

# A Review and Improvement of the Collateral Consequences of Conviction System

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**Abstract:** The collateral consequences of conviction refer to the restrictions on rights, qualifications, and obligations imposed on individuals subjected to criminal liability, as well as their relatives, through laws, administrative regulations, and industry rules. These consequences can be categorized based on their content and duration. The current system of collateral consequences exhibits characteristics such as broad existence, inevitable application, arbitrary imposition, and severe outcomes. These issues excessively infringe on citizens' fundamental rights, severely hinder the reintegration of ex-offenders into society, and lead to significant negative impacts. Measures should be promptly taken to improve this system. First, the typology of factual types and legal consequences should be strengthened, and the connection between factual types and legal consequences should be reinforced to optimize the logical framework of the collateral consequences of conviction. The establishment of a corresponding review mechanism for the collateral consequences of conviction and a system for the sealing of criminal records should follow this. Second, beneficial practices of foreign judicial review should be drawn upon, combining them with local systems to establish norms for the collateral consequences of conviction. Finally, reference can be made to the criminal record sealing systems in other countries to build a criminal record sealing system with Chinese characteristics.

**Keywords:** The collateral consequences of conviction; Rights; Relevance; Review mechanism; Criminal record sealing

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## 1 Introduction

The collateral consequences of conviction refer to the restrictions on rights, qualifications, and obligations imposed on individuals subjected to criminal liability and their relatives through normative documents such as laws, administrative regulations, and industry rules. In recent years, the scope of these consequences in China has expanded significantly, with their number surging.<sup>[1]</sup> While the collateral consequences of conviction serve positive purposes, such as preventing recidivism, safeguarding the interests of specific professions or qualifications, and maintaining social order, they also carry substantial negative impacts. These include infringing on citizens' fundamental rights and obstructing the reintegration of ex-offenders into society. The existence of these collateral consequences results in individuals experiencing a form of "extended sanction" even after completing their formal criminal penalties, creating an unjust situation of "disproportionate punishment." This issue is particularly evident in cases involving minor offenses, such as drunk driving-related dangerous driving. Scholars have

observed an abnormal phenomenon where the punitive effects of the legal collateral consequences for drunk driving surpass those of the criminal penalties themselves.

<sup>[2]</sup> For individuals who briefly experience criminal penalties, the pain caused by the formal sanctions may not be severe. Instead, the long-term or even lifelong collateral consequences impose deep and enduring hardships. Furthermore, the significant role of crime in social governance enables the collateral consequences of conviction to intertwine with other societal phenomena and systems. While this enhances their positive effects, it also exacerbates their negative impacts.

The growing negative consequences of this system have cast doubt on its legitimacy and its current form, making it imperative to reassess and reform it. The negative effects exhibited by the collateral consequences of conviction have undermined the rationality of their existence and current form, necessitating a critical reassessment. Implementing measures to improve the collateral consequences system and mitigate its adverse effects has not only become a consensus within

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the academic community but is also an urgent task in contemporary social governance. Some scholars have pointed out that individuals who commit minor offenses unrelated to their public duties (such as dangerous driving) are dismissed from public office, facing excessively harsh punishments that are more severe than the criminal penalties themselves. To ensure that the legislative principles of criminalization are upheld, the severity of collateral punitive measures must be reduced.<sup>[3]</sup> In light of this, this paper provides a comprehensive review of the current state of the collateral consequences system, analyzes its negative effects, and proposes targeted improvement strategies. The goal is to contribute to the legal optimization of the collateral consequences system and reduce its negative impacts.

## **2 An Overview of the Current State of the Collateral Consequences System**

The norms of collateral consequences of a conviction are the fundamental units of the collateral consequences system. Therefore, analyzing the collateral consequences system must begin with an examination of these norms.

### **2.1 Types of norms of collateral consequences of conviction**

The content and duration most clearly reflect the legal consequences of collateral consequences of a conviction. The following section will introduce the legal consequences of collateral consequences based on these two criteria.

#### **2.1.1 Classification based on the content of the collateral consequences of conviction**

The collateral consequences of conviction can be classified into three types based on their content: qualifications restrictions, deprivation of benefits, and imposition of obligations.

Qualifications Restriction-Type Collateral Consequences refer to the restriction or deprivation of professional qualifications, identity, status, or honorary titles. Among these, occupational bans are more common. Occupational ban-type collateral consequences mainly manifest as prohibiting the offender from engaging in

specific professions or holding certain positions. This is often directly stipulated in laws or regulations that criminal offenses disqualify individuals from entering specific professions or from taking professional qualification exams. For example, individuals convicted of certain crimes may be prohibited from becoming public servants, police officers, judges, prosecutors, supervisors, clerks, arbitrators, foreign diplomats, members of the National People's Congress, local representatives, teachers, doctors, lawyers (including foreign lawyers stationed in China), notaries, people's jurors, tour guides, architects, accountants, auctioneers, journalists, pilots, taxi drivers, food inspection personnel, business committee members, entertainment venue managers, directors, and managers in commercial banks, stock exchange executives, managers of export companies, network security and key network operations personnel, direct selling trainers, forest resource assessors, registered civil engineers, and many other professions. In addition to restrictions on employment qualifications, common restrictions also include limitations on party membership, household registration points, or expulsion from schools.

Deprivation of Benefits-Type Collateral Consequences refers to the restriction or deprivation of material and spiritual benefits necessary for human survival and life, such as a reduction in social credit evaluation, exclusion from social security, and the deprivation of specific honors. The negative evaluation of an offender's social credit has become a common social phenomenon. The social credit system is essentially a tool for social governance, with criminals being individuals who require national resources and close monitoring. Due to the negative connotations of criminal behavior, criminal records are naturally, yet excessively, absorbed into the social credit evaluation system. The exclusion from social security manifests as reductions or even cancellations of an offender's retirement pension, social security benefits, or other welfare entitlements. For example, according to Article 13 of the regulations on gradually increasing the minimum living standards for different groups in Xinxiang City, individuals who have been criminally punished are not eligible for the minimum living security policy.

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Honor is a spiritual benefit, and depriving criminals of their honor can serve as a way to uphold and defend social and moral values. For instance, Article 11 of the "Method for Awarding the Titles of National Advanced Cultural Counties, National Advanced Cultural Work Collectives, and National Advanced Workers in the Cultural System" stipulates that individuals who have been criminally punished will have their titles revoked if they had been awarded the titles of National Advanced Worker or National Model Worker in the Cultural System.

