



TESTIMONY OF
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IN SUPPORT OF SB 421
KANSAS SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

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Thank you, Chair Estes, and members of the Federal and State Affairs Committee for affording us the opportunity to provide testimony on SB 421.

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 30,000 supporters in Kansas and represent more than 1.6 million supporters nationwide.

The ACLU of Kansas supports SB 421. SB 421 would require boards and commissions that grant occupational licenses to specify any criminal history that would disqualify a candidate, and ensure that any prior criminal record could not be used to disqualify the candidate after five years. Specifically, the ACLU of Kansas supports SB 421 because:

- **Kansas does not do enough to prepare prisoners for life after they complete their sentences.** While the number of prisoners in Kansas continues to increase, those individuals are not being prepared for life once they have completed their sentences. As a result, once they reenter our communities, they are at a great risk for returning to prison. Within three years, 33% of those released from a Kansas prison will have returned, and a 2006 study found that nearly a quarter of those released from prison in Kansas were homeless, with nowhere to go. Further, Kansans who have been to prison are less likely to have graduated high school or college and many reentering Kansans were already in financial distress before they were imprisoned. As a result, ex-offenders have severely limited employment opportunities. The legislature previously recognized these barriers, allowing incarcerated people to receive a vocational certificate for completing a recognized training program. Unfortunately many individuals continue to face barriers when they are unable to ply these trades after serving their time because many of these jobs require an occupational license for lawful practice.
- **Despite even the best job training, educational opportunities, and any other rehabilitative services, returning citizens, specifically people of color are blocked by systemic discrimination in the form of criminal record exclusion bands in both hiring practices and occupational licensing.** Jobs such as cosmetologists, barbers, realtors, dieticians, court reporters, and property managers may automatically deny any individual with a felony record the required

occupational license, regardless of the type or age of conviction, an individual's rehabilitation, or employment history. And often, these denials take place *after* the reentering individual has spent countless hours and money on training programs. Because of the well-recognized racial disparities of the criminal justice system, these policies and practices have a disproportionate effect on people of color. Current law allows the licensing body to take into account such things as an applicant or licensee's "moral character" or any criminal record in deciding whether to grant, suspend or revoke a license. Over the years, across the country the ACLU has attempted to limit the offenses that can lead to a revocation of a person's license—and thus his or her livelihood—to crimes that relate in some way to the occupation. Otherwise, promotion of ex-offenders' rehabilitation and reintegration into society is stymied.

- **Policies limiting the use of criminal records in employment and occupational licensing not only benefit the people of our community; they benefit employers and the government.** Criminal record exclusions and barriers force a significant number of people to remain unemployed or underemployed despite their training and willingness to work. Many others continue to work unlicensed and subsequently, unregulated. Without a license, people are paid under the table, and without filing taxes at a detriment only to the community and the State as a whole. Additionally, employers are given a wider pool of qualified applicants to choose from. Studies have shown that returning citizens who are committed to changing their lives and are given a fair chance at employment are found to be some of the hardest working and most reliable employees with the longevity at an employer. Employers who hire returning citizens within one year of their conviction or release are eligible for receiving thousands of dollars per person in federal tax credits. By increasing the pool of licensed or accredited workers, the State may increase its tax pool by thousands of jobs adding revenue.

This bill would provide a common sense reform to help reentering citizens get back to work. Therefore, we urge this committee to support SB 421.