



Senate

General Assembly

File No. 613

January Session, 2021

Substitute Senate Bill No. 1019

Senate, April 26, 2021

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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:

1 Section 1. Subsection (l) of section 54-124a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

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 54-130a of the general statutes is repealed and the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

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

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

41 (c) The board may accept an application for a pardon three years after
42 an applicant's conviction of a misdemeanor or violation and five years
43 after an applicant's conviction of a felony, except that the board, upon a
44 finding of extraordinary circumstances, may accept an application for a
45 pardon prior to such dates.

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

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

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

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

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

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

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

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

101 (c) (1) Whenever any charge in a criminal case has been nolle in the
102 Superior Court, or in the Court of Common Pleas, if at least thirteen
103 months have elapsed since such nolle, all police and court records and
104 records of the state's or prosecuting attorney or the prosecuting grand
105 juror pertaining to such charge shall be erased, except that in cases of

106 nolles entered in the Superior Court, Court of Common Pleas, Circuit
107 Court, municipal court or by a justice of the peace prior to April 1, 1972,
108 such records shall be deemed erased by operation of law and the clerk
109 or the person charged with the retention and control of such records
110 shall not disclose to anyone their existence or any information
111 pertaining to any charge so erased, provided nothing in this subsection
112 shall prohibit the arrested person or any one of his heirs from filing a
113 petition to the court [or to the records center of the Judicial Department,
114 as the case may be,] to have such records erased, in which case such
115 records shall be erased.

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

123 (d) (1) Whenever prior to October 1, 1974, any person who has been
124 convicted of an offense in any court of this state has received an absolute
125 pardon for such offense, such person or any one of his heirs may, at any
126 time subsequent to such pardon, file a petition with the [superior court]
127 Superior Court at the location in which such conviction was effected, or
128 with the [superior court] Superior Court at the location having custody
129 of the records of such conviction or [with the records center of the
130 Judicial Department] if such conviction was in the Court of Common
131 Pleas, Circuit Court, municipal court or by a trial justice court, in the
132 Superior Court where venue would exist for criminal prosecution, for
133 an order of erasure, and the Superior Court [or records center of the
134 Judicial Department] shall direct all police and court records and
135 records of the state's or prosecuting attorney pertaining to such [case to]
136 offense be erased.

137 (2) Whenever such absolute pardon was received on or after October
138 1, 1974, such records shall be erased.

139 (e) (1) Except as provided in subdivision (2) of this subsection,
140 whenever any person has been convicted in any court of this state of a
141 classified or unclassified misdemeanor offense, or a class C, D or E
142 felony or an unclassified felony offense carrying a term of imprisonment
143 of not more than ten years, any police or court record and record of the
144 state's or prosecuting attorney or the prosecuting grand juror pertaining
145 to such conviction, or any record pertaining to court obligations arising
146 from such conviction held by the Board of Pardons and Paroles shall be
147 erased as follows: (A) For any classified or unclassified misdemeanor
148 offense, such records shall be erased seven years from the date on which
149 the court entered the convicted person's most recent judgment of
150 conviction (i) by operation of law, if such offense occurred on or after
151 January 1, 2000, or (ii) upon the filing of a petition on a form prescribed
152 by the Office of the Chief Court Administrator, if such offense occurred
153 prior to January 1, 2000; (B) for any class D or E felony or an unclassified
154 felony offense carrying a term of imprisonment of not more than five
155 years, such records shall be erased ten years from the date on which the
156 court entered the convicted person's most recent judgment of conviction
157 (i) by operation of law, if such offense occurred on or after January 1,
158 2000, or (ii) upon the filing of a petition on a form prescribed by the
159 Office of the Chief Court Administrator, if such offense occurred prior
160 to January 1, 2000; and (C) for any class C felony or an unclassified
161 felony offense carrying a term of imprisonment of not more than ten
162 years, but more than five years, such records shall be erased fifteen years
163 from the date on which the court entered the convicted person's most
164 recent judgment of conviction (i) by operation of law, if such offense
165 occurred on or after January 1, 2000, or (ii) upon the filing of a petition
166 on a form prescribed by the Office of the Chief Court Administrator, if
167 such offense occurred prior to January 1, 2000.

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

170 (A) Any conviction designated as a family violence crime, as defined
171 in section 46b-38a; or

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

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

179 (4) Nothing in this subsection shall limit any other procedure for
180 erasure of criminal history record information, as defined in section 54-
181 142g, as amended by this act, or prohibit a person from participating in
182 any such procedure, even if such person's criminal history record
183 information has been erased pursuant to this section.

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

190 (f) (1) Whenever a person was convicted of one or more
191 misdemeanors committed while such person was under eighteen years
192 of age, and the offense or offenses occurred on or after January 1, 2000,
193 and before July 1, 2012, all police and court records and records of the
194 state's or prosecuting attorney shall be (A) erased, if such record is in an
195 electronic record other than a scanned copy of a physical document, or
196 (B) deemed erased by operation of law if such record is a scanned copy
197 of a physical document or another record that is not electronic. This
198 subdivision shall not apply to a motor vehicle offense, a violation under
199 title 14 or a violation of section 51-164r. The clerk of the court or any law
200 enforcement agency having information contained in such erased
201 records shall not disclose to anyone, except the subject of the record,
202 upon submission pursuant to guidelines prescribed by the Office of the
203 Chief Court Administrator of satisfactory proof of the subject's identity,
204 information pertaining to any charge erased under this subdivision and

205 such clerk shall forward a notice of such erasure to any law enforcement
206 agency and the state's or prosecuting attorney to which he or she knows
207 information concerning the arrest has been disseminated directing that
208 all law enforcement and records of the state's or prosecuting attorney
209 pertaining to such case to be so erased or so deemed erased by operation
210 of law.

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

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

222 [(e)] (g) (1) The clerk of the court [or any person charged with
223 retention and control of such records in the records center of the Judicial
224 Department] or any law enforcement agency having information
225 contained in such erased records shall not disclose to anyone, except the
226 subject of the record, upon submission pursuant to guidelines
227 prescribed by the Office of the Chief Court Administrator of satisfactory
228 proof of the subject's identity, information pertaining to any charge
229 erased under any provision of this section and such clerk [or person
230 charged with the retention and control of such records] shall forward a
231 notice of such erasure to any law enforcement agency to which he
232 knows information concerning the arrest has been disseminated and
233 such disseminated information shall be erased from the records of such
234 law enforcement agency. Such clerk [or such person, as the case may be,]
235 shall provide adequate security measures to safeguard against
236 unauthorized access to or dissemination of such records or upon the
237 request of the accused cause the actual physical destruction of such

238 records, except that such clerk [or such person] shall not cause the actual
239 physical destruction of such records until three years have elapsed from
240 the date of the final disposition of the criminal case to which such
241 records pertain.

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

244 [(3)] (2) Any person who shall have been the subject of such an
245 erasure shall be deemed to have never been arrested within the meaning
246 of the general statutes with respect to the proceedings so erased and
247 may so swear under oath.

248 [(f)] (h) Upon motion properly brought, the court or a judge of such
249 court, if such court is not in session, shall order disclosure of such
250 records (1) to a defendant in an action for false arrest arising out of the
251 proceedings so erased, or (2) to the prosecuting attorney and defense
252 counsel in connection with any perjury charges which the prosecutor
253 alleges may have arisen from the testimony elicited during the trial, or
254 any false statement charges, or any proceeding held pursuant to section
255 53a-40b, or (3) counsel for the petitioner and the respondent in
256 connection with any habeas corpus or other collateral civil action in
257 which evidence pertaining to a nolle or dismissed criminal charge may
258 become relevant. Such disclosure of such records is subject also to any
259 records destruction program pursuant to which the records may have
260 been destroyed. The jury charge in connection with erased offenses may
261 be ordered by the judge for use by the judiciary, provided the names of
262 the accused and the witnesses are omitted therefrom.

