



***Division of Public Defender Services
State of Connecticut***

ATTORNEY CHRISTINE PERRA RAPILLO
DIRECTOR OF DELINQUENCY DEFENSE & CHILD PROTECTION

**TESTIMONY OF OFFICE OF CHIEF PUBLIC DEFENDER
Christine Perra Rapillo
Director of Delinquency Defense and Child Protection**

**COMMITTEE ON THE JUDICIARY
March 10, 2014**

***RAISED BILL 366, AN ACT CONCERNING THE ERASURE OF RECORDS IN
DELINQUENCY AND FAMILIES WITH SERVICES NEEDS CASES***

The Office of Chief Public Defender supports passage of ***Raised Bill 366, An Act Concerning the Erasure of Records in Delinquency and Families with Services Needs Cases.*** This agency has supported the concept of automatic erasure of juvenile records for many years and has suggested similar legislation in prior sessions. This proposal provides for automatic erasure and destruction of juvenile records for children convicted of statutorily defined non serious juvenile offenses and Families with Services Needs cases. Current law provides for erasure only if the subject comes back to court and makes a request. Automatic erasure of the more minor adjudications would help ensure that a young person who has successfully reentered their community will not be hindered by their juvenile record.

Juvenile records are statutorily protected and confidential in most circumstances. This is done in accord with the purpose of having a separate juvenile court. Children and adolescents are recognized by the United States Supreme Court as having a more limited ability to make decisions and thus different legal culpability for criminal activity than their adult counterparts. Roper v. Simmons, 543 U.S. 551 (2005), Graham v Florida, 560 U. S. ____ (2010). Miller v. Alabama. 567 U.S. ____ (2012). For this reason, we have a juvenile court, more focused on rehabilitation. Juvenile court records are kept sealed and confidential to prevent having information about mistakes made because of youthful poor judgment following a child and hindering their ability to be a productive member of society. However, we increasingly hear of situations where potential employers demand that an individual provide some proof that they have no history in the juvenile justice system. This practice runs counter to the idea that a juvenile court exists, at least in part, to protect young offenders from their poorly informed youthful acts.



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This proposal provides for the erasure of all records eligible in a 12 month period to be erased annually in the January following the eligibility. This is a smart proposal, as it allows a person the right to ask for erasure at any time but allows the Judicial Branch the administrative convenience of searching for eligible records only once a year. Raised Bill 366 leaves intact the four year waiting period for the erasure of a record of a serious juvenile offense (SJO) conviction and continues to require that a court hearing be held before SJO records can be erased. This Bill appropriately balances the need for public safety and the wish to continue to shield low level juvenile offenders from the long term consequences of youthful indiscretion.

In order to qualify for erasure of records, this proposal requires that the person be at least 18, that 2 years has passed from the time of conviction, and, that the person not be convicted of any offenses in juvenile or adult court. This is plenty of time for a young person to show that they have rehabilitated themselves. Providing for automatic erasure of juvenile records helps ensure that a child who successfully exits the juvenile justice system and reenters their community is not stigmatized by their involvement in the juvenile justice system. Records that have been destroyed will not be used against a person in a later effort to secure employment, entry in to the military or other endeavor.

The Office of the Chief Public Defender supports this proposal, which will help eliminate unintended consequences of a juvenile conviction and ensure that young people are not forever held accountable for poor decisions made as a youth and urges this Committee to report favorably on this proposal.