State of Connecticut

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Judiciary Committee Public Hearing – March 11, 2013

R.B. 6582, An Act Concerning the Recommendations of the Connecticut Sentencing Commission With Respect to Certificates of Rehabilitation

The Office of Chief Public Defender supports ***R.B. 6582, An Act Concerning the Recommendations of the Connecticut Sentencing Commission With Respect to Certificates of Rehabilitation.*** Susan Storey, Chief Public Defender, is a member of the Connecticut Sentencing Commission and supported this proposal throughout the discussions which have led up to this proposal. The Raised Bill permits the Board of Pardons and Parole to issue a Certificate of Rehabilitation to assist persons in gaining employment or licensure upon re-entry into the community after incarceration.

Passage of this bill which would provide for relief from barriers or forfeitures to employment or obtainment of a license is necessary to assist individuals in seeking and retaining employment once released from incarceration and under probation or parole supervision. As such the certificate would be appropriately labeled as either a Certificate of Employability or a Certificate of Suitability of Licensure, or both as the circumstances warrant and as approved by the Board of Pardons and Parole. Among other criteria, the Board must be satisfied that the granting of the certificate is consistent with the safety of the victim of the offense. The certificate is temporary while the individual is probation or parole and is revocable. Once the individual has completed serving his/her sentence of incarceration, probation or parole, the certificate becomes permanent.

The bill also permits the Court Support Services Division of the Judicial Branch to issue a certificate of rehabilitation to an eligible offender under its supervision. Lastly, the bill requires the Connecticut Sentencing Commission to evaluate the effectiveness of provisional pardons and certificates of rehabilitation for 3 years and issue its report and any recommendations it may have to "promote public policy and public interest". (See Section 4.)

The bill prohibits the denial of employment to or discharge from employment of anyone based solely on a conviction for which the individual has a certificate of rehabilitation. Under the bill, the state and its agencies are required to give consideration to anyone with a provisional pardon or certificate of rehabilitation which shall establish a "presumption" that the individual is rehabilitated. If the state or any of its agencies are denied employment based upon a prior conviction in circumstances where the person had a provisional pardon or certificate, a written statement must be provided to the applicant as to why. Lastly, the bill provides a rebuttable presumption against evidence of a prior conviction being admitted in certain employment actions.

The Office of Chief Public Defender requests that this Committee vote favorably on this bill.