



House of Representatives

General Assembly

File No. 363

January Session, 2023

Substitute House Bill No. 6794

House of Representatives, April 3, 2023

The Committee on Public Safety and Security reported through REP. BOYD of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE WAIVER OF CERTAIN CRIMINAL HISTORY RECORDS CHECK FEES FOR AN INDIGENT PERSON SEEKING A PARDON.

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

1 Section 1. Section 29-11 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) The bureau in the Division of State Police within the Department
4 of Emergency Services and Public Protection known as the State Police
5 Bureau of Identification shall be maintained for the purposes of: (1)
6 Providing an authentic record of each person sixteen years of age or over
7 who is charged with the commission of any crime involving moral
8 turpitude, (2) providing definite information relative to the identity of
9 each person so arrested, (3) providing a record of the final judgment of
10 the court resulting from such arrest, unless such record has been erased
11 pursuant to section 54-142a, and (4) maintaining a central repository of
12 complete criminal history record disposition information. The
13 Commissioner of Emergency Services and Public Protection is directed
14 to maintain the State Police Bureau of Identification, which bureau shall
15 receive, classify and file in an orderly manner all fingerprints, pictures
16 and descriptions, including previous criminal records as far as known

17 of all persons so arrested, and shall classify and file in a like manner all
18 identification material and records received from the government of the
19 United States and from the various state governments and subdivisions
20 thereof, and shall cooperate with such governmental units in the
21 exchange of information relative to criminals. The State Police Bureau of
22 Identification shall accept fingerprints of applicants for admission to the
23 bar of the state and, to the extent permitted by federal law, shall
24 exchange state, multistate and federal criminal history records with the
25 State Bar Examining Committee for purposes of investigation of the
26 qualifications of any applicant for admission as an attorney under
27 section 51-80. The record of all arrests reported to the bureau after March
28 16, 1976, shall contain information of any disposition within ninety days
29 after the disposition has occurred.

30 (b) Any cost incurred by the State Police Bureau of Identification in
31 conducting any name search and fingerprinting of applicants for
32 admission to the bar of the state shall be paid from fees collected by the
33 State Bar Examining Committee.

34 (c) (1) (A) The Commissioner of Emergency Services and Public
35 Protection shall charge the following fees for the service indicated: (i)
36 Name search, thirty-six dollars; (ii) fingerprint search, seventy-five
37 dollars; (iii) personal record search, seventy-five dollars; (iv) letters of
38 good conduct search, seventy-five dollars; (v) bar association search,
39 seventy-five dollars; (vi) fingerprinting, fifteen dollars; and (vii)
40 criminal history record information search, seventy-five dollars.

41 (B) The commissioner may waive fees imposed under subparagraph
42 (A)(vii) of this subdivision for any applicant requesting a criminal
43 history record information search for the purpose of applying for a
44 pardon authorized pursuant to section 54-124a, provided such applicant
45 completes a form prescribed by the Department of Emergency Services
46 and Public Protection representing such person's indigency.

47 (2) Except as provided in subsection (b) of this section, the provisions
48 of this subsection shall not apply to any (A) federal, state or municipal
49 agency, (B) volunteer fire company or department, or (C) volunteer

50 ambulance service or company. The commissioner shall not require a
51 volunteer fire company or department or a volunteer ambulance service
52 or company to provide proof of insurance as a condition to receiving the
53 waiver of fees pursuant to the provisions of this subsection.

54 (d) (1) The Commissioner of Emergency Services and Public
55 Protection may enter into one or more agreements with independent
56 contractors requiring such contractors to receive and transmit by
57 electronic means fingerprints and demographic information to the State
58 Police Bureau of Identification for the processing of criminal history
59 records checks. The commissioner shall require such contractors to
60 comply with terms and conditions as the commissioner shall prescribe
61 to protect and ensure the security, privacy, confidentiality and value of
62 the fingerprints and demographic information received and transmitted
63 by such contractors. The commissioner may authorize such contractors
64 to charge a convenience fee, which shall not exceed thirty dollars, for
65 fingerprinting.

66 (2) An independent contractor shall not charge an individual the
67 convenience fee authorized under subdivision (1) of this subsection
68 when such individual (A) requests receipt and transmission of
69 fingerprints and demographic information for the processing of a
70 criminal history records check for the purpose of applying for a pardon
71 authorized pursuant to section 54-124a, and (B) applies for a waiver of
72 such fee due to indigency, on a form prescribed by the Department of
73 Emergency Services and Public Protection, and the commissioner
74 approves such waiver. When the commissioner approves such a waiver,
75 the commissioner shall pay such fee to such contractor.

