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Streamline ex-convicts' work restrictions

By [Marc Levin](#)

The Daily News

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This month, Marc Hoskins was denied his seat on the Galveston City Council because of a cocaine offense committed when he was 20.

Last year, Hoskins was elected with 80 percent of the vote after speaking openly about his conviction.

Regardless of the merits of the lawsuit Hoskins has filed to vindicate his election, his case illustrates the need to re-examine state laws that bar ex-offenders from occupations ranging from hair stylist to auto inspector.

There are 168 occupations from which ex-offenders are barred by either a specific Texas statute or rule. Many include misdemeanors as well as felonies.

All disregard how long it has been since the offense occurred.

Among the licensed occupations from which many ex-offenders are excluded: plumber, boiler inspector, athletic trainer, air conditioning and refrigeration contractor, contact lens dispenser, electrician, fire extinguisher technician, dietician, dog trainer, manicurist, port worker, interpreter, pesticide applicator, truck driver, hearing-aid filter dispenser, insurance agent and adjustor, landscape irrigator and installer, occupational therapist, embalmer, dental hygienist and bingo usher. About all that's left is another con job.

Many of these 168 specific prohibitions are unnecessary because of a catch-all statute that allows any state licensing authority to deny the application, or revoke the license, of any person convicted of a misdemeanor or felony that relates to the occupation.

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This is reasonable; no one wants child predators working at day-care centers.

The specific exclusions only serve to keep out ex-offenders whose offense is totally unrelated to their fitness for the occupation.

Many of the 168 prohibitions were never voted on by elected officials and, in many instances, were promulgated by boards controlled by members of the occupation who have a financial interest in keeping out competition.

In his 2004 State of the Union address, President Bush declared: "America is the land of the second chance and, when the gates of the prison open, the path ahead should lead to a better life."

Texas is blocking that path for its 2 million ex-offenders, most of whom have not been to prison but paid a fine or took probation for a less severe offense. In so doing, we are not only being unfair to ex-offenders, but to their victims owed restitution and their children owed child support.

Texas prisoners owe \$2.5 billion of child support and hundreds of millions — if not billions — in restitution. Ex-offenders cannot make good on these important obligations unless they are gainfully employed.

Jobless ex-offenders are more likely to commit another crime or be revoked from probation or parole for "technical violations." Ironically enough, such violations include not holding a job and failure to pay restitution or fees.

Revocations for probation technical violations alone impose \$757 million in incarceration costs every year on Texas taxpayers.

Many of the prohibitions should be repealed, others modified to exclude nonviolent drug offenders.

An interim legislative committee to study and recommend an overhaul is needed.

We could also empower probation and parole officers to issue a certificate of rehabilitation and fitness for work that would trump most occupational prohibitions.

The pursuit of this certificate would provide an incentive for probationers and parolees to comply with their supervision terms.

Millions of Texans have served their time. They should be able

to punch the clock.

Marc A. Levin is director of the Center for Effective Justice at the Texas Public Policy Foundation, a non-profit, free-market research institute in Austin.

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