

HOUSE RESOLUTION _____

BY REPRESENTATIVES(S) _____

CONCERNING THE ESTABLISHMENT OF APRIL AS SECOND CHANCE MONTH

WHEREAS, every person is endowed with human dignity and value;

WHEREAS, redemption and second chances are American values;

WHEREAS, an estimated 65 million American citizens have a criminal record;¹

WHEREAS, the U.S. Department of Justice reports that over 640,000 individuals returned to their community from state and federal prisons in 2015;²

WHEREAS, individuals returning from prison and those who have paid their debt after committing a crime face a “second prison” of significant barriers, also known as collateral consequences;

WHEREAS, the Council of State Governments reports that the number of legal collateral consequences of a criminal conviction exceeds 48,000;³

WHEREAS, many of these consequences are mandatory, taking effect automatically regardless of a nexus to public safety, the seriousness of the offense, the time passed since the offense, or the individual’s efforts to make amends or earn back the public’s trust;

WHEREAS, gaining meaningful employment is one of the most significant predictors of successful reentry and reducing future criminal activity;⁴

WHEREAS, ninety percent of those who have previously been incarcerated struggle to find employment because of both societal and legal barriers which are often not directly related to the offense committed or any proven public safety benefit;⁵

¹ Michelle Natividad Rodriguez & Maurice Emsellem, *65 Million “Need Not Apply:” The Case for Reforming Criminal Background Checks for Employment*, The National Employment Law Project (March 2011), http://www.nelp.org/content/uploads/2015/03/65_Million_Need_Not_Apply.pdf.

² E Ann Carson & Elizabeth Anderson, *Prisoners in 2015*, U.S. Department of Justice (December 2016), <https://www.bjs.gov/content/pub/pdf/p15.pdf>.

³ Justice Center, *National Inventory of the Collateral Consequences of Conviction*, The Council of State Governments (2016), <https://niccc.csgjusticecenter.org/map/>.

⁴ John M. Nally, et al., *Post-Release Recidivism and Employment among Different Types of Released Offenders: A 5-Year Follow-up Study in the United States*, 9 Int’l J. of Crim. Just. Sci. 1, 16, 23 (2014); Le’Ann Duran, et al., *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness*, The Council of State Governments Justice Center (2013), https://csgjusticecenter.org/wp-content/uploads/2013/09/Final.Reentry-and-Employment.pp_.pdf.

⁵ *Id.*

WHEREAS, every jurisdiction has laws which prohibit individuals with a criminal record from working in certain industries, such as cosmetology, operation of arcade games, automotive parts recycling, camping equipment sales, boiler inspection, and many others;⁶

WHEREAS, over sixty percent of employers report they would not be willing to hire someone with any criminal record and many employers utilize a blanket no-hire policy for individuals with a criminal record;⁷

WHEREAS, education has also been shown to be a significant predictor of successful reentry;⁸

WHEREAS, those with a criminal record have lower levels of educational attainment than the general population and have significant difficulty acquiring admission to and funding for educational programs;⁹

WHEREAS, individuals convicted of certain crimes are barred from receiving the financial aid necessary to acquire additional skills and knowledge;¹⁰

WHEREAS, many individuals, regardless of their efforts to live positively, are denied admission to institutions of higher education on account of their criminal record despite a lack of empirical evidence showing a campus safety risk;¹¹

WHEREAS, people with a criminal history also face significant barriers in securing a place to live;

WHEREAS, fifty-six percent of landlords are unwilling to rent to an individual with a criminal record containing a felony charge and thirty-two percent are unwilling to rent to an individual with a previous misdemeanor conviction;¹²

WHEREAS, individuals with criminal history are also barred from seeking access to public housing because certain crimes bar them from living in public housing or receiving public housing assistance;¹³

⁶ E.g. K.S.A. § 65-1820a; K.S.A. § 65-1908; 59 Okl. St. § 199.11; La. R.S. 37:3563; La. R.S. 37:600; Nebraska Admin. Code Title 316, Ch. 54; 68 Okl. St. § 1501; C.R.S. 12-29.5-106; C.R.S. 12-55.5-106; Nebraska Admin. Code Title 231, Ch. 8; 16 TAC § 65.14; 16 TAC § 87.21; R.R.S. Neb. § 76-2115.

⁷ Michelle Natividad Rodriguez & Maurice Emsellem, *65 Million "Need Not Apply:" The Case for Reforming Criminal Background Checks for Employment*, The National Employment Law Project (March 2011); Harry J. Holzer, *Collateral Costs: The Effects of Incarceration on the Employment and Earnings of Young Workers* 12 (Institute for the Study of Labor, Discussion Paper No. 3118, October 2007).

⁸ Matthew Makarios, et al., *Examining the Predictors of Recidivism Among Men and Women Released from Prison in Ohio*, 37 *Crim. Just. Behav.* 1377 (December 2010).

