

My name is Christopher Davis, and I am submitting this second testimony in response to some of the questions and comments raised during the committee meeting. I hope to offer clarity and provide additional context based on my personal experiences.

The Time Threshold and Judicial Discretion

One concern raised was that lowering the time threshold from three years to one year would take discretion away from the courts. From my own experience, when my petition to seal my criminal record was heard in 2022, the three-year threshold was treated as a hard and fast rule. No discussion occurred regarding the appropriateness of a shorter timeframe. The idea that judicial discretion would be curtailed by this change assumes that such discretion is currently being exercised in these matters, which has not been my observation.

The Burden of Proving "Benefit Outweighs Openness"

Another important point discussed was the removal of the requirement to prove that “the benefit to the petitioner outweighs the presumption of openness of the criminal record.” I want to emphasize how this language creates an insurmountable barrier for many petitioners.

When I sought to have my record sealed, I presented overwhelming evidence of the harm caused by the continued openness of my record. I detailed how I had applied for over 700 jobs, received 8 offers, and saw all 8 rescinded following background checks. I shared how my criminal record had prevented me from obtaining professional certifications critical to advancing in my career. Despite presenting this mountain of evidence and the fact that five years had passed since my sentencing, my petition was denied solely because I could not meet the burden of proving that the benefit to me outweighed the presumption of openness.

The Human Cost of Waiting

As a result of the denial, I was required to wait an additional three years before I could reapply, with no guidance or action I could take to change the outcome. This delay is not just a procedural inconvenience—it is a prolonged period of lost opportunities. Every day, my ability to access continuing education, obtain certifications, and secure stable employment is denied. This waiting period serves as nothing more than additional punishment, with no benefit to public safety or justice.

Why This Matters

This experience is why I am so passionate about the removal of this burdensome language from the current law. It creates a “thumb on the scales” that undermines fairness and justice, penalizing those who have already proven their commitment to rehabilitation. Furthermore, I strongly support the introduction of a right for petitioners to appeal district court decisions. The ability to appeal ensures that errors or biases in initial rulings can be corrected, restoring confidence in the fairness of the process.

In conclusion, I urge you to support these changes to the law. By doing so, you are removing unnecessary barriers for individuals seeking to rebuild their lives, contribute to their communities, and move forward.

Thank you for considering my testimony and for your dedication to improving our justice system.

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