Obligation-imposition-type collateral Consequences refer to the imposition of certain obligations on convicted individuals, with failure to fulfill these obligations potentially resulting in specific adverse consequences. For example, Article 100 of China's Criminal Law stipulates the obligation to report previous convictions. Furthermore, Article 8 of the Labor Contract Law provides that employers have the right to inquire about basic information directly related to the labor contract, and employees must truthfully disclose such information. Given that Article 39 of the Labor Contract Law allows employers to terminate a labor contract with an employee who has been criminally prosecuted, it can be inferred that the "basic information directly related to the labor contract" should include the employee's criminal record. Thus, Article 8 of the Labor Contract Law can be viewed as establishing a reporting obligation for employees, which is a manifestation of the reporting obligation outlined in Article 100 of the Criminal Law in other areas of law.

### **2.1.2 Classification based on the duration of collateral consequences of conviction**

The duration of collateral consequences to some extent reflects their severity and serves as an important reference. Currently, the durations of collateral consequences in existing laws can be categorized into three main types:

**Lifetime Duration:** Collateral consequences that remain in effect for the offender's entire life. For example, Article 26 of the Civil Servant Law stipulates that individuals who have been criminally punished for committing a crime shall not be eligible for recruitment as

civil servants.

**Fixed-Term Duration:** Collateral consequences that are effective for a specified period. For example, Article 16 of the Physicians Law stipulates that individuals who have been criminally punished and have not completed two years since the execution of the sentence, or whose legally imposed prohibition from practicing as a physician has not expired, shall not be eligible for physician registration.

**Variable-Term Duration:** Collateral consequences that persist for a duration within a certain range. For example, Article 14 of the Passport Law stipulates that individuals who have been criminally punished for violating national (border) administration regulations, or who have been deported for illegal exit, residence, or employment, shall not be issued a passport by the issuing authority within six months to three years from the completion of their sentence or their deportation.

## **2.2 Characteristics of the Collateral Consequences System**

### **2.2.1 Extensive existence**

The collateral consequences of a conviction in China are numerous, complex, and embedded across various layers of legal norms. They range from high-level laws and administrative regulations to industry-specific and organizational rules, encompassing provisions that restrict individuals from holding certain positions, engaging in specific professions, or obtaining certain qualifications.

On the one hand, the majority of collateral consequences are found in lower-level norms, such as departmental regulations and local laws. This is primarily due to two factors: First, the concretization of higher-level legal provisions by local regulations and departmental rules. For example, annual announcements from the Ministry of Justice regarding the National Legal Professional Qualification examination serve as interpretations and applications of the Implementation Measures for the National Uniform Legal Professional Qualification Examination. Second, there is widespread duplication of provisions within norms of the same level. For instance, many provinces have introduced similar

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normative documents regarding social credit and the management of auxiliary police personnel. On the other hand, the scope of collateral consequences touches all aspects of social life. It encompasses issues ranging from basic livelihood guarantees, termination of labor contracts, and deductions in household registration points to the revocation of examination qualifications and restrictions on professional credentials. These consequences form an almost impermeable “net” in practice, severely constraining the livelihood paths of individuals released after serving their sentences.

Moreover, the total number of collateral consequences in China continues to expand. Studies have shown that from 2014 to 2018, provisions on “collateral consequences” in laws, administrative regulations, and other normative documents exhibited a growth trend, with a five-year growth rate approaching 50%. This expansion is primarily driven by departmental regulations and industry-specific rules.<sup>[4]</sup>

### 2.2.2 Inevitability of application

The inevitability of applying collateral consequences refers to the automatic and immediate effect of these provisions once an individual is subjected to criminal liability. However, whether such an application is inevitable has been a subject of debate, and the answer hinges on whether the occupational prohibition system outlined in Article 37-1 of the Criminal Law should be included within the scope of collateral consequences.

The occupational prohibition system differs from collateral consequences in its inevitability of application and its basis for enforcement. It is unnecessary to analyze both under a unified framework, as doing so would introduce inconsistencies in research approaches. (1) Inevitability of Application: Occupational prohibition is an additional measure within the scope of judicial discretion during sentencing. Its application is not mandatory; it does not automatically apply to all individuals who have been sentenced. Instead, it requires individualized judgment based on the nature of the crime and the necessity for preventing recidivism. Collateral consequences, on the other hand, are mandatory. As long as an individual is subjected to criminal liability, corresponding collateral

consequences will inevitably follow. (2) Basis for Enforcement: The occupational prohibition system is judicial and depends on court enforcement. Conversely, collateral consequences as traditionally understood are governed by other legal provisions. For example, Article 10 of the Judges Law states that individuals who have been criminally punished cannot serve as judges. The enforcement of such collateral consequences depends on whether the relevant authorities conduct background checks or if the individual discloses their criminal record truthfully. Some scholars have noted that these restrictions or prohibitions are often passively triggered or reactive in most cases. Relevant institutions typically do not actively confirm such prohibitions; instead, they enforce them only when specific individuals undergo qualification assessments and are then excluded from consideration.<sup>[5]</sup>

### 2.2.3 Arbitrariness in the setting of collateral consequences

The setting of collateral consequences norms exhibits arbitrariness, as there is no consistent legislative pattern among similar provisions, and no clear logical distinction can be seen between different types of norms.

On the one hand, the prerequisite conditions for collateral consequences lack a reasonable pattern. For example, subjective fault (i.e., intent or negligence) is a common distinguishing factor in the setting of collateral consequences, but current legislation has not sufficiently coordinated the use of this element across different norms, resulting in arbitrariness. From the perspective of norm violation theory, crime represents a blatant violation of legal norms, social identity, and public normative recognition of social interests.<sup>[6]</sup> The level of subjective fault reflects the degree of disregard for these legal norms, and thus, when legislators use a lighter or more specific type of subjective fault to describe the factual basis of a collateral consequence, it suggests a lower degree of exclusion for the offender and a lesser protection of the relevant interests. In current criminal collateral consequence norms, some do not distinguish between intent and negligence, such as Articles 13 of the *Judges Law*<sup>[7]</sup> and 7 of the *People's Jury Law*<sup>[8]</sup>; some restrict the consequences to intentional crimes, such as Article 7 of the *Lawyers Law*<sup>[9]</sup>; while others exclude

