



Chair Dembrow and members of the committee,

Thank you for having me here today speaking in strong support of Senate Bill 517. I am the state policy manager for the Justice Action Network (JAN). We are the nation's largest bipartisan criminal justice reform organization, active in nearly 20 states across the country—from Louisiana, Missouri, and Arkansas, to Washington, Utah, and New Mexico. We support lawmakers like yourselves interested in enacting data-driven bipartisan justice reform laws that improve lives and protect community safety.

Research is clear that 95 percent of people sent to prison – and essentially 100 percent of people involved with the juvenile justice system—will one day return home. The issue before you today is simply the extent to which those individuals will face statutory obstacles as they try to put their lives back on track. Research and common sense tell us that the ability to find a good job that earns a living wage is correlated with the odds that a person will commit another crime. At its core, SB 517 is a public safety bill enacting policies likely to reduce recidivism in your districts.

Yet SB 517 is also a bipartisan workforce and economic development bill. Oregon businesses face an unprecedented labor shortage. To address this shortage, Oregon cannot afford the unnecessary, unfair, and counterproductive barriers to work enshrined in state statute.

Oregon is far behind other states when it comes to clearing obstacles people with records – criminal or juvenile – who are trying to establish themselves in a chosen profession or occupation that requires a license. The Institute of Justice, a national civil liberties nonprofit law firm, conducted a 50-state statutory scan of barriers to occupational licensure for people with criminal history. It graded Oregon's laws at a D-.¹ In contrast, Utah and California received B- grades, Idaho earned a C, and Washington scored a B+. All of those states have laws that reflect the policy goals of SB 517.

¹ <https://ij.org/report/barred-from-working/>



Under current Oregon law, a person may be denied a license in their chosen field solely because of a criminal or juvenile record, no matter how long ago the offense occurred, how minor the behavior, and, most importantly, whether what the person did had anything to do with the duties of the profession they hope to enter.

SB 517 corrects this problem by providing basic protections that have been on the books for years in other states. For example, California and Washington State outright ban using juvenile records against adults seeking licensure, while many others across the country (including both red and blue states) explicitly prohibit using a juvenile or criminal record against someone unless it is *related to the duties of the profession* that person seeks to enter. For reference, I have quoted statute in a sampling of states that provide these protections:

Washington: *“When issuing a professional license, government certification, or state recognition, the appropriate licensing authority may not disqualify an individual based on: (a) A conviction that has been sealed, dismissed, expunged, or pardoned; or (b) A juvenile adjudication.”*

California: *“...a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.”²*

Idaho: *“A licensing authority shall not deny a license, certificate, registration, permit, or other authorization to practice a profession or occupation to an applicant on the basis of such applicant having a prior conviction of a crime, unless such conviction is currently relevant to the applicant’s fitness to engage in such profession or occupation as determined by the licensing authority.”³*

²https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=BPC&division=1.5.&title=&part=&chapter=&article=
https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=1.5.&title=&part=&chapter=2.&article=

³ <https://legislature.idaho.gov/statutesrules/idstat/title67/t67ch94/sect67-9411/>



Iowa: *"...a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession."*⁴

In addition, under Oregon law, an adult found guilty of a criminal or juvenile offense who applies for an occupational or professional license are denied *at the very end* of an arduous and costly application process. SB 517 provides a fair and simple fix by establishing a pre-clearance process that informs applicants whether their record is disqualifying *before* they begin the formal process. Among the many states that have similar processes already in statute:

Utah: *"An individual with a criminal record may apply to the division at any time for a determination of whether the individual's criminal record would disqualify the individual from obtaining a license in an occupation or profession regulated by this title if the individual has completed or were to complete all other licensing requirements for the occupation or profession."*⁵

Texas: *"A person may request a licensing authority to issue a criminal history evaluation letter regarding the person's eligibility for a license issued by that authority if the person: (1) is enrolled or planning to enroll in an educational program that prepares a person for an initial license or is planning to take an examination for an initial license; and (2) has reason to believe that the person is ineligible for the license due to a conviction or deferred adjudication for a felony or misdemeanor offense."*⁶

Washington: *"An individual who has a criminal conviction may submit to the appropriate licensing authority a preliminary application for a professional license, government certification, or state recognition of the individual's personal qualifications for a determination as to whether the individual's criminal conviction would disqualify the individual from obtaining the occupational or*

⁴ <https://www.legis.iowa.gov/docs/code/272C.15.pdf>

⁵ <https://le.utah.gov/~2019/bills/static/HB0090.html>

⁶ <https://statutes.capitol.texas.gov/Docs/OC/htm/OC.53.htm>



professional license, government certification, or state recognition of the individual's personal qualifications from that licensing authority.”⁷

JAN urges the committee to ask: why is Oregon an outlier?

SB 517 bill does not represent a new and unproven approach; rather, it is smart, common-sense legislation derived from a stakeholder process.

I hope you will view JAN is a resource for this committee. I would be glad to make sure you have all the information you need to support this important piece of legislation. We welcome the chance to help with amendments from Oregon stakeholders that will strengthen the bill and improve implementation.

Thank you for your time and for considering these issues.

Noah Bein
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⁷ <https://app.leg.wa.gov/bills/summary?BillNumber=1874&Year=2021&Initiative=false>