

# Legal Consequences of Incarceration for Reentry

national **HIRE** network

Debbie Mukamal

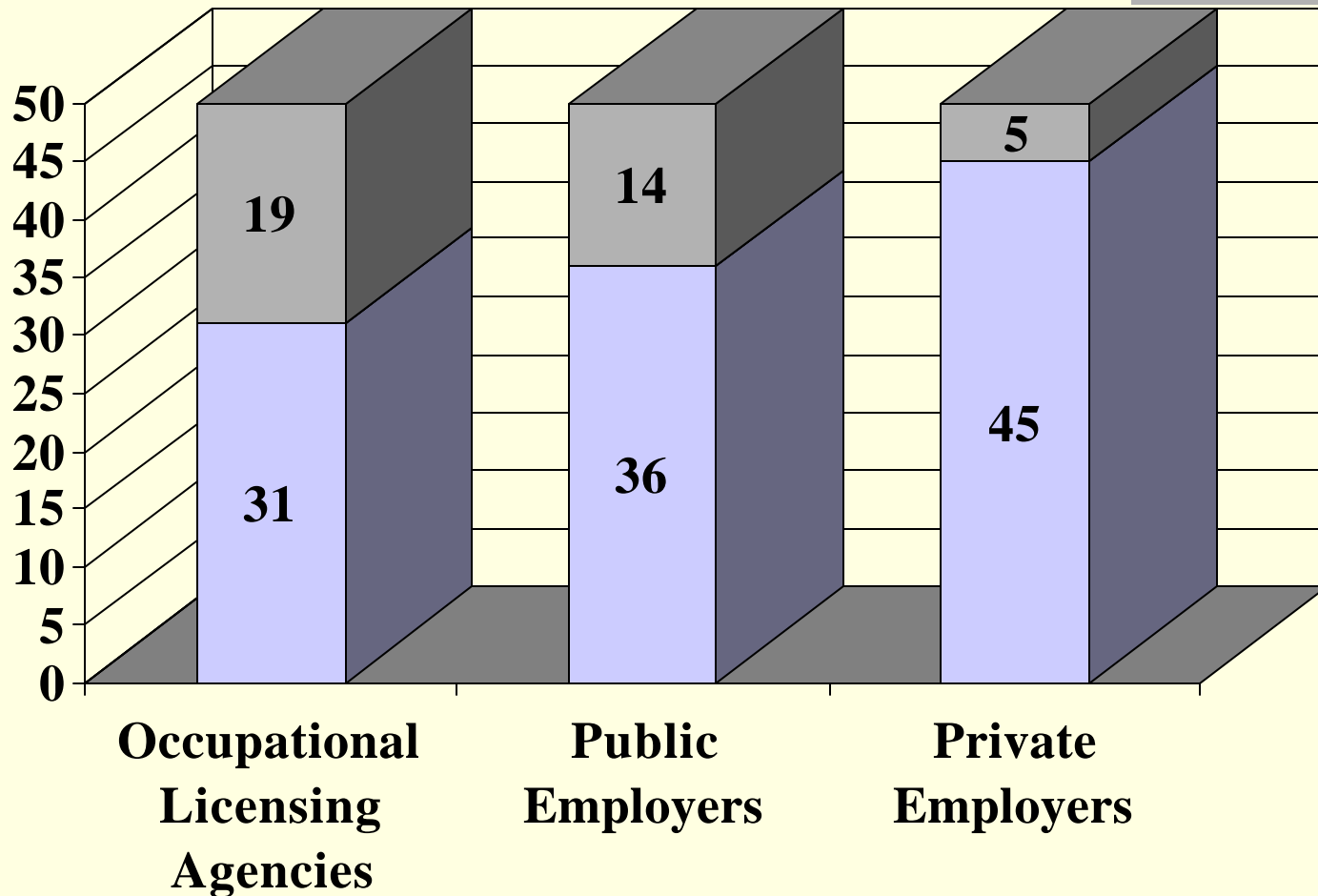
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# Inquiries and Consideration of Arrest Records by Employers

