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TESTIMONY 2015

HB 1720 by Deshotel

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of HB 1720, which will delay criminal background questions on employment applications, giving individuals with criminal histories a fair chance to explain the factors leading to criminal justice system involvement, as well as their efforts to overcome past mistakes. This bill will also create a seven-year time limit, beyond which criminal history information should not be considered when making employment decisions. HB 1720 will reduce recidivism, improve the economy, save money, and increase the pool of talented candidates for state employment.

DELAYING BACKGROUND CHECKS ALLOWS INDIVIDUALS TO STRESS PERSONAL RESPONSIBILITY AND JOB READINESS

There are approximately 4.7 million adults in Texas with criminal record,¹ all of whom could potentially face some degree of difficulty getting an interview for a position with a Texas employer. In fact, one study found that employer callbacks for entry-level positions dropped 50 percent if applicants had a criminal history.²

The single most negative determining factor contributing to recidivism is a lack of employment.³

A study by the Center for Economic and Policy Research estimated that the Gross Domestic Product shrunk by \$57-\$65 billion per year as a result of lowered employment among formerly incarcerated individuals.⁴ Also, a study of women released from Texas prisons showed that 18 percent were still on public assistance almost a year after release.⁵

At last count, 15 states, along with more than 100 cities and counties, have enacted Fair Chance policies that allow job applicants to be initially judged on their qualifications for employment and not on their criminal histories.⁶

An individual with an arrest-free period of seven years or more is as likely to commit a future crime as someone who has never been arrested.⁷ Moreover, one's likelihood of recidivism is progressively reduced by half every 10-months following the arrest, so long as the individual continues a crime-free lifestyle.⁸

FAIR CHANCE LEGISLATION: WHAT IT **WILL AND **WILL NOT** DO**

It **WILL INCREASE** the employment opportunities of people with criminal records by delaying questions about criminal history until the applicant has been offered an interview or conditional employment.

It **WILL ENSURE** that Texas employers have access to the largest pool of qualified applicants.

It **WILL ENHANCE** employment opportunities for work-ready individuals with criminal histories, thus reducing the chances they will commit further crimes.

It **WILL NOT PREVENT** state employers from performing background checks; it merely delays such checks until an applicant has been offered an interview or conditional offer of employment.

It **WILL NOT PROHIBIT** any state employers from asking on an application for information about specific history that is required by law.

Citations on reverse.

Citations

¹ Helen Gaebler, *Criminal Records in the Digital Age: A Review of Current Practices and Recommendations for Reform in Texas*, The University of Texas School of Law, 2013, 2,

<http://www.utexas.edu/law/centers/publicinterest/research/criminalrecords.pdf>.

² D. Pager, 2003. As cited by Maurice Emsellem and Michelle Natividad Rodriguez, "Advancing a Federal Fair Chance Hiring Agenda – Background Check Reforms in Over 100 Cities, Counties, & States Pave the Way for Presidential Action," *National Employment Law Project*, January 2015, 2, <http://www.nelp.org/page/-/SCLP/Report-Federal-Fair-Chance-Hiring-Agenda.pdf?nocdn=1>.

³ M. Berg & B. Huebner, "Reentry and the Ties that Bind: An Examination of Social Ties, Employment, and Recidivism," *Justice Quarterly* (2011: 28), 382-410, <http://www.pacific-gateway.org/reentry,%20employment%20and%20recidivism.pdf>.

⁴ J. Schmitt & K. Warner, *Ex-offenders and the Labor Market.*" *Center for Economic and Policy Research*, 2012, 14, <http://www.cepr.net/documents/publications/ex-offenders-2010-11.pdf>.

⁵ L. Brooks, et al., *Women on the Outside: Understanding the Experiences of Female Prisoners Returning to Houston, Texas*, Urban Institute, Justice Policy Center, 2009, http://www.urban.org/UploadedPDF/411902_women_outside_houston.pdf.

⁶ National Employment Law Project, *Ensuring People with Convictions Have a Fair Chance to Work*, <http://www.nelp.org/campaign/ensuring-fair-chance-to-work/>.

⁷ Shawn Bushway & Gary Sweeten, "Abolish Lifetime Bans for Ex-Felons," *Reentry After Care*, Volume 6, Number 4, 2007, <http://www.reentryaftercare.org/pdf/Bushway%20-%20Abolish%20Lifetime%20Bans%5B1%5D.pdf>.

⁸ Ibid.