



General Assembly

**Substitute Bill No. 5641**

February Session, 2016

\* HB05641JUD\_\_033016\_\_ \*

**AN ACT CONCERNING PROVISIONAL PARDONS.**

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

1 Section 1. Section 54-130a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Jurisdiction over the granting of, and the authority to grant,  
4 commutations of punishment or releases, conditioned or absolute, in  
5 the case of any person convicted of any offense against the state and  
6 commutations from the penalty of death shall be vested in the Board of  
7 Pardons and Paroles.

8 (b) The board shall have authority to grant pardons, conditioned,  
9 provisional or absolute, or certificates of rehabilitation for any offense  
10 against the state at any time after the imposition and before or after the  
11 service of any sentence.

12 (c) (1) The board may accept an application for a pardon three years  
13 after an applicant's conviction of a misdemeanor or violation and five  
14 years after an applicant's conviction of a felony, except that the board,  
15 upon a finding of extraordinary circumstances, may accept an  
16 application for a pardon prior to such dates.

17 (2) The board may accept an application to have a provisional  
18 pardon converted to an absolute pardon as provided in subdivision (3)

19 of subsection (d) of this section.

20 (d) (1) Whenever the board grants an absolute or provisional pardon  
21 to any person or converts a person's provisional pardon to an absolute  
22 pardon, the board shall cause notification of such pardon or  
23 conversion to be made in writing to the clerk of the court in which  
24 such person was convicted, or the Office of the Chief Court  
25 Administrator if such person was convicted in the Court of Common  
26 Pleas, the Circuit Court, a municipal court, or a trial justice court.

27 (2) In accordance with the provisions of section 54-142a, as amended  
28 by this act, (A) the granting of an absolute pardon or the conversion of  
29 a provisional pardon to an absolute pardon entitles a person to erasure  
30 of the record of conviction for the offense so pardoned, and (B) the  
31 granting of a provisional pardon entitles a person to a sealing of the  
32 record of the conviction of the offense so pardoned.

33 (3) (A) Whenever any person who was granted a provisional pardon  
34 is later convicted of a crime, as defined in section 53a-24, the board  
35 shall revoke such provisional pardon and notify the clerk of the court  
36 or any person charged with retention and control of the records in the  
37 records center of the Judicial Department or any law enforcement  
38 agency having information contained in such records that such  
39 provisional pardon is revoked and such person's records shall be  
40 unsealed in accordance with the provisions of section 54-142a, as  
41 amended by this act.

42 (B) Any person who has been granted a provisional pardon may  
43 apply to have such provisional pardon converted to an absolute  
44 pardon if at least five years have elapsed since the granting of such  
45 provisional pardon and such provisional pardon has not been revoked.

46 (e) Whenever the board grants [a provisional pardon or] a certificate  
47 of rehabilitation to any person, the board shall cause notification of  
48 such [provisional pardon or] certificate of rehabilitation to be made in  
49 writing to the clerk of the court in which such person was convicted.

50 The granting of [a provisional pardon or] a certificate of rehabilitation  
51 does not entitle such person to erasure of the record of the conviction  
52 of the offense or relieve such person from disclosing the existence of  
53 such conviction as may be required.

54 (f) In the case of any person convicted of a violation for which a  
55 sentence to a term of imprisonment may be imposed, the board shall  
56 have authority to grant a pardon, conditioned, provisional or absolute,  
57 or a certificate of rehabilitation in the same manner as in the case of  
58 any person convicted of an offense against the state.

59 Sec. 2. Section 54-142a of the general statutes is repealed and the  
60 following is substituted in lieu thereof (*Effective October 1, 2016*):

61 (a) Whenever in any criminal case, on or after October 1, 1969, the  
62 accused, by a final judgment, is found not guilty of the charge or the  
63 charge is dismissed, all police and court records and records of any  
64 state's attorney pertaining to such charge shall be erased upon the  
65 expiration of the time to file a writ of error or take an appeal, if an  
66 appeal is not taken, or upon final determination of the appeal  
67 sustaining a finding of not guilty or a dismissal, if an appeal is taken.  
68 Nothing in this subsection shall require the erasure of any record  
69 pertaining to a charge for which the defendant was found not guilty by  
70 reason of mental disease or defect or guilty but not criminally  
71 responsible by reason of mental disease or defect.

