



**CONNECTICUT  
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DEFENSE LAWYERS  
ASSOCIATION**

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Raised Bill No. 5622 – *An Act Concerning The Availability Of Erased Records In Determining Whether A Person Is A Suitable Person To Carry A Pistol Or Revolver*  
Judiciary Public Hearing – March 14, 2016

The Connecticut Criminal Defense Lawyers Associations is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA opposes Raised Bill 5622 as this legislation completely disregards the existing erasure statute, Connecticut General Statutes § 54-142a. The proposed legislation would allow law enforcement officials, selectman, and the warden of a borough to access previously erased police, court, and records of any state's attorney pertaining to criminal charges that have been erased. Such legislation, if enacted undermines the erasure statute and erodes the public trust in the judicial system.

If access to erased records is permitted than no citizen who has relied on the assurances provided by the erasure statute can continue to do so with any degree of confidence. Everyday individuals in our courts rely on pretrial diversionary programs with assurance that charges will be dismissed and records subsequently erased. The proposed legislation undermines that reliance and confidence placed in these programs.

The proposed legislation is extremely similar to Raised Bill 5527, *An Act Concerning Crimes Committed While Out On Pre Trial Release*, in that it significantly undermines the State erasure law. Similar to the concerns raised in opposition to RB 5527, this bill is unnecessary and would be contrary to the legislative intent of Connecticut General Statutes. § 54-142a. It would subject persons to the negative consequences which flow from criminal charges which do not result in conviction.

In *State vs. Seth Apt*, 319 Conn. 494 (2015), the Connecticut Supreme Court addressed the legislative intent behind §54-142a. The Court explained that the legislature intended to insulate people who are arrested but never convicted from the adverse societal consequences that result from having an arrest record. "This history makes clear that "the purpose of the erasure statute ... is to protect innocent persons from the harmful consequences of a *criminal charge* [that] is subsequently dismissed." Id. Such harmful consequences can be any number of things people face in our society from the denial of employment to adverse action or inference drawn by government actors.

Local officials who process these applications and issue permits have available alternatives under state and federal law which can be utilized to determine whether it is appropriate to issue a permit. There is no need for such officials to be able to circumvent the erasure statute

For these reasons CCDLA respectfully opposes Section 1 of Raised Bill 5622 and requests the Committee to take no action on this bill.