76 (e) The Commissioner of Emergency Services and Public Protection
77 may adopt regulations, in accordance with the provisions of chapter 54,
78 necessary to implement the provisions of the National Child Protection
79 Act of 1993, the Violent Crime Control and Law Enforcement Act of
80 1994, the Volunteers for Children Act of 1998, and the National Crime
81 Prevention and Privacy Compact as provided in section 29-164f to
82 provide for national criminal history records checks to determine an

83 employee's or volunteer's suitability and fitness to care for the safety
84 and well-being of children, the elderly and individuals with disabilities.

85 (f) No processing or distribution fees for providing a criminal history
86 report and no fee associated with electronic preregistration with the
87 Connecticut criminal history request system shall be charged to an
88 individual when such individual (1) is seeking such report or such
89 preregistration for the purpose of applying for a pardon authorized
90 pursuant to section 54-124a, and (2) applies for a waiver of such fees due
91 to indigency, on a form prescribed by the Department of Emergency
92 Services and Public Protection, and the commissioner approves such
93 waiver. If the commissioner waives any fee charged by a municipal
94 police department pursuant to this subsection, the commissioner may,
95 on request from such department, reimburse the department for the
96 waived fee.

97 (g) The commissioner shall make the forms described in
98 subparagraph (B) of subdivision (1) of subsection (c) of this section,
99 subparagraph (B) of subdivision (2) of subsection (d) of this section and
100 subdivision (2) of subsection (f) of this section available on the Internet
101 web site of the State Police Bureau of Identification and provide such
102 forms to each location where a municipal police department provides
103 fingerprinting services. Such forms shall be prominently displayed at
104 such locations, along with other materials and documents necessary to
105 complete an application for a pardon pursuant to section 54-124a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	29-11

Statement of Legislative Commissioners:

In Subsec. (f), "shall, on request from such department, consider reimbursing" was changed to "may, on request from such department, reimburse", for consistency with standard drafting conventions, and in Subsec. (g), "subparagraph (B) of" and "subdivision (2) of" were added for accuracy.

PS *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 24 \$	FY 25 \$
Department of Emergency Services and Public Protection	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Municipal Police Departments	Potential Revenue Loss	See Below	See Below

Explanation

The bill waives certain fees associated with pardon applications from indigent persons, resulting in a potential cost and revenue loss to the state and municipalities in FY 24 and FY25, depending on the number of waivers granted.

The bill requires the Department of Emergency Services and Public Protection (DESPP) to reimburse independent contractors and allows them to reimburse municipalities, resulting in a potential cost to the extent that fee waivers are granted and reimbursements are issued.

Under current law, DESPP may waive the \$75 fee for a criminal history records check for indigent individuals. Under this bill, DESPP is required to waive any other fees associated with criminal records checks, presenting a potential revenue loss depending on the number of waivers granted.

If DESPP does not reimburse a municipality for a waived fee, such municipalities may face a potential revenue loss.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fee waivers granted and reimbursements issued.

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The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fee waivers granted and reimbursements issued.

OLR Bill Analysis**sHB 6794*****AN ACT CONCERNING THE WAIVER OF CERTAIN CRIMINAL HISTORY RECORDS CHECK FEES FOR AN INDIGENT PERSON SEEKING A PARDON.*****SUMMARY**

This bill waives certain fingerprinting and criminal history record search and preregistration fees for indigent individuals requesting them for their pardon applications. It applies to the following fees:

1. the convenience fee for fingerprinting of up to \$30 charged by independent contractors operating under an agreement with the Department of Emergency Services and Public Protection (DESPP),
2. any processing or distribution fees charged for a criminal history report, and
3. any fee for electronically preregistering with the Connecticut criminal history request system.

Existing law already allows DESPP to waive the \$75 fee for a criminal history report for indigent individuals requesting it for their pardon application.

Under the bill, an individual seeking these fingerprinting or background check services for their pardon application may apply for a fee waiver due to indigency on a DESPP-prescribed form. If the commissioner approves the waiver, the entity providing the service (e.g., independent contractor, state police, or municipal police department) must waive the fee. The bill requires the DESPP

commissioner to reimburse any fee waivers he approves for independent contractor convenience fees and authorizes him to reimburse municipal police departments for their waived fees if they request one.

The bill requires the DESPP commissioner to post the fee waiver forms described above on the State Police Bureau of Identification’s website and give them to each location where a municipal police department provides fingerprinting services. These locations must prominently display the forms, together with other materials and documents needed for pardon applications.

EFFECTIVE DATE: July 1, 2023

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/16/2023)