72 (b) Whenever in any criminal case prior to October 1, 1969, the  
73 accused, by a final judgment, was found not guilty of the charge or the  
74 charge was dismissed, all police and court records and records of the  
75 state's or prosecuting attorney or the prosecuting grand juror  
76 pertaining to such charge shall be erased by operation of law and the  
77 clerk or any person charged with the retention and control of such  
78 records shall not disclose to anyone their existence or any information  
79 pertaining to any charge so erased; provided nothing in this subsection  
80 shall prohibit the arrested person or any one of his heirs from filing a  
81 petition for erasure with the court granting such not guilty judgment

82 or dismissal, or, where the matter had been before a municipal court, a  
83 trial justice, the Circuit Court or the Court of Common Pleas with the  
84 records center of the Judicial Department and thereupon all police and  
85 court records and records of the state's attorney, prosecuting attorney  
86 or prosecuting grand juror pertaining to such charge shall be erased.  
87 Nothing in this subsection shall require the erasure of any record  
88 pertaining to a charge for which the defendant was found not guilty by  
89 reason of mental disease or defect.

90 (c) (1) Whenever any charge in a criminal case has been nolleed in the  
91 Superior Court, or in the Court of Common Pleas, if at least thirteen  
92 months have elapsed since such nolle, all police and court records and  
93 records of the state's or prosecuting attorney or the prosecuting grand  
94 juror pertaining to such charge shall be erased, except that in cases of  
95 nollees entered in the Superior Court, Court of Common Pleas, Circuit  
96 Court, municipal court or by a justice of the peace prior to April 1,  
97 1972, such records shall be deemed erased by operation of law and the  
98 clerk or the person charged with the retention and control of such  
99 records shall not disclose to anyone their existence or any information  
100 pertaining to any charge so erased, provided nothing in this subsection  
101 shall prohibit the arrested person or any one of his heirs from filing a  
102 petition to the court or to the records center of the Judicial Department,  
103 as the case may be, to have such records erased, in which case such  
104 records shall be erased.

105 (2) Whenever any charge in a criminal case has been continued at  
106 the request of the prosecuting attorney, and a period of thirteen  
107 months has elapsed since the granting of such continuance during  
108 which period there has been no prosecution or other disposition of the  
109 matter, the charge shall be nolleed upon motion of the arrested person  
110 and such erasure may thereafter be effected or a petition filed therefor,  
111 as the case may be, as provided in this subsection for nolleed cases.

112 (d) (1) Whenever prior to October 1, 1974, any person who has been  
113 convicted of an offense in any court of this state has received an  
114 absolute pardon for such offense, such person or any one of his heirs

115 may, at any time subsequent to such pardon, file a petition with the  
116 superior court at the location in which such conviction was effected, or  
117 with the superior court at the location having custody of the records of  
118 such conviction or with the records center of the Judicial Department if  
119 such conviction was in the Court of Common Pleas, Circuit Court,  
120 municipal court or by a trial justice court, for an order of erasure, and  
121 the Superior Court or records center of the Judicial Department shall  
122 direct all police and court records and records of the state's or  
123 prosecuting attorney pertaining to such case to be erased.

124 (2) Whenever such absolute pardon was received on or after  
125 October 1, 1974, such records shall be erased.

126 (e) (1) The clerk of the court or any person charged with retention  
127 and control of such records in the records center of the Judicial  
128 Department or any law enforcement agency having information  
129 contained in such erased records shall not disclose to anyone, except  
130 the subject of the record, upon submission pursuant to guidelines  
131 prescribed by the Office of the Chief Court Administrator of  
132 satisfactory proof of the subject's identity, information pertaining to  
133 any charge erased under any provision of this section and such clerk or  
134 person charged with the retention and control of such records shall  
135 forward a notice of such erasure to any law enforcement agency to  
136 which he knows information concerning the arrest has been  
137 disseminated and such disseminated information shall be erased from  
138 the records of such law enforcement agency. Such clerk or such person,  
139 as the case may be, shall provide adequate security measures to  
140 safeguard against unauthorized access to or dissemination of such  
141 records or upon the request of the accused cause the actual physical  
142 destruction of such records, except that such clerk or such person shall  
143 not cause the actual physical destruction of such records until three  
144 years have elapsed from the date of the final disposition of the criminal  
145 case to which such records pertain.

