



July 7, 2020

Dear Representative Craven and Members of the House Judiciary Committee:

The Fair Chance Licensing Coalition appreciates that you are taking the time to consider H7947 during this nontraditional legislative session, and we urge you to pass the bill out of committee and send it to your colleagues for a floor vote.

This hearing could not have come at a more relevant time. Just two weeks ago, the Institute for Justice released a report providing an updated national picture of how state policies prevent people with conviction histories from obtaining occupational licenses. Rhode Island was one of six states to receive a “F” grade; our current occupational licensing policies are inconsistent, arbitrary, and lack transparency and due process. Many of our licensing statutes include blanket bans for anyone with a felony conviction, without any consideration of the nature of the conviction, the time that has passed since the conviction, or the efforts the applicant has made to turn their life around. Many also include vague “moral turpitude” clauses that allow consideration of expunged records and arrest records that did not lead to convictions. Nearly half of Rhode Island’s largest and fastest growing industries, such as health care, are virtually off the table for Rhode Islanders with records because of the barriers they face obtaining occupational licenses. Licensed jobs represent jobs with growth possibilities; they represent career pathways and stable income. We can no longer deny people access to a better future.

It is estimated that 8% of all adults in the U.S. have a felony conviction history. For Black men, this increases to 33%. This racial disparity underscores the other reason we must act now to pass this bill. As the country continues to reckon with its history of racial injustice and the many ways our laws and institutions have created and upheld unequal treatment for people of color, we have an opportunity in Rhode Island to take a small but meaningful step toward progress. Passing this bill signifies that we believe in a fair chance for all Rhode Islanders, and that everyone—regardless of their past—should be able to pursue a more secure financial situation for themselves and their family.

This bill will not force any licensing board or entity to grant a license to an individual with a conviction history. In fact, it does not deny licensing entities any of their discretion. The bill simply requires that the presence of a record alone does not become a barrier to licensure for an otherwise qualified individual and asks that licensing agencies take the time to consider the circumstances surrounding each applicant's conviction. It requires a transparent decision-making and appeal process and asks that licensing agencies collect data so that we can track whether people with records are able to access licensed occupations in the future. At a time when our state is dealing with a staggering unemployment crisis, we should be taking all possible steps to increase access to the labor market for all of our residents.

We hope you will join our vision for a more equitable Rhode Island, recognize the importance of this issue, and pass the Fair Chance Licensing Bill. Above all, we ask that you consider testimony from the people who will be most directly impacted by its passage:

I support Fair Chance Licensing because I am a Rhode Island resident who has been working hard in my community after experiencing homelessness, addiction, and life after incarceration. I recently graduated with a Bachelor's degree and want to pursue state licensing in my future so I can better help those I serve. Passing this bill and putting it into effect would help Rhode Island's economic future and would also make it possible for those like me to facilitate deeper, positive changes within our communities.

Alfred Brissette, Behind the Walls Committee Member at Direct Action for Rights and Equality (DARE)

At the height of the War on Drugs I was convicted of a felony. What I would not know when I plead to a crime I had not committed is that I would spend the next 20 plus years facing unnecessary and unjust barriers to employment that put myself, a parent of 4, in a position to rely on government assistance to feed my family for the next two decades. The fact that following my conviction I would become the first in my family to graduate with an undergrad and graduate degree with honors from Brown University would not make a difference in increasing my opportunity to gain meaningful employment. I know our State can do better to reduce these unjust barriers to employment and this bill is a step in the right direction in reversing the disenfranchisement of thousands of RI'ers directly impacted by our criminal injustice system and providing an opportunity for meaningful employment in which many are well qualified for.

Cherie Cruz, Behind the Walls Committee Member at DARE and a Co-Founder of The Formerly Incarcerated Union of Rhode Island

I committed my crime at 18 years old. It was a nonviolent crime and I stole less than \$300. I paid my fines each year and paid my debt to society for that crime, but now I'm still being held back 12 + years later. I'm automatically disqualified from most meaningful employment, including employment that allows me to give back to my own community. I just completed an EMT course and am working to become a firefighter but don't know if I will get the license. This bill is going to help me have a fair chance at decent employment. I know I still may not get the job I want, but I'll have a better chance and I'll have some accountability—I'll know somebody really looked at my application instead of never knowing why I was denied.

