



General Assembly

February Session, 2020

Governor's Bill No. 5019

LCO No. 717



Referred to Committee on JUDICIARY

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

***AN ACT CONCERNING FAIR FUTURES FOLLOWING ERASURE OF
CRIMINAL RECORDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (l) of section 54-124a of the 2020 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2020*):

4 (l) The chairperson and executive director shall establish:

5 (1) In consultation with the Department of Correction, a parole
6 orientation program for all parole-eligible inmates upon their transfer
7 to the custody of the Commissioner of Correction that will provide
8 general information on the laws and policies regarding parole release,
9 calculation of time-served standards, general conditions of release,
10 supervision practices, revocation and rescission policies, and
11 procedures for administrative review and panel hearings, and any other

12 information that the board deems relevant for preparing inmates for
13 parole;

14 (2) An incremental sanctions system for parole violations including,
15 but not limited to, reincarceration based on the type, severity and
16 frequency of the violation and specific periods of incarceration for
17 certain types of violations; [and]

18 (3) A formal training program for members of the board and parole
19 officers, to be completed annually by each member, that shall include,
20 but not be limited to, an overview of the criminal justice system, the
21 parole system including factors to be considered in granting parole,
22 victim rights and services, reentry strategies, risk assessment, case
23 management and mental health issues; [. Each member shall complete
24 such training annually.] and

25 (4) A formal training program to be completed annually by each
26 member of the board on the pardons process, including information
27 concerning collateral consequences a person with a criminal record may
28 face due to having a criminal record, such as when applying for housing
29 or employment.

30 Sec. 2. Section 54-142a of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2021*):

32 (a) Whenever in any criminal case, on or after October 1, 1969, the
33 accused, by a final judgment, is found not guilty of the charge or the
34 charge is dismissed, all police and court records and records of any
35 state's attorney pertaining to such charge shall be erased upon the
36 expiration of the time to file a writ of error or take an appeal, if an appeal
37 is not taken, or upon final determination of the appeal sustaining a
38 finding of not guilty or a dismissal, if an appeal is taken. Nothing in this
39 subsection shall require the erasure of any record pertaining to a charge
40 for which the defendant was found not guilty by reason of mental
41 disease or defect or guilty but not criminally responsible by reason of
42 mental disease or defect.

43 (b) Whenever in any criminal case prior to October 1, 1969, the
44 accused, by a final judgment, was found not guilty of the charge or the
45 charge was dismissed, all police and court records and records of the
46 state's or prosecuting attorney or the prosecuting grand juror pertaining
47 to such charge shall be erased by operation of law and the clerk or any
48 person charged with the retention and control of such records shall not
49 disclose to anyone their existence or any information pertaining to any
50 charge so erased; provided nothing in this subsection shall prohibit the
51 arrested person or any one of his heirs from filing a petition for erasure
52 with the court granting such not guilty judgment or dismissal, or, where
53 the matter had been before a municipal court, a trial justice, the Circuit
54 Court or the Court of Common Pleas [with the records center of the
55 Judicial Department] in the Superior Court where venue would exist for
56 criminal prosecution and thereupon all police and court records and
57 records of the state's attorney, prosecuting attorney or prosecuting
58 grand juror pertaining to such charge shall be erased. Nothing in this
59 subsection shall require the erasure of any record pertaining to a charge
60 for which the defendant was found not guilty by reason of mental
61 disease or defect.

62 (c) (1) Whenever any charge in a criminal case has been nolle in the
63 Superior Court, or in the Court of Common Pleas, if at least thirteen
64 months have elapsed since such nolle, all police and court records and
65 records of the state's or prosecuting attorney or the prosecuting grand
66 juror pertaining to such charge shall be erased, except that in cases of
67 nolles entered in the Superior Court, Court of Common Pleas, Circuit
68 Court, municipal court or by a justice of the peace prior to April 1, 1972,
69 such records shall be deemed erased by operation of law and the clerk
70 or the person charged with the retention and control of such records
71 shall not disclose to anyone their existence or any information
72 pertaining to any charge so erased, provided nothing in this subsection
73 shall prohibit the arrested person or any one of his heirs from filing a
74 petition to the court or to the records center of the Judicial Department,
75 as the case may be, to have such records erased, in which case such
76 records shall be erased.

77 (2) Whenever any charge in a criminal case has been continued at the
78 request of the prosecuting attorney, and a period of thirteen months has
79 elapsed since the granting of such continuance during which period
80 there has been no prosecution or other disposition of the matter, the
81 charge shall be nolle upon motion of the arrested person and such
82 erasure may thereafter be effected or a petition filed therefor, as the case
83 may be, as provided in this subsection for nolle cases.