146 (2) No fee shall be charged in any court with respect to any petition  
147 under this section.

148 (3) Any person who shall have been the subject of such an erasure  
149 shall be deemed to have never been arrested within the meaning of the  
150 general statutes with respect to the proceedings so erased and may so  
151 swear under oath.

152 (f) (1) Whenever any person who has been convicted of an offense in  
153 any court of this state receives a provisional pardon for such offense on  
154 or after October 1, 2016, the records of such conviction shall be sealed  
155 in accordance with this subsection.

156 (2) (A) The clerk of the court or any person charged with retention  
157 and control of the records in the records center of the Judicial  
158 Department or any law enforcement agency having information  
159 contained in such records shall not disclose to anyone, except the  
160 subject of the record, upon submission pursuant to guidelines  
161 prescribed by the Office of the Chief Court Administrator of  
162 satisfactory proof of the subject's identity, information pertaining to  
163 any charge contained in such record and such clerk or person charged  
164 with the retention and control of such records shall forward a notice of  
165 such sealing to any law enforcement agency to which such clerk or  
166 such person knows information concerning the arrest has been  
167 disseminated and such disseminated information shall be sealed in the  
168 same manner as provided in this subsection. Such clerk or such person,  
169 as the case may be, shall provide adequate security measures to  
170 safeguard against unauthorized access to or dissemination of such  
171 records.

172 (B) Upon notification by the Board of Pardons and Paroles of any  
173 revocation of a person's provisional pardon pursuant to section 54-  
174 130a, as amended by this act, the clerk of the court or any person  
175 charged with retention and control of the records sealed due to a  
176 provisional pardon in the records center of the Judicial Department or  
177 any law enforcement agency having information contained in such  
178 sealed records of which the subject is the person whose provisional  
179 pardon was revoked, shall unseal such records.

180 (3) Any person who shall have been the subject of such sealing due  
181 to a provisional pardon during the period of time such records are  
182 sealed shall be deemed to have never been arrested within the  
183 meaning of the general statutes with respect to the proceedings so  
184 sealed and may so swear under oath.

185 (4) Any such sealed record shall be erased if the provisional pardon  
186 is converted to an absolute pardon pursuant to section 54-130a, as  
187 amended by this act.

188 ~~[(f)]~~ (g) Upon motion properly brought, the court or a judge thereof,  
189 if such court is not in session, may order disclosure of such records  
190 sealed due to a provisional pardon or erased records (1) to a defendant  
191 in an action for false arrest arising out of the proceedings so sealed or  
192 erased, or (2) to the prosecuting attorney and defense counsel in  
193 connection with any perjury charges which the prosecutor alleges may  
194 have arisen from the testimony elicited during the trial. Such  
195 disclosure of such records is subject also to any records destruction  
196 program pursuant to which the records may have been destroyed. The  
197 jury charge in connection with offenses under seal due to a provisional  
198 pardon or erased offenses may be ordered by the judge for use by the  
199 judiciary, provided the names of the accused and the witnesses are  
200 omitted therefrom. In the case of records sealed due to a provisional  
201 pardon, the court may further grant access to such records to a  
202 prosecuting attorney and defense counsel in a case where the person  
203 who is the subject of such records is being prosecuted for an offense  
204 other than that which was provisionally pardoned.

205 ~~[(g)]~~ (h) The provisions of this section shall not apply to any police  
206 or court records or the records of any state's attorney or prosecuting  
207 attorney with respect to any information or indictment containing  
208 more than one count (1) while the criminal case is pending, or (2) when  
209 the criminal case is disposed of unless and until all counts are entitled  
210 to erasure in accordance with the provisions of this section, except that  
211 when the criminal case is disposed of, electronic records or portions of  
212 electronic records released to the public that reference a charge that

213 would otherwise be entitled to erasure under this section shall be  
214 erased in accordance with the provisions of this section. Nothing in  
215 this section shall require the erasure of any information contained in  
216 the registry of protective orders established pursuant to section 51-5c.  
217 For the purposes of this subsection, "electronic record" means any  
218 police or court record or the record of any state's attorney or  
219 prosecuting attorney that is an electronic record, as defined in section  
220 1-267, or a computer printout.

