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The Texas Second Chance Non-Disclosure/Sealing Gap

Colleen Chien

The Texas Second Chance Non-Disclosure/Sealing Gap

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Key Findings

Estimated Population with criminal records: 7M
Estimated Population with conviction records: ~4.8M
Share of people with convictions eligible for relief: ~14%
Population with "convictions"[2] eligible for relief: ~677,000
Share of people with *any* record eligible for relief: ~31%
People eligible for sealing of all convictions:~ 59K
Uptake rate of order of nondisclosure (sealing) relief : ~5.0%
Expunctions | Orders of Non-Disclosure in last full year of data (2019)[3]: 27,025 |2,650
Years to clear the convictions sealing backlog based on current rates: 255
Estimated Aggregate Earnings Impact: 3.5B
*Does not include consideration of fines and fees

I. Abstract

Texas Gov. Code Chap. 411 allows individuals whose criminal records meet certain conditions to non-disclose or seal their records. Ascertaining, then applying the law to the criminal profiles of Texans with convictions or deferred adjudications, as reflected in the Texas Computerized Criminal History System database (CCH) obtained from the Texas Department of Public Safety (described in Appendix B), as well as a sample of 2,362 criminal histories,[4] and then extrapolating to the estimated population of 4.8M individuals in the state with conviction records and estimated population of 7M individuals in the state with any record[5] we estimate the share and number of people who are eligible for relief but have not received it and therefore fall into the "second chance gap," the difference between eligibility for and receipt of records relief. We also estimate the aggregate earnings loss associated with people eligible for relief from

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[2] For purposes of simplicity, we use this term to refer to both conviction and deferred adjudication records.

[3] We cite 2019 data due to the disruption to expungement services due to COVID in 2020 and 2021.

[4] Sample provided by a background check company as described *id*.

[5] Methodology for convictions population described in Colleen Chien, et al., *Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License*, 64 Ariz. Law Rev. 675 (2022) . 7M estimate of people with criminal histories (including those with mere arrests and charges that do not turn into convictions) based on 24% of the 2019 population of 29M, reflecting national averages. Cf. Becki Goggins et al; Survey of State Criminal History Information Systems, 2020: A Criminal Justice Information Policy Report, SEARCH (2020) available at https://www.ncjrs.gov/pdffiles1/bjs/grants/255651.pdf, Table 1 (listing the total number of criminal records in the TX state repository as of Dec 2018 as 12.7M (roughly double the population based estimate), a number that does not take into account people that have left the state or passed.

convictions that have not yet received this relief.[6] We did not model legal financial obligations or other out-of-record criteria. Racial disparities are significant in the Texas population of people with a criminal record, with an estimated 42.8% of Black Texans but 22.8% of White Texans having a conviction record based on state criminal history data and Census data (2021).

Table 1: Estimated Share of Texas Population with Convictions - Pre and Post- sealing of All Eligible Records - Race Analyses[7]

Race	Baseline - Any Conviction	Post Clearance of All Eligible - Any Conviction
Combined races	24.2%	23.7%
Black	42.8%	41.7%
White	22.8%	22.5%

