



General Assembly

Amendment

January Session, 2023

LCO No. 7982



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 11, after "violation" insert ", except for a violation of section 14-
2 227a,"
- 3 In line 13, after "imposed" insert ", or a violation of section 14-227a"
- 4 In line 53, strike " : ["
- 5 In line 54, insert an opening bracket before "(D)"
- 6 In line 55, after the closing bracket insert the following: "(D) Any
7 conviction for a misdemeanor offense that is a violation of section 14-
8 227a within the preceding ten years of any arrest for the same offense."
- 9 In line 100, strike "until the expiration of such registration
10 requirement"

- 11 In line 103, strike "until the expiration of"
- 12 In line 104, strike "any such standing criminal protective order"
- 13 In line 109, insert an opening bracket before "police"
- 14 In line 111, strike the opening bracket before "with"
- 15 In line 111, before "referencing" insert "criminal history record
- 16 information, as defined in section 54-142g,"
- 17 In line 148, after "purchases" insert "records of or files mass requests
- 18 under the provisions of chapter 14 for information pertaining to"
- 19 In line 159, after "records of" insert "or filed a mass request under the
- 20 provisions of chapter 14 for information pertaining to"
- 21 In line 170, after "records" insert the following:
- 22 ", except to the subject of the records as required under 15 USC 1681g,
- 23 as amended from time to time, or as otherwise required by applicable
- 24 law. This subsection shall not apply to persons or entities filing a mass
- 25 request under the provisions of chapter 14 for information pertaining to
- 26 criminal matters of public record if the person or entity making the
- 27 request is only obtaining information that does not personally identify
- 28 the subjects of the criminal matters of public records and is not using the
- 29 information for commercial purposes.
- 30 (c) If any consumer reporting agency, background screening provider
- 31 or similar data-based service or company discloses an erased record in
- 32 violation of subsection (b) of this section after thirty calendar days from
- 33 the date such agency, provider, service or company received notice
- 34 pursuant to subsection (a) of this section that such record had been
- 35 erased, the Attorney General may send notice ordering such agency,
- 36 provider, service or company to remove such erased record from any
- 37 such disclosure not later than five business days following receipt of
- 38 such order.

39 (d) For purposes of this section, "mass request" means a request
40 concerning fifty or more criminal matters of public record.

41 (e) Any violation of any provision of this section shall be deemed an
42 unfair or deceptive trade practice under subsection (a) of section 42-
43 110b"

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

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

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

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

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