



Substitute Senate Bill No. 1019

Public Act No. 21-32

AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES, ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES, PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION AND CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.

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

Section 1. Subsection (l) of section 54-124a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(l) The chairperson and executive director shall establish:

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

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

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

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

Sec. 2. Section 54-130a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) Jurisdiction over the granting of, and the authority to grant, commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death shall be vested in the Board of Pardons and Paroles.

(b) The board shall have authority to grant pardons, conditioned, provisional or absolute, or certificates of rehabilitation for any offense against the state at any time after the imposition and before or after the service of any sentence.

(c) The board may accept an application for a pardon three years after an applicant's conviction of a misdemeanor or violation and five years

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after an applicant's conviction of a felony, except that the board, upon a finding of extraordinary circumstances, may accept an application for a pardon prior to such dates.

(d) Whenever the board grants an absolute pardon to any person, the board shall cause notification of such pardon to be made in writing to the clerk of the court in which such person was convicted, or the Office of the Chief Court Administrator if such person was convicted in the Court of Common Pleas, the Circuit Court, a municipal court, or a trial justice court.

(e) Whenever the board grants a provisional pardon or a certificate of rehabilitation to any person, the board shall cause notification of such provisional pardon or certificate of rehabilitation to be made in writing to the clerk of the court in which such person was convicted. The granting of a provisional pardon or a certificate of rehabilitation does not entitle such person to erasure of the record of the conviction of the offense or relieve such person from disclosing the existence of such conviction as may be required.

(f) In the case of any person convicted of a violation for which a sentence to a term of imprisonment may be imposed, the board shall have authority to grant a pardon, conditioned, provisional or absolute, or a certificate of rehabilitation in the same manner as in the case of any person convicted of an offense against the state.

(g) The board shall not deny any application for a pardon, unless the board provides a statement in writing to the applicant of the factors considered when determining whether the applicant qualified for the pardon and an explanation as to which factors were not satisfied.

Sec. 3. Section 54-142a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) Whenever in any criminal case, on or after October 1, 1969, the

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accused, by a final judgment, is found not guilty of the charge or the charge is dismissed, all police and court records and records of any state's attorney pertaining to such charge shall be erased upon the expiration of the time to file a writ of error or take an appeal, if an appeal is not taken, or upon final determination of the appeal sustaining a finding of not guilty or a dismissal, if an appeal is taken. Nothing in this subsection shall require the erasure of any record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect or guilty but not criminally responsible by reason of mental disease or defect.

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

(c) (1) Whenever any charge in a criminal case has been nolleed in the Superior Court, or in the Court of Common Pleas, if at least thirteen

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months have elapsed since such nolle, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased, except that in cases of nolle entered in the Superior Court, Court of Common Pleas, Circuit Court, municipal court or by a justice of the peace prior to April 1, 1972, such records shall be deemed erased by operation of law and the clerk or the person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased, provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition to the court [or to the records center of the Judicial Department, as the case may be,] to have such records erased, in which case such records shall be erased.

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

(d) (1) Whenever prior to October 1, 1974, any person who has been convicted of an offense in any court of this state has received an absolute pardon for such offense, such person or any one of his heirs may, at any time subsequent to such pardon, file a petition with the [superior court] Superior Court at the location in which such conviction was effected, or with the [superior court] Superior Court at the location having custody of the records of such conviction or [with the records center of the Judicial Department] if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice court, in the Superior Court where venue would exist for criminal prosecution, for an order of erasure, and the Superior Court [or records center of the

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Judicial Department] shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such [case to] offense be erased.

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

(e) (1) Except as provided in subdivision (2) of this subsection, whenever any person has been convicted in any court of this state of a classified or unclassified misdemeanor offense, or a class D or E felony or an unclassified felony offense carrying a term of imprisonment of not more than five years, any police or court record and record of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such conviction, or any record pertaining to court obligations arising from such conviction held by the Board of Pardons and Paroles shall be erased as follows: (A) For any classified or unclassified misdemeanor offense, such records shall be erased seven years from the date on which the court entered the convicted person's most recent judgment of conviction (i) by operation of law, if such offense occurred on or after January 1, 2000, or (ii) upon the filing of a petition on a form prescribed by the Office of the Chief Court Administrator, if such offense occurred prior to January 1, 2000; and (B) for any class D or E felony or an unclassified felony offense carrying a term of imprisonment of not more than five years, such records shall be erased ten years from the date on which the court entered the convicted person's most recent judgment of conviction (i) by operation of law, if such offense occurred on or after January 1, 2000, or (ii) upon the filing of a petition on a form prescribed by the Office of the Chief Court Administrator, if such offense occurred prior to January 1, 2000.

