

March 5, 1979

LB 450

SENATOR JOHNSON: Mr. President, members of this body, LB 450 is a bill that deals with arrest records and the bill basically allows for the expungement of those arrest records which do not lead to a conviction. This bill was a part of a package of bills that the Judiciary Committee itself introduced. Testimony was heard on this bill along with the other three bills dealing with arrest and conviction records and in the end the Judiciary Committee indefinitely postponed all four bills including LB 450. This past week I was very impressed with what our Governor had to say about his agenda items for the next four years and one of the things that impressed me greatly was that the Governor recognized the need for this state to have a jobs program. Now, fellow members, a jobs program countenances more more than just the development of new jobs. It also contemplates the elimination of needless barriers to obtaining employment. There have been study after study after study conducted on accessibility to jobs which have indicated time and time again that arrest records represent an unfortunate and needless impairment to one's ability to obtain work. There was a study done in New York City several years ago which indicated that 75% of the employment agencies in New York City would not even make a job referral for someone who had an arrest record. Now an arrest record is totally different from a conviction record. Arrests and convictions are substantially different. In 1965 the FBI did a study of arrest records in the United States. They found that there were seven and a half million arrests in that year by law enforcement agencies. These are nontraffic arrests. Of the seven and a half million arrests that year, 1.3 million of the arrests were dismissed because there was never a charge filed against the arrested individual. 2.2 million arrests either resulted in the dismissal of the charge or an acquittal of the individual. So that would represent in the end 3.5 million arrests in that one year alone which did not lead to a conviction. At this time, under the Criminal Records History Act in this state, any person is entitled to obtain anyone's arrest record. All you have to do is go to the local Police Department, file a request for an arrest record, pay a fee and you will get it. That is what the Criminal Records History Act says and that means simply that when a person has been arrested without any cause and there are a lots of folk in that category, that arrest record sits there and that arrest record will be a clear impediment to employment. Now if we are to be serious about jobs in this state, and when I talk about jobs I talk about jobs that affect the hardest to employ, the undereducated populous, the black populous, the minority populous and that tends to be the populous