



General Assembly

Amendment

January Session, 2023

LCO No. 8015



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 30, after "imposed" insert ", or a violation of section 14-227a"
- 5 In line 47, strike "or"
- 6 In line 53, strike "; ["
- 7 In line 54, insert an opening bracket before "Any"
- 8 In line 55, after the closing bracket insert the following: "Any
9 conviction for a misdemeanor offense that is a violation of section 14-
10 227a within the preceding ten years of any arrest for the same offense."

11 In line 100, strike "until the expiration of such registration
12 requirement"

13 In line 103, strike "until the expiration of"

14 In line 104, strike "any such standing criminal protective order"

15 In line 109, insert an opening bracket before "police"

16 In line 111, strike the opening bracket before "with"

17 In line 111, before "referencing" insert "criminal history record
18 information, as defined in section 54-142g,"

19 In line 148, after "purchases" insert "records of or files mass requests
20 under the provisions of chapter 14 for information pertaining to"

21 In line 159, after "records of" insert "or filed a mass request under the
22 provisions of chapter 14 for information pertaining to"

23 In line 170, after "records" insert the following:

24 ", except to the subject of the records as required under 15 USC 1681g,
25 as amended from time to time, or as otherwise required by applicable
26 law. This subsection shall not apply to persons or entities filing a mass
27 request under the provisions of chapter 14 for information pertaining to
28 criminal matters of public record if the person or entity making the
29 request is only obtaining information that does not personally identify
30 the subjects of the criminal matters of public records and is not using the
31 information for commercial purposes.

32 (c) If any consumer reporting agency, background screening provider
33 or similar data-based service or company discloses an erased record in
34 violation of subsection (b) of this section after thirty calendar days from
35 the date such agency, provider, service or company received notice
36 pursuant to subsection (a) of this section that such record had been
37 erased, the Attorney General may send notice ordering such agency,
38 provider, service or company to remove such erased record from any

39 such disclosure not later than five business days following receipt of
40 such order.

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

43 (e) Any violation of any provision of this section shall be deemed an
44 unfair or deceptive trade practice under subsection (a) of section 42-
45 110b"

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

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

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

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

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