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ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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April 9th, 2024

Honorable Chair Tom Umberg
Chair, Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

RE: Support SB 1345 (Smallwood-Cuevas): Just Access to Jobs Act

Dear Chair Umberg:

On behalf of the Law Enforcement Action Partnership, I write in support of Senate Bill 1345 (Smallwood-Cuevas): Just Access to Jobs Act. SB 1345 would allow people with a conviction history to apply for jobs with the confidence that they will be evaluated based on their skills, experience, and abilities, like any other applicant. SB 1345 prohibits employers from taking an adverse employment action against an employee or job applicant based on a conviction record unless it is sufficiently related to the job and the employer can demonstrate “business necessity” for taking the adverse action.

LEAP is an international nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience serving in the justice system. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and addressing the root causes of crime.

Employment is a vital component of economic security and reentry success. Studies repeatedly demonstrate that [employment after incarceration is key](#) in preventing recidivism and rebuilding stability and social networks that deter criminal activity. Additionally, research confirms that [hiring people with convictions offers a significant return on investment for employers](#), both from a performance and retention perspective.

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Despite the gains of the California Fair Chance Act, discrimination in employment against people with convictions continues to be rampant. More than [7 million people in California](#) have a conviction history, including [2.5 million working-age Californians](#) with a felony conviction. The unemployment rate for people with convictions is many times higher than the general unemployment rate. In fact, [60 percent](#) of recently released formerly incarcerated people are likely jobless at the moment.

Additionally, Black and Brown communities are impacted by overcriminalization and higher rates of incarceration and therefore disproportionately face employment-related collateral consequences that limit opportunities for gainful employment and overall economic mobility.

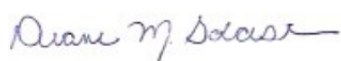
The Just Access to Jobs Act would empower a job applicant to refuse to consent to a criminal background check unless the employer has a legitimate business need to conduct the check. SB 1345 affirms and safeguards the privacy rights of California workers with conviction histories, as established by the California Constitution and subsequent court cases. In recent decades, employers have increasingly ignored the privacy interests of California workers with conviction histories by requiring job candidates to consent to a background check for virtually all employment, without needing a compelling justification. This bill will shift the status quo on criminal records in employment decisions and help to alleviate the lasting impacts of the overcriminalization of black and brown communities.

SB 1345 will empower employers to use conviction history information only when there is a business necessity to do so on the basis of evidence that denying employment based on conviction history is necessary to protect workplace safety and property—saving time and the expense of running cursory background checks as a matter of practice, rather than as part of a legitimate business need in employment and hiring decisions. Employers required by a state or federal law to conduct criminal history background checks are not affected by this bill, such as school districts, child care facilities, and financial institutions.

By limiting the use of conviction history in employment decisions, SB 1345 will not only help California reduce recidivism and ensure that formerly incarcerated people and those with conviction records are better able to find work and get hired, but also support California's economy as a whole through an expanded workforce of eligible and driven employees.

For these reasons, the Law Enforcement Action Partnership is proud to support SB 1345 and requests an "aye" vote.

Respectfully,



Lt. Diane Goldstein (Ret.)
Redondo Beach Police Department

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Executive Director, Law Enforcement Action Partnership (LEAP)

CC: Senator Lola Smallwood-Cuevas

Members, Senate Judiciary Committee

Members, Senate Labor, Public Employment and Retirement Committee