



Ana Yáñez-Correa
Executive Director
tel 512.441.8123
cell 512.587.7010
info@criminaljusticecoalition.org
www.criminaljusticecoalition.org

FACT SHEET

SEAL THE RECORDS OF LOW-LEVEL EX-OFFENDERS

EMPLOYMENT BARRIERS PUNISH FAMILIES AND SOCIETY WHEN EX-OFFENDERS ARE RELEASED

CURRENT LAWS MAKE IT DIFFICULT FOR A HUGE POPULATION OF EX-FELONS TO SECURE EMPLOYMENT UPON RELEASE.

Texas law designates 1,941 individual offenses as felonies, which has created a huge felon population in our state. In fact, approximately 1 in 11 Texas adults has a felony conviction on his or her record, and Texas has over 100 state laws that forbid felons from obtaining certain jobs. In 2005 alone, the Texas Department of Criminal Justice released 64,512 felons from incarceration. These are people who must find jobs and housing or else risk turning to illegal activity to survive.

A person's contact with the criminal justice system also poses problems for potential employers: under the legal theory of negligent hiring, employers who know (or should have known) that an employee has a history of criminal activity may be liable for the employee's criminal or tortuous acts. A 2004 survey found that approximately 80% of large U.S. companies reported conducting criminal background checks, up from 56% in 1996, in response to such lawsuits.

A PUBLICLY AVAILABLE CRIMINAL RECORD CREATES OBSTACLES FOR OFFENDERS TO TAKE RESPONSIBILITY AND IMPOSES COSTS ON TEXAS FAMILIES AND SOCIETY AT LARGE.

Ex-offenders who are unable to secure employment upon release struggle to provide for themselves and their families. Creating obstacles to their independence only burdens the social and familial support networks that they rely on to get by. Felony employment and employer liability laws thereby increase the costs to society in order to continue to punish offenders who have already paid their debt to society.

COURTS SHOULD SEAL THE RECORDS OF NON-3G, NON-HABITUAL EX-OFFENDERS; THIS WILL INCREASE PUBLIC SAFETY AND REDUCE RECIDIVISM.

In order for potential employees to pay their debt to society by living responsible, productive, and law-abiding lives, they must be given the tools to succeed. A person's sealed record should not be able to be considered by a private or public entity in employment matters except during licensed professional certification processes. This employability enhancement would improve public safety by drastically decreasing recidivism and allowing ex-offenders – who might otherwise be forced to resort to criminal activity to find an income – to take personal responsibility and become tax-paying Texans. *(Note: This policy should exclude 3G offenses, which include murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, sexual assault, aggravated robbery, and certain serious drug and deadly weapon offenses. Furthermore, non-disclosure policies should not apply to law enforcement agencies, the Department of Corrections, State Attorneys, other prosecutors, and certain professional licensing boards.)*