

# FGA Fresh Start

## What is Fresh Start and how does it work?

Across the country, state governments have laws requiring workers in over a thousand occupations to obtain occupational licenses to work legally. Licensing boards impose thousands of additional restrictions for those with criminal records. States should allow people with records to become productive members of society and discourage their likelihood of reoffending. To create more work opportunities for ex-offenders, Fresh Start ensures that licensing restrictions are specific and directly related to safety.

Fresh Start requires occupational licensing boards to eliminate blanket bans on work for people with any felony or misdemeanor, and instead state what specific convictions disqualify people from working. States must also end most permanent bans on working in an occupation based on a prior conviction for non-violent, non-sexual offenders.

## Aren't state licensing boards simply protecting the public from ex-offenders?

Of the 40 states that have overarching laws governing how licensing boards can grant licenses, half have almost no restrictions on how these agencies can treat ex-offenders. This means that many licensing agencies can consider old convictions, convictions that are unrelated to the occupation, minor infractions, and even arrests not resulting in conviction.

These licensing boards are often controlled by well-established professionals and special-interest groups who have an incentive to limit competition wherever they can, rather than protect public safety.

## Will this reform help address the opioid epidemic?

The devastating opioid epidemic has left tens of thousands of individuals across the country with records. Vague standards and subjective, non-specific terms like "moral turpitude" and "good character" can serve as disincentives for those in recovery seeking work in licensed occupations. Because work is a core component of recovery and has the largest positive effect on overcoming drug addiction, states should be promoting work for these individuals, not adding barriers to recovery.

## Is this reform soft on crime?

More than 600,000 people leave prison each year. Even those who are tough on crime should want these individuals to work and become independent instead of remaining a drain on society.<sup>1</sup> Beyond those who have been incarcerated, an estimated one in three Americans has a criminal record.<sup>2</sup>

Regardless of one's views on criminal justice reforms, everyone should agree on allowing those with criminal records to support themselves and gain a fresh start.



## How will this affect taxpayers?

After someone commits a crime, they face two options: they can find a job and substantially lower their likelihood of reoffending, or they can remain jobless and face government dependency and a higher likelihood of reoffending. States that make it easier for those with records to work see lower recidivism rates.<sup>3,4</sup> Since incarceration costs over \$80 billion a year in the United States, any reform that lowers recidivism helps taxpayers.<sup>5</sup>



## Will this reform allow dangerous individuals to work in licensed professions?

No. It is possible to protect public safety and peoples' ability to work at the same time.<sup>6</sup> Nothing in this legislation stops licensing boards from disqualifying people with criminal records that pose a direct threat to public safety from working in certain occupations. Over 95 percent of arrests in 2010 were for non-violent, non-sexual offenses.<sup>7</sup> Additionally, research has shown that once a nonviolent offender is crime-free for three to four years, they are no more likely to commit a crime than the average person.<sup>8</sup>

If a conviction is specific and directly related to a licensed occupation, then licensing boards may disqualify applicants with those convictions on their records.



## Is this another attempt at "ban the box" that will burden private employers?

Nothing in this legislation applies to private employers, who are already under strict guidelines that regulate how employers handle criminal background checks to discrimination. By focusing only on the private sector, policymakers have failed to apply these same standards to state governments. The Fresh Start reform ensures that government does not get to ignore the rules that it forces the private sector to follow.

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2. Rebecca Vallas & Sharon Dietrich, "One Strike and You're Out," Center for American Progress (2014), <https://www.americanprogress.org/issues/poverty/reports/2014/12/02/102308/one-strike-and-youre-out/>.
3. Stephen Slivinski, "Turning Shackles into Bootstraps: Why Occupational Licensing Reform Is the Missing Piece of Criminal Justice Reform," Center for the Study of Economic Liberty at Arizona State University (2016), <https://research.wpcarey.asu.edu/economic-liberty/wp-content/uploads/2016/11/CSEL-Policy-Report-2016-01-Turning-Shackles-into-Bootstraps.pdf>.
4. Stephen Slivinski, "Turning Shackles into Bootstraps: Why Occupational Licensing Reform Is the Missing Piece of Criminal Justice Reform," Center for the Study of Economic Liberty at Arizona State University (2016), <https://research.wpcarey.asu.edu/economic-liberty/wp-content/uploads/2016/11/CSEL-Policy-Report-2016-01-Turning-Shackles-into-Bootstraps.pdf>.
5. Benjamin H. Harris et. al, "Ten Economic Facts about Crime and Incarceration in the United States," The Hamilton Project and Brookings Institution (2014), [https://www.brookings.edu/wp-content/uploads/2016/06/v8\\_THP\\_10CrimeFacts.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/v8_THP_10CrimeFacts.pdf).
6. Victoria Eardley & Jared Meyer, "Dispelling Three Big Myths About Occupational Licensing," Foundation for Government Accountability (2018), <https://thefga.org/research/dispelling-three-big-myths-about-occupational-licensing/>.
7. Howard Snyder, "Arrest in the United States, 1990-2010," U.S. Department of Justice (2012). <https://www.bjs.gov/content/pub/pdf/aus9010.pdf>.
8. Alfred Blumstein & Kiminori Nakamura, "'Redemption' in an Era of Widespread Criminal Background Checks," NIJ Journal (2011), <https://www.nij.gov/journals/263/pages/redemption.aspx>.