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TESTIMONY 2013

S.B. 977

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of S.B. 977, which will allow qualified individuals to petition for non-disclosure of their convictions electronically or by mail on standardized forms. This low-cost option will allow many disadvantaged individuals the opportunity to have their records sealed, enabling them to return to work, access safe housing, and become contributing, responsible members of Texas communities.

LESSENING COSTS ASSOCIATED WITH FILING CIVIL PETITIONS WILL ALLOW LOW-INCOME INDIVIDUALS TO RETURN TO WORK

There are indisputable barriers to success for people with criminal records. Depending on the crime, a person convicted of an offense in Texas will have a difficult time, or be absolutely barred from, finding housing or employment; becoming licensed for a particular occupation; obtaining an educational loan; or receiving federal or state benefits for basic human needs.¹

In recognition of this, Texas courts have the option of ordering the criminal conviction of an individual to be sealed if that person has successfully completed a term of deferred adjudication and petitioned for an order of non-disclosure.²

However, **the requirement that individuals must proactively draft and file a petition often brings with it attorney costs, placing an inordinate financial burden on an individual in a low-paying job** who is seeking to climb the employment ladder and who would benefit from a sealed record. But if the state does not object, attorney fees can be eliminated by allowing petitions to be filed electronically or submitted on a standardized form. This will leave petitioners to pay only court costs, which average between \$250 and \$300 in most Texas district courts, along with a \$28 filing fee.

KEY FINDINGS

- **Criminal records compromise an individual's ability to enter the workforce.**³ Individuals with a conviction cannot qualify for many employment positions that require licenses (including air conditioning and refrigeration contractors, electricians, water well drillers, dog trainers, and many others),⁴ leaving many returning individuals scrambling to find employment.
- In fact, **people with criminal convictions receive half as many job offers as job seekers without convictions,**⁵ which means that sealing an individual's criminal record, if ordered by a court, has enormous impact on the employment options and future success of those individuals.
- **Criminal records also destabilize Texans by creating barriers to safe housing.** Under statutes in all 50 states, rental property owners may – but are not required to – screen for and refuse to rent to people with criminal backgrounds.⁶

Continued on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT S.B. BY SENATOR WEST

- **S.B. 977 will allow filing of non-disclosure petitions electronically or by mail, which will remove the necessity of paying costly attorney fees** if the state does not object. Many individuals who are caught in the cycle of low-level crime are often under-employed and without the means to pay an attorney for help in drafting and filing a civil petition for non-disclosure. This bill will relieve men and women of that burden, enabling them to file a petition on their own. This, in turn, will give more people a fair chance to re-enter the work force or access housing without fear of being discriminated against for a criminal record, thus reducing the likelihood of costly re-offending.

CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of this bill. It will remove a sometimes insurmountable obstacle facing low-income individuals who wish to file a petition for non-disclosure, and it will facilitate a return to meaningful employment and access to safe housing. The Texas Criminal Justice Coalition strongly urges you to support S.B. 977.

Citations

¹ National Institute of Justice and the American Bar Association, *National Inventory of the Collateral Consequences of Conviction*, 2012, <http://www.abacollateralconsequences.org/>.

² Tex. Gov. Code § 411.081(d)

³ Michael Pinard, *Reflections and Perspectives on Reentry and Collateral Consequences*, *The Journal of Law and Criminology*, Vol. 100, No. 3, Northwestern University, School of Law, 2010, p. 1215.

⁴ TEX. OCC. CODE, 53.021 (c)(3)

⁵ Pew Charitable Trust, *Collateral Costs: Incarceration's Effect on Economic Mobility*, 2010, p. 22, [http://www.pewstates.org/uploadedFiles/PCS_Assets/2010/Collateral_Costs\(1\).pdf](http://www.pewstates.org/uploadedFiles/PCS_Assets/2010/Collateral_Costs(1).pdf).

⁶ Reentry Policy Council, *Report of the Re-entry and Community Policing: Strategies for Enhancing Public Safety*, March 2006, <http://www.urban.org/publications/411061.html>.