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Written Testimony Supporting Senate Bill 334, An Act Establishing a Program To Make Preparing For and Taking the Commercial Learner Permit Knowledge Test Available For Incarcerated Persons

Senator Haskell, Representative Lemar, Ranking Members Somers and Carney, and distinguished members of the Transportation Committee.

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I writing to testify in support of Senate Bill 334, An Act Establishing a Program To Make Preparing For and Taking the Commercial Learner Permit Knowledge Test Available For Incarcerated Persons.

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 legal 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—last year, proposed collateral consequences ran 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 government 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 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 \$78 billion and \$87 billion because so many formerly incarcerated job seekers are kept out of the workforce.⁶ This creates significant hardships: 45 percent 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 percent.⁹

² Connecticut House Bill 6529 (2021).

³ Connecticut House Bill 5761 (2021).

⁴ Lucius & Daniel Kopf, *Out of Prison & Out of Work: Unemployment Among Formerly Incarcerated People*, PRISON POLY INITIATIVE (July 2018), available at <https://www.prisonpolicy.org/reports/outofwork.html>.

⁵ *Labor Market Information*, CONN. DEP'T LAB. (last accessed Mar. 2, 2022), <https://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*, CTR FOR ECON. & POLY RES., at 1 (June 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 Inst. (Mar. 14, 2018), available at <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

⁸ *Id.*

⁹ Terry-Anne Craigie, Ames Grawert, Cameron Kimble & Joseph E. Stiglitz, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*, BRENNAN CTR. FOR JUSTICE (Sept. 15, 2020), available at <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.

These harmful employment effects are not distributed equally across society. Racial disparities in Connecticut's criminal legal system¹⁰ are also replicated when people return home from incarceration. Because Black and Latino men are disproportionately incarcerated,¹¹ they are likewise disproportionately rejected when they return to the community and seek to build a life worth living. Poor chances of employment or stable housing likely have a resulting outsized impact on Black and brown people.

Every person living with a criminal record, who has served out their sentence and reentered society should have an equal opportunity to build a successful and fulfilling life. This is true for people who are just beginning their reentry process and people who have been back in their communities for decades, regardless of whether they have been convicted of a misdemeanor or a felony and irrespective of whether they have been convicted of a violent or non-violent offense.

The ACLU-CT strongly supports efforts by this legislature to remove barriers to employment for people who are living with a criminal record. Senate Bill 334 makes obtaining a commercial learner permit test easier for people as they prepare to return to their communities from incarceration. But this bill could be made stronger. Currently, Senate Bill 334 excludes those who are disqualified from driving a commercial motor vehicle due to a previous offense. The ACLU-CT strongly urges this Committee to consider a different approach, one that is individualized and rehabilitation-focused. Senate Bill 334 should be amended to include a process for people with a criminal history prohibiting them from obtaining a commercial learner permit to gain the ability to sit for the license exam if the that considers the amount

¹⁰ U.S. Commission on Civil Rights, Briefing on Racial Disparities and Prosecutorial Practices in the Connecticut Criminal Justice System (Apr. 2019), available at <https://www.usccr.gov/press/2019/03-25-Flyer-Criminal-Justice.pdf>.

¹¹ According to the Sentencing Project, Connecticut is the fifth-worst state for Black men, with 1 in 19 incarcerated, making them 9.4 times likelier to be incarcerated than white men. Latino men in Connecticut are 3.9 times more likely to be incarcerated than white men. Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, The Sentencing Project (June 14, 2016), available at <https://www.sentencingproject.org/publications/color-of-justice-racial-andethnic-disparity-in-state-prisons/>.

of time that has passed since the particular person's offense and evidence of the person's rehabilitation. As such, the ACLU-CT urges this Committee to pass Senate Bill 334 with the recommended amendments to expand access to this commercial learner permit program.