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February 11, 2014

The Honorable William Lippert, Chair  
House Committee on Judiciary  
105 State Street  
Montpelier, VT 05633

RE: H.413- Uniform Collateral Consequences of Conviction Act

Dear Representative Lippert and Members of the Committee:

Thank you for the opportunity to address the Committee concerning H.413. The Vermont Human Rights Commission is concerned with the collateral consequences of convictions primarily as the issue relates to race and national origin. As the Committee is aware, the Vermont Center for Justice Research is currently conducting a study to determine whether the high rate of incarceration of people of color in Vermont can be explained by factors other than race. Regardless of what the study shows, the disproportionate rate of incarceration of people of color in Vermont means that they will also be subjected disproportionately to the collateral consequences of their convictions. Nationwide, we know that people of color face much higher rates of incarceration than whites due, primarily though not exclusively, to the "War on Drugs" which has disproportionately and many would argue unfairly targeted minorities.

The initial charge, conviction and sentencing of an individual for a crime are just the beginning of the price one pays for a conviction. Once released, after serving one's sentence and paying one's debt to society, most face the equivalent of a "second incarceration" due to laws and regulations that impose collateral consequences on the very services and opportunities that a person needs in order to return to society as a contributing member. And because people of color are already disproportionately represented in the prison population, they also suffer disproportionately from collateral consequences that interfere with rehabilitation. Sadly, this can lead to a vicious cycle of recidivism due to lack of opportunity.

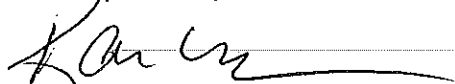
In my prior position at Vermont Legal Aid, we saw the effects of these collateral consequences every day. A conviction for a drug-related crime (which was often

related to addiction) had a snowball effect which resulted in loss of subsidized housing, loss of SNAP benefits, loss of Reach Up, loss of SSI during periods of incarceration, ineligibility for student loans and ineligibility for some professional licenses, programs and employment. In my experience, many people were unaware of these consequences until it was too late to address them because the person had already pled guilty to the crime that triggered them. If we got the case early enough, we worked with the public defender to try to get a plea deal to a charge that would not trigger these consequences. Absent intervention from a legal aid attorney, however, many public defenders were either unaware of the collateral consequences or did not consider them to be within their purview.

While many of the above-mentioned programs are federal programs, there are many state statutes and regulations that impose similar disqualifications from services, licensure and employment opportunities. This bill does three major things that I believe are important. First it requires the Attorney General to publish a list of collateral consequences and keep the list updated. Second, it requires that a person pleading guilty to a crime be told of these collateral consequences so s/he can make a fully informed decision. Third, it provides a mechanism for people to seek relief from these collateral consequences while still considering the public safety aspects of granting such relief.

In my opinion the benefit of having former offenders become positive contributing members of the community, and the added benefit of reducing recidivism, make this an attractive proposal. And as I stated earlier, to the extent that this "secondary incarceration" falls most heavily on minority communities, addressing the issue will also relieve some of the racial bias that has become inherent in our criminal justice system. In the end, everyone benefits. Thank you for considering this important legislation.

Respectfully,



Karen L. Richards  
Executive Director