

Public Safety and Security Committee JOINT FAVORABLE REPORT

Bill No.: HB-6794

AN ACT CONCERNING THE USE OF BACKGROUND CHECKS FOR MULTIPLE PERMIT, LICENSE AND OTHER CREDENTIAL APPLICATIONS AND WAIVER OF CERTAIN CRIMINAL HISTORY RECORDS CHECK FEES

Title: FOR AN INDIGENT PERSON SEEKING A PARDON.

Vote Date: 3/16/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/2/2023

File No.: 363

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SPONSORS OF BILL:

Public Safety and Security Committee.

REASONS FOR BILL:

The proposed legislation would have allowed individuals seeking permits and licenses to use background check results completed within five years, but an adopted amendment removed this provision. The bill aims to provide fee waivers for indigent individuals who seek pardons, including the costs of fingerprinting, demographic information retrieval, and other criminal history records reviews necessary for their applications. These individuals face various costs associated with obtaining the required information, and the legislation seeks to reduce the financial burden by allowing these fees to be waived once the individuals are approved for an indigency waiver, thereby leveling the playing field for all pardon applicants.

SUBSTITUTE LANGUAGE:

- Section 1 of the raised bill was removed in the adopted amendment in response to concerns from the DESPP about the practicality and necessity of implementing the provisions updating background check requirements.

RESPONSE FROM ADMINISTRATION/AGENCY:

Department of Emergency Services and Public Protection (DESPP), Commissioner, James Rovella: expresses concern with section one of the raised bill because Connecticut has ratified the National Crime Prevention and Privacy Compact, which requires fingerprints to be submitted with all requests for criminal history record checks for non-criminal justice

purposes. It is stated that the compact also mandates that records obtained must be used for the official purposes for which they were requested, and subsequent record checks must be requested to obtain current information whenever a new need arises. It is also stated DESPP has two primary concerns with the language of the bill, which allows individuals seeking a subsequent application for another purpose from their original application to request that a state agency provide a copy of the results of the completed investigation of the original application for up to five years following the original application. It is stated DESPP has concerns that FBI information must be obtained for each purpose separately and cannot be shared, and that the information is old and not updated, which could lead to new convictions not being discovered in the application. **The adopted amendment addresses the agency's concern.*

NATURE AND SOURCES OF SUPPORT:

[American Civil Liberties Union of Connecticut \(ACLU-CT\), Policy Counsel, Jess Zaccagnino:](#) supports this bill as it would ensure that no person's credit score would suffer when going through a background check for housing, jobs, or school applications. It is stated that current law makes life much harder for people with criminal records, as there are over 550 barriers to full civic participation written into the state's law, and most of them are related to employment. It is also stated that Black and Latino men are disproportionately incarcerated due to systemic racism, which means they are likewise disproportionately rejected when they return to the community and seek to build a life worth living. It is stated that widespread use of criminal background checks contributes greatly to racial inequality and poverty in the United States, and the stigma of a criminal record disproportionately harms people of color.

[Connecticut Legal Services \(CLS\), Attorney, Dahlia Grace:](#) supports this bill, particularly, section two of the raised bill which proposes waiving certain fees for indigent individuals seeking a pardon of their sentence. It is stated that CLS operates a pardon clinic that pairs individuals seeking expungement of their criminal records with free attorneys, and many of these individuals are unemployed or underemployed due to their criminal history, often they cannot afford the fees associated with fingerprinting or obtaining police records. It is further stated that this bill would level the playing field by providing equal opportunities for all individuals to apply for a pardon without financial barriers.

[Greater Hartford Legal Aid \(GHLA\), Executive Director, Jamey Bell:](#) supports this bill because access to the pardon application process and pardons can be life-changing for individuals with criminal records, particularly for people of color who are disproportionately affected by poverty and structural racism. It is stated that the lengthy and detailed process, as well as charges and fees associated with it, can be a significant barrier to entry for indigent individuals. It is further stated that there are inconsistencies in fees charged by different police departments, and that the recent PA 22-7, allowing 3rd party electronic fingerprinting submissions through the Connecticut Criminal History Reporting System (CCHRS), has introduced a \$30 convenience fee that cannot be waived. It is stated that without fee waivers for all pardon application-related fees, the process will continue to present unfair obstacles for indigent people seeking a fresh start.

[New Haven Legal Assistance Association \(LAA\), Legislative and Policy Advocate, Sara Parker McKernan:](#) supports this bill, particularly, section two of the raised bill which aims to provide fee waivers for costs associated with pardon applications. It is noted that while the

legislature authorized fee waivers for indigent clients seeking pardons who couldn't afford the \$75 fee associated with obtaining their criminal history records, access to a fee waiver has not been authorized for the \$30 fee associated with third party electronic fingerprinting submissions. It is also highlighted that additional fees are often levied by individual police departments, negatively affecting low-income individuals, and stressed that fee waivers must become available for all fees associated with the pardons process, including the \$30 independent contractor "convenience fee."

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Lukas Houle

Date: 3/28/2023