



PROGRAM FOR PUBLIC CONSULTATION  
SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND



## SURVEY RELEASE

Americans Evaluate Proposals on

# Limiting the Negative Consequences of Criminal Records

A NATIONAL SURVEY OF REGISTERED VOTERS

**April 15, 2021**

# Criminal Record Policy Proposals

## 1. Next Step Act of 2019

by Rep. Bonnie Watson Coleman (H.R. 1893)  
and Sen. Cory Booker (S. 697)

## 2. Fair Chance at Housing Act of 2019

by Rep. Alexandria Ocasio-Cortez (H.R. 3685)  
and former Sen. Kamala Harris (S. 2076)

## 3. Democracy Restoration Act of 2021

by Rep. Jerry Nadler (H.R. 196) and Sen. Ben Cardin (S. 481)

## 4. For the People Act

by Rep. John Sarbanes (H.R. 1) and Sen. Jeff Merkley (S. 1)

# Methodology

**Sample Provided by:** Nielsen Scarborough

**Field Dates:** February 12 - 22, 2021

**Sample Size:** 2,487 Registered Voters

**Margin of Error:** +/-2.0%

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## Weighting

Sample weighted by age, income, gender, education, race, geographic region and party affiliation.

## Congressional District Analysis

Sample divided six ways based on Cook's Political Value Index rating of the respondent's Congressional district.

# Arrested but Not Convicted

## PROPOSAL

Prohibit employers and licensing boards from rejecting a job or license applicant, or terminating an employee, on the basis that they had been arrested but not charged, or charged but not convicted.

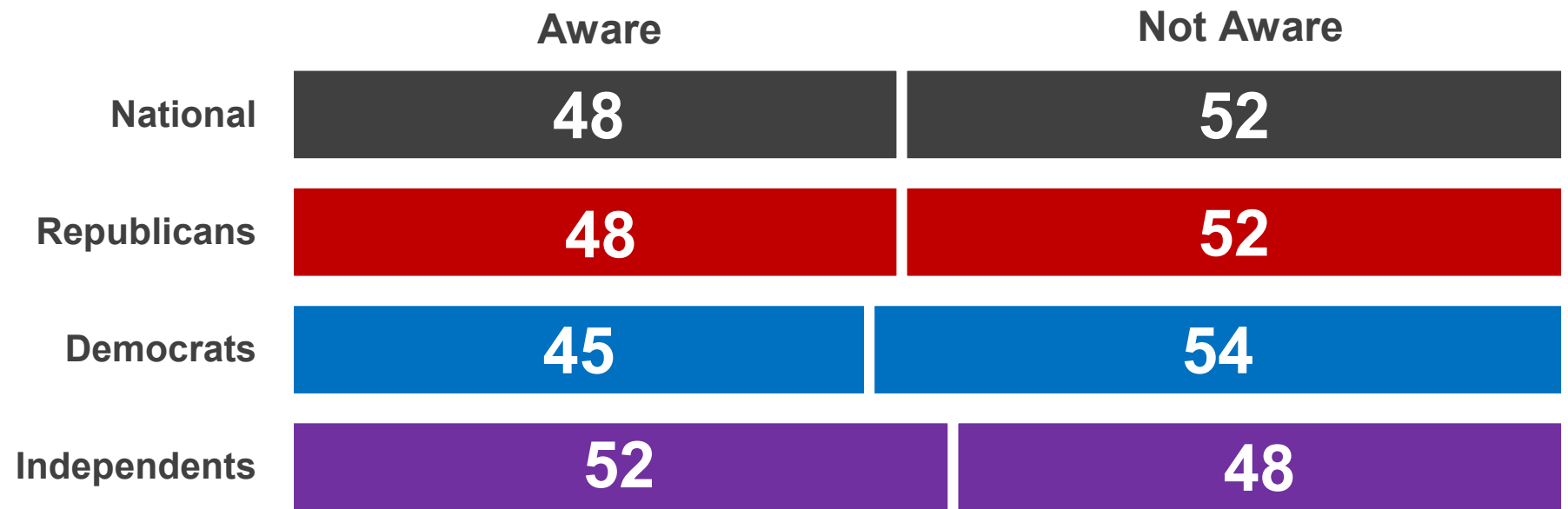
### Source of Proposal:

**Next Step Act of 2019**

by Sen. Cory Booker (S. 697) and Rep. Bonnie Watson Coleman (H.R. 1893)

# Criminal Records: Arrest Only

Were you aware that people can have a criminal record when they are arrested but never charged with committing a crime?



## CONGRESSIONAL DISTRICTS

Very Red

47

53

Very Blue

48

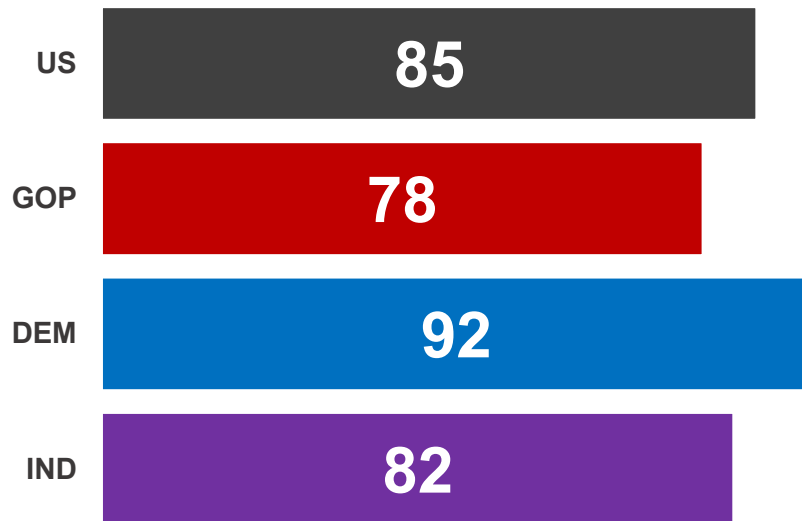
52

# Arrested but Not Convicted

## ARGUMENT IN FAVOR

An essential principle of our justice system is that people who are not proven to be guilty should not be punished.

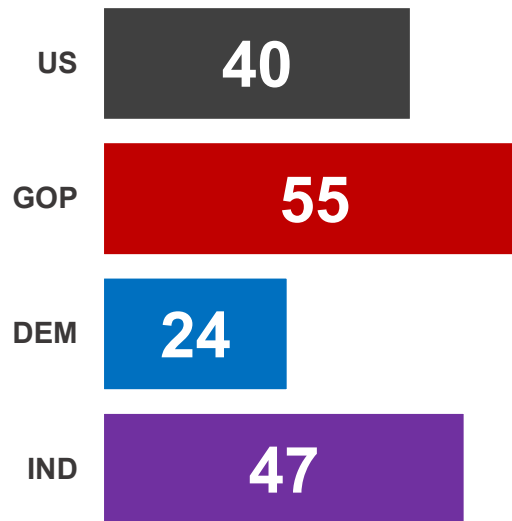
Convincing



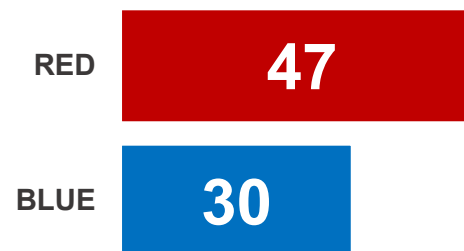
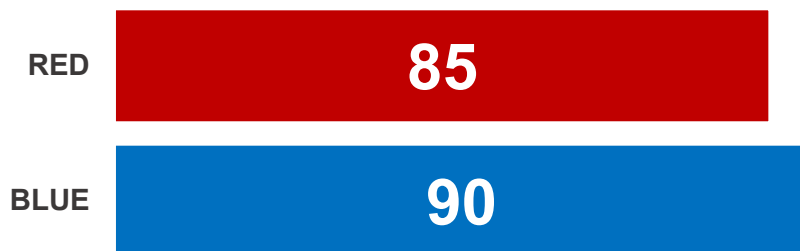
## ARGUMENT AGAINST

It is perfectly reasonable to use an arrest record to make judgments about an applicant.

Convincing



## CONGRESSIONAL DISTRICTS

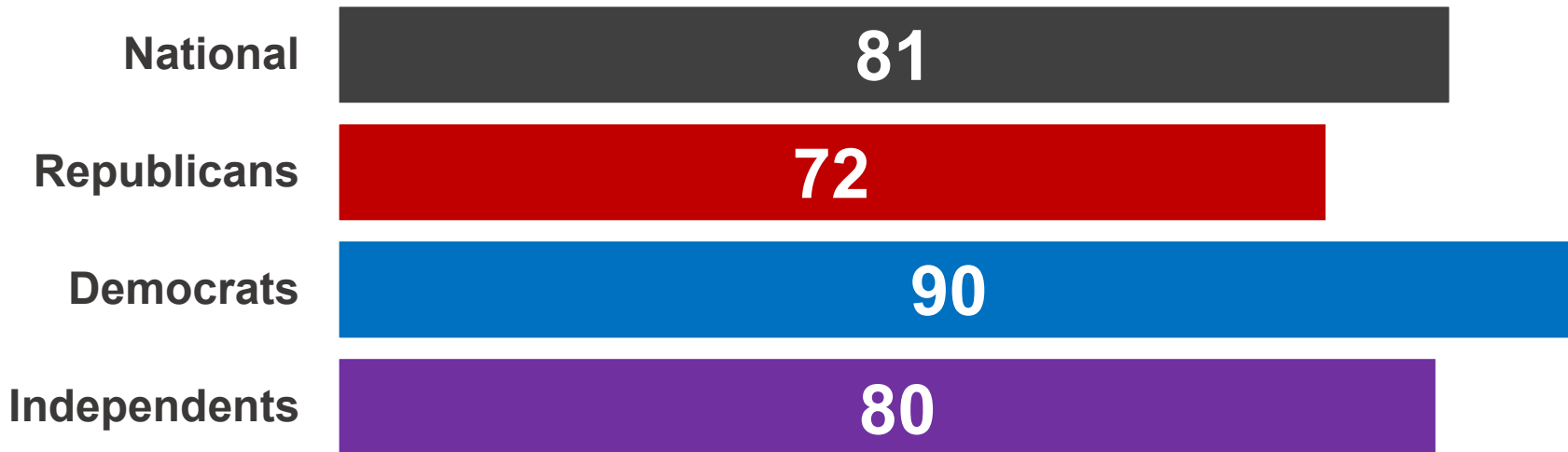


# Arrested but Not Convicted

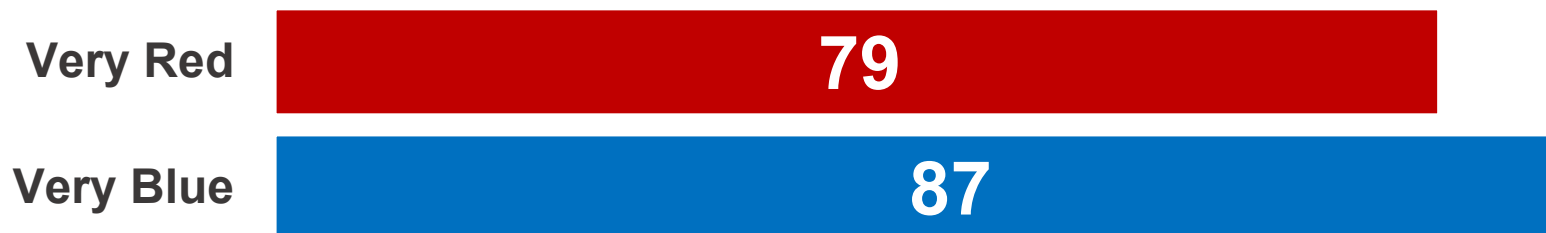
**FINAL  
RECOMMENDATION**

Do you favor or oppose the proposal that licensing boards and employers could not disqualify a person because they were **arrested but not charged** or **charged with a crime but found not guilty**?

## FAVOR



## CONGRESSIONAL DISTRICTS

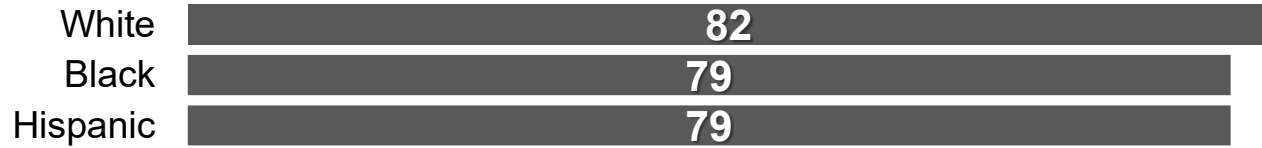


# Arrested but Not Convicted

BY  
DEMOGRAPHIC

✓ FAVOR

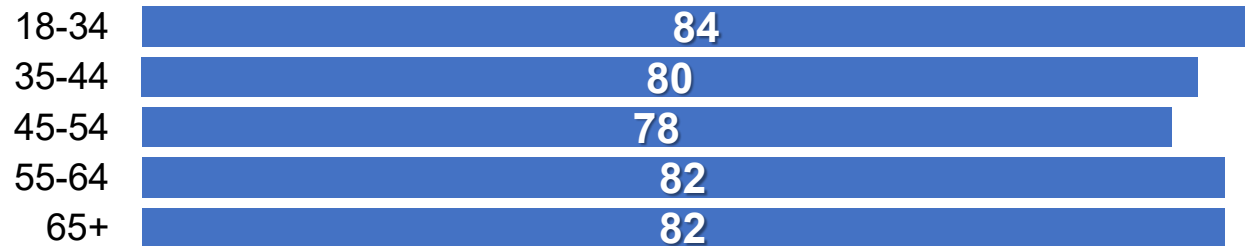
## RACE



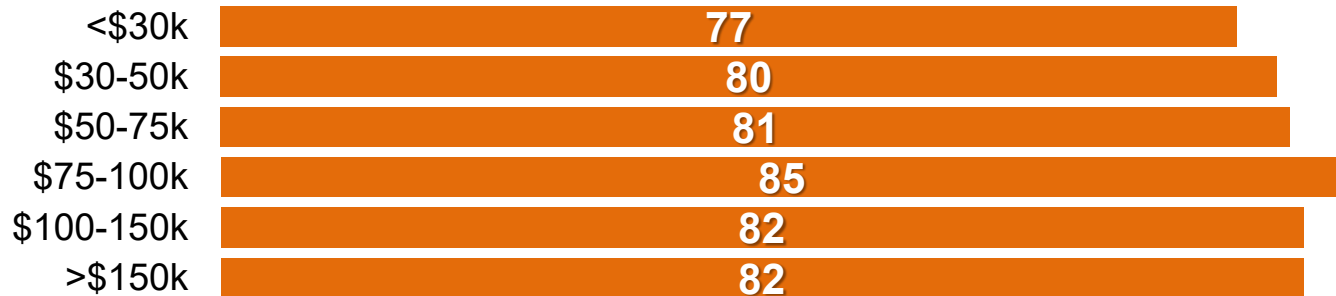
## GENDER



## AGE



## INCOME



## EDUCATION





# Minor Offenses

## PROPOSAL

Prohibit employers and licensing boards from rejecting a job or license applicant, or terminating an employee because they have been convicted for a petty, non-violent offense.

