

United States House Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security
2138 Rayburn House Office Building
Washington, D.C. 20515

Testimony of Ronald J. Lampard, Senior Director of the Civil and Criminal Justice Task Forces at the American Legislative Exchange Council

Dear Chairwoman Bass, Ranking Member Ratcliffe, and Members of the Committee,

Thank you for allowing me to testify before the committee. I look forward to discussing my work on this issue as well as how ALEC members have been working in their respective states to reduce barriers to entry for those with criminal records and to ensure that prisoners have access to reentry programs.

I. The American Legislative Exchange Council (ALEC) and Criminal Justice

ALEC is America's largest nonpartisan, voluntary membership organization of state legislators dedicated to the principles of limited government, free markets, and federalism. Comprised of nearly one-quarter of the country's state legislators and stakeholders from across the policy spectrum, ALEC members represent more than 60 million Americans. ALEC provides a forum for members to meet and discuss ideas and is the premier free-market organization that provides elected officials the resources they need to make sound policy. It enjoys a broad and growing membership that includes over 200 business and nonprofit members. ALEC has over 1,800 individual supporters and roughly 20 percent of Congress, several sitting governors and hundreds of local elected officials. For nearly a decade, our members have driven changes to criminal justice laws on issues that include occupational licensing reform, reentry programs, and fines and fees.

II. Prisoner Reentry Programs

Over two years ago, ALEC launched a working group on reentry, which continues to bring together legislative members and stakeholders from across the country to discuss successful reentry programs in the states. The working group was formed shortly after the adoption of ALEC model *Resolution in Support of Reentry Programs*, which encourages states and the federal government to implement prisoner reentry programs.¹ Namely, that the development and implementation of sound reentry policies promote public safety, reduce recidivism rates, and offer those with criminal records second chances. There are certainly those who deserve to go to prison and there are those who ought to serve a long prison sentence. These include those who commit violent offenses or those who have committed multiple offenses. However, while those individuals are in prison, efforts should be made to ensure that upon release, they do not commit additional crimes. This keeps communities safe and helps the individual reintegrate into society.

Reentry programs reduce recidivism rates and would make communities safer. Lower recidivism rates mean fewer crimes committed and fewer victims of crime. Roughly 40,000 federal prisoners were released in 2018 and roughly 20,000, or 50 percent, will return within three years of being released.² If the First Step Act is as effective as similar legislation enacted in the states, then those rates will drop considerably.

¹ [Resolution in Support of Reentry Programs](#). American Legislative Exchange Council. January 20, 2018.

² [Our Christmas Miracle](#). Greene, Emily. Prison Fellowship. December 2018.

When the state prison population is taken into consideration, roughly 600,000 prisoners are released every year and statistics demonstrate that absent reentry programs and other measures, over two-thirds of them will be arrested for another crime after they are released from prison.³

Reentry programs in the states have grown substantially over the last decade. For example, in 2007 Texas enacted measures that prioritized drug treatment, mental health, and rehabilitation for its prisoners. Three years later, Texas' prison population declined by 15,000 inmates and probation recidivism fell by nearly 25 percent. By the time Governor Rick Perry had left office in January 2015, the crime rate declined to its lowest rate since 1968.⁴ Since Texas' success, different states have implemented various programs that have experienced substantial success.

The North Dakota Department of Corrections and Rehabilitation has placed an emphasis on educating its prisoners. In 2016, it was the national leader among all adult education centers, prisons or otherwise, for the passing rate on the GED exam.⁵ In addition, Georgia has enacted laws that provide for various job training and drug treatment programs in its state prison facilities. According to recent crime data, since these laws were enacted Georgia's violent crime rate has continued to fall. Furthermore, since 2013, South Dakota used its savings resulting from a reduced prison population to fund more drug and alcohol-abuse programs, as they recognized that these programs were effective at both reducing the recidivism rate and reducing the crime rate.⁶ Drug treatment and mental health treatment programs are of crucial importance. The absence of either of these programs hinders an individual's progress toward participation in other reentry programs that involve education and job-training.

III. Barriers to Entry

a. Occupational Licensing

ALEC members have spearheaded efforts by states to loosen occupational licensing restrictions. This often provides opportunities for those with a criminal record to obtain employment where they may have been previously prevented from doing so. Obtaining employment is a crucial step for individuals attempting to re-enter society. Over the last two years, states such as Arizona, Indiana, Kansas, Tennessee, and Wyoming enacted legislation relaxing their occupational licensing restrictions. These laws allow individuals who have committed certain crimes to have the ability to re-join the workforce, enabling them to provide for themselves and their families, while contributing to their community.

The ALEC model *Collateral Consequences Reduction Act* allows someone in prison the right to petition a licensing board for review of their criminal record at any time for a determination of whether the individual's criminal record will prevent them from obtaining a license. This information allows inmates to know whether they will be able to obtain a license for a certain occupation where a license is required

³ [2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period](#) (2005-2014). Alper, Mariel. Durose, Matthew R. Markman, Joshua. May 2018.