⁹ *Id.*

¹⁰ 20 U.S.C. § 1070a; 1091.

¹¹ Darby Dickerson, *Background Checks in the University Admissions Process: An Overview of Legal and Policy Considerations*, 34 *J. Coll. Univ. L.* 419 (April 2008); Center for Community Alternatives, *The Use of Criminal History Records in College Admissions Reconsidered*, Center for Community Alternatives (November 2010), <http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>; Malgorzata Olszewska, *Undergraduate Admission Application as a Campus Crime Mitigation Measure: Disclosure of Applicants' Disciplinary Background Information and its Relation to Campus Crime*, (2007) (unpublished Ph.D. dissertation, East Carolina University).

¹² Lynn M. Clark, *Landlord Attitudes Toward Renting to Released Offenders*, 71 *Fed. Probation* 20, (June 2007).

¹³ *Id.*; Heidi Lee Cain, Comment, *Housing Our Criminals: Finding Housing for the Ex-Offender in the Twenty-First Century*, 33 *Golden Gate U. L. Rev.* 131 (2003); Louisiana Justice Coalition & Louisiana Public Defender Board, *Now and Later: The Short and Long-Term Consequences of a Louisiana Conviction*, Louisiana Justice Coalition (2010), http://www.opdla.org/attachments/article/104/CollateralConsequencesClientGuide_English.10.pdf.

WHEREAS, this inability to access housing has been found to be directly related to an increase in the number of individuals returning to prison;¹⁴

WHEREAS, people with a criminal history also face other significant barriers such as an inability to regain voting rights, volunteer in their community, secure identification documentation, and significant debt as a result of their conviction and incarceration;¹⁵

WHEREAS, all of these barriers prevent the 65 million Americans with criminal records from contributing fully to their families and communities;

WHEREAS, these barriers can contribute to recidivism, which increases victimization and decreases public safety;

WHEREAS, the inability to find gainful employment and other collateral consequences of conviction inhibit the economic mobility of people with criminal history, which negatively impacts the well-being of their children and families for generations;¹⁶

WHEREAS, the second prison results in lost human capital and lost economic output for the United States;¹⁷

WHEREAS, the anniversary of the Second Chance Act of 2007, which has provided reentry services to over 137,000 people in 49 states and the District of Columbia since its passage, falls on April 9;¹⁸

WHEREAS, the anniversary of the death of Charles Colson, who used his second chance following his incarceration for a Watergate-related crime to found Prison Fellowship, the nation's largest outreach to prisoners and their families, falls on April 21, 2012;

WHEREAS, the designation of April as Second Chance Month can contribute to increased public awareness about the second prison, the need for closure for those who have paid their debt, and opportunities for individuals, employers, congregations, and communities to extend second chances: now, therefore,

¹⁴ Tracy Sohoni, *The Effect of Collateral Consequence Laws on State Rates of Returns to Prison*, (2013) (unpublished Pd.D. dissertation, University of Maryland) (on file with the Digital Repository at the University of Maryland), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/247569.pdf>.

¹⁵ Amy Blank Wilson, *It Takes ID to Get ID: The New Identity Politics in Services*, 83 Soc. Sci. Rev. 111 (2009), available at http://www.jeffreylonghofer.com/resources/Dissertation-Seminar/Syllabus-/qualitative_ssr_it-takes-id.pdf; Maria Pabon Lopez, *More than a License to Drive: State Restrictions on the Use of Driver's Licenses by Noncitizens*, 29 S. Ill. U. L.J. 91 (2004); Nancy La Vigne, et al., *Release Planning for Successful Reentry: A Guide for Corrections, Service Providers, and Community Groups*, Urban Institute (September 2008), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/411767-Release-Planning-for-Successful-Reentry.PDF>.

¹⁶ Becky Pettit & Bruce Western, *Collateral Costs: Incarceration's Effect on Economic Mobility*, The Pew Charitable Trusts (2010), http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf.

¹⁷ John Schmitt & Kris Warner, *Ex-offenders and the Labor market*, Center for Economic and Policy Research (November 2010), <http://cepr.net/documents/publications/ex-offenders-2010-11.pdf>.

¹⁸ Justice Center, *The Second Chance Act*, The Council of State Governments (January 2016), https://csgjusticecenter.org/wp-content/uploads/2014/08/SCA_Fact_Sheet.pdf.

Be It Resolved by the House of Representatives of the [SESSION] General Assembly of the State of [STATE]:

- (1) designates April 2017 as “Second Chance Month”;
- (2) honors the work of communities, governmental institutions, non-profits, congregations, employers, and individuals to remove unnecessary legal and societal barriers that prevent individuals with a criminal record from becoming productive members of society;
- (3) calls upon the people of the [STATE] to observe Second Chance Month through actions and programs that promote awareness of the second prison and provide closure for those who have paid their debt.