### Source of Proposal:

**Next Step Act of 2019**

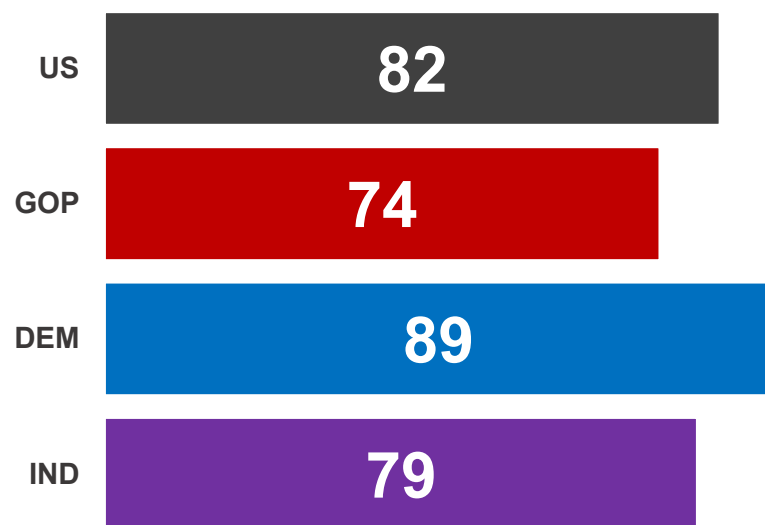
by Sen. Cory Booker (S. 697) and Rep. Bonnie Watson Coleman (H.R. 1893)

# Minor Offenses

## ARGUMENT IN FAVOR

Disqualifying someone from a license or a job because of a minor crime in their past is unjust, disproportionate, and illogical.

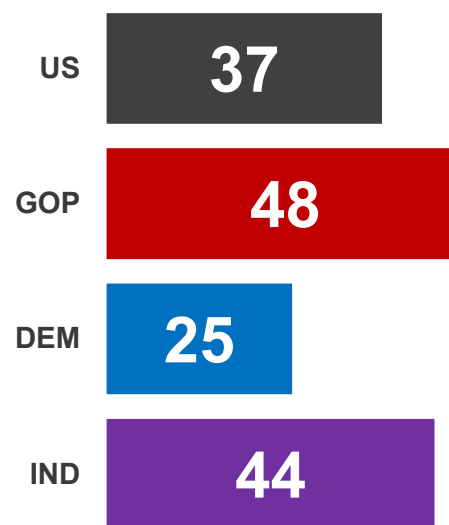
Convincing



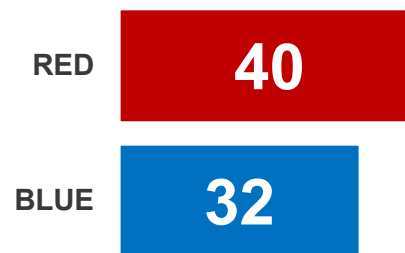
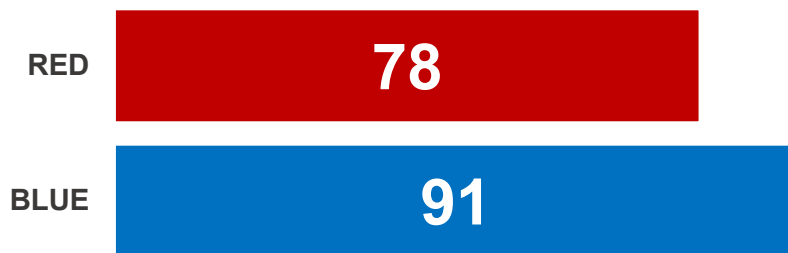
## ARGUMENT AGAINST

A person who committed a minor crime still knowingly violated the law and is more likely to lack good judgment and be irresponsible.

Convincing



## CONGRESSIONAL DISTRICTS

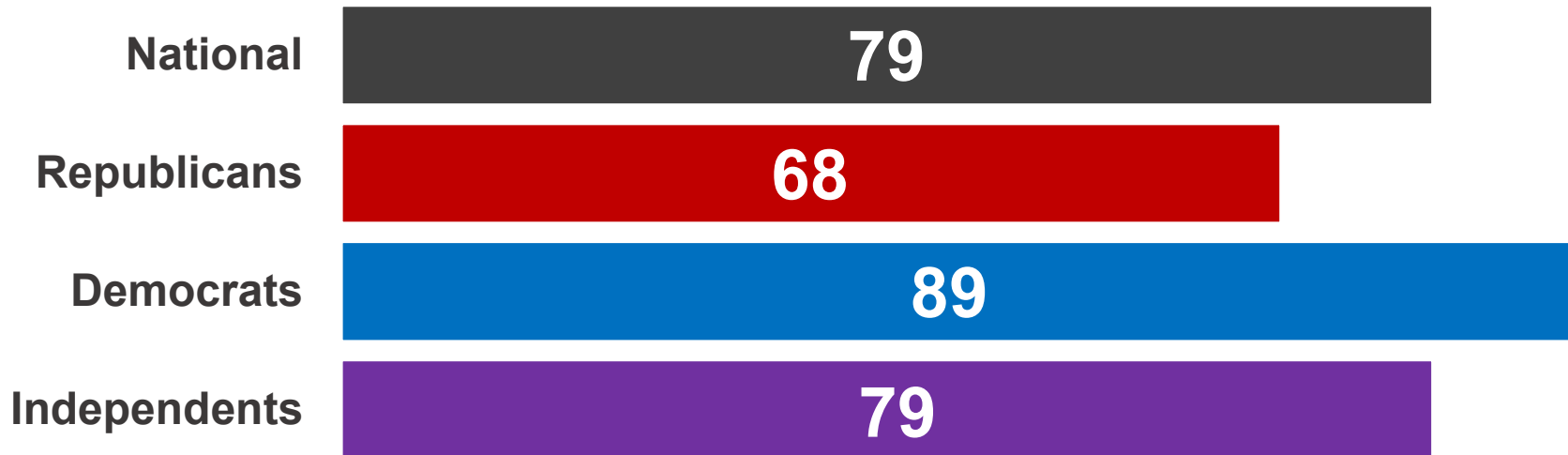


# Minor Offenses

**FINAL  
RECOMMENDATION**

Do you favor or oppose the proposal that licensing boards and employers could not disqualify a person because they have been convicted of a **petty, non-violent crime**.

## FAVOR



## CONGRESSIONAL DISTRICTS



# Minor Offenses

BY  
DEMOGRAPHIC

✓ FAVOR

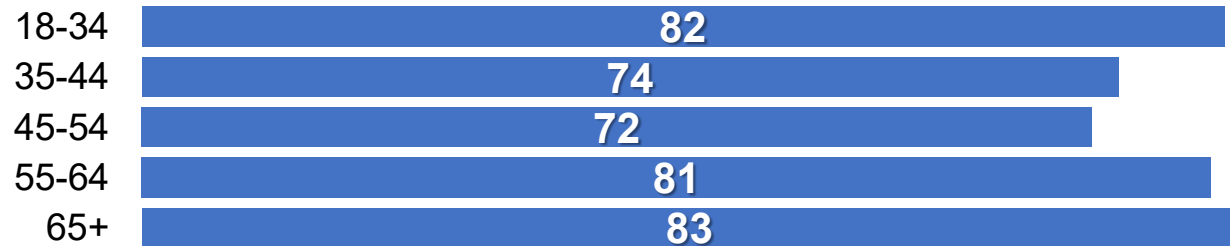
## RACE



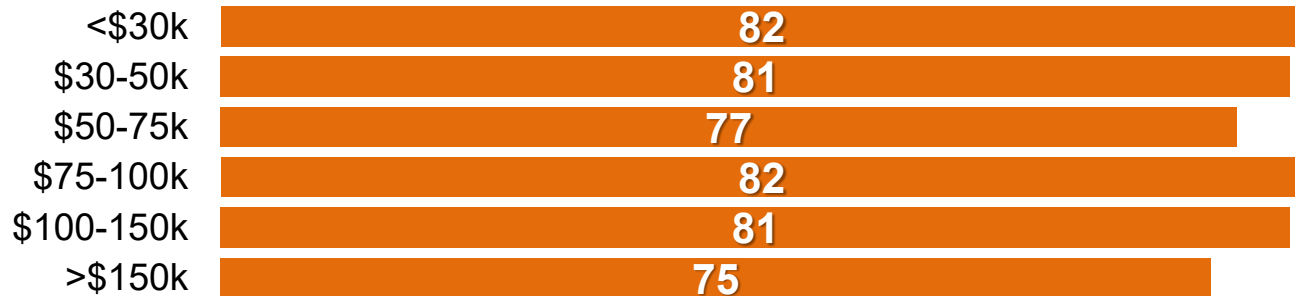
## GENDER



## AGE



## INCOME



## EDUCATION



# Time Limits

## PROPOSAL

Prohibit employers and licensing boards from rejecting a job or license applicant, or terminating an employee, because of:

- a **misdemeanor** and their sentence was completed **one year ago**, or
- a **felony** and their sentence was completed **five years ago**,

And they have not committed any crimes since.

### Source of Proposal:

**Next Step Act of 2019**

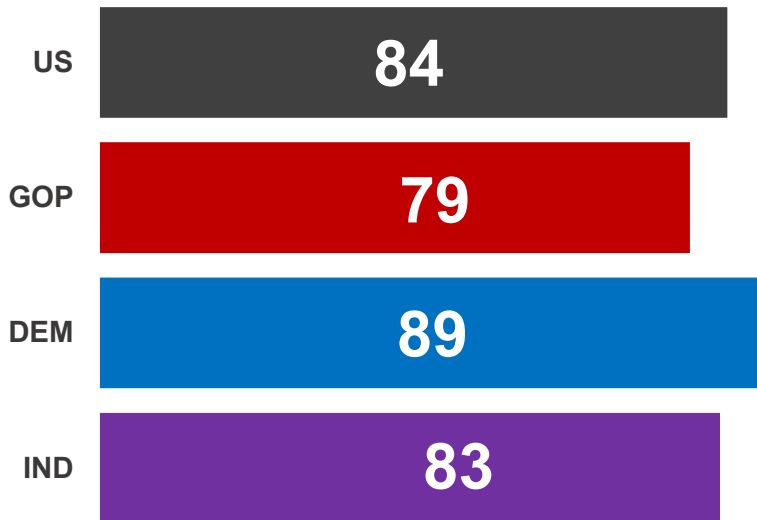
by Sen. Cory Booker (S. 697) and Rep. Bonnie Watson Coleman (H.R. 1893)

# Time Limits

## ARGUMENT IN FAVOR

It is an essential principle of justice that punishment should not go on indefinitely.

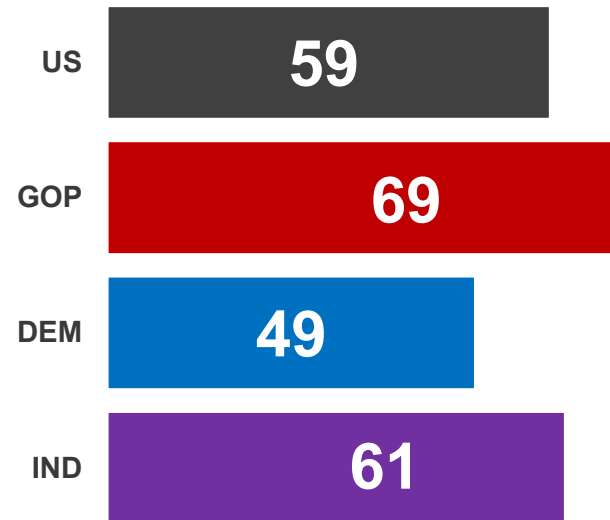
Convincing



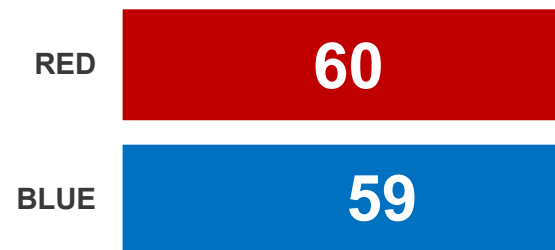
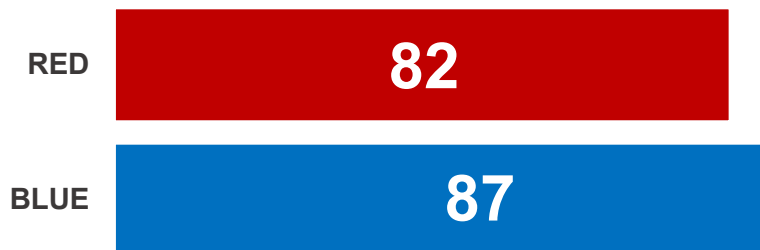
## ARGUMENT AGAINST

Employers should have the right to make their own judgments about an applicant and disqualify them for criminal behavior even if it took place well in the past.

