



House of Representatives

General Assembly

File No. 214

February Session, 2000

House Bill No. 5784

House of Representatives, March 23, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

An Act Concerning The Disclosure Of Erased Criminal Records.

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

1 Subsection (f) of section 54-142a of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (f) Upon motion properly brought, the court or a judge thereof, if
4 such court is not in session, may order disclosure of such records (1) to
5 a defendant in an action for false arrest, excessive force, assault and
6 battery or a civil rights violation arising out of the proceedings so
7 erased or (2) to the prosecuting attorney and defense counsel in
8 connection with any perjury charges which the prosecutor alleges may
9 have arisen from the testimony elicited during the trial. Such
10 disclosure of such records is subject also to any records destruction
11 program pursuant to which the records may have been destroyed. The
12 jury charge in connection with erased offenses may be ordered by the
13 judge for use by the judiciary, provided the names of the accused and
14 the witnesses are omitted therefrom.

JUD Committee Vote: Yea 39 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Judicial Department

Municipal Impact: None

OLR Bill Analysis

HB 5784

AN ACT CONCERNING THE DISCLOSURE OF ERASED CRIMINAL RECORDS**SUMMARY:**

This bill creates exceptions to the law prohibiting the disclosure of erased criminal records. It allows courts, or judges when the court is not in session, to order the records disclosed when asked by a defendant in an action for excessive force, assault and battery, or a civil rights violation. The court may already order the records disclosed upon a (1) defendant's request in an action for false arrest or (2) defendant's or prosecutor's request when the prosecutor alleges that a witness perjured himself during a trial.

EFFECTIVE DATE: October 1, 2000

BACKGROUND***Erased Records***

Police, court, and prosecutorial records must be erased when (1) a criminal case is dismissed or nolle, (2) a defendant is acquitted or granted an absolute pardon, or (3) the offense for which he was convicted is later decriminalized. Erased records may be disclosed under limited circumstances. They are generally not physically destroyed unless the defendant requests it. But erased records must be destroyed without a request when an offense is decriminalized.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0

