



Legislative Testimony  
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**Written Testimony Supporting House Bill 6228, An Act Concerning Prohibiting Institutions of Higher Education from Inquiring about a Prospective Student's Criminal History During the Admissions Process and Establishing a Prison Education Program Office**

Senator Haskell, Representative Elliott, Ranking Members Haines and Witkos, and distinguished members of the Higher Education and Employment Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 6228, An Act Concerning Prohibiting Institutions of Higher Education from Inquiring about a Prospective Student's Criminal History During the Admissions Process and Establishing a Prison Education Program Office.

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 justice 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.

Instead of helping people with criminal records live up to their full potential, though, Connecticut has chosen to thwart people. The state has amassed over 550 barriers impeding people living with criminal records.<sup>1</sup>

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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/>.

Nationwide, 60-80 percent of private higher education institutions and 55 percent of public higher education institutes require undergraduate applicants to answer criminal history questions.<sup>2</sup> This includes 40% of community colleges.<sup>3</sup> Less than 2 in 5 colleges that require disclosure of criminal records are instructing their admissions staff about how to interpret the information they receive from students.<sup>4</sup> In Connecticut, at least some public universities are asking about prospective students' criminal legal system involvement. Simply asking about convictions is a barrier: in one study, 2/3 of applicants with records who were asked to disclose their records never completed their applications.<sup>5</sup> The barriers are not just in admissions. Students with certain drug-related convictions are barred entirely from receiving federal financial aid.<sup>6</sup>

These barriers are nonsensical. The evidence shows that when people who are living with a criminal record are given a fair chance to earn a job, find housing, get insurance, and reintegrate into society, we all succeed. Education is correlated to 43% reduction in recidivism rates.<sup>7</sup> At the same time, people leaving incarceration have lower levels of education than people without records,<sup>8</sup> a huge competitive disadvantage in the employment market.<sup>9</sup> At the same time, there is no correlation

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<sup>2</sup> Judith Scott-Clayton, "Thinking 'beyond the box': The use of criminal records in college admissions." Brookings Institution, Sept. 28, 2017, *available at* <https://www.brookings.edu/research/thinking-beyond-the-box-the-use-of-criminal-records-in-college-admissions/>.

<sup>3</sup> *Id.*

<sup>4</sup> Vivian Nixon, "Criminal records create more than financial barriers to higher education." HuffPost, Apr. 6, 2017, *available at* [https://www.huffpost.com/entry/criminal-records-create-m\\_b\\_9618896](https://www.huffpost.com/entry/criminal-records-create-m_b_9618896).

<sup>5</sup> "Boxed out: Criminal history screening and college application attrition" at v. Center for Community Alternatives, Mar. 201, *available at* <http://www.communityalternatives.org/wp-content/uploads/2019/11/boxed-out.pdf>.

<sup>6</sup> Judith Scott-Clayton, "Thinking 'beyond the box': The use of criminal records in college admissions." Brookings Institution, Sept. 28, 2017, *available at* <https://www.brookings.edu/research/thinking-beyond-the-box-the-use-of-criminal-records-in-college-admissions/>.

<sup>7</sup> Megan Quattlebaum & Haley Glover, "Rejected." Inside Higher Ed Views, Mar. 18, 2020, *available at* <https://www.insidehighered.com/views/2020/03/18/new-study-illuminates-why-barriers-higher-education-incarcerated-people-confront>.

<sup>8</sup> Lucius Couloute, "Getting back on course: Educational exclusion and attainment among formerly incarcerated people." Prison Policy Initiative, Oct. 2018, *available at* <https://www.prisonpolicy.org/reports/education.html>.

<sup>9</sup> *Id.*

between criminal history screening and campus safety.<sup>10</sup> In other words, inquiring about applicant's criminal records did not make campuses any safer.<sup>11</sup>

House Bill 6228 is a good step forward. By prohibiting institutions from higher learning from inquiring about someone's criminal record, it will eliminate the chilling effect that simply asking the question causes, as well as actual discrimination. By creating an office tasked with expanding educational opportunities inside the Department of Correction, House Bill 6228 will help set people up for success upon leaving incarceration.

Passing bills that reduce collateral consequences for people with criminal records is not just the right thing to do: the vast majority of Connecticut voters support it. 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 conviction held against them. What's more, 57% of Connecticut voters explicitly support the legislature passing a law like House Bill 5389 that prohibits discrimination on a person's record of arrest or conviction in employment, housing, education, insurance, credit, and other public programs and penalizes those who have discriminated against them.<sup>12</sup> Connecticut residents know that a person's record of arrest or conviction alone does not tell you whether they will be a good student or campus community member.

Every person living with a criminal record, who has served out their sentence and reentered society, should have an equal opportunity to build a successful and fulfilling life. This is true for people who are just beginning their reentry process and people who have been back in their communities for years, regardless of whether they

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<sup>10</sup> "The Use of Criminal History Records in College Admissions Reconsidered" at 6. Center for Community Alternatives, Feb. 2020, *available at* <http://www.communityalternatives.org/wp-content/uploads/2020/02/use-of-criminal-history-records-reconsidered.pdf>.

<sup>11</sup> *Id.*

<sup>12</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/2020-2-19\\_aclu\\_ct\\_smart\\_justice\\_polling\\_release\\_toplevel\\_clean\\_slate.pdf](https://www.acluct.org/sites/default/files/field_documents/2020-2-19_aclu_ct_smart_justice_polling_release_toplevel_clean_slate.pdf).

have been convicted of a misdemeanor or a felony and irrespective of whether they have been convicted of a violent or non-violent offense.

All people in Connecticut have paid the price of mass incarceration, yet we cannot afford the cost. Let's work to build stronger individuals and stronger communities by eliminating barriers to full participation in society for people living with a criminal record. The ACLU-CT strongly urges you to pass House Bill 6228, a critical bill to create a more just and equitable Connecticut.