**FEDERAL**

**U.S. Dept. of Labor Announces Availability of Grant Funds for Workforce Skills for Juveniles**

The U.S. Department of Labor announced the availability of approximately $26 million in grant funds to improve the long-term labor market prospects of youth involved in the juvenile justice system. Approximately 26 grants of up to $1 million each will be awarded to serve juvenile offenders between the ages of 16 and 24. Grants must include a diversion and/or expungement component along with other requirements. Click here for more information and here for grant applications.

**Administration Presses Ahead on Gun Background Checks After Senate Defeat**

Despite the Senate defeat of the bipartisan effort to expand background checks for more gun purchases, the Obama Administration continues to work to bolster the national criminal background check system used for firearms purchases. The Department of Health and Human Services filed notice last week initiating a rulemaking process to remove barriers that keep states from sharing records regarding health information with NICS. Click here for notice of proposed rulemaking and here for article.

**STATES UPDATE**

**New York State Launches Program to Encourage Hiring of People with Criminal Records**

New York State recently launched the “Work for Success” program to encourage employers to take advantage of the federal Work Opportunity Tax Credit. The program promotes nine non-profits who provide human resource services, training, and recruitment throughout the state and with which business can partner to hire individuals. In addition to the WOTC, the employer participants are eligible to receive free bonding under the federal bonding program. See article.

**Universities Increase Background Checks of Employees and Volunteers**

Largely in response to the Penn State sex abuse scandal and cover up, universities are increasing background check requirements for employees and volunteers. Some, like Ohio State University, are limiting background checks to those employees and volunteers who work with minors. (See article). Others, such as Florida Gulf Coast University, are requiring all faculty, staff and adjunct professors to undergo background checks. (See article). Frequently relying on state department of justice records, it is unclear whether these policies provide workers with adequate appeal and waiver processes.
Indiana's First Expungement Bill Heads to Governor

HB 1482 permits sealing and expungement of certain arrest and conviction records. The bill permits the sealing on nonconviction arrests after 1 year and expungement of misdemeanor records (including Class D felonies that have been reduced to misdemeanors) after 5 years. Rep. McMillin, the Republican and former deputy prosecutor who authored the bill says, “Making a mistake doesn’t mean that you’re necessarily a bad person. Making a mistake means you’re a human being.” The bill has passed both houses and is headed to the Governor. See article.

BAN THE BOX

Illinois Bans the Box

On April 28th, Governor Pat Quinn’s office sent a letter of commitment to remove the question regarding criminal convictions from initial applications for employment at Illinois state agencies. The letter was sent to Rep. Ford, a longtime proponent of ban the box and expungement policies. See Rep. Ford’s press release.

Minnesota Legislation Expanding Ban the Box to Private Employers Continues to Move

HF 690, introduced on Feb. 18th, expanding Minnesota's ban the box to private employers has passed the Senate with bipartisan support. Senator Champion, author of the bill, expects it to pass the House as it has bipartisan co-authors. See article.

Kansas City, MO Bans the Box

Recognizing the role of employment in reducing recidivism, Kansas City, MO, has joined the movement to ban the box on city job applications. The ordinance prohibits the City from considering nonconviction arrests, expunged or annulled convictions, and misdemeanor convictions where no jail sentence can be imposed. Ordinance available here.

RESEARCH AND NEWS

Public Defenders and Their Clients Hurt by Sequester

Sixty years ago the right to counsel was determined by Gideon v. Wainwright. Now the ability to assert that right and the right to a speedy trial is threatened by the sequester. Around the country, public defenders are reporting delays, hardships, and the inability to provide needed representation to indigent clients because of the sequester. See NPR and Washington Post articles.

The Investigative Reporting Workshop, a nonprofit newsroom in Washington, D.C., is working on a story about the flaws in the indigent defense system: what might improve it, and the costs of its failures to individuals and states. A reporter is looking specifically at the issue of collateral consequences for people who don’t understand how their plea sentence will affect the rest of their life. Please contact Madeline Neighly at NELP if you have a client who was represented by a public defender, accepted a plea bargain, and
does not believe that he or she received appropriate information on the collateral consequences of the conviction.

**New Poll Shows California Victims of Crime Support Rehabilitation Over Incarceration**

A poll commissioned by Californians for Safety and Justice surveyed 500 crime victims in the state. The data shows that California’s crime victims support the state’s Public Safety Realignment law and believe the state should focus more on supervised probation and rehabilitation, rather than more incarceration. Learn more [here](#).

**UT Report on Increasing Use of Criminal History Information in Texas**

UT Law School and Institute for Urban Policy Research and Analysis have released a report addressing the increasing use of criminal history information for noncriminal justice purposes in Texas. More than 4.7 million adults in Texas possess a criminal record and 1 million new arrests occur each year. This increase of people with records combined with an increase in electronic databases has led to widespread increases in the use of criminal history records for noncriminal justice purposes. Click [here](#) for report.

