

# Judiciary Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-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

**Title:** WITH RESPECT TO MISDEMEANOR SENTENCES.

**Vote Date:** 4/5/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/10/2021

**File No.:** 613

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### REASONS FOR BILL:

This bill establishes a timeline for automatic record clearance of class C, D, E, and unclassified felony and misdemeanor convictions, excluding convictions of family violence, nonviolent sex offenses, and sexually violent offenses. The bill expands the scope of state anti-discrimination law to protect those with erased records and changes the term limit of any

sentence of imprisonment of up to one year to a period not to exceed three hundred sixty-four days with the goal of reducing collateral consequences.

The bill bans the Board of Pardons and Paroles from denying pardon applications without written explanation and requires board members and parole officers to be trained annually about the collateral consequences a person with a criminal record may face when applying for housing or employment. The bill also requires the Department of Emergency Services and Public Protection, the Judicial Branch, and the Criminal Justice Information System Governing Board to develop and implement automated processes for erasure and requires the Commissioner of Correction to establish a reentry employment advisory committee. The bill authorizes the Commissioner of Correction to designate a deputy warden to serve as director of reentry services and the Commissioner of Emergency Services and Public Protections to waive fees for indigent people. The bill changes the term limit of any sentence of imprisonment of up to one year to a period not to exceed three hundred sixty-four days to avoid collateral consequences of an aggravated felony conviction.

### **SUBSTITUTE LANGUAGE:**

The substitute language clarifies a timeline for erasure of certain criminal history records based on the term of imprisonment and number of years from the date of the convicted person's most recent conviction. The substitute language sets new requirements and authorizations for several state agencies and establishes erasure and disclosure guidelines for criminal justice agencies, and data-based services or companies. The substitute language clarifies processes for decriminalized offenses and offenses adjudicated in courts that no longer exist. The language also defines discrimination based on erased criminal records and non-conviction information in areas such as housing, employment, state agencies, and the life insurance industry.

### **RESPONSE FROM ADMINISTRATION/AGENCY:**

Connecticut Division of Public Defender Services, Chief Public Defender, Christine Perra Rapillo; supports this bill stating that all the proposals contained in the legislation represent improvements in the administration of criminal justice in Connecticut.

Connecticut Sentencing Commission; supports this bill stating that section 38 makes an important change to the penalty for offenses defined as misdemeanors and would better align state classification of offenses with the classification scheme used in federal immigration laws and regulations. It is also stated that several other states, including Nevada, Oregon, California, Washington, Colorado, Utah, and New York have enacted this change in sentencing to help protect certain noncitizens from arbitrary deportation and denial of consideration of individual circumstances.

Connecticut Division of Criminal Justice; opposes the scope of criminal records that would be erased, *by operation of law*, under this bill. Stating that this bill will greatly impact the ability of the division to decide issues such as sentencing recommendations, bail decisions, issuance of protective orders, or punishing serious repeat offenders.

Connecticut Office of Policy and Management, Criminal Justice Policy and Planning, Undersecretary, Marc Pelka; opposes portions of this bill stating that the administration

cannot support the entire scope of the bill and providing a list of proposed changes. It is also stated that the administration is united in support for the clean slate concept due to well-documented racial and ethnic disparities in the criminal justice system.

Connecticut Judicial Branch, External Affairs Division; takes no position regarding the policy implications of the bill and states concern with various provisions due to potential impact on court processes and procedure and the resources it will take to implement. It is also stated that the agency suggests additional technical changes.

Connecticut Commission on Human Rights and Opportunities; supports legislative efforts to address the overwhelming barriers faced by individuals who have criminal records because eliminating barriers to opportunity is one of the Commission's core concerns. It is also stated that the Commission has concerns with procedural aspects of the antidiscrimination provisions of the bill.

Connecticut Board of Pardons and Paroles, Chairperson Carleton J. Giles; supports the intent of the legislation but only supports automatic erasure for low level misdemeanors and believes that changes are necessary to certain provisions which impact the pardon power.

#### **NATURE AND SOURCES OF SUPPORT:**

Connecticut Fair Housing Center, Executive Director, Erin Kemple; supports this bill stating that refusal to rent or sell to individuals with expunged records prevents those recently released from incarceration from accessing decent, safe, affordable housing. It is also stated that stable housing is the leading factor in determining whether someone can successfully reintegrate into society.

Clean Slate Initiative, National Campaigns Manager, Erin Leigh George; supports this bill stating that it will help people capture the second chance they've earned by streamlining petition-based record-clearing. It is also stated that the vast majority of the 450,000 Connecticut residents with criminal records cannot obtain relief due to lengthy waiting periods and complexities and limitations in current record-clearing processes.