84 (d) (1) Whenever prior to October 1, 1974, any person who has been
85 convicted of an offense in any court of this state has received an absolute
86 pardon for such offense, such person or any one of his heirs may, at any
87 time subsequent to such pardon, file a petition with the [superior court]
88 Superior Court at the location in which such conviction was effected, or
89 with the [superior court] Superior Court at the location having custody
90 of the records of such conviction or with the records center of the
91 Judicial Department if such conviction was in the Court of Common
92 Pleas, Circuit Court, municipal court or by a trial justice court, in the
93 Superior Court where venue would exist for criminal prosecution, for
94 an order of erasure, and the Superior Court or records center of the
95 Judicial Department shall direct all police and court records and records
96 of the state's or prosecuting attorney pertaining to such [case to] offense
97 be erased.

98 (2) Whenever such absolute pardon was received on or after October
99 1, 1974, such records shall be erased.

100 (e) (1) Whenever any person has been convicted in any court of this
101 state of (A) a class C misdemeanor, (B) a class D misdemeanor, (C)
102 possession of a controlled substance under section 21a-279, or (D)
103 possession of a cannabis-type substance under section 21a-279a, and a
104 period of seven years has elapsed from the date on which such person's
105 most recent conviction for a misdemeanor or felony offense was
106 adjudicated, all police and court records and records of the state's or
107 prosecuting attorney or the prosecuting grand juror pertaining to such
108 conviction shall be erased by operation of law.

109 (2) Whenever prior to October 1, 2015, any person has been convicted
110 in any court in this state of possession of a cannabis-type substance
111 under subsection (c) of section 21a-279, all police and court records of
112 the state's or prosecuting attorney or the prosecuting grand juror
113 pertaining to such a conviction shall be erased by operation of law.

114 (3) Convictions for the following offenses shall not be eligible for
115 erasure pursuant to this subsection:

116 (A) Any family violence crime, as defined in section 46b-38a;

117 (B) Any offense if the person is operating a commercial motor vehicle
118 while committing such offense pursuant to section 14-215 or 14-222; or

119 (C) Any offense pursuant to section 14-227k, 53-203, 53a-185, or 53a-
120 213.

121 (4) Nothing in this subsection shall limit any other procedure for
122 erasure of criminal history record information, as defined in section 54-
123 142g, or prohibit a person from participating in any such procedure,
124 even if such person's electronically stored criminal history record
125 information has been erased pursuant to this section.

126 [(e)] (f) (1) The clerk of the court [or any person charged with
127 retention and control of such records in the records center of the Judicial
128 Department] or any law enforcement agency having information
129 contained in such erased records shall not disclose to anyone, except the
130 subject of the record, upon submission pursuant to guidelines
131 prescribed by the Office of the Chief Court Administrator of satisfactory
132 proof of the subject's identity, information pertaining to any charge
133 erased under any provision of this section and such clerk or person
134 charged with the retention and control of such records shall forward a
135 notice of such erasure to any law enforcement agency to which he
136 knows information concerning the arrest has been disseminated and
137 such disseminated information shall be erased from the records of such
138 law enforcement agency. Such clerk or such person, as the case may be,
139 shall provide adequate security measures to safeguard against

140 unauthorized access to or dissemination of such records or upon the
141 request of the accused cause the actual physical destruction of such
142 records, except that such clerk or such person shall not cause the actual
143 physical destruction of such records until three years have elapsed from
144 the date of the final disposition of the criminal case to which such
145 records pertain.

146 (2) No fee shall be charged in any court with respect to any petition
147 under this section.

148 (3) Any person who shall have been the subject of such an erasure
149 shall be deemed to have never been arrested within the meaning of the
150 general statutes with respect to the proceedings so erased and may so
151 swear under oath.

152 ~~[(f)]~~ (g) Upon motion properly brought, the court or a judge of such
153 court, if such court is not in session, shall order disclosure of such
154 records (1) to a defendant in an action for false arrest arising out of the
155 proceedings so erased, or (2) to the prosecuting attorney and defense
156 counsel in connection with any perjury charges which the prosecutor
157 alleges may have arisen from the testimony elicited during the trial, or
158 any false statement charges, or any proceeding held pursuant to section
159 53a-40b, or (3) counsel for the petitioner and the respondent in
160 connection with any habeas corpus or other collateral civil action in
161 which evidence pertaining to a nolle or dismissed criminal charge may
162 become relevant. Such disclosure of such records is subject also to any
163 records destruction program pursuant to which the records may have
164 been destroyed. The jury charge in connection with erased offenses may
165 be ordered by the judge for use by the judiciary, provided the names of
166 the accused and the witnesses are omitted therefrom.