**College Admission Criminal Background Checks Don’t Predict Criminal Behavior**

According to researchers, more than half of all American colleges ask student applicants about their criminal histories or require criminal background checks for admission. However, there is no real evidence to show this reduces on-campus crime. According to a new report, only 3.3 percent of college seniors who engaged in misconduct had a precollege criminal history, and just 8.5 percent of applicants with a criminal history were charged with misconduct during college. See [article](#) or access [report](#).
FEDERAL

U.S. Dept. of Labor Announces Availability of Grant Funds for Reentry

The U.S. Department of Labor’s Employment and Training Administration announced the availability of approximately $20 million in grant funds to help adult inmates prepare to re-enter the workforce. The department expects to award 15 grants of up to $1.4 million each to organizations that will provide training and employment to inmates ages 18 and older participating in state or local work release programs. See solicitation for grant applications.

STATES UPDATE

Georgia Legislation Requiring National Background Check for Childcare Workers

The Georgia state Senate has passed a bill requiring childcare employees to pass a national fingerprint records check every five years. Lawmakers approved House Bill 350, which requires all childcare center directors and Department of Early Care and Learning workers to pass the records checks. See article.

Study Highlights Flaws in Arizona’s Criminal Background Records System

The criminal-background-check system that Arizona police, gun dealers and employers rely on is flawed. Statewide, Arizona is missing disposition information on 33.6 percent of felony arrest counts and 25.1 percent of misdemeanor domestic violence arrest counts according to the report, Arizona NICS Records Improvement Plan. The Arizona Criminal Justice Commission explained that agencies are not following the same reporting guidelines and rely on a slow paper-based system. See article.

BAN THE BOX

Campaign for Rhode Island Ban the Box Legislation Features New Video

On March 20th, H5507 was heard in the House Labor Committee. This is the third year that the bill was introduced. Advocates in favor of the bill featured a video, "Beyond the Box: the Ban the Box Movement in Rhode Island". See editorial in support, see article. See film project, Indiegogo.
Ban the Box Introduced in Michigan with Support of Fair Chance Coalition

State Representative Fred Durhal Jr. (D-Detroit) and Monica Jahner of the Fair Chance Coalition to Ban the Box were at a Capitol press conference on March 7th to introduce HB 4366. The bill would prevent employers from placing a question about felony convictions on an initial job application. See news coverage.

Ban the Box Introduced in North Carolina

HB 208 was introduced on March 4th and would apply to state employment. See news story. Meanwhile, Charlotte City Council is considering a measure locally. See article.

Minnesota Legislation Expanding Ban the Box to Private Employers Moving Forward

HF 690, introduced on Feb. 18th, expanding Minnesota’s ban the box to private employers has passed through all committees and is well positioned with bipartisan support. The St. Paul City Council went on record supporting the bill.

California Ban the Box Needs Support from National and California Organizations

AB 218, which would apply to cities, counties, and state agencies, has its first hearing on April 2nd in Assembly Judiciary Committee. NELP, a co-sponsor, is seeking letters of organizational support. Sample letter available here; contact mrodriguez@nelp.org.

RESEARCH

Collateral Consequences of Criminal Convictions: Law, Policy and Practice Offers Roadmap to the Restoration of Rights After Conviction

Collateral Consequences of Criminal Convictions: Law, Policy and Practice by Margaret Colgate Love, Jenny Roberts, and Cecelia Klingele was released Feb. 21st. This volume is a comprehensive resource for practicing civil and criminal lawyers, judges and policymakers on the legal restrictions and penalties that result from a criminal conviction over and above the court-imposed sentence. The text is available for purchase here. A link to a short video about the text featuring the authors is available here. See press release.

Discredited: How Employment Credit Checks Keep Qualified Workers Out of A Job

Demos’ new study, Discredited: How Employment Credit Checks Keep Qualified Workers Out of A Job draws on data from D?mos’ most recent National Survey on Credit Card Debt in Low- and Middle- Income Households, and finds that among low- and middle-income households carrying credit card debt, employment credit checks are common, people are denied jobs because of credit checks, and people of color are disproportionately likely to report poor credit.
FEDERAL UPDATE

FTC Regulates Background Check Mobile Apps

In February 2012, the Federal Trade Commission (FTC) sent letters to providers of mobile apps that provide background checks warning the companies that this activity may violate the Fair Credit Reporting Act (FCRA). At least one company, Filiquarian, continued to provide criminal background checks via mobile apps in violation of FCRA, causing the FTC to file a complaint in 2013. A consent decree was proposed and the FTC released an analysis of the decree to aid public comment. Notice was placed in the Federal Register on January 16, 2013. In February, the FTC released a new report on Mobile Privacy Disclosures. Click here to read Martindale article.

NACDL Restoration Rights Task Force Holds Hearing

The NACDL Task Force on Restoration of Rights and Status After Conviction held a three-day hearing to explore collateral consequences and relief mechanisms. Experts included NELP's Federal Advocacy Coordinator, Judy Conti, Amy Solomon from the Department of Justice, and Community Legal Services of Philadelphia Senior Attorney, Janet Ginzberg, among many others.