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certain types of negligent crimes, such as Articles 20 of the *Notary Law* <sup>[10]</sup> and 13 of the *Regulations on the Registration and Management of Judicial Appraisers* <sup>[11]</sup>. Analyzing these norms from the perspective of fault, we can observe that the scope of individuals regulated gradually shrinks, and the range of offenses covered becomes narrower, which in turn reduces the importance of the interests being protected. For example, the collateral consequence norms protecting the purity of the judicial corps and judicial authority, as exemplified by the first category, require the strictest protection, which is largely uncontroversial. However, problems arise when analyzing the second and third categories. The interests represented by notaries, judicial appraisers, and lawyers are all critical to the realization of fairness and justice, and the protection of citizens' legitimate rights. It is difficult to argue that the interests represented by these professions differ significantly. Fairness is the soul of the law, and from a neutral legal perspective, notaries and judicial appraisers require higher standards of objectivity and neutrality and thus should be subject to greater protection. Current legislation has not considered this adequately. Additionally, Article 9 of the *Broadcasting and Television Editors, Journalists, Announcers and Hosts Qualification Examination Measures (Trial)* <sup>[12]</sup> also restricts the scope to those convicted of intentional crimes, failing to take into account those prosecuted for negligent crimes. This seems unreasonable. It is difficult to argue that the public interests represented by such professions are more important than those represented by notaries or judicial appraisers.

On the other hand, some norms set overly broad or illogical relationships between the factual types and legal consequences, failing to establish a reasonable correlation between them. The principle of correlation requires that there be a substantial link between the factual type of a crime and its legal consequences, ensuring that the collateral consequences system remains within a reasonable scope. However, many collateral consequence norms in the current legal system exhibit weak correlations between the factual types and legal consequences. For example, Article 5 of the Tour Guide

Management Regulations stipulates that individuals who have been criminally punished shall not be issued a tour guide license, except in cases of negligent crimes. The profession of tour guiding is not closely related to public interests or public safety. While it may be justifiable to restrict individuals convicted of violent crimes or border-related offenses from becoming tour guides to safeguard public safety and order, it is unreasonable to impose such a strict limitation on an individual's professional freedom merely because they have been convicted of an intentional crime, without a sufficient connection to the profession.

#### 2.2.4 Severity of consequences

On the one hand, the severity of collateral consequences is reflected in the broad scope of penalties. The matters involved in collateral consequences are extensive and complex. Once an individual is held criminally responsible or sentenced for a crime, their personal life, work, social benefits, credit, and retirement benefits are significantly impacted. Some provisions even result in "guilt by association" affecting the political vetting and employment prospects of the offender's immediate family members.

The severity of collateral consequences is also evident in the intensity of the penalties: (1) Duration of Penalties: The duration of collateral consequences is often more severe than the penalties outlined in the *Criminal Law*. Article 37-1 of the *Criminal Law* stipulates that occupational prohibition lasts from three to five years. However, there are numerous examples of lifelong collateral consequences, such as those found in Article 26 of the *Civil Servant Law* and Article 40 of the *Accounting Law*. It is undeniable that if there are special reasons, such as the need to protect the integrity of public servants, some legal consequences of crimes can be more severe. However, in practice, many collateral consequences are set arbitrarily, making them difficult to justify. (2) Punishment and Its Impact: In some cases, the pain caused by collateral consequences is greater than the suffering inflicted by the criminal penalty itself. This is particularly evident when analyzing the punishments for crimes like drunk driving and assisting in cybercrime

activities. The criminal penalty for dangerous driving under the influence (DUI) is "detention and a fine". The average sentence for DUI offenses is around 60 days of detention.<sup>[13]</sup> Similarly, the penalty for assisting in information network criminal activities is "a sentence of up to three years of imprisonment or detention, and/or a fine". The average sentence for offenders convicted of this crime is 10 months in prison, with a fine averaging 16,260.32 yuan<sup>[14]</sup>. Clearly, both the statutory and the actual sentences for DUI and cybercrime-related offenses are relatively light. For individuals who experience only a brief period of punishment, the pain caused by the criminal penalty itself may not be severe. In contrast, the collateral consequences—lasting for a much longer period or even a lifetime—pose ongoing, deep-seated problems.

### **3 Negative Effects of the Collateral Consequences System**

Due to the lack of systematic legislative planning and clear, rational guiding principles, the design of the collateral consequences system has often been rushed, crude, and arbitrary. Many supporting mechanisms have not been established in time, resulting in inconsistencies with real-life practices. Consequently, the system inevitably produces negative effects, primarily reflected in two aspects: (1) Excessive Infringement on Citizens' Fundamental Rights; and (2) Obstruction of the Resocialization of Former Offenders.

#### **3.1 Excessive infringement on citizens' fundamental rights**

The collateral consequences system achieves social control over former offenders by imposing measures such as occupational prohibitions, additional identity requirements, and the revocation of honors. These measures aim to enhance deterrence and reduce recidivism. However, due to the arbitrary nature of the system's design, instances of excessive infringement on citizens' fundamental rights are common. The collateral consequences system primarily infringes upon two fundamental rights: The Right to Work and The Right to

Equality.

##### **3.1.1 The infringement of collateral consequences on the right to work**

Occupational restrictions and prohibitions form a central aspect of collateral consequences, primarily manifesting as limitations on occupational freedom. The right to work encompasses dual attributes: (1) Social rights, obligating the state to implement active fiscal and economic policies to promote employment or provide job opportunities; (2) Freedom rights, granting citizens the liberty to choose their form of work, or even to abstain from working. While public authorities may regulate or restrict occupational freedom in pursuit of public interest, such actions must adhere to principles of legitimacy and adopt appropriate evaluation methods. The broad scope, severe consequences, lack of occupational relevance, and prevalence of lifetime restrictions in the current collateral consequences framework have led to excessive curtailment of occupational freedom, amounting to a potential infringement on citizens' right to work.

First, violations of the principle of Legal reservation. The principle of legal reservation dictates that any restriction of fundamental rights, including occupational freedom, must be enacted by law or based on law.<sup>[15]</sup> Although Article 11 of the Legislation Law does not explicitly include the right to work under this principle, labor rights as a constitutional freedom should inherently comply with it.<sup>[16]</sup> However, collateral consequences are found not only in laws enacted by legislative bodies but also in administrative regulations, local rules, departmental regulations, and normative documents from industry associations. This bypasses formal legal procedures and undermines the principle of legal reservation.