American Civil Liberties Union of Connecticut, Interim Senior Policy Counsel, Kelly McConney Moore; supports this bill stating that the mere fact that a Connecticut resident has a criminal conviction in their history puts more than 550 legal barriers in their path. It is also stated that this legislation meets all criteria necessary for a strong Clean Slate Bill including providing for automatic record clearance and for record erasure as opposed to record sealing.

City of Bridgeport, Mayor Joseph P. Ganim; Supports this bill as mass incarceration has ongoing consequences in Connecticut, disproportionately hurting Black and brown communities and burdening hundreds of thousands of Connecticut residents with a criminal record. This is a very real experience for thousands Bridgeport residents. The mayor serves as Vice Chair for Re-Entry on the US Conference of Mayor's Criminal and Social Justice Committee and has heard firsthand how expungement and pardon practices can greatly benefit communities hardest hit by mass incarceration.

Hartford Foundation for Public Giving; supports this bill stating that an evaluation of reentry supports funded by the foundation revealed the need for additional policy changes to provide greater access to vital services such as housing and mental and physical health supports.

Connecticut Justice Alliance, Executive Director, Christina Quaranta; supports this bill stating that making expungement automatic will eliminate economic and class barriers people currently face (access to an attorney, understanding of the system, money to pay court and lawyer fees) when working to get their records expunged. It is also stated that the Alliance requests the committee amend the bill to include expungement for juvenile records.

Michigan Legislature, State Representative, David LaGrand; supports this bill stating that expungement is a powerful tool for improving the lives of people with records, without an increased risk to public safety. It is also stated that Connecticut should join Michigan, Pennsylvania, New Jersey, California, and Utah as a leader in the national movement for expungement in particular and criminal justice reform in general.

Connecticut Legal Rights Project, Executive Director, Kathy Flaherty; supports this bill and requests an amendment to include disability as a protected class. It is also stated that the collateral consequences annual training will help the Board of Pardons and Paroles to understand the impact of decisions on those who come before them.

The Alliance, Manager of Advocacy and Public Policy, Julia Wilcox; supports this bill stating that one in three Americans has some type of criminal record, which creates lifelong barriers to opportunity for them and their families. It is also stated a February 2020 Smart Justice Poll indicated that 85% of CT voters, across party lines, support laws prohibiting discrimination based on a person's criminal history.

Center for Children's Advocacy, Team Child Youth Justice Project, Director, Marisa Halm, Esq.; supports this bill and requests that the committee create parity between the juvenile and adult courts by adopting a proposed amendment to provide automatic juvenile court erasure.

Service Employees International Union 1199 New England, President, Rebecca Simonsen; supports this bill stating that 1199 union members who work in Corrections care for a population with acute medical and mental health illnesses that are often the direct result of systemic afflictions of homelessness, poverty, and opioid addiction. It is also stated that ending discrimination for people with criminal records would best allow 1199 members to truly assist incarcerated individuals in attaining the security and stability they need to stay out of the carceral system for good.

Connecticut Women's Education and Legal Fund, Policy Director, Madeline Granato; supports this bill stating that women are the fastest growing incarcerated population in the United States and that more than half of women incarcerated in prisons and jails are incarcerated for drug or property offenses. It is also stated that a history of criminal conviction remains a significant barrier for women to reach economic stability for themselves and their families.

Connecticut Criminal Defense Lawyers Association, President, Frank J. Riccio II; supports this bill stating that it will assist those battling the collateral consequences of convictions to obtain employment, education, housing, and student loans. It is also stated that this bill will

mitigate the devastating impact that those arrested and convicted of certain criminal convictions, especially on our younger populations, indigent individuals and people of color.

Connecticut Resident, Marquita Nelson; supports this bill stating that her child has been in prison for 19 years for a crime that he committed as a minor and that everyone deserves a second chance.

Connecticut Legal Services, Public Policy Advocate, Raphael L. Podolsky; supports this bill and requests two amendments related to access to non-domestic violence records when a protection order for domestic violence is sought and access to one's own records for immigration cases.

Connecticut Working Families Party, State Director, Carlos Moreno; supports this bill stating that the current one-year maximum sentence for class A misdemeanors creates drastic, disproportionate consequences for non-citizens by turning state misdemeanors into aggravated felonies under federal law.

American Immigration Lawyers Association, Connecticut Chapter; supports section 38 of this bill which changes any sentence up to but not exceeding one year to a term of imprisonment not exceeding three hundred and sixty-four days, stating that it will provide clarity for lawful permanent residents and attorneys. It is also stated that this provision will help avoid the unintended immigration consequences of an aggravated felony conviction, including being deported and permanently barred from returning to the United States.