Figure 1: Estimated Share of Texas Population with Convictions - Pre and Post- sealing of All Eligible Records
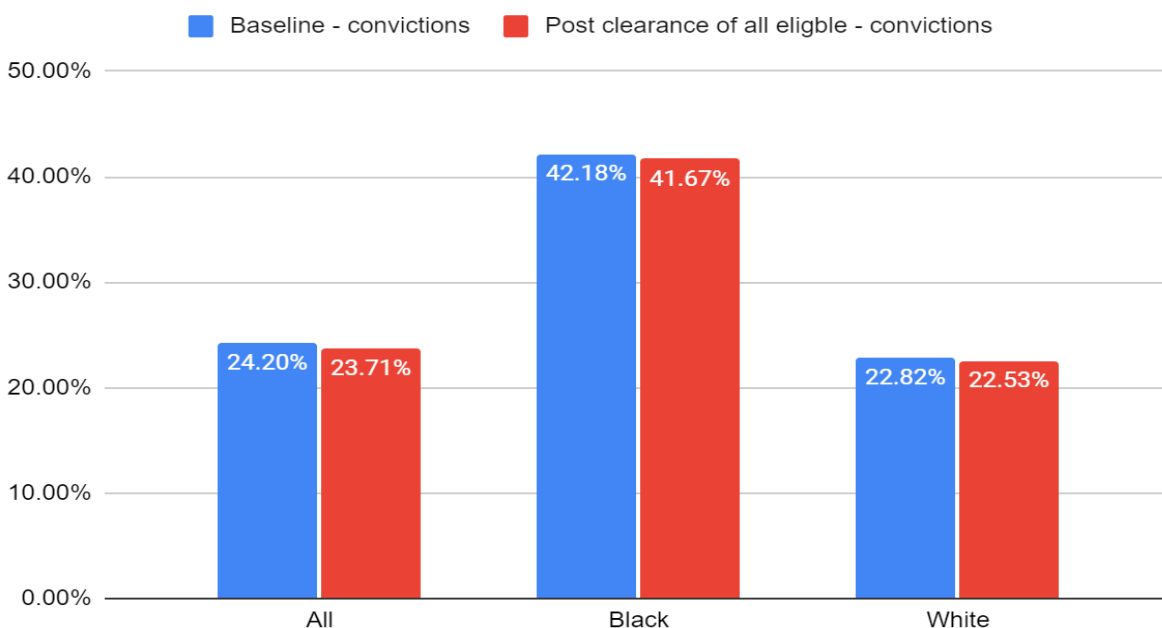
Based on the method described above, we find that approximately 14% of individuals are eligible to clear their convictions, 1% of all convictions. Extrapolating to the total number of people with

[6] We rely on the methodology and estimates provided in Colleen Chien, et al., *Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License*, 64 Ariz. Law Rev. 675 (2022)(estimating, based on review of the literature, the national average earnings losses associated with a misdemeanor and felony conviction to be $5,100 and $6,400, respectively. As averages, these numbers reflect the loss experienced by individuals with a range of criminal records, employment history, and employability). (paper available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4065920)

[7] All race analyses shown/done based on State Data Sample described in Appendix B and the racial distribution of people in the Texas population as reported by the "Race and Ethnicity in the United States: 2010 Census and 2020 Census" United States Census Bureau (2021)

records in Texas, this translates into an estimated 677K people with convictions that are eligible for convictions relief. We estimate that another 1.5M could get relief from non-convictions, but haven't.

Combining historical non-disclosure/sealing statistics with our eligibility calculations, we estimate that ~5% of people with conviction records eligible for relief have received it, leaving 95% of people with records in the "Texas Second Chance Gap." To ascertain the approximate annual earnings loss associated with the Texas second chance convictions gap, we multiply the number of people in the convictions gap (~677K) by $5,100, a conservative estimate for the average loss in earnings yearly due to the second chance gap.[8] We estimate that $3.5 Billion in cumulative earnings are lost every year in Texas due to convictions that could be, but have not been cleared.

Based on reported records, the State non-disclosed or sealed 27,025 cases in the last year of available data (2019) and 2,650 convictions in the last year of available data (2019). (Appendix D) At this rate, it would take approximately 255 years to clear all convictions in the backlog alone. However, due to deficiencies in the data and ambiguities in the law uncovered during our analysis, including regarding disposition, chargetype, and sentence completion criteria, to provide relief through "Clean Slate" automated approaches would require significant data normalization and cleaning efforts. We include, in Appendix E, statute drafting alternatives to avoid some of these problems. Included in our report are our Methodology (Appendix A); Disposition Data Report (Appendix B); Appendix C (Common Charges); Detailed Non-Disclosure/Sealing Statistics (Appendix D); Clearance Criteria Challenges and Legislative Drafting Alternatives (Appendix E).

II. Summary

Every time a person is convicted of a crime, this event is memorialized in the person's criminal record in perpetuity, setting off thousands of potential collateral consequences, including being penalized in searches for employment, housing and volunteer opportunities.