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

(A) Any conviction designated as a family violence crime, as defined

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in section 46b-38a; or

(B) Any offense that is a nonviolent sexual offense or a sexually violent offense, each as defined in section 54-250.

(3) If a person has been convicted of a violation of subsection (c) of section 21a-279 prior to October 1, 2015, such conviction shall not be considered as a most recent offense when evaluating whether a sufficient period of time has elapsed for an offense to qualify for erasure pursuant to this subsection.

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

(5) Nothing in this subsection shall be construed to require the Department of Motor Vehicles to erase criminal history record information on an operator's driving record. When applicable, the Department of Motor Vehicles shall make such criminal history record information available through the Commercial Driver's License Information System.

(f) (1) Whenever a person was convicted of one or more misdemeanors committed while such person was under eighteen years of age, and the offense or offenses occurred on or after January 1, 2000, and before July 1, 2012, all police and court records and records of the state's or prosecuting attorney shall be (A) erased, if such record is in an electronic record other than a scanned copy of a physical document, or (B) deemed erased by operation of law if such record is a scanned copy of a physical document or another record that is not electronic. This subdivision shall not apply to a motor vehicle offense, a violation under title 14 or a violation of section 51-164r. The clerk of the court or any law

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enforcement agency having information contained in such erased records shall not disclose to anyone, except the subject of the record, upon submission pursuant to guidelines prescribed by the Office of the Chief Court Administrator of satisfactory proof of the subject's identity, information pertaining to any charge erased under this subdivision and such clerk shall forward a notice of such erasure to any law enforcement agency and the state's or prosecuting attorney to which he or she knows information concerning the arrest has been disseminated directing that all law enforcement and records of the state's or prosecuting attorney pertaining to such case to be so erased or so deemed erased by operation of law.

(2) Whenever a person was convicted of one or more misdemeanors committed while such person was under eighteen years of age, and the offense or offenses occurred before January 1, 2000, such person may file a petition with the Superior Court at the location in which such conviction was effected for an order of erasure, and the Superior Court shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased.

(3) Notwithstanding subsection (i) of this section, the provisions of this subsection shall not apply in cases in which there has been a conviction for any charge for which erasure would not apply arising from the same information as any erased conviction.

[(e)] (g) (1) The clerk of the court [or any person charged with retention and control of such records in the records center of the Judicial Department] or any law enforcement agency having information contained in such erased records shall not disclose to anyone, except the subject of the record, upon submission pursuant to guidelines prescribed by the Office of the Chief Court Administrator of satisfactory proof of the subject's identity, information pertaining to any charge erased under any provision of this section and such clerk [or person charged with the retention and control of such records] shall forward a

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notice of such erasure to any law enforcement agency to which he knows information concerning the arrest has been disseminated and such disseminated information shall be erased from the records of such law enforcement agency. Such clerk [or such person, as the case may be,] shall provide adequate security measures to safeguard against unauthorized access to or dissemination of such records or upon the request of the accused cause the actual physical destruction of such records, except that such clerk [or such person] shall not cause the actual physical destruction of such records until three years have elapsed from the date of the final disposition of the criminal case to which such records pertain.

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

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

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

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the accused and the witnesses are omitted therefrom.

[(g)] (i) The provisions of this section shall not apply to any police or court records or the records of any state's attorney or prosecuting attorney with respect to any information or indictment containing more than one count (1) while the criminal case is pending, or (2) when the criminal case is disposed of unless and until all counts are entitled to erasure in accordance with the provisions of this section, except that when the criminal case is disposed of, electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section. Nothing in this section shall require the erasure of any information contained in the registry of protective orders established pursuant to section 51-5c. For the purposes of this subsection, "electronic record" means any police or court record or the record of any state's attorney or prosecuting attorney that is an electronic record, as defined in section 1-267, or a computer printout.

(j) An attorney of any person (1) who is the subject of any immigration matter in which disclosure of such person's criminal history record information may be required under federal law, (2) who has been convicted of an offense in any court of this state, and (3) whose criminal history record information has been erased pursuant to this chapter for such offense, may petition the Superior Court at the location in which such conviction was effected, or the Superior Court at the location having custody of the records of such conviction or if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice court, the Superior Court where venue would exist for criminal prosecution, for such records, and the Superior Court shall direct that all police and court records and records of the state's or prosecuting attorney pertaining to such offense be made available to such person's attorney, to the degree that such information has been retained.

