



Survey topline

Opinion Poll: Texas small business owners support criminal justice reforms to address persistent workforce challenges

Released: February 7, 2023

Download the full report from our website: <https://smallbusinessmajority.org/our-research/texas-small-business-owners-support-criminal-justice-reforms-address-persistent-workforce-challenges>

Methodology

This opinion poll, conducted by Chesapeake Beach Consulting for Small Business Majority, reflects the opinions of 100 small business owners from Texas. The poll, conducted from September 13 through September 20, has a margin of error of +/-10% at a 95% confidence interval. Poll respondents identified with the following political parties: 26% Democrat, 35% Republican and 33% Independent.

Toplines

1. When it comes to gender, how do you identify?

| | |
|---|-----|
| Male | 46% |
| Female | 54% |
| Transgender | 0% |
| Gender non-conforming and/or non-binary | 0% |
| Prefer not to disclose | 0% |
| Another option not listed here | 0% |

2. Are you the owner of a for-profit small business?

| | |
|----------|------|
| Yes..... | 100% |
|----------|------|

3. How many people does your company employ, including yourself? Please include full-time and part-time employees, but do not include independent contractors.

| | |
|----------------|-----|
| 2 to 10 | 63% |
| 11 to 25 | 15% |
| 26 to 50 | 10% |
| 51 to 75 | 9% |
| 75 to 100..... | 3% |

4. What is the zip code of your business?

| | |
|-------------|------|
| Texas | 100% |
|-------------|------|

5. Which of the following categories best describes your business?

| | |
|--------------------------------------|----|
| Agriculture & Mining | 2% |
| Consulting & Business Services | 4% |

| | |
|--|-----|
| Education & Youth Services..... | 0% |
| Energy & Utilities | 1% |
| Engineering..... | 0% |
| Food & Beverage | 4% |
| Healthcare, Pharmaceuticals & Biotech..... | 0% |
| Insurance & Financial Services | 3% |
| Manufacturing | 4% |
| Media & Entertainment | 2% |
| Non-profit..... | 2% |
| Real Estate & Construction | 21% |
| Retail..... | 17% |
| Service and Consumer Services | 9% |
| Software & Internet..... | 3% |
| Technology, Computers & Electronics | 6% |
| Telecommunications..... | 1% |
| Transportation & Storage | 7% |
| Travel, Recreation & Leisure..... | 1% |
| Wholesale & Distributors | 2% |
| Other | 11% |

6. How optimistic or pessimistic are you about your business prospects over the next 6 months?

| | |
|--|------------|
| Very optimistic | 43% |
| Somewhat optimistic | 32% |
| Neither optimistic nor pessimistic | 15% |
| Somewhat pessimistic | 9% |
| Very pessimistic | 1% |
| TOTAL OPTIMISTIC | 75% |
| TOTAL PESSIMISTIC | 10% |

7. Thinking ahead to the next six months, how likely is it that your business will add employees? Would you say it is very likely, somewhat likely, somewhat unlikely, or very unlikely?

| | |
|-------------------------------------|------------|
| Very likely | 26% |
| Somewhat likely | 36% |
| Somewhat unlikely..... | 16% |
| Very unlikely | 14% |
| Not applicable to my business | 3% |
| Not sure | 5% |
| TOTAL LIKELY | 62% |
| TOTAL UNLIKELY..... | 30% |

8. What are some challenges that you faced/are facing when hiring new employees?

(Select all that apply)

| | |
|--|-----|
| People expect higher pay | 46% |
| Hesitation to work in person | 16% |
| Hard to find quality candidates | 56% |
| Vaccine requirements/mask mandates | 10% |
| No challenges | 7% |
| Currently not hiring | 9% |
| Other | 2% |
| None of the above | 2% |

9. Have you taken any of the following actions to attract more workers? (Select all that apply)

| | |
|--|-----|
| Increased pay | 40% |
| Increased benefits | 31% |
| Created more part-time positions..... | 25% |
| Hired younger staff than usual | 18% |
| Hired from within my local community | 20% |
| Currently not hiring | 18% |
| Other | 1% |
| None of the above | 10% |

10. (Asked of those not hiring) Why are you not hiring? (N=18)

| | |
|----------------------------------|-----|
| I do not need to | 78% |
| I cannot afford to | 22% |
| I had to lay off employees | 0% |
| Other/ None of the above | 0% |

When considering potential workforce liabilities for your business, how big a concern is each of the following? For each, please indicate whether it is your top concern, a major concern, a minor concern, or not a concern at all.

