



TESTIMONY

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SB900 AND BARRIERS TO EMPLOYMENT FOR EX-OFFENDERS

By Patrick Tuohey

Testimony Before the Senate Judiciary and Civil and Criminal
Jurisprudence Committee

TO THE HONORABLE MEMBERS OF THIS COMMITTEE:

My name is Patrick Tuohey, and I am the Director of Municipal Policy for the Show-Me Institute, a nonprofit, nonpartisan, Missouri-based think tank that supports free-market solutions for state and local policy. The ideas presented here are my own. The purpose of this testimony is to briefly discuss the public benefits of eliminating unnecessary barriers to employment for ex-offenders and how SB 900 moves in that direction.

An article by Jonathan Blanks in *The Washington Post* on September 2014¹ discusses the impact of a criminal record on finding a job. Mr. Blanks is a research associate at the Cato Institute's Project on Criminal Justice and writer-in-residence at Harvard University's Fair Punishment Project. Mr. Blanks acknowledges that those who break the law should be held to

account for their actions; but he also points out that our current criminal justice system makes it harder for those who have made mistakes to fully atone for their misdeeds and rejoin the productive segment of society. This system helps perpetuate a cycle of poverty and incarceration.

Research shows that ex-offenders who are unable to find employment are more likely to re-offend. A 2014 study by the Indiana Department of Corrections² concluded that the ability of an offender to find work after prison was "significantly and statistically correlated with recidivism, regardless of the offender's classification." A 2016 study conducted by the Center for Economic and Policy Research³ concluded that:

In 2014, overall employment rates were 0.9 to 1.0 percentage points lower as a result of the employment penalty faced by the large population

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of former prisoners and people with felony convictions. For men, their employment rate was 1.6 to 1.8 percentage points lower.

SB 900 removes some unnecessary barriers to employment for ex-offenders and therefore will be a positive step in helping them become productive members of society.

These barriers are significant. A survey of The National Inventory of Collateral Consequences of Conviction database, a project of The Council of State Governments' Justice Center, shows 221 mandatory barriers to employment in Missouri due to a criminal conviction.⁴ While some of these make sense, others do not. SB 900 addresses two that do not.

Under current law, Missouri forbids the Missouri Lottery Commission from licensing anyone convicted of any felony from selling lottery tickets. This means that ex-offenders—regardless of the type or severity of their crime—may not work at establishments that sell lottery tickets, including convenience markets and gas stations. SB 900 will simply remove that mandatory barrier. The Commission or any licensed lottery retailer may still opt not to hire an ex-offender.

This legislation will bring Missouri in line with other states, such as Virginia⁵ and Illinois,⁶ which allow for but do not require the denial of licenses to people convicted of felonies. This measure leaves in place the Missouri Lottery Commission's ability to require fingerprint background checks and to deny licenses to those convicted of specific crimes such as bookmaking or fraud.

SB 900 also provides similar guidance to the Missouri Division of Alcohol and Tobacco Control, requiring that they not automatically deny a person convicted of any felony offence the ability to sell alcohol.

Common-sense reforms, such as those reflected in SB 900, remove unnecessary legal barriers to ex-offenders becoming productive members of our communities.

Patrick Tuohey is director of municipal policy at the Show-Me Institute.

NOTES

1. https://posteverything.washingtonpost.com/wp/2014/09/30/our-criminal-justice-system-is-making-it-really-hard-for-the-poor-to-find-jobs/?tid=ss_mail&utm_term=.b9b583cd3ee5
2. <http://www.sascv.org/ijcjs/pdfs/nallyetalijcjs2014vol9issue1.pdf>
3. <http://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf>
4. <https://niccc.csgjusticecenter.org/search/?jurisdiction=28>
5. Va. Code Ann. §58.1-4009
6. Illinois Section 1770.40 Section a1 <http://www.illinoislottery.com/en-us/sales-expenses-transfers/admin-rules.html>



5297 Washington Place, Saint Louis, MO 63108—314-454-0647

3645 Troost Avenue, Kansas City, MO 64109—816-561-1777

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