



Legislative Testimony
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**Written Testimony Supporting House Bill 6596, An Act Concerning
Manager Salaries and Occupational Licensing Regulation**

Senator Kushner, Representative Porter, Ranking Members Sampson and Arora, and distinguished members of the Labor and Public Employees Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 6596, An Act Concerning Manager Salaries and Occupational Licensing Regulation. The ACLU-CT supports, in concept, the occupational licensing provisions set forth in the bill and takes no position on the manager salary provisions of House Bill 6596.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. People involved in our criminal justice system who finish their sentences have paid their debt to society. They deserve to live their lives in Connecticut's communities without barriers to being happy, productive, law-abiding residents.

Instead of enabling people living with records, Connecticut law makes life much harder for them. Of the over 550 barriers to full civic participation that are written into our state's law,¹ the large majority are related to employment. These barriers are not relics from the distant past. New barriers are passed out of this legislature nearly every year – this year, collateral consequences running the gamut from

¹ National Inventory of Collateral Consequences of Conviction, *available at* https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1; *see also* Kelan Lyons, "Council Begins Study of Discrimination against People with Criminal Records." CT Mirror (Aug. 22, 2019), *available at* <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

prohibiting people with convictions from serving in certain governmental offices² to making it harder for people with records to access business opportunities,³ have been proposed. This is how collateral consequences build up to an impenetrable barrier – slowly, one idea at a time.

This accretion of collateral employment consequences can create a daily nightmare for people with records just trying to find work. Because of legal barriers to employment and persistent stereotypes, in 2018, the unemployment rate among formerly incarcerated people nationwide is 27 percent⁴ – more than 6.5 times the overall unemployment rate in Connecticut at the same time.⁵ Economists estimate that the U.S. gross national product is reduced by between \$78 billion and \$87 billion because so many formerly incarcerated job seekers are kept out of the workforce.⁶ This creates significant hardships: 45% of men released from incarceration do not have any earnings at all in the first calendar year after their release.⁷ Of those with earnings, the median income is just over \$10,000 in their first year out of incarceration.⁸ Wages never recover for most people, since incarceration is linked to decreases in subsequent annual earnings of, on average, 52%.⁹

House Bill 6596 recognizes that these collateral consequences form unnecessary barriers and takes some initial steps to remove these barriers in certain professions. This is the right impulse, and we applaud it. We are concerned, though, that the test for licensure is not clear for employers. It also makes no inquiry into how much time has elapsed between the felony conviction and the license sought. We would urge the

² Connecticut House Bill 6529 (2021).

³ Connecticut House Bill 5761 (2021).

⁴ Lucius Couloute & Daniel Kopf, “Out of Prison & Out of Work: Unemployment among Formerly Incarcerated People.” Prison Policy Initiative (Jul. 2018), *available at* <https://www.prisonpolicy.org/reports/outofwork.html>.

⁵ “Labor Market Information,” Connecticut Department of Labor, *available at* <http://www1.ctdol.state.ct.us/lmi/unempratectus.asp>.

⁶ Cherrie Bucknor & Alan Barber, “The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies,” at 1. Center for Economic and Policy Research (Jun. 2016), *available at* <https://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf>.

⁷ Adam Looney & Nicholas Turner, “Work and opportunity before and after incarceration.” Brookings Institute, Mar. 14, 2018, *available at* <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

⁸ *Id.*

⁹ Terry-Ann Craigie, Ames Grawert, Cameron Kimble, and Joseph E. Stiglitz, “Conviction, imprisonment, and lost earnings: How involvement with the criminal justice system deepens inequality.” Brennan Center for Justice, Sept. 15, 2020, *available at* <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.

Committee to consider another standard, which has the benefit of already being set forth in statute. Under section 46a-80, a three-part test is set forth for employment by the state and granting licenses. This test asks licensing bodies to consider (1) the relatedness between the offense of conviction and the license sought (similar to the standard set forth in House Bill 6596 but with the benefit of a body of case law behind it, providing clarity and examples), (2) how much time has passed since the conviction, and (3) whether there is evidence that the license seeker has been rehabilitated. Alternatively, another bill before this Committee, House Bill 6474, delineates another potential test, which is even clearer and provides greater opportunities for people living with criminal records. We urge this Committee to use one of these standards, which we believe would go further towards providing opportunities for people living with records while also providing additional clarity with no real downsides.

We also encourage this Committee to make summary denial or revocation of licenses the exception, rather than the rule. Under this bill, a few enumerated professionals can avoid license revocation or denial based on a conviction, but most professionals are still subject to losing their license even for unrelated or long-ago convictions. We improve outcomes for everyone if we flip the expectation. We encourage this Committee to include most or all the professions licensed by the Department of Public Health in this bill.

Altogether, this bill represents a step toward a world where people are not denied opportunities solely because of their history. This bill could be significantly strengthened, though, by aligning the test with existing standards and by including all licensed professions. We urge the Committee to do both before supporting this bill.