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Written Testimony Supporting House Bill 5237, An Act Concerning Fair Chance Employment

Senator Gomes, Representative Tercyak, and members of the Employment and Public Employees Committee. My name is David McGuire, and I am the Legislative and Policy Director for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 5237, An Act Concerning Fair Chance Employment.

The ACLU of Connecticut strongly believes in justice and equality for all. We therefore strongly support House Bill 5237, because it would ensure that people who make mistakes are not unjustly sentenced to a life of exclusion and poverty. For the past two years, Connecticut has strived to create a modern, national model for criminal justice, rightfully earning public and legislative support and praise. This bill offers another chance to do just that, as it offers more people in our state a true second chance.

The Fair Chance Employment Act will remove roadblocks to employment for people with criminal records by ensuring that employers first evaluate job candidates based on skills and qualifications, not past mistakes. House Bill 5237 would move questions about criminal history to later in the hiring process and require private employers to follow the same rules as public employers when asking about criminal history. As a result, this bill will help to mitigate racial disparities in our criminal justice system, make Connecticut safer and more prosperous, and uphold the Constitution's promise of justice and equality for all.

Many employers automatically screen out applicants who check the box indicating they have a criminal record on initial applications, making it extremely challenging for individuals with criminal records to successfully reintegrate into society. Evidence shows, however, that employers are more likely to offer someone with a criminal record a fair chance at a job if they have the chance to review that application's qualifications before asking about criminal history. This bill would hold Connecticut to that standard.

Because racial minorities are nearly three times more likely to have a criminal record than their white peers, discriminatory hiring practices based on criminal record also disproportionately harm African Americans and Latinos. House Bill 5237 is therefore a modest step toward remediating the long-term consequences of Connecticut's flawed and racially unbalanced criminal justice system.

Not only will this bill advance civil rights, it will keep us safer and save our state money by keeping people out of our jails and prisons. For someone reentering society, a fair chance at a job can break the cycles of poverty and crime by allowing them to support themselves and their families. Studies show that making it easier for people with criminal records to find adequate employment significantly decreases the likelihood that they will return to our criminal justice system. In addition, we also know that the majority of people leaving jail also have children. As a result, discriminatory hiring practices do not just harm people who have made mistakes—they harm innocent children and families. Particularly in this difficult economic climate, the Connecticut General Assembly should do all that it can to help people with criminal records and their families to succeed as law-abiding, taxpaying citizens.

In 2010, Connecticut was one of the first states in the country to pass a “ban the box” law to give people with criminal records a fair chance at state jobs. Hartford, New Haven, Bridgeport, Norwich, and New London have done the same. Since then, twenty other states have followed and expanded upon our model to pass laws that remove the conviction history question from job applications and that delay background checks until later in hiring. Connecticut should continue to lead the nation in creating a modern, twenty-first century justice system by updating and expanding our statewide “ban the box” statute to include all employers, not just public. This bill would give more people a true second chance by making sure that all employers, public and private, ban the box. Holding more employers to the same standard and pushing questions about criminal background to later in the hiring process is not only the right thing to do; it is the most effective and enforceable.

At a time when one in three American adults has a criminal record and 95% of people in state prisons will be released, the Fair Chance Employment Act is a far-sighted bill that could change lives. This bill will make Connecticut stronger, more equal, and more just.

For the above reasons, the ACLU of Connecticut urges you to support House Bill 5237.