221 [(h)] (i) For the purposes of this section, "court records" shall not  
222 include a record or transcript of the proceedings made or prepared by  
223 an official court reporter, assistant court reporter or monitor.

224 Sec. 3. Section 54-142c of the general statutes is repealed and the  
225 following is substituted in lieu thereof (*Effective October 1, 2016*):

226 (a) The clerk of the court or any person charged with retention and  
227 control of records sealed due to a provisional pardon or erased records  
228 by the Chief Court Administrator or any criminal justice agency  
229 having information contained in such sealed or erased records shall  
230 not disclose to anyone the existence of such sealed or erased records or  
231 information pertaining to any charge sealed due to a provisional  
232 pardon or erased under any provision of this part, except as otherwise  
233 provided in this chapter.

234 (b) Notwithstanding any other provisions of this chapter, within  
235 two years from the date of disposition of any case, the clerk of the  
236 court or any person charged with retention and control of records  
237 sealed due to a provisional pardon or erased records by the Chief  
238 Court Administrator or any criminal justice agency having information  
239 contained in such sealed or erased records may disclose to the victim  
240 of a crime or the victim's legal representative the fact that the case was  
241 dismissed. If such disclosure contains information from records sealed  
242 due to a provisional pardon or erased records, the identity of the  
243 defendant or defendants shall not be released, except that any  
244 information contained in such records, including the identity of the

245 person charged may be released to the victim of the crime or the  
246 victim's representative upon written application by such victim or  
247 representative to the court stating (1) that a civil action has been  
248 commenced for loss or damage resulting from such act, or (2) the  
249 intent to bring a civil action for such loss or damage. Any person who  
250 obtains criminal history record information by falsely representing to  
251 be the victim of a crime or the victim's representative shall be guilty of  
252 a class D felony.

253 Sec. 4. Section 54-142e of the general statutes is repealed and the  
254 following is substituted in lieu thereof (*Effective October 1, 2016*):

255 (a) Notwithstanding the provisions of subsection (e) of section 54-  
256 142a, as amended by this act, and section 54-142c, as amended by this  
257 act, with respect to any person, including, but not limited to, a  
258 consumer reporting agency as defined in subsection (h) of section 31-  
259 51i, as amended by this act, that purchases criminal matters of public  
260 record, as defined in said subsection (h), from the Judicial Department,  
261 the department shall make available to such person information  
262 concerning such criminal matters of public record that [have been] are  
263 sealed due to a provisional pardon or have been erased pursuant to  
264 section 54-142a, as amended by this act. Such information may include  
265 docket numbers or other information that permits the person to  
266 identify and permanently delete records that [have been] are sealed  
267 due to a provisional pardon or have been erased pursuant to section  
268 54-142a, as amended by this act.

269 (b) Each person, including, but not limited to, a consumer reporting  
270 agency, that has purchased records of criminal matters of public record  
271 from the Judicial Department shall, prior to disclosing such records, (1)  
272 purchase from the Judicial Department, on a monthly basis or on such  
273 other schedule as the Judicial Department may establish, any updated  
274 criminal matters of public record or information available for the  
275 purpose of complying with this section, and (2) update its records of  
276 criminal matters of public record to permanently delete such erased  
277 records. Such person shall not further disclose such erased records or

278 any records sealed due to a provisional pardon.

279 Sec. 5. Section 54-142g of the general statutes is repealed and the  
280 following is substituted in lieu thereof (*Effective October 1, 2016*):

281 For purposes of this part and sections 29-11, as amended by this act,  
282 and 54-142c, as amended by this act, the following definitions shall  
283 apply:

284 (a) "Criminal history record information" means court records and  
285 information compiled by criminal justice agencies for purposes of  
286 identifying criminal offenders and of maintaining as to each such  
287 offender notations of arrests, releases, detentions, indictments,  
288 informations, or other formal criminal charges or any events and  
289 outcomes arising from those arrests, releases, detentions, including  
290 pleas, trials, sentences, appeals, incarcerations, correctional  
291 supervision, paroles and releases; but does not include intelligence,  
292 presentence investigation, investigative information or any  
293 information which may be disclosed pursuant to subsection (f) of  
294 section 54-63d.

