

Submitter: Bleauregard Kasadu  
On Behalf Of:  
Committee: House Committee On Rules  
Measure: HB4097

Eligibility for setting aside convictions based on a duration of time outside the conditions of a sentence is not within the authority of our government to establish due to the Right of Protection from Cruel and Unusual Punishments, set forth by the Cruel and Unusual Punishments Clause of the Eighth Amendment of the US Constitution. Setting aside a conviction means that the conditions of a sentence have been met. This bill instead adds a conflict to the equation, wherein the sentence has been satisfied but a person is not eligible to set aside the conviction because of an added condition. It would be like saying a person has complied with all the conditions of a sentence, but the state won't support the claim for a certain amount of time if a background check were to be conducted on the person. If more time should be added on before eligibility is necessary, then there should be language already included in the sentence such as extended probation or parole. A person has been successfully reformed in the eyes of the state, yet the state won't recognize that for an extended period of time? These people worked hard to complete their sentences, and to be recognized for that. Passing this bill could contribute to resentment and relapse of criminal behavior, as it can leave people with the feeling that their state abandoned them because they refused to support the claim that a person has been reformed. The state would also be placing unnecessary obstacles in the way of a person in this regard. The background check is especially important for pursuing a successful career and obtaining a good home, which is made much more difficult if a person is not being recognized for their efforts to do the right thing. That would be cruel and unusual.