Kendal Delgado, Behind the Walls Committee Member at DARE

The Fair Chance bill will motivate, empower, and allow people the opportunity to reach their fullest potential without being defined by their past. Obtaining a license does not mean that everyone is permitted a job nor should it warrant concern that employers still do not have total control over their decision. I, myself, am a LCSW (Licensed Clinical Social Worker). I have been hired several times only to be fired once my record was exposed. I still am not entitled to work in certain populations and/or fields. However, I have some options, and I can see a light at the end of the tunnel which is what everyone should be entitled to see.

Donna Folcarelli, Behind the Walls Committee Member at DARE

This bill will create a better chance for people who have been convicted of crimes. I was a nurse's aid when I was younger, until the position required licensing. I had to take it as a loss and couldn't go through a nursing career because of my background. If only I'd had a fair chance back then! We deserve a fair chance. We pay our fines, our fees, our dues, restitution and our past is still held against us. We did our time—why not let us go on with our lives?

Debra Harris, Behind the Walls Committee Member and Outreach and Recruitment Coordinator at DARE

The Fair Chance Bill matters to me because a healthy economy is contingent upon equality in our community. Everyone deserves a fair chance.

Andrea Heath, Behind the Walls Committee Member at DARE

This bill enables me to help my community become viable and valuable, while granting me the opportunity to increase the quality of life for me and my family.

Meko Lincoln, Behind the Walls Committee Member at DARE

To explain why the Fair Chance bill matters to me, let me tell you a moment from my past. I was sitting in my cell in Maximum security reflecting on my past and the decisions I'd made to end up at that point in my life. I was trying to figure out how my life ended up this way. I realized that to get out early, and most importantly stay out, I had to further my education whether that was to get a degree or learn a trade. To stop me from pursuing a career when I've put in the necessary time consuming leg work, is to prevent me from succeeding, prevent me from my rehabilitation. For someone to be released and not only stay out, but pursue a meaningful career, and then be denied the license after it all, is to set them up for failure. This ultimately not only increases the crime rate by returning them back to what they know, but consumes tax payers' dollars if they return back to prison. Passing this bill is in my best interest, as well as the general public's.

Marcus Nasir Lopes, Behind the Walls Committee Member at DARE and Case Manager at ReEntry Campus

The current barriers have created uncertainty in my life. At one point I tried to become a nurse but when I learned about the barriers and restrictions I had because of my record I lost hope. It set me back ten years. Passing Fair Chance is a sign of hope and a brighter future for me and those who come from where I come from. Today I'm in school to become a social worker and this bill will allow me to make my dreams a reality.

Alexis Morales, Behind the Walls Committee Member at DARE

Signed:

Direct Action for Rights and Equality
(DARE)

Amos House

Alliance of Rhode Island Southeast Asians
for Education

B & D Veterans Corp

Black & Pink Providence

Building Futures

Brown University Students Organize for
Syria

Carpenters Local Union 330

Center for Prisoner Health and Human
Rights

City of Providence, Office of Mayor Jorge
O. Elorza

COYOTE RI

Disability Justice at Brown

Economic Progress Institute
The Formerly Incarcerated Union
Groundwork RI
House of Hope CDC
Housing Opportunities for People
Everywhere (HOPE)
The Nonviolence Institute
JustLeadershipUSA
Latino Policy Institute
Moore Impactful Career Consulting LLC
NAACP-Providence Branch
OpenDoors
Our Revolution RI
Our Streets PVD
Attorney General Peter Neronha
Protect Families First
Project Weber/RENEW
Providence Youth Student Movement
Railroad at Brown University

Reentry Campus Program
Restoration Farm of New England
Rhode Island Center for Justice
Rhode Island State Council of Churches
RI Black Business Association
RICARES
RI Coalition for the Homeless
RI Commission for Human Rights
RI Core Skills Partnership
RI Public Health Association
RI Public Health Institute
RI Users' Union
RI Womxn's Action Initiative
RI Working Families Party
Showing Up for Racial Justice RI
Substance Use Policy Education and
Recovery PAC
United Way of RI
Vantage Point, Inc



Rhode Island Faith Leaders In Support of Fair Chance Licensing Legislation

Dear Governor Raimondo, Speaker Mattiello and President Ruggerio:

As faith leaders committed to democracy and equity, we write to you to support efforts to pass Fair Chance Licensing legislation in Rhode Island.