263 [(g)] (i) The provisions of this section shall not apply to any police or
264 court records or the records of any state's attorney or prosecuting
265 attorney with respect to any information or indictment containing more
266 than one count (1) while the criminal case is pending, or (2) when the
267 criminal case is disposed of unless and until all counts are entitled to
268 erasure in accordance with the provisions of this section, except that
269 when the criminal case is disposed of, electronic records or portions of
270 electronic records released to the public that reference a charge that

271 would otherwise be entitled to erasure under this section shall be erased
272 in accordance with the provisions of this section. Nothing in this section
273 shall require the erasure of any information contained in the registry of
274 protective orders established pursuant to section 51-5c. For the purposes
275 of this subsection, "electronic record" means any police or court record
276 or the record of any state's attorney or prosecuting attorney that is an
277 electronic record, as defined in section 1-267, or a computer printout.

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

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

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

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

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

303 to section 54-142a of the general statutes, as amended by this act.

304 (b) The department may, within available appropriations,
305 disseminate information, including posting information on its Internet
306 web site, regarding records that are subject to erasure under the
307 provisions of this section.

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

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

312 (a) Notwithstanding the provisions of subsection [(e)] (g) of section
313 54-142a, as amended by this act, and section 54-142c, with respect to any
314 person, including, but not limited to, a consumer reporting agency as
315 defined in subsection (i) of section 31-51i, as amended by this act, or a
316 background screening provider or similar data-based service or
317 company, that purchases criminal matters of public record, as defined
318 in said subsection (i), from the Judicial Department or any criminal
319 justice agency pursuant to subsection (b) of section 54-142g, as amended
320 by this act, the department shall make available to such person
321 information concerning such criminal matters of public record that have
322 been erased pursuant to section 54-142a, as amended by this act. Such
323 information may include docket numbers or other information that
324 permits the person to identify and permanently delete records that have
325 been erased pursuant to section 54-142a, as amended by this act.

326 (b) Each person, including, but not limited to, a consumer reporting
327 agency or background screening provider or similar data-based service
328 or company, that has purchased records of criminal matters of public
329 record from the Judicial Department or any criminal justice agency
330 shall, prior to disclosing such records, (1) purchase from the Judicial
331 Department or such criminal justice agency, on a monthly basis or on
332 such other schedule as the Judicial Department or such criminal justice
333 agency may establish, any updated criminal matters of public record or
334 information available for the purpose of complying with this section,

335 and (2) update its records of criminal matters of public record to
336 permanently delete such erased records not later than thirty calendar
337 days after receipt of information on the erasure of criminal records
338 pursuant to section 54-142a, as amended by this act. Such person shall
339 not further disclose such erased records.

340 Sec. 7. Subsection (c) of section 29-11 of the general statutes is
341 repealed and the following is substituted in lieu thereof (*Effective July 1,*
342 *2021*):

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

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

360 Sec. 8. Subsection (d) of section 54-142k of the general statutes is
361 repealed and the following is substituted in lieu thereof (*Effective January*
362 *1, 2023*):

363 (d) Nonconviction information shall be available to the subject of the
364 information and to the subject's attorney pursuant to this subsection and
365 subsection (e) of this section. Any person shall, upon satisfactory proof
366 of the person's identity, be entitled to inspect, for purposes of

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

376 Sec. 9. (NEW) (*Effective January 1, 2023*) For purposes of this section,
377 sections 11, 12, 16 to 24, inclusive, and 26 of this act, sections 8-265c and
378 8-315 of the general statutes, as amended by this act, subsection (b) of
379 section 10a-6 of the general statutes, as amended by this act, and sections
380 31-51i, 38a-358, 38a-447, 46a-74, 46a-79, 46a-80 and 46a-81 of the general
381 statutes, as amended by this act:

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

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

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

396 (4) "Erased criminal history record information" means (A) criminal
397 history record information that has been erased pursuant to section 54-
398 142a of the general statutes, as amended by this act, or section 54-76o of

399 the general statutes, or any other provision of the general statutes or
400 other operation of law; (B) information relating to persons granted
401 youthful offender status pursuant to section 46b-146 of the general
402 statutes; and (C) continuances of a criminal case that are more than
403 thirteen months old; and

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

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

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

415 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
416 60a, 4a-60g, 31-40y, subsection (b) of section 31-51i, as amended by this
417 act, subsection (d), (e) or (f) of section 31-51i, as amended by this act,
418 subparagraph (C) of subdivision (15) of section 46a-54, subdivisions (16)
419 and (17) of section 46a-54, section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c,
420 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78,
421 inclusive, subsection (a) of section 46a-80, as amended by this act, or
422 sections 46a-81b to 46a-81o, inclusive, and sections 11, 12, 16, 17, 23, 24
423 and section 26 of this act;

424 Sec. 11. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023,
425 it shall be a discriminatory practice for any person to subject, or cause to
426 be subjected, any other person to the deprivation of any rights,
427 privileges or immunities, secured or protected by the Constitution or
428 laws of this state or of the United States, on account of a person's erased
429 criminal history record information.

430 Sec. 12. (NEW) (*Effective October 1, 2021*) (a) On and after January 1,
431 2023, it shall be a discriminatory practice:

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

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

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

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

460 (5) For profit, to induce or attempt to induce any person to sell or rent
461 any dwelling by representations regarding the entry or prospective

462 entry into the neighborhood of a person or persons with erased criminal
463 history record information;

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

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

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

482 (b) The provisions of this section shall not apply to (1) the rental of a
483 room or rooms in a unit in a dwelling if the owner actually maintains
484 and occupies part of such unit as the owner's residence, or (2) a unit in
485 a dwelling containing not more than four units if the owner actually
486 maintains and occupies one of such other units as the owner's residence.

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

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

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

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

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

507 The municipality shall take all necessary steps to insure that
508 occupancy of all housing financed or otherwise assisted pursuant to this
509 chapter be open to all persons regardless of race, creed, color, national
510 origin or ancestry, sex, gender identity or expression, age, [or] physical
511 disability or erased criminal history record information, as defined in
512 section 9 of this act.

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

515 (a) For the purposes of this section, "employer" means [any person
516 engaged in business who has one or more employees, including the state
517 or any political subdivision of the state] employer, as defined in section
518 9 of this act.

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

524 seeking employment.

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

530 (d) An employment application form that contains any question
531 concerning the criminal history of the applicant shall contain a notice, in
532 clear and conspicuous language: (1) That the applicant is not required
533 to disclose the existence of any [arrest, criminal charge or conviction, the
534 records of which have been erased pursuant to section 46b-146, 54-76o
535 or 54-142a] erased criminal history record information, (2) that [criminal
536 records subject to erasure pursuant to section 46b-146, 54-76o or 54-142a]
537 erased criminal history record information are records pertaining to a
538 finding of delinquency or that a child was a member of a family with
539 service needs, an adjudication as a youthful offender, a criminal charge
540 that has been dismissed or nolle, a criminal charge for which the
541 person has been found not guilty or a conviction for which the person
542 received an absolute pardon or criminal records that are erased
543 pursuant to statute or by other operation of law, and (3) that any person
544 [whose criminal records have been erased pursuant to section 46b-146,
545 54-76o or 54-142a] with erased criminal history record information shall
546 be deemed to have never been arrested within the meaning of the
547 general statutes with respect to the proceedings so erased and may so
548 swear under oath.

