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FACT SHEET 2013

S.B. 977

Increase Opportunities for Hard-Working Individuals with Criminal Records By Allowing Electronic or Mailed Submissions of 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 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 only leave petitioners to pay 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

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT S.B. 977 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 without fear of being discriminated against for a criminal record, thus reducing the likelihood of costly re-offending.

Citations on reverse.

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>.