Second, violations of the principle of appropriateness. Collateral consequences may fail the appropriateness test when they disproportionately limit occupational freedom without achieving their intended preventive or protective goals. For example, individuals with criminal records for



aiding information network criminal activities often lack stable incomes or legitimate jobs. Occupational bans:(1) Have minimal practical impact on their lives, potentially pushing them further toward criminal activities. (2) Target offenses of relatively low social harm, often committed out of ignorance or minor greed. These offenders exhibit low subjective malice and pose little risk to society. As such, occupational prohibitions against this group fail to provide substantial preventive benefits or align with their intended purpose of safeguarding public interests.

Last, violations of the principle of necessity. The necessity principle requires a balance of values and proportionality in measures taken. However, collateral consequences often impose excessive and unwarranted occupational prohibitions: Unreasonably long durations: Certain professions are subject to lifetime bans for specific offenses, which is disproportionate. Example: Article 40<sup>[17]</sup> of the *Accounting Law* imposes a lifetime occupational ban, violating the necessity principle. In contrast, Article 10 of the *Certified Public Accountants Law* limits prohibitions to five years post-sentence, while Article 37-1 of the *Criminal Law* prescribes bans lasting 3 to 5 years. The *Accounting Law* thus enforces stricter restrictions than the *Criminal Law*, raising questions of proportionality and necessity. In summary, the current system of collateral consequences excessively infringes upon the right to work by failing to adhere to principles of legal reservation, appropriateness, and necessity. This overreach not only undermines the legal framework but also hampers the effective reintegration of individuals into society.

### **3.1.2 The infringement of equal rights by the collateral consequences of conviction**

Equality is both a fundamental constitutional principle and a basic right granted to citizens under China's Constitution. The core of the principle of equality is that "similar cases should be treated similarly, and different cases should be treated differently." The legislative objective of the collateral consequences of

conviction primarily lies in preventing recidivism and protecting the interests of specific professions. However, the current legislative classification exhibits a state of "overinclusiveness"—the effects of existing norms exceed the level necessary to achieve legislative objectives. The insufficient differentiation of some collateral consequences not only fails to achieve "reasonable differential treatment" but also results in unreasonable discrimination against former offenders. For instance, under the points-based household registration system, a person with a criminal record may be unable to obtain household registration (hukou) in Beijing, while a Beijing resident with hukou will not lose their status due to a criminal conviction.

### **3.2 Obstruction of reintegration for released offenders**

Guided by humanitarianism and rehabilitative theories of punishment, the state employs correctional institutions to educate and reform offenders, helping them reintegrate into society. Reintegration for offenders involves not only eliminating their antisocial tendencies through moral education and normative training in correctional institutions but also facilitating the social reentry and assimilation of those who have completed their sentences. However, while offenders may leave prison and regain their freedom, the invisible net woven by the collateral consequences of conviction significantly hinders their reintegration into society.

The primary way collateral consequences obstruct the reintegration of released offenders is through employment restrictions. Due to the existence of these consequences, former offenders may lose their current jobs because of their criminal history and face significant limitations in their freedom and opportunities to choose careers. In societal perception, most promising and respectable professions are unattainable for former offenders, leaving them with unstable, low-skilled jobs as their only options. In the context of societal specialization, individuals often possess expertise or skills in a single field. Losing their current employment and being excluded from their industry makes finding another suitable job exceedingly difficult. For middle-aged and elderly offenders, acquiring new skills is particularly challenging, and their lack of competitiveness in an already limited job market makes

reintegration especially arduous, potentially posing risks to public safety.

Additionally, widespread employment discrimination among employers (a non-statutory collateral consequence) further compounds the difficulty of reemployment for released offenders. Collateral consequences also restrict access to points-based household registration, social security, credit, and daily life conveniences. A stable living environment and the freedom to lead a normal life are crucial for successful reintegration. Without basic living security and convenience, it is unrealistic to expect offenders to fully embrace mainstream values and behavioral norms.

Labeling theory posits that the criminal label imposed by society can lead individuals to develop negative self-identities. As a result, they begin to act according to the social roles associated with this label, manifesting the phenomenon of self-fulfilling prophecy and leading to secondary criminal behavior. Whether through the criminal record reporting obligations under the Criminal Law or other legal norms imposing collateral consequences, the reintegration process constantly reminds offenders of their criminal identity. While this approach may serve to deter crime to some extent, it can also trigger secondary criminal behavior and hinder reintegration.

The extensive restrictions on employment eligibility under collateral consequences have led to the practical requirement for job applicants to provide proof of no criminal record. This repeated reference to past criminal behavior increases the likelihood of former offenders' criminal history being disclosed to others and forces them to repeatedly confront their criminal past. This repetition may intensify feelings of shame among released offenders, fostering the self-fulfilling prophecy. This, in turn, leads to feelings of alienation and rejection of mainstream cultural norms and normal life, reinforcing their identification with the "offender" label and increasing the likelihood of secondary deviant behavior.

## **4 The Improvement of the Collateral Consequences of Conviction System**

The system of collateral consequences of conviction

excessively infringes upon citizens' fundamental rights and severely hinders the reintegration of released offenders, with its negative effects becoming increasingly evident. Measures must be taken to reform this system through legal frameworks and mitigate its adverse impacts. Specifically, efforts should focus on enhancing the categorization of factual circumstances and legal consequences, strengthening the correlation between the two to optimize the logical structure of collateral consequences. Furthermore, complementary mechanisms such as a review system for collateral consequences and a criminal record sealing system should be established.

### **4.1 Optimizing the logical framework for the design of collateral consequences of conviction**

The criminal record expungement system serves to mitigate the negative effects of collateral consequences at the final stage, but attention should be given to the legitimacy and reasonableness of collateral consequences during their design. When conditions permit, the legislature could enact a comprehensive document, such as the Regulations on Collateral Consequences of Conviction, to establish clear and reasonable legislative principles. Specifically, efforts should focus on enhancing the categorization of factual circumstances and legal consequences while strengthening the correlation between the two.

#### **4.1.1 Enhancing the categorization of factual circumstances and legal consequences**

**Reasonable Differentiation of Crime Types.** Crimes should be categorized based on the legal interests they infringe upon, which helps to identify their intrinsic harm and establish targeted legal responses. To achieve a rational connection between regulations and objectives, considerations beyond the crime itself and the offender's circumstances must be avoided. For instance, individuals who have committed violent crimes should be restricted from entering professions involving direct contact with clients or those with a high degree of confidentiality. A notable example is Article 10<sup>[18]</sup> of the Regulations on the Qualification of Taxi Drivers. It imposes long-term or



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even lifetime bans on those who have committed violent or sexual offenses against individuals' physical and mental health, particularly in roles such as teaching, especially involving minors.

