

Expungement of a conviction and its consequences

Abstract:

This thesis deals with the expungement of a conviction and its consequences. The introduction introduces the concept of expungement and its regulation in the Criminal Code.

The aim of the thesis is to provide an insight into the history of the expungement as well as the history of the criminal record, which is an institute closely connected to the expungement. However, the thesis should not only bring an overview of the evolution of these institutes. The thesis will try to connect the knowledge of the history of the institutes and based on that it is going to provide various perspectives of the evolution and the changes that have happened. In the end of this chapter, the thesis concludes with a reflection of the current state and possible future developments and it brings up a question, whether the internet can be viewed as an informal and unregulated criminal record.

The second part of the thesis focuses on the consequences of conviction, the ones in criminal law and the ones beyond the scope of criminal law, and on the role of expungement in relation to these consequences. The expungement is often viewed as an instrument of reintegration, as a means by which the negative consequences of conviction disappear. The thesis first briefly discusses the most obvious consequences of an expungement, i.e. the removal of the record of the expunged conviction from the criminal register and the impossibility of recidivism. Later on, it tackles the issue of sentencing, the factors that influence the judges' decision-making, particularly the role of the criminal history and whether and how it changes once the previous conviction is expunged.

Last but not least the thesis discusses the consequences of conviction beyond the scope of criminal law that are often referred to as "invisible punishment" or "collateral consequences". These consequences exist in various forms, ranging from restriction on the right to vote to reduced access to employment or housing. The thesis focuses mainly on the issue of discrimination in the search of employment and it proposes some possible solutions to this situation or means that could help improve the situation.

Key Words: expungement of a conviction, criminal record, invisible punishment, sentencing