



TESTIMONY OF
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IN SUPPORT OF HB 2115
KANSAS HOUSE JUDICIARY COMMITTEE

FEBRUARY 6, 2017

- WRITTEN TESTIMONY ONLY -

Thank you, Chairman Finch, and members of the Judiciary Committee for affording us the opportunity to provide testimony on HB 2115.

The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 10,000 supporters in Kansas and represent more than 1 million supporters nationwide.

The ACLU of Kansas and Kansans for Smart Justice, a 17-member coalition dedicated to criminal justice reform, strongly support HB 2115. HB 2115 precludes the state of Kansas from asking job applicants about criminal history, unless a determination is made that the job is one where that information is directly relevant. It applies only to state employment, not private employers, and is a “ban the box” measure. The ACLU of Kansas supports HB 2115 because:

- **It advances our shared values of fairness and justice.** Individuals should be judged on their merits, not only on whether they made mistakes in the past. By “banning the box” from state employment applications, Kansas will signal that it treat all applicants fairly, assessing them on their abilities. The bill effectively gives ex-offenders a second chance.
- **The bill will reduce recidivism and improve public safety.** It is difficult for people with a criminal record to find employment. When forced to disclose their criminal history on job applications, they are often immediately screened out of the process. When combined with the fact that Kansans with criminal histories have, on average, lower educational attainment than other Kansans, it becomes very difficult for ex-offenders to find a job to support themselves and their families.

But when ex-offenders are able to work, earn income, pay taxes, and bring structure to their lives, communities are safer and stronger. The lack of gainful employment or the ability to earn an income is one of the most significant contributors to recidivism. By allowing ex-offenders to access more employment opportunities, HB 2115 reduces that risk. Although recidivism is already relatively low in Kansas—the Department of Corrections’ reported rate of 33% is roughly half the national average—the more we do to provide ex-offenders with community supports, the lower the recidivism rate will be and the safer our communities will be.

- **The bill does not require anyone to be hired or grant preferential treatment.** Banning the box from state applications does not mean that any agency will be required to hire an ex-offender, or dictate employment decisions in any way. The bill simply prevents the state from screening out applications *before* an individual’s relevant qualifications are considered, giving individuals a chance to make their case based on merit.
- **The bill is limited in its scope and contains exceptions for public safety.** There are some positions for which criminal history would be relevant; the bill ensures that those positions may still make inquiries and conduct background checks. However, these should be exceptions from the norm and are treated as such by the bill’s language. In addition, the bill does *not* compel private employers to follow the same practice of “banning the box.” The ACLU of Kansas believes that private employers should be encouraged, or even required, to follow this practice, but HB 2115 does not take that step.
- **Kansas should join the growing cohort of states and localities that have already taken this step.** To date, 24 states and hundreds of municipalities—including Topeka, Wichita, and Wyandotte County—have already banned the box on applications for most public sector employment opportunities. Federal agencies now delay probing into an applicant’s criminal history until much later in the hiring process. By passing HB 2115, Kansas will join a national consensus that providing citizens with a second chance is a wise course of action for ex-offenders and communities alike.

We urge the committee to support HB 2115.