



## OHA-2

### Improving Employment Opportunities for People with Conviction Records

**This measure seeks to improve the potential for people who have old convictions on their record to obtain and keep legitimate employment, thereby supporting their rehabilitation and continued law-abiding conduct over the long-term.**

#### PEOPLE WITH A CONVICTION RECORD – THE STIGMA

**Lengthy criminal history record checks have been shown to result in significant and unnecessary employment bias against those who may have long since paid their debt to society.** Older convictions, in and of themselves, do not indicate a significantly higher potential for future criminal activity, and employer surveys have even shown that employees with conviction records demonstrate higher retention rates and a corresponding level of “hire quality” as those without any past convictions. Nonetheless, research shows that **even old and minor convictions may have a considerable negative effect on employer decisions.**

#### WHAT IS HAWAII’S “BAN THE BOX” LAW?

**Hawai‘i’s “ban the box” law allows employers to inquire into and consider their current and prospective employees’ convictions for the past ten year period (not counting periods of incarceration), which may allow old convictions to continue to haunt those seeking legitimate and gainful employment even years after demonstrating continuous, law-abiding behavior.** This in turn can prevent individuals with a conviction record from meaningfully providing for themselves and their families, contributing to their communities, and supporting our overall economy. Moreover, a conviction record that prevents such individuals from obtaining or maintaining a job may leave them little choice but to resort to some form of illegal activity.

#### HOW WILL OHA-2 IMPROVE EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH A CONVICTION RECORD?

Subject to certain exceptions, Hawai‘i’s “ban the box” law limits employers from inquiring into and considering the conviction records of future and current employees beyond the previous ten year period, not including periods of incarceration. OHA-2 would reduce this ten year period to the previous five years for felonies, and three years for misdemeanors. **It’s important to note that OHA-2 does not affect the current exceptions to the “ban the box” law, such as those that allow schools and prisons to inquire and consider criminal records beyond what the law generally allows.**

By limiting an employers’ use of conviction records to a five year period for felonies and three year period for misdemeanors, OHA-2 will allow employers to continue basing employment decisions on more recent convictions, but will reduce the stigma and other barriers faced by people with older convictions. This in turn will:



- Reduce the disproportionate impacts of conviction records and our criminal justice system as a whole on Native Hawaiians, women, and marginalized groups;
- Enable and encourage reformed individuals to obtain and maintain legitimate employment, support their families, and contribute to their communities and the overall economy; and
- Promote public safety through reduced criminal activity over the long-term.