Convincing



## CONGRESSIONAL DISTRICTS

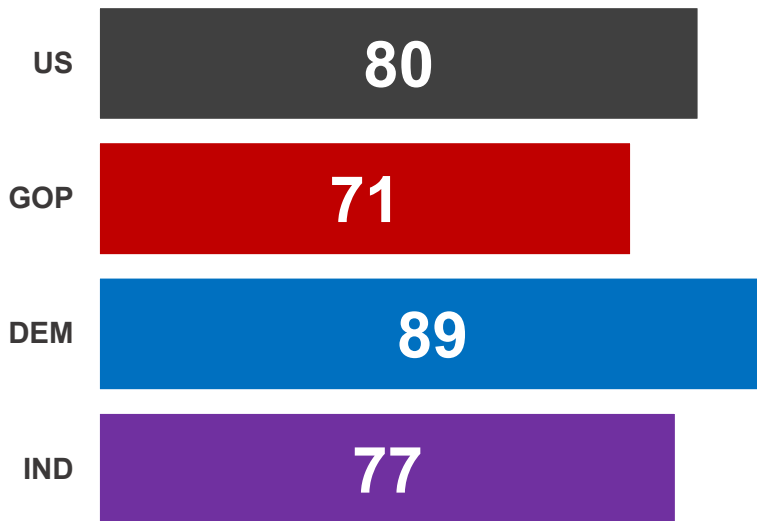


# Time Limits

## ARGUMENT IN FAVOR

When people who have served time can't get a job they are more likely to return to crime. This hurts everybody.

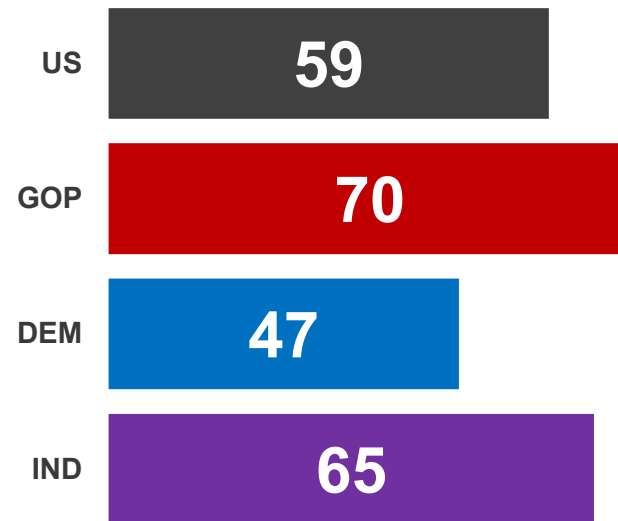
Convincing



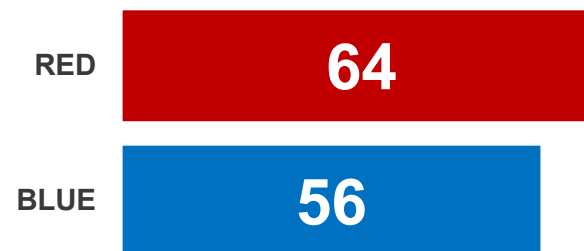
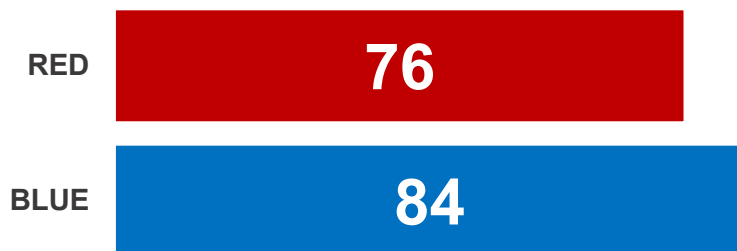
## ARGUMENT AGAINST

Employers face greater liability risks when they hire someone with a criminal history.

Convincing



## CONGRESSIONAL DISTRICTS



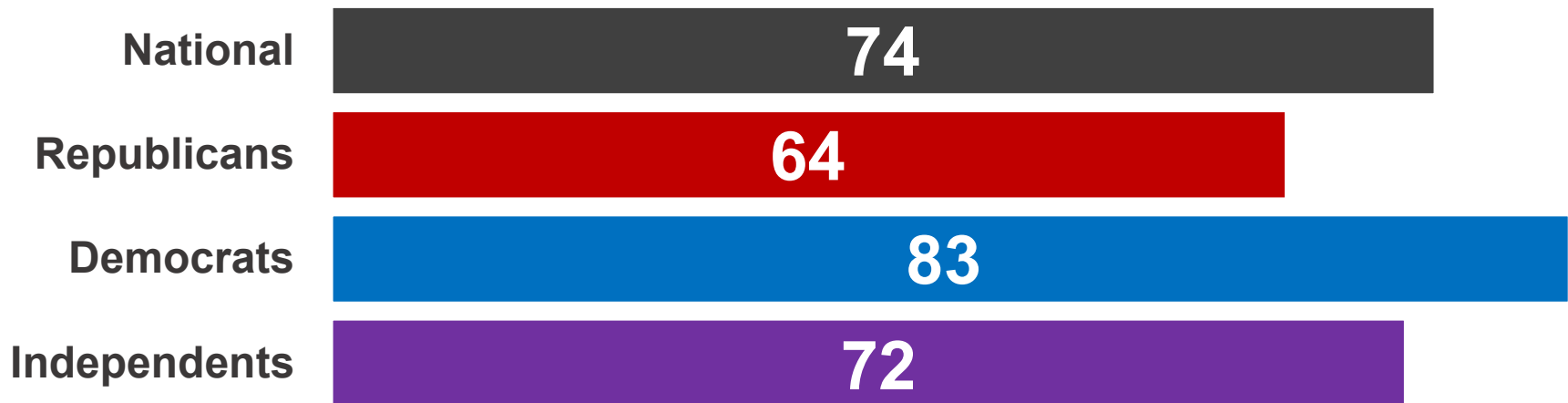
# Time Limits

**FINAL  
RECOMMENDATION**

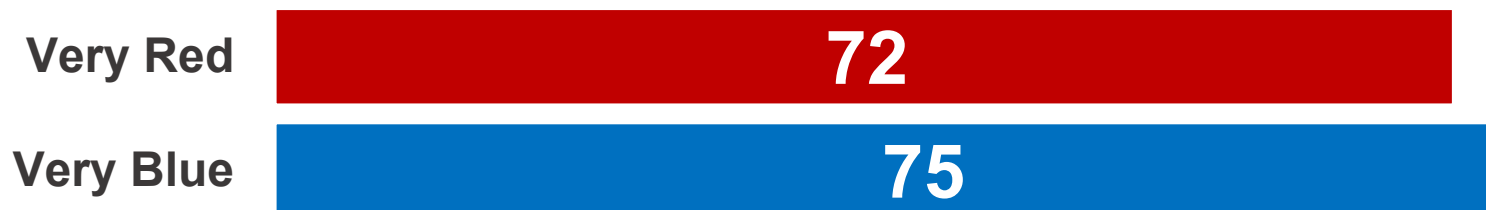
Do you favor or oppose the proposal that limits the time period during which licensing boards and employers can disqualify an applicant for certain convictions, provided that the person has not committed any other crimes during this period:

- **Misdemeanors:** Limit to **1 year** after the person completes their sentence
- **Felonies:** Limit to **5 years** after the person completes their sentence

## FAVOR



## CONGRESSIONAL DISTRICTS



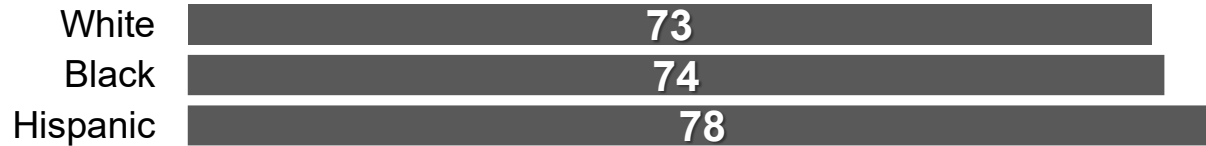


# Time Limits

BY  
DEMOGRAPHIC

✓ FAVOR

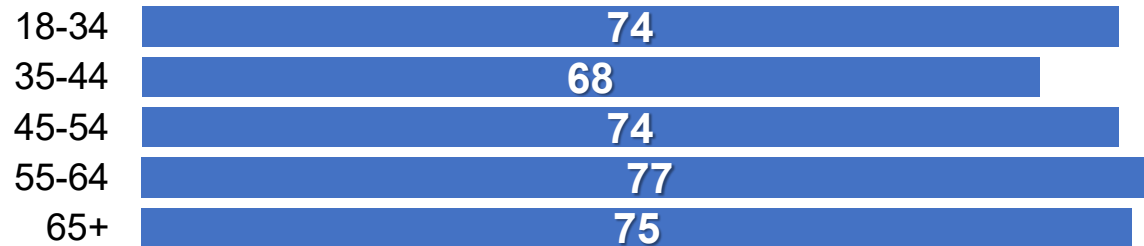
## RACE



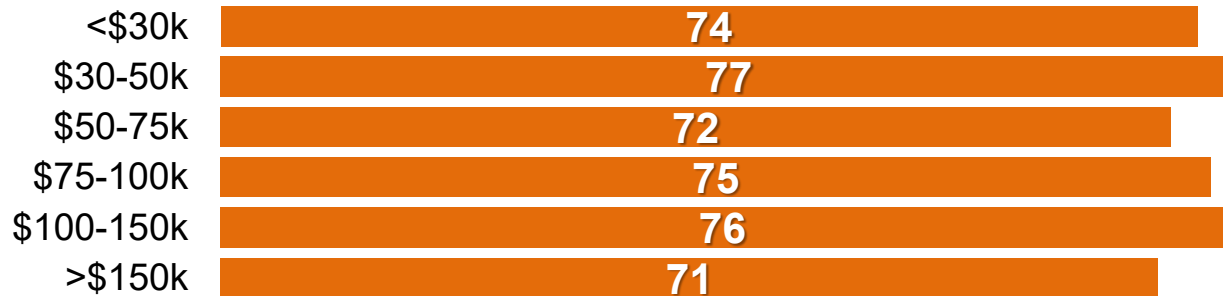
## GENDER



## AGE



## INCOME



## EDUCATION



# Employer Liability

Some employers and Chambers of Commerce have a concern with these proposals.

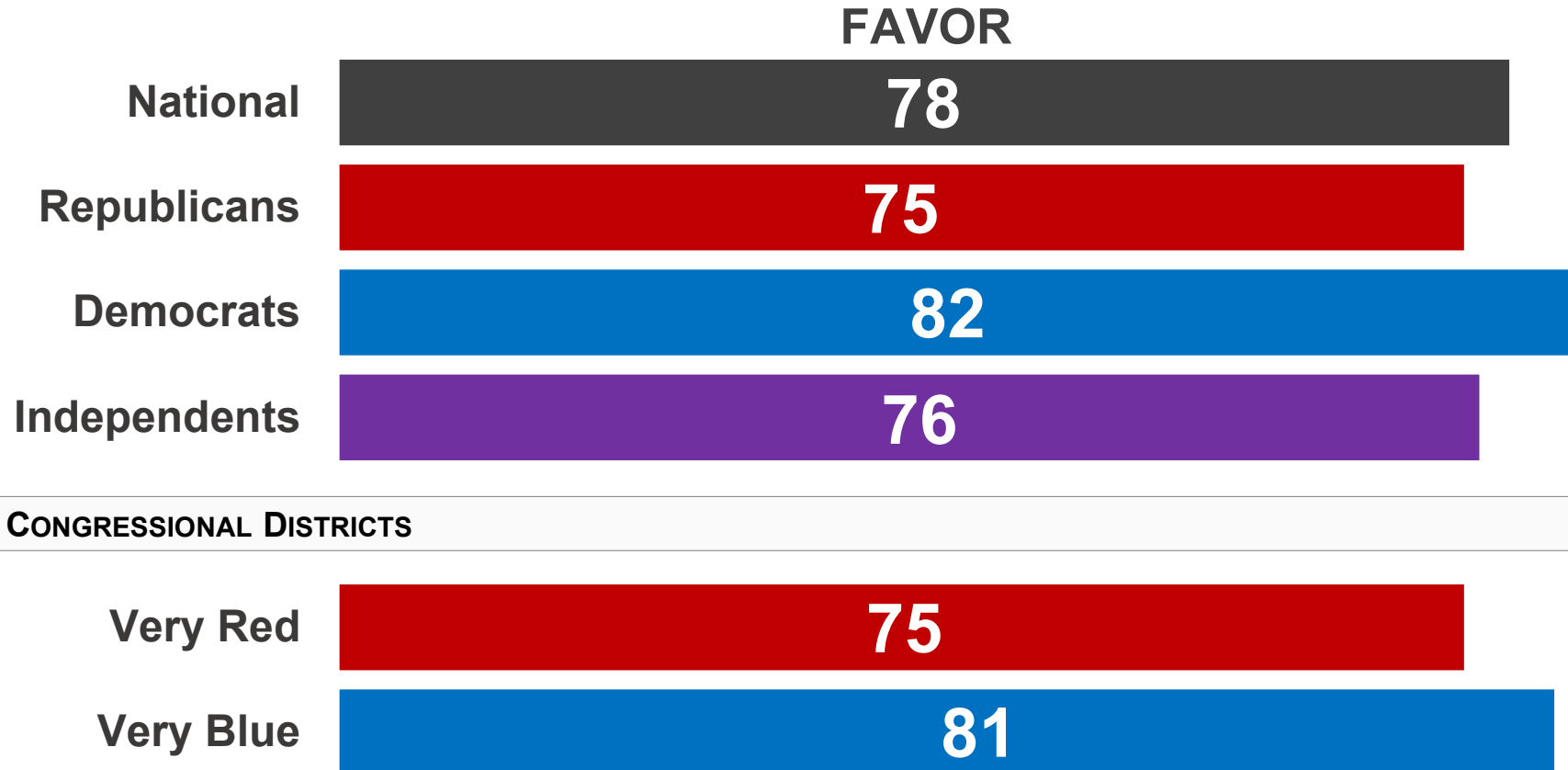
If employee with a criminal record commits a crime while on the job, employer can be held liable because they knowingly hired someone with a criminal record.

Proposal: Employer cannot be held liable

# Employer Liability

**FINAL  
RECOMMENDATION**

Some have proposed a new rule that, in the event an employee with a criminal record commits a crime while on the job, the employer could not be held responsible for any damages just because the employer knowingly hired someone with a criminal record. Would you favor or oppose such a rule?