549 (e) No employer or employer's agent, representative or designee shall
550 deny employment to a prospective employee solely on the basis that the
551 prospective employee [had a prior arrest, criminal charge or conviction,
552 the records of which have been erased pursuant to section 46b-146, 54-
553 76o or 54-142a] has erased criminal history record information or that
554 the prospective employee had a prior conviction for which the
555 prospective employee has received a provisional pardon or certificate of
556 rehabilitation pursuant to section 54-130a, as amended by this act, or a

557 certificate of rehabilitation pursuant to section 54-108f.

558 (f) No employer or employer's agent, representative or designee shall
559 discharge, or cause to be discharged, or in any manner discriminate
560 against, any employee solely on the basis that the employee [had, prior
561 to being employed by such employer, an arrest, criminal charge or
562 conviction, the records of which have been erased pursuant to section
563 46b-146, 54-76o or 54-142a] has erased criminal history record
564 information or that the employee had, prior to being employed by such
565 employer, a prior conviction for which the employee has received a
566 provisional pardon or certificate of rehabilitation pursuant to section 54-
567 130a, as amended by this act, or a certificate of rehabilitation pursuant
568 to section 54-108f.

569 (g) The portion of an employment application form that contains
570 information concerning the criminal history record of an applicant or
571 employee shall only be available to the members of the personnel
572 department of the company, firm or corporation or, if the company, firm
573 or corporation does not have a personnel department, the person in
574 charge of employment, and to any employee or member of the
575 company, firm or corporation, or an agent of such employee or member,
576 involved in the interviewing of the applicant.

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

582 (1) A broker-dealer or investment adviser registered under chapter
583 672a in connection with (A) the possible or actual filing of, or the
584 collection or retention of information contained in, a form U-4 Uniform
585 Application for Securities Industry Registration or Transfer, (B) the
586 compliance responsibilities of such broker-dealer or investment adviser
587 under state or federal law, or (C) the applicable rules of self-regulatory
588 organizations promulgated in accordance with federal law;

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

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

601 (i) (1) For the purposes of this subsection: (A) "Consumer reporting
602 agency" means any person who regularly engages, in whole or in part,
603 in the practice of assembling or preparing consumer reports for a fee,
604 which reports compile and report items of information on consumers
605 that are matters of public record and are likely to have an adverse effect
606 on a consumer's ability to obtain employment, but does not include any
607 public agency; (B) "consumer report" means any written, oral or other
608 communication of information bearing on an individual's credit
609 worthiness, credit standing, credit capacity, character, general
610 reputation, personal characteristics or mode of living; and (C) "criminal
611 matters of public record" means information obtained from the Judicial
612 Department or any criminal justice agency, as defined in section 54-
613 142g, as amended by this act, relating to arrests, indictments,
614 convictions, outstanding judgments [.] and any other conviction
615 information, as defined in section 54-142g, as amended by this act.

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

620 (A) At the time the consumer reporting agency issues such consumer
621 report to a person other than the consumer who is the subject of the

622 report, provide the consumer who is the subject of the consumer report
623 (i) notice that the consumer reporting agency is reporting criminal
624 matters of public record, and (ii) the name and address of the person to
625 whom such consumer report is being issued;

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

631 (3) This subsection shall not apply in the case of an agency or
632 department of the United States government seeking to obtain and use
633 a consumer report for employment purposes if the head of the agency
634 or department makes a written finding pursuant to 15 USC
635 1681b(b)(4)(A).

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

646 Sec. 16. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023,
647 it shall be a discriminatory practice for: (1) An employer or employer's
648 agent, representative or designee to discriminate against that person in
649 compensation or in terms, conditions or privileges of employment on
650 the basis of that person's erased criminal history record information, (2)
651 any employment agency to fail or refuse to classify properly or refer for
652 employment or otherwise to discriminate against any person on the
653 basis of that person's erased criminal history record information, (3) a
654 labor organization, on the basis of the erased criminal history record

655 information of any person, to exclude from full membership rights or to
656 expel from its membership that person or to discriminate in any way
657 against any of its members or against any employer or any individual
658 employed by an employer, or (4) any person, employer, employment
659 agency or labor organization, to advertise employment opportunities in
660 such a manner as to restrict such employment so as to discriminate
661 against persons on the basis of their erased criminal history record
662 information.

663 Sec. 17. (NEW) (*Effective October 1, 2021*) (a) On and after January 1,
664 2023, it shall be a discriminatory practice for any association, board or
665 other organization the principal purpose of which is the furtherance of
666 the professional or occupational interests of its members, whose
667 profession, trade or occupation requires a state license, to refuse to
668 accept a person as a member of such association, board or organization
669 solely on the basis of that person's erased criminal history record
670 information.

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

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

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

686 Sec. 20. (NEW) (*Effective October 1, 2021*) On and after January 1, 2023,

687 all educational, counseling and vocational guidance programs and all
688 apprenticeship and on-the-job training programs of state agencies, or in
689 which state agencies participate, shall be open to all qualified persons,
690 without regard to a person's erased criminal history record information.

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

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

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

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

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

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

713 Sec. 25. Subsection (b) of section 10a-6 of the general statutes is
714 repealed and the following is substituted in lieu thereof (*Effective January*
715 *1, 2023*):

716 (b) Within the limits of authorized expenditures, the policies of the

717 state system of higher education shall be consistent with (1) the
718 following goals: (A) To ensure that no qualified person be denied the
719 opportunity for higher education on the basis of age, sex, gender
720 identity or expression, ethnic background or social, physical or
721 economic condition, or erased criminal history record information, as
722 defined in section 9 of this act. (B) to protect academic freedom, (C) to
723 provide opportunities for education and training related to the
724 economic, cultural and educational development of the state, (D) to
725 assure the fullest possible use of available resources in public and
726 private institutions of higher education, (E) to maintain standards of
727 quality ensuring a position of national leadership for state institutions
728 of higher education, (F) to apply the resources of higher education to the
729 problems of society, and (G) to foster flexibility in the policies and
730 institutions of higher education to enable the system to respond to
731 changes in the economy, society, technology and student interests; and
732 (2) the goals for higher education in the state identified in section 10a-
733 11c. Said board shall review recent studies of the need for higher
734 education services, with special attention to those completed pursuant
735 to legislative action, and to meet such needs shall initiate additional
736 programs or services through one or more of the constituent units.

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

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

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

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

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

772 No life insurance company doing business in this state may: (1) Make
773 any distinction or discrimination between persons on the basis of race
774 or erased criminal history record information, as defined in section 9 of
775 this act, as to the premiums or rates charged for policies upon the lives
776 of such persons; (2) demand or require greater premiums from persons
777 of one race than such as are at that time required by that company from
778 persons of another race of the same age, sex, general condition of health
779 and hope of longevity; (3) demand or require greater premiums from
780 persons with erased criminal history record information than such as
781 are at that time required by that company from persons without erased
782 criminal history record information of the same age, sex, general
783 conditions of health and hope of longevity; or [(3)] (4) make or require

784 any rebate, diminution or discount on the basis of race or erased
785 criminal history record information upon the sum to be paid on any
786 policy in case of the death of any person insured, nor insert in the policy
787 any condition, nor make any stipulation whereby such person insured
788 shall bind himself, his heirs, executors, administrators or assigns to
789 accept any sum less than the full value or amount of such policy, in case
790 of a claim accruing thereon by reason of the death of such person
791 insured, other than such as are imposed upon all persons in similar
792 cases; and each such stipulation or condition so made or inserted shall
793 be void.

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

796 No state department, board or agency may permit any
797 discriminatory practice in violation of section 46a-59, 46a-64, [or] 46a-
798 64c or section 11, 12, 16, 17, 23, 24 or 26 of this act.