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

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

Sec. 4. Section 54-142d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

Whenever any person has been convicted of an offense in any court in this state and such offense has been decriminalized subsequent to the date of such conviction, such person may file a petition with the superior court at the location in which such conviction was effected, or with the superior court at the location having custody of the records of such conviction [or with the records center of the Judicial Department] if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice, in the Superior Court where venue would currently exist for criminal prosecution, for an order of erasure, and the Superior Court [or records center of the Judicial Department] shall immediately direct all police and court records and records of the state's or prosecuting attorney pertaining to such [case] offense to be physically destroyed.

Sec. 5. (NEW) (*Effective January 1, 2023*) (a) The Department of Emergency Services and Public Protection, in consultation with the Judicial Branch and the Criminal Justice Information System Governing Board established pursuant to section 54-142q of the general statutes, shall develop and implement automated processes for erasure pursuant to section 54-142a of the general statutes, as amended by this act.

(b) The department may, within available appropriations, disseminate information, including posting information on its Internet web site, regarding records that are subject to erasure under the

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provisions of this section.

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

Sec. 6. Section 54-142e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) Notwithstanding the provisions of subsection [(e)] (g) of section 54-142a, as amended by this act, and section 54-142c, with respect to any person, including, but not limited to, a consumer reporting agency as defined in subsection (i) of section 31-51i, as amended by this act, or a background screening provider or similar data-based service or company, that purchases criminal matters of public record, as defined in said subsection (i), from the Judicial Department or any criminal justice agency pursuant to subsection (b) of section 54-142g, as amended by this act, the department shall make available to such person information concerning such criminal matters of public record that have been erased pursuant to section 54-142a, as amended by this act. Such information may include docket numbers or other information that permits the person to identify and permanently delete records that have been erased pursuant to section 54-142a, as amended by this act.

(b) Each person, including, but not limited to, a consumer reporting agency or background screening provider or similar data-based service or company, that has purchased records of criminal matters of public record from the Judicial Department or any criminal justice agency shall, prior to disclosing such records, (1) purchase from the Judicial Department or such criminal justice agency, on a monthly basis or on such other schedule as the Judicial Department or such criminal justice agency may establish, any updated criminal matters of public record or information available for the purpose of complying with this section, and (2) update its records of criminal matters of public record to permanently delete such erased records not later than thirty calendar

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days after receipt of information on the erasure of criminal records pursuant to section 54-142a, as amended by this act. Such person shall not further disclose such erased records.

Sec. 7. Subsection (c) of section 29-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

(2) The commissioner may waive fees imposed under subparagraph (G) of subdivision (1) of this subsection for any applicant requesting a criminal history record information search for the purpose of applying for a pardon authorized pursuant to section 54-124a, as amended by this act, provided such applicant completes a form prescribed by the Department of Emergency Services and Public Protection representing such person's indigency.

Sec. 8. Subsection (d) of section 54-142k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(d) Nonconviction information shall be available to the subject of the information and to the subject's attorney pursuant to this subsection and subsection (e) of this section. Any person shall, upon satisfactory proof

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of the person's identity, be entitled to inspect, for purposes of verification and correction, any nonconviction information relating to the person and upon the person's request shall be given a computer printout or photocopy of such information for which a reasonable fee may be charged, provided no erased record may be released except as provided in subsection [(f)] (h) of section 54-142a, as amended by this act. Before releasing any exact reproductions of nonconviction information to the subject of the information, the agency holding such information may remove all personal identifying information from such reproductions.

Sec. 9. (NEW) (*Effective January 1, 2023*) For purposes of this section, sections 11, 12, 16 to 24, inclusive, and 26 of this act, sections 8-265c and 8-315 of the general statutes, as amended by this act, subsection (b) of section 10a-6 of the general statutes, as amended by this act, and sections 31-51i, 38a-358, 38a-447, 46a-74, 46a-79, 46a-80 and 46a-81 of the general statutes, as amended by this act:

(1) "Commission" means the Commission on Human Rights and Opportunities created by section 46a-52 of the general statutes;

(2) "Criminal history record information" means court records and information obtained from the Judicial Department or any criminal justice agency relating to arrests, releases, detentions, indictments, informations or other formal criminal charges or any events and outcomes arising from those arrests, releases, detentions, including pleas, trials, sentences, appeals, incarcerations, correctional supervision, paroles and releases, outstanding judgments and any other conviction information, as defined in section 54-142g of the general statutes, as amended by this act;

