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TEXAS CRIMINAL JUSTICE COALITION

Enhance Employment Opportunities for Individuals
With Class C Misdemeanor Convictions for Improved Public Safety Outcomes

REDUCING LICENSING BARRIERS RESULTS IN INCREASED EMPLOYMENT AND HEALTHIER COMMUNITIES

Individuals with felony or certain misdemeanor convictions are restricted from license eligibility in certain fields and in particular circumstances.[1] While some restrictions are in the interest of public and individual safety, **other restrictions are overbroad**. Consequently, they degrade the American ethos of the value of work and stigmatize previously incarcerated individuals, decreasing the positive affirmation that comes from practicing a trade for which they have been trained and through which they could contribute to the welfare of their family and community.

Texas Occupation Code, Chapter 53, allows licensing agencies to deny an individual a license for having previously been convicted of a Class C misdemeanor. Yet such low-level offenses result only in the issuance of a ticket and the imposition of a fine; they almost never result in jail time. **The denial of a license in these circumstances removes the possibility of practicing an occupation for which an individual may have specialized education and long-term experience.**

KEY FINDINGS

- Previously incarcerated individuals who are employed are at least three times less likely to re-offend than those who are unemployed,[2] reaffirming the importance of work during the critical reentry transition.

- Occupational regulation in Texas occurs in two ways: 1) by requiring an individual to obtain a license to perform a job, or 2) by requiring businesses in certain fields to maintain a license.

- Licensing authorities can only deny licenses to individuals for having committed crimes "directly related" to the duties and responsibilities of the licensed occupation, or for crimes committed less than five years before application for the license.[3]

- Evidence has shown that many licensing agencies view nearly all crimes as "directly related" to the occupations for which they issue licenses.[4] For example, the boards that regulate water well drillers, auctioneers, and barbers each consider crimes involving illegal drugs to be directly related to their fields.[5] This practice leaves individuals with requisite training and experience scrambling to find work.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 798 BY REPRESENTATIVE THOMPSON

- **H.B. 798 will expand employment opportunities for individuals who have been convicted of Class C misdemeanors.** This will allow these individuals to support their families, contribute to their communities, and make positive strides toward rehabilitation.

- **H.B. 798 will reduce the likelihood of reoffending by individuals who are unable to work due to licensing barriers.** Lack of employment is one of the biggest reasons that individuals turn to crime. This bill vastly improves the chance that an individual with a conviction for a Class C misdemeanor will be able to find and keep work for which he or she has been trained.

Citations on reverse.

Citations

[1] House Committee on Government Reform, Texas House of Representatives, *Interim Report 2008*, http://www.house.state.tx.us/_media/pdf/committees/reports/80interim/GovernmentReform80th.pdf.

[2] Goodwill Industries of Central Texas, *Annual Report 2007*, http://www.austingoodwill.org/media/literature/Annual%20Report%202007%20Web.pdf.

[3] Section 53.021(a), Texas Occupations Code.

[4] Marc Levin, "Working with Conviction: Criminal Offenses as Barriers to Entering Licensed Occupations in Texas," *Texas Public Policy Foundation, Center for Effective Justice,* 2007.

[5] Texas Department of Licensing and Regulation, *Licensing Restriction Guidelines for Criminal Convictions*, April 7, 2008.