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

801 The General Assembly finds that the public is best protected when
802 criminal offenders are rehabilitated and returned to society prepared to
803 take their places as productive citizens and that the ability of returned
804 offenders to find meaningful employment is directly related to their
805 normal functioning in the community. It is therefore the policy of this
806 state to encourage all employers to give favorable consideration to
807 providing jobs to qualified individuals, including those who may have
808 [criminal conviction records] conviction information, as defined in
809 section 54-142g, as amended by this act. Nothing in this section shall be
810 construed to permit any employer to refuse to hire or employ or to bar
811 or to discharge from employment or to discriminate against an
812 individual in compensation or in terms on the basis of that person's
813 erased criminal history record information, as defined in section 9 of this
814 act.

815 Sec. 31. Section 46a-80 of the general statutes is repealed and the

816 following is substituted in lieu thereof (*Effective January 1, 2023*):

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

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

835 (c) A person may be denied employment by the state or any of its
836 agencies, or a person may be denied a license, permit, certificate or
837 registration to pursue, practice or engage in an occupation, trade,
838 vocation, profession or business [by reason of the prior conviction of a
839 crime] on the basis of that person's conviction information if, after
840 considering (1) the nature of the crime and its relationship to the job for
841 which the person has applied; (2) information pertaining to the degree
842 of rehabilitation of the convicted person; and (3) the time elapsed since
843 the conviction or release, the state or any of its agencies determines that
844 the applicant is not suitable for the position of employment sought or
845 the specific occupation, trade, vocation, profession or business for which
846 the license, permit, certificate or registration is sought. In making a
847 determination under this subsection, the state or any of its agencies shall
848 give consideration to a provisional pardon issued pursuant to section

849 54-130e, or a certificate of rehabilitation issued pursuant to section 54-
850 108f or 54-130e, and such provisional pardon or certificate of
851 rehabilitation shall establish a presumption that such applicant has been
852 rehabilitated. If an application is denied based on [a] conviction
853 information for which the applicant has received a provisional pardon
854 or certificate of rehabilitation, the state or any of its agencies, as the case
855 may be, shall provide a written statement to the applicant of its reasons
856 for such denial.

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

861 (e) In no case may [records of arrest, which are not followed by a
862 conviction, or records of convictions, which have been erased] erased
863 criminal history record information, as defined in section 9 of this act,
864 nonconviction information, as defined in section 54-142g, as amended
865 by this act, or criminal history record information, as defined in section
866 54-142g, as amended by this act, apart from conviction information, be
867 used, distributed or disseminated by the state or any of its agencies in
868 connection with an application for employment or for a permit, license,
869 certificate or registration.

870 (f) Nothing in this section shall permit any employer to discriminate
871 on the basis of erased criminal history record information in violation of
872 section 31-51i, as amended by this act, or section 17 of this act.

873 Sec. 32. Subsection (a) of section 46a-81 of the general statutes is
874 repealed and the following is substituted in lieu thereof (*Effective January*
875 *1, 2023*):

876 (a) Except as provided in section 36a-489, the provisions of sections
877 46a-79 to 46a-81, inclusive, as amended by this act, shall prevail over any
878 other provisions of law which purport to govern the denial of licenses,
879 permits, certificates, registrations, or other means to engage in an
880 occupation, trade, vocation, business or profession, on the grounds of a

881 lack of good moral character, or which purport to govern the suspension
882 or revocation of a license, permit, certificate or registration on the
883 grounds of conviction [of a crime] information, as defined in section 54-
884 142g, as amended by this act.

885 Sec. 33. Subsection (b) of section 54-142g of the general statutes is
886 repealed and the following is substituted in lieu thereof (*Effective January*
887 *1, 2023*):

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

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

906 There shall be a rebuttable presumption against admission of
907 evidence of the prior criminal conviction of an applicant or employee in
908 an action alleging that an employer has been negligent in hiring an
909 applicant or retaining an employee, or in supervising the employer's
910 agent, representative or designee with respect to hiring an applicant or
911 retaining an employee, if the applicant or employee held a valid
912 provisional pardon or certificate of rehabilitation at the time such
913 alleged negligence occurred and a party establishes, by a preponderance

914 of the evidence, that the employer knew that the applicant or employee
 915 held a valid provisional pardon or certificate of rehabilitation at the time
 916 such alleged negligence occurred. For the purposes of this section,
 917 "employer" has the same meaning as provided in section [31-51i] 9 of
 918 this act.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	54-124a(l)
Sec. 2	January 1, 2023	54-130a
Sec. 3	January 1, 2023	54-142a
Sec. 4	January 1, 2023	54-142d
Sec. 5	January 1, 2023	New section
Sec. 6	January 1, 2023	54-142e

Sec. 7	July 1, 2021	29-11(c)
Sec. 8	January 1, 2023	54-142k(d)
Sec. 9	January 1, 2023	New section
Sec. 10	January 1, 2023	46a-51(7) and (8)
Sec. 11	October 1, 2021	New section
Sec. 12	October 1, 2021	New section
Sec. 13	January 1, 2023	8-265c
Sec. 14	January 1, 2023	8-315
Sec. 15	January 1, 2023	31-51i
Sec. 16	October 1, 2021	New section
Sec. 17	October 1, 2021	New section
Sec. 18	October 1, 2021	New section
Sec. 19	October 1, 2021	New section
Sec. 20	October 1, 2021	New section
Sec. 21	October 1, 2021	New section
Sec. 22	October 1, 2021	New section
Sec. 23	October 1, 2021	New section
Sec. 24	October 1, 2021	New section
Sec. 25	January 1, 2023	10a-6(b)
Sec. 26	October 1, 2021	New section
Sec. 27	January 1, 2023	38a-358
Sec. 28	January 1, 2023	38a-447
Sec. 29	January 1, 2023	46a-74
Sec. 30	January 1, 2023	46a-79
Sec. 31	January 1, 2023	46a-80
Sec. 32	January 1, 2023	46a-81(a)
Sec. 33	January 1, 2023	54-142g(b)
Sec. 34	January 1, 2023	52-180b
Sec. 35	October 1, 2021	New section

Statement of Legislative Commissioners:

Sections 6 and 8 were merged as they amended the same section and remaining sections and internal references were renumbered accordingly.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Correction, Dept.	GF - Cost	Up to 25,000	Up to 5,000
Judicial Dept.	GF - Cost	Up to 500,000	None
Judicial Dept.	GF - Cost	None	89,088
State Comptroller - Fringe Benefits ¹	GF - Cost	None	36,793
Department of Emergency Services and Public Protection	GF - Cost	Up to \$650,000	None
Resources of the General Fund	GF - Potential Revenue Loss	See Below	See Below
Human Rights & Opportunities, Com.	GF - Cost	None	127,254
State Comptroller - Fringe Benefits ¹	GF - Cost	None	52,556
Correction, Dept.	GF - Potential Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a process for automatic erasure of certain criminal convictions and prohibits discrimination based on someone's erased criminal history and results in the impact described below.

Section 1 requires the Board of Pardons and Paroles (BOPP) to

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

provide additional training for staff resulting in an annual cost of up to \$5,000 to the Department of Correction (the BOPP resides under the DOC).

Section 2 requires the BOPP to provide a written statement when denying a pardon and results in a one-time cost of approximately \$20,000 in FY 22 to modify their case management system to meet the requirements of the bill.

Section 3-5 establishes a process to erase conviction for most misdemeanors and certain felony convictions and results in a Judicial Department one-time cost of approximately \$500,000 in FY 22 for IT consultants to complete necessary system changes and a one-time cost to the Department of Emergency Services and Public Protection (DESPP) in FY 22 of up to \$650,000. To meet the requirements of the bill the DESPP will require an information technology consultant to make necessary technology changes.