(3) "Employer" includes the state and all political subdivisions of the state and means any person or employer with one or more persons in such person's or employer's employ;

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(4) "Erased criminal history record information" means (A) criminal history record information that has been erased pursuant to section 54-142a of the general statutes, as amended by this act, or section 54-76o of the general statutes, or any other provision of the general statutes or other operation of law; (B) information relating to persons granted youthful offender status pursuant to section 46b-146 of the general statutes; and (C) continuances of a criminal case that are more than thirteen months old; and

(5) "Place of public accommodation, resort or amusement" means any establishment that caters or offers its services or facilities or goods to the general public, including, but not limited to, any commercial property or building lot on which it is intended that a commercial building will be constructed or offered for sale or rent.

Sec. 10. Subdivisions (7) and (8) of section 46a-51 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(7) "Discriminatory employment practice" means any discriminatory practice specified in subsection (b), (d), (e) or (f) of section 31-51i, as amended by this act, or section 46a-60 or 46a-81c;

(8) "Discriminatory practice" means a violation of section 4a-60, 4a-60a, 4a-60g, 31-40y, subsection (b) of section 31-51i, as amended by this act, subsection (d), (e) or (f) of section 31-51i, as amended by this act, subparagraph (C) of subdivision (15) of section 46a-54, subdivisions (16) and (17) of section 46a-54, section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80, as amended by this act, or sections 46a-81b to 46a-81o, inclusive, and sections 11, 12, 16, 17, 23, 24 and section 26 of this act;

Sec. 11. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023,

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it shall be a discriminatory practice for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of a person's erased criminal history record information.

Sec. 12. (NEW) (*Effective October 1, 2021*) (a) On and after January 1, 2023, it shall be a discriminatory practice:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person on the basis of the erased criminal history record information of (A) such buyer or renter, (B) a person residing in or intending to reside in such dwelling after it is so sold, rented or made available, or (C) any person associated with such buyer or renter;

(2) To discriminate against any person in the terms, conditions or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, on the basis of the erased criminal history record information of (A) such buyer or renter, (B) a person residing in or intending to reside in such dwelling after it is so sold, rented or made available, or (C) any person associated with such buyer or renter;

(3) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or to intend to make any such preference, limitation or discrimination, based on the erased criminal history record information of (A) a potential buyer or renter, (B) a person intending to reside in such dwelling after it is sold, rented or made available, or (C) any person associated with such potential buyer or renter;

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(4) To represent to any person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available, on the basis of the erased criminal history record information of (A) a potential buyer or renter, (B) a person intending to reside in such dwelling after it is so sold, rented or made available, or (C) any person associated with such potential buyer or renter;

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons with erased criminal history record information;

(6) For any person or other entity engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, on the basis of the erased criminal history record information of (A) the other party in the transaction, (B) a person residing in or intending to reside in a dwelling with such other party, or (C) any person associated with such other party;

(7) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against that person in the terms or conditions of such access, membership or participation, on account of that person's erased criminal history record information; or

(8) To coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.

(b) The provisions of this section shall not apply to (1) the rental of a

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room or rooms in a unit in a dwelling if the owner actually maintains and occupies part of such unit as the owner's residence, or (2) a unit in a dwelling containing not more than four units if the owner actually maintains and occupies one of such other units as the owner's residence.

(c) Nothing in this section limits the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of persons permitted to occupy a dwelling.

(d) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than a person's erased criminal history record.

Sec. 13. Section 8-265c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

The authority shall require that occupancy of all housing financed or otherwise assisted under this chapter be open to all persons regardless of race, creed, color, national origin or ancestry, sex or gender identity or expression or erased criminal history record information, as defined in section 9 of this act, and that the contractors and subcontractors engaged in the construction or rehabilitation of such housing shall take affirmative action to provide equal opportunity for employment without discrimination as to race, creed, color, national origin or ancestry, sex, [or] gender identity or expression or erased criminal history record information.

Sec. 14. Section 8-315 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

The municipality shall take all necessary steps to insure that occupancy of all housing financed or otherwise assisted pursuant to this chapter be open to all persons regardless of race, creed, color, national origin or ancestry, sex, gender identity or expression, age, [or] physical disability or erased criminal history record information, as defined in

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section 9 of this act.