295 (b) "Criminal justice agency" means any court with criminal  
296 jurisdiction, the Department of Motor Vehicles or any other  
297 governmental agency created by statute which is authorized by law  
298 and engages, in fact, as its principal function in activities constituting  
299 the administration of criminal justice, including, but not limited to,  
300 organized municipal police departments, the Division of State Police,  
301 the Department of Correction, the Court Support Services Division, the  
302 Office of Policy and Management, the state's attorneys, assistant state's  
303 attorneys and deputy assistant state's attorneys, the Board of Pardons  
304 and Paroles, the Chief Medical Examiner and the Office of the Victim  
305 Advocate. "Criminal justice agency" includes any component of a  
306 public, noncriminal justice agency if such component is created by  
307 statute and is authorized by law and, in fact, engages in activities  
308 constituting the administration of criminal justice as its principal  
309 function.

310 (c) "Conviction information" means criminal history record  
311 information [which] that is not sealed due to a provisional pardon or  
312 has not been erased, as provided in section 54-142a, as amended by  
313 this act, and which discloses that a person has pleaded guilty or nolo  
314 contendere to, or was convicted of, any criminal offense, and the terms  
315 of the sentence.

316 (d) "Current offender information" means information on the  
317 current status and location of all persons who (1) are arrested or  
318 summoned to appear in court; (2) are being prosecuted for any  
319 criminal offense in Superior Court; (3) have an appeal pending from  
320 any criminal conviction; (4) are detained or incarcerated in any  
321 correctional facility in this state; or (5) are subject to the jurisdiction or  
322 supervision of any probation, parole or correctional agency in this  
323 state, including persons transferred to other states for incarceration or  
324 supervision.

325 (e) "Nonconviction information" means (1) criminal history record  
326 information that is sealed due to a provisional pardon or has been  
327 ["erased"] erased pursuant to section 54-142a, as amended by this act;  
328 (2) information relating to persons granted youthful offender status;  
329 (3) continuances which are more than thirteen months old.  
330 Nonconviction information does not mean conviction information or  
331 current offender information.

332 (f) "Disclosure" means the communication of information to any  
333 person by any means.

334 (g) "Dismissal" means (1) prosecution of the charge against the  
335 accused was declined pursuant to rules of court or statute; or (2) the  
336 judicial authority granted a motion to dismiss pursuant to rules of  
337 court or statute; or (3) the judicial authority found that prosecution is  
338 no longer possible due to the limitations imposed by section 54-193.

339 Sec. 6. Subsection (e) of section 46a-80 of the general statutes is  
340 repealed and the following is substituted in lieu thereof (*Effective*

341 *October 1, 2016*):

342 (e) In no case may records of arrest, which are not followed by a  
343 conviction, or records of convictions, which [have been] are sealed due  
344 to a provisional pardon or have been erased, be used, distributed or  
345 disseminated by the state or any of its agencies in connection with an  
346 application for employment or for a permit, license, certificate or  
347 registration.

348 Sec. 7. Section 54-130e of the general statutes is repealed and the  
349 following is substituted in lieu thereof (*Effective October 1, 2016*):

350 (a) For the purposes of this section and sections 31-51i, as amended  
351 by this act, 46a-80, as amended by this act, 54-108f, 54-130a, as  
352 amended by this act, and 54-301:

353 (1) "Barrier" means a denial of employment or a license based on an  
354 eligible offender's conviction of a crime without due consideration of  
355 whether the nature of the crime bears a direct relationship to such  
356 employment or license;

357 (2) "Direct relationship" means that the nature of criminal conduct  
358 for which a person was convicted has a direct bearing on the person's  
359 fitness or ability to perform one or more of the duties or  
360 responsibilities necessarily related to the applicable employment or  
361 license;

362 (3) "Certificate of rehabilitation" means a form of relief from barriers  
363 or forfeitures to employment or the issuance of licenses, other than a  
364 provisional pardon, that is granted to an eligible offender by (A) the  
365 Board of Pardons and Paroles pursuant to this section, or (B) the Court  
366 Support Services Division of the Judicial Branch pursuant to section  
367 54-108f;