To remove these harmful consequences, Texas law allows people whose criminal records meet certain conditions to Non-Disclose/Seal their records. However, the "second chance gap" in[9] Texas "non-disclosure/sealing" - the share of people eligible for relief who haven't expunged records because of hurdles in the petition process - we suspect is large. To carry out our analysis, we ascertained charge eligibility based on reading the code, inferred whether a person had a charge pending, and made assumptions about the estimated date of completion of the sentence based on the passage of time derived from practice. Importantly, we did not account for outstanding fines or out of state charges which could potentially disqualify some individuals for relief, nor did we model criteria from whom eligibility was unascertainable from the available record.

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[8] $5,100 is a national average. Texas's average annual income of $89K puts it in the top third of states (https://worldpopulationreview.com/state-rankings/average-income-by-state) which make the number a conservative estimate.

[9] Described in "Rules" Section of Appendix A.

III. Key Findings:

Using the approach described briefly above:[10]

- In the state of Texas, an estimated 4.8M out of approximately 29.0M state residents have felony or misdemeanor court conviction records and 7.0M people have criminal records.[11]
- Of those, an estimated 14% of people with convictions, or about ~677K people are eligible for expungement of their convictions, and estimate Considering all with records, we estimate that 31% of individuals with records could get relief from their records.
- Based on the assumption that our sample is representative of people with court records in Texas, we estimate that the current felony population in Texas is approximately 3.9M people. (In 2010 it was estimated by Shannon, Uggen 2016 to be approximately 1,383,649)
- Based on records obtained from the sources disclosed in Appendix D, and methods disclosed in Appendix A, we estimate, conservatively, that the state issued approximately 2,650 non-disclosures, and 24,375 sealings over the last 10 years. Based on these numbers and the calculations above, we estimate that ~5% of people with convictions, and 11% of people with any record, took advantage of records relief.
- At current rates of expungement, it would take more than 200+ years to clear the existing backlog of eligible convictions using current methods.
- We estimate the aggregate earnings loss of the approximately ~677K people with convictions in the Texas second chance gap is about $3.5 Billion

IV. Conclusion

Based on our analysis, Texas's non-disclosure/sealing laws allow for approximately of those who live burdened with records to get records relief, 14% to get relief from convictions, and for 41% of individuals with records who could clear their records entirely, and 1% of individuals with convictions could clear all convictions. But to date we estimate that 5% of those eligible for convictions relief have actually received the remedy, leaving 95% of people in the non-disclosure uptake gap.

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[10] And detailed in Chien et al (2022)
[11] For the 7M number, see FN 4

Appendix A: Methodology

To estimate the number and share of people eligible for but not receiving relief in each state, we proceeded as follows, implementing the approach developed in Colleen V. Chien, *America's Paper Prisons: The Second Chance Gap* (2020) ((Chien (2020)).

First, we ascertained the relevant records relief laws and developed rules logic, using legal research to develop lists of ineligible and eligible charges. Next, we obtained and cleaned the data sample and collected information on the state's criminal population. Where possible, we also obtained administrative data on the number of expungements granted historically. Next, we developed flow logic to model the laws. Next we applied the flow logic to the data sample to estimate eligibility shares in the sample. Finally we extrapolated from the population in the sample to the total criminal population in the state overall to calculate number and share of individuals in the "current gap" (people with currently records eligible for relief) as well as the "uptake gap" (share of people eligible for expungement over time that have not received them). The descriptions below disclose several shortcomings in our approach, including our inability to account for outstanding fines or out of state charges which could potentially disqualify some individuals for relief, failure to model criteria from whom eligibility was unascertainable from the available record, the existence of missing data for which we assumed a lack of eligibility, and our inability to be sure that our sample was representative of all with criminal records in the state.

Ascertaining the Law and Developing Rules Logic

Based on the court guidelines, statutes, and guides from non-profits listed above we discerned the law and determined its internal logic, with respect to the charge grade (e.g. misdemeanor or felony), offense type (e.g non-violent or domestic violence charge), time (e.g 3-year waiting period), disposition type (e.g. nolo contendere) and person conditions (e.g. a lifetime limit of 2 convictions) that define eligibility. These are disclosed in every report in the RULES section.

