



## POSITION PAPER No. 6/214th Legislature (2010-11)

### ISSUE:

Allows security officer applicant to demonstrate rehabilitation of previously convicted of crime.

### BILL NO.

S-857 (Turner)

### NCADD-NJ POSITION:

The National Council on Alcoholism and Drug Dependence-New Jersey (NCADD—NJ) strongly supports S-857 in that it recognizes that addiction is a treatable disease and that through addiction treatment recovery occurs. Many who are convicted of crimes have the disease of addiction and committed their crimes as a direct result of this disease.

It should be noted that S-857 does not automatically issue a certificate of rehabilitation but allows the superintendent to hear the circumstances surrounding the crime as well as the rehabilitation of the offender before rendering a decision. Because the circumstances in each case are unique, informed superintendents are in a far better position than legislators to make sure each offender pays a just price for his or her actions.

Many individuals in recovery from an addiction are unnecessarily prevented from obtaining employment due to a past criminal record. S-857 has the potential to assist people transition successfully back into the community and become gainfully employed, while holding individuals accountable for their alcohol- or drug-affected behavior. NJS 2C:35-1.1 provides, in relevant part, that “it is the intent of the legislature ... to facilitate where feasible the rehabilitation of drug dependent persons”

Employment is an important factor for recovering people trying to rebuild their lives. Lack of employment, poverty and idleness contribute to ongoing addiction and recidivism, while meaningful employment promotes recovery.

NCADD-NJ convened a panel of state experts and policy-makers to examine the stigma and discrimination encountered by New Jersey residents with alcohol and drug addiction and developed policy recommendations designed to foster recovery. The panel was both diverse and qualified; numerous agencies were represented, ranging from doctors to directors of programs. The panel found that many New Jersey residents with an alcohol or drug addiction routinely encounter stigma and discrimination related to their disease. The panel’s recommendations included ending discrimination regarding employment and drug related convictions. S-857 is consistent with the panel’s recommendations. Specifically, the panel found:

- Past alcohol and drug use or alcohol- or drug-related convictions should not be used to disqualify otherwise qualified applicants from obtaining or maintaining employment;
- Enact legislation to ensure that sentences are fair and proportionate ... including a mechanism by which people in recovery will not be repeatedly punished with collateral consequences for the same offense.

NCADD-NJ believes, however, that this legislation is one small step in the right direction.

New Jersey’s current laws regarding criminal records and employment have only added to the difficulties of those recovering from addiction. The rehabilitation clause should be included in many of those laws.

Many employers are reluctant to hire someone who has been convicted of a drug-related crime because



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of stereotypes unrelated to his or her ability to perform the job. Repeatedly punishing someone in recovery with collateral consequences by not allowing them to present evidence of their rehabilitation is contrary to New Jersey's Law Against Discrimination, the Certificate of Rehabilitation, the Rehabilitated Convicted Offender Act, and the Federal Americans with Disabilities Act. S-857 is consistent with these laws and provides a mechanism to address the discrimination and unnecessary obstacles that a person in recovery from addiction faces.

## CONTACT

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