



General Assembly

February Session, 2012

Amendment

LCO No. 3762

SB0045303762SR0

Offered by:
SEN. MCLACHLAN, 24th Dist.

To: Subst. Senate Bill No. 453 File No. 533 Cal. No. 382

"AN ACT CONCERNING CERTIFICATES OF RELIEF FROM BARRIERS RESULTING FROM CONVICTION OF A CRIME."

1 Strike lines 35 to 154, inclusive, in their entirety and substitute the
2 following in lieu thereof:

3 "Sec. 2. Section 54-130e of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2012*):

5 (a) For the purposes of this section and sections 31-51i, as amended
6 by this act, 46a-80, as amended by this act, and 54-130a, as amended by
7 this act:

8 (1) "Barrier" means a denial of employment or a license based on an
9 eligible offender's conviction of a crime without due consideration of
10 whether the nature of the crime bears a direct relationship to such
11 employment or license;

12 (2) "Direct relationship" means that the nature of criminal conduct
13 for which a person was convicted has a direct bearing on the person's

14 fitness or ability to perform one or more of the duties or
15 responsibilities necessarily related to the applicable employment or
16 license;

17 [(2)] (3) "Eligible offender" means a person who has been convicted
18 of a crime or crimes in this state or another jurisdiction and who is a
19 resident of this state and is applying or petitioning for a [provisional
20 pardon] certificate of relief from barriers or is under the jurisdiction of
21 the Board of Pardons and Paroles;

22 [(3)] (4) "Employment" means any remunerative work, occupation
23 or vocation or any form of vocational training, but does not include
24 employment with a law enforcement agency;

25 [(4)] (5) "Forfeiture" means a disqualification or ineligibility for
26 employment or a license by reason of law based on an eligible
27 offender's conviction of a crime;

28 [(5)] (6) "License" means any license, permit, certificate or
29 registration that is required to be issued by the state or any of its
30 agencies to pursue, practice or engage in an occupation, trade,
31 vocation, profession or business; and

32 [(6) "Provisional pardon"] (7) "Certificate of relief from barriers"
33 means a form of relief from barriers or forfeitures to employment or
34 the issuance of licenses granted to an eligible offender by the Board of
35 Pardons and Paroles or the Superior Court pursuant to [subsections (b)
36 to (i), inclusive, of] this section.

37 (b) The Board of Pardons and Paroles, or the Superior Court
38 pursuant to subsection (j) of this section, may issue a [provisional
39 pardon] certificate of relief from barriers to relieve an eligible offender
40 of barriers or forfeitures by reason of such person's conviction of the
41 crime or crimes specified in such [provisional pardon] certificate. Such
42 [provisional pardon] certificate may be limited to one or more
43 enumerated barriers or forfeitures or may relieve the eligible offender
44 of all barriers and forfeitures. Such certificate shall be labeled by the

45 issuing board or court as a "Certificate of Employability" or a
46 "Certificate of Suitability of Licensure", or both, if deemed appropriate
47 by the issuing board or court. No [provisional pardon] certificate shall
48 apply or be construed to apply to the right of such person to retain or
49 be eligible for public office.

50 (c) The Board of Pardons and Paroles may, in its discretion, issue a
51 [provisional pardon] certificate of relief from barriers to an eligible
52 offender upon verified application of such [person] eligible offender.
53 The board may issue a [provisional pardon] certificate at any time after
54 the sentencing of an eligible offender, including, but not limited to, any
55 time prior to the eligible offender's date of release from the custody of
56 the Commissioner of Correction, probation or parole. Such certificate
57 may be issued by a pardon panel of the board or a parole release panel
58 of the board.

59 (d) The board shall not issue a [provisional pardon] certificate
60 unless the board is satisfied that:

61 (1) The person to whom the [provisional pardon] certificate is to be
62 issued is an eligible offender;

63 (2) The relief to be granted by the [provisional pardon] certificate
64 may promote the public policy of rehabilitation of ex-offenders
65 through employment; and

66 (3) The relief to be granted by the [provisional pardon] certificate is
67 consistent with the public interest in public safety, the safety of any
68 victim of the offense and the protection of property.

69 (e) In accordance with the provisions of subsection (d) of this
70 section, the board may limit the applicability of the [provisional
71 pardon] certificate to specified types of employment or [licenses]
72 licensure for which the eligible offender is otherwise qualified.

73 (f) The board may, for the purpose of determining whether such
74 [provisional pardon] certificate should be issued, request its staff to

75 conduct an investigation of the applicant and submit to the board a
76 report of the investigation. Any written report submitted to the board
77 pursuant to this subsection shall be confidential and shall not be
78 disclosed except to the applicant and where required or permitted by
79 any provision of the general statutes or upon specific authorization of
80 the board.

81 (g) If a [provisional pardon] certificate is issued by the board [while
82 an eligible offender is on probation or parole, the provisional pardon]
83 or the Superior Court pursuant to this section before an eligible
84 offender has completed service of the offender's term of incarceration,
85 probation or parole, or any combination thereof, the certificate shall be
86 deemed to be temporary until the [person] eligible offender completes
87 such [person's period of] eligible offender's term of incarceration,
88 probation or parole. During the period that such [provisional pardon]
89 certificate is temporary, the board or the court that issued the
90 certificate may revoke such [provisional pardon] certificate for a
91 violation of the conditions of such person's probation or parole. After
92 the eligible offender completes such offender's term of incarceration,
93 probation or parole, the temporary certificate shall become permanent.

94 (h) The board may at any time issue a new [provisional pardon]
95 certificate to enlarge the relief previously granted, and the provisions
96 of subsections (b) to (f), inclusive, of this section shall apply to the
97 issuance of any new [provisional pardon] certificate.

98 (i) The application for a [provisional pardon] certificate, the report
99 of an investigation conducted pursuant to subsection (f) of this section,
100 the [provisional pardon] certificate and the revocation of a [provisional
101 pardon] certificate shall be in such form and contain such information
102 as the Board of Pardons and Paroles shall prescribe.

103 (j) The Superior Court may, in its discretion, issue a certificate of
104 relief from barriers, in accordance with subsections (b) and (g) of this
105 section, to an eligible offender for a judgment of conviction that was
106 entered in such court if the court (1) imposed a sentence that did not

107 require incarceration immediately after sentencing, or (2) imposed a
108 sentence of incarceration of less than two years. The court may issue
109 the certificate at the time of sentencing or at any time thereafter during
110 an offender's period of probation.

111 (k) A certificate shall not be issued by the court unless the court
112 finds that:

113 (1) The relief to be granted by the certificate may promote the public
114 policy of rehabilitation of ex-offenders through employment; and

115 (2) The relief to be granted by the certificate is consistent with the
116 public interest in public safety, the safety of any victim of the offense
117 and the protection of property."

118 Strike section 5 in its entirety and renumber sections and internal
119 references accordingly