



Rob Hutton

STATE REPRESENTATIVE • 13TH ASSEMBLY DISTRICT

October 1, 2019

To: The Assembly Committee on Corrections
From: Rep. Rob Hutton
Re: Assembly Bill 30

Testimony of Rep. Rob Hutton in Support of Assembly Bill 30

Thank you Chairman Schraa and the Committee on Corrections for hearing AB 30 today.

Criminal justice, victims, public safety, recidivism, and re-entry are all major topics across the nation and here in Wisconsin. Over the past decade we have seen many reforms in each of these areas to help protect victims and help set up offenders for successful re-entry into the community. One of the many factors to a successful re-entry is gaining employment which leads to income to support the individual, their family, and pay any restitution to the community and victim.

AB 30 creates a Council on Offender Employment whose responsibility is to issue a certificate of qualification for employment (CQE) to an offender, re-entering the community, which meets certain requirements. If the council, consisting of the Attorney General, State Public Defender, and Chairperson of the Parole Commission, finds that the offender is not likely to pose a risk to public safety, that the CQE will substantially assist them in finding employment, and that they are less likely to commit an additional offense, they must be granted a CQE. These determinations are to be based on information supplied by DOC regarding the offender's time incarcerated and on extended supervision.

The purpose of the CQE is to provide a tangible document demonstrating the efforts the offender has put into training and recovery for employers or to occupational license boards. Further, a CQE alleviates some of the risk an employer takes by hiring an ex-offender. The bill provides limited immunity from civil liability for employers who hire someone with a CQE. Under the amendment before you today, employers will be provided immunity from any claim against them for any issue stemming from negligent hiring of that employee.

We want to create an atmosphere that encourages and protects employers and allows for meaningful employment for those willing to make the effort to better their lives. Additionally, we want to cut through barriers to employment in occupational licensing by providing a chance to those whose calling is in one of these many professions. A criminal record often brings many restrictions that prevent that individual from participating in a licensed profession whether the crime was relevant to the job or not. A CQE will afford offenders the opportunity to apply for the license while still leaving control of issuance to DSPS.

Thank you again for the opportunity to testify. I look forward to answering any questions you may have.

Reduce Incarceration, Secure Employment (RISE) Act

Testimony on Assembly Bill 30
Assembly Committee on Corrections
October 1, 2019

Thank you Chair Schraa and members of the Assembly Committee on Corrections for hearing this bill. Assembly Bill 30 takes Wisconsin a step forward in reducing its recidivism rate and provides the opportunity for ex-offenders who have paid their debt to society find gainful employment.

Occupational licensure is one of the biggest impediments to those wishing to enter the skilled workforce. More than a quarter of workers in the United States need a government-issued license to work. Up from just 5% in 1950. Wisconsin currently regulates 166 professions. This impediment has been well documented across the political spectrum from the Obama Administration and the Brookings Institute to the Institute for Justice and Mercatus Center. Occupational licensure creates significant barriers to entry for low income individuals into a wide variety of professions. These barriers reduce competitiveness, increase prices, and stop some of our most vulnerable citizens from gaining employment in well-paying professions. Participation in family-supporting professions boosts Wisconsin's economy, increases the tax base, and reduces dependence on government. Access to well-paying jobs helps people succeed.

Collateral sanctions of criminal convictions add another barrier for ex-offenders. These sanctions include certain occupational licensing restrictions and other measures that close the door to potential employment for thousands of formerly incarcerated people in Wisconsin every year. A Certification of Qualification for Employment (CQE) will help alleviate those barriers for ex-offenders convicted of non-violent crimes. A CQE waives certain restrictions relating to applying for occupational licenses and signal to employers that the individual is ready for employment.

This bill creates the Council on Offender Employment to review applications for CQEs made up of the Parole Commissioner, State Public Defender, and Attorney General or their designees, and is housed in the Director of State Courts Office. Ex-offenders can apply to the council upon release from confinement if they have served at least 24 months, or if they have served 12 months of confinement and at least 12 months of extended supervision. The Department of Corrections will provide the information about applicants, including the ex-offender's highest level of education, treatment completed, work evaluations, and risk assessment reports, necessary for the council to make informed decisions. If the council concludes the applicant (1) would not likely pose a risk to public safety, (2) would assist the offender in obtaining employment or certification, and (3) that the offender would be less likely to reoffend if granted the certificate, then they must grant it.

A CQE is not a golden ticket. There are still restrictions. For instance the CQE would still not apply to certain facilities—i.e. childcare centers, some healthcare facilities—where our most vulnerable populations could be at risk. A CQE does not apply to jobs substantially related to the applicant's crime. For example, someone convicted of accounting fraud could not use the CQE to get a CPA license. Those who committed certain offenses, particularly those involving violent or sexual crimes, would not be eligible to apply under the bill. Employers hiring a person possessing a CQE would have limited immunity from civil liability for acts committed by the employee.

