



## Nationwide Expungements and Redactions

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Expungement means the arrest, court case, and conviction are now treated like they never happened. None of these will appear on a criminal background history check and it cannot be used against an individual when applying for work.

### NEW YORK - Marijuana Possession Law Changes

Under current New York State law, some marijuana possession charges are automatically expunged, and the list of eligible charges has grown. Convictions for possessing up to 16 ounces and selling up to 25 grams of marijuana are now eligible for expungement. If an individual does have a charge expunged, they will not be contacted by the court. The court will contact the Division of Criminal Justice, police, District Attorneys, and other law enforcement agencies needed.

Charges that have been expunged will not appear on a criminal history background check, and do not have to be listed on a job or school application. An expunged charge cannot be used against an individual when applying for housing, employment, student loans, or anything else. Some automatically expunged charges include Unlawful Possession in the First and Second Degree, Criminal Possession in the Third and Fourth Degree, Unlawful Possession and Sale, and Personal Cultivation and Home Possession.

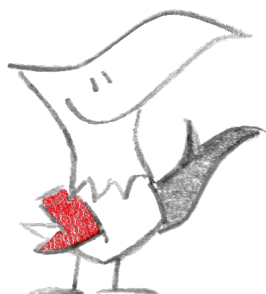
### CALIFORNIA - Delays in Expunging Past Marijuana Charges

Californian voters elected to legalize cannabis use for recreational uses in 2016. However, there are currently around 30,000 people waiting to have their claims fully processed. Courts have emerged as the primary bottleneck in the process.

Court officials blamed a combination of factors for the delays, including COVID-19, staffing shortages, outdated case management systems, old records that require manual review, and technical issues. In an effort to get away from filing individual court petitions, an additional bill in 2018 was meant to clear past cannabis convictions en masse, but few opted in. Despite the delays, 117,000 Californians have now received legal relief for their marijuana convictions.

### MICHIGAN - Redacting an Applicant's Date of Birth

The Michigan Supreme Court approved several amendments that will redact an applicant's date of birth (DOB) in court records. Clerks will no longer be allowed to verify a DOB verbally on a court record or limit a search of their records using DOB. The amendments went into effect on January 1st, 2022.



Access to a full DOB is often a minimum requirement needed to confirm a record is a match to a job candidate. By eliminating the ability to verify with DOB, the Supreme Court puts employers at risk of potentially doing a background check on someone that is not their applicant.

These laws do not come without opposition. The Professional Background Screening Association (PBSA) continues its efforts to stop these rules from going into effect. The PBSA has reached out to multiple state Supreme Courts about the effect this amendment would have on both pre-employment and tenant screening.

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## Due Diligence: They Redacted What!?

### Meet Due Diligence... Last Scene From Due

*Duey and Prue's wedding was crashed by Coco, and she was later arrested. Luckily, the newlyweds still got to share a beautiful moment thanks to Sue and Justin. Now Duey and Prue plan their honeymoon while Sue and Justin discuss plans to hire new employees...*

### They Redacted What!?

As Prue and Duey pack for their honeymoon, Duey can't stop thinking about his mother. How could she take things this far? Especially at his wedding?

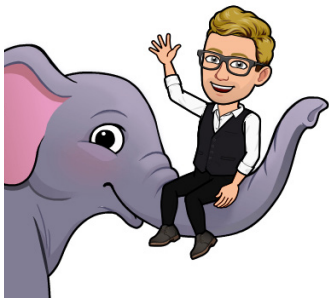
While attempting to shake Duey out of his daze, Prue asked, "Duey dear, have you checked what the weather is supposed to be like in Detroit this week?"

"It's looking like it will be nice. All of our plans should work out. Although..." Duey paused.

"We thought the same thing about the wedding." They sighed together.

"It's okay, Duey." Prue laughed. "We'll go to the Detroit Zoo, the Isle Royale National Park, even Lake Michigan!"

Duey smiled at Prue. "You're right, let's try not to think about it this trip. It's all about you and me."



Back at the Fancy Valley and Four Seasons, Justin and Sue were finally able to take some time to look over the final few applicants Sue had up for consideration.

They interviewed a handful of employees together and have agreed on the two they felt would be the best fit.

"Sue, did you get a chance to look over the background checks of our potential new employees? We offered them both a position contingent on their background checks, right?"

"We sure did, Justin! Why don't we look them over together?"

Sue and Justin sit beside each other and go over the results when they notice one search they are still waiting on.

