

Alabama



OVERALL SCORE	63
Ranking	8

- Arrests and Adjudication Relief**
Alabama allows trafficking survivors to clear their criminal record of arrests, adjudications, non-prosecuted cases, and convictions.
- Offenses Covered**
Alabama covers a wide range of offenses including all misdemeanor offenses, non-violent felonies, and specifically-enumerated violent felony offenses. This is critical as many survivors are arrested for and convicted of a variety of offenses that result from their trafficking experience.
- Judicial Discretion**
There is no judicial discretion allowed in Alabama, which means that survivors are granted relief only if the prosecutor consents. This is troubling because it means that relief is dependent on a prosecutor’s view of the case rather than an independent judicial determination.
- Range of Relief**
Alabama only provides partial relief, meaning sealing or expungement, to trafficking survivors. These forms of relief do not actually undo or reverse the finding of guilt or judgment of conviction. Without full vacatur of convictions, criminal record relief statutes for trafficking survivors fall short of their true purpose.

PROPOSED CATEGORIES	AWARDED POINTS
Range of Relief	4
Arrests and Adjudications Relief	10
Offenses Covered	23
Judicial Discretion	0
Nexus to Trafficking	6
Time Limits and Wait Times	8
Hearing Requirement	5
Burden of Proof	5
Official Documentation	0
Confidentiality	0
Additional Restrictive Conditions on Relief	2
TOTAL	63

Visit polarisproject.org/RecordRelief to learn about criminal record relief and how to raise your state’s grade.

Scoring System:

Guidelines: Grades and rankings are determined by comparing elements of existing criminal record relief statutes against an ideal statute, as defined by Polaris and the Survivor Reentry Project. Laws are scored out of a maximum 100 points. This project looks solely at criminal record relief statutes **specifically intended for victims of human trafficking arrested or prosecuted as adults**. Accordingly, states that only offer relief to survivors with arrests from when they were juveniles do not earn credit in this report. These states scored a "0." Additionally, the research team prioritized the inclusion of specific and clear language within each criminal record relief statute, rather than having to rely on, locate, or incorporate other state law sanctions. This means a state that, for example, has strong confidentiality language in another section of law, but does not mention confidentiality protections in the trafficking-specific statute will not get points for confidentiality in this analysis. States with zeros - that is, states with no law for adult trafficking survivors in place - did not receive letter grades.

Range of Relief		Time Limitations and Wait Times	
0	No statute specific to victims of human trafficking.	0	Statute provides an explicit statute of limitations running from the end of the trafficking situation, or requires the survivor to wait an explicit amount of time since the last conviction to apply for relief.
4	Statute only provides partial relief (e.g. some combination of sealing or expungement).	4	Statute provides leniency regarding time limits (such as allowing survivors to apply in a "reasonable time" after trafficking has ended).
8	Statute provides vacatur of convictions.	8	Statute provides no time limit, restriction, or wait time.
10	Statute provides vacatur of convictions based on a substantive defect or on the merits.	Official Documentation	
Nexus to Trafficking		0	Official documentation does not create presumption of eligibility.
2	Survivors must prove that offenses were committed "while under duress."	5	Official documentation creates a presumption of eligibility.
4	Survivor must prove that offenses were committed "as a direct result" of the trafficking.	Additional Restrictive Conditions on Relief	
6	Survivor must prove that offenses were committed "while they were a victim" of trafficking.	0	Statute places explicit additional restrictive conditions on survivors being able to apply for relief.
8	Survivor must prove that offenses were "proximately caused" by the trafficking.	2	Statute places no explicit additional restrictive conditions on survivors being able to apply for relief.
10	Survivor must prove that crimes were committed "as a result" of the trafficking.	Arrests and Adjudication Relief	
Confidentiality		0	No statute specific to victims of human trafficking.
0	There is no provision in the statute that protects confidentiality or allows for filing documents under seal.	5	Statute applies only to convictions (formal adjudications of guilt).
5	There is an express provision in the statute that protects confidentiality or allows for filing documents under seal.	10	Statute comprehensively includes arrests, non-prosecuted cases, adjudications, and/or other records that are not exclusive to convictions.
Burden of Proof		Level of Judicial Discretion Permitted	
0	Statute silent on standard of proof.	0	Statute does not allow any judicial discretion.
2	Clear and convincing evidence.	5	Statute allows the court to grant relief in spite of prosecutor's objection as long as prosecutors had notice of the request for relief.
5	Preponderance of the evidence.	10	Statute allows the court to grant relief in spite of prosecutor's objection as long as prosecutors had notice and to "take such additional action as is appropriate in the circumstances."
Offenses Covered		Hearing Requirement	
5	Only prostitution-related or sex-related crimes are eligible for relief.	0	Hearing required in all instances and survivor must appear.
8	Only prostitution and specifically-enumerated misdemeanor offenses are eligible for relief.	1	Hearing required in all instances, but survivor can appear by alternate methods (e.g. telephone, video, written statements).
12	All misdemeanor offenses are eligible for relief.	2	Hearing required only if opposition and survivor must appear in person.
17	All misdemeanor and nonviolent felony offenses are eligible for relief.	3	Hearing required only if opposition, but survivor can appear by telephone, video, or other alternate methods.
23	All misdemeanor offenses, non-violent felonies, and specifically-enumerated violent felony offenses are eligible for relief.	4	Hearing required only if opposition but survivor can waive right to be present.
30	All offenses are eligible for relief.	5	No hearing required.