Today in Rhode Island many people with records who have extensive vocational training or education are blocked out of receiving or renewing a license to be able to practice their trade. Vague clauses in applications such as "proof of moral character" allow licensing agencies to deny or revoke a license based on something as irrelevant to a person's ability to perform a job as a ten year-old arrest record.

The barriers that this state has erected to perpetually punish people with records are not simply discriminatory; they are amoral. They constitute a racial and economic justice issue, as we know that low income communities of color have been targeted by mass incarceration and are still battling the devastating impacts.

The Fair Chance Licensing Campaign is promoting a bill that would require licensing agencies to commit to a system of awarding licenses that is consistent, transparent, and does not disqualify people from work based on a conviction wholly unrelated to the job in question. We hope that this state would measure people on their ability and skills, not simply their record, and offer fair practices and guidelines.

Our faith traditions are guided by the notion of beloved community. If Providence is to be a beloved community, we cannot deny people access to meaningful careers simply because of past conviction histories. We cannot deny decent wages to people who are committed to feeding their families and working to create healthy communities. We cannot and must not allow a conviction to become a life sentence of unequal access to housing, employment, education. Our families deserve better. Our children deserve better. And Rhode Island can do better.

We must be guided by our faith in redemption. And if Rhode Island is to be a truly redemptive place, it must be one that welcomes fair chances for all of its residents. In the tradition of faith leaders who joined hands in the American civil rights movement, we call on you to join us in the creation of the beloved community and pass Fair Chance Licensing without delay or amendment.

Signed:

Reverend Dr. Donnie Anderson, RI State Council of Churches
Minister Jeremy Ogunba, Brown University
Rabbi Jeffrey Goldwasser, Temple Sinai, Cranston
Reverend Rick Jakubowsky, Sanctuary North Church
Reverend Ellen Quaadgras, Westminster Unitarian Church
Rabbi Elan Babchuck
Imam Abdul-latif Sackor, Masjid Al-Kareem
Cranston Clergy Association
Reverend Kurt Walker, Chapel Street Congregational Church
Reverend Scott Spencer, Woodridge Congregational Church
Reverend Chontell Nelson Washington, RI State Council of Churches
Reverend Tim Quainoo, Hill City Church
Reverend Betsy Aldrich Garland, Moosup Valley Congregational Church UCC, Foster
Reverend Althea Jackson, Rhode Island Ministers Alliance
Dr. Andrew L. Foster III, Rhode Island/Southeastern Massachusetts District Superintendent
Bishop W. Nicholas Knisely, Episcopal Diocese of Rhode Island
Reverend Matthew Kai, Westside Tabernacle Baptist Church
Reverend Dr. Jonathan Malone, First Baptist Church, East Greenwich
Reverend Dr. Tom Wiles, American Baptist Churches of Rhode Island
Reverend Cleo Graham, Beneficent Congregational Church, UCC
Reverend Jeffrey C. Thomas, St. James Baptist Church
Deacon Harold Metts, Congdon Street Baptist Church
Reverend Dr. David A. Ames, Episcopal Diocese of Rhode Island
Reverend Canon Dena Cleaver-Bartholomew, Episcopal Diocese of Rhode Island
Debra Sharpe, The Center for Reconciliation
Reverend Elizabeth Chandler Felts, Beneficent Congregational Church, UCC
Reverend Christy R. Nelson, Bethel African Methodist Episcopal Church
Reverend Linda Watkins, First Baptist Church of Pawtucket
Rabbi Sarah Mack, Temple Beth-El, Board of Rabbis of Greater Rhode Island
Pastor Michael Williams, Barrington United Methodist Church
Reverend Santos Escobar, Vida Abundante United Methodist Church
Reverend Lorraine Foster, Epworth United Methodist Church
Pastor Rick Luz, Christ Community Church
Pastor David MacKall, Christ Community Church

Reverend Viola Morris-Buchanan, Bethel AME Church
Father Andrew George, Annunciation Parish
Rabbi Barry Dolinger, Congregation Beth Sholom
Rhode Island State Council of Churches
Reverend Elizabeth Lerner Maclay, First Unitarian Church
Reverend Howard Jenkins, Bethel AME Church
Reverend Dr. Peter Michaelson, Episcopal Diocese of Rhode Island
Pastor Justin Lester, Congdon Street Baptist Church
Reverend Jennifer Geary, Rhode Island Conference of the United Church of Christ
Pastor Linda Forsberg, First Evangelical Lutheran Church



State of Rhode Island and Providence Plantations

OFFICE OF THE ATTORNEY GENERAL

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Peter F. Neronha

Attorney General

April 23, 2019

The Honorable Robert E. Craven, Sr., Chairman
House Committee on Judiciary
State House
Providence, RI 02903

RE: HB 5863

Dear Chairman Craven:

I write today in support of HB 5863, which would mandate a more thoughtful consideration of an individual's criminal past in the State's occupational licensure process.