The bill results in a cost for up to 3 positions at an annual cost of \$178,176 (one court planner and two administrative assistants) to identify cases where automatic erasure may pose a problem to the Judicial Department. As the effective date for these changes is January 1, 2023, the bill results in a half year cost of \$89,088 in FY 23 to the Judicial Department and \$36,793 for fringe benefits.

The bill may result in an additional cost to the Division of Criminal Justice if additional staff are needed to complete court ordered erasure.

The bill results in a potential cost to municipalities to the extent additional staff are hired, or overtime is incurred, from the requirement that certain electronic records be deleted. It is anticipated potential costs will be isolated to municipalities with greater volumes of criminal records.

Section 7 allows DESPP to waive the \$75 fee for certain criminal history information record searches resulting in a potential revenue loss to the General Fund depending on how many record search fees are

waived.

Sections 9-32 and 34 prohibit discrimination based on someone's erased criminal history and classifies this type of discrimination under CHRO's laws. The bill also allows individuals to file housing and employment discrimination complaints with CHRO, effective January 1, 2023. Additionally, the bill would result in costs of \$127,254 to the Commission on Human Rights and Opportunity (CHRO) and fringe benefits of \$52,556 in FY 23 (partial year), associated with additional staff to handle the increased number of expected discrimination complaints filed with the agency.

It is expected that CHRO would need to hire two additional Human Rights Attorney I and two Human Rights and Opportunities (HRO) Trainee positions, each starting January 1, 2023, to process the increased number of filed complaints under the bill's provisions. One HRO Trainee can generally handle 50 complaints annually, and the number of complaints is expected to double under the bill.

These sections make other changes that are not anticipated to result in a fiscal impact to the state or municipalities.

Section 35 reduces the maximum sentence for misdemeanors from one year to 364 days resulting in a potential marginal savings to the Department of Correction (DOC) to the extent inmates are released earlier from DOC facilities. On average, the annual marginal savings to the state for releasing an offender is \$2,200.²

The bill makes additional changes that do not result in an anticipated fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would

² Inmate marginal savings is based on decreased consumables (e.g. food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

continue into the future subject to inflation.

OLR Bill Analysis**sSB 1019****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.**

TABLE OF CONTENTS:

[FILE NO. 613](#)[SUMMARY](#)[§ 1 — BOARD OF PARDONS AND PAROLES TRAINING](#)

Expands required annual training for Board of Pardons and Paroles members to include the pardons process and collateral consequences of having a criminal record

[§ 2 — WRITTEN EXPLANATION FOR PARDON DENIALS](#)

Prohibits the Board of Pardons and Paroles from denying a pardon without providing a written statement explaining the reasons for the denial

[§§ 3, 4 & 8 — ERASURE OF CERTAIN CONVICTION RECORDS](#)

Establishes a process to erase conviction records for misdemeanors and certain felonies after a specified period following the person's most recent conviction, except for family violence crimes or certain crimes requiring sex offender registration; establishes a separate process for erasing misdemeanor convictions committed by minors before July 1, 2012; makes minor changes to existing record erasure laws

[§ 5 — AUTOMATED PROCESSES FOR RECORD ERASURE](#)

Requires DESPP, in consultation with the judicial branch and the CJIS governing board, to implement automated processes for criminal record erasure; allows DESPP to post information online or otherwise distribute information about which records are subject to erasure

[§ 6 — RECORD PURCHASERS AND DISCLOSURE](#)

Extends certain requirements for purchasers of public criminal records to cover records purchased from all criminal justice agencies, not just the judicial branch; sets a 30-day deadline for these purchasers to update their records after receiving information on certain records' erasure

[§ 7 — CRIMINAL HISTORY SEARCH FEE WAIVER](#)

Allows DESPP to waive the criminal history search fee for indigent pardon applicants

§§ 9-32 & 34 — DISCRIMINATION BASED ON ERASED CRIMINAL INFORMATION

Prohibits discrimination in various contexts based on someone's erased criminal history record information; classifies certain types of discrimination on this basis as discriminatory practices under CHRO's jurisdiction; makes related changes

§ 33 — CRIMINAL JUSTICE AGENCIES

Adds DESPP and the Division of Criminal Justice to the list of "criminal justice agencies" for the purpose of determining access to criminal records

§ 35 — MISDEMEANOR SENTENCES

Reduces the maximum sentence for misdemeanors by one day, from one year to 364 days, and makes related changes

BACKGROUND

SUMMARY

This bill establishes a process to erase records of certain criminal convictions after a specified period following the person's most recent conviction. These provisions do not apply to (1) class A or B felonies (or certain unclassified felonies), (2) family violence crimes, or (3) certain crimes requiring sex offender registration.

Generally, (1) eligible misdemeanors are subject to erasure seven years after the person's most recent conviction and (2) eligible felonies are subject to erasure 10 or 15 years after the most recent conviction. For eligible convictions, erasure is automatic for offenses occurring on or after January 1, 2000; for earlier offenses, erasure occurs when the person files a petition for erasure. The bill establishes a separate process for erasing certain misdemeanor convictions committed by minors before July 1, 2012.

The bill makes other related changes, such as setting a deadline for purchasers of public criminal records to purge erased records from their files after receiving information about that erasure.

The bill prohibits discrimination in various contexts based on someone's erased criminal history record information, including in housing, employment, public accommodations, credit, and state agency services. It classifies certain types of discrimination on this basis as

discriminatory practices under the jurisdiction of the Commission on Human Rights and Opportunities (CHRO).

The bill requires members of the Board of Pardons and Paroles to (1) receive annual training on the pardons process and (2) provide a written explanation when denying a pardon. It allows the Department of Emergency Services and Public Protection (DESPP) to waive certain record search fees for indigent pardon applicants.

Finally, the bill reduces the maximum sentence for misdemeanors by one day, from one year to 364 days, and makes related changes.

The bill also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: Various; see below.

§ 1 — BOARD OF PARDONS AND PAROLES TRAINING

Expands required annual training for Board of Pardons and Paroles members to include the pardons process and collateral consequences of having a criminal record

The bill requires members of the Board of Pardons and Paroles to take annual training on the pardons process, including information on the collateral consequences of having a criminal record (such as when applying for housing or employment).

Under existing law, board members must take annual training in the criminal justice and parole systems, including factors in granting parole, victims' rights and services, reentry strategies, risk assessment, case management, and mental health issues.

EFFECTIVE DATE: July 1, 2021

§ 2 — WRITTEN EXPLANATION FOR PARDON DENIALS

Prohibits the Board of Pardons and Paroles from denying a pardon without providing a written statement explaining the reasons for the denial

The bill prohibits the Board of Pardons and Paroles from denying a pardon application unless the board provides the applicant a written statement (1) listing the factors considered to determine whether an

applicant qualifies for a pardon and (2) explaining which factors the applicant did not satisfy.

Under existing law, the board's regulations must require board members in pardons hearings to issue written statements of the reasons for rejecting a pardon application (CGS § 54-124a(j); see Conn. Agencies Regs. § 54-124a(j)(3)-1).

EFFECTIVE DATE: January 1, 2023

§§ 3, 4 & 8 — ERASURE OF CERTAIN CONVICTION RECORDS

Establishes a process to erase conviction records for misdemeanors and certain felonies after a specified period following the person's most recent conviction, except for family violence crimes or certain crimes requiring sex offender registration; establishes a separate process for erasing misdemeanor convictions committed by minors before July 1, 2012; makes minor changes to existing record erasure laws

The bill establishes a process to erase records of most misdemeanor convictions and certain felony convictions after a specified period following the person's most recent conviction. The erasure applies to (1) related police, court, and prosecutor records (including any prosecuting grand jury) and (2) records held by the Board of Pardons and Paroles regarding court obligations arising from the conviction.

