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## **Written Testimony Opposing Senate Bill 159, An Act Concerning Firework Permits and Certificates of Competency**

Senator Osten, Representative Horn, Ranking Members Champagne and Howard, and distinguished members of the Public Safety and Security Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony on Senate Bill 159, An Act Concerning Firework Permits and Certificates of Competency.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. One of the biggest injustices faced by people living with a criminal record are the myriad of collateral consequences of that criminal record which persist for years, even lifetimes, after a person finishes the punishment they were sentenced to. Collateral consequences turn any sentence into a life sentence. In Connecticut, people living with a criminal record face over 550 legal barriers to full societal participation.<sup>1</sup> These barriers prevent people from obtaining employment, housing, education, and services. Collateral consequences are not just bad for the people who experience them, they are also bad for children, families, and communities as well. Keeping people with criminal records from accessing many types of employment reduces the U.S. gross national product by

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<sup>1</sup> National Inventory of Collateral Consequences of Conviction, *available at* [https://niccc.csjusticecenter.org/database/results/?jurisdiction=260&consequence\\_category=&narrow\\_category=&triggering\\_offense\\_category=&consequence\\_type=&duration\\_category=&page\\_number=1](https://niccc.csjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1); *see also* Kelan Lyons, *Council Begins Study of Discrimination Against People with Criminal Records*, CT MIRROR (Aug. 22, 2019), *available at* <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

between \$78 billion and \$87 billion per year.<sup>2</sup> On the other hand, when a formerly incarcerated person has a fair chance to earn a job and access housing, that person is likely to commit another crime.<sup>3</sup> And we should always remember that these collateral consequences do not fall equally on everyone in this state. Instead, because of racial disparities in Connecticut’s criminal legal system,<sup>4</sup> the harmful effects of collateral consequences also disproportionately fall on Black and Latinx people in the state.

Connecticut is making strides toward eliminating collateral consequences of criminal records, but to achieve this goal, the state cannot continue to impose new collateral consequences on people trying to build satisfying and stable lives. Unfortunately, this is exactly the effect of legislation that requires needless background checks or erects unnecessary barriers to entry for people living with criminal records. Senate Bill 159, unfortunately, falls into this trap. By mandating background checks this bill creates a new collateral consequence. To balance between unnecessarily excluding people with a criminal record from suitable jobs and the need to ensure pyrotechnic safety, the ACLU-CT proposes that the Department of Emergency Services and Public Protection (DESPP) utilize a balancing test like the one in Section 46a-80 of the general statutes to evaluate an applicant’s suitability for a certificate of competency. This test considers the nature of the crime and its relationship to the job, as well as evidence of rehabilitation and

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<sup>2</sup> Cherrie Bucknor & Alan Barber, *The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies*, CTR. FOR ECON. AND POLY. RES., at 1 (Jun. 2016), available at <https://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf>.

<sup>3</sup> The availability of suitable jobs in the labor market a person reenters when leaving incarceration “significantly reduces the risk of returning to prison.” Crystal S. Yang, *Local Labor Markets and Criminal Recidivism*, 147 J. PUB. ECON. 16 (Mar. 2017), available at [https://scholar.harvard.edu/files/cyang/files/labor\\_recidivism\\_may2016.pdf](https://scholar.harvard.edu/files/cyang/files/labor_recidivism_may2016.pdf). Stable housing “can reduce recidivism and its associated social costs and improve public safety for the receiving community.” *Housing, Inclusion, and Public Safety*, U.S. DEP’T OF HOUSING AND URBAN DEVELOPMENT (Summer 2016), available at <https://www.huduser.gov/portal/periodicals/em/summer16/highlight1.html>.

<sup>4</sup> According to the Sentencing Project, Connecticut is the fifth-worst state for Black men, with 1 in 19 incarcerated, making them 9.4 times likelier to be incarcerated than white men. Latino men in Connecticut are 3.9 times more likely to be incarcerated than white men. Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, SENTENCING PROJECT (Jun. 14, 2016), available at <https://www.sentencingproject.org/publications/color-of-justice-racial-andethnic-disparity-in-state-prisons/>.

the amount of time since the conviction. This test also recognizes that not all offenses will bear on a person's ability to do a specific job. It also acknowledges that the longer ago a person violated the law, the less pertinent that fact is to their ability to do their job now.

We urge this Committee to keep at the good work of ending mass incarceration and creating a more just society for all people in Connecticut. Doing so will require creating opportunities for formerly incarcerated people to fully integrate into society, instead of proliferating collateral consequences that cement their permanent second-class status. The background check in Senate Bill 159 could have the effect of banning wide swaths of applicants solely on the basis of their criminal record, we must oppose it unless the bill makes clear that only applicants will be denied on the basis of the criminal records if DESPP takes into consideration factors such as the relatedness of the offense to the job, retaliation, and length of time since the applicant's conviction. We encourage the Committee to oppose Senate Bill 159.