A central component of my priorities as Attorney General is to reduce the barriers to successful re-entry for rehabilitated individuals with criminal convictions. As you are aware, the negative consequences of a conviction often extend beyond a prison sentence. Currently, applicants for approximately 150 different occupational licenses are subject to criminal background checks, many of which are not relevant to the particular occupation. As such, many individuals returning to society following incarceration are denied an occupational license simply due to their criminal conviction. This legislation would mandate a more measured approach by tying the type of conviction to the occupation to which the license applies and offering guidance for the consideration of an individual's past criminal behavior. While there are certain occupational licenses where certain convictions should disqualify an applicant, that is not the case for all occupational licenses.

Employment is a major deterrent to criminal recidivism and is key to giving formerly incarcerated individuals the second chance they need to rebuild their lives and positively contribute to our community. As such, I believe that, in principle, this legislation would ultimately enhance public safety.

In closing, I thank Representative Slater for sponsoring this legislation, and the Committee for considering my comments.

Sincerely,

Peter F. Neronha
Attorney General

CC: House Committee on Judiciary



May 24, 2019

Representative Robert Craven, Chairman
Rhode Island General Assembly
House Judiciary Committee
82 Smith Street
Providence, RI 02903
Via email: sen-lynchprata@rilegislature.gov

Dear Chairman Craven:

On behalf of Right on Crime, I write to share our perspective on the many benefits of H5863. This bill would reduce unnecessary and unfair barriers to occupational licenses and certifications that currently deny qualified individuals with arrest and conviction records a fair opportunity to work in their chosen profession.

Right on Crime, an initiative of the Texas Public Policy Foundation launched in 2010, works with policymakers across the spectrum to advance evidence-based solutions that promote public safety, rehabilitation, and redemption while controlling costs to taxpayers. Due to our successful efforts in Texas and dozens of states across the country to reduce both crime and prison costs, I have met with both former President Barack Obama and, most recently, the current President Donald Trump to discuss criminal justice reform.

Over seventy million people in the United States, or nearly one in three adults, have an arrest or conviction record. These figures have increased dramatically over recent decades, with more and more working people held back by a record that can show up on a criminal background check. Research demonstrates that employment is the single most important factor to reducing recidivism among this population with prior records.¹ Thus job opportunities translate into safer communities and reduced government budgets for the state's criminal justice system. Yet many formerly incarcerated people struggle to find permanent, stable work because of numerous barriers to employment. Even old or minor offenses can hinder job prospects by resulting in exclusion from specific jobs or entire occupations,² often without much or any consideration for the specific individual, the nature of her past offense, and for what type of work she applied.

Across the nation, nearly thirty percent of jobs require an occupational license or certification; that percentage has more than quintupled since the 1950s.³ Significantly, Rhode Island requires a

¹ Mark T. Berg & Beth M. Huebner, "Reentry and the Ties that Bind," 28 *Justice Quarterly* 382-410 (2011), www.tandfonline.com/doi/abs/10.1080/07418825.2010.498383?journalCode=rjqy20#preview.

² Scott H. Decker, et al., *Criminal Stigma, Race, Gender, and Employment* (2014), <https://www.ncjrs.gov/pdffiles1/nij/grants/244756.pdf>.

³ Morris M. Kleiner, The Hamilton Project, *Reforming Occupational Licensing Policies* 5 (2015), https://www.brookings.edu/wp-content/uploads/2016/06/THP_KleinerDiscPaper_final.pdf.

