



General Assembly

Amendment

January Session, 2023

LCO No. 8050



Offered by:

REP. STAFSTROM, 129th Dist.

SEN. WINFIELD, 10th Dist.

REP. FISHBEIN, 90th Dist.

To: Subst. House Bill No. 6918

File No. 639

Cal. No. 416

"AN ACT CONCERNING ERASURE OF CRIMINAL HISTORY RECORDS."

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- 1 In line 47, strike "or"
 - 2 In line 53, strike " : ["
 - 3 In line 54, insert an opening bracket before "Any"
 - 4 In line 55, after the closing bracket insert the following: "Any
 - 5 conviction for a violation of section 14-227a within the preceding ten
 - 6 years of any arrest for the violation of section 14-227a."
 - 7 In line 100, strike "until the expiration of such registration
 - 8 requirement"
 - 9 In line 103, strike "until the expiration of"
 - 10 In line 104, strike "any such standing criminal protective order"

- 11 In line 109, insert an opening bracket before "police"
- 12 In line 111, strike the opening bracket before "with"
- 13 In line 111, before "referencing" insert "criminal history record
14 information, as defined in section 54-142g,"
- 15 In line 148, after "purchases" insert "records of or files mass requests
16 under the provisions of chapter 14 for information pertaining to"
- 17 In line 159, after "records of" insert "or filed a mass request under the
18 provisions of chapter 14 for information pertaining to"
- 19 In line 170, after "records" insert the following:
- 20 ", except to the subject of the records as required under 15 USC 1681g,
21 as amended from time to time, or as otherwise required by applicable
22 law. This subsection shall not apply to persons or entities filing a mass
23 request under the provisions of chapter 14 for information pertaining to
24 criminal matters of public record if the person or entity making the
25 request is only obtaining information that does not personally identify
26 the subjects of the criminal matters of public records and is not using the
27 information for commercial purposes.
- 28 (c) If any consumer reporting agency, background screening provider
29 or similar data-based service or company discloses an erased record in
30 violation of subsection (b) of this section after thirty calendar days from
31 the date such agency, provider, service or company received notice
32 pursuant to subsection (a) of this section that such record had been
33 erased, the Attorney General may send notice ordering such agency,
34 provider, service or company to remove such erased record from any
35 such disclosure not later than five business days following receipt of
36 such order.
- 37 (d) For purposes of this section, "mass request" means a request
38 concerning fifty or more criminal matters of public record.
- 39 (e) Any violation of any provision of this section shall be deemed an

40 unfair or deceptive trade practice under subsection (a) of section 42-
41 110b"

42 Strike lines 171 to 180, inclusive, in their entirety

43 Strike lines 225 to 228, inclusive, in their entirety and insert the
44 following in lieu thereof:

45 "(e) No person, prior to January 1, 2024, shall have any claim against
46 the state or any state agency for failure to erase a record pursuant to the
47 provisions of this section and subsection (e) of section 54-142a of the
48 general statutes, revision of 1958, revised to January 1, 2023."

49 Strike lines 243 to 252, inclusive, in their entirety and insert the
50 following in lieu thereof:

51 "(g) On and after January 1, 2024, if a person (1) believes any of such
52 person's criminal history record information was required to be deemed
53 erased by operation of law pursuant to the provisions of subsection (e)
54 of section 54-142a, as amended by this act, and (2) submits a copy of
55 such person's criminal history record information search demonstrating
56 that such criminal history record information has not been marked as
57 erased to the Department of Emergency Services and Public Protection
58 in a form and manner determined by the department, the department
59 shall, following a contested hearing, make a determination on whether
60 such criminal history information should be deemed erased by
61 operation of law. Such determination shall constitute a final decision for
62 the purposes of the provisions of chapter 54."