From these rules, we created lists of eligible and ineligible offenses. To do so, we reviewed the relief rules for disqualified classes of charges and then searched the criminal code for the corresponding statute name or number corresponding with each class of charges. We then used these statutes to identify the characteristics of each potentially eligible offense: their charge type (e.g. felony, misdemeanor), degree, and the maximum possible duration of incarceration/amount to be fine for each offense. Once we had assembled the characteristics of each potentially ineligible offense, we cross referenced each offense and its characteristics against the eligibility statute. If a specific statute section was outside the prescribed characteristics of any category of eligibility (e.g., class of offense, degree, maximum duration of incarceration/amount to be fined, etc.), the offense was deemed ineligible for expungement. The offenses that were within each of

the eligibility requirements after this process were deemed eligible for expungement. We did not consider the eligibility of offenses that fulfilled the unmodeled criteria referenced above, making our estimate under-inclusive and over-inclusive.

Obtaining the Data Sample and Collecting Data on the State Population of Individuals with Criminal Records and the Number of Expungements Granted

From a data vendor, we obtained court records from the data source indicated below. Where not already available, we used Name+DOB to create unique person IDs and created state-specific criminal histories for each person. Profile information on the analyzed population is provided below in every report in Appendix B.

We approximated the number of people with criminal charges using a few methods. If state criminal population information was available directly from the state, we relied on it. When it wasn't available, we considered two sources. First, we consulted public records provided by SEARCH (2018), a listing of criminal subject counts provided by the repositories of each state. We then adjusted for growth in the number of people with records using a 3% CAGR average based on 10 years of historical data. As a sanity check, we compared this number with the estimated number of people with criminal records derived based on taking the population of people in the state from the Census and then multiplying the "national average" share of ~25% of Americans having a criminal record (derived from 331M individuals and 80M people with criminal records). When the difference was large (i.e. more than ~25%), we used the population-derived number. The raw numbers derived from SEARCH records and from the state include multi-state offenders, people who did not live in the state at the time of the crime, and also, people that may have since their disposition left the state. Regardless of the source, the raw numbers do not account for deported or deceased people. As described in the report, where possible we made adjustments to take into account these factors, but it should be reiterated that from these reasons, the population number provided are estimates.

We further accounted for people with uncharged arrests as described in Chien (2020) based on an analysis prepared by Professor Robert Apel of Rutgers University based on the NLSY97, an ongoing U.S. Bureau of Labor Statistics survey tracking 7,335 randomly selected people starting in their 20's by removing them from our eligibility analysis, which is based on court records.

In addition to researching the number of individuals with criminal histories, we sought from state sources administrative data on the number of expungements granted historically. When public reports were not available, we filed records requests or consulted other sources of information. We used this data to calculate the "uptake rate" and number of years it would take to clear the backlog.

Applying the Law to the Sample Data to Obtain an Eligibility Share

To apply the law to data, we used the methods described in Chien (2020) to first prepare the data by cleaning and labeling dispositions and charges data. We report the share of charges missing dispositions or charge types in Appendix B of each report. We then applied the logic to the sample to obtain a share of people eligible for records relief in the sample. When relevant data was missing, we assumed, conservatively, that the charge or incident was ineligible for relief.

To approximate "sentence completion" we used recorded sentences where available, assuming that the sentence had been carried out, and where not available, an assumption that the sentence was completed 2.5 years after the disposition date for misdemeanor charges, and 3.5 years after the disposition date for felony charges where sentence completion was not readily available. Importantly, we did not account for outstanding fines or out of state charges which could potentially disqualify some individuals for relief per the summary of the rules.

When the eligibility of frequently occurring charges wasn't addressed directly by the "top down" methodology described above, of researching eligibility or ineligibility based on the rules, we used a "bottom up" approach of researching these charges and ascertaining their eligibility one by one.

Applying the Eligibility Share to the Criminal Population and State History of Relief to Estimate the Number of People in the Second Chance Gap

To develop a total state eligibility estimate based on the shares derived in the steps above we assumed that the sample was representative enough of the criminal population that we could use its eligibility shares as the basis for a state estimate. We then applied these shares to the estimated number of people with court criminal records in the state, developed using the approach described above. This yielded our estimation of the number and share of individuals in the "current gap" (people with currently records eligible for relief) as well as, in combination with the expungement actuals mentioned above, the "uptake gap" (share of people eligible for expungement over time that have not received them).

