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Occupational licensing reform can reduce barriers to employment faced by former offenders

Most people who are convicted of a crime in the United States will remain in or eventually return to their communities. Research suggests that employment is a key factor in reducing the risk that an individual will engage in new criminal activity, be rearrested, and return to incarceration. Lawmakers should consider occupational licensing reform to be helpful “low-hanging fruit” to reduce government-imposed barriers to employment for former offenders.

Access to gainful employment is key to effective reintegration.

- Nationwide, more than 80% of released state prisoners recidivate, or are rearrested, within eight years of their release. Repeated involvement with the justice system results in more victims, weakens civil institutions, separates families, dampens economic productivity, and wastes tax dollars.
- Research is clear: Stable, gainful employment reduces the likelihood that an individual will engage in criminal activity. Several studies have identified a relationship between occupational licensing restrictions, property crime, and recidivism.

Occupational licensing restrictions create significant barriers to employment for people with criminal records.

- Individuals with criminal records are often explicitly and automatically barred from obtaining occupational licenses.
- In other cases, licensing laws and rules evaluate applicants based on ambiguous terms like “moral character” or “moral turpitude.” These subjective descriptors may result in people being denied licensure based on long-past crimes, records that have been expunged or sealed, and even arrests that did not result in a conviction or finding of guilt.

Steps to reduce the licensing barriers faced by former offenders:

1. **Provide individualized consideration.** Occupational licensing restrictions should be narrowly targeted to address offenses that are particularly heinous or are directly related to the duties and responsibilities of the occupation.
2. **Promote transparency and accountability.** Vague terms like “moral character” should be removed from licensing laws and rules to avoid unfairly subjective standards. Those who are denied licensure based on their record should be provided with an explanation for their denial.
3. **Reduce uncertainty.** Licensing authorities should establish binding “pre-qualification” processes so that applicants can determine if their record will preclude them from licensure before they invest in the required training, education, and fees.

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