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TESTIMONY 2013
H.B. 2855

Dear Members of the Committee,

Thank you for allowing me to present testimony in favor of H.B. 2855, which will increase employment, housing, and other critical opportunities for hard-working individuals with criminal records by reducing the fees required for non-disclosure petitions.

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, especially if that person has successfully completed a term of deferred adjudication and petitioned for an order of non-disclosure.²

However, **the fees necessary to file a civil court petition may sometimes prevent otherwise-qualified individuals from petitioning the courts for an order of non-disclosure.** Those fees average between \$250 and \$300 in most Texas district courts, which may be a week's paycheck for an individual in a low-paying job who is seeking to climb the employment ladder and would benefit from a sealed record.

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

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 2855 BY REPRESENTATIVE MILES

- **H.B. 2855 will waive the usual fee imposed for initiating a civil petition, while still requiring a \$28 filing fee.** Many individuals who are caught in the cycle of low-level crime are often under-employed and without the means to pay the \$250 or more needed to initiate a civil petition for non-disclosure. This bill will give these men and women a fair chance to re-enter the work force or access safe housing without fear of being discriminated against for a criminal record, thus reducing the likelihood of costly re-offending.

Citations on reverse.

Citation

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>.