Sec. 15. Section 31-51i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) For the purposes of this section, "employer" means [any person engaged in business who has one or more employees, including the state or any political subdivision of the state] employer, as defined in section 9 of this act.

(b) No employer shall inquire about a prospective employee's prior arrests, criminal charges or convictions on an initial employment application, unless (1) the employer is required to do so by an applicable state or federal law, or (2) a security or fidelity bond or an equivalent bond is required for the position for which the prospective employee is seeking employment.

(c) No employer or employer's agent, representative or designee may require an employee or prospective employee to disclose the existence of [any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a] erased criminal history record information, as defined in section 9 of this act.

(d) An employment application form that contains any question concerning the criminal history of the applicant shall contain a notice, in clear and conspicuous language: (1) That the applicant is not required to disclose the existence of any [arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a] erased criminal history record information, (2) that [criminal records subject to erasure pursuant to section 46b-146, 54-76o or 54-142a] erased criminal history record information are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolle, a criminal charge for which the

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person has been found not guilty or a conviction for which the person received an absolute pardon or criminal records that are erased pursuant to statute or by other operation of law, and (3) that any person [whose criminal records have been erased pursuant to section 46b-146, 54-76o or 54-142a] with erased criminal history record information shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

(e) No employer or employer's agent, representative or designee shall deny employment to a prospective employee solely on the basis that the prospective employee [had a prior arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a] has erased criminal history record information or that the prospective employee had a prior conviction for which the prospective employee has received a provisional pardon or certificate of rehabilitation pursuant to section 54-130a, as amended by this act, or a certificate of rehabilitation pursuant to section 54-108f.

(f) No employer or employer's agent, representative or designee shall discharge, or cause to be discharged, or in any manner discriminate against, any employee solely on the basis that the employee [had, prior to being employed by such employer, an arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a] has erased criminal history record information or that the employee had, prior to being employed by such employer, a prior conviction for which the employee has received a provisional pardon or certificate of rehabilitation pursuant to section 54-130a, as amended by this act, or a certificate of rehabilitation pursuant to section 54-108f.

(g) The portion of an employment application form that contains information concerning the criminal history record of an applicant or employee shall only be available to the members of the personnel

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department of the company, firm or corporation or, if the company, firm or corporation does not have a personnel department, the person in charge of employment, and to any employee or member of the company, firm or corporation, or an agent of such employee or member, involved in the interviewing of the applicant.

(h) Notwithstanding the provisions of subsection (g) of this section, the portion of an employment application form that contains information concerning the criminal history record of an applicant or employee may be made available as necessary to persons other than those specified in said subsection (g) by:

(1) A broker-dealer or investment adviser registered under chapter 672a in connection with (A) the possible or actual filing of, or the collection or retention of information contained in, a form U-4 Uniform Application for Securities Industry Registration or Transfer, (B) the compliance responsibilities of such broker-dealer or investment adviser under state or federal law, or (C) the applicable rules of self-regulatory organizations promulgated in accordance with federal law;

(2) An insured depository institution in connection with (A) the management of risks related to safety and soundness, security or privacy of such institution, (B) any waiver that may possibly or actually be sought by such institution pursuant to section 19 of the Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or actual obtaining by such institution of any security or fidelity bond, or (D) the compliance responsibilities of such institution under state or federal law; and

(3) An insurance producer licensed under chapter 701a in connection with (A) the management of risks related to security or privacy of such insurance producer, or (B) the compliance responsibilities of such insurance producer under state or federal law.

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(i) (1) For the purposes of this subsection: (A) "Consumer reporting agency" means any person who regularly engages, in whole or in part, in the practice of assembling or preparing consumer reports for a fee, which reports compile and report items of information on consumers that are matters of public record and are likely to have an adverse effect on a consumer's ability to obtain employment, but does not include any public agency; (B) "consumer report" means any written, oral or other communication of information bearing on an individual's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living; and (C) "criminal matters of public record" means information obtained from the Judicial Department or any criminal justice agency, as defined in section 54-142g, as amended by this act, relating to arrests, indictments, convictions, outstanding judgments [,] and any other conviction information, as defined in section 54-142g, as amended by this act.

(2) Each consumer reporting agency that issues a consumer report that is used or is expected to be used for employment purposes and that includes in such report criminal matters of public record concerning the consumer shall:

(A) At the time the consumer reporting agency issues such consumer report to a person other than the consumer who is the subject of the report, provide the consumer who is the subject of the consumer report (i) notice that the consumer reporting agency is reporting criminal matters of public record, and (ii) the name and address of the person to whom such consumer report is being issued;

(B) Maintain procedures designed to ensure that any criminal matter of public record reported is complete and up-to-date as of the date the consumer report is issued, which procedures shall, at a minimum, conform to the requirements set forth in section 54-142e, as amended by this act.

