



State of Connecticut

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**Testimony of Deborah Del Prete Sullivan,
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Office of Chief Public Defender**

***Raised Bill No. 5524 - An Act Concerning Criminal Records and Sentence Review
Judiciary Committee Public Hearing - March 19, 2010***

The Office of Chief Public Defender supports passage of *Raised Bill No. 5524, An Act Concerning Criminal Records and Sentence Review*. Sections 1 through 3 of this proposal would amend the erasure statute to include in the definition of nonconviction information, a record of the Department of Corrections which pertains to a person who has been found not guilty or where the charge(s) were dismissed. As a result, the person's correctional records would not be accessible by the public.

The recent cases of 3 Connecticut men who were wrongfully convicted illustrate the need for this legislation. Court records and law enforcement records are erased by statute. However, currently the records of incarceration pertaining to a person wrongfully accused and/or convicted are still available to the public. Incarceration records should not be accessible either as they should have never existed in the first place. These are records which would not be in existence but for the fact that the person was wrongfully accused and/or convicted. Passage of this proposal for the protection of the person's privacy is important to allow a person to move on in their life without a spotlight of their life in prison for a crime they did not commit. And the proposal allows the information to continue on as a correctional record however, one that is not discloseable to the public.

Although this Office supports Section 4 in principle, it would not support the proposed language if it would permit sentence review for those sentences that are agreed upon between the defense and the prosecution and accepted by the court. By seeking sentence review in such cases, the plea bargaining process is undermined. This office is also concerned that passage of this section may require additional resources for the Division and Special Public Defenders.