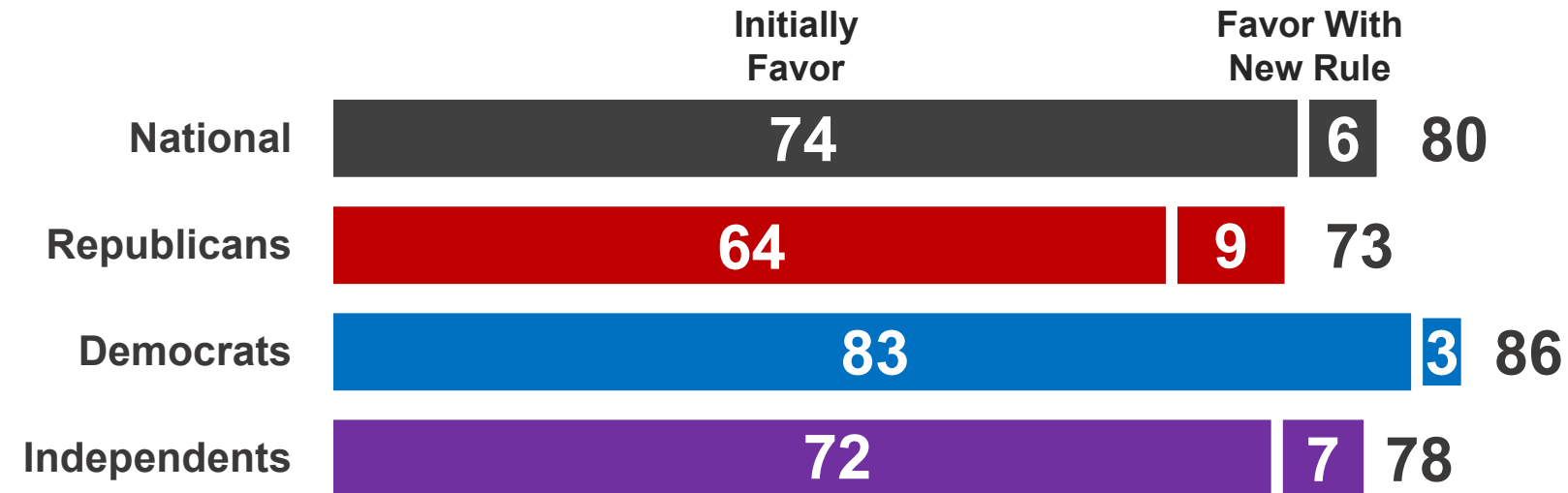
# Employer Liability

**FINAL  
RECOMMENDATION**

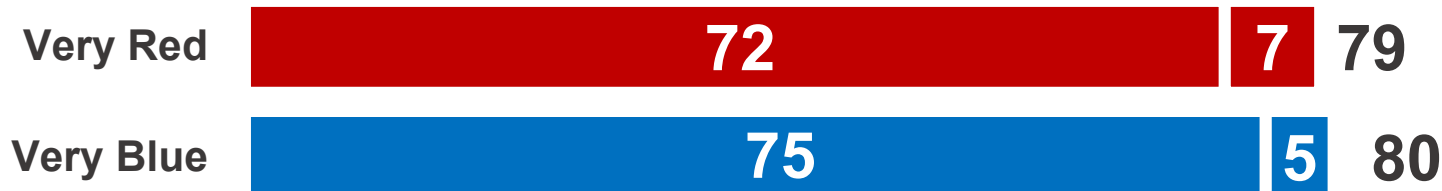
**\*ASKED ONLY THOSE RESPONDENTS THAT THE INITIAL PROPOSAL, AND EITHER  
FAVORED OR SKIPPED THE PROPOSAL WITH THE SUGGESTED NEW RULE**

If such a rule were in place, would you then favor the proposal to limit period employers can disqualify people:

- For a misdemeanor, the limit would be to one year after the person completes their sentence
- For a felony, the limit would be five years after the person completes their sentence?



## CONGRESSIONAL DISTRICTS



# Unrelated Crimes

## PROPOSAL

Prohibit employers and licensing boards from rejecting a job or license applicant, or terminating an employee, on the basis that they were convicted of a crime that is unrelated to their ability to responsibly perform the duties of the job.

### Source of Proposal:

**Next Step Act of 2019**

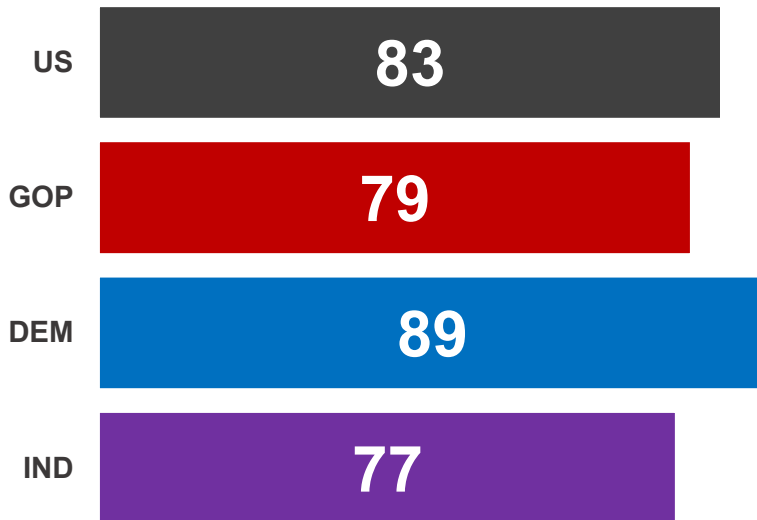
by Sen. Cory Booker (S. 697) and Rep. Bonnie Watson Coleman (H.R. 1893)

# Unrelated Crimes

## ARGUMENT IN FAVOR

Disqualifying a person from becoming a hair stylist or plumber because they were convicted of a minor non-violent crime is unjust and nonsensical.

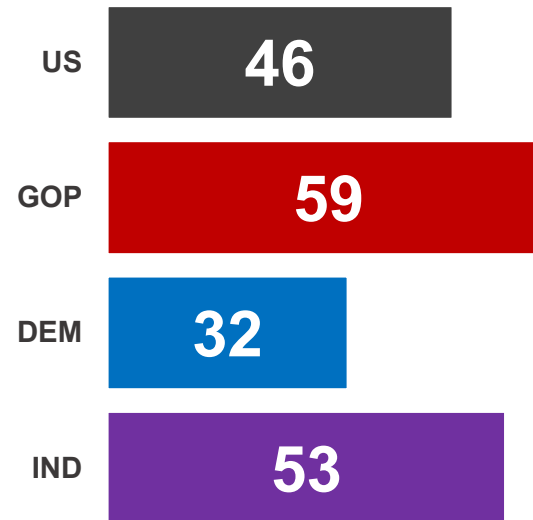
Convincing



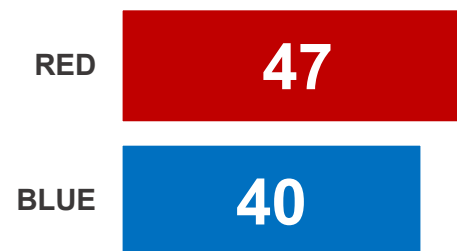
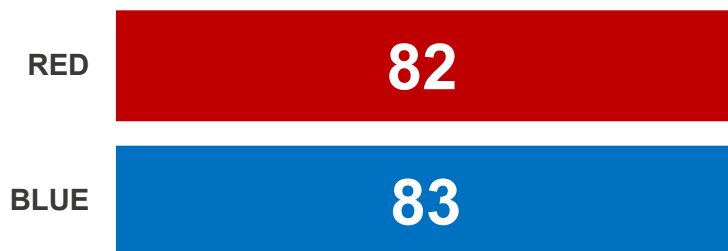
## ARGUMENT AGAINST

Deciding what crimes are and are not related to a certain job is an impossible task that even reasonable people could argue about endlessly.

Convincing



## CONGRESSIONAL DISTRICTS

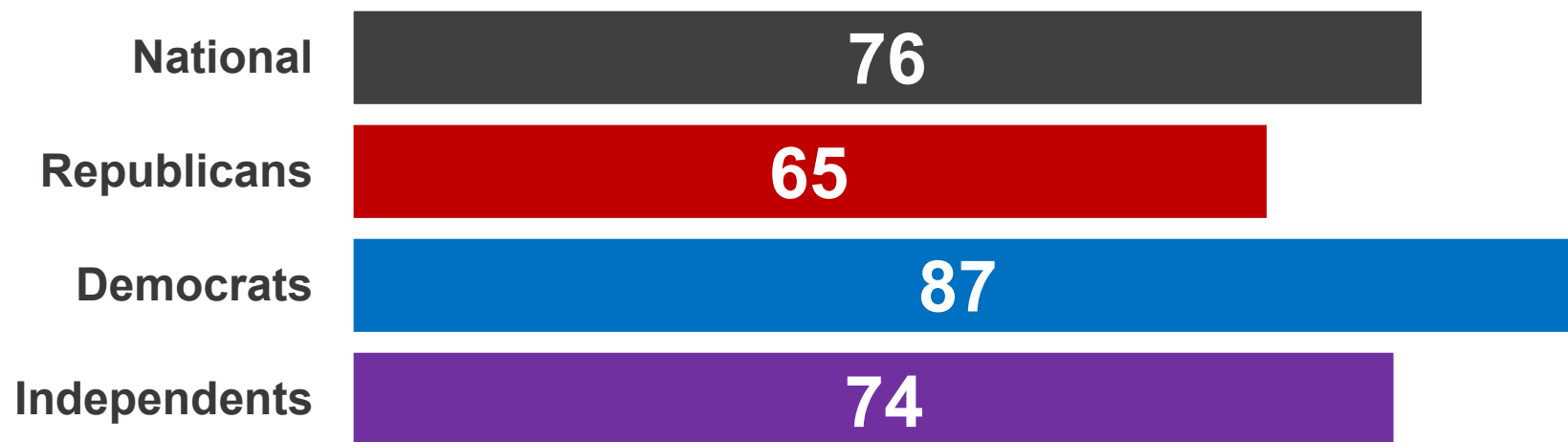


# Unrelated Crimes

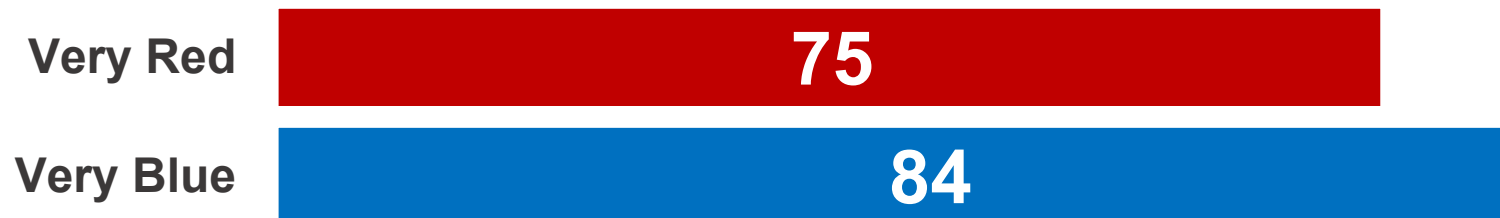
**FINAL  
RECOMMENDATION**

Do you favor or oppose the proposal that licensing boards and employers **could not disqualify a person because they have been convicted of a crime** when the nature of the **crime is unrelated** to their ability to perform the duties or responsibilities of their work?

## FAVOR



## CONGRESSIONAL DISTRICTS



# Unrelated Crimes

BY  
DEMOGRAPHIC

✓ FAVOR

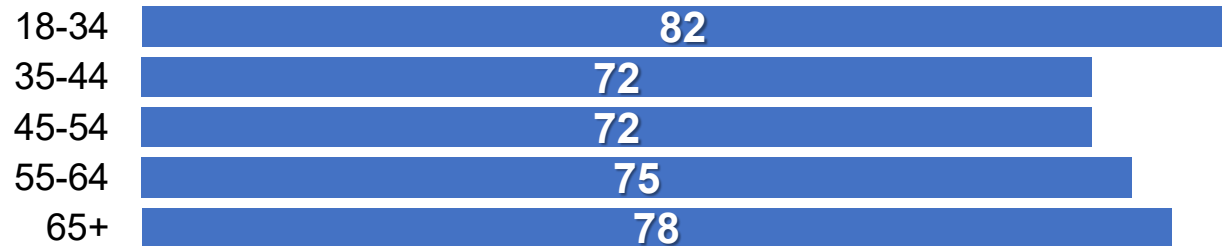
## RACE



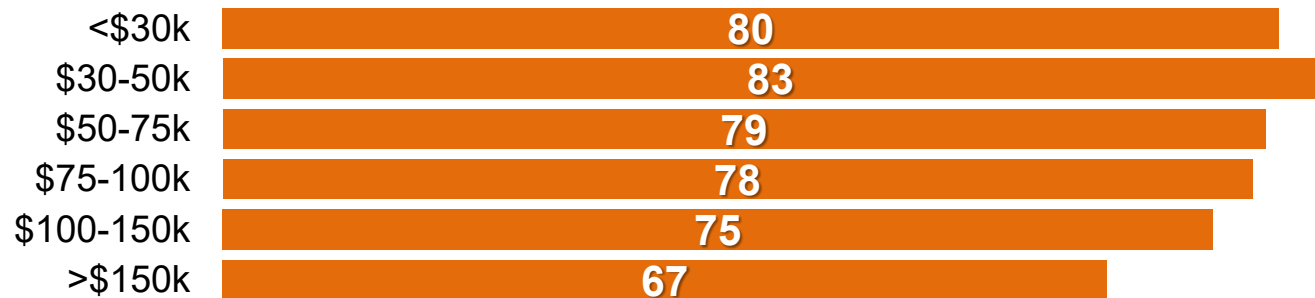
## GENDER



## AGE



## INCOME



## EDUCATION





# Public Housing

## PROPOSAL

Prohibit public housing authorities from rejecting an applicant or evicting a tenant because they have been:

- arrested but not charged, or charged but not convicted; or
- convicted of a minor, non-violent crime.

In the event of a person who has committed a felony, a review board, consisting of members of the Housing Authority and tenants, would determine, on a case-by-case basis, if the person poses a threat to the health or safety of other tenants.