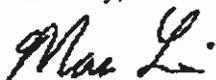
license or certification to work in over seventy percent of lower-wage occupations.⁴ Many of these professions, particularly those in healthcare, currently face major worker shortages in Rhode Island, leaving employers without sufficient numbers of licensed or certified applicants. Yet, of the 150 professional licensing restrictions contained in the Rhode Island General laws, only forty-two require that disqualifying convictions be directly related to the occupation. Too often, Rhode Island laws instead impose blanket restrictions against licensing people with any felony, misdemeanor, or crime of “moral turpitude.”⁵ Therefore, creating fairer pathways to licensed professions for people with records is an important step toward improving the health of our economy and achieving economic security for the vast population with records and their families.

Like many other new fair chance licensing laws recently enacted across the country, H5863 would adopt common sense reforms that help remove unnecessary barriers to licensing and certification of qualified workers with records. For example, H5863 would require that disqualifying offenses “directly relate” to the licensed occupation, taking into account the age of the offense and other factors, while also allowing the individual to present evidence of rehabilitation and letters of reference demonstrating his or her fitness for the license or certificate. In addition, the bill sets forth a clear process for the individual to be provided notice of the disqualifying offense as well as a copy of the criminal history report in order to ensure that the criminal history information is accurate and that the individual has an opportunity to present evidence of rehabilitation.

If passed, H5863 will remove unnecessary barriers to licensed work for qualified applicants with records. Increasing access by formerly incarcerated and convicted workers to gainful employment opportunities will help reduce recidivism rates and create safer, more productive communities. Over the past few years, more than a dozen states have adopted licensing reform measures to ensure that licensing boards and agencies consider evidence of rehabilitation, mitigating circumstances, and only those offenses directly related to the occupation for which the individual applied.⁶ Rhode Island now has an opportunity to adopt similar reforms.

For all of these reasons, on behalf of Right on Crime, I very hope you will move forward on this important legislation so that more Rhode Island citizens can punch the clock after they have done their time.

Sincerely,



Mar Levin
Vice President of Criminal Justice
Texas Public Policy Foundation/Right on Crime

⁴ Dick M. Carpenter, et al., Inst. for Justice, *License to Work* 39 (2d ed. 2017), <https://ij.org/report/license-work-2/>.

⁵ Council of State Gov'ts, Justice Ctr., *National Inventory of Collateral Consequences of Conviction*, <https://niccc.csjusticecenter.org/>.

⁶ Recent reformers include Arizona, California, Delaware, Georgia, Kansas, Kentucky, Illinois, Indiana, Louisiana, Massachusetts, and Tennessee. See Nat'l Emp't Law Project, *Fair Chance Licensing Reform* 13-14 (2018), <https://www.nelp.org/publication/fair-chance-licensing-reform-opening-pathways-for-people-with-records-to-join-licensed-professions/>.



Date: April 23rd, 2019

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Baltimore, Maryland, USA

Captain Leigh Maddox, Ret.
Baltimore, Maryland, USA

Asst. District Attorney Allison Watson, Fmr.
Tennessee, USA

Detective Sergeant Neil Woods, Ret.
Derbyshire, England, LEAP UK

Re: HB 5863 - Licensing

Position: SUPPORT

To: The Rhode Island House Judiciary Committee

Distinguished Members of the Committee,

Thank you for the opportunity to testify today. I am here to represent myself, as one of the first women to become a police officer in Providence, and as a spokesperson for the Law Enforcement Action Partnership (LEAP). LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by addressing the root causes of crime and working toward healing police-community relations.

Any police officer can tell you that we deal with the same people over and over, using extensive resources at great taxpayer expense. After years on the job, I realized that it is in the entire community's interests to help re-integrate offenders as productive members of society. At the very least, we need to remove the roadblocks that stand in the way of their progress. Of course, employment is one of the most important anchors that stabilizes their lives, both providing income and a sense of self-worth. I was shocked to learn that people with felony convictions are often automatically barred from receiving the professional licenses they need to secure stable employment, even when their conviction has nothing to do with the profession.

I am encouraged that you are addressing this issue with House Bill 5863. Across the country, people are realizing the importance of this issue-- last year alone, a dozen states passed laws reforming how licensing boards consider those with criminal records.

