



General Assembly

February Session, 2014

Raised Bill No. 366

LCO No. 1949



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE ERASURE OF RECORDS IN
DELINQUENCY AND FAMILY WITH SERVICE NEEDS MATTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-146 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) (1) Whenever [any] a child has been convicted as delinquent [,
4 has been adjudicated a member of a family with service needs] for the
5 commission of a serious juvenile offense or has signed a statement of
6 responsibility admitting to having committed a [delinquent act]
7 serious juvenile offense, and has subsequently been discharged from
8 the supervision of the Superior Court or from the custody of the
9 Department of Children and Families or from the care of any other
10 institution or agency to [whom] which the child has been committed
11 by the court, such child, or the child's parent or guardian, may file a
12 petition with the Superior Court [. If such] for erasure of records
13 pursuant to this subdivision. The court shall order all police and court
14 records pertaining to such child to be erased if the court finds [(1)] that
15 (A) at least [two years or, in the case of a child convicted as delinquent
16 for the commission of a serious juvenile offense,] four years have

17 elapsed from the date of such discharge, [(2) that] (B) no subsequent
18 juvenile proceeding or adult criminal proceeding is pending against
19 such child, [(3) that] (C) such child has not been convicted of a
20 delinquent act that would constitute a felony or misdemeanor if
21 committed by an adult during such [two-year or] four-year period, [(4)
22 that] (D) such child has not been convicted as an adult of a felony or
23 misdemeanor during such [two-year or] four-year period, and [(5)
24 that] (E) such child has reached eighteen years of age. [, the court shall
25 order all police and court records pertaining to such child to be
26 erased.]

27 (2) Whenever a child has been convicted as delinquent for the
28 commission of a delinquent act other than a serious juvenile offense,
29 has been adjudicated a member of a family with service needs or has
30 signed a statement of responsibility admitting to having committed a
31 delinquent act other than a serious juvenile offense, and has
32 subsequently been discharged from the supervision of the Superior
33 Court or from the custody of the Department of Children and Families
34 or from the care of any other institution or agency to which the child
35 has been committed by the court, the court shall order all police and
36 court records pertaining to such child to be erased on the second day
37 of January of each year or on a date designated by the court without
38 the filing of a petition if the court finds that (A) at least two years have
39 elapsed from the date of such discharge, (B) no subsequent juvenile
40 proceeding or adult criminal proceeding is pending against such child,
41 (C) such child has not been convicted of a delinquent act that would
42 constitute a felony or misdemeanor if committed by an adult during
43 such two-year period, (D) such child has not been convicted as an
44 adult of a felony or misdemeanor during such two-year period, and (E)
45 such child has reached eighteen years of age.

46 (3) Upon the entry of such an erasure order, all references including
47 arrest, complaint, referrals, petitions, reports and orders, shall be
48 removed from all agency, official and institutional files, and a finding
49 of delinquency or that the child was a member of a family with service

50 needs shall be deemed never to have occurred. The persons in charge
51 of such records shall not disclose to any person information pertaining
52 to the record so erased, except that the fact of such erasure may be
53 substantiated where, in the opinion of the court, it is in the best
54 interests of such child to do so. No child who has been the subject of
55 such an erasure order shall be deemed to have been arrested ab initio,
56 within the meaning of the general statutes, with respect to proceedings
57 so erased. Copies of the erasure order shall be sent to all persons,
58 agencies, officials or institutions known to have information pertaining
59 to the delinquency or family with service needs proceedings affecting
60 such child.

61 (b) Whenever the case of a child who is charged with being
62 delinquent or being a member of a family with service needs is
63 dismissed, [as not delinquent or as not being a member of a family
64 with service needs,] all police and court records pertaining to such
65 charge shall be ordered erased immediately, without the filing of a
66 petition.

67 (c) Nothing in this section shall prohibit the court from granting a
68 petition to erase a child's records on a showing of good cause, after a
69 hearing, before the [time] date when such records could be erased.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	46b-146

Statement of Purpose:

To revise record retention and erasure requirements with respect to delinquency and family with service needs proceedings in the Superior Court.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]