



REMOVING FELONY CONVICTIONS

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PARDONS

- The Board of Pardons and Paroles has discretion whether to grant a pardon.
- A person convicted of a felony must wait five years before applying for a pardon to erase a conviction except under extraordinary circumstances.
- The board states that the application process takes about 12 months.
- At any time, a person can apply for a provisional pardon to relieve the person of certain barriers or forfeitures related to employment and licensure.
- The board states that the application process for a provisional pardon takes about four months.

QUESTION

How does someone remove a felony conviction from his or her record?

SUMMARY

Someone convicted of a felony must apply to the Board of Pardons and Paroles for a pardon in order to have the felony removed from his or her record. The board can grant pardons that are absolute, conditioned, or provisional for any violation or offense against the state at any time (CGS § [54-130a\(b\)](#)).

An absolute pardon erases a person's convictions. According to the board, a conditional pardon erases a person's criminal record but also imposes conditions which the person must follow or the pardon may be revoked. A provisional pardon does not erase a person's record but seeks to relieve the person of certain barriers or forfeitures related to employment or licensure due to the convictions specified in the provisional pardon (CGS § [54-130e](#)).

A person can apply for a provisional pardon at any time. But, except under extraordinary circumstances, the board cannot accept an application for other types of pardons until five years after a felony conviction and three years after a misdemeanor conviction (CGS § [54-130a\(c\)](#)). The board also states that it does not consider applications from anyone with pending charges or open cases in any jurisdiction.

An applicant must submit information on a number of topics, including his or her criminal record, employment, and other activities. He or she must authorize a background check and submit three references.

The board has discretion whether to grant a pardon. The board states that it considers many factors including the:

1. applicant's rehabilitation, criminal history, accomplishments since his or her last offense, work history, contact with the criminal justice system, character references, and community service;
2. time since the applicant's most recent offense;
3. offense's severity;
4. victim's input and the crime's impact on the victim; and
5. the state's attorney's opinion.

The board states that the pardons process takes about 12 months and the board, State Police, probation officials, and Judicial Branch review the person's criminal record to ensure that all convictions are considered and erased if a pardon is granted.

If the board denies a pardon, the law requires it to inform applicants in writing of its reasons (CGS § [54-124a\(j\)\(3\)](#)). The board states that it generally requires a person denied a pardon to wait one year before reapplying but it may require a longer period.

PARDONS PROCESS

The law authorizes the board to gather information about an applicant's history or character and prosecutors, judges, police officers, and others must provide information about the person's habits, disposition, career, and associates (CGS § [54-130c](#)).

The board's application requires a person to submit information on his or her criminal history; employment; substance abuse and treatment; and volunteer, charitable, and community activities. An applicant must authorize a background investigation and request a State Police criminal history report (including submitting fingerprints and paying the required fee for the report). The board states that the applicant must (1) identify and list all convictions; (2) contact relevant agencies if a conviction is not listed on the State Police criminal history report; and (3) submit a police incident report for each Connecticut offense of which he or she was convicted, if the arrest occurred within the last 10 years.

An applicant must also submit three references and additional information. A copy of the application and additional information is available at the board's website: <http://www.ct.gov/bopp/cwp/view.asp?a=4331&q=510432>

The board states that it pre-screens applications to determine whether to deny an application or schedule a hearing. The board sends applicants a letter with its decision within four months of receiving a completed application. The letter may include a granted provisional pardon if one is requested.

According to the board, it may require an applicant to appear at a hearing. The board must permit victims of the applicant's crime to submit or make a statement at a board session considering whether to grant a pardon (CGS § [54-130d](#)). Under limited circumstances, the law allows someone convicted of certain misdemeanor or drug crimes to receive an administrative pardon without a hearing unless a victim requests one.

PROVISIONAL PARDONS

The law authorizes the board to issue provisional pardons to remove certain barriers or forfeitures to offenders obtaining employment or an occupational license due to the conviction of crimes named in the provisional pardon (CGS § [54-130e](#)). The board may issue a provisional pardon any time after sentencing to a person who applies for one if (1) the person was convicted of a crime in Connecticut or another jurisdiction and resides in the state and (2) the relief in the provisional pardon may promote the public policy of rehabilitating ex-offenders through employment and is consistent with the public's interest in safety and protecting property.

The law prohibits employers from denying employment to a prospective employee or discharging or discriminating against an employee solely on the basis of a conviction that occurred before his or her employment for which the person received a provisional pardon.

Barriers and Forfeitures

A provisional pardon can apply to all eligible barriers or forfeitures or it can specify particular ones. It can also limit the provisional pardon to specific types of employment or licenses for which the offender is otherwise qualified.

A "barrier" is the denial of employment or a license because of a criminal conviction without considering whether the nature of the crime bears a direct relationship to the employment or license. A "forfeiture" is a disqualification or ineligibility for employment or a license by reason of law based on the offender's criminal

conviction. This applies to any license, permit, certificate, or registration the state or any of its agencies require to pursue, practice, or engage in an occupation, trade, vocation, profession, or business.

The provisional pardon cannot apply to eligibility for or the right to retain public office.

Issuing Provisional Pardons

The law authorizes the board to create the forms and prescribe the contents for provisional pardons and their applications, investigative reports, and revocations. The board must verify the person's application. Board staff can investigate an applicant and submit a report. If written, the report is confidential and cannot be disclosed except as required or permitted by statute or on the board's specific authorization.

A provisional pardon does not erase the conviction record and the person must disclose the conviction if required.

The board may enlarge the relief granted to a person in a provisional pardon by issuing a new one under the same procedures as for granting original provisional pardons.

A provisional pardon is considered temporary whenever the offender is on probation or parole, and the board can revoke it for a probation or parole violation.

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