Helping people returning home from prison to find work needs to be a top policy priority. Studies have shown that not being able to get a job is the

clearest indicator of how likely someone is to re-offend or end up incarcerated again.¹

With the opioid epidemic leaving many Rhode Island residents with felony records, people in recovery are being barred from obtaining the professional licenses they need to get back on their feet. Research has shown that employment for people in recovery is the most important factor in overcoming their addiction.²

Policymakers should be making it less difficult for people with criminal records to find work. People re-entering society from prison or jail are in a crucial moment, when they either find a career and start down a meaningful path or they fall back on illicit activities that landed them behind bars in the first place. If we invest in their employment, we will all enjoy returns in public safety.

I ask for your vote in support of HB 5863 in order to encourage employment, reduce recidivism, and commit to lowering crime.

Respectfully,

Beth Comery
Former Patrol Officer
Providence Police Department
Speaker, The Law Enforcement Action Partnership

1. "Measuring Recidivism - United States Sentencing Commission." 22 May. 2004, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2004/200405_Recidivism_Criminal_History.pdf. Accessed 19 Apr. 2019.

2. "Transforming Lives Through Supported Employment | SAMHSA" 7 Mar. 2014, <https://www.samhsa.gov/grants/grant-announcements/sm-14-011>. Accessed 19 Apr. 2019.



Rhode Island Manufacturers Association
The Economic Engine for Rhode Island

The Honorable Robert E. Craven, Chairman
House Committee on Judiciary
State House
Providence, RI 02903

Re. HB-5863

01/08/20

Dear Chairman Craven:

I write today on behalf of the Rhode Island Manufacturers Association in support of HB-5863 which would mandate a more concerted effort to review an individual's criminal past in the State's occupational licensure process.

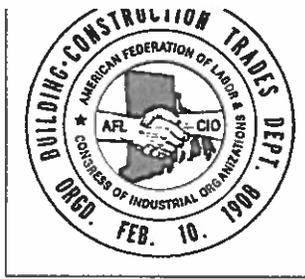
I am currently working with DOC and CCRI to put together a training program inside the prison. Our game plan is to provide jobs to those who complete the program prior to their release date with a secured position.

RIMA feels very strongly that adjustments should be made when viewing these individual applications to obtain an occupational license. Denial of a license due to their criminal conviction needs more review. This legislation would mandate a more measured approach by tying the type of conviction to the occupation to which the license applies and offering guidance for the consideration of an individual's past criminal behavior. Discretion needs to be a priority in evaluating an individual for a specific license.

We believe employment and support can ease the burden of our State Penitentiary system. We feel that everyone should have that second chance once their application is viewed with an open mind.

Thank you,

Dave Chenevert
Executive Director of Rhode Island Manufacturers Association



Dear Honorable Senator Ruggerio,

BUILDING TRADES

I am writing today as your constituent and a labor leader to express my support of S 0610. This proposed legislation seeks to make common sense reforms to our important licensing laws.

While we recognize the need for training and licensing for many occupations (and perhaps even the need to expand such to trades such as glazing work) it is important that people have an opportunity to grow and be successful.

The opportunity to learn skill and trades while incarcerated is something that is encouraged by our society. Additionally, as you well know the trades spend millions of dollars annually on training of skilled workers and in many cases are facing a shortage of qualified members and an aging workforce. However, far too often those who have paid their price for past indiscretion, are after serving their time, blocked from finding gainful employment. One of the impediments put in the way are the current policies and statutes that prevent previously incarcerated individuals from taking work that requires licensing.

We as society continue to grapple with the legacies and realities of racism, a society that was built on slavery and legalized discrimination. The issue of mass incarceration and hyper policing of communities of color is a place where more reform with an eye towards justice is sorely still needed.

With a bit of reform as proposed by S 0610 we can help folks regain dignity with gainful employment, prevent recidivism, and keep our communities safe with a reduction in economic and violent crimes of desperation.

As a representative of hundreds of working people, and advocate for thousands more I would respectfully ask that this bill be scheduled for hearing and a vote upon the Senate floor.

Yours with respectful kind regards,

~ Scott Duhamel, Secretary Treasurer Rhode Island Building and Construction Trades Council

Rhode Island Building and Construction Trades Council

410 South Main Street, Providence, RI 02903

(401) 331-9682 Fax: (401) 861-1480

Dear Honorable Senator Ruggerio,

I am writing today as your constituent and a labor leader to express my support of S 0610. This proposed legislation seeks to make common sense reforms to our important licensing laws.

While we recognize the need for training and licensing for many occupations (and perhaps even the need to expand such to trades such as glazing work) it is important that people have an opportunity to grow and be successful.