368 (4) "Eligible offender" means a person who has been convicted of a  
369 crime or crimes in this state or another jurisdiction and who is a  
370 resident of this state and (A) [is applying for a provisional pardon or]

371 is under the jurisdiction of the Board of Pardons and Paroles, or (B)  
372 with respect to a certificate of rehabilitation under section 54-108f, is  
373 under the supervision of the Court Support Services Division of the  
374 Judicial Branch;

375 (5) "Employment" means any remunerative work, occupation or  
376 vocation or any form of vocational training, but does not include  
377 employment with a law enforcement agency;

378 (6) "Forfeiture" means a disqualification or ineligibility for  
379 employment or a license by reason of law based on an eligible  
380 offender's conviction of a crime; and

381 (7) "License" means any license, permit, certificate or registration  
382 that is required to be issued by the state or any of its agencies to  
383 pursue, practice or engage in an occupation, trade, vocation, profession  
384 or business. [; and]

385 [(8) "Provisional pardon" means a form of relief from barriers or  
386 forfeitures to employment or the issuance of licenses granted to an  
387 eligible offender by the Board of Pardons and Paroles pursuant to  
388 subsections (b) to (i), inclusive, of this section.]

389 (b) The Board of Pardons and Paroles may issue [a provisional  
390 pardon or] a certificate of rehabilitation to relieve an eligible offender  
391 of barriers or forfeitures by reason of such person's conviction of the  
392 crime or crimes specified in such [provisional pardon or] certificate of  
393 rehabilitation. Such [provisional pardon or] certificate of rehabilitation  
394 may be limited to one or more enumerated barriers or forfeitures or  
395 may relieve the eligible offender of all barriers and forfeitures. Such  
396 certificate of rehabilitation shall be labeled by the board as a  
397 "Certificate of Employability" or a "Certificate of Suitability for  
398 Licensure", or both, as deemed appropriate by the board. No  
399 [provisional pardon or] certificate of rehabilitation shall apply or be  
400 construed to apply to the right of such person to retain or be eligible  
401 for public office.

402 (c) The Board of Pardons and Paroles may, in its discretion, issue [a  
403 provisional pardon or] a certificate of rehabilitation to an eligible  
404 offender upon verified application of such eligible offender. The board  
405 may issue [a provisional pardon or] a certificate of rehabilitation at any  
406 time after the sentencing of an eligible offender, including, but not  
407 limited to, any time prior to the eligible offender's date of release from  
408 the custody of the Commissioner of Correction, probation or parole.  
409 Such [provisional pardon or] certificate of rehabilitation may be issued  
410 by a pardon panel of the board or a parole release panel of the board.

411 (d) The board shall not issue [a provisional pardon or] a certificate  
412 of rehabilitation unless the board is satisfied that:

413 (1) The person to whom [the provisional pardon or] the certificate of  
414 rehabilitation is to be issued is an eligible offender;

415 (2) The relief to be granted by [the provisional pardon or] the  
416 certificate of rehabilitation may promote the public policy of  
417 rehabilitation of ex-offenders through employment; and

418 (3) The relief to be granted by [the provisional pardon or] the  
419 certificate of rehabilitation is consistent with the public interest in  
420 public safety, the safety of any victim of the offense and the protection  
421 of property.

422 (e) In accordance with the provisions of subsection (d) of this  
423 section, the board may limit the applicability of [the provisional  
424 pardon or] the certificate of rehabilitation to specified types of  
425 employment or licensure for which the eligible offender is otherwise  
426 qualified.

427 (f) The board may, for the purpose of determining whether such  
428 [provisional pardon or] certificate of rehabilitation should be issued,  
429 request its staff to conduct an investigation of the applicant and submit  
430 to the board a report of the investigation. Any written report  
431 submitted to the board pursuant to this subsection shall be confidential  
432 and shall not be disclosed except to the applicant and where required

433 or permitted by any provision of the general statutes or upon specific  
434 authorization of the board.