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(3) This subsection shall not apply in the case of an agency or department of the United States government seeking to obtain and use a consumer report for employment purposes if the head of the agency or department makes a written finding pursuant to 15 USC 1681b(b)(4)(A).

(j) An employee or prospective employee may file a complaint with the Labor Commissioner alleging an employer's violation of subsection (a), (c), (g), (h) or (i) of this section. For any alleged violation by an employer of subsection (b), (d), (e) or (f) of this section, an employee or prospective employee may file a complaint with the Commission on Human Rights and Opportunities pursuant to section 46a-82 or may bring an action in the Superior Court against the employer for violating this section for declaratory or injunctive relief, damages or any other remedy available under law, at the sole election of the employee or prospective employee.

Sec. 16. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, it shall be a discriminatory practice for: (1) An employer or employer's agent, representative or designee to discriminate against that person in compensation or in terms, conditions or privileges of employment on the basis of that person's erased criminal history record information, (2) any employment agency to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any person on the basis of that person's erased criminal history record information, (3) a labor organization, on the basis of the erased criminal history record information of any person, to exclude from full membership rights or to expel from its membership that person or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, or (4) any person, employer, employment agency or labor organization, to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against persons on the basis of their erased criminal history record

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information.

Sec. 17. (NEW) (*Effective October 1, 2021*) (a) On and after January 1, 2023, it shall be a discriminatory practice for any association, board or other organization the principal purpose of which is the furtherance of the professional or occupational interests of its members, whose profession, trade or occupation requires a state license, to refuse to accept a person as a member of such association, board or organization solely on the basis of that person's erased criminal history record information.

(b) Any association, board or other organization that violates the provisions of this section shall be fined not less than one hundred dollars or more than five hundred dollars.

Sec. 18. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, state officials and supervisory personnel shall recruit, appoint, assign, train, evaluate and promote state personnel on the basis of merit and qualifications, without regard for erased criminal history record information.

Sec. 19. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, no state department, board or agency may grant, deny or revoke the license or charter of any person on the basis of that person's erased criminal history record information, except that the Department of Motor Vehicles may consider erased criminal history record information to the extent required by 49 CFR 384, as amended from time to time.

Sec. 20. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, all educational, counseling and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to a person's erased criminal history record information.

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Sec. 21. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, erased criminal history record information shall not be considered as a limiting factor in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law.

Sec. 22. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, services of every state agency shall be performed without discrimination on the basis of erased criminal history record information.

Sec. 23. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, it shall be a discriminatory practice to:

(1) Deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement on the basis of that person's erased criminal history record information, subject only to the conditions and limitations established by law and applicable alike to all persons; or

(2) Discriminate, segregate or separate on account of erased criminal history record information.

Sec. 24. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, it shall be a discriminatory practice for the state system of higher education to deny a person the opportunity for higher education on the basis of erased criminal history record information.

Sec. 25. Subsection (b) of section 10a-6 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(b) Within the limits of authorized expenditures, the policies of the state system of higher education shall be consistent with (1) the following goals: (A) To ensure that no qualified person be denied the

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opportunity for higher education on the basis of age, sex, gender identity or expression, ethnic background or social, physical or economic condition, or erased criminal history record information, as defined in section 9 of this act, (B) to protect academic freedom, (C) to provide opportunities for education and training related to the economic, cultural and educational development of the state, (D) to assure the fullest possible use of available resources in public and private institutions of higher education, (E) to maintain standards of quality ensuring a position of national leadership for state institutions of higher education, (F) to apply the resources of higher education to the problems of society, and (G) to foster flexibility in the policies and institutions of higher education to enable the system to respond to changes in the economy, society, technology and student interests; and (2) the goals for higher education in the state identified in section 10a-11c. Said board shall review recent studies of the need for higher education services, with special attention to those completed pursuant to legislative action, and to meet such needs shall initiate additional programs or services through one or more of the constituent units.

Sec. 26. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023, it shall be a discriminatory practice for any creditor to discriminate on the basis of erased criminal record history information, against any person eighteen years of age or over in any credit transaction.