These erasure provisions generally apply to (1) classified or unclassified misdemeanors; (2) class C, D, or E felonies; or (3) unclassified felonies with up to 10-year prison terms. The bill excludes (1) family violence crimes or (2) nonviolent or violent sexual offenses requiring sex offender registration (see BACKGROUND).

Under the bill, these convictions are eligible for erasure after the following periods have passed since the person's most recent conviction for any crime:

1. seven years, for misdemeanors;
2. 10 years, for (a) class D or E felonies or (b) unclassified felonies with prison terms of five years or less; and
3. 15 years, for (a) class C felonies or (b) unclassified felonies with

prison terms greater than five years but no more than 10 years.

In each case, the periods are calculated from the date the court entered the person's most recent conviction for any crime (with an exception for certain drug possession crimes – see below).

Under the bill, the records are erased automatically for offenses that occurred on or after January 1, 2000. For offenses before then, the records are erased when the person files a petition on a form prescribed by the Office of the Chief Court Administrator.

The bill specifies that these provisions do not (1) limit any other procedure for erasure of criminal history record information or (2) prohibit someone from participating in any such procedure, even if that person's records have been erased under the bill's procedure.

As explained below, the bill establishes a separate process for erasing misdemeanor convictions committed by minors before July 1, 2012.

The bill also makes conforming changes.

EFFECTIVE DATE: January 1, 2023

DMV Records

The bill specifies that it does not require the Department of Motor Vehicles (DMV) to erase criminal history record information from operators' driving records. It requires DMV, when applicable, to make this information available through the Commercial Driver's License Information System.

Certain Drug Possession Convictions

Under the bill, if a person was convicted for certain illegal drug possession offenses before October 1, 2015, that conviction is not considered as a most recent offense when evaluating whether enough time has passed for a person's conviction to qualify for erasure. Generally, this applies to convictions for possessing (1) less than four ounces of cannabis or (2) any amount of non-narcotic or non-hallucinogenic drugs.

(Effective October 1, 2015, PA 15-2, June Special Session (§ 1) replaced the prior penalty for drug possession crimes, which punished most types of illegal drug possession as felonies. It created a new structure that generally punishes possession of half an ounce or more of cannabis or any amount of another illegal drug as a class A misdemeanor.)

Certain Misdemeanor Convictions for Minors (§ 3(f))

Under existing law, 17 is the maximum age of juvenile court jurisdiction. Specifically, 16-year-olds were transferred to juvenile jurisdiction starting July 1, 2010, and 17-year-olds were transferred starting July 1, 2012.

The bill establishes a separate process for erasure of misdemeanor convictions for crimes committed before July 1, 2012, by individuals under age 18 at the time of the offense. These provisions apply to related police, court, and prosecutor records. But they do not apply if the person was convicted for multiple charges in the case and at least one is not eligible for erasure. This is an exception to the general rule for record erasure in multi-count cases (see below).

For these offenses committed from January 1, 2000, through June 30, 2012, if the records are electronic (other than scanned copies of physical documents), they must be erased; otherwise, they are deemed erased by operation of law. The bill excludes from these procedures (1) motor vehicle offenses; (2) violations under Title 14 (motor vehicle and driving laws); and (3) offenses for failing to pay the fine and related fees, plead not guilty, or appear in court for an infraction or a violation that is subject to infraction procedures.

For misdemeanor offenses committed before January 1, 2000, by someone under age 18, the person may request the erasure by filing a petition with the Superior Court where the conviction occurred. The court must then direct the records to be erased.

General Provisions (§ 3(g)-(k))

Under the bill, various existing provisions on criminal record erasure

in some circumstances (e.g., following a dismissal, not guilty finding, or pardon) also apply to the bill's new erasure provisions, as applicable.

For example:

1. no fees may be charged for any record erasure petition;
2. anyone whose records are erased under these provisions is deemed to have never been arrested for those charges under law and may swear to that under oath;
3. if the case contained multiple charges and only some are entitled to erasure, electronic records released to the public must be erased to the extent they reference charges entitled to erasure; and
4. these record erasure laws do not apply to court records and transcripts prepared by official court reporters, assistant court reporters, and monitors.

Generally, the court clerk or law enforcement agencies with information in these erased records must not disclose information pertaining to the erased charges. But the person whose charges were erased can obtain this information, by submitting satisfactory proof of his or her identity under guidelines prescribed by the Office of the Chief Court Administrator. The clerk must provide adequate measures to safeguard against unauthorized access to, or dissemination of, erased records.

The court clerk must forward a notice of the erasure to applicable law enforcement agencies directing that their records about the case be erased. Under the bill, the clerk must also forward similar notice to the appropriate prosecutors for misdemeanors committed by minors between January 1, 2000, and June 30, 2012.

The court must disclose erased criminal records (unless they have been destroyed) in limited circumstances, such as to the prosecutor and defense counsel when the records are connected to a perjury charge that

the prosecutor alleges to have arisen from testimony at trial.

Erasure of Records Following Decriminalization (§ 4)

Under existing law, upon the petition of someone convicted for an act that was subsequently decriminalized, the court must order the physical destruction of all related police, court, and prosecution records. The bill specifies that the court must order this immediately upon receiving the petition.

Court Location for Certain Existing Erasure Laws (§§ 3 & 4)

The bill also specifies that, for various record erasure provisions under existing law, the petitioner must file the request with the Superior Court where venue would currently exist if the conviction took place in certain courts that are now obsolete. Current law instead requires these petitions to be filed with the judicial branch records center.

These provisions apply to petitions for erasure of (1) convictions for decriminalized offenses and (2) records for certain older cases that are subject to erasure under existing law (e.g., dismissals or pardons).

The bill also makes related minor changes.

§ 5 — AUTOMATED PROCESSES FOR RECORD ERASURE

Requires DESPP, in consultation with the judicial branch and the CJIS governing board, to implement automated processes for criminal record erasure; allows DESPP to post information online or otherwise distribute information about which records are subject to erasure

The bill requires DESPP, in consultation with the judicial branch and the Criminal Justice Information System Governing Board, to develop and implement automated processes for criminal record erasure. This includes (1) the bill's provisions for erasure of certain convictions after a specified period as described above and (2) certain erasure provisions under existing law (e.g., following a dismissal or pardon).

It allows DESPP, within available appropriations, to post information on its website or otherwise disseminate information on which records are subject to erasure.

It also specifies that these provisions do not require the destruction of paper records.

EFFECTIVE DATE: January 1, 2023

§ 6 — RECORD PURCHASERS AND DISCLOSURE

Extends certain requirements for purchasers of public criminal records to cover records purchased from all criminal justice agencies, not just the judicial branch; sets a 30-day deadline for these purchasers to update their records after receiving information on certain records' erasure

Current law establishes certain requirements that persons who purchase public criminal records from the judicial branch must meet before disclosing these records. The bill expands these provisions to also cover records purchased from other criminal justice agencies (e.g., the State Police, Department of Motor Vehicles, or Department of Correction). It also specifies that these requirements apply to background screening providers and similar data-based services or companies, in addition to consumer reporting agencies as under current law.

Under existing law, the judicial branch must make information (such as docket numbers) on erased records available to these purchasers, to allow them to identify and permanently delete these records. Currently, before disclosing the records, the person must purchase from the judicial branch any updated public criminal records or information available to comply with the law, either on a monthly basis or on another schedule the judicial branch establishes. As noted above, the bill extends these provisions to other criminal justice agencies.

Current law also requires these purchasers to update their records before disclosing them to permanently delete any erased records. The bill requires them to do this within 30 days after receiving information on erased records.

As under existing law, the purchaser may not further disclose erased records.

EFFECTIVE DATE: January 1, 2023

§ 7 — CRIMINAL HISTORY SEARCH FEE WAIVER

Allows DESPP to waive the criminal history search fee for indigent pardon applicants

The bill allows DESPP to waive the \$75 fee for a criminal history information record search for pardon applicants requesting the search in connection with their application. It requires applicants seeking a waiver to complete a DESPP-prescribed form indicating their indigency.

