

## Support the Shielding of Nonviolent Convictions

Provide Individuals the Opportunity for Stable Employment, Lower Crime Recidivism Rates, and Increase Public Safety.

*Meaningful employment is fundamental to success. But people with criminal records often never get the chance to make the case for their own hiring—because even with all the requisite skills and experience, a criminal record becomes an absolute bar to hiring. Without the stability and the dignity of a job, ex-offenders too often make bad or desperate choices. We need a better way."*

*~ Governor Deval Patrick, Massachusetts  
"The sentence they were given, it wasn't to punish them for the rest of their lives."  
State Senator Stewart Greenleaf (R),  
Pennsylvania*

*"Stable employment helps ex-offenders stay out of the legal system. Focusing on that end is the right thing to do for these individuals, and it makes sense for local communities and our economy as a whole."*

*~ Hilda Solis, U.S. Secretary of Labor*

*"Fears, myths and such stereotypes and biases against those with criminal records continue to be part of the . . . decision making for many employers. Business and industry suffers as a result because it is not able to benefit fully from the skills of every potential worker. For our economy to be successful, we cannot afford to waste any available talent"*

*~ Commissioner Stuart Ishimaru, Former  
Acting Chair of the EEOC*

*"It's tough for anyone these days, but someone with even a minor criminal record has almost no chance. That raises the chances of returning to prison at a taxpayer cost of more than \$30,000 a year."*

*- State Senator Tim Solobay, Pennsylvania*

*"Public safety requires us to carefully tailor laws and policies to genuine risks while reducing or eliminating those that impede successful reentry without community benefit. In evaluating the efficacy of your state's collateral consequences, you have the opportunity to ease the burden on families and communities in your state by ensuring that people who have paid their debt to society are able to live and work productively."*

*- Eric Holder, U.S. Attorney General*

### THE CHALLENGE

- **1 in 4 adults has a criminal record.**
- One prominent researcher found that a criminal record reduces the likelihood of a job callback or offer by nearly 50%. The effect is even more pronounced for African American men.
- Creating overwhelming barriers to the job market for individuals with a criminal record compromises public safety.
- No healthy economy can sustain a large and growing population of unemployable workers, especially in those communities already hard hit by joblessness.
- The impact on the economy is staggering: The cost of corrections at each level of government has increased 660 percent from 1982 to 2006.

### THE FACTS

- The ability to secure a job is crucial to the successful re-entry of those returning to society from prison.
- Studies have shown that providing individuals the opportunity for stable employment actually lowers crime recidivism rates and increases public safety.
- The Bureau of Justice Statistics found that recidivism risks are highest in the first 3-5 years following incarceration, with the first year accounting for nearly two-thirds of all the recidivism of the first 3 years.
- A study funded by the National Institute of Justice examined more than 80,000 criminal records and found that there is a way to actuarially estimate a point in time when an individual with a criminal record is of no greater risk of committing another crime than other individuals of the same age.
- According to an Illinois study that followed 1,600 individuals recently released from state prison, only 8% of those who were employed for a year committed another crime, compared to the state's 54% average recidivism rate.

### THE SOLUTION: SUPPORT SHIELDING OF NONVIOLENT OFFENSES

- The proposed legislation would shield nonviolent convictions from the public while keeping records fully available for law enforcement.
- Nonviolent misdemeanors will be automatically shielded after a 3-year waiting period. Nonviolent felonies will be subject to a 5-year waiting period. The waiting period begins after release from supervision.
- If a subsequent conviction occurs during the waiting period, the initial offense can no longer be shielded unless the subsequent offense becomes shielded.
- Employers with a statutory duty to inquire into an applicant's criminal background will have access to shielded records.
- This bill is supported by the Governor's Task Force on Prisoner Reentry.