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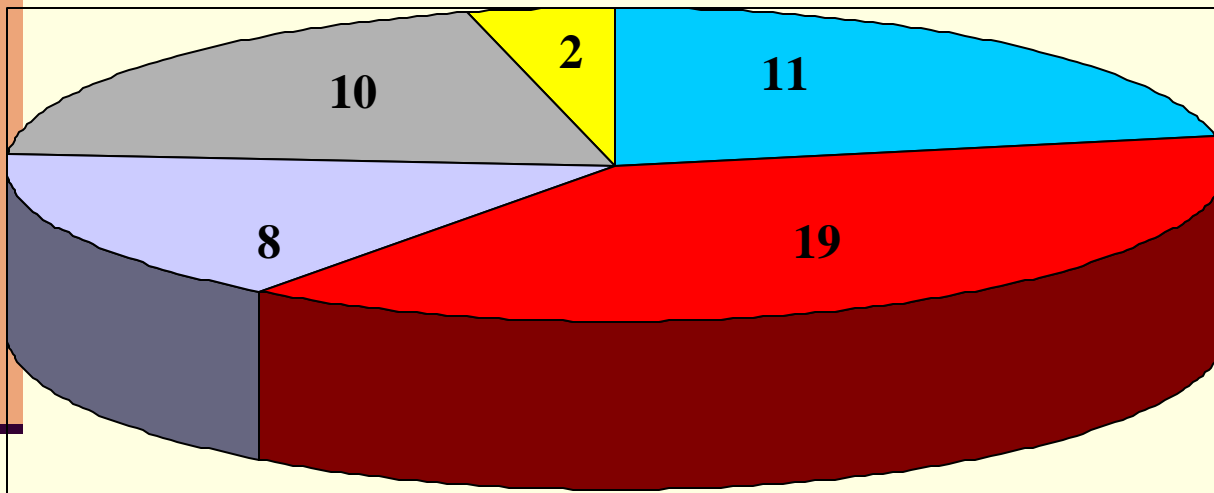
- **38** states (including New Jersey) *permit* public and private employers and occupational licensing agencies to ask about and rely upon arrests.
- **2** states limit public employers and occupational licensing agencies but not private employers.
- **1** state limits public employers but not private employers or occupational licensing agencies.
- **9** states *prohibit* any use of arrests by employers.