⁴ [2016: A Successful Year for Criminal Justice Reform and Path to the Future](#). Lampard, Ronald J. ALEC State Factor. December 8, 2016.

⁵ [Focus on reform: North Dakota uses education, work to prepare prisoners for reentry](#). Hazard, Andrew. Bismarck Tribune. October 14, 2017.

⁶ [Law and Order Texas Takes on Criminal Justice Reform](#). Greenblatt, Alan. The American Conservative. June 12, 2018.

before they participate in a job training program for that occupation. Knowing this information is crucial in helping a prisoner determine which training programs give them the best opportunity for success upon release.

b. Driver's Licenses and Fines and Fees

Another area that poses a challenge to those with criminal records is burdensome fines and fees that often accompany criminal sentences. The ALEC model *Resolution on Criminal Justice Fines and Fees* encourages states to ensure that fines and fees imposed by the criminal justice system are reasonable, transparent, and proportionate, and not in conflict with the goals of improving public safety, reducing recidivism, ensuring victims receive restitution, and enabling offenders and ex-offenders to meet obligations to their families.⁷ In addition, there are provisions contained in the resolution that encourage states to seek alternatives to fines and fees in the event that an individual is unable to pay. These include community service or reasonable payment plans.

In tandem, the ALEC model *Resolution in Support of Limiting Driver's License Suspensions to Violations Involving Dangerous Driving* encourages state policymakers to revise laws to limit driver's license suspensions imposed for violations against the government to conduct involving dangerous driving offenses such as drunk driving or multiple moving violations.⁸ If an individual owes a debt to a court and has not had any other infractions other than being unable to pay their fines and fees, then they should be able to discharge their obligation via other means, such as performing community service.

When states take away driver's licenses for an offense unrelated to dangerous driving, public safety is not enhanced. In fact, stripping individuals of their driver's license makes it more difficult to earn a living and more difficult to pay off potential court fees. As a practical matter, many individuals may drive with a suspended license because they need to get to work or care for their family. As a result of these individuals driving with a suspended license, some ultimately end up spending time in jail simply because they cannot afford to pay court debt. Resources should be spent preventing dangerous drivers from driving, not placing an obstacle to prevent an individual who does not pose a threat to public safety from pursuing their livelihood.

Over the last few years, several states have passed measures that place limitations not only on the imposition of fines and fees, but also on driver's license suspensions for those who do not commit dangerous driving offenses. For example, Maine, Michigan, Mississippi, and Montana enacted legislation that aimed to reduce driver's license suspensions and the imposition of fines and fees.

c. Clean Slate

A criminal record can negatively impact an individual for years. In fact, roughly 77 million Americans have some sort of criminal history.⁹ Unfortunately, having even a minor criminal record carries lifelong barriers that can block successful reentry and participation in society. This includes barriers to both

⁷ [Resolution on Criminal Justice Fines and Fees](#). American Legislative Exchange Council. September 12, 2016.

⁸ [Resolution in Support of Limiting Driver's License Suspensions to Violations Involving Dangerous Driving](#). American Legislative Exchange Council. January 20, 2018.

⁹ [Federal Justice Statistics, 2016](#). Motivans, Mark. United States Department of Justice Bureau of Justice Programs. January 2019.

employment and housing. Over the last few years, some states have begun to take steps to make it easier for certain individuals with a criminal history address this issue.

Over the last few years, Pennsylvania and Utah enacted measures commonly referred to as “clean slate” laws. These laws allow certain individuals the opportunity to have their records sealed. These include people who were arrested, but were never charged, had charges dismissed, were found not guilty, or those who were convicted of certain nonviolent crimes after a period of time has passed since the completion of their criminal sentence.¹⁰ These sealed records will not be visible on background checks used by a majority of employers, landlords, and universities; however, they will still be visible on background checks conducted by law enforcement agencies.

The clean slate laws in both Pennsylvania and Utah target those individuals who pose little to no risk to public safety, have completed their entire criminal sentence, and are attempting to reintegrate into society. Given that so many working age citizens are estimated to have criminal records, this legislation would have a tremendously positive impact on numerous individuals throughout both states.

IV. Conclusion

Ultimately, over 95 percent of all individuals serving a prison sentence will be released.¹¹ Criminals should certainly be punished and held accountable for their actions; however, they should also be permitted the chance to rejoin their communities after they have paid their debt to society. Elected officials at all levels of government should place substantial emphasis on public safety and allow prisoners the opportunity to participate in those programs that help ensure that they do not commit additional crimes after they have been released from prison. In addition, burdensome occupational licensing restrictions and fines and fees ought to be reviewed and revisited. Finally, certain nonviolent offenders who have completed their entire criminal sentence should have the opportunity to have their records sealed from many, but not all potential employers. ALEC will continue to work on this issue to ensure that individuals are given a better opportunity to rejoin society and to keep communities safe.

Sincerely,



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¹⁰ [HB 1419](#). Pennsylvania General Assembly. June 28, 2018. [HB 431](#). Utah House of Representative. March 28, 2019.

¹¹ [Resolution in Support of Reentry Programs](#). American Legislative Exchange Council. January 20, 2018.