**Reasonable Differentiation of Crime Severity.** Sentencing reflects the social harm of the crime and indicates its severity.<sup>[19]</sup> Differentiating between collateral consequences for serious and minor offenses ensures a more nuanced approach. A tripartite classification is proposed: Petty Crimes: Penalties like detention, probation, control, supplementary penalties, or exemption from criminal punishment. Minor Crimes: Sentences of up to three years' imprisonment. Serious Crimes: Sentences exceeding three years' imprisonment, life imprisonment, or the death penalty. Stricter collateral consequences should be applied to serious crimes, while lesser or no consequences may be appropriate for minor crimes.

**Reasonable Differentiation of Offender Types.** It is essential to differentiate between juvenile and adult offenders, as well as to provide special arrangements for vulnerable groups like elderly individuals who have weaker preventive mechanisms. The *2023 White Paper on Juvenile Prosecution* published by the Supreme People's Procuratorate shows that the most common crimes among juveniles include theft (30.8%), group fights (10.3%), fraud (8.1%), and disturbing public order (6.4%). These minor crimes make up over half of all juvenile offenses, and such juvenile offenders should be prioritized for educational reform. Thus, following the principle of focusing on education and supplementary punishment, future reforms could consider establishing special provisions for the collateral consequences of juvenile crimes. For elderly offenders, the crime rate is relatively low,<sup>[20]</sup> often linked to sporadic or situational circumstances, with most being first-time offenders. The likelihood of recidivism is low, and the need for special preventive measures is minimal.<sup>[21]</sup> Therefore, it would be reasonable to provide special arrangements for elderly offenders, such as imposing collateral consequences with lower negative impact or shorter durations. These arrangements would align with the principle of

proportionate punishment, considering the diminished preventive necessity and the unique circumstances of elderly individuals.

**Reasonable Differentiation of Subjective Culpability.** Existing norms have not carefully considered the specific functions that the form of negligence as a subjective guilt can bear, and have often overlooked the relationship between negligence and professional competency. There is a tendency to excessively focus on and exaggerate the antagonistic attitude towards negligent offenders. When an individual commits a crime due to negligence or overconfidence, it can be seen as a reflection of a lack of professional competence in certain aspects, which justifies appropriate punishment. However, from the perspective of crime classification, a negligent crime only indicates that the offender has a deficiency in specific professional abilities. For example, when an individual drives under the influence, it shows they failed to meet the safety obligations expected of a driver, which can imply a deficiency in their driving skills. However, this does not necessarily suggest a lack of competence in other fields, such as patent law or guiding services. Some collateral consequences regulations impose sweeping, lifelong penalties on negligent offenders, which fail to account for the relationship between subjective guilt and professional ability. This approach disproportionately amplifies the punitive intent towards negligent offenders, leading to overly restrictive consequences that unduly affect their rights. To optimize the system, it is important to limit the application of such collateral consequences to what is directly relevant to the offense and its professional implications, ensuring that penalties are both appropriate and proportional to the offender's actual professional capabilities.

**Enhancing the Categorization of Durations.** Improving the typification of the duration of collateral consequences is crucial for the overall optimization of criminal law norms. Current laws typically feature three main types of duration for collateral consequences: lifetime duration, fixed-term duration, and variable duration within a certain range. In practice, lifetime duration collateral

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consequences are more common, while fixed-term and range-based durations are less frequently applied. According to scholars, only 5% of collateral consequence regulations specify a concrete duration, while the rest impose lifetime deprivation of rights.<sup>[22]</sup> On the one hand, lifetime collateral consequences should be set with caution. The duration should be carefully considered based on the specifics of the crime and the circumstances of the offender, ensuring that such consequences are limited and proportional. On the other hand, as much as possible, variable-term collateral consequences should be introduced. Fixed durations can be overly rigid and fail to meet the diverse needs of real-world situations. To ensure the flexibility and adaptability of the system, it is crucial to provide practitioners with some degree of discretion in applying these norms. This flexibility would help align legal responses with the offender's progress, the nature of the crime, and societal needs, fostering a more balanced and just system of collateral consequences.

#### **4.1.2 Strengthening the connection between fact types and legal consequences**

Collaterally imposed consequences should be analyzed based on the specific rights they affect. Depending on the nature of the rights impacted, these consequences can be divided into three categories: qualification restrictions, deprivation of benefits, and burden of duties. The obligations related to past criminal records, specified in Article 100 of the Criminal Law and its corresponding regulations in various departmental laws, are not questioned for their relevance but for their reasonableness and necessity. Therefore, only the first two categories will be analyzed in detail.

Qualification restriction collateral consequences involve limiting an individual's professional qualifications, identity status, or eligibility for certain roles. In designing such consequences, it is necessary to analyze the specific requirements and implications of the qualifications involved. When considering professional restriction collateral consequences, it is important to take into account the public interest associated with the profession and the particular competencies and ethical standards

required for the role. These consequences should only apply when the crime in question directly relates to the person's ability to meet the professional standards expected in that field. It is not feasible to provide a comprehensive description of professional capabilities and ethical standards within a single collateral consequence provision. However, reference can be made to relevant legal provisions or secondary regulations that provide guidelines on the specific professional competencies expected in various fields. For example, in the Medical Practitioner Law, Chapter 3 "Professional Rules" outlines the rules that medical practitioners must adhere to while providing medical, preventive, and health services. Some relevant provisions include Article 24: A medical practitioner must not conceal, falsify, alter, or destroy medical records or related documents. Article 31: A medical practitioner must not accept bribes in connection with their duties. Article 33: A medical practitioner must report any abnormal health events or adverse incidents promptly. If a medical practitioner fails to adhere to these professional rules, it reflects a deficiency in both professional ability and ethical standards. If such non-compliance leads to serious consequences and constitutes a crime, it indicates significant shortcomings in the individual's professional qualifications. In this case, lawmakers may impose collateral consequences to restrict the individual's ability to practice in the medical field, ensuring that only those who meet the necessary professional standards are allowed to continue their work.

