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FACT SHEET 2013

H.B. 321

Allow Access to Essential Needs and Tools for Personal Responsibility For Individuals who have Successfully Completed a Term of Deferred Adjudication

CURRENT LAW CREATES HARMFUL BARRIERS TO HOUSING, EMPLOYMENT, AND LICENSING

A criminal record can severely limit an individual's access to housing, employment, and other benefits, thus increasing the likelihood of re-offending. Barriers to these necessities are especially troubling when an individual has successfully completed a term of deferred adjudication, which allows the sentencing judge to set aside the conviction after the person has fulfilled all obligations of community supervision.¹ Especially in these situations – when the courts have decided that individuals should be provided a chance to rehabilitate, rather than be saddled with a life-long criminal record – any barriers to successful reintegration should be removed.

Between Sept. 1, 2010, and Dec. 2012, Texas courts placed 290,971 people on deferred adjudication.² Under current law, these individuals – and thousands before them – may face obstacles to housing, employment, and occupational licensing that reduce their likelihood of living successfully in our communities.

KEY FINDINGS

- **Deferred adjudication can be imposed for almost any offense, including minor misdemeanor offenses like gambling or state jail felony offenses like marijuana possession.**³ Such offenses should not prohibit future access to a home or job.
- **Criminal records pose barriers to basic living essentials.** Under statutes in all 50 states, rental property owners may – but are not required to – screen for and refuse to rent to people with criminal backgrounds.⁴
- **Criminal records pose barriers to employment.** Former felons cannot qualify for many employment positions that require licenses (including air conditioning and refrigeration contractors, electricians, water well drillers, dog trainers, and many others), even if they have successfully completed a sentence of deferred adjudication and the judge dismisses the conviction.⁵

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 321 BY REPRESENTATIVE DUTTON

- H.B. 321 will remove barriers to housing, employment, and licensing that are unnecessarily and unfairly placed on those who successfully complete their court-ordered community supervision.
- By opening housing opportunities, H.B. 321 will decrease the incidents of homelessness experienced by those with felony deferred adjudications, and it will increase the chances that families negatively affected by crime will reunite, creating stronger and safer communities.
- By increasing employment opportunities, H.B. 321 lessens the tax burden on Texans, and it allows people with deferred adjudications to maintain their lives as working citizens.

Citations on reverse.

Citations

¹ TEX. CODE OF CRIM. PROCEDURE, ART. 42.12 SEC. 5(C).

² Office of Court Administration, *2011 Annual Report*, District Courts Activity Detail, <http://www.courts.state.tx.us/pubs/AR2011/toc.htm>.

³ TEX. CODE OF CRIM. PROCEDURE, ART. 42.12 SEC.3.

⁴ Reentry Policy Council, *Report of the Re-entry and Community Policing: Strategies for Enhancing Public Safety* (March 2006), <http://www.urban.org/publications/411061.html>.

⁵ TEX. OCC. CODE, 53.021 (c)(3).