Hartford, Connecticut, Resident, Sister Elaine Betoncourt; supports this bill stating personal experience witnessing a criminal record prevent gainful employment and lead to negative thought processes, financial desperation, and recidivism.

Greater Hartford Interfaith Action Alliance Criminal Justice Action Team, Member, Anne Stanback; supports this bill stating concern with the disproportionate impact mass incarceration and collateral consequences have on communities of color and poor people. It is also stated that approximately 8,000 of the 17,000 people who entered Connecticut's shelters between 2016 and 2019 had been incarcerated.

Unitarian Society of Hartford, Candidate Minister, Unitarian Universalist Faith Intern Minister, Dianne M. Daniels; supports this bill stating that the orientation program for eligible inmates, training for members of the Board of Pardons and Parole, and expungement and erasure of criminal records and copies of those records are critically important provisions of this bill.

Collaborative Center for Justice, Director, Dwayne David Paul; supports this bill citing hundreds of barriers between formerly incarcerated people and full participation in democracy, economy, and society at large.

Transitions Clinic, Legal Director, James Bhandary-Alexander; supports this bill stating that the clinic's patient population is routinely denied work because of their records.

Connecticut Alliance to End Sexual Violence, Director of Policy and Public Relations, Lucy Nolan; supports this bill and thanks the committee for excluding those who sexually assault and harm others from clean slate provisions. It is stated that it is critical to preserve the records of those who commit sexual crimes for many reasons including Sec. 53a-40(d) of our

statutes specifically allows that “persistent offenders of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order, criminal violation of a standing criminal protective order or criminal violation of a restraining order” have increased penalties for their actions, including changing misdemeanors to a class D felony. It is also stated that keeping records of those who commit sexual crimes is necessary to ensure that victims and our communities are safe and can help the criminal justice system hold offenders accountable.

Connecticut Coalition Against Domestic Violence, Director of Public Policy and Communications, Liza Andrews; supports this bill stating that the bill seems to prevent possible injustices against individuals accused of crimes and does not fairly consider crime victims. Support for the measure related to the erasure of criminal records as it provides a carve-out for family violence crimes is stated. It is also stated that there must be a carve-out of family violence crimes so as to ensure the ability of courts to refer individuals who reoffend to appropriate diversionary programs, as well as to ensure that convicted offenders do not legally have access to firearms.

Unitarian Universalist Society: East, Member, Susan Randolph; supports this bill stating that it would be an important step toward ending structural racism. It is also stated that the lingering impact of a criminal record, especially a felony conviction, robs all of society of the contributions those who have served their sentences could make.

City of Bridgeport, Mayor’s Initiative for Reentry Affairs, Director, Earl Bloodworth; supports this bill stating that many returning to communities after incarceration are ineligible to receive financial aid or qualify for Pell Grants. It is also stated that further reduction of collateral consequences to make the state safer and stronger can be achieved by expanding the scope of anti-discrimination laws through individualized assessments and ending blanket bans.

Restorative Action Alliance Inc., Executive Director, Amber Vlangas & President, Jason Wasserman; support provisions that provide protections against discrimination based on erased criminal record history but asks the committee to remove exclusions based on crime category. It is also stated that everyone who completes a court-ordered sentence and remains conviction-free for a specified period should be eligible for Clean Slate.

The following Connecticut Residents support this bill, many stating that criminal records present barriers to employment, housing, occupational licensing, and higher education and that this bill will strengthen the state economy, improve public safety, and advance racial justice. Some shared personal stories about the positive impact this bill could have on themselves, their loved ones, and/or their communities.