### Source of Proposal:

**Fair Chance at Housing Act of 2019**

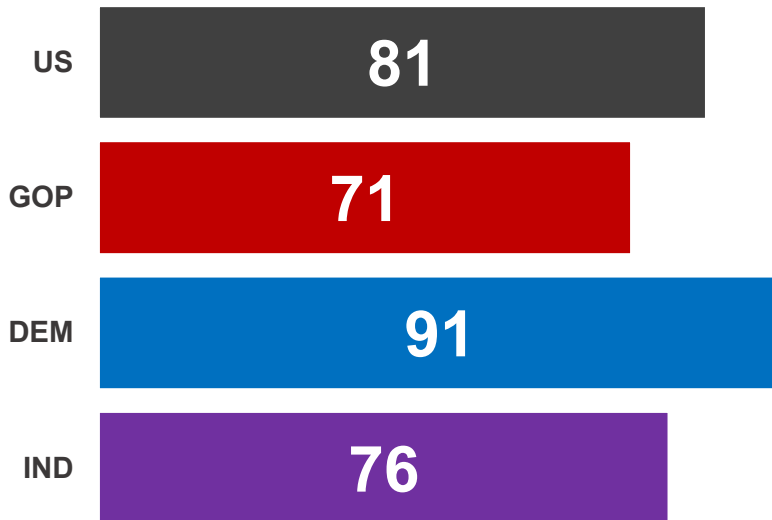
by Rep. Alexandria Ocasio-Cortez (H.R. 3685) and Sen. Kamala Harris (S. 2076)

# Public Housing

## ARGUMENT IN FAVOR

Denying people housing causes instability and stress, which often leads people into drug abuse and to return to crime, creating more costs for society.

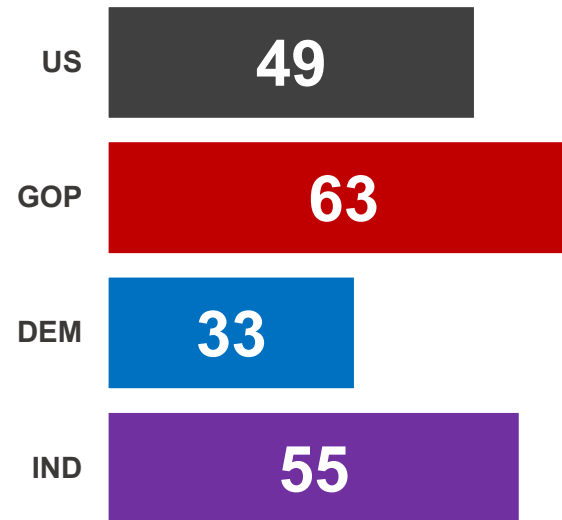
Convincing



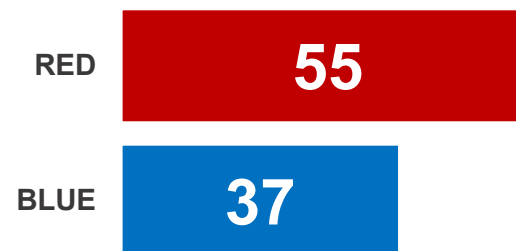
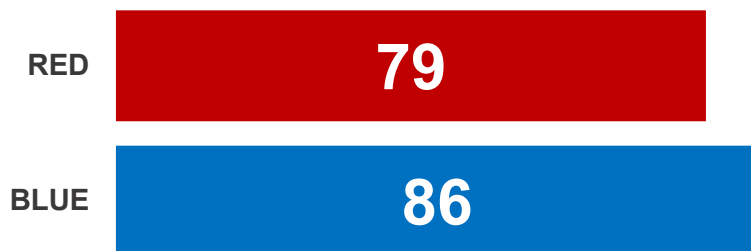
## ARGUMENT AGAINST

It is best to err on the side of caution and not tell Housing Authorities how they should do their job to keep their tenants safe.

Convincing



## CONGRESSIONAL DISTRICTS



# Public Housing

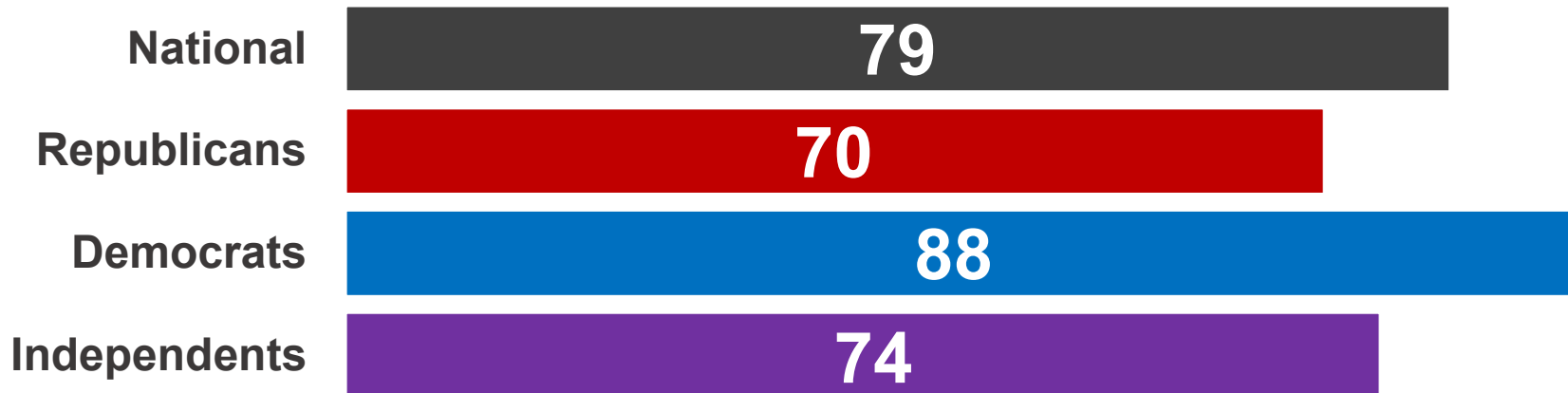
**FINAL  
RECOMMENDATION**

Do you favor or oppose the proposal that prohibits housing authorities from disqualifying a person from public housing because they:

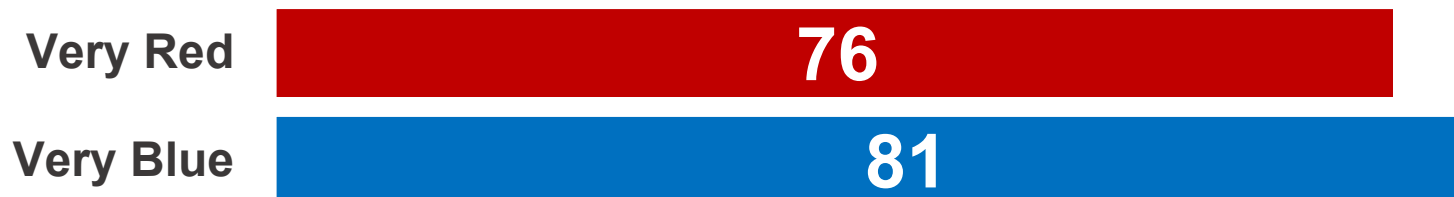
- have been arrested but not charged, or charged but found not guilty,
- have been convicted of a minor, non-violent crime.

In the event of a person who has committed a felony, a review board, consisting of members of the Housing Authority and tenants, would determine, on a case-by-case basis, if the person poses a threat to the health or safety of other tenants.

## FAVOR



## CONGRESSIONAL DISTRICTS

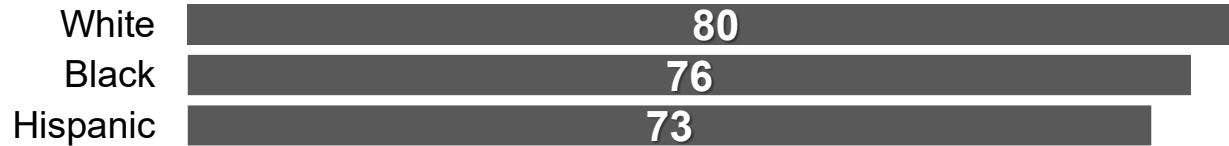


# Public Housing

BY  
DEMOGRAPHIC

✓ FAVOR

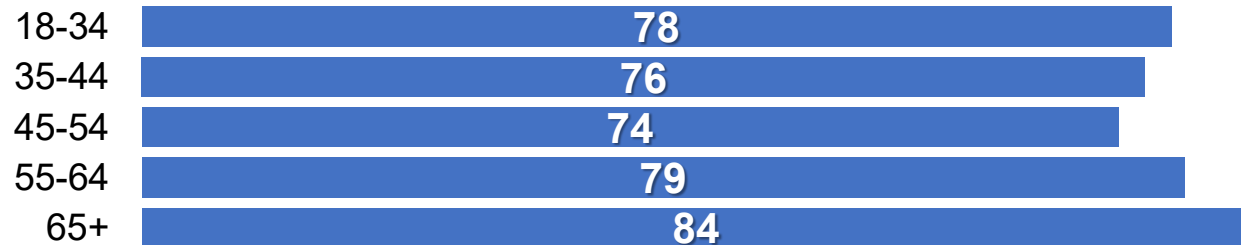
## RACE



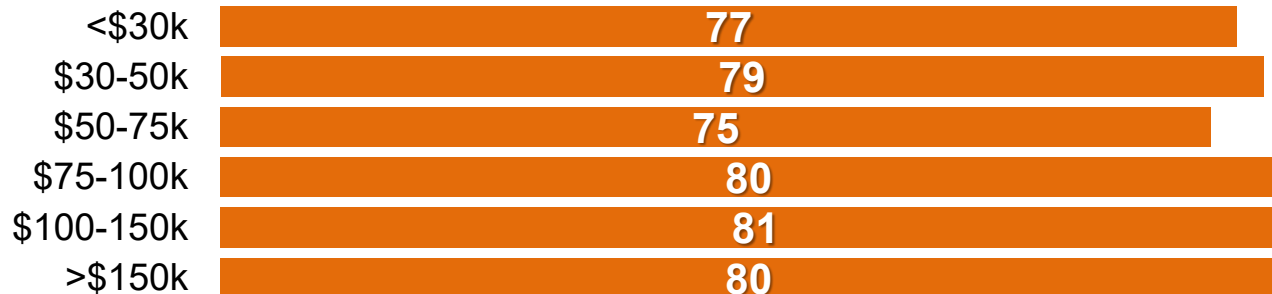
## GENDER



## AGE



## INCOME



## EDUCATION



# Sealing Records: Arrests

## PROPOSAL

Provide people who have been arrested but not charged, or charged but not found guilty, the right to have their records sealed from the public, for a minor cost.

Legally, they would not need to disclose their arrest or charge to an employer or landlord.

### Source of Proposal:

**Next Step Act of 2019**

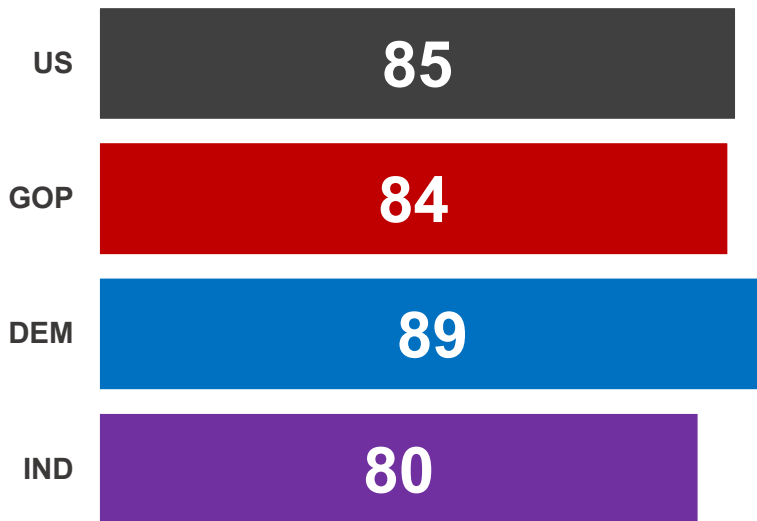
by Sen. Cory Booker (S. 697) and Rep. Bonnie Watson Coleman (H.R. 1893)

# Sealing Records: Arrest, No Conviction

## ARGUMENT IN FAVOR

If a person is just arrested, or charged but found not guilty, there is no reason for the public to know about this.

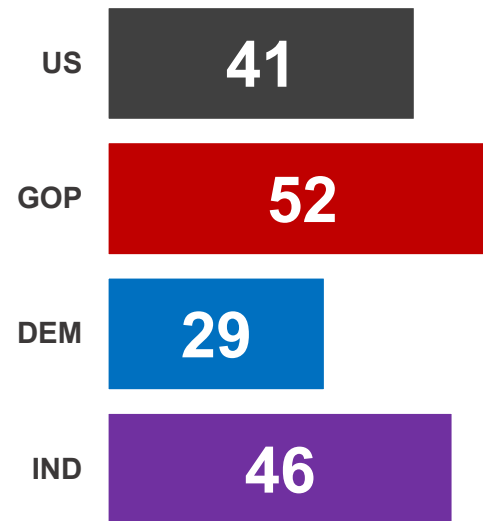
Convincing



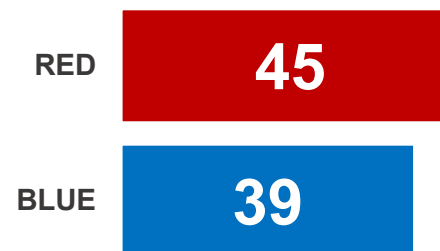
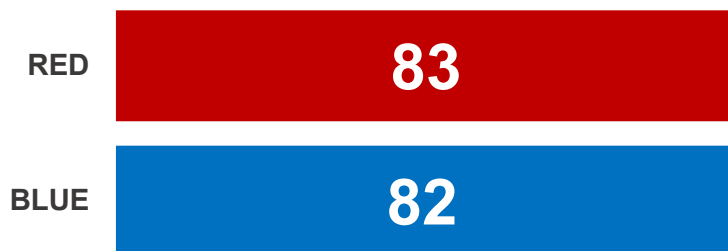
## ARGUMENT AGAINST

It can be very difficult to get a conviction. If the person did not do anything wrong, they can explain this to the potential employer or landlord.