"It looks like this applicant lived in Michigan at one point, and we're still waiting on a statewide criminal search result."

"Hey, that's where Duey and Prue are right now!"

"Focus, Justin! I'm trying to figure out what this means. I'm going to call Commercial Investigations."

"So, you're telling me that in the ENTIRE state of Michigan, courts have redacted dates of births from ALL public records? Not providing that identifier does NOT seem helpful! How will you determine if a record matches my applicant? No wonder it's taking so long!" Sue paces back and forth before getting off of the phone.

Sue walked back over to Justin to inform him of the new Michigan court redactions, and they sit defeated for now. Sue decides to give Prue a call to see if she knows about this.

"Hey Prue, how's your honeymoon going? By the way, have you heard about the court redactions in the state you decided to visit on your honeymoon?" Sue went on and on.

"Sue, I can't talk right now!" Prue exclaimed loudly as the sound of an elephant trumpeting overpowers her voice. "Duey and I are at the zoo! Call you soon!" Prue hung up before Sue could say another word.

Will Sue and Justin get to hire their applicant from Michigan?

Will Duey and Prue enjoy their honeymoon?

How is Coco holding up?

Find out in the next issue!

**To Read more on Court Redactions, Visit**  
<https://tinyurl.com/2j2c4etu>



# Guardian The Lobbyist

"Hey guys! Am I late for the criminal team meeting?" Guardian asked.

"Yes, Guardian. And since you missed assignments, YOU get to contact Michigan and California to let them know redacting identifying information from criminal records searches helps exactly NO ONE!" Gillian replied.

"Wow, Gillian. You seem a little tense about this. Who cares about Michigan and California? Most of our subjects' histories are along the east coast."

"Watch it, Guardian. When it was just Michigan, we could live with it. Not happy, but live with it. But once California got involved, that's a whole different story. Other states are likely to follow their lead. Capisce?!" Yvette spoke up.

"OK, OK, Yvette. Don't have to beat it over my head. And we all know you're Italian, just like Rocky Balboa." Guardian answered.

Bags packed, Guardian sets out. "Let's see. Since I only have so much time, I'll hit Sacramento first. The team is more concerned about California, and the weather is better out there. Got a message from the Professional Background Screeners Association that Senator Bradford out there introduced a bill to allow date of birth and driver's license number in searches. He can introduce me to other members of the legislature."

"How do, Senator Bradford?!"

"Who or what are you? A bird that speaks English!"

"I'm studying Spanish, but not so good. I wanted to congratulate you on the work you're doing straightening out criminal background searches. My colleagues at The World's Greatest Background Screening Company are concerned about the effects of keeping identifying information out of the search.

"Look, here come some of your compatriots, now. Let me address all of you at once. As you are all aware, a criminal past can detrimentally impact a person's ability to work in certain professions. We at Commercial Investigations LLC understand the desire to allow reformed individuals to work.



However, by not allowing credit reporting agencies to conclusively eliminate someone as having a criminal record, the fine State of California risks damaging the reputations of multiple law abiding citizens. Why, how many Jorge Rodriguezes or Juanita Gonzalezes are there? (Wink, wink. Impressed by my Spanish?)

We certainly do not want anyone to be tagged as a criminal offender when they are not. By the same token, we take our responsibility TO PROTECT with great solemnity. Our client organizations care for vulnerable populations and cannot allow haphazard background investigations. So, my friends, we humbly ask that you support the efforts of the Honorable Senator Bradford."

## Spotlight: CI Social Committee

Business is booming and so is CI's very own Social Committee! Our goal for 2022 is to increase community involvement, partake in more events hosted by CI clients, and to make donations to the companies and organizations meaningful to members of CI. The Social Committee aims every year to make a positive impact on the local community. Let's take a peek at a few things the Social Committee brought to the table these last few months:



- **Holiday Staff Party** - Employees brought food to share and participated in a White Elephant gift exchange.
- **Adopt-a-Family** - CI team adopted a local family for the holidays. Members went shopping and bought items they knew a family with 6 kids would love.
- **Food Drive** - CI members donated around 120 pounds of canned goods that were donated to Regional Food Bank of Northeastern NY.
- **National Game/Puzzle Week** - A fun-filled day of board games, ping pong, Jenga, corn hole, and more played throughout the office!
- **What You DON'T Know Webinar** - Every Tuesday at 1 pm, an expert from CI will host a webinar on any topic in the background investigation industry. Sign up on our website today!

With many more community service adventures and team-building events being planned for the coming months, Social Committee members aren't slowing down!



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