Benefit limitation collateral consequences refer to the restriction or deprivation of material and immaterial benefits necessary for an individual's survival and well-being. This includes but is not limited to, the deterioration of social credit, exclusion from social security benefits, and the deprivation of honors or public recognition. When setting such collateral consequences, it is crucial to consider the fundamental nature and primary purpose of the benefits being restricted. A thorough analysis of the relationship between these benefits and the rights of citizens is necessary to ensure that these limitations are justified, fair, and proportionate.

Regarding the collateral consequences of crime about the deterioration of social credit, it is essential to recognize that not all criminal behaviors damage social credit. Therefore, the focus should be on crimes that directly harm the social credit system, to minimize potential "systemic collateral damage." This is because the goal of building a social credit system is not to create a flawless society of total integrity, but to reduce significant illegal losses in crucial sectors, such as production safety, food and drug safety, and environmental protection.<sup>[23]</sup> This helps enhance trustworthiness and strengthens the enforcement of laws. In line with this, the "Social Credit System Construction Plan Outline" specifies that social credit system development covers areas such as "government integrity, business integrity, social integrity, and judicial credibility." Specifically, actions that damage the reputation of individuals or the collective, such as commercial fraud, product defects, debt defaults, and academic misconduct, are generally recognized as harmful to social credit. Crimes regulating such behaviors in criminal law are found in the following sections: (1) Chapter 3: "Crimes that undermine the socialist market economy," which includes fraud and other crimes. (2) Chapter 5: "Crimes that infringe on property rights," such as embezzlement, fraud, and misappropriation. (3) Chapter 6: "Crimes that disrupt social management and order," including crimes like forgery, impersonation, and cheating on exams. (4) Chapter 8: "Crimes of corruption and bribery." (5) Chapter 9: "Crimes of dereliction of duty." The focus of collateral consequences related to social credit should be on those offenses that directly impact public trust in critical systems, particularly in the fields that pose potential risks to the public's safety, security, and well-being. By narrowing the scope of social credit penalties to crimes with direct consequences in these areas, the system can effectively enhance trust and ensure that penalties are appropriate to the nature of the crime committed.

Regarding the normative framework for honor-deprivation-type collateral consequences of crime, such regulations are designed to safeguard the shared

ideals and value pursuits upheld by the state.<sup>[24]</sup> The law should protect the state's legitimate interests in its national ethos, and image, as well as its ideology and institutional framework. Allowing individuals who have committed crimes to retain honors with specific and concrete meanings would undoubtedly undermine public moral sentiment and value recognition, potentially causing doubt among citizens regarding the nation's ideological foundation and institutional framework. Given the broad and abstract nature of ideals and values, it is challenging to impose limitations from the perspectives of symbolic representation and specific meaning. Therefore, optimization could be pursued by adjusting the regulatory hierarchy. For example, only those honors explicitly stipulated in central documents, laws, or administrative regulations should be protected through the application of collateral consequences of crime.

#### **4.2 Establishing a review mechanism for normative frameworks governing collateral consequences of crime**

Under the current system, there are instances where subordinate regulations remain effective despite the invalidation of their superior laws. Additionally, numerous unreasonable collateral consequences of crime exist, significantly infringing on citizens' rights. A key reason for this issue lies in unclear legislative principles and unregulated legislative procedures, coupled with the absence of a dedicated body to conduct substantive reviews of collateral consequences embedded within laws and regulations.

In both theory and practice, there are two pathways for examining the legitimacy and justification of existing norms: legislative and judicial. It is a common practice in the United States to use judicial means to limit the negative effects of the collateral consequences of a conviction. When legislative bodies are unwilling to meaningfully reduce these consequences, they can be incorporated into the court's sentencing function, limiting their scope and providing corresponding relief to the defendant.<sup>[25]</sup> This means that: (1) when determining plea agreements with the defendant, under the principle

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of "informed and voluntary consent," attorneys should explain the significant collateral consequences that will affect the defendant, enabling them to fully understand the direct and indirect impacts of the plea deal on their life.<sup>[26]</sup> Some scholars even argue that when the defendant has not been properly advised (i.e., not informed of the possible collateral consequences), the court should declare the plea agreement invalid.<sup>[27]</sup> (2) The court can, through relief orders or certificates for civil barrier relief, waive specific mandatory collateral consequences during or after sentencing, requiring relevant authorities to safeguard the interests of the convicted individual.<sup>[25]</sup>

Incorporating the collateral consequences of conviction into the criminal procedure to limit their negative effects offers valuable insights for China, but its applicability to the national context requires further consideration. Requesting the judicial authorities to substantively review the collateral consequences of conviction essentially involves examining the reasonableness and constitutionality of legal norms in judicial rulings, which must be based on a judicial authority of high stature. The U.S. political system is a typical example of the separation of powers, where the judiciary holds a high level of authority, comparable to the legislative and executive branches, and functions with checks and balances. In the landmark case *Marbury v. Madison*, Chief Justice John Marshall of the U.S. Supreme Court established the precedent for constitutional review. In contrast, in China, constitutional review is generally the responsibility of the National People's Congress (NPC), its Standing Committee, and specialized committees, with the judiciary only having the right to propose recommendations for review.<sup>[28]</sup> In 2001, the Supreme People's Court issued a reply on whether civil liability should be imposed for infringing upon the basic right to education guaranteed by the Constitution through the violation of the right to one's name in the case of "Qi Yuling being impersonated to attend university." This seemed to indicate that judicial review might emerge, but the repeal of the reply in 2008 has left judicial review still in the distant future. Moreover, sending relief orders to relevant authorities or proposing review recommendations

for regulations, given the current state of legal norms and the reserve of professional personnel, seems unlikely to support the effective operation of such a mechanism. Therefore, limiting the negative effects of the collateral consequences of conviction through judicial means is not advisable. Instead, the focus should be on China's unique system of the People's Congress, building a review mechanism for the norms concerning collateral consequences of conviction.

**Reviewing Authorities.** The promulgation of the Legislation Law of the People's Republic of China, the Supervision Law of the Standing Committees of People's Congresses at All Levels of the People's Republic of China, and the Regulation on Filing and Reviewing Rules and Regulations has established the framework for a Chinese-style legislative review system. This framework vests the Standing Committee of the National People's Congress (NPC) with absolute authority over legislative review while granting local People's Congress standing committees the power to revoke inappropriate normative documents issued by local governments. Substantive reviews of collateral consequences of crime should also fall under the purview of people's congresses at all levels. Given the complexity and diversity of collateral consequences in China, if the NPC fails to establish a specialized legislative review body and system, it risks fostering a situation where emphasis is placed on filing over review, or on technical legislative scrutiny over examining legal conflicts, rendering the review process largely superficial.

