



Legislative Testimony
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Written Testimony Supporting House Bill 5319, An Act Concerning Credit Scores and Background Checks

Senator Maroney, Representative D'Agostino, Ranking Members Cicarella and Rutigliano, and distinguished members of the General Law Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of House Bill 5319, An Act Concerning Credit Scores and Background Checks.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. People involved in our criminal legal system who finish their sentences have paid their debt to society. They deserve to live their lives in Connecticut's communities without barriers to being happy, productive, law-abiding residents. People with criminal histories may be more likely to encounter background checks, and therefore more likely to feel those negative effects on their credit scores. Connecticut should guarantee that no person will have their credit score suffer when they go through a background check for applying to housing, jobs and school.

Instead of enabling people living with records, Connecticut law makes life much harder for them. Of the over 550 barriers to full civic participation that are written into our state's law,¹ the large majority are related to employment. These harmful

¹ 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; 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/>.

employment effects are not distributed equally across society. Racial disparities in Connecticut's criminal legal system² are also replicated when people return home from incarceration. Because of systemic racism, Black and Latino men are disproportionately incarcerated.³ This means they are likewise disproportionately rejected when they return to the community and seek to build a life worth living. Poor chances of employment or stable housing likely have a resulting outsized impact on Black and brown people.

The widespread use of criminal background checks in conjunction with a rise in the number of people with a criminal record—about 1 in 3 U.S. adults⁴—contributes greatly to racial inequality and poverty in the United States. Nine out of 10 employers, 4 out of 5 landlords, and 3 out of 5 colleges and universities use background checks to eliminate candidates with criminal histories.⁵ The stigma of a criminal record disproportionately harms people of color. One study found that white men who indicated a criminal record on their job applications still received more callbacks when compared to Black men *without* records (Black men with criminal records received two-thirds fewer callbacks).⁶ One additional consequence of the widespread use of background checks is that they may negatively influence a person's credit score.⁷ If people with a criminal record are more likely to encounter situations where a background check is needed to apply for a job or housing, then their credit score may also be negatively impacted more frequently. People should not be

² U.S. Commission on Civil Rights, Briefing on Racial Disparities and Prosecutorial Practices in the Connecticut Criminal Justice System (Apr. 2019), available at <https://www.usccr.gov/press/2019/03-25-Flyer-Criminal-Justice.pdf>.

³ According to the Sentencing Project, Connecticut is the fifth-worst state for Black men, with 1 in 19 incarcerated, making them 9.4 times likelier to be incarcerated than white men. Latino men in Connecticut are 3.9 times more likely to be incarcerated than white men. Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, The Sentencing Project (June 14, 2016), available at <https://www.sentencingproject.org/publications/color-of-justice-racial-andethnic-disparity-in-state-prisons/>.

⁴ Rebecca Vallas & Sharon Dietrich, *One Strike and You're Out: Removing Barriers to Economic Security for People with Criminal Records*, CTR AM. PROGRESS (2014), available

at <https://americanprogress.org/issues/poverty/reports/2014/12/02/102308/one-strike-and-youre-out/>.

⁵ *Id.*

⁶ Devah Pager, *The Mark of a Criminal Record*, 108 AM. J. SOC. 937 (2003), available at https://scholar.harvard.edu/files/pager/files/pager_ajs.pdf.

⁷ Lindsay VanSomeren & Jordan Tarver, *How Credit Inquiries Affect Your Credit Score*, FORBES (Aug. 6, 2021), available at <https://www.forbes.com/advisor/credit-score/credit-inquiries/>.

punished through lower credit scores for applying to jobs, housing, and universities that require background checks. As such, the ACLU-CT supports HB 5319, and urges this Committee to do the same.