Convincing



## CONGRESSIONAL DISTRICTS

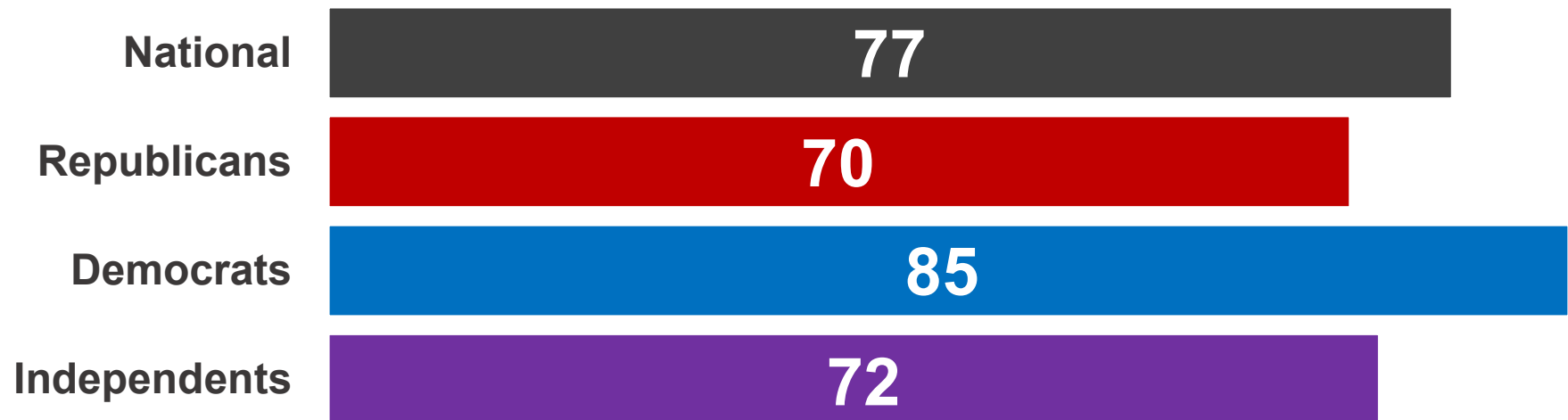


# Sealing Records: Arrest, No Conviction

**FINAL  
RECOMMENDATION**

Do you favor or oppose the proposal that would allow people who have been just arrested or charged but found not guilty can, for a minor cost, have their records sealed so that it is not publicly available? Legally, they would not need to disclose their arrest or charge to an employer or landlord.

## FAVOR



## CONGRESSIONAL DISTRICTS



# Sealing Records: Arrest, No Conviction

BY  
DEMOGRAPHIC

✓ FAVOR

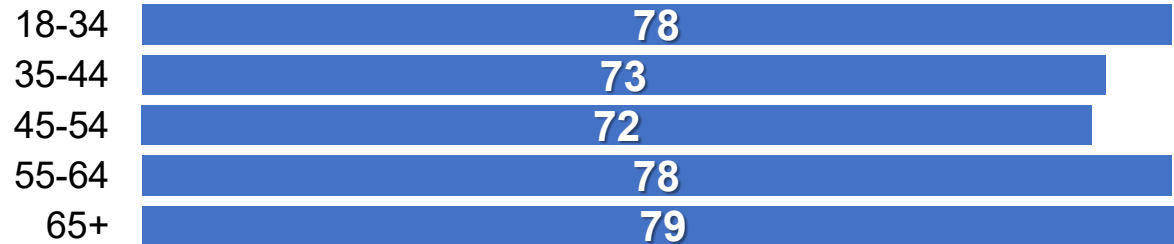
## RACE



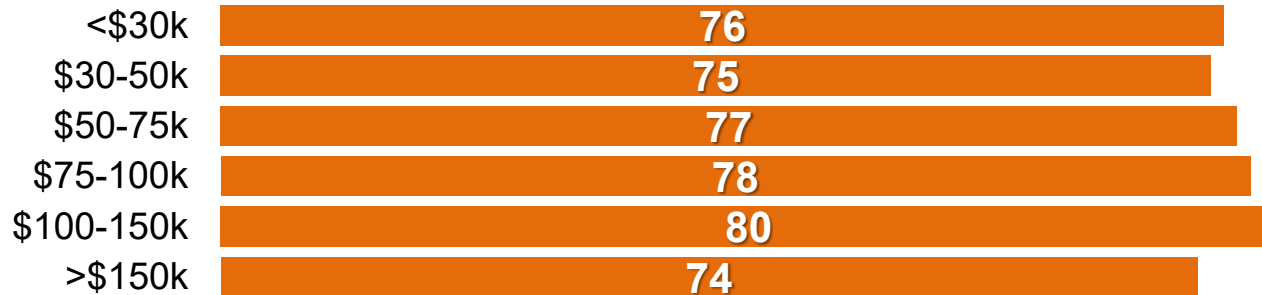
## GENDER



## AGE



## INCOME



## EDUCATION





# Sealing Records: Non-Violent Drug Offenses

## PROPOSAL

Automatically seal the record of a non-violent drug offense, five years after the person convicted completes their sentence.

Legally, they would not need to disclose their arrest or conviction to an employer or landlord.

### Source of Proposal:

**Next Step Act of 2019**

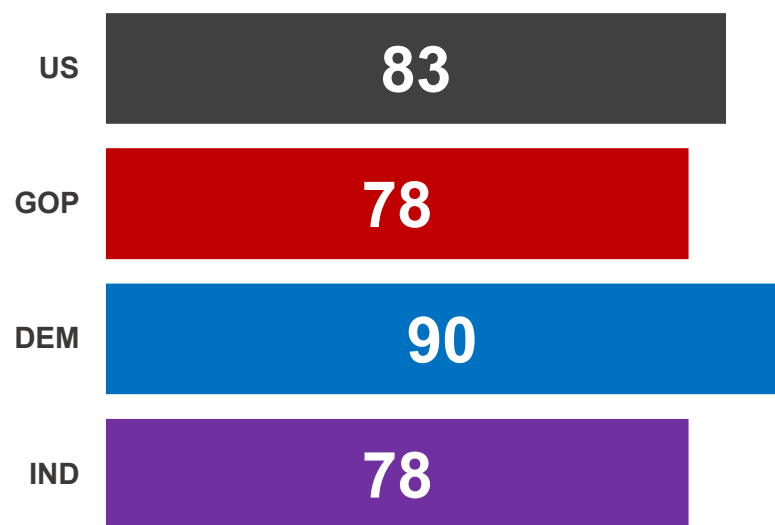
by Sen. Cory Booker (S. 697) and Rep. Bonnie Watson Coleman (H.R. 1893)

# Sealing Records: Non-Violent Drug Offenses

## ARGUMENT IN FAVOR

People should not be effectively punished over and over again for the rest of their life. After five years we need to allow people a fresh start.

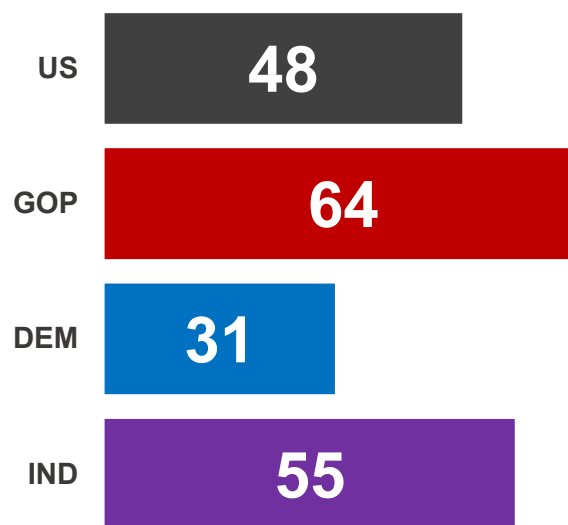
### Convincing



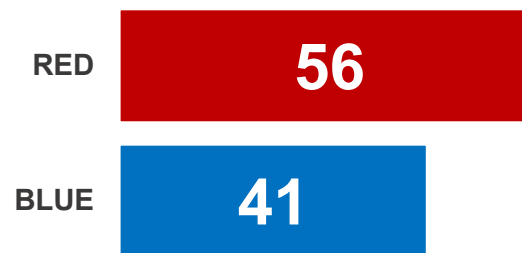
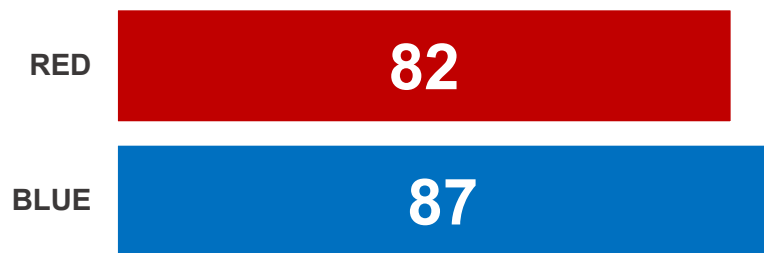
## ARGUMENT AGAINST

Hiring or renting to a person with a history of drug use is risky, even if they have not been caught using drugs in the last few years.

### Convincing



## CONGRESSIONAL DISTRICTS

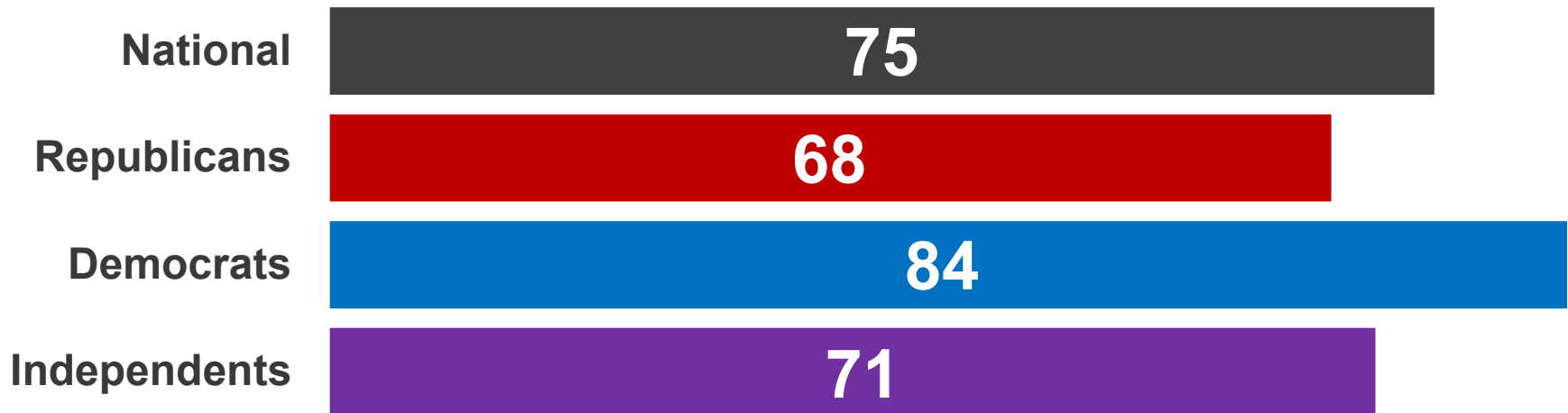


# Sealing Records: Non-Violent Drug Offenses

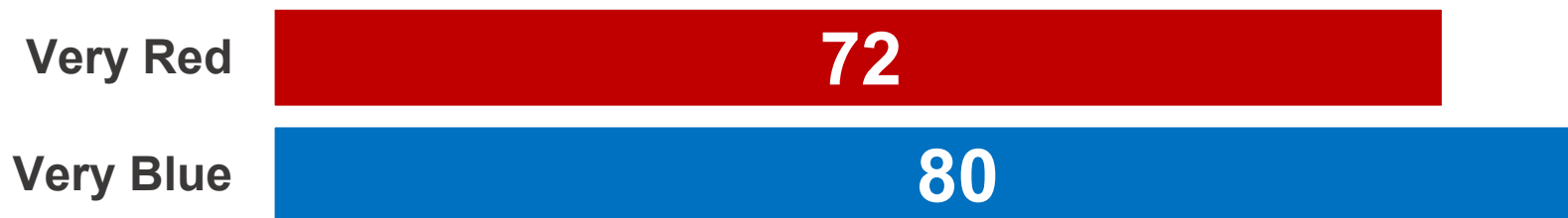
**FINAL  
RECOMMENDATION**

Do you favor or oppose the proposal that, for a person convicted of a non-violent drug offense, five years after they finish their sentence or probation, information about the offense would be automatically sealed? Legally, they would not need to disclose their arrest or conviction to an employer or landlord.