**Scope of Review.** The Standing Committee of the National People's Congress (NPC) is primarily responsible for reviewing laws, regulations, and normative documents issued by the State Council that involve collateral consequences of crime. At the local level, the standing committees of people's congresses examine collateral consequences embedded in local regulations, autonomous regulations, and single-purpose ordinances. For example, the earlier case of the Regulations on Gradually Raising Subsistence Allowance Standards Based on Differentiation Among Groups Receiving Aid in Xinxiang City severely infringes on citizens' right to subsistence.

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Such a regulation should either be amended or abolished by the Standing Committee of the Xinxiang City People's Congress.

**Review Standards.** According to Articles 72 and 82 of the Legislation Law, local people's congresses can enact innovative local regulations provided they do not conflict with higher-level laws (the "non-conflict standard"). Local government rules, however, must be strictly confined to the legal framework set by higher authorities (the "legal basis standard"). The vague definition of the "non-conflict standard" creates ambiguity and may inadvertently broaden the authority of local governments to formulate regulations.<sup>[29]</sup> Thus, when reviewing collateral consequences of crime, whether under national or local legislative processes, adherence to the "legal basis standard" is crucial. Clear guidelines should be issued, specifying review criteria to ensure that collateral consequences lacking a legal basis are amended or revoked.

**Review Procedures.** In China's legislative review system, there are three primary review mechanisms: proactive review, reactive review, and special-purpose review. **Proactive Review:** This refers to the initiative taken by relevant working bodies of the Standing Committee of the People's Congress to examine normative documents submitted for filing by government organs. Proactive review is the predominant mechanism and ensures regular oversight of legislative compliance and coherence. **Reactive Review:** Reactive review is triggered by suggestions or opinions submitted by state organs, social organizations, enterprises, institutions, or citizens regarding normative documents. This mechanism allows for broader participation and input from society, enabling the identification of potential issues that may otherwise go unnoticed in the proactive process. **Special-Purpose Review:** This is an unconventional method applied to address specific, unique concerns that arise in legislative processes. Given the sheer volume and diverse nature of collateral consequences of crime, combined with the limited staffing available in legislative review offices at various levels, greater emphasis should be placed on reactive review. By relying on collective efforts from

organizations and the general public, inappropriate or unjust collateral consequences can be identified and addressed effectively.

#### **4.3 Establishing a system for the sealing of criminal records**

The collateral consequences of conviction represent a normative evaluation of an individual's criminal conduct, relying on criminal records that document the objective facts of the offense to exert their influence. By sealing or prohibiting access to these records, we can not only halt their normative evaluative effects but also curb the non-normative consequences that may arise. In the United States, the expungement of criminal records can be initiated in three primary ways: at the request of the individual, through judicial authority, or via a governmental pardon.<sup>[30]</sup> Some countries also adopt automatic expungement systems based on conditions such as the passage of time or the nature of the penalty. For example, the French Penal Code provides that individuals sentenced to imprisonment of less than one year may be reinstated five years after completing their sentence. Considering the specific context of China and the practicalities of its collateral consequences regime, this article advocates for a dual-mode system comprising both statutory and application-based approaches.

Mechanisms for sealing criminal records that rely on judicial authorities acting on their initiative or through governmental pardons are not well-suited to China's national conditions. A statutory approach offers the advantage of establishing uniform application standards, thereby preventing judicial arbitrariness. Judicial expungement initiated by authorities typically applies to cases where no formal judgment record exists due to various factors. However, collateral consequences of conviction do not extend to such situations. Within China's current legal framework, pardons are limited to amnesties, specifically ordinary amnesties (i.e., exemption from punishment but not from guilt). Special amnesties and general pardons are excluded, and their application follows distinct legal procedures. Hence, addressing collateral consequences through amnesties is inconsistent



with China's national conditions and political system. If an offender refrains from committing further socially harmful acts within a specified period, it indicates successful reintegration into society, negating the need for stringent collateral consequences. This rationale aligns with the principles underlying the statute of limitations: when a specified period has passed after the completion of a crime without subsequent offenses, it can be presumed that the individual has returned to lawful behavior. At this point, the individual's risk of reoffending is minimal, and the necessity for special preventative measures diminishes. Legislators could determine the duration for record sealing based on factors such as the severity of the crime, the degree of culpability, the nature of the offense, and the characteristics of the offender.

In addition to preventing state authorities from failing to fulfill their legal obligations, the advantage of the application model is that it creates a "special channel" to facilitate the social reintegration of special groups. For individuals who have committed crimes such as excessive self-defense, crimes committed in an attempt to avoid excessive harm, or negligence offenses that have led to exemption from punishment, this model can be considered. On the one hand, these offenders are usually sentenced to lighter penalties, so offering special treatment would not excessively harm the public's sense of justice. On the other hand, these offenders tend to have lower levels of subjective malice, lower blameworthiness, and a lower likelihood of reoffending, making it unnecessary to impose further collateral consequences. Research shows that in cases where abused women kill in self-defense, the reason for their committing intentional homicide is often due to sustained severe domestic violence, putting them in a dilemma where "if they do not commit the crime, they will continue to suffer torment." The criminal motives in such cases are highly specific, and the likelihood of reoffending is nearly zero.

**Scope of Application.** In terms of scope, individuals sentenced to death or life imprisonment should not be included in the scope of the system due to the extreme severity and maliciousness of their crimes. It is unnecessary to apply the criminal record sealing system

to such individuals. Therefore, adults who have not been sentenced to death or life imprisonment may be considered subjects for sealing. Additionally, when designing the system, consideration should also be given to the sealing of criminal records for minors and legal entities. As for minors, China already has a criminal record sealing system. From the perspective of educational rehabilitation and the best interests of minors, the scope of this system could be expanded in the future.

**Conditions for Sealing.** In terms of offense conditions, only a few countries include all types of crimes within the scope of criminal record sealing. Most countries classify crimes into expungeable and non-expungeable categories based on factors such as the severity of the offense. For example, Portugal's Criminal Identification Law stipulates that records of minor crimes are not recorded at all, while other crimes are subject to a specific probation period before deciding whether to expunge the record.<sup>[31]</sup> Similar approaches to criminal record sealing are seen in France, Germany, and Italy. In the future, Chinese legislators should consider factors such as the severity of the crime, the subjective guilt, the nature of the offense, and the criminal subject when determining the conditions for expunging criminal records and the probation period. For instance, records of crimes with higher recidivism rates, such as sexual offenses, or crimes that seriously harm national security, such as terrorism, should not be eligible for sealing.

