



NATIONAL CENTER FOR ADVOCACY AND RECOVERY, INC.  
360 Corporate Boulevard | Robbinsville, NJ 08691  
Phone: 609-589-0599 | Fax: 609-689-0599  
Website: [www.ncaar.org](http://www.ncaar.org)

My name is Nikki Tierney, and I am reaching out to respectfully request that you consider introducing A4749, which makes procedural and substantive changes in our expungement laws, in the Senate. This bill will significantly increase access to expungements. I have reached out to you because you previously co-sponsored A4771/S2951, which allowed me to receive an expungement, and a much needed second chance.

As you may recall, I am a person in sustained remission from opioid use disorder and am diagnosed with major depressive disorder and generalized anxiety disorder. As a result of my lived experience with mental health and substance use disorders, in 2018, I returned to graduate school to obtain my Master of Science in Clinical Mental Health Counseling. I am now a Licensed Professional Counselor and Licensed Clinical Alcohol and Drug Counselor in New Jersey, and work with people like me who have mental health and/or substance use disorders. I also advocate for laws and policies to support people like me. Prior to becoming a mental health professional and advocate, I was an attorney. However, because of my substance use disorder, I consented to disbarment in 2007. I had also been convicted of various crimes related to my substance use disorder. Accordingly, I was branded a “felon” for 15 years.

The collateral consequences from my felony convictions seemed endless. In New Jersey alone, there are in excess of 1080 collateral consequences from a felony conviction. This does not take into account the additional hundreds of federal consequences. These collateral consequences largely impact one’s ability to become gainfully employed and one’s ability to secure stable housing. Remarkably, there is very little evidence of the effectiveness of collateral consequence and/or expungements because the data and records are sealed.

As a result of the paralyzing impact the collateral consequences of my felony convictions had on me, with your help, I successfully advocated to expand access to expungements. More specifically, on January 18, 2022, Governor Murphy signed A4771/S2951 into law and after 15 years, I was no longer branded a felon. While my experience is anecdotal, a recent seminal study in Michigan confirms the benefit and safety of expungements. For nearly 13 years, my children and I received Medicaid and from earned income perspective, I did not make wages above the poverty line.



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We were very fortunate that my parents provided us with housing, as renting with my criminal past was not an option. I could not be a class parent volunteer coach for my children. The consequences seemed endless. All of that has changed. Since becoming a counselor and obtaining my expungement my life has improved dramatically, and so have the lives of my children. I receive insurance coverage through employment, and thus my children and I are no longer receiving Medicaid/FamilyCare benefits. Similarly, my earned income has increased, and I pay income taxes as opposed to receiving refunds. Thus, not only has our lives improved but our burden to the system has decreased as a result of expanded access to expungements.

A recent study confirms my anecdotal experience. More specifically, in March 2019, Professors J.J. Prescott and Sonja Starr from the University of Michigan Law School published the first-ever empirical study on the effects of expungement. Prescott and Starr, *Expungement of Criminal Convictions: An Empirical Study*. This study proved that among those legally eligible for expungement, just 6.5% obtain it within five years of eligibility. Second, those who do obtain expungement have extremely low subsequent crime rates, comparing favorably to the general population — a finding that defuses a common public-safety objection to expungement laws. Third, those who obtain expungement experience a sharp upturn in their wage and employment trajectories; on average, within one year, wages go up by over 22% versus the pre-expungement trajectory, an effect mostly driven by unemployed people finding jobs and minimally employed people finding steadier or higher-paying work. Again, these findings mirror my anecdotal experience.

I am very hopeful that you might consider introducing a Senate version of A4749 and giving others the same critical second chance you gave me. Thank you in advance.

Nicole Tierney, J.D.

Licensed Professional Counselor and Licensed Clinical Alcohol and Drug Counselor

Certified Peer Recovery Specialist and Certified Recovery Support Practitioner

Phone Number