167 ~~[(g)]~~ (h) The provisions of this section shall not apply to any police or
168 court records or the records of any state's attorney or prosecuting
169 attorney with respect to any information or indictment containing more
170 than one count (1) while the criminal case is pending, or (2) when the
171 criminal case is disposed of unless and until all counts are entitled to

172 erasure in accordance with the provisions of this section, except that
173 when the criminal case is disposed of, electronic records or portions of
174 electronic records released to the public that reference a charge that
175 would otherwise be entitled to erasure under this section shall be erased
176 in accordance with the provisions of this section. Nothing in this section
177 shall require the erasure of any information contained in the registry of
178 protective orders established pursuant to section 51-5c. For the purposes
179 of this subsection, "electronic record" means any police or court record
180 or the record of any state's attorney or prosecuting attorney that is an
181 electronic record, as defined in section 1-267, or a computer printout.

182 [(h)] (i) For the purposes of this [section] chapter, "court records" shall
183 not include a record or transcript of the proceedings made or prepared
184 by an official court reporter, assistant court reporter or monitor.

185 Sec. 3. (NEW) (*Effective October 1, 2021*) (a) The Department of
186 Emergency Services and Public Protection, in consultation with the
187 Judicial Branch and the Criminal Justice Information System Governing
188 Board established pursuant to section 54-142q of the general statutes,
189 shall develop and implement automated processes for erasure pursuant
190 to section 54-142a, of the general statutes.

191 (b) The department shall make reasonable efforts to disseminate
192 information, including posting information on its website, regarding
193 records that are subject to erasure under the provisions of this section.

194 (c) Nothing in this section shall be construed to require the
195 destruction of paper records.

196 Sec. 4. Section 54-142e of the general statutes is repealed and the
197 following is substituted in lieu thereof (*Effective October 1, 2020*):

198 (a) Notwithstanding the provisions of subsection (e) of section 54-
199 142a, as amended by this act, and section 54-142c, with respect to any
200 person, including, but not limited to, a consumer reporting agency as
201 defined in subsection (i) of section 31-51i, that purchases criminal
202 matters of public record, as defined in said subsection (i), from [the

203 [Judicial Department] any criminal justice agency pursuant to subsection
204 (b) of section 54-142g, the department shall make available to such
205 person information concerning such criminal matters of public record
206 that have been erased pursuant to section 54-142a, as amended by this
207 act. Such information may include docket numbers or other information
208 that permits the person to identify and permanently delete records that
209 have been erased pursuant to section 54-142a, as amended by this act.

210 (b) Each person, including, but not limited to, a consumer reporting
211 agency, that has purchased records of criminal matters of public record
212 from [the Judicial Department] or any criminal justice agency shall,
213 prior to disclosing such records, (1) purchase from [the Judicial
214 Department] or any criminal justice agency, on a monthly basis or on
215 such other schedule as [the Judicial Department] or any criminal justice
216 agency may establish, any updated criminal matters of public record or
217 information available for the purpose of complying with this section,
218 and (2) update its records of criminal matters of public record to
219 permanently delete such erased records. Such person shall not further
220 disclose such erased records.

221 Sec. 5. Subsection (c) of section 29-11 of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective July 1,*
223 *2020*):

224 (c) (1) The Commissioner of Emergency Services and Public
225 Protection shall charge the following fees for the service indicated: [(1)]
226 (A) Name search, thirty-six dollars; [(2)] (B) fingerprint search, seventy-
227 five dollars; [(3)] (C) personal record search, seventy-five dollars; [(4)]
228 (D) letters of good conduct search, seventy-five dollars; [(5)] (E) bar
229 association search, seventy-five dollars; [(6)] (F) fingerprinting, fifteen
230 dollars; [(7)] (G) criminal history record information search, seventy-five
231 dollars. Except as provided in subsection (b) of this section, the
232 provisions of this subsection shall not apply to any federal, state or
233 municipal agency.

234 (2) The commissioner may waive fees imposed under subparagraph

235 (G) of subdivision (1) of subsection (c) of this section for any applicant
236 requesting a criminal history record information search for the purpose
237 of applying for a pardon authorized pursuant to section 54-124a, as
238 amended by this act, provided such applicant completes a form
239 prescribed by the Department of Emergency Services and Public
240 Protection representing such person indigency.

