



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of the Judicial Branch  
Judiciary Committee Public Hearing  
March 9, 2020

**H.B. 5019, An Act Concerning Fair Futures Following Erasure of Criminal  
Records**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch concerning *H.B. 5019, An Act Concerning Fair Futures Following Erasure of Criminal Records*. The Judicial Branch participated in a series of meetings with OPM and Executive Branch agencies to address concerns we had regarding the transfer of information across criminal justice agencies' electronic record systems. After much deliberation, with assistance from Code for America, and assurances that the approximately \$1.4 million dollar cost to the Judicial Branch associated with the implementation of this bill is included in the Governor's budget, we are satisfied with the outcome. We do however have concerns with section 2 of the bill that mirror the issue we raised in our testimony regarding S.B. 16. As stated in that testimony, we have no mechanism to identify the substance involved for pre-October 1, 2015, convictions under C.G.S. section 21a-279(c). At that time, the statute was not exclusive to marijuana – a violation of that section could have involved possession of “any controlled substance other than a narcotic substance, or a hallucinogenic substance other than marijuana ... .” Our computer system is unable to identify the substance that was involved. Additionally, manual research may not produce the information needed, as many of the files have been destroyed pursuant to Practice Book § 7-13.

Additionally, we are concerned with section 2(e)(3)(A). Our system does not identify whether a specific "crime" contains an element of family violence, it only identifies that the arrest contains an element of family violence. Therefore, it is possible that there could be a family violence arrest, but the charge the subject is convicted of is not a family violence "crime" as defined in 46b-38a.

We also have a few technical suggestions and they are as follows:

- Section 2 (f)
  - In line 126 after "clerk of the court" add back in "or any person charged with retention and control of such records."
- Section 3
  - If DESPP does not have the title 14 offenses enumerated in section 2(e)(3)(b), then the Department of Motor Vehicles should be added to this section starting in line 186 . . . "in consultation with the Judicial Branch, Department of Motor Vehicles and the Criminal Justice Information System Governing Board . . ."
- Section 4
  - Remove "or" in line 212

Thank you for your time and attention to this matter.