## FAVOR



## CONGRESSIONAL DISTRICTS

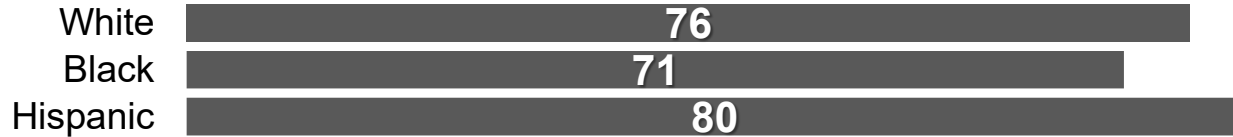


# Sealing Records: Non-Violent Drug Offenses

BY  
DEMOGRAPHIC

✓ FAVOR

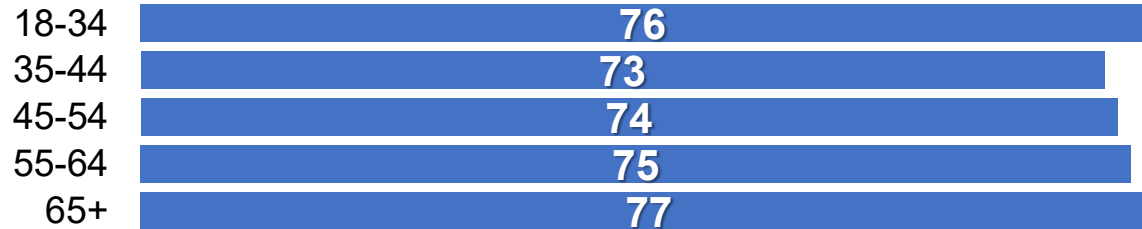
## RACE



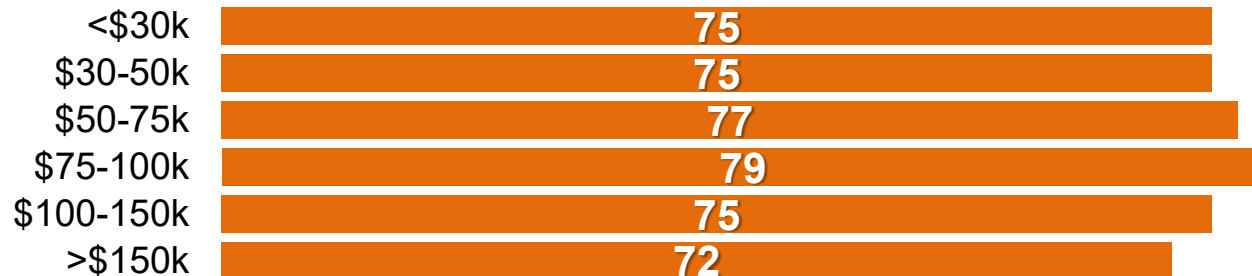
## GENDER



## AGE



## INCOME



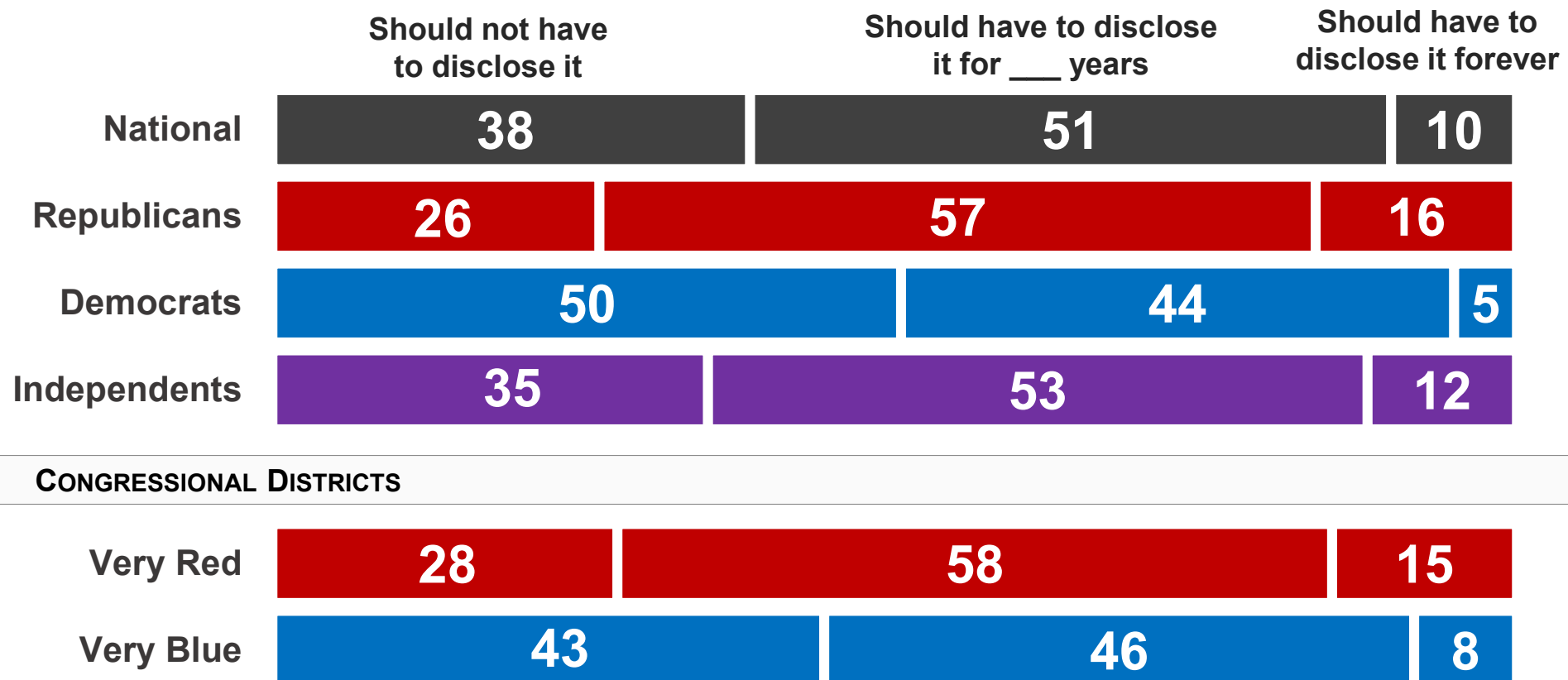
## EDUCATION



# Sealing Records: Non-Violent Drug Offenses

**FOLLOW-ON**

Do you think after someone has completed their sentence for a non-violent drug offense they:

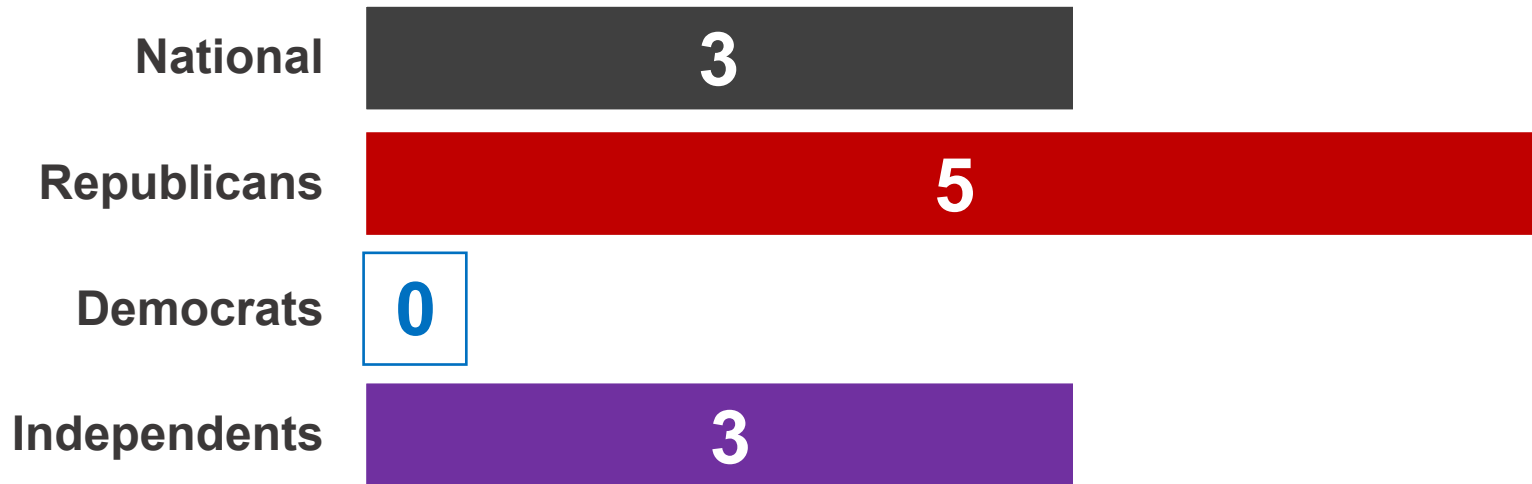


# Sealing Records: Non-Violent Drug Offenses

**FOLLOW-ON**

Number of years someone should have to disclose their sentence for a non-violent drug offense:

(Median)



## CONGRESSIONAL DISTRICTS



# Restoration of Voting Rights Upon Release from Prison

## PROPOSAL

A person who completes their prison sentence would have their right to vote in federal elections immediately restored.

### Sources of Proposal:

**Democracy Restoration Act of 2021** by Sen. Ben Cardin (S. 481)

**For the People Act of 2021**  
by Rep. John Sarbanes (H.R. 1) and Sen. Jeff Merkley (S.1)

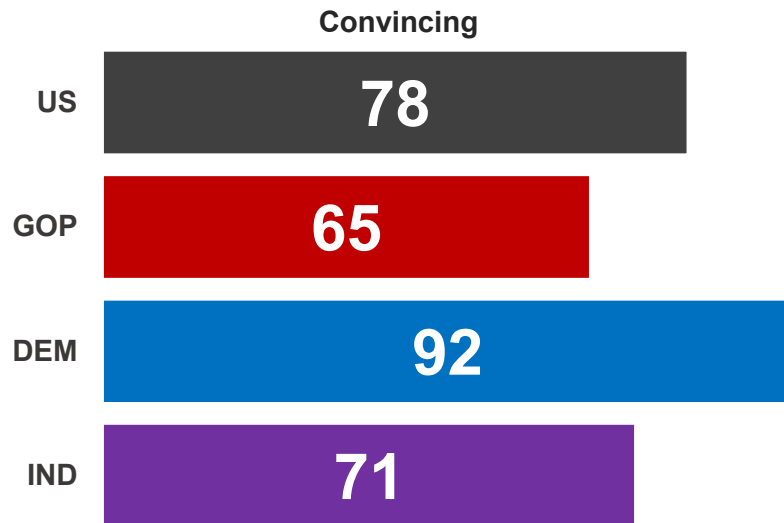
**Jobs and Justice Act of 2020** by Rep. Karen Bass (H.R. 8352)

**Next Step Act of 2019**  
by Sen. Cory Booker (S. 697) and Rep. Bonnie Watson Coleman (H.R. 1893)

# Restoration of Voting Rights Upon Release from Prison

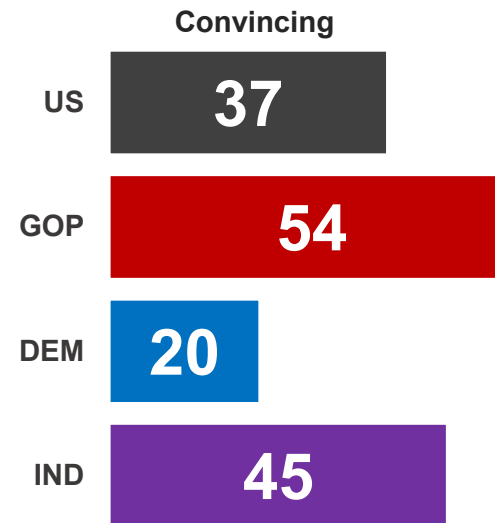
## ARGUMENT IN FAVOR

People who have served their prison sentence should not be treated like second-class citizens.

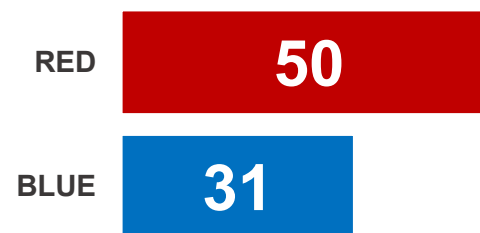
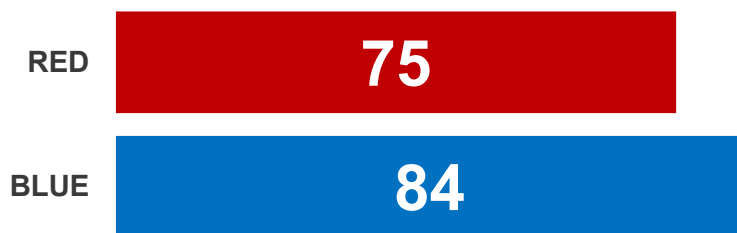


## ARGUMENT AGAINST

Giving former prisoners the ability to vote again as soon as they leave prison is assuming that just because they served their sentence, they are now upstanding citizens.



## CONGRESSIONAL DISTRICTS



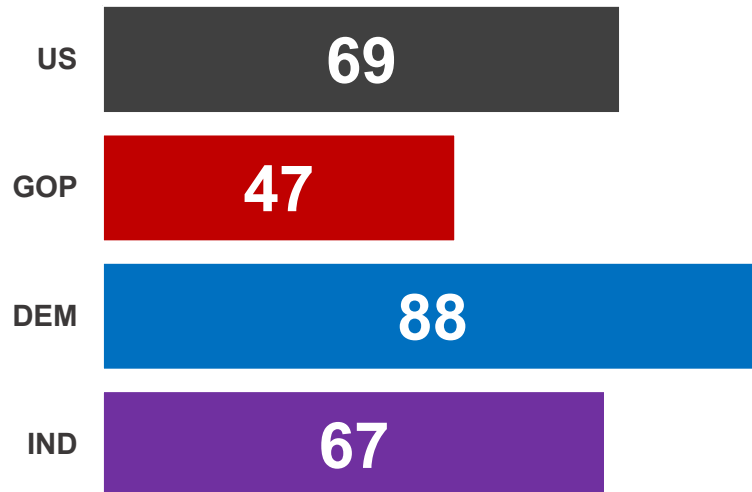


# Restoration of Voting Rights Upon Release from Prison

## ARGUMENT IN FAVOR

There is plenty of evidence that, for the same crime, people with lower incomes and minorities get sent to prison much more readily than other people.

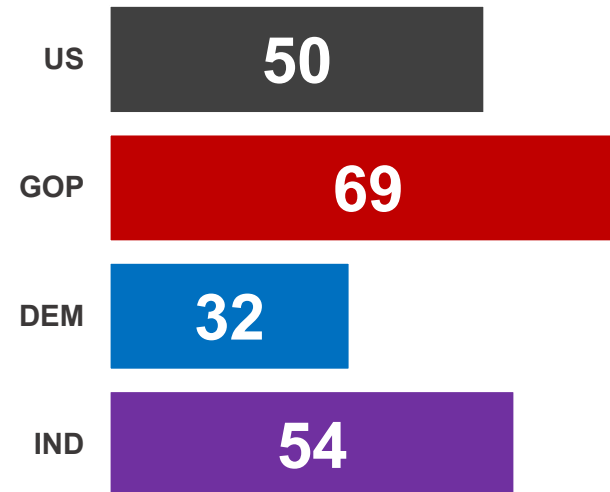
Convincing



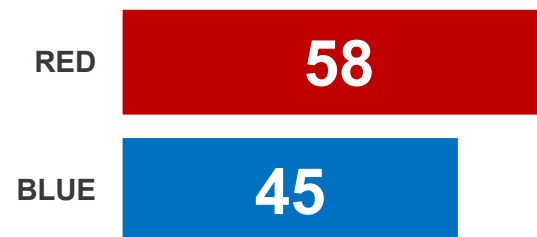
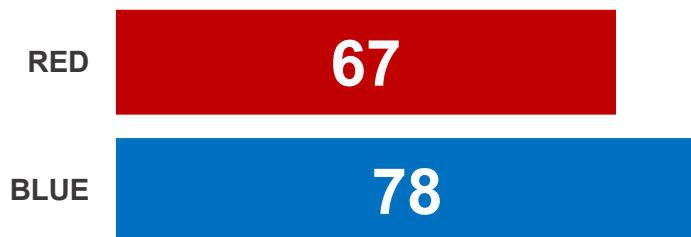
## ARGUMENT AGAINST

The Federal government should not get involved in telling states who they will let vote.