11. Harassment, including sexual, physical, or other forms

| | |
|----------------------------|-----|
| My top concern | 15% |
| A major concern..... | 22% |
| A minor concern | 19% |
| Not a concern at all | 44% |

12. Theft of company, customer property or another employee's property

| | |
|----------------------------|-----|
| My top concern | 18% |
| A major concern..... | 34% |
| A minor concern | 24% |
| Not a concern at all | 24% |

| | |
|--|------------|
| 13. Operational safety, such as protecting employees from injury on the job | |
| My top concern | 23% |
| A major concern..... | 35% |
| A minor concern | 21% |
| Not a concern at all | 21% |
| 14. Misuse of company technology, such as wrongfully accessing or sharing customer data | |
| My top concern | 18% |
| A major concern..... | 24% |
| A minor concern | 31% |
| Not a concern at all | 27% |
| 15. The risk of an employee committing a criminal offense that is not related to the job or company. | |
| My top concern | 12% |
| A major concern..... | 26% |
| A minor concern | 29% |
| Not a concern at all | 33% |
| 16. Do you ask prospective employees whether they have a criminal background? | |
| Yes..... | 72% |
| No..... | 25% |
| Refused | 3% |
| 17. (If yes to Q16) When do you ask prospective employees whether they have a criminal background? (N=72) | |
| Initial application/interview | 83% |
| In the middle of the hiring process | 13% |
| Near or at the end of the hiring process | 4% |
| 18. Do you conduct criminal background checks on prospective employees? | |
| Yes, for all positions..... | 66% |
| Yes, for some positions | 18% |
| No..... | 16% |
| TOTAL YES | 84% |
| TOTAL NO | 16% |
| 19. (If 1 or 2 to Q18) When do conduct a criminal background check on prospective employees? (N=84) | |
| Initial application/interview | 50% |
| In the middle of the hiring process | 31% |
| Near or at the end of the hiring process | 19% |

Clean Slate is a policy model that automatically seals qualifying criminal records if a person stays crime-free for a set period of time. As a result, background checks will no longer show this information, as eligible criminal records are sealed, expunged, erased, or set aside meaning there is no public record of the conviction. Millions of Americans with old criminal records are entitled to record sealing or expungements.

20. How familiar are you with Clean Slate laws?

| | |
|---------------------------------|------------|
| Very familiar | 18% |
| Somewhat familiar | 28% |
| Not too familiar..... | 17% |
| Not familiar at all..... | 37% |
| Don't know..... | 0% |
| Refused | 0% |
| TOTAL FAMILIAR | 46% |
| TOTAL NOT FAMILIAR | 54% |

Here are some statements that business owners like yourself have made about the criminal justice system and its impact on families, communities, and the economy. After I read each statement, please tell me if you agree or disagree with the statement.

21. One way to expand the productivity and diversity of our nation's workforce is by making it easier for employers to recruit from underused candidate pools.

| | |
|---------------------------------|------------|
| Strongly agree | 30% |
| Somewhat agree..... | 50% |
| Somewhat disagree | 10% |
| Strongly disagree | 1% |
| Neither agree nor disagree..... | 9% |
| TOTAL AGREE..... | 80% |
| TOTAL DISAGREE..... | 11% |

22. A job is one of the most important factors in determining whether someone will be re-arrested and return to jail. Many business leaders have prioritized hiring people with criminal records and building partnerships with service providers for this population.

| | |
|---------------------------------|------------|
| Strongly agree | 25% |
| Somewhat agree..... | 50% |
| Somewhat disagree | 14% |
| Strongly disagree | 3% |
| Neither agree nor disagree..... | 8% |
| TOTAL AGREE..... | 75% |
| TOTAL DISAGREE..... | 17% |

23. Removing barriers to employment for people with criminal records will save tax dollars by reducing recidivism and the need for long term government assistance.

| | |
|---------------------------------|------------|
| Strongly agree | 32% |
| Somewhat agree | 44% |
| Somewhat disagree | 6% |
| Strongly disagree | 9% |
| Neither agree nor disagree..... | 9% |
| TOTAL AGREE..... | 76% |
| TOTAL DISAGREE..... | 15% |

24. The American criminal justice system disproportionately impacts people of color, leading to employment barriers and economic mobility.