241 Sec. 6. Section 18-82 of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective from passage*):

243 The Commissioner of Correction shall appoint and may remove the
244 following administrators, all of whom shall serve at the pleasure of the
245 commissioner and shall be exempt from the classified service: All
246 correctional wardens, including any warden with oversight of a district,
247 a correctional institution, parole and community services, population
248 management, programs and treatment, security and academy training
249 or staff development. Such wardens shall possess skill and experience
250 in correctional administration. The commissioner may designate a
251 deputy warden to serve as director of reentry services.

252 Sec. 7. (NEW) (*Effective July 1, 2020*) (a) There is established a reentry
253 employment advisory committee that shall advise the Commissioner of
254 Correction on alignment of education and job training programs offered
255 by the Department of Correction with the needs of employers in the
256 community, including, but not limited to (1) the vocational education
257 curricula used by Unified School District #1, established under section
258 18-99a of the general statutes, (2) the types of licenses and certifications
259 that employers are looking for in job applicants, (3) the availability of
260 apprenticeships for incarcerated and formerly incarcerated individuals
261 in the community, and (4) the types of products and services that should
262 be offered by institution industries established and maintained
263 pursuant to section 18-88 of the general statutes.

264 (b) (1) The reentry employment advisory committee shall consist of:

265 (A) The Commissioner of Correction, or the commissioner's designee;

- 266 (B) The superintendent of Unified School District #1;
- 267 (C) The superintendent of institution industries within the
268 Department of Correction; and
- 269 (D) One representative appointed by the Commissioner of Correction
270 from each of the following:
- 271 (i) An association representing businesses and industries in this state;
- 272 (ii) An association representing construction industries in this state;
- 273 (iii) The state affiliate of a national organization representing human
274 resource professionals;
- 275 (iv) A state council of building and construction trades;
- 276 (v) The Technical Education and Career System established pursuant
277 to section 10-95 of the general statutes; and
- 278 (vi) A regional workforce development board established pursuant
279 to section 31-3k of the general statutes.
- 280 (2) In addition to the membership provided for under subdivision (1)
281 of this subsection, the Commissioner of Correction may appoint up to
282 three additional members.
- 283 (c) The Commissioner of Correction shall appoint a chairperson from
284 amongst the membership of the reentry employment advisory
285 committee. The committee shall meet not fewer than two times per year,
286 and at such other times as the committee deems necessary.
- 287 Sec. 8. Subsection (a) of section 54-142e of the general statutes is
288 repealed and the following is substituted in lieu thereof (*Effective October*
289 *1, 2021*):
- 290 (a) Notwithstanding the provisions of subsection [(e)] (f) of section
291 54-142a, as amended by this act, and section 54-142c, with respect to any
292 person, including, but not limited to, a consumer reporting agency as

293 defined in subsection (i) of section 31-51i, that purchases criminal
 294 matters of public record, as defined in said subsection (i), from the
 295 Judicial Department, the department shall make available to such
 296 person information concerning such criminal matters of public record
 297 that have been erased pursuant to section 54-142a, as amended by this
 298 act. Such information may include docket numbers or other information
 299 that permits the person to identify and permanently delete records that
 300 have been erased pursuant to section 54-142a, as amended by this act.

301 Sec. 9. Subsection (d) of section 54-142k of the general statutes is
 302 repealed and the following is substituted in lieu thereof (*Effective October*
 303 *1, 2021*):

304 (d) Nonconviction information shall be available to the subject of the
 305 information and to the subject's attorney pursuant to this subsection and
 306 subsection (e) of this section. Any person shall, upon satisfactory proof
 307 of the person's identity, be entitled to inspect, for purposes of
 308 verification and correction, any nonconviction information relating to
 309 the person and upon the person's request shall be given a computer
 310 printout or photocopy of such information for which a reasonable fee
 311 may be charged, provided no erased record may be released except as
 312 provided in subsection [(f)] (g) of section 54-142a, as amended by this
 313 act. Before releasing any exact reproductions of nonconviction
 314 information to the subject of the information, the agency holding such
 315 information may remove all personal identifying information from such
 316 reproductions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	54-124a(l)
Sec. 2	<i>October 1, 2021</i>	54-142a
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2020</i>	54-142e
Sec. 5	<i>July 1, 2020</i>	29-11(c)
Sec. 6	<i>from passage</i>	18-82
Sec. 7	<i>July 1, 2020</i>	New section
Sec. 8	<i>October 1, 2021</i>	54-142e(a)

Sec. 9	October 1, 2021	54-142k(d)
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Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]