EFFECTIVE DATE: July 1, 2021

§§ 9-32 & 34 — DISCRIMINATION BASED ON ERASED CRIMINAL INFORMATION

Prohibits discrimination in various contexts based on someone's erased criminal history record information; classifies certain types of discrimination on this basis as discriminatory practices under CHRO's jurisdiction; makes related changes

The bill prohibits various forms of discrimination based on someone's erased criminal history record information, such as in employment, public accommodations, the sale or rental of housing, the granting of credit, and several other areas.

In several cases, it classifies discrimination based on these erased records as a "discriminatory practice" under the CHRO laws. By doing so, the bill allows individuals aggrieved by these violations, or CHRO itself, to file a complaint with CHRO alleging discrimination.

Additionally, it classifies as discriminatory employment practices certain employer actions already prohibited by law, and allows aggrieved individuals to file a CHRO complaint or lawsuit (see § 15 below).

EFFECTIVE DATE: January 1, 2023, except for certain provisions on (1) discriminatory practices within CHRO jurisdiction (§§ 11, 12, 16, 17, 23, 24 & 26) and (2) state agency discrimination (§§ 18-22), which are effective October 1, 2021.

Erased Records Defined (§ 10)

The bill defines "criminal history record information" as court records and information obtained from the judicial branch or any criminal justice agency relating to (1) arrests, releases, detentions,

indictments, information, or other formal criminal charges; (2) any events and outcomes arising from them, including pleas, trials, sentences, appeals, incarcerations, correctional supervision, paroles and releases, or outstanding judgments; and (3) any other conviction information.

“Erased criminal history record information” is (1) the above information that has been erased under the bill or existing law, (2) information related to people granted youthful offender status, or (3) continuances of criminal cases that are more than 13 months old.

Discriminatory Practices Under CHRO Statutes

Under the bill, the following types of discrimination are classified as discriminatory practices subject to CHRO jurisdiction. These provisions apply starting January 1, 2023.

Deprivation of Rights (§ 11). The bill prohibits depriving someone of rights, privileges, or immunities secured or protected by state or federal laws or constitutions, or causing this to occur, based on a person’s erased criminal history record information.

Housing (§ 12). The bill generally prohibits the following kinds of housing discrimination based on the erased criminal history record of (1) a buyer or renter (or potential one as applicable); (2) anyone associated with them; or (3) someone residing in, or intending to reside in, the dwelling after it is sold, rented, or made available. Specifically, this applies to:

1. refusing to sell or rent after a person makes a bona fide offer, or refusing to negotiate for the sale or rental of a dwelling, or otherwise denying or making a dwelling unavailable;
2. discriminating in the terms, conditions, or privileges of a dwelling’s sale or rental, or in the provision of services or facilities in connection with the sale or rental;
3. making, printing, or publishing a notice, statement, or

advertisement (or causing any of these to be done) about a dwelling's sale or rental that indicates a preference, limitation, or discrimination, or an intention to make such a preference, limitation, or discrimination;

4. falsely representing to someone that a dwelling is not available for inspection, sale, or rental, a practice commonly known as "steering"; or
5. any person or entity engaging in residential real estate transactions discriminating in making a transaction available or in the transactions' terms or conditions.

Additionally, the bill generally prohibits the following kinds of housing discrimination based on a person's erased criminal history record information:

1. inducing or attempting to induce someone, for profit, to sell or rent a dwelling by representing that people with erased criminal history record information are moving, or may move, into the neighborhood;
2. denying someone access to, or membership or participation in, a multiple-listing service, real estate brokers' organization, or other service, organization, or facility related to the business of selling or renting dwellings, or discriminating in the terms or conditions of such access, membership, or participation; or
3. coercing, intimidating, threatening, or interfering with someone's exercise or enjoyment of these rights, or taking these actions on account of the person having exercised, enjoyed, or aided or encouraged someone else in the exercise or enjoyment of these rights.

These prohibitions do not apply to (1) renting a room or rooms in a single-family home in which the owner lives or (2) a unit in a home containing up to four units if the owner lives in one.

The bill specifies that these provisions do not (1) limit any reasonable state law or municipal ordinance restricting maximum occupancy in a dwelling or (2) prohibit a property appraiser from considering factors other than someone's erased criminal history record.

Employer Actions Already Prohibited by Law (§ 15). Existing law bars employers from taking various actions in relation to job applicants' or employees' criminal history or erased criminal records.

Under current law, an applicant or employee allegedly aggrieved by a violation of these laws may file a complaint with the labor commissioner. The bill instead deems some violations to be discriminatory employment practices under CHRO's jurisdiction. It allows allegedly aggrieved individuals to file a (1) CHRO complaint or (2) lawsuit for declaratory or injunctive relief, damages, or any other remedy allowed by law. The bill specifies that it is the individual's choice whether to file a CHRO complaint or lawsuit.

This applies to the following:

1. employers asking prospective employees about their prior arrests, criminal charges, or convictions on an initial employment application, unless the (a) employer must do so under a state or federal law or (b) prospective employee is applying for a position that requires a security or fidelity bond or an equivalent bond;
2. if an employment application includes questions on criminal history, the failure to contain certain disclosures in clear and conspicuous language, such as that the applicant is not required to disclose erased records and an explanation of what those records are; and
3. employers (or their agents or designees) denying employment to someone, or discharging or discriminating against an employee, based solely on erased criminal records or a prior conviction for which the person (before employment) received a provisional pardon or certificate of rehabilitation.

The bill makes related minor and technical changes to these provisions.

Other Employment Provisions (§ 16). The bill prohibits employers or their agents, representatives, or designees from discriminating against someone in pay or employment terms, conditions, or privileges based on the person's erased criminal history record information. This applies to any employer with at least one employee, including the state or municipal employers.

The bill also prohibits the following kinds of employment-related discrimination based on a person's erased criminal history record information:

1. employment agencies failing or refusing to properly classify or refer the person for employment or otherwise discriminating against the person;
2. labor organizations excluding the person from full membership rights, expelling the person, or discriminating in any way against a member, employer, or employee; or
3. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and thus discriminates.

Associations of Licensed People (§ 17). The bill prohibits professional or trade associations, boards, or other organizations whose profession, trade, or occupation requires a state license, from refusing to accept someone as a member because of his or her erased criminal history record information. Violators are subject to a \$100 to \$500 fine.

Public Accommodations (§ 23). The bill prohibits anyone from denying someone, on the basis of erased criminal record information, full and equal accommodations in any place of public accommodation, resort, or amusement (i.e., one that caters to or offers its services, facilities, or goods to the general public), subject to lawful conditions and limitations that apply alike to everyone. It further prohibits

discriminating, segregating, or separating people on this basis.

State Higher Education System (§§ 24 & 25). The bill prohibits the state higher education system from denying someone an educational opportunity based on erased criminal history record information.

Additionally, it requires the state higher education system's policies to have the goal of ensuring that no qualified person is denied the opportunity for higher education due to erased criminal history record information. (The bill does not make a violation of this latter provision a discriminatory practice under the CHRO laws.)

Credit (§ 26). The bill prohibits a creditor from discriminating against an adult in a credit transaction on the basis of his or her erased criminal record history information.

Other Forms of Discrimination

The bill also addresses discrimination in the following areas that are not discriminatory practices under CHRO jurisdiction.

Connecticut Housing Finance Authority (§ 13). Under the bill, the Connecticut Housing Finance Authority must require that the occupancy of all housing it finances or otherwise assists be open to all people regardless of their erased criminal history record information. It also requires the contractors and subcontractors who build or rehabilitate this housing to take affirmative action to provide equal employment opportunity without discriminating as to erased criminal history record information.