Sec. 27. Section 38a-358 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

The declination, cancellation or nonrenewal of a policy for private passenger nonfleet automobile insurance is prohibited if the declination, cancellation or nonrenewal is based: (1) On the race, religion, nationality or ethnicity of the applicant or named insured; (2) solely on the lawful occupation or profession of the applicant or named insured, except that this provision shall not apply to any insurer which limits its market to one lawful occupation or profession or to several related lawful

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occupations or professions; (3) on the principal location of the insured motor vehicle unless such decision is for a business purpose which is not a mere pretext for unfair discrimination; (4) solely on the age, sex, gender identity or expression, [or] marital status or erased criminal history record information, as defined in section 9 of this act, of an applicant or an insured, except that this subdivision shall not apply to an insurer in an insurer group if one or more other insurers in the group would not decline an application for essentially similar coverage based upon such reasons; (5) on the fact that the applicant or named insured previously obtained insurance coverage through a residual market; (6) on the fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured; (7) the first or second accident within the current experience period in relation to which the applicant or insured was not convicted of a moving traffic violation and was not at fault; or (8) solely on information contained in an insured's or applicant's credit history or credit rating or solely on an applicant's lack of credit history. For the purposes of subdivision (8) of this section, an insurer shall not be deemed to have declined, cancelled or nonrenewed a policy if coverage is available through an affiliated insurer.

Sec. 28. Section 38a-447 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

No life insurance company doing business in this state may: (1) Make any distinction or discrimination between persons on the basis of race or erased criminal history record information, as defined in section 9 of this act, as to the premiums or rates charged for policies upon the lives of such persons; (2) demand or require greater premiums from persons of one race than such as are at that time required by that company from persons of another race of the same age, sex, general condition of health and hope of longevity; (3) demand or require greater premiums from persons with erased criminal history record information than such as

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are at that time required by that company from persons without erased criminal history record information of the same age, sex, general conditions of health and hope of longevity; or [(3)] (4) make or require any rebate, diminution or discount on the basis of race or erased criminal history record information upon the sum to be paid on any policy in case of the death of any person insured, nor insert in the policy any condition, nor make any stipulation whereby such person insured shall bind himself, his heirs, executors, administrators or assigns to accept any sum less than the full value or amount of such policy, in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed upon all persons in similar cases; and each such stipulation or condition so made or inserted shall be void.

Sec. 29. Section 46a-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

No state department, board or agency may permit any discriminatory practice in violation of section 46a-59, 46a-64, [or] 46a-64c or section 11, 12, 16, 17, 23, 24 or 26 of this act.

Sec. 30. Section 46a-79 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

The General Assembly finds that the public is best protected when criminal offenders are rehabilitated and returned to society prepared to take their places as productive citizens and that the ability of returned offenders to find meaningful employment is directly related to their normal functioning in the community. It is therefore the policy of this state to encourage all employers to give favorable consideration to providing jobs to qualified individuals, including those who may have [criminal conviction records] conviction information, as defined in section 54-142g, as amended by this act. Nothing in this section shall be construed to permit any employer to refuse to hire or employ or to bar

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or to discharge from employment or to discriminate against an individual in compensation or in terms on the basis of that person's erased criminal history record information, as defined in section 9 of this act.

Sec. 31. Section 46a-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) Except as provided in subsection (c) of this section, subsection (b) of section 46a-81, as amended by this act, and section 36a-489, and notwithstanding any other provisions of law to the contrary, a person shall not be disqualified from employment by the state or any of its agencies, nor shall a person be disqualified to practice, pursue or engage in any occupation, trade, vocation, profession or business for which a license, permit, certificate or registration is required to be issued by the state or any of its agencies solely [because of a prior conviction of a crime] on the basis of that person's conviction information, as defined in section 54-142g, as amended by this act.

(b) Except for a position for which any provision of the general statutes specifically disqualifies a person from employment by the state or any of its agencies [because of a prior conviction of a crime] on the basis of that person's conviction information, no employer, as defined in section [5-270] 9 of this act, shall inquire about a prospective employee's [past convictions] conviction information until such prospective employee has been deemed otherwise qualified for the position in accordance with the provisions of section 31-51i, as amended by this act.