## Reference

- [1] Wang Ruijun: "The Functions and Boundaries of 'Collateral Sanctions of Punishment'," in *Legal Studies (Fa Xue)*, 2021, Issue 4, p. 46.
- [2] Wang Zhixiang: "New Discussions on Judicial Disputes in DUI Offenses—A Review of Six Major Changes in Zhejiang's Latest DUI Judicial Documents," in *Hebei Law Journal (Hebei Faxue)*, 2020, Issue 3, pp. 14-15.
- [3] Zhou Guangquan: "The Establishment of the Positive Criminal Law Perspective in China," in *Legal Studies Research (Fa Xue Yan Jiu)*, 2016, Issue 4, pp. 23-40.
- [4] Wang Ruijun: "The Functions and Boundaries of 'Collateral

- Sanctions of Punishment," in *Legal Studies (Fa Xue)*, 2021, Issue 4, p. 46.
- [5] Lin Wei: "A Study on Employment Bans in Criminal Law," in *Journal of Jiangxi Police College (Jiangxi Jingcha Xueyuan Xuebao)*, 2016, Issue 1, p. 6.
- [6] Zhou Guangquan: "On the Normative Violation Theory in Criminal Law Studies," in *Global Legal Review (Huanqiu Falü Pinglun)*, 2005, Issue 2, p. 172.
- [7] This provision states that individuals who have been subjected to criminal punishment are not allowed to serve as judges.
- [8] This provision states that individuals who have been subjected to criminal punishment are not allowed to serve as people's assessors.
- [9] This provision states that individuals who have been subjected to criminal punishment are not issued a lawyer's practice certificate, except for those convicted of negligent crimes.
- [10] This provision states that individuals who have been subjected to criminal punishment due to intentional crimes or professional negligence crimes are not allowed to apply for engaging in forensic appraisal work.
- [11] This provision states that individuals who have been subjected to criminal punishment due to intentional crimes or professional negligence crimes are not allowed to apply for engaging in forensic appraisal work.
- [12] This provision states that individuals who have been subjected to criminal punishment due to intentional crimes are not allowed to register for exams.
- [13] He Qun, Kang Zhixiong: "The Practical Forms and Judicial Correction of Lenient Sentencing for Pleading Guilty to Minor Crimes: A Perspective from the Crime of Dangerous Driving," *Journal of Dalian Maritime University (Social Sciences Edition)*, 2022, Issue 5, pp. 29-37.
- [14] Zhou Zhenjie, Zhao Chunyang: "Empirical Study on the Crime of Assisting Information Network Criminal Activities: A Sample of 1,081 Judgments," *Application of Law*, 2022, Issue 6, p. 88.
- [15] Li Jun: "The Legal Reservation Principle for Protecting Citizens' Basic Rights," *Journal of Shenzhen University (Humanities & Social Sciences Edition)*, 2004, Issue 1, pp. 31-34.
- [16] Wang Dezhi: "On the Theoretical Construction of the Right to Work in China's Constitution," *Chinese Law Science*, 2014, Issue 3, pp. 72-90.
- [17] This provision stipulates that individuals who have been held criminally liable for offenses related to accounting duties—such as providing false financial accounting reports, falsifying accounts, concealing or intentionally destroying accounting documents, accounting books, or financial reports, embezzlement, misappropriation of public funds, or occupational embezzlement—shall no longer engage in accounting work.
- [18] This provision states that individuals wishing to serve as taxi drivers must meet the following two conditions : (1) no criminal record for traffic accidents, dangerous driving offenses, drug use, or driving under the influence, and no record of accumulating 12 points in the last three consecutive penalty periods. (2) No record of violent crimes.
- [19] Li Jie, "Research on the Basis and Techniques of Legal Sentencing," *Journal of Jiangsu Administrative Institute*, 2006, No. 6, pp. 101-102.
- [20] Kang Shuhua, Shi Fang, "Characteristics, Causes, and Countermeasures of Elderly Crime," *Southern Metropolis Academic Forum*, 2004, No. 1, pp. 86-87.
- [21] Tang Shumin, "An Empirical Perspective on Crime Prevention for the Elderly: An Analysis Based on 101 Judicial Documents," *Journal of Hunan Police Academy*, 2023, No. 4, p. 68.
- [22] An Wensheng, "Principles of Applying Collateral Consequences of Crime and Pathways for Type Configuration," *Youth Crime Issues*, 2023, No. 6, p. 70.
- [23] Shen Kui, "The Rule of Law in the Construction of the Social Credit System," *China Law Science*, 2019, No. 5, p. 41.
- [24] Yang Qingwang, "A Jurisprudential Analysis of the National Objective Cultural Legal Interests and Their Legal Protection: Focusing on the Protection of the Rights and Interests of Heroes and Martyrs," *Legal System and Social Development*, 2022, No. 4, pp. 49-55.
- [25] Marget Colgate love, Managing Collateral Consequences in the Sentencing Process: The Revised Sentencing

- 
- Articles of the Model Penal Code, *Wisconsin Law Review* 247,2015,p.36,37.
- [26] Krystia Reed & Allison Franz ,Reported Experiences with Plea Bargaining: A Theoretical Analysis of the Legal Standard,*West Virginia Law Review* Winter, 2022,421-446.
- [27] Jennifer L. Bahnson, Robert J. Dieter,Collateral Effects of a Criminal Conviction In Colorado, 35-JUN Colo. Law. 39, 2006,2-8.
- [28] Miao Lianying. "The Institutional Prototype of Constitutional Review and Its Expansion," *Legal Studies Review*, 2018, Issue 6, pp. 1-14.
- [29] Zhang Yujie, "Practical Reflection and Rule Revision of the Legislative Review System for Normative Documents," *Modern Jurisprudence*, 2021, No. 6, p. 88.
- [30] Peng Xinlin, "The U.S. Crime Record Expungement System and Its Implications," *Global Legal Review*, 2021, No. 1, pp. 170-173.
- [31] Li Zhe, Zhang Yuhong. Multiple Paths to Expungement of Criminal Records in Portugal and Reflections on Related Issues in China. *Criminal Law Review*, 2022, 72(04): 395-423.