CQEs will help move the ball forward by simultaneously reducing recidivism, expanding Wisconsin's workforce, and reducing correctional costs.

I want to thank my colleague Representative Hutton for his leadership on this issue and thank you committee members for taking the time to hear this bill. I urge you to support Assembly Bill 30.



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Assembly Committee on Corrections
Assembly Bill 30
Tuesday, October 1, 2019

Good morning Chairman Schraa and members,

Thank you for holding this hearing on Assembly Bill (SB) 30 which creates a process to grant certificates of qualification for employment. This bill is an important step in the effort to reintegrate people into society post-incarceration. It will help to address some of the collateral consequences of conviction which can create a significant barrier to the employability of these individuals.

As a member of the 2017 Legislative Council Study Committee on Reducing Recidivism and Removing Impediments to Ex-Offender Employment, Co-Chaired by Representative Hutton and Senator Darling, we looked at the issue of access to employment. What we heard was that many people would be employable but for specific barriers imposed as a result of their conviction.

The State Public Defender's office wrote a book on the impact of collateral consequences of criminal conviction. A full inventory can be found online at <https://niccc.csgjusticecenter.org/>. There are hundreds of ways that a conviction can impose barriers to employment that most people would not intuitively guess. For example, a conviction for any misdemeanor crime creates a mandatory and permanent ban on becoming licensed to give hay or sleigh rides.

AB 30 creates a process to look at each individual's case and provide an ability to lift some of these collateral consequences to reduce the barriers so that people can find employment, a key factor in reducing recidivism going forward. With over 95% of the population of Wisconsin's correctional facilities expected to return to society, the ability to ensure that they can return as productive members of society is vital.

AB 30 is set up to test the potential benefits of this process while allowing for future expansion in terms of eligibility and impact. SPD is included as a member of the Council on Offender Employment which would be the body to review each applicant on their individual merits and potentially grant relief from collateral consequences. We appreciate the authors having included us on this council and anticipate that we will be able to participate without additional funding or staffing based on the scope of the Council's duties under AB 30.

Thank you again to the authors and this committee for having a hearing on this important legislation. We look forward to the committee's support of Assembly Bill 30 moving forward.

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LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Assembly Committee on Corrections Public Hearing Senate Bill 30 October 1, 2019

Chairman Schraa, Vice-Chair Hutton and members of the Assembly Committee on Corrections thank you for the opportunity to submit written testimony on AB 30, regarding creating a procedure for granting certificates of qualification for employment for persons convicted of a crime and making an appropriation.

Plain and simple, AB 30 is about breaking down barriers and increasing opportunities. It is a useful tool in the fight to *reduce recidivism*, while address labor needs of Wisconsin employers. Under current law, a person who has been convicted of a crime may be ineligible for, or at a disadvantage related to, certain types of employment, occupational licensing or occupational certification. This bill would create the Council on Offender Employment which may issue certificates of qualification for employment that would grant relief to the person from ineligibility for or a disadvantage related to employment, occupational licensing, or occupational certification. Thus, breaking down the barriers to finding employment and making it easier to reintroduce individuals after they have been released from a correctional facility.

This bill would allow for a person who has been convicted of a non-violent crime and has been released from confinement to apply for a CQE after he or she has served at least 24 months consecutive or has served 12 months consecutive and has had extended supervision for 12 months. The council would grant a person's application for CQE as long as the council finds that the person is not a likely risk to public safety and then will assist with helping the person obtain employment. This CQE can be revoked in person who received CQE is convicted of a Class A or Class B felony or has had their probation revoked for committing a criminal offense. In addition, this bill would provide *limited immunity from civil liability for employers who hire a person issued a CQE*.

A very similar bill has been passed in Ohio and has had much success in creating additional options for overcoming barriers to employment upon release from a correctional facility. It has given employers across Ohio the opportunity to evaluate each individual in terms of their ability to do the job rather than their criminal record. By 2017 in Ohio alone there has been 3,803 CQE's processing 588 which have already been approved breaking down the barriers for nearly 500 to find employment options they would not have had prior to a CQE.

AB30 would reduce barriers for employment for hundreds of individuals within Wisconsin. Allowing employers to confront workforce demands by being able to simply choose job candidates off of qualification rather than criminal history. It also changes current law so that a person who has been convicted of crime will not be ineligible for, or at a disadvantage related to, certain types of employment, occupational licensing, or occupation certification once approved for a CQE. Thus, aiding in *breaking down barriers for employment as well as bringing ease to reintroduction* for those who have been released from correctional institutions. I appreciate the work of Sen. Darling and those who appreciate the need for this bill.

Committee members encourage your support of AB30. Thank you for your time and attention.

Senator Lena C. Taylor

