

As the senior Senator from West Virginia, I have seen firsthand the devastating effects of the drug epidemic on individuals, families, and communities in my state and around the country. As a direct result of their opioid misuse, many otherwise law-abiding persons have been induced to commit nonviolent crimes that result in felony or misdemeanor convictions.

Since many employers are unlikely to even consider a job applicant with a criminal record, the impact of a past conviction weighs upon those with substance use disorder long after they have served their time and wish to reform their lives and rejoin their communities. This all-too-common barrier to employment contributes to the continuing cycle of opioid misuse and incarceration that has been so hard to break. **The Clean Start Act** is designed to give all persons who commit crimes because of their substance use disorder a “clean start” and a chance to begin a sober lifestyle free of a criminal record if they successfully complete a rigorous yearlong drug treatment program and demonstrate a willingness to turn their lives around.

Coverage and Eligibility Requirements

The Clean Start Act will allow persons with a felony or misdemeanor conviction for a past nonviolent crime committed as a result of substance use disorder to have their records sealed after undergoing comprehensive treatment and demonstrating a commitment to their recovery. Specifically, this bill will allow a person with a felony or misdemeanor conviction for a nonviolent crime to petition a federal court to seal the person’s criminal record if the person does two things:

1. Successfully completes a one-year substance use treatment program or recovery support program that is licensed or certified by a State or national accreditation body, including peer-driven and sober-living programs; and
2. Provides six months of service as a peer recovery coach. In the limited set of cases where service as a coach is not practicable, six months of volunteer service will be required.

After a person with a felony or misdemeanor conviction for a nonviolent crime completes a one year drug treatment program and provides serves six months of service as a peer recovery coach, they are authorized to petition a federal court to request sealing of their criminal record. A person may petition the court only one time to request sealing and must provide all necessary documentation that they have successfully completed the drug treatment program and provided the requisite mentorship service.

Procedure for Requesting Sealing of Record

The reviewing court is authorized—but not required—to seal the person’s criminal record if the court finds that doing so promotes the interest of justice. In considering the sealing petition, the reviewing court will take all relevant information into account, including any relevant information submitted by the original prosecutor. The reviewing court will also be asked to make a finding regarding the petitioner’s claim that the underlying offense was committed as a result of the petitioner’s substance use disorder or dependence. Persons with criminal convictions for crimes of violence, crimes against children, and sex offenders are specifically excluded from the coverage of this law.