(c) A person may be denied employment by the state or any of its agencies, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, profession or business [by reason of the prior conviction of a crime] on the basis of that person's conviction information if, after considering (1) the nature of the crime and its relationship to the job for

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which the person has applied; (2) information pertaining to the degree of rehabilitation of the convicted person; and (3) the time elapsed since the conviction or release, the state or any of its agencies determines that the applicant is not suitable for the position of employment sought or the specific occupation, trade, vocation, profession or business for which the license, permit, certificate or registration is sought. In making a determination under this subsection, the state or any of its agencies shall give consideration to a provisional pardon issued pursuant to section 54-130e, or a certificate of rehabilitation issued pursuant to section 54-108f or 54-130e, and such provisional pardon or certificate of rehabilitation shall establish a presumption that such applicant has been rehabilitated. If an application is denied based on [a] conviction information for which the applicant has received a provisional pardon or certificate of rehabilitation, the state or any of its agencies, as the case may be, shall provide a written statement to the applicant of its reasons for such denial.

(d) If [a conviction of a crime] conviction information is used as a basis for rejection of an applicant, such rejection shall be in writing and specifically state the evidence presented and reasons for rejection. A copy of such rejection shall be sent by registered mail to the applicant.

(e) In no case may [records of arrest, which are not followed by a conviction, or records of convictions, which have been erased] erased criminal history record information, as defined in section 9 of this act, nonconviction information, as defined in section 54-142g, as amended by this act, or criminal history record information, as defined in section 54-142g, as amended by this act, apart from conviction information, be used, distributed or disseminated by the state or any of its agencies in connection with an application for employment or for a permit, license, certificate or registration.

(f) Nothing in this section shall permit any employer to discriminate on the basis of erased criminal history record information in violation of

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section 31-51i, as amended by this act, or section 17 of this act.

Sec. 32. Subsection (a) of section 46a-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) Except as provided in section 36a-489, the provisions of sections 46a-79 to 46a-81, inclusive, as amended by this act, shall prevail over any other provisions of law which purport to govern the denial of licenses, permits, certificates, registrations, or other means to engage in an occupation, trade, vocation, business or profession, on the grounds of a lack of good moral character, or which purport to govern the suspension or revocation of a license, permit, certificate or registration on the grounds of conviction [of a crime] information, as defined in section 54-142g, as amended by this act.

Sec. 33. Subsection (b) of section 54-142g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(b) "Criminal justice agency" means any court with criminal jurisdiction, the Department of Motor Vehicles or any other governmental agency created by statute which is authorized by law and engages, in fact, as its principal function in activities constituting the administration of criminal justice, including, but not limited to, organized municipal police departments, the Division of Criminal Justice, the Department of Emergency Services and Public Protection, including the Division of State Police, the Department of Correction, the Court Support Services Division, the Office of Policy and Management, the state's attorneys, assistant state's attorneys and deputy assistant state's attorneys, the Board of Pardons and Paroles, the Chief Medical Examiner and the Office of the Victim Advocate. "Criminal justice agency" includes any component of a public, noncriminal justice agency if such component is created by statute and is authorized by law and, in

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fact, engages in activities constituting the administration of criminal justice as its principal function.

Sec. 34. Section 52-180b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

There shall be a rebuttable presumption against admission of evidence of the prior criminal conviction of an applicant or employee in an action alleging that an employer has been negligent in hiring an applicant or retaining an employee, or in supervising the employer's agent, representative or designee with respect to hiring an applicant or retaining an employee, if the applicant or employee held a valid provisional pardon or certificate of rehabilitation at the time such alleged negligence occurred and a party establishes, by a preponderance of the evidence, that the employer knew that the applicant or employee held a valid provisional pardon or certificate of rehabilitation at the time such alleged negligence occurred. For the purposes of this section, "employer" has the same meaning as provided in section [31-51i] 9 of this act.

Sec. 35. (NEW) (*Effective October 1, 2021*) (a) Notwithstanding any provision of the general statutes, any offense which constitutes a breach of any law of this state for which a person may be sentenced to a term of imprisonment of up to but not exceeding one year shall be punishable by imprisonment for a period not to exceed three hundred sixty-four days. A misdemeanor conviction for which a person was sentenced to a term of imprisonment of one year shall continue to be deemed a misdemeanor conviction after the maximum term of imprisonment is reduced pursuant to this section.

(b) The provisions of this section apply to any term of imprisonment for which a person was sentenced to before, on or after October 1, 2021.

(c) Any person sentenced to a term of imprisonment of one year, prior

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to October 1, 2021, for any offense previously punishable by a term of imprisonment of up to but not exceeding one year, may apply to the court that entered the judgment of conviction to have the term of sentence modified to the maximum term of imprisonment for a period not to exceed three hundred sixty-four days. Any such application may be filed at any time and the court shall issue such modification regardless of the date of conviction, provided the record of such sentence has not been destroyed.

Approved June 10, 2021