| | |
|---------------------------------|------------|
| Strongly agree | 25% |
| Somewhat agree | 37% |
| Somewhat disagree | 18% |
| Strongly disagree | 11% |
| Neither agree nor disagree..... | 9% |
| TOTAL AGREE..... | 62% |
| TOTAL DISAGREE..... | 29% |

25. Nearly half of all children in the United States have a parent with a criminal record. Sealing or expunging old qualifying records might improve these families’ economic mobility by increasing their parents’ ability to find and maintain employment.

| | |
|---------------------------------|------------|
| Strongly agree | 30% |
| Somewhat agree | 48% |
| Somewhat disagree | 10% |
| Strongly disagree | 5% |
| Neither agree nor disagree..... | 7% |
| TOTAL AGREE..... | 78% |
| TOTAL DISAGREE..... | 15% |

There are two federal government programs that incentivize hiring workers impacted by the criminal justice system. I would like to provide you with a brief description of each program. Please tell me if learning about this program makes you more likely or less likely to hire someone who has been involved with the criminal justice system.

26. The Federal Work Opportunity Tax Credit provides employers a credit for 40% of the wages paid to certain individuals, up to \$6,000. The individuals must be certified by a state workforce agency as members of one of 10 targeted groups, including people convicted of certain offenses.

| | |
|----------------------------|-----|
| Much more likely | 23% |
| Somewhat more likely | 38% |
| Somewhat less likely | 11% |
| Much less likely | 8% |

| | |
|-------------------------------|------------|
| Don't know..... | 18% |
| Refused | 2% |
| TOTAL MORE LIKELY..... | 61% |
| TOTAL LESS LIKELY..... | 19% |

27. The Federal Bonding Program provides “Fidelity Bonds” for at-risk and hard-to-place job seekers. These Bonds protect employers from any losses caused by the fraudulent or dishonest acts of their bonded employees, whether committed on or away from the workplace.

| | |
|-------------------------------|------------|
| Much more likely | 27% |
| Somewhat more likely..... | 46% |
| Somewhat less likely | 6% |
| Much less likely..... | 4% |
| Don't know..... | 16% |
| Refused | 1% |
| TOTAL MORE LIKELY..... | 73% |
| TOTAL LESS LIKELY..... | 10% |

Different state-level policies have been enacted or are being considered as a way to reduce recidivism and boost economic security in at-risk communities. Please tell me if after learning about this program you would support or oppose a similar policy in your state.

28. In Illinois, formerly incarcerated people receive job credits that reduce their individual state taxes.

| | |
|----------------------------|------------|
| Strongly support | 22% |
| Somewhat support | 42% |
| Somewhat oppose | 14% |
| Strongly oppose | 8% |
| Don't know..... | 13% |
| Refused | 1% |
| TOTAL SUPPORT | 64% |
| TOTAL OPPOSE..... | 22% |

29. In Iowa, employers who hire people with criminal records can deduct an additional 65% of the wages paid in the first 12 months of employment on their state income tax returns.

| | |
|----------------------------|------------|
| Strongly support | 26% |
| Somewhat support | 39% |
| Somewhat oppose | 14% |
| Strongly oppose | 9% |
| Don't know..... | 12% |
| Refused | 0% |
| TOTAL SUPPORT | 65% |
| TOTAL OPPOSE..... | 23% |

30. California, Michigan, New Jersey, Pennsylvania, and Utah have passed Clean Slate laws that automatically expunge or seal certain qualifying offenses.

| | |
|----------------------------|------------|
| Strongly support | 25% |
| Somewhat support | 35% |
| Somewhat oppose | 19% |
| Strongly oppose | 10% |
| Don't know..... | 9% |
| Refused | 2% |
| TOTAL SUPPORT | 60% |
| TOTAL OPPOSE..... | 29% |

31. In Georgia, individuals may petition the court to restrict and seal certain convictions from their criminal record.

| | |
|----------------------------|------------|
| Strongly support | 24% |
| Somewhat support | 37% |
| Somewhat oppose | 17% |
| Strongly oppose | 10% |
| Don't know..... | 11% |
| Refused | 1% |
| TOTAL SUPPORT | 61% |
| TOTAL OPPOSE..... | 27% |

32. Would you support or oppose federal legislation that would prohibit private-sector employers from asking job seekers to disclose their criminal history?

