



**Testimony Regarding HB-5019, An Act Concerning Fair Futures Following Erasure of Criminal Records, and SB-403, An Act Concerning the Board of Pardons and Paroles, Erasure of Criminal Records for Certain Misdemeanor and Felony Offenses and Prohibiting Discrimination Based on Erased Criminal History Record Information**

Kevin A. Dillon, A.A.E.  
Executive Director  
Connecticut Airport Authority

Joint Committee on Judiciary  
March 9, 2020

Dear Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas, and distinguished members of the Judiciary Committee,

My name is Kevin Dillon, and I am the Executive Director of the Connecticut Airport Authority (CAA). **I am submitting this testimony regarding HB-5019, An Act Concerning Fair Futures Following Erasure of Criminal Records, and SB-403, An Act Concerning the Board of Pardons and Paroles, Erasure of Criminal Records for Certain Misdemeanor and Felony Offenses and Prohibiting Discrimination Based on Erased Criminal History Record Information.**

The CAA understands and commends the intent of these bills, but we must stress the importance of accounting for agencies, like the CAA, who must comply with federal requirements. Per 49 CFR 1542.209 (d), prospective CAA employees (and those of any other employer operating at Bradley International Airport) must be asked regarding their criminal histories when applying for a security badge at the airport. In our hiring process, while we do not ask about criminal histories during the interview phase, we make clear in our job offers that such offers are contingent upon the prospective employee's ability to gain and maintain an airport security badge. All employees are required to maintain a security badge, and we are federally required to run a background check (administered by the FBI) on our employees to ensure that they are qualified to hold such badge and serve in an airport setting. Currently, this background check entails vetting employees against 28 disqualifying offenses with a ten-year lookback period. However, the federal government has expressed interest in potentially adding to the list of disqualifying offenses and/or increasing the lookback period to 15 years. The federal government requires that individuals with certain criminal histories not be granted an airport security badge, and we must have an avenue to check an individual's background for a history of these offenses and deny employment if the individual is unable to obtain an airport security badge.

As it currently reads, HB-5019 only considers the erasure of misdemeanor crimes. None of these crimes are currently federally recognized as disqualifying offenses. To the extent that federal laws and regulations change to expand the list of disqualifying offenses to include the affected crimes, it is unclear how the CAA could comply with our federal requirements without access to those records via background check.

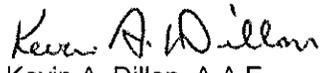
SB-403 poses numerous issues for the CAA. The bill provides an avenue to erase felony crimes within five years, with an additional two years of availability for law enforcement agencies. This seven-year total falls well under the ten-year lookback period that currently exists, and would be an even more significant issue if the federal government extended the lookback period. Furthermore,

the employment provisions in Section 18 would effectively force the CAA to choose between fulfilling our federal security requirements and committing state-based discriminatory employment practices.

As the committee considers these proposals further, the CAA respectfully requests that the committee provide an avenue for employers who are federally required to consider an applicant's criminal history beyond the limitations set forth in these bills.

Thank you for the opportunity to provide these comments. Please feel free to contact me at (860) 292-2054 if you have any questions or concerns.

Sincerely,

  
Kevin A. Dillon, A.A.E.  
Executive Director  
Connecticut Airport Authority