Municipal Housing Finance Assistance (§ 14). The bill requires municipalities to take all necessary steps to ensure that the occupancy of all housing financed or assisted under the Municipal Housing Finance Assistance Act is open to all people, regardless of their erased criminal history record information.

State Agencies (§§ 18-22 & 29). Starting January 1, 2023, the bill prohibits several types of discrimination by state agencies regarding

erased criminal history record information. More specifically, it:

1. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel on the basis of merit and qualifications, without regard to their erased criminal history record information (§ 18);
2. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds of his or her erased criminal history record information, except DMV may consider this information to the extent required by federal regulations on commercial driver's licenses (49 § C.F.R. 384) (§ 19);
3. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which they participate, to be open to all qualified persons, without regard to their erased criminal history record information (§ 20);
4. prohibits someone's erased criminal history record information from being considered as a limiting factor in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law (§ 21); and
5. requires state agency services to be performed without discrimination based on erased criminal history record information (§ 22).

Additionally, the bill specifically prohibits state departments, boards, or agencies from allowing any newly prohibited types of discrimination described above that the bill classifies as discriminatory practices under the CHRO laws (e.g., housing discrimination based on erased criminal records).

Auto Insurance (§ 27). The bill prohibits auto insurance companies from declining, canceling, or refusing to renew auto insurance policies solely on the basis of erased criminal history record information, unless

the company is part of an insurer group and another member of the group would not decline a similar application on this basis.

Life Insurance (§ 28). The bill prohibits life insurers from making any distinction or discrimination against a person in premiums, rates, or the amount payable on a policy because of the person's erased criminal history record information.

Licensure or Employment Denial Based on Criminal History (§§ 30-32)

Current law declares that it is the state's policy to encourage employers to give favorable consideration to hiring people with criminal convictions. The bill specifies that this policy must not be construed to allow employers to (1) refuse to hire, (2) fire, or (3) discriminate against someone in pay or employment terms, based on that person's erased criminal history record information.

Generally, existing law (1) allows state agencies to deny employment or a credential to a person with a prior felony conviction if he or she is found unsuitable after considering certain factors; (2) bars employers from inquiring about prospective employees' criminal history unless the law specifically disqualifies applicants with certain criminal histories; and (3) bars the state from distributing erased criminal records, or records of arrests not leading to convictions, in connection with employment applications or credentialing.

The bill specifies that these provisions do not allow employers to discriminate on the basis of erased criminal history information, as set forth above. The bill also updates terminology in these statutes and makes minor and technical changes.

§ 33 — CRIMINAL JUSTICE AGENCIES

Adds DESPP and the Division of Criminal Justice to the list of "criminal justice agencies" for the purpose of determining access to criminal records

The bill specifically lists DESPP and the Division of Criminal Justice as "criminal justice agencies" for the purpose of determining access to criminal records. Under existing law, the State Police and state's

attorneys, assistant state's attorneys and deputy assistant state's attorneys, and various other agencies are already classified as criminal justice agencies for this purpose.

By law, criminal justice agencies have access to criminal history record information. The law establishes various duties for criminal justice agencies regarding this information. For example, if they collect, store, or disseminate criminal history record information they must institute a process to minimize the possibility of recording and storing inaccurate information, and upon discovering any inaccuracy, notify all other agencies known to have received it (CGS § 54-142h(a)).

Among other things, existing law authorizes these agencies to reject for employment, for good cause, applicants for positions that would be authorized to directly access criminal history record information (CGS § 54-142i).

EFFECTIVE DATE: January 1, 2023

§ 35 — MISDEMEANOR SENTENCES

Reduces the maximum sentence for misdemeanors by one day, from one year to 364 days, and makes related changes

The bill reduces the maximum sentence for misdemeanors by one day, from one year to 364 days. Currently, the maximum sentence for a class A misdemeanor, and certain unclassified misdemeanors, is one year (see BACKGROUND, *Federal Immigration Law*).

The bill provides that if someone was sentenced to a one-year prison term for a misdemeanor, the conviction must still be deemed a misdemeanor after the maximum term is reduced to 364 days as provided above.

It (1) allows anyone previously sentenced to a one-year prison term for a misdemeanor to apply to court to modify the sentence to 364 days and (2) requires the court to issue the modification unless the sentencing records have been destroyed. The person must apply to the court that entered the judgment of conviction, and may apply at any time (thus,

even after completing the sentence).

The bill applies regardless of when the person was sentenced.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Criminal Conviction Erasure

Under existing law, a person convicted of a crime seeking to have the conviction and associated records erased must apply to the Board of Pardons and Paroles for an absolute pardon. Generally, the board cannot accept an application for a pardon until five years after a felony conviction and three years after a misdemeanor conviction. The Board takes certain factors into consideration in determining whether to grant pardons. Generally, the board must hold hearings before granting a pardon; some non-violent convictions are eligible for an expedited process that does not involve a hearing (CGS § 54-130a et seq.).

A convicted offender who is not incarcerated may also apply for a certificate of employability to relieve him or her from certain barriers or forfeitures related to employment or licensure. This certificate does not affect the individual's criminal record (CGS §§ 54-108f and -130e).

Family Violence Crimes

By law, a "family violence crime" is a crime, other than a delinquent act, that involves an act of family violence to a family or household member. It does not include acts by parents or guardians disciplining minor children unless these acts constitute abuse.

Generally, "family violence" is physical harm or the threat of violence between family or household members, including stalking or a pattern of threatening, but excluding verbal abuse or arguments unless there is present danger and likelihood of physical violence (CGS § 46b-38a).

Nonviolent Sexual Offenses and Sexually Violent Offenses

Under Connecticut law, certain criminal convictions require sex offender registration. These include, among others, "nonviolent sexual

offenses” and “sexually violent offenses.”

Nonviolent sexual offenses include 4th degree sexual assault and certain cases of voyeurism. Sexually violent offenses include several crimes, such as (1) 1st degree aggravated sexual assault; (2) 3rd degree sexual assault with a firearm; and (3) certain cases of 1st, 2nd, and 3rd degree sexual assault (CGS § 54-250).

Federal Immigration Law

Federal law lists certain categories of crimes that render a non-citizen removable from the United States or otherwise affect immigration status. In some situations, immigration consequences are triggered based on whether the crime was punishable by at least one year in prison.

For example, a non-citizen may be removed following conviction for (1) a “crime involving moral turpitude” committed within five years after admission (or 10 years in some cases) if the maximum sentence for the crime is at least one year, or (2) an “aggravated felony” committed at any time after admission (8 U.S.C. § 1227(a)(2)). Aggravated felonies include, among others, certain offenses with a sentence of at least one year, regardless of the offense’s classification under state law (8 U.S.C. § 1101(a)(43)).

Related Bills

sSB 888 (File 569, §§ 8-10), reported favorably by the Judiciary Committee, (1) provides for the erasure of certain cannabis-related convictions and certain other convictions for possessing non-narcotic drugs and (2) includes provisions similar to ones in this bill regarding purchasers of public criminal records.

sHB 6377 (File 462, §§ 33 & 34), reported favorably by the Labor and Public Employees Committee, provides for the erasure of certain convictions for possessing cannabis or other non-narcotic drugs.

sHB 6474 (File 386), reported favorably by the Labor and Public Employees Committee, generally makes it a discriminatory practice for

employers with at least three employees to deny employment to someone solely because of their “criminal history record information” (regardless of whether the records have been erased), and similarly makes it a discriminatory practice for state licensing agencies to deny an occupational license, permit, certificate, or registration to someone solely because of their criminal records.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 23 Nay 14 (04/05/2021)