Discrepancies in Background Checks for Jobs and Background Checks for Guns

Former chief counsel at the U.S. Maritime Administration and former senior counsel on the House of Representatives Homeland Security Committee, Denise Krepp, draws attention to the discrepancies between background checks for port workers and background checks for guns. While the Transportation Worker Identity Credential (TWIC) program requires workers to pay for the background check and biometric identification, can take months for the background check to be processed, and creates a national database of all TWIC holders accessible by employers and police, gun purchasers are not required to pay a fee for the background check, the check must be completed within 3 days, and the creation of a national database is prohibited. Krepp notes that those legislators who supported strict background checks for port workers are often those opposing increased background checks for gun owners. Click here to read Krepp’s article in The Journal of Commerce. Click here to read NELP’s 2009 report on the TWIC program.
STATES UPDATE

No Support Network for Newly Released California “3 Strikers”

In 2012, Californians voted to amend the state’s “Three Strikes” Law, changing sentencing requirements and permitting the resentencing of some sentenced to life under the old law. Of the nearly 3,000 eligible for resentencing, about three dozen have already been released. With no parole or probation to serve, folks released under the program are given nothing more than $200 in gate money. To ensure people have a chance at success, Stanford’s Three Strikes Project is working to create re-entry plans using a combination of public and private services. Read more here.

Ohio Requires Additional Background Checks for Home Health Workers

Ohio’s law regulating background checks for home health workers was amended effective this year. The law now subjects home health workers to background checks every five years. In addition to criminal background checks, employers are required to review multiple databases to search for disqualifying information. The law also created a list of mandatory disqualifying offenses. Read more here.

ARTICLES

Prison and the Poverty Trap

John Tierney, the Findings columnist for Science Times, is exploring the social science of incarceration. Articles in this series are looking at the effect of current policies on families and communities, and new ideas for addressing offenses. This article explores the financial impact one man’s incarceration has had on his wife and daughters. Read the article here.

LITIGATION

K-Mart Settles FCRA Violation Case for $3 Million

In a class action brought by Consumer Litigation Associates, The Consumer and Employee Rights Law Firm, and Christopher Colt North, K-Mart was accused of failing to notify applicants if they were rejected based on a criminal background check in violation of the Fair Credit Reporting Act. The Court approved a $3 million settlement for the 64,506 class members on February 4, 2013. The case is Pitt v. K-Mart Corp., Case No. 11-cv-00697, U.S. District Court for the Eastern District of Virginia. Read more here.
FEDERAL

Gun Control Debate and Background Checks

Federally-licensed gun sellers are not allowed to sell a firearm without a completed review by the National Instant Criminal Background Check System. More than a million people failed background checks to buy guns during the past 14 years because of criminal records, drug use or mental health issues, according to FBI figures. See article. The "universal background checks" now being pushed by some gun control supporters is meant to close loopholes on checks at gun shows and other private sales. Federal law does not require background checks for "private transactions," like sales at gun shows. Many states have their own statutes requiring such checks for private sales. See article. See President’s plan on reducing gun violence, Now is the Time. See ACLU recommendations.

STATES UPDATE

Massachusetts Legislation Expanding Criminal Background Checks on School Employees

On Jan. 10th Governor Patrick signed H4307, which requires teachers, child care workers, school bus drivers, or persons seeking to adopt or become foster parents to submit fingerprints for a national background check. Under the previous law, fingerprints were not required and only a Massachusetts Criminal Offender Record Information check was done. All newly hired teachers, bus drivers and other school employees who may have direct unsupervised contact with children are required to undergo the national background check before the start of the 2013-2014 school year. All current employees must undergo the background check prior to the start of the 2016-2017 school year. See press release.

Big-business Lobby Supports Criminal Justice Reform in Texas

In a significant shift in lobbying clout, Texas’ most powerful business group has decided to make criminal-justice reforms a key focus of its priorities for legislative action, seeking ways to spend taxpayer money more efficiently and to improve the state’s economic future. Bill Hammond, president of the Texas Association of Business, said the group plans to push to expand successful rehabilitation and community-based corrections programs; to change Texas’ drug-sentencing laws to put more low-level offenders in local treatment programs and reduce penalties for small amounts of drugs; and to modify state licensing laws that keep some people with records from ever becoming certified for various trades. See article.
**BAN THE BOX**

**Ban the Box Already Exists in the City of Fayetteville**

Cumberland County Commissioner Charles Evans urged Fayetteville City Council to join the County and the town of Spring Lake in removing the conviction history question from the municipality’s employment applications. “It’s taken off the application in hopes of giving individuals the opportunity to feel like they are getting an equal footing in applying for a job,” Evans said. It turns out, however, the city's Human Resources Department decided to make the change last year. The change was made on city job applications, effective July 1, consistent with the new guidelines by the Equal Employment Opportunity Commission. See blog.

**City Council of Tampa Florida Passes Ban the Box**

On Jan. 10th, the city council of Tampa passed a ban the box ordinance 6-1 applying to city employment. The ordinance states that the City of Tampa may not disqualify a candidate for employment solely because of a criminal conviction. The City will not perform a background check until an applicant is selected as a finalist. If the finalist is found to be ineligible for the position, the finalist will be notified and then have 5 business days to respond in writing. Ordinance No. 2013-3 available on p. 62 of link.