Texas Non-Disclosure/Sealing Rules

Primary Sources: Texas Gov. Code Chap. 411 (2017) | Sec. 411.072 | 411.0725 | 411.073 |
411.0731 | 411.0735 | 411.074 (all 2017) | Art. 55.01(2019)
Secondary Sources: University of Texas Guide(2019) | Texas CCRC (7/4/2020) | App

CONVICTIONS:
1. Misdemeanors:
   a. Order of Non-Disclosure(OND)/Sealing available for first time **misdemeanor punishable by fine only** and **misdemeanor carrying a sentence of incarceration**, if clean after date of sentencing, with no waiting-period for fine-only offenses, and for incarceration-offenses after 2-year waiting-period starting from completion of sentence (Sec. 411.0735).
   b. OND/Sealing available for f**irst-time DUI offense**, if clean after imposition of original sentence after 3-5 year waiting-period from completion of sentence (Sec.411.0736).[12]
2. Felonies: None that we are modeling (see section 6 "Unmodeled" for technically-eligible categories).
3. Not Eligible: Ineligible if:court determines that the offense that was violent or sexual in nature (411.0735(c-1)), DUI (Sections 49.04, 49.05, 49.06, 49.065), requiring registration as a sex offender (Section 62.001(5)), aggravated kidnapping (section 20.04), homicide (sections 19.02, 19.03), human trafficking (Section 20A.02, 20A.03), child/elder abuse (Sections 22.04, 22.041), family violence (sections 25.07, 25.072, 71.004), or stalking (Section 42.072).
4. Lifetime or Other Limits: Sealing not available for a person previously convicted/placed on deferred adjudication for a different offense. (411.073(b)(2); 411.0731(b)(2); 411.0735(b)(2); 411.0736(b)(2)).
5. LFO Payment Required for Sentence Completion: Yes, for misdemeanor convictions (411.0735(b)) and DUI convictions (411.0736(b)).
6. Other Unmodeled Criteria or Details:
   a. OND/Sealing for Misdemeanors sentenced to deferred adjudication community supervision (Sec 411.072(1)(d)), first-time misdemeanor sentenced to community supervision,(Sec. 411.073/Listed chapters under 411.073(d)(2)), certain felonies given deferred adjudication community supervision (Sec 411.0725), and Expunction for Class C Misdemeanors sentenced to community supervision (Article 55.01(a)(2)).

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[12] 5 years, if had ignition device for not less than 6-months, and 5 years if no interlock.

NON-CONVICTIONS:
1. Expunction available if arrested and charges dropped, acquitted, or pardoned after waiting-period (all from date of arrest) of 180 days for Class C misdemeanor if no additional felony charge brought/arose from same transaction, 1 year for Class B or A misdemeanor if no felony charge brought/arose from same transaction, or 3 years if charge was a felony or if felony charge brought/arose from same transaction. (Art. 55.01(a)).

Appendix B: Data Sample Description

We primarily carried out our analysis based on the Texas Computerized Criminal History System database (CCH). Maintained by the, the CCH is a database containing all publicly available convictions for adults from 1976 to the date of extraction.[13] This database is quite large, containing over 5.2 million Texans who have publicly available convictions records. However, the true size of Texas's conviction population is smaller because the CCH data likely includes individuals who are deceased. To account for this, we removed all individuals over the age of 80 years old from the dataset on the basis that the average life expectancy for Americans in 2019 was 78.8 years.[14] The CCH Database only contains statistics on convictions and deferred adjudications, not other forms of non-convictions, so to estimate eligibility on the basis of nonconvictions, we relied on a dataset of background checks from 2017-2018, as described in Chien 2020.