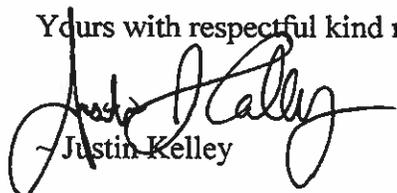
The opportunity to learn skill and trades while incarcerated is something that is encouraged by our society. Additionally, as you well know the trades spend millions of dollars annually on training of skilled workers and in many cases are facing a shortage of qualified members and an aging workforce. However, far too often those who have paid their price for past indiscretion, are after serving their time, blocked from finding gainful employment. One of the impediments put in the way are the current policies and statutes that prevent previously incarcerated individuals from taking work that requires licensing.

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As a representative of hundreds of working people, and advocate for thousands more I would respectfully ask that this bill be scheduled for hearing and a vote upon the Senate floor.

Yours with respectful kind regards,



Justin Kelley

Business Representative, LU 195 of District Council 11 of the International Union of Painters and Allied Trades.



May 16, 2019

Christine L. Owens
Executive Director

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206-324-4000

Senator Erin Lynch Prata, Chairperson
Rhode Island Legislature
Senate Committee on Judiciary
82 Smith Street
Providence, RI 02903
Via email: sen-lynchprata@rilegislature.gov

Re: S610 (fair chance licensing) — SUPPORT

Dear Chairperson Lynch Prata:

On behalf of the National Employment Law Project (NELP), I write in strong support of S610. S610 would reduce unnecessary and unfair barriers to occupational licenses and certifications that currently deny qualified individuals with arrest and conviction records a fair opportunity to work in their chosen profession.

Founded nearly 50 years ago, the National Employment Law Project (NELP) aims to ensure that all of our nation's workers, and all who aspire to work, can attain economic opportunity, security, and prosperity through their labor. Achieving this mission demands an inclusive economy—one that has successfully realized NELP's three core priorities of reducing economic inequality, ending structural racism, and building worker power. One of NELP's key programs focuses on fair hiring policies that reduce barriers to employment for people with arrest and conviction records. NELP is one of the nation's leading authorities on fair chance licensing and employment policies and has worked closely with advocates and policymakers throughout the country to help craft strong laws that expand the job prospects of people with records.

As a result of the devastating legacy of mass incarceration, over seventy million people in the United States, or nearly one in three adults, have an arrest or conviction record. In Rhode Island, like most states, the criminal justice system impacts communities of color most severely. For example, African Americans are incarcerated at 6.5 times the rate of white people in Rhode Island, and Latinos are incarcerated at 3.5 times the rate of whites.¹ These figures have increased dramatically over recent decades, with more and more working people and communities of color held back by a record that can show up on a criminal background check.

Research demonstrates that employment is the single most important factor to reducing recidivism among this population with prior records.² Thus, job opportunities translate into safer communities and reduced government budgets for the state's criminal justice system. Yet many formerly incarcerated people struggle to find permanent, stable work because of numerous barriers to employment. Even old or minor offenses can hinder job prospects by

¹ RIDOC Fiscal Year 2017 Annual Population Report. Page 13, 2017.

² Mark T. Berg & Beth M. Huebner, "Reentry and the Ties that Bind," 28 *Justice Quarterly* 382-410 (2011), www.tandfonline.com/doi/abs/10.1080/07418825.2010.498383?journalCode=rjqv20#preview.

resulting in exclusion from specific jobs or entire occupations,³ often without much or any consideration for the specific individual, the nature of her past offense, and for what type of work she applied.

Across the nation, nearly thirty percent of jobs require an occupational license or certification; that percentage has more than quintupled since the 1950s.⁴ Significantly, Rhode Island requires a license or certification to work in over seventy percent of lower-wage occupations.⁵ Many of these professions, particularly those in healthcare, currently face major worker shortages in Rhode Island, leaving employers without sufficient numbers of licensed or certified applicants.

Of the 150 professional licensing restrictions contained in the Rhode Island General laws, only forty-two require that disqualifying convictions be directly related to the occupation. Too often, Rhode Island laws instead impose blanket restrictions against licensing people with any felony, misdemeanor, or crime of “moral turpitude.”⁶ Therefore, creating fairer pathways to licensed professions for people with records is an important step toward improving the health of the Rhode Island economy, achieving economic security for the vast population with records and their families, and addressing the racial disparities that play out across the labor market.

