

ASSEMBLY BILL 2138 (CHIU & LOW)

REDUCING BARRIERS TO OCCUPATIONAL LICENSING

SUMMARY

Reduces barriers to occupational licensing for individuals with a prior conviction applying for licensure through the Department of Consumer Affairs (DCA).

BACKGROUND

In California, an estimated 7,955,500 people – approximately 1 in 3 adults – have arrest or conviction records. California has the highest recidivism rates in the nation, with many low-level criminal offenders committing new crimes within a year of release. These factors play a huge role in the prison and jail overcrowding crisis that the Legislature spent the past decade attempting to address.

One of the reasons for high rates of recidivism is an inability of prior offenders to secure gainful employment upon reentry. Like all Californians, access to secure employment is critical for these 8 million individuals with a prior conviction to support their families and communities.

California has already adopted robust policies that break down barriers for previously incarcerated individuals to access jobs in the private sector, including “ban the box” policies. Nevertheless, there continue to be barriers to employment for Californians with prior convictions.

Nearly 30 percent of California jobs require licensing, certification or clearance by an oversight board or agency for approximately 1,773 different occupations.

All too often, qualified people are denied occupational licenses or have licenses revoked or suspended on the basis of prior arrests or convictions, many of which are old, unrelated to the job, or have been judicially dismissed.

Even people who receive job-specific training while incarcerated are kept out of these occupations by licensing barriers.

It is in the interest of public safety to assist in the rehabilitation of criminal offenders by removing impediments and restrictions upon their ability to obtain employment.

THE SOLUTION

Decreasing barriers to occupational licensing is just one way California can reduce recidivism and provide economic opportunity to all its residents.

AB 2138 will increase access to licensure by applying reforms to DCA.

Specifically, AB 2138:

- Prohibits denial or revocation/suspension of a license on the basis of a non-violent conviction older than 5 years, a conviction that has been dismissed, or a non-conviction “act” unless it is directly related to the qualifications, functions, or duties of the business or profession for which application is made.
- Prohibits boards from requiring an applicant to self-disclose criminal history information since boards already run background checks through DOJ.
- Requires boards to collect and publish demographic data regarding applicants who are denied licensure or who have licenses revoked/suspended.

California must continue to increase public safety and economic prosperity for all Californians by adopting policies that reduce barriers to economic opportunity for formerly incarcerated individuals.

SUPPORT

All of Us or None
Anchor of Hope Ministries
Anti-Recidivism Coalition
Because Black is Still Beautiful
Californians for Prop 57
Californians for Safety and Justice
Center for Employment Opportunities (CEO)
Center for Living and Learning
Checkr
East Bay Community Law Center
Legal Services for Prisoners with Children
Los Angeles Regional Reentry Partnership (LARRP)
National Association of Social Workers - California chapter

Prisoner Reentry Network
Project Rebound: Expanded
REDF (Roberts Enterprise Development Fund)
Rise Together Bay Area
Root & Rebound
San Jose State University Record Clearance Project
The Young Women's Freedom Center

OPPOSITION

None on file

FOR MORE INFORMATION

Riana King
Office of Assemblymember David Chiu
riana.king@asm.ca.gov

Robert Sumner
Office of Assemblymember Evan Low
robert.sumner@asm.ca.gov