



SB 1078

FACT SHEET

2023 LEGISLATIVE SESSION

WHAT THE BILL DOES

SB 1078 seeks to increase access and opportunities to housing, education, and employment for people facing the reintegrative challenges associated with having a criminal legal record. **This bill amends Section 20.05(a)(4) of the state's Business and Commerce Code to reduce the duration that a consumer reporting agency can report on an indictment, record of arrest, or conviction from 7 to 4 years.** This proposed change brings the code in line with research, that shows that a person's risk of recidivating significantly decreases over time.¹

RESEARCH SUPPORTING POLICY CHANGE

Over 9 million Texans have some type of criminal legal record, including arrests that ultimately result in a dismissal.² With law enforcement in Texas making more than one million new arrests annually, this number is rapidly increasing.³ Having a record has shown to substantially diminish a person's opportunities to obtain housing, education, and employment.⁴ **Nearly, four in five landlords, three in five colleges, and nine in ten employers use criminal background checks (CBCs) to assess an applicant's candidacy.**⁵ As the legislature seeks to provide record relief by giving Texans a "clean slate,"⁶ it is imperative that the regulations surrounding CBCs conducted on behalf of landlords, colleges/universities, and employers using third-party background check companies, are also brought in line with research.

The following statistics further highlight the need and benefit of supporting the change proposed by SB 1078:

- Two-thirds of registered voters in Texas think that the state should remove barriers to housing, education, and employment to those with criminal records post-pandemic.⁷
- 7 in 10 Texas voters believe that denying people opportunities past the end of their sentence makes it harder for them to reintegrate back into society.⁸
- Research shows that property managers consider the "age of criminal history" as a more important factor than offense level.⁹
- Almost 40 percent of schools do not admit students who have not completed their term of community supervision.¹⁰

Research illustrates that the older a criminal history becomes, the less utility it holds for property managers and landlords when making housing application decisions.¹¹ This trend falls in line with research showing that an individual's risk of reoffending significantly decreases over time,¹² and that stable housing is closely correlated to reduced recidivism.¹³

Educationally, CBCs are a current hindrance to college admissions processes and educational attainment. Despite 3 in 5 colleges using CBCs to assess an applicant's candidacy, there is no evidence that screening applicants' records reduces campus crime or improves campus safety.¹⁴ Rather, students with criminal histories can provide a more enriched academic environment, including intimate knowledge of how the legal system works and bridging relationships between academia and underserved communities.¹⁵

Expanding opportunities among those holding a legal record would have a demonstrable impact on accelerating the growth of Texas' economy. One study found that employing just 100 formerly incarcerated persons would increase their lifetime earnings by \$5.5 million and increase their income tax contributions by \$1.9 million.¹⁶ Ultimately, providing a second chance not only benefits individuals, but the entire state as well.

RECOMMENDATION

Texas Appleseed recommends the Texas Legislature adopt and implement SB 1078, which would shorten the duration that consumer reporting agencies can access one's criminal legal record from 7 to 4 years. Benefits of passing SB 1078 include:

- ✔ **Allowing those who have reached their point of redemption a second chance at prosperity.**
- ✔ **Reducing recidivism by allowing people with a criminal legal record quicker access to housing and education.**
- ✔ **Stimulating Texas' economic growth as more individuals can enter the job market.**

REFERENCES & ENDNOTES

¹ Blumstein, A. & Nakamura, K. (2012). *Extension of current estimates of redemption times: Robustness testing, out-of-state arrests, and racial differences*. U.S. Department of Justice, National Institute of Research (No. 2009-IJ-CX-0008). According to the authors, the "range of redemption" – or the time that an individual becomes no more likely to commit a crime than a member in the public – sits between 3 and 7 years depending on one's offense. Hereinafter "Blumstein, A. & Nakamura, K. (2012)."

² Data from Texas Department of Public Safety, Total number of people in Texas who currently have any type of criminal history record that has not been expunged or sealed, on file with author.

³ Gaebler, H. (2013). *Criminal records in the digital age: A review of current practices and recommendations for reform in Texas*. William Wayne Justice Center for Public Interest Law, University of Texas School of Law.

⁴ Adams, E. B., Chen, E. Y., & Chapman, R. (2017). *Erasing the mark of a criminal past: Ex-offenders' expectations and experiences with record clearance*. *Punishment & Society*, 19(1), 23-52.

⁵ Lo, K. (2020). *Expunging and sealing criminal records: How jurisdictions can expand access to second chances*. Center for American Progress. Retrieved from

https://www.americanprogress.org/wp-content/uploads/2020/04/04-23_Expungingand-Sealing.pdf

⁶ Clean Slate Texas. *Current fact sheets: 2023 Texas 88th Legislative Session fact sheets*. Retrieved from <https://www.cleanslatetexas.org/current-fact-sheets> .

⁷ Clean Slate Texas. *Texans' Support for Change*. Retrieved from <https://www.cleanslatetexas.org/texans-support-for-change> .

⁸ Ibid.

⁹ Leasure, P., Doyle, R.C., Boehme, H.M., & Zhang, G. (2022). *Criminal history, race, and housing type: An experimental audit of housing outcomes*. *Criminal Justice and Behavior*, 49 (10), 1536–1553.

¹⁰ Center for Community Alternatives. (2020). *The use of criminal history records in college admissions: Reconsidered*.

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¹¹ Leasure, P., Doyle, R.C., Boehme, H.M., & Zhang, G. (2022), see note 9.

¹² Blumstein, A. & Nakamura, K. (2012), see note 1.

¹³ Gaebler, H. (2013), see note 3.

¹⁴ Ramaswamy, R. R. (2014). Bars to education: The use of criminal history information in college admissions. *Colum. J. Race & L.*, 5, 145.

¹⁵ Halkovic, A., & Greene, A. C. (2015). Bearing stigma, carrying gifts: What colleges can learn from students with incarceration experience. *The Urban Review*, 47, 759-782.

¹⁶ National Employment Law Project (August 2016). *Research supports fair-chance policies*. Retrieved from <https://s27147.pcdn.co/wp-content/uploads/Fair-Chance-Ban-the-Box-Research.pdf>



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