



Ana Yáñez-Correa, Ph.D.  
Executive Director  
Tel: 512.441.8123 ext. 109  
Cell: 512.587.7010  
Email: [acorrea@criminaljusticecoalition.org](mailto:acorrea@criminaljusticecoalition.org)  
[www.criminaljusticecoalition.org](http://www.criminaljusticecoalition.org)

Dear Members of the Committee,

Thank you for allowing me the opportunity to provide testimony in favor of H.B. 961. The Texas Criminal Justice Coalition supports this bill because it will strengthen confidentiality laws to make it easier for young adults to reintegrate into their communities. Specifically, making a child's fine-only misdemeanor record confidential, lowering the age of automatic restriction of nonviolent records from 21 to 17 years of age, and lowering the age of discretionary sealing of felony records from 21 to 19 years of age will provide these youths with the opportunity to become productive and responsible members of society.

### **PROBLEM**

Currently, an adolescent in Texas must wait until he or she turns 21 to have a juvenile criminal record restricted or sealed. In the meantime, an open record can prevent the adolescent from securing housing, employment, higher education, or military service. These obstacles increase the likelihood of further involvement with the juvenile justice system – and, potentially, the adult criminal justice system – at public safety and taxpayer expense.

### **KEY FINDINGS**

- 93 percent of employers report conducting criminal checks on applicants; 73 percent conduct checks on *all* applicants.<sup>1</sup> Youth with an open record will continue to face challenges obtaining employment.
- More than 80 percent of landlords conduct criminal checks on prospective renters,<sup>2</sup> and a criminal record may also prevent access to public housing programs. Housing barriers negatively impact a formerly incarcerated individual's ability to reconnect with his or her family, pivotal to successful re-entry in the community.<sup>3</sup> Adults who are unable to secure stable housing are more likely to recidivate: Research from the Georgia Department of Corrections showed that each move after release from prison increased a person's likelihood of re-arrest by 25 percent.<sup>4</sup>

### **SUPPORT H.B. 961 BY REPRESENTATIVE TURNER**

- **H.B. 961 makes a child's fine-only misdemeanor record immediately confidential.** The bill prevents disclosure to the public, but allows inspection by judges, court staff, criminal justice agencies, the Department of Public Safety, the child defendant, or his/her guardian, for public safety purposes.
- **H.B. 961 lowers the age requirement – from 21 to 17 years of age – for automatic restriction of a child's records.** The restriction only applies to conduct that is not violent or a habitual felony. A restricted record cannot be viewed by employers, educational institutions, or the public. The police and other criminal justice officials are still able to access the records, again for public safety purposes.
- **H.B. 961 lowers the age requirement – from 21 to 19 years of age – for discretionary sealing of a child's felony records.** The bill allows judges to seal the felony record if the child was not tried as an adult and has not committed a felony since turning 17.

<sup>1</sup> Society for Human Resource Management. "Background Checking: Conducting Criminal Background Checks." (2010) Available at <http://www.shrm.org/Research/SurveyFindings/Articles/Pages/BackgroundCheckCriminalChecks.aspx>

<sup>2</sup> Thacher, David. "The Rise of Criminal Background Screening in Rental Housing." (2008)

<sup>3</sup> Jeremy Travis, Amy L. Solomon, and Michelle Waul, "From Prison to Home: The Dimensions and Consequences of Prisoner Reentry," The Urban Institute, June 2001, pgs. 35, 39.

<sup>4</sup> Tammy Meredith, John Speir, Sharon Johnson, and Heather Hull. "Enhancing Parole Decision-Making Through the Automation of Risk Assessment." (2003)