# Standards Governing the Relevance of Conviction Records by Employers



■ States with No Standards ■ States Requiring Individualized Determinations

# State Responses to Federal Drug Felon Ban on TANF and Food Stamps



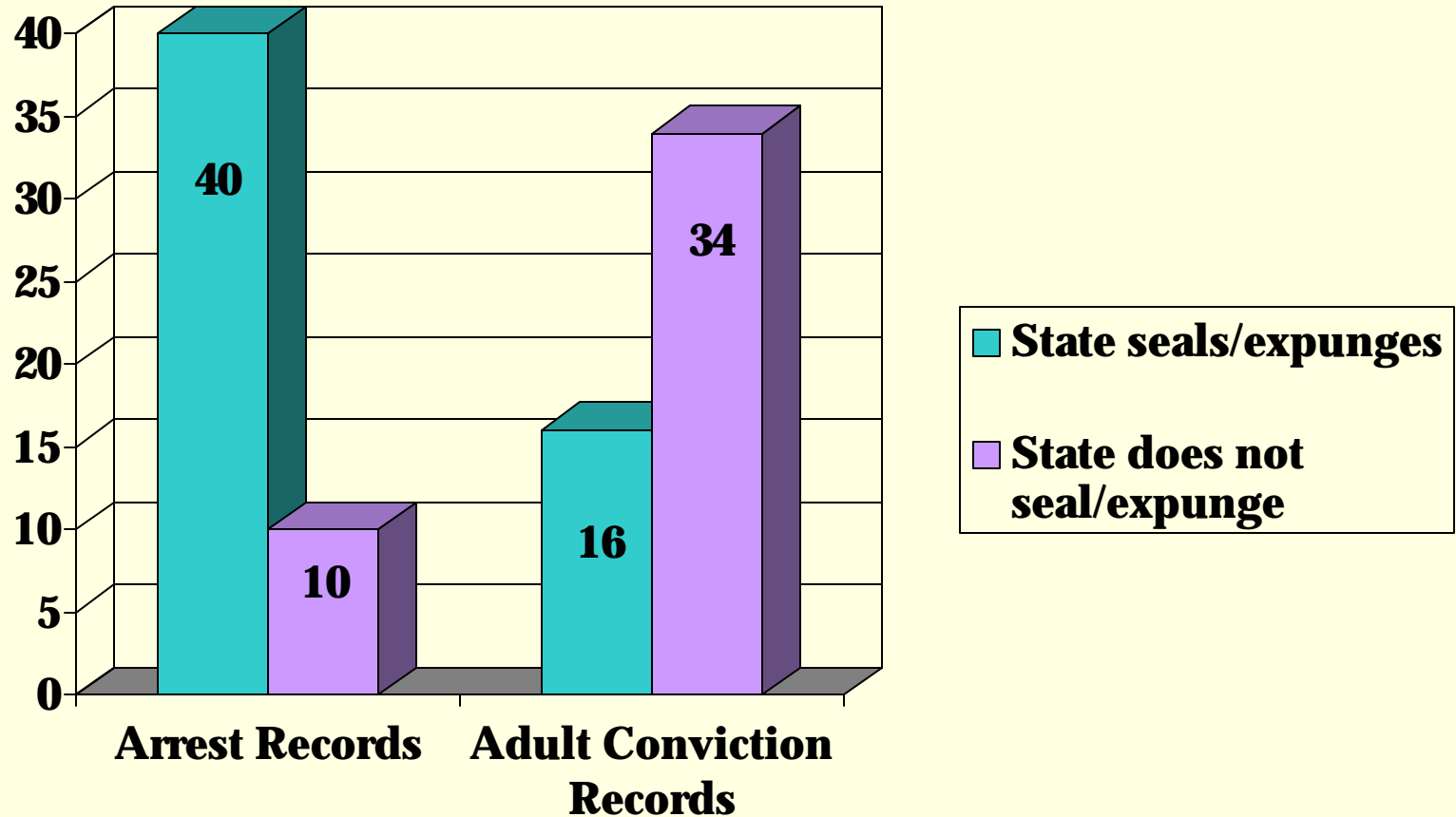
- Opted out of ban**
- Adopted ban**
- Modification by requiring treatment**
- Modification in other ways**
- Eliminated ban on Food Stamps and modified ban on TANF**

# Federal Ban on Educational Assistance for Drug Offenders

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- Makes students convicted of drug-related offenses ineligible for any grant, loan or work assistance.
- Length of suspension depends on type and frequency of offense(s).
- Student can resume eligibility by completion of drug treatment or if conviction is reversed.
- Congress is considering proposals to repeal or limit this provision.

# Access to Criminal Records



# Availability of Criminal Records on the Internet

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- **14** states put *all* conviction records on the internet.
- **6** states (including New Jersey) make available records of those who are *currently serving criminal justice sentences*.
- **8** states make available records of those who are *currently incarcerated*.
- **22** states *do not* have records on the internet.

# Federal WIA Reauthorization

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- Encourage states to allocate 15% statewide activity funding to provide services for “hard to serve” populations including people with criminal records.
- Congressman Davis recently introduced amendment to House WIA bill to include “ex-offender” as special population.
- Provide financial rewards to states that employ “hard to serve” populations.
- Encourage states to include reentry representative on local boards.
- Maintain and increase funds for correctional education programs.



# Opportunities for State and Local Policy Advocacy within WIA Reauthorization

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- Include representative on state and local WIBs with familiarity of reentry issues.
- Governor can specify that programs with experience and proven track record working with people with criminal records constitute some reasonable share of eligible providers of training services.
- Governor can choose localities with high concentrations of people with criminal records to receive Youth Discretionary Allocation funds.
- Use funding allotted for statewide activities to target localities with highest concentrations of people with criminal records & devote services for hard-to-serve populations, including people with criminal records.

# Opportunities for State and Local Policy Advocacy within TANF Reauthorization

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- Coordinate drug treatment with work preparation programs and allow approved treatment modalities to count toward state's work requirement goals. (Section 407)
- Opt out or modify drug felony ban (Section 115)