CCH Database Data Statistics	
Number of People in Dataset	4,826,860
Sample Size	153,674
OND Sample Data Statistics	
Number of People with Misdemeanor Convictions in Sample	94,403 (61.45%)
Estimated Number of People with Misdemeanor Convictions in Population	2,966,662
Number of People with Felony Convictions in Sample	122,611 (79.81%)

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[13] *About CCH*, Texas Department of Public Safety, (last visited August 20, 2021), https://publicsite.dps.texas.gov/DpsWebsite/CriminalHistory/AboutCch.aspx (also see this source for more about the CCH). Per the Department of Public Safety, "Computerized Criminal History (CCH) was created in 1976 and we began sending the conviction database in 1998. A person's criminal history is retained for 125 years from their date of birth." See email from Texas Department of Public Safety, on file with editors. < for editors: https://app.sparkmailapp.com/web-share/sW1CF6EOzhRBYaJTOh-6TdDpbW6qQLxd8W2CwfVq >

[14] National Center for Health Statistics, *Life Expectancy*, Centers for Disease Control and Prevention, (January 8, 2022), https://www.cdc.gov/nchs/fastats/life-expectancy.htm.

Estimated Number of People with Felony Convictions in Population	3,853,113
Average Age of Misdemeanor Convictions	46 years old

Table 1: Detailed View of The Texas Second Chance Gap (for Convictions and Deferred Adjudications)

Population	People in the Criminal Population	People Eligible for Any Records Relief	People Eligible for Sealing of All Convictions
Estimated Number of People with Convictions	4.8M	675,305	59663
% Male	85%	87%	85%
Top Felony Deferred Adjudication Community Supervision	poss cs pg 1 <1g (11.4%), DWI 3rd or more (4.2%), burglary (3.7%)	poss cs pg 1 <1g, driving while intoxicated 3rd or more iat	
Top Convictions - Misdemeanors	poss marij <2oz (8.3%), DWI (5.6%), assault (3.7%)	driving while intoxicated, poss marij <2oz, driving while intoxicated 2nd	driving while intoxicated, poss marij <2oz, assault causes bodily injury family member
Avg Years since last Conviction	12.6	17	19
Share of People whose Last Conviction was 10+ Years Ago	2,407,274(~49.87%)	446,535	49,537
Average Age at First Conviction	28	28.26	27.86
Average Current Age of People with Convictions	45	47	46
Median Years since last Conviction	11	15	20
White and Latinx % (share in pop = 82%)	0.69	0.73	0.69
Black % (share in pop = 13%)	0.31	0.26	0.3
Asian % (share in pop = 5%)	0.01	0.01	0.01

Appendix C: Common Charges[15]

A. Top 10 Charges in our Dataset

Charges	**Number of Records**	**Percentage of Charges**	**Number of People with Charges**
poss cs pg 1 <1g	335,265	12.97%	36,232
poss marij <2oz	238,491	9.22%	34,202
driving while intoxicated	147,550	5.71%	27,365
burglary of habitation	116,005	4.49%	13,836
driving while intoxicated 3rd or more iat	111,187	4.3%	12,627
assault causes bodily injury family member	103,171	3.99%	17,562
poss cs pg 1 >=1g<4g	95,857	3.71%	12,585
assault causes bodily inj	75,109	2.9%	12,107
burglary of building	72,598	2.81%	8,004
unauth use of vehicle	67,916	2.63%	8,311

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[15] These shares of are potentially depressed due to lack of name normalization.

Table B. Top 10 Misdemeanor Convictions in Sample

Charges	**Number of Records**	**Percentage of Charges**	**Number of People with Charges**
poss marij <2oz	215379	8.33%	34166
driving while intoxicated	145373	5.62%	27335
assault causes bodily injury family member	95485	3.69%	17521
assault causes bodily inj	69788	2.7%	12079
driving while intoxicated 2nd	55722	2.15%	10659
fail to id fugitive intent give false info	53855	2.08%	8688
resist arrest search or transport	53052	2.05%	8812
driving w/lic inv w/prev conv/susp/w/o fin res	39245	1.52%	6796
poss cs pg 3 < 28g	27195	1.05%	5233
evading arrest detention	26269	1.02%	5500

Table C. Top 10 Felony Convictions in Sample

Charges	**Number of Records**	**Percentage of Charges**	**Number of People with Charges**
poss cs pg 1 <1g	295925	11.44%	35970
driving while intoxicated 3rd or more iat	108898	4.21%	12573
burglary of habitation	95745	3.7%	13789
poss cs pg 1 >=1g<4g	81261	3.14%	12557
burglary of building	64327	2.49%	7864
unauth use of vehicle	61414	2.37%	8236
man del cs pg 1 <1g	54832	2.12%	5957
forgery financial instrument	54563	2.11%	7046
man del cs pg 1 >=4g<200g	50568	1.96%	8240
poss cs pg 1 >=4g<200g	41772	1.62%	6936

