



(Original Signature of Member)

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Brady Handgun Violence Prevention Act to establish grants for States for purposes of modernizing criminal justice data infrastructure to facilitate automated record sealing and expungement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TRONE introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Brady Handgun Violence Prevention Act to establish grants for States for purposes of modernizing criminal justice data infrastructure to facilitate automated record sealing and expungement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fresh Start Act of
5 2023”.

1 **SEC. 2. IMPLEMENTATION OF EXPUNGEMENT LAWS.**

2 Section 106(b) of the Brady Handgun Violence Pre-
3 vention Act (34 U.S.C. 40302(b)) is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (C), by striking
6 “and” at the end;

7 (B) in subparagraph (D), by striking the
8 period and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(E) to implement a covered expungement
11 law.”; and

12 (2) by adding at the end the following:

13 “(3) COVERED EXPUNGEMENT LAWS.—In this
14 subsection:

15 “(A) The term ‘automatic’ means, with re-
16 gard to the expungement or sealing of a crimi-
17 nal record, that such expungement or sealing
18 occurs without any action required on the part
19 of the State from an eligible individual.

20 “(B) The term ‘covered expungement law’
21 means a law of a State providing for the auto-
22 matic expungement or sealing, subject to such
23 requirements as the State may impose (includ-
24 ing provisions ensuring continued access to the
25 expunged or sealed material by courts and law
26 enforcement agencies), of a criminal record of

1 an individual, without delay by reason of a fail-
2 ure to pay a fee or fine.

3 “(4) REPORTING REQUIREMENTS.—

4 “(A) IN GENERAL.—A State receiving a
5 grant under this section shall report to the At-
6 torney General, each year of the grant term,
7 pursuant to guidelines established by the Attor-
8 ney General, information regarding the fol-
9 lowing:

10 “(i) The number of individuals eligible
11 for automatic expungement or sealing
12 under the covered expungement law of that
13 State, disaggregated by race, ethnicity, and
14 gender.

15 “(ii) The number of individuals whose
16 records have been expunged or sealed an-
17 nually since the enactment of such law,
18 disaggregated by race, ethnicity, and gen-
19 der.

20 “(iii) The number of individuals
21 whose application for expungement or seal-
22 ing under such law are still pending,
23 disaggregated by race, ethnicity, and gen-
24 der.

1 “(B) INACCESSIBILITY OF DATA FOR RE-
2 PORTING.—In the event that elements of the
3 data on expungement and sealing required to be
4 reported under subparagraph (A)(i) are not
5 able to be compiled and reported, the State
6 shall develop and report a comprehensive plan
7 to obtain as much of the unavailable data as
8 possible not later than the date that is one year
9 after the first year of the grant being awarded.

10 “(C) PUBLICATION.—Not later than 1
11 year after the date of enactment of this para-
12 graph, and each year thereafter, the Attorney
13 General shall publish, and make available to the
14 public, a report containing the data reported to
15 the Attorney General under this subpara-
16 graph.”.