Joshua Aiken, New Haven  
Rev. Virginia W.G. Army, Vernon  
Jim Adams, Bolton  
Rev. Whitney Altopp, St. Stephen's  
Episcopal Church, Ridgefield  
Fatma Antar, Bristol  
Rev. Elizabeth Butler Arulampalam,  
Riverfront Family Church, Hartford  
Michael Askew, Director of Recovery, CT  
Community for Addiction Recovery  
Karen Baar, New Haven  
Charlotte Babbin, Guilford  
Reid Baris, Westport  
Jodie Baris, Westport  
Jennifer Barnard, New Haven  
Anne Tranquilli-Bausher, Stratford  
Patti Beckett, South Glastonbury  
Alan Benford, East Hartford  
Diane Benner, West Hartford  
Thomas Benton, Fairfield  
Gail Berritt, Westport  
Civianne Bloch, Orange  
Wendy Bloch, Fairfield  
Meg Bloom, New Haven  
Roye Anastasio-Bourke, New Haven  
Marguerite Brennan, North Haven  
Linda Bronstein, West Hartford  
Psalm Brown, New Haven  
Christine Brown, Fairfield  
Diane Capasso, Branford  
Elaine Chapman, Shelton  
Coleen Chien, Paper Prisons Initiative  
Joseph J. Cirasuolo, Ed.D., Wallingford  
Paula Cocozza, Fairfield  
Paul Cocuzzo, Manchester  
Queenie Collins, Glastonbury  
Sally Connolly, Woodbridge  
James R. Curtin, Trumbull  
Susan Day, Cheshire  
Kellyann Day, LMSW, Cheshire  
Stephen Darley, North Haven  
Josephine Diegnan, Westport  
Rev. Chris J. Dion, East Granby  
Juno Dina, New Haven  
Mary Donohue, Wallingford  
Linda Drazen, New Haven  
Carolyn Emerson, South Windsor  
Deborah Elkin, New Haven  
Wendy Epstein, Westport

Frederic Esper, Fairfield  
Kristen Estabrook, New Haven  
Stephanie FitzGerald, New Haven  
Rabbi Andi Fliegel, West Hartford  
Thomas Flynn, Fairfield  
Kenny Foscue, North Haven  
Reverend Larissa D. Forsythe, South  
Glastonbury  
Ilene J. Frank, Bloomfield  
Scott Friedman, North Haven  
Steve Ginsburg, Anti Defamation League  
Miriam Giskin, North Haven  
Marjorie Golden, MD, Westport  
Andrea Goodman, LCSW  
Mary Gorham, Woodbridge  
Rebekah Grafton, West Hartford  
Karla Fackler Grafton, West Hartford  
Mary Ellen Hagedus, Trumbull  
Christine Halfar  
Rev. Donald L. Hamer  
Rev. Hugh B. Hamilton  
Paul Hammer, New Haven  
Barbara Harman, Southport  
Clara Chokenea Harmon, Shelton  
Letitia C. Hill, Hamden  
Elizabeth Hines, Executive Director,  
Community Partners in Action  
Margaret Hodgkins, Southport  
Emily Hofstadter, West Hartford  
Gerald Holdridge, Wilton  
Daniel Houser, Ridgefield  
Brandon Hudik, New Haven  
Mike Jacobson, Bridgeport  
Destiny De Jesus, Naugatuck  
Chloe Johnson, Middletown  
Mary Johnson, Middletown  
Dr. Asti Jackson Ph.D., New Haven  
Eleta A. Jones, Ph.D. LPC, West Hartford  
CT  
Lisa Kaston, New Haven  
Barbara Katz, Branford  
Elizabeth Keenan, Ph.D., LCSW, New  
Haven  
Amber Kelly, PhD, MSW, LCSW, New  
Haven  
Paul Kelly, Fairfield  
Reverend Marilyn B. Kendrix, North Haven  
Philip Kent, Hamden  
Emily Khirisy, West Hartford

Tanis Klingler, Bridgeport  
Paul Kosowsky  
Barbara-Jean Kubik, SNDdeN, West  
Hartford  
Maria Lamberto, New Haven  
Anne Lampert, Bridgeport  
Mary LaPorte, Greater Hartford Interfaith  
Action Alliance  
Rob LaRose, New Haven  
[Anthony Lawson, Naugatuck]  
Beth Lazar, Bridgeport  
Emily Lehrman, Fairfield  
Megan Levan, Middletown  
David Levy, Weston  
Rev. Matt Lindeman, St. Peter's Episcopal  
Church, Milford  
Adlyn Loewenthal, West Hartford  
Maureen Lopes, Madison  
Dwight Lopes, Madison  
Cori Mackey, Center for Leadership and  
Justice  
Rev. James C. Manship, Pastor of St.  
Rose of Lima Catholic Church  
George and Chris Markley, Fairfield  
Lori Martin, New Haven  
William Marut, Glastonbury  
Juanita McGhee, Bridgeport  
Lynn McNamara, Fairfield  
Ellen Messali, Esq. New Haven Legal  
Assistance  
Bonita Messman, Westport  
Michele Mudrick, Legislative Advocate,  
Southern New England Conference United  
Church of Christ  
Bonnie Muller, Hamden  
Wendy Muschett, Fairfield  
Rev. Kari Nicewander, Immanuel  
Congregational Church, Hartford  
Susan Nobleman, Hamden  
James Norden, St. Ann's Episcopal Church  
Kevin Nugent, Milford  
Jeanine Oburchay, Bridgeport  
Ilana Ofgang, Bridgeport  
Jennifer O'Neill, Marlborough, CT  
Kris Oser, Milford  
Nancy Pappas, Manchester  
Kellie Panus, Southport  
Jacqueline Paige, Fairfield