Convincing



## CONGRESSIONAL DISTRICTS

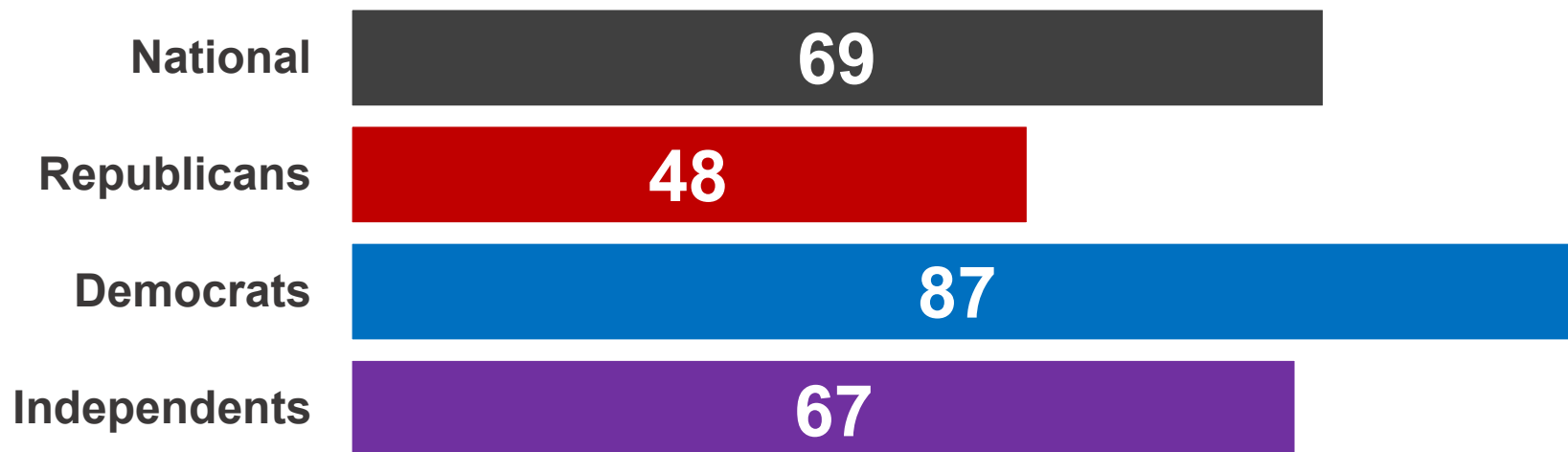


# Restoration of Voting Rights Upon Release from Prison

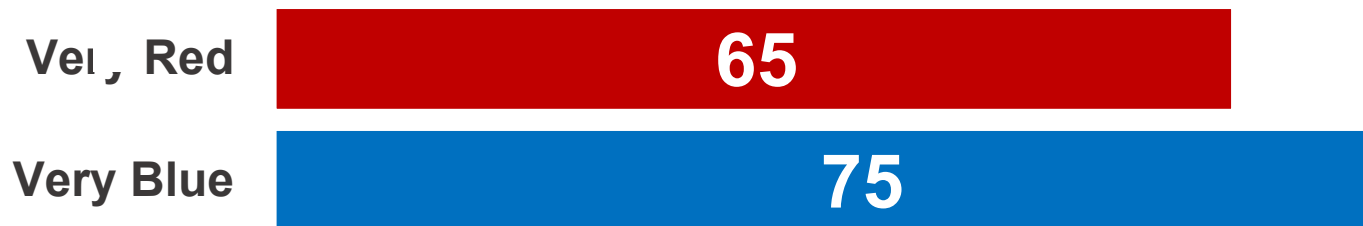
**FINAL  
RECOMMENDATION**

Do you favor or oppose the proposal that, a person who completes their prison sentence would have their right to vote in federal elections immediately restored?

## FAVOR



## CONGRESSIONAL DISTRICTS

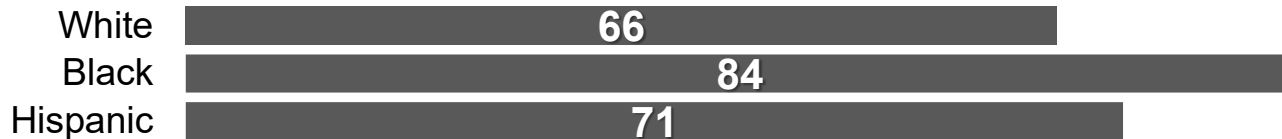


# Restoration of Voting Rights Upon Release from Prison

BY  
DEMOGRAPHIC

✓ FAVOR

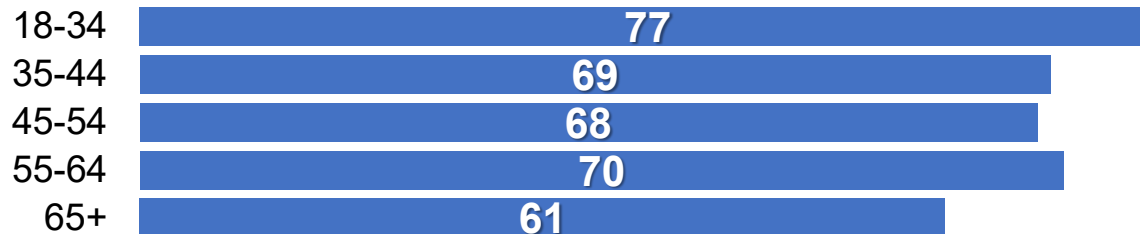
## RACE



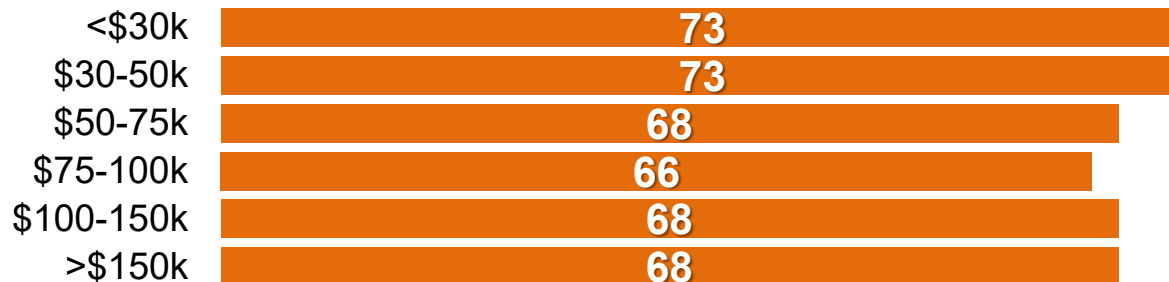
## GENDER



## AGE



## INCOME



## EDUCATION

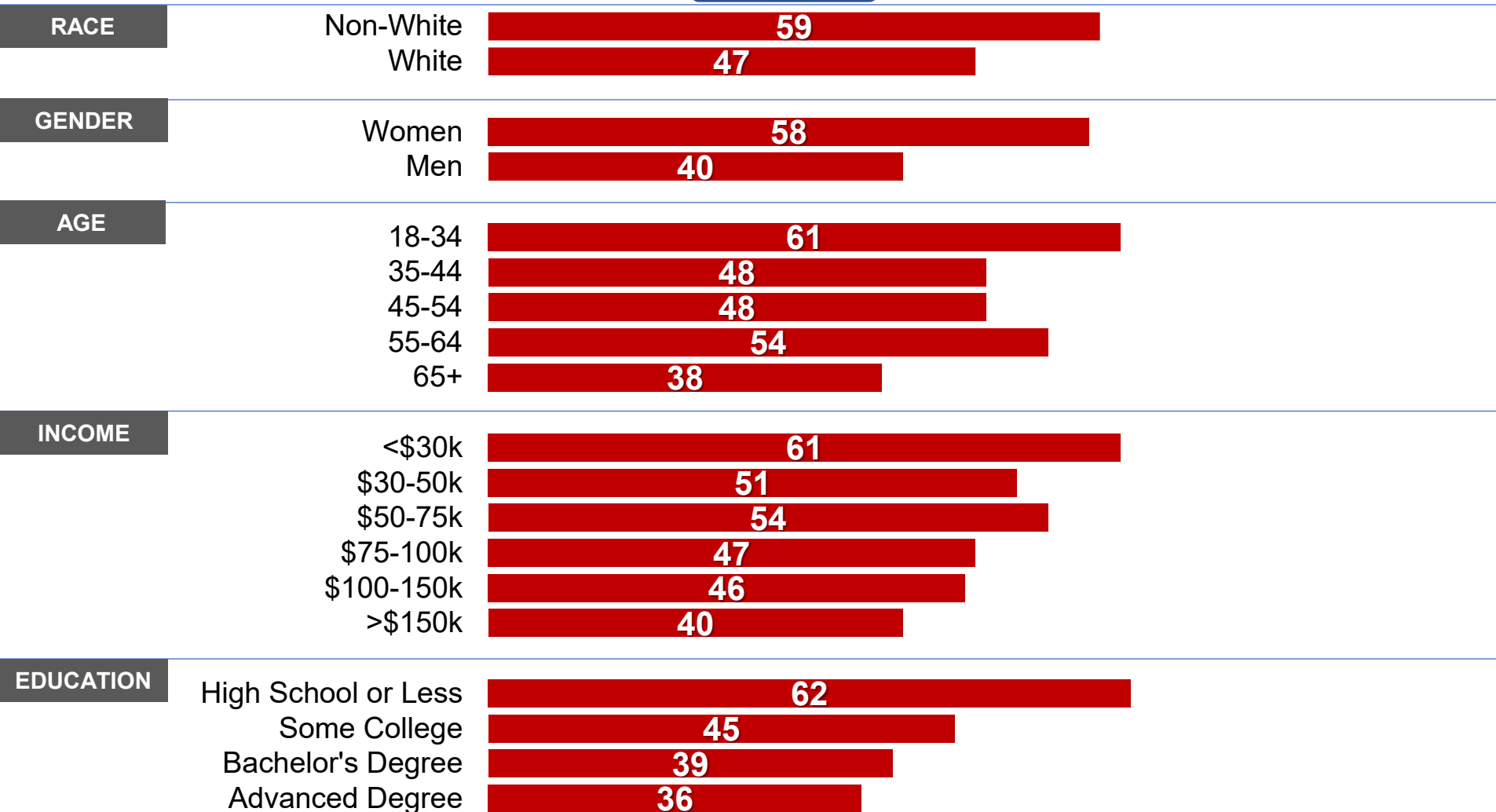


# Restoration of Voting Rights Upon Release from Prison

BY  
DEMOGRAPHIC

## Support Among Republicans

✓ FAVOR

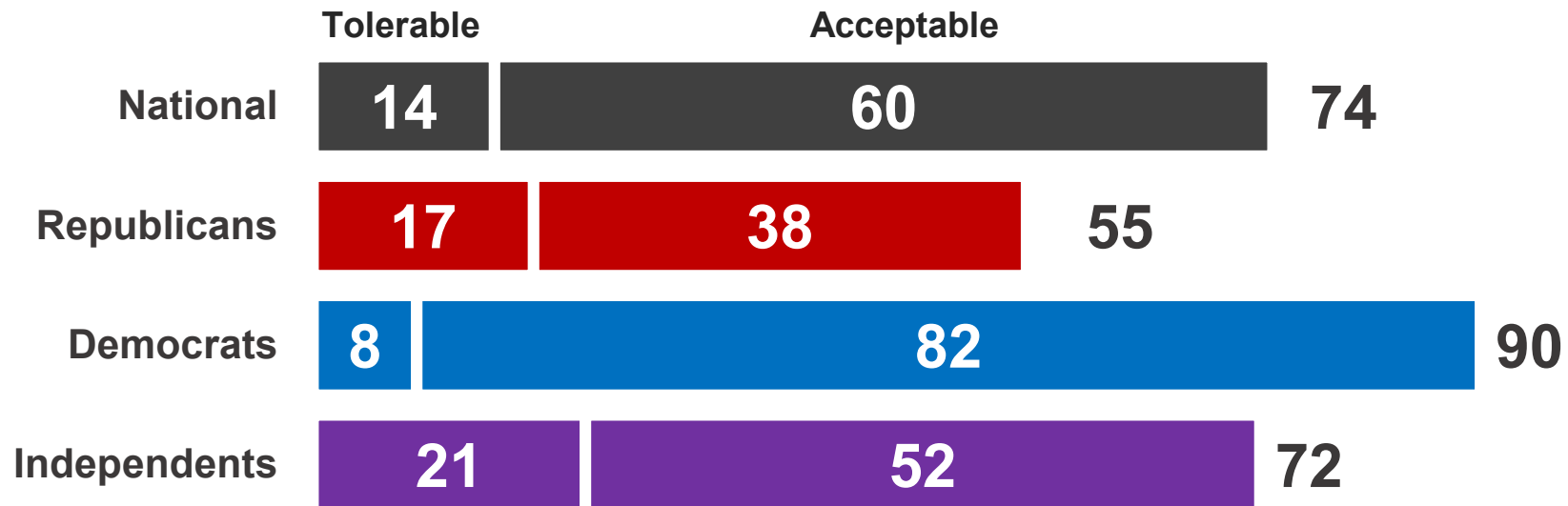


# Restoration of Voting Rights Upon Release from Prison

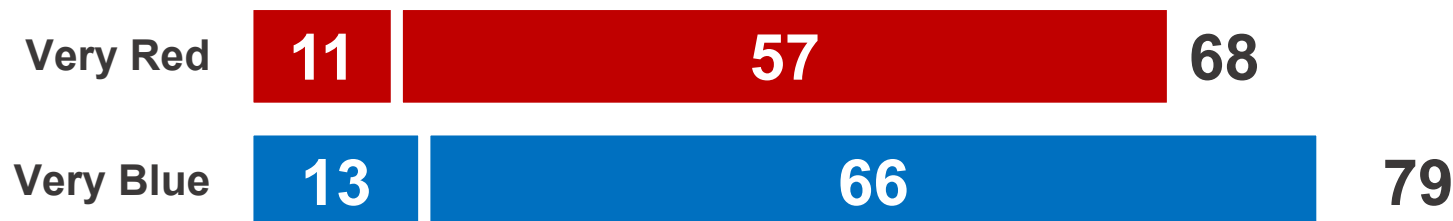
## ASSESSMENT

### PROPOSAL:

A person who completes their prison sentence would have their right to vote in federal elections immediately restored.



### CONGRESSIONAL DISTRICTS





PROGRAM FOR PUBLIC CONSULTATION  
SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND



Thank You

**FOR MORE INFORMATION**

visit

**[www.vop.org/criminalrecords](http://www.vop.org/criminalrecords)**

or contact Allison Stettler at

**[astettler@vop.org](mailto:astettler@vop.org)**