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**TESTIMONY 2015**

**HB 476 Dutton**

Deam Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of HB 476, which will prohibit the denial of housing, employment, or a professional licensure to a qualified individual based on completion of deferred adjudication community supervision by a defendant. These individuals have successfully fulfilled all of the requirements of community supervision, and were not convicted of the crimes for which they were charged. They have satisfied the court that they are law-abiding citizens, able to vote and contribute to the well-being of the community.

### CRIMINAL ARREST RECORDS AND UNINTENDED CONSEQUENCES

- In the electronic age, where criminal backgrounds are easily accessible by potential employers, licensing authorities, and landlords, having any sort of criminal arrest or conviction on one's record can have enduring consequences.
- **A 2012 study by the Society for Human Resource Management found that 69 percent of surveyed organizations conducted background checks on all applicants, with another 18 percent running checks on selected candidates.<sup>1</sup> The impact of these checks, and of a criminal history, are undeniable. One study showed that employer callbacks for entry-level positions dropped 50 percent if applicants had a criminal history.<sup>2</sup>**
- **In a survey of landlords and property managers, 66 percent indicated that they would not approve an application from an individual with a criminal history.<sup>3</sup>**
- **In Texas, there are 171 occupations for which state authorities may deny, suspend, or revoke a license based on information obtained from a criminal background record, including arrests and deferred adjudications.<sup>4</sup>**

### KEY FINDINGS

- **The likelihood of recidivism is progressively reduced by half every 10-months following the arrest so long as the individual continues a crime-free lifestyle.<sup>5</sup>**
- **Nearly 74 percent of individuals placed on deferred adjudication did not recidivate after three years compared with only 63% of those who were placed on probation.<sup>6</sup>**

### COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 476 BY CHAIRMAN DUTTON

**HB 476** protects those who have completed a term of community supervision on deferred adjudication from collateral consequences in employment, housing, and occupational licensing. It recognizes the determination these individuals have shown to fulfill all court requirements and to put criminal justice-system involvement behind them.

*Citations on reverse.*

## Citations

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<sup>1</sup> Society for Human Resources Management. "Background Checking – The Use of Background Checks in Hiring Decisions." (2012.) at 2. Available at <http://www.shrm.org/research/surveyfindings/articles/pages/criminalbackgroundcheck.aspx>.

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

<sup>3</sup> Helen Gaebler, *Criminal Records in the Digital Age*, The University of Texas School of Law, 2013, 6, <http://www.utexas.edu/law/centers/publicinterest/research/criminalrecords.pdf>.

<sup>4</sup> Brown, Beth. "Hard Time for Ex-Cons Searching for Work." *San Antonio Express-News*. June 24, 2012. [http://www.mysanantonio.com/news/local\\_news/article/Hard-time-for-ex-cons-searching-for-work-3658386.php#ixzz2FQZxiNxF](http://www.mysanantonio.com/news/local_news/article/Hard-time-for-ex-cons-searching-for-work-3658386.php#ixzz2FQZxiNxF).

<sup>5</sup> Bushway, Shawn & Sweeten, Gary. "ABOLISH LIFETIME BANS FOR EX-FELONS" Reentry After Car. Volume 6, Number 4 2007. <http://www.reentryaftercare.org/pdf/Bushway%20-%20Abolish%20Lifetime%20Bans%5B1%5D.pdf>.

<sup>6</sup> Criminal Justice Planning Council, *Recidivism of Offenders in Community Corrections: The Record So Far*. ii, [http://www.lbb.state.tx.us/Public\\_Safety\\_Criminal\\_Justice/Reports/RecidOffend.pdf](http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Reports/RecidOffend.pdf)