| | |
|----------------------------|------------|
| Strongly support | 23% |
| Somewhat support | 25% |
| Somewhat oppose | 20% |
| Strongly oppose | 23% |
| Don't know..... | 9% |
| Refused | 0% |
| TOTAL SUPPORT | 48% |
| TOTAL OPPOSE..... | 43% |

33. Would you support or oppose federal legislation to establish a process for individuals to petition federal courts to seal their records of nonviolent offenses, nonviolent cannabis, and drug offenses, and arrest records for those who have been acquitted?

| | |
|------------------------|-----|
| Strongly support | 33% |
| Somewhat support | 41% |
| Somewhat oppose | 8% |
| Strongly oppose | 10% |
| Don't know..... | 8% |
| Refused | 0% |

TOTAL SUPPORT 74%
TOTAL OPPOSE..... 18%

34. Would you support or oppose legislation in your state to establish a process for individuals to petition state courts to seal their records of nonviolent offenses, nonviolent cannabis, and drug offenses, and arrest records for those who have been acquitted?

Strongly support 36%
 Somewhat support 39%
 Somewhat oppose 7%
 Strongly oppose 11%
 Don't know..... 7%
 Refused 0%
TOTAL SUPPORT 75%
TOTAL OPPOSE..... 18%

35. Based on what you know about Clean Slate policies, which statement is closest to your view?

Clean Slate policies will provide individuals with a second chance and open up the job pool for small businesses like mine..... 83%
 Regardless of the Clean State policies, I am not open to hiring individuals with a criminal record. 17%

Thirty-three (33) states and the District of Columbia suspend or revoke driver's licenses for unpaid traffic or court-related fines and fees, impacting an employer's ability to hire a ready workforce and for that workforce to reliably attend work. Many states also criminalize driving on a suspended license and criminalize failures to appear in court for issues related to driver's licenses.

36. Would you support or oppose proposals to end debt-based driver's license suspensions for unpaid fines and fees?

Strongly support 26%
 Somewhat support 40%
 Somewhat oppose 15%
 Strongly oppose 12%
 Don't know..... 6%
 Refused 1%
TOTAL SUPPORT 66%
TOTAL OPPOSE..... 27%

Thinking now about another topic...

Nearly one in four professions require an occupational or professional license, including plumbing, dentistry, nursing, cosmetology, law, and many others. Today, individuals in 30 states can be legally denied a license because of a previous arrest record, even if they were never convicted of a crime.

37. As a business owner and thinking about the impact a change in the law would have on your ability to hire qualified individuals, would you support or oppose reforms that would allow people with old convictions fairer access to occupational licenses?

| | |
|----------------------------|------------|
| Strongly support | 36% |
| Somewhat support | 34% |
| Somewhat oppose | 8% |
| Strongly oppose | 12% |
| Don't know/Refused | 10% |
| TOTAL SUPPORT | 70% |
| TOTAL OPPOSE | 20% |

Now, I have just a few questions for statistical purposes...

38. In what year were you born?

| | |
|--------------------|-----|
| Before 1960 | 7% |
| 1960 to 1969 | 13% |
| 1970 to 1979 | 27% |
| 1980 to 1989 | 32% |
| 1990 to 2000 | 21% |
| After 2000 | 0% |

39. Generally speaking, do you think of yourself as a Republican, Democrat, or Independent?

| | |
|-------------------|-----|
| Republican | 35% |
| Independent | 33% |
| Democrat | 26% |
| Other | 3% |
| Don't know | 0% |
| Refused | 3% |

40. (If independent, other, or don't know) Do you think of yourself as closer to the Republican Party or the Democratic Party? N=36

| | |
|--------------------------------------|-----|
| Closer to the Democratic Party | 33% |
| Closer to the Republican Party | 19% |
| Neither | 44% |
| Don't know | 0% |
| Refused | 3% |

41. Which race do you identify with?

| | |
|--|-----|
| Asian / Asian American / East Asian / South Asian / Southeast Asian..... | 3% |
| Black / African or African American..... | 24% |
| Hispanic / Latino / Spanish origin | 14% |
| Middle Eastern / North African..... | 1% |
| Native American / Alaska Native..... | 0% |
| Native Hawaiian /Pacific Islander | 0% |
| White / Caucasian..... | 55% |
| Other | 2% |
| Prefer not to answer..... | 1% |

42. Is your business located in a rural area, a suburban area, or an urban area?

| | |
|---------------|-----|
| Rural | 28% |
| Suburban..... | 42% |
| Urban | 30% |