Like many other new fair chance licensing laws recently enacted across the country, S610 would adopt common sense reforms that help remove unnecessary barriers to licensing and certification of qualified workers with records. For example, S610 would require that disqualifying offenses “directly relate” to the licensed occupation, taking into account the age of the offense and other factors, while also allowing the individual to present evidence of rehabilitation and letters of reference demonstrating his or her fitness for the license or certificate. In addition, the bill sets forth a clear process for the individual to be provided notice of the disqualifying offense as well as a copy of the criminal history report in order to ensure that the criminal history information is accurate and that the individual has an opportunity to present evidence of rehabilitation.

The protections set forth in S610 are consistent with federal laws that have proven especially effective at removing unfair barriers to employment of qualified workers with records. For example, based on the law that requires FBI background checks of the nation’s port workers (the Maritime Transportation Security Act of 2002), the Transportation Security Administration (TSA) allows workers to appeal inaccurate records before a final determination is made on their security credential application and to petition for a “waiver to avoid disqualification by submitting evidence of mitigation. Since the program was implemented in 2007, TSA has granted over 95 percent of appeals challenging the accuracy

³ Scott H. Decker, et al., *Criminal Stigma, Race, Gender, and Employment* (2014), <https://www.ncjrs.gov/pdffiles1/nij/grants/244756.pdf>.

⁴ Morris M. Kleiner, The Hamilton Project, *Reforming Occupational Licensing Policies* 5 (2015), https://www.brookings.edu/wp-content/uploads/2016/06/THP_KleinerDiscPaper_final.pdf.

⁵ Dick M. Carpenter, et al., Inst. for Justice, *License to Work* 39 (2d ed. 2017), <https://ij.org/report/license-work-2/>.

⁶ Council of State Gov’ts, Justice Ctr., *National Inventory of Collateral Consequences of Conviction*, <https://niccc.csgjusticecenter.org/>.

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of FBI records (benefiting over 60,000 workers), and about 90 percent of the waiver petitions (benefiting over 15,000 workers).⁷ An especially large share of these successful appeals and waiver applications benefited port workers of color, thus constituting further evidence that fair chance licensing protections help to address discrimination resulting from criminal background checks.⁸

If passed, S610 will remove unnecessary barriers to licensed work for qualified applicants with records, and help address the racial disparities in the licensing process resulting from criminal background checks. Increasing access by formerly incarcerated and convicted workers to gainful employment opportunities will help reduce recidivism rates and create safer, more productive communities. Over the past few years, more than a dozen states have adopted licensing reform measures to ensure that licensing boards and agencies consider evidence of rehabilitation, mitigating circumstances, and only those offenses directly related to the occupation for which the individual applied.⁹ Rhode Island now has an opportunity to embrace fair chance licensing reforms, building on the successful track record of similar measures adopted at the federal level and across the states.

For all of these reasons, the National Employment Law Project strongly supports S610 and urges its enactment.

Sincerely,



Christine L. Owens
Executive Director

cc: Senator Stephen R. Archambaul, Vice Chairperson
Senator Harold M. Metts, Secretary
Senator Cynthia A. Coyne, Member
Senator Jessica de la Cruz, Member
Senator Dawn Euer, Member
Senator Frank S. Lombardi, Member
Senator Mark P. McKenney, Member
Senator Leonidas P. Raptakis, Member

⁷ Calculations based on data the provided the National Employment Law Project by the Transportation Security Administration's Office of Intelligence and Analysis, Program Management Division/Maritime Branch, covering the periods from October 2007 to September 2011, and from January 2014 to December 2016.

⁸ National Employment Law Project, "A Scorecard on the Post-9/11 Port Worker Background Checks" (July 2009), at page 4. (available on-line at <http://www.nelp.org/content/uploads/2015/03/PortWorkerBackgroundChecks.pdf>).

⁹ Recent reformers include Arizona, California, Delaware, Georgia, Kansas, Kentucky, Illinois, Indiana, Louisiana, Massachusetts, and Tennessee. See Nat'l Emp't Law Project, *Fair Chance Licensing Reform 13-14* (2018), <https://www.nelp.org/publication/fair-chance-licensing-reform-opening-pathways-for-people-with-records-to-join-licensed-professions/>.