



# CONNECTICUT LEGAL SERVICES

A PRIVATE NONPROFIT CORPORATION  
211 STATE STREET BRIDGEPORT, CT 06604  
TELEPHONE (203) 336-3851  
FAX (203) 333-4976  
E-MAIL BRIDGEPORT@CONNLEGLALSERVICES.ORG

NADINE NEVINS  
RICHARD L. TENENBAUM  
*REGIONAL DIRECTORS*

JOANNE CHARLES  
LORIS L. COHEN  
DAHLIA GRACE  
NILDA R. HAVRILLA  
STEVEN C. KILPATRICK  
JENNIFER MELLON  
LORRAINE C. ROBLYER  
ELLEN ROSENTHAL  
DAVID STOWE  
MARIA A. VARONE  
CATHERINE WILLIAMS  
*ATTORNEYS AT LAW*

PATRICIA N. BLAIR  
*VOLUNTEER ATTORNEY*

NILDA PLANAS  
*OFFICE MANAGER*

WANDA E. SERRANO  
MARY E. GREY-FOX  
*LEGAL SECRETARIES*

ADMINISTRATIVE OFFICE  
62 WASHINGTON STREET  
MIDDLETOWN, CT 06457  
(860) 344-0447

MITCHELL PEARLMAN  
*BOARD CHAIR*

STEVEN D. EPPLER-EPSTEIN  
*EXECUTIVE DIRECTOR*

## LAW OFFICES

211 STATE STREET  
BRIDGEPORT, CT 06604

587 MAIN STREET  
NEW BRITAIN, CT 06051

153 WILLIAMS STREET  
NEW LONDON, CT 06320

20 SUMMER STREET  
STAMFORD, CT 06901

85 CENTRAL AVENUE  
WATERBURY, CT 06702

872 MAIN STREET  
WILLIMANTIC, CT 06226

## SATELLITE OFFICES (CALL FOR OFFICE HOURS)

5 COLONY STREET  
MERIDEN, CT 06451

62 WASHINGTON STREET  
MIDDLETOWN, CT 06457

98 SOUTH MAIN STREET  
SOUTH NORWALK, CT 06854

564 PROSPECT STREET  
TORRINGTON, CT 06790

155 WEST MAIN STREET  
ROCKVILLE, CT 06066

## Testimony Before the Judiciary Committee on SB 126 Attorney Nadine Nevins January 17, 2006

Good afternoon. My name is Nadine Nevins. I am an attorney with Connecticut Legal Services, Inc. in Bridgeport, Connecticut. I am here today to speak in opposition to Section 6 of S.B. 126 An Act Adopting Certain Recommendations of the Judicial Branch Public Access Task Force.

S.B. 126, Section 6 calls for the adoption of a policy on public access to court records that is in accordance with the principle that all court records are presumptively open and that court records should be closed to the public only if there is a compelling reason to do so. I am testifying on behalf of our low-income clients who are applying for or who have received pardons and are thus eligible to have their past criminal history records erased. They apply for pardons as the only means they have to get and retain licenses and jobs as many employers will not hire persons with criminal records. Section 6 must include an exception for records that have been erased pursuant to C.G.S. Sec. 54-142a, entitled "Erasure of Criminal Records".

While we understand the importance of open access to government records, we believe that other considerations must also be taken into account, specifically the importance to our state, and in particular to low-income communities, of ensuring that ex-offenders are not discriminated against in their efforts to obtain and keep jobs.

Section 6 would overturn C.G.S. Sec 54-142a which requires that in certain circumstances, a person's criminal record history can be erased and that they can then answer no to the question on a job application; have you ever been arrested? or have you ever been convicted? C.G.S. 54-142a has been settled law for decades. It holds that in certain proscribed and limited circumstances e.g. when a person has been found not guilty or they were convicted as a juvenile or when the Board of Pardons has found them worthy of a pardon, it is prudent and helpful to society as a whole to give a person a second chance a, a new start, without the burden of a criminal record.

The Judiciary Committee and then the General Assembly saw fit last year to pass P.A. 06-187 creating provisional pardons as another way to help ex-offenders get jobs. In 2004, the legislature approved P.A. 04-234



which restructured the Board of Pardons and made pardons more accessible to ex-offenders. Clearly the Judiciary Committee is aware that “re-entry” problems have emerged as a key issue in our communities. Large numbers of people are released from prison every year. When ex-offenders are working and paying taxes as law-abiding citizens, the whole community benefits.

The Connecticut legislature has made big strides in helping this population. Posting pardon information online and/or not quickly retrieving criminal history information after it has been erased undermines the legislatures’ own recent efforts.

If an employer sees from online records that someone has received a pardon, that information in and of itself tells the employer that the person had a conviction. If the underlying criminal history information remains on line, then what good has the pardon done? If the criminal history information is not retrieved soon after it has been “erased” credit reporting agencies will report out-of-date information on their criminal history reports to employers and harming an ex-offender’s chance of getting a job.

In addition, there is currently a significant delay between the granting of a pardon and the actual physical erasure of the record. This delay has to be reduced so that the person pardoned does not lose job opportunities because their criminal record still exists online or elsewhere.

Furthermore, because conviction information will be so readily available for free, credit reporting agencies doing business in Connecticut must be required to check the online judicial website *every time* a criminal record report is requested to ensure that they have the most up to date information.

Respectfully submitted,  
Nadine Nevins