Table D. Top 10 Misdemeanor Conviction Charges Eligible for OND in our Dataset

Charges Eligible for OND	Number of Records	Percentage of Charges	Number of People with Charges
poss marij <2oz	10,315	0.4%	10,315
assault causes bodily injury family member[16]	4,648	0.18%	4,648
assault causes bodily inj	3,651	0.14%	3,651
driving while intoxicated 2nd	3,169	0.12%	3,169
fail to id fugitive intent give false info	2,372	0.09%	2,372
resist arrest search or transport	2,217	0.09%	2,217
poss cs pg 3 < 28g	1,041	0.04%	1,041
evading arrest detention	1,027	0.04%	1,027
theft prop >=$100<$750	579	0.02%	579
poss dangerous drug	444	0.02%	444

Appendix D: Detailed Non-Disclosure/Sealing Statistics

We obtained OND statistics from the Texas Department of Public Safety, which reports that 18,593 ONDs were processed between fiscal years 2014 and 2019 and that 108,147 expunctions and sealings were processed between October 2013 and 2020. Importantly, the number of expunctions and sealings processed contains juvenile as well as adult data, making them an overestimate of adult relief provided.

We also obtained county-level data from Tarrant County, Fannin County, and Travis County. Fannin County reports that it granted 21 expunctions in fiscal year 2011 and fiscal years 2014-2019. Tarrant County reports that 8,393 petitions for expunctions were filed between fiscal year 2010 and fiscal year 2019. Travis County reports that 10,684 petitions for expunction were filed between 2010 and March 2020.

Appendix E: Clearance Criteria Challenges and Legislative Drafting Alternatives[17]

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[16] In Texas, assault is not considered a violent felony as listed in 411.0735(c-1): https://statutes.capitol.texas.gov/Docs/GV/htm/GV.411.htm

[17] Adapted from Chien (2020)

Criteria	Administrability Challenge	Example	Drafting Alternative
Sentence completion	Not tracked in court data and hard to infer as clean sentencing data is often not available; it also is often unclear whether or not outstanding fines and fees must be paid, and whether they have been.	Records relating to a first conviction ...voided upon the petitioner's successful completion of the sentence will be sealed by the court. KRS §§ 218A.276(1), (8), (9). Record...can be sealed by the court one year after sentence completion if the petitioner has no subsequent charges or convictions. Colo. Rev. Stat. § 24-72-705(1)(c)(I), (1)(e)(I).	Disposition Date (+ X Years)
First conviction; qualifying conditions	Lack of unique identifier across precludes determination		Bless commercial identification approximation technique
Personal demographic trait such as age, military status, or other condition	Information may not be easily ascertainable / available on the record or charge category condition	Records relating to an offense committed by current and former military personnel ,,,can be dismissed Cal. Pen. Code § 1170.; A record relating to a matter sealed pursuant to section 781 is destroyed ...when the person reaches 38 years of age. Cal. Welf. & Inst. Code §781(d). Cal. Welf. & Inst. Code § 781(d).	Specify an identification strategy that can be implemented at scale or do not include demographic traits
Class or grade condition	Missing class, grade or category information	Records relating to a charge or conviction for a petty offense, municipal ordinance violation, or a Class 2 misdemeanor as the highest charge can be removed from the public record after 10 years, if all court-ordered conditions are satisfied. S.D. Codified Laws § 23A-3-34.	Explicitly specify the qualifying crimes
Court-ordered conditions	Require individual review /check for any "court-ordered" conditions and compliance re: same		Do not include court-ordered conditions
Laundry list disposition criteria	Vulnerable to changes to definitions, requires detailed clean data	Records of arrest are destroyed within 60 days after detention without arrest, acquittal, dismissal, no true bill, no information, or other exoneration. R.I. Gen. Laws § 12-1-12(a), (b).	Simple description e.g. "All records that do not end in a conviction"