



## FACT SHEET: SB 809 Fair Chance Expansion and Protection Act

### In Brief

This bill would build on the Fair Chance Act (2017) to ensure that conviction history does not prevent qualified candidates from employment. Employers would be prohibited from conducting criminal background checks on job applicants and in making employment decisions on that basis, unless otherwise authorized by state or federal law. The bill also strengthens the ability of applicants and the state to enforce the law against violating employers.

### Background & Problem

Employment is a core opportunity for people with convictions to reenter society and participate fully as a contributing and positive member of their community. The ability to fairly seek and be considered for employment is often a vital aspect of regaining dignity and self-worth after a conviction. Employment is positively associated with reduced recidivism, positive social networks, and adds to the economy.

Current employment background checks harm the personal dignity of applicants and deny qualified applicants employment and participation in a key aspect of society and personal responsibility. These individual harms perpetuate racial disparities in the criminal legal system and deny the economy and communities the growth, resources, safety, and self-determination possible when people with convictions are allowed to be full members of society.

The Fair Chance Act, AB 1008 (2017), sought to allow people with a conviction a fair chance at employment. Unfortunately, there is still a pervasive use of conviction history to deny people jobs where the conviction has no relationship to the job duties or responsibilities. This rampant discrimination requires further action to ensure that people with convictions have a fair chance to compete for employment on their individual merits.

### Solution

In every step of the employment process—advertising, application, interview, hiring, compensation, and promotion—employers would be prohibited from considering conviction history beyond what is authorized by other state and federal laws.

The process for considering conviction history, when authorized, is strengthened to ensure that each applicant is evaluated as an individual, and not simply based on a conviction, and that employers can be held accountable for employment decisions that are unlawfully based on an applicant's conviction history.

Criminal history background checks would still be allowed for employers who are otherwise authorized by state or federal law to conduct background checks. This includes those required for jobs related to vulnerable populations, driving and transportation, in healthcare settings, and many others.

This bill also provides a proactive mechanism for the state to enforce these comprehensive anti-discrimination provisions against violating employers through progressive fines.

### Support

- All of Us or None
- Californians for Safety & Justice
- Legal Aid At Work
- Legal Services for Prisoners With Children
- Root & Rebound
- Underground Scholars
- Center for Employment Opportunities
- National Employment Law Project

### For More Information

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