
OLR Bill Analysis

SB 366

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

SUMMARY:

This bill requires a court, under specified circumstances, to order the automatic erasure of police and court records two years after discharge, for a child (at least age 18) who:

1. was convicted of a nonserious juvenile offense,
2. was adjudicated a member of a family with service needs (FWSN) (see BACKGROUND), or
3. signed a statement of responsibility admitting to having committed a nonserious juvenile offense.

For such records to be erased under current law, a child or his or her parent or guardian must file a petition with the Superior Court.

The law, unchanged by the bill, allows a serious juvenile offender or his or her parent or guardian to, after a four-year waiting period, file a petition for record erasure with the Superior Court. And, it allows the court, under specified circumstances, to order the erasure of such records.

EFFECTIVE DATE: October 1, 2014

RECORDS ERASURE FOR NONSERIOUS JUVENILE OFFENDERS OR MEMBERS OF FWSN

The bill requires a court to order, without petition, the erasure of the records on the second day of January each year or on a date it designates, if it finds that:

1. at least two years have elapsed from the date the child was

discharged from the supervision of the Superior Court or from the custody or care of any agency or institution to which the child was committed by the court,

2. no subsequent juvenile proceeding or adult criminal proceeding is pending against the child,
3. the child has not been convicted of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during the two-year period,
4. the child has not been convicted as an adult of a felony or misdemeanor during the two-year period, and
5. the child has reached age 18.

BACKGROUND

FWSN

"Family with service needs" means a family that includes a child at least age seven and under age 18 who:

1. has, without just cause, run away from the parental home or other properly authorized and lawful residence;
2. is beyond the control of his or her parent, parents, guardian, or other custodian;
3. has engaged in indecent or immoral conduct;
4. is a truant or habitual truant or who, while in school, continuously and overtly defies school rules and regulations; or
5. is age 13 or older and has engaged in sexual intercourse with a person age 13 or older who is not more than two years older or younger than him or her (CGS 46b-120(5)).

Serious Juvenile Offenses

The law designates the crimes listed in Table 1 or attempt or conspiracy to commit them, as serious juvenile offenses (CGS § 46b-

120(10)). In addition, it is a serious juvenile offense to run away without just cause from a secure placement other than a home while referred as a delinquent to the Court Support Services Division or committed as a delinquent to the Department of Children and Families.

Table 1: Serious Juvenile Offense

CGS §	Crimes	Penalty
21a-277	Sale of illegal drugs	Penalties vary depending on the violation but all are unclassified felonies
21a-278	Sale of illegal drugs by nondependent person	Penalties vary depending on the violation but all are unclassified felonies
29-33	Violating pistol transfer laws	B or D felony
29-34	False statement in connection with pistol transfer or transfer to someone under age 21	D felony
29-35	Carrying pistol without a permit	Depending on the violation: infraction or one to five years in prison, up to \$1,000, or both, with a one-year mandatory minimum unless mitigating circumstances
53-21(a)(2) or (3)	Risk of injury—involving contact with intimate parts or transferring legal or physical custody	Depending on the violation: C felony or B and may have five year mandatory minimum
53-80a	Manufacturing bombs	B felony
53-202b	Transferring an assault weapon	C felony with two year mandatory minimum
53-202c	Possessing an assault weapon	Depending on the violation: A misdemeanor or D felony
53-390 to-392	Extortionate extension of credit	Depending on

CGS §	Crimes	Penalty
		the violation: B felony or up to 20 years, and various fines apply
53a-54a to 54d	Murder, murder with special circumstances, felony murder, arson murder	Depending on the violation: A felony, life in prison without release, life in prison
53a-55 to 56b	Manslaughter: 1 st degree, 1 st degree with a firearm, 2 nd degree, 2 nd degree with a firearm, 2 nd degree with a motor vehicle	Depending on the violation: B or C felony and mandatory minimum may apply
53a-57	Misconduct with a motor vehicle	D felony
53a-59 to 60c	Assault: 1 st degree; 1 st degree of an elderly, blind, disabled, pregnant, or intellectually disabled person; 1 st degree of a corrections employee; of a pregnant woman resulting in termination of pregnancy; 2 nd degree; 2 nd degree with a firearm; 2 nd degree of an elderly, blind, disabled, pregnant, or intellectually disabled person; 2 nd degree of an elderly, blind, disabled, pregnant, or intellectually disabled person with a firearm	Depending on the violation: A, B, or D felony and mandatory minimum may apply
53a-64aa to 64bb	Strangulation in the 1 st and 2 nd degree	Depending on the violation: C or D felony
53a-70 to 71	Sexual assault: 1 st degree, aggravated 1 st degree, in spousal or cohabiting relationship, aggravated of a minor, 2 nd degree	Depending on the violation: A, B, or C felony and mandatory minimum may apply
53a-72b	Sexual assault 3 rd degree with a firearm	Depending on the violation: B or C felony and mandatory minimum may apply
53a-86	Promoting prostitution 1 st degree	B felony with nine-month mandatory minimum
53a-92 to 94a	Kidnapping: 1 st degree, 1 st degree with a firearm, 2 nd degree, 2 nd degree with a firearm	Depending on the violation: A

CGS §	Crimes	Penalty
		or B felony and mandatory minimum may apply
53a-95	Unlawful restraint	D felony
53a-100aa	Home invasion	A felony with 10-year mandatory minimum
53a-101	Burglary 1 st degree	B felony and mandatory minimum may apply
53a-102a	Burglary 2 nd degree with a firearm	C felony with one-year mandatory minimum
53a-103a	Burglary 3 rd degree with a firearm	D felony with one-year mandatory minimum
53a-111 to 113	Arson: 1 st degree, 2 nd degree, 3 rd degree	Depending on the violation: A, B, or C felony
53a-122(a)(1)	Larceny 1 st degree involving extortion	B felony
53a-123(a)(3)	Larceny 2 nd degree involving property taken from another's person	C felony
53a-134, 135, -136a	Robbery: 1 st degree, 2 nd degree, involving carjacking	Depending on the violation: B or C felony and mandatory minimum may apply
53a-167c	Assault of public safety, emergency medical, public transit, or health care personnel	C felony
53a-174(a)	Conveying unauthorized items into prison or institution	D felony
53a-196a	Employing a minor in an obscene performance	A felony with 10-year mandatory minimum
53a-211	Possessing a sawed off shotgun or silencer	D felony
53a-212	Stealing a firearm	D felony
53a-216	Criminal use of a firearm or electronic defense weapon	D felony with five-year mandatory minimum
53a-217b	Possessing a weapon on school grounds	D felony

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 24 Nay 16 (03/28/2014)