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## Written Testimony Opposing House Bill 5347, An Act Concerning the Review of Criminal Histories for Prospective Tenants

Senator Lopes, Representative Williams, Ranking Members Cicarella and Polletta, and distinguished members of the Housing Committee.

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in strong opposition to House Bill 5347, An Act Concerning the Review of Criminal Histories for Prospective Tenants.

The ACLU-CT believes in a society where all people, including those who have been convicted of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. Unfortunately, the mere fact that a Connecticut resident has a criminal conviction in their history puts more than 550 legal barriers in their path.<sup>1</sup> Moreover, it creates innumerable barriers to full civic participation. People with a criminal record are more likely to face unemployment,<sup>2</sup> homelessness,<sup>3</sup> poverty,<sup>4</sup> and untimely death.<sup>5</sup> These outcomes are the result of policy choices Connecticut has made that allow and encourage people with criminal records to be treated like second-class

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<sup>1</sup> National Inventory of Collateral Consequences of Conviction, available at [https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence\\_category=&narrow\\_category=&triggering\\_offense\\_category=&consequence\\_type=&duration\\_category=&page\\_number=1](https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1); see also Kelan Lyons, *Council Begins Study of Discrimination Against People with Criminal Records*, CT MIRROR (Aug. 22, 2019), available at <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

<sup>2</sup> Lucius Couloute & Daniel Kopf, *Out of Prison & Out of Work: Unemployment among Formerly Incarcerated People*, PRISON POL'Y INITIATIVE (Jul. 2018), available at <https://www.prisonpolicy.org/reports/outofwork.html>.

<sup>3</sup> Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People*, PRISON POL'Y INITIATIVE (Aug. 2018), available at <https://www.prisonpolicy.org/reports/housing.html>.

<sup>4</sup> See Rebecca Vallas & Sharon Dietrich, *One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records*, CTR. AM. PROGRESS (Dec. 2014), available at <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>.

<sup>5</sup> Ivan Kuzyk, Kyle Baudoin & Kendall Bobula, *Mortality Among Ex-Prisoners*, CONN. OFF. POL'Y & MGMT., CRIM. JUST. POL'Y & PLANNING DIV. (Mar. 2018), available at [https://www.ct.gov/opm/lib/opm/cjppd/cjresearch/mainnav/prisoner\\_mortality\\_final\\_03232018.pdf](https://www.ct.gov/opm/lib/opm/cjppd/cjresearch/mainnav/prisoner_mortality_final_03232018.pdf).

citizens, forever required to perform penance for past crimes. These policy choices also most harm Black and Latinx people, families, and communities – in a state that disproportionately incarcerates Black and Latinx people, those same groups are disproportionately haunted by the barriers of records. It does not have to be like this. We see a future where all people in Connecticut are allowed to reach their full potential, enriching our society.

Like the ACLU-CT, the people of Connecticut believe that people living with a criminal record deserve a second chance. Eighty-five percent of Connecticut voters, including 72% of Republicans, agree that people who have been convicted of a crime and have served their sentence should have a fair shot at getting their lives back on track without having their prison sentence held against them.<sup>6</sup> Almost two-thirds of Connecticut voters say passing a law that automatically erases criminal records and prevents discrimination is important.<sup>7</sup>

House Bill 5347 represents a piecemeal attack on important and laudable criminal justice reforms in Connecticut, including our Clean Slate legislation—the most robust Clean Slate law in the nation. This bill openly encourages landlords to discriminate against people on the basis of their criminal records, even when those records have been expunged by the State. If this bill is passed, people with criminal records, including those whose records have been expunged, can ever escape the mistakes of their past—no matter how much time has elapsed or how much growth they have demonstrated. Survivors of domestic violence will also be harmed by this bill because they are more likely to have criminal records due to Connecticut’s high rate of dual arrests, where both parties in a domestic violence situation are arrested.<sup>8</sup> People who have served their time and

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<sup>6</sup> Benenson Strategy Group, *Criminal Justice Poll 2020*, ACLU OF CONNECTICUT (Feb. 5, 2020), available at [https://www.acluct.org/sites/default/files/field\\_documents/2020-219\\_aclu\\_ct\\_smart\\_justice\\_polling\\_release\\_topline\\_-\\_clean\\_slate.pdf](https://www.acluct.org/sites/default/files/field_documents/2020-219_aclu_ct_smart_justice_polling_release_topline_-_clean_slate.pdf).

<sup>7</sup> *Id.*

<sup>8</sup> See *Collective Opportunity For Change: Decades of Dual Arrest in Connecticut*, CONN. COALITION AGAINST DOMESTIC VIOLENCE (Feb. 2018), available at <http://www.ctcadv.org/files/5615/1847/1671/DualArrestReport2.18.pdf>; Sarah Smith, *In Connecticut, Calling for Help Carries Risks for Victims of Domestic Violence*, PROPUBLICA (Feb. 16, 2017), available at <https://www.propublica.org/article/in-connecticut-calling-for-help-carries-risks-victims-of-domestic-violence>.

remained crime free have earned the right to a second chance. Moreover, everyone deserves access to quality housing. It is unconscionable for the legislature to now consider rolling back the good work and impact that Clean Slate will have on hundreds of thousands of our fellow Connecticut residents.

In a time when people with a criminal history in Connecticut are saddled with over 550 collateral consequences, it is disturbing to add more. Even more troublesome, this bill seeks to detrimentally undermine the very purpose of expungement and will result in direct and immediate harm. The ACLU-CT strongly urges this Committee to stand by this legislature's sound judgment in passing Clean Slate by opposing House Bill 5347.