Rev. Josh Pawelek, Unitarian Universalist  
Society, Manchester  
Ann Percival, Enfield  
Anna Pickett, New Haven  
Rachel Pomeranz, Middletown  
Judith Proctor, Southport  
Rabbi James Prosnit, Fairfield  
Michael Psutka, Granby  
Beth Richter, Bethany  
Lawrence Rizzolo, Guilford  
Eli Roche, Co-Chair, Wesleyan Democrats  
Alana Rosenberg, Woodbridge  
Edgar Russell Jr., New Haven  
Rev. Tracy Johnson Russell, Bethany  
Barry Ryan, Bridgeport  
Elizabeth Saria, Bloomfield  
Christie Sanders, Member, Unitarian  
Universalist Society: East, Manchester  
Naomi Schaffer, Fairfield  
Jeffrey Schwartz, Dr., Fairfield  
Constanza Segovia, Member, Hartford  
Deportation Defense  
Molly Shapiro, New Haven  
Jackie Trimble Shapiro, Hamden  
Garrett Sheehan, President and  
CEO, Greater New Haven Chamber of  
Commerce  
Marcy Shinbaum, Fairfield  
Tamara Shockley, Norwalk  
Jean Silk, New Haven  
Deirdre and Jerry Simmons, Danbury  
Rita E. Skog, Fairfield  
David A. Skog, Fairfield  
Judy Sparer, New Haven  
Rev. Linda Spiers, Canton  
Rev. David W. Spollett, Fairfield  
Cathy Rion Starr, Minister, The Unitarian  
Society of Hartford  
Sonya Starr & J.J. Prescott, University of  
Michigan Law School  
Elisabeth Stenger, LCSW, Hamden  
Lori Stewart, Legislative Liaison,  
Connecticut Catholic Public Affairs  
Conference  
Mike Stockman, West Hartford  
Richard Stockton, North Haven  
George Stone, West Hartford  
Kimberly Stoner, New Haven  
Stephen Stout, Southport



Carl Testa, New Haven  
Rev. Rachel W Thomas, Deep River  
Aaron Troncoso, New Haven  
Lauren Tropp, Trumbull  
Mike Truong, Bridgeport  
Marcia J. Tubin, Trumbull  
Melinda Tuhus, Hamden  
Nancy Urban, West Hartford  
Anne Watkins, New Haven  
Amy Watson, Fairfield  
Stefan Wawzyniecki, Vernon

Patti Wawzyniecki, Vernon  
Arthur Weissman, Trumbull  
Rita Weisskoff, Fairfield  
Scott Wetzel, Milford  
Caroline Wetzel, Milford  
Katherine Wiant, Fairfield  
Raymond Woollett, Newington  
Yale Law School Students: Isabelle  
Barnard, Walter Paul, Isir Said & Medha  
Swaminathan  
David Yoon

#### **NATURE AND SOURCES OF OPPOSITION:**

Connecticut Coalition of Property Owners, Volunteer President, John Souza; opposes this bill stating that anti-discrimination protections should not be extended to white men with prison records as protected class status was intended to protect people with innate characteristics.

Waterbury, Connecticut, Resident Bob De Cosmo; opposes this bill, stating that if landlords cannot check criminal history, they will find unorthodox and unreliable methods of screening tenants such as Facebook and personal appearance. It is also stated that personal friends of the writer were murdered by tenants with lengthy criminal histories.

Connecticut Coalition of Property Owners, Member, Eric Rogers; opposes this bill stating an inability to understand the need to protect the formerly incarcerated. It is also stated that concealing criminal records disables housing providers from making sound decisions and puts other residents in the building at risk.

The following Connecticut Residents support the intent of clean slate legislation but oppose the bill based on the exclusion of those convicted of family violence, non-violent sexual assault and sexually violent assault:

Cindy Prizio, Executive Director, One Standard of Justice  
Sharon Dorne, Member, One Standard of Justice,  
Jorge Guzman, Member, One Standard of Justice  
Anonymous, Member, One Standard of Justice

The following Connecticut Residents oppose this bill:

Connecticut Resident, Ken Burkamp  
Connecticut Resident, Danette McEvoy

**Reported by: Rose Hirschl**

**Date: April 29, 2021**