435 (g) If [a provisional pardon or] a certificate of rehabilitation is issued  
436 by the board pursuant to this section before an eligible offender has  
437 completed service of the offender's term of incarceration, probation or  
438 parole, or any combination thereof, [the provisional pardon or] the  
439 certificate of rehabilitation shall be deemed to be temporary until the  
440 eligible offender completes such eligible offender's term of  
441 incarceration, probation or parole. During the period that such  
442 [provisional pardon or] certificate of rehabilitation is temporary, the  
443 board may revoke such [provisional pardon or] certificate of  
444 rehabilitation for a violation of the conditions of such eligible  
445 offender's probation or parole. After the eligible offender completes  
446 such eligible offender's term of incarceration, probation or parole, the  
447 temporary [provisional pardon or] certificate of rehabilitation shall  
448 become permanent.

449 (h) The board may at any time issue a new [provisional pardon or]  
450 certificate of rehabilitation to enlarge the relief previously granted, and  
451 the provisions of subsections (b) to (f), inclusive, of this section shall  
452 apply to the issuance of any new [provisional pardon or] certificate of  
453 rehabilitation.

454 (i) The application for [a provisional pardon or] a certificate of  
455 rehabilitation, the report of an investigation conducted pursuant to  
456 subsection (f) of this section, [the provisional pardon or] the certificate  
457 of rehabilitation and the revocation of [a provisional pardon or] a  
458 certificate of rehabilitation shall be in such form and contain such  
459 information as the Board of Pardons and Paroles shall prescribe.

460 (j) If a temporary certificate of rehabilitation issued under this  
461 section or section 54-108f is revoked, barriers and forfeitures thereby  
462 relieved shall be reinstated as of the date the person to whom the  
463 temporary certificate of rehabilitation was issued receives written  
464 notice of the revocation. Any such person shall surrender the

465 temporary certificate of rehabilitation to the issuing board or division  
466 upon receipt of the notice.

467 (k) The board shall revoke a [provisional pardon or] certificate of  
468 rehabilitation if the person to whom it was issued is convicted of a  
469 crime, as defined in section 53a-24, after the issuance of the  
470 [provisional pardon or] certificate of rehabilitation.

471 (l) Not later than October 1, 2015, and annually thereafter, the board  
472 shall submit to the Office of Policy and Management and the  
473 Connecticut Sentencing Commission, in such form as the office may  
474 prescribe, data on the number of applications received for [provisional  
475 pardons and] certificates of rehabilitation, the number of applications  
476 denied, the number of applications granted and the number of  
477 [provisional pardons and] certificates of rehabilitation revoked.

478 Sec. 8. Section 31-51i of the general statutes is repealed and the  
479 following is substituted in lieu thereof (*Effective October 1, 2016*):

480 (a) For the purposes of this section, "employer" means any person  
481 engaged in business who has one or more employees, including the  
482 state or any political subdivision of the state.

483 (b) No employer or employer's agent, representative or designee  
484 may require an employee or prospective employee to disclose the  
485 existence of any arrest, criminal charge or conviction, the records of  
486 which [have been] are sealed due to a provisional pardon or have been  
487 erased pursuant to section 46b-146, 54-76o or 54-142a, as amended by  
488 this act.

489 (c) An employment application form that contains any question  
490 concerning the criminal history of the applicant shall contain a notice,  
491 in clear and conspicuous language: (1) That the applicant is not  
492 required to disclose the existence of any arrest, criminal charge or  
493 conviction, the records of which [have been] are sealed due to a  
494 provisional pardon or have been erased pursuant to section 46b-146,  
495 54-76o or 54-142a, as amended by this act, (2) that criminal records

496 subject to sealing due to a provisional pardon or erasure pursuant to  
497 section 46b-146, 54-76o or 54-142a, as amended by this act, are records  
498 pertaining to a finding of delinquency or that a child was a member of  
499 a family with service needs, an adjudication as a youthful offender, a  
500 criminal charge that has been dismissed or nolleed, a criminal charge  
501 for which the person has been found not guilty or a conviction for  
502 which the person received an absolute or provisional pardon, and (3)  
503 that any person whose criminal records [have been] are sealed due to a  
504 provisional pardon or have been erased pursuant to section 46b-146,  
505 54-76o or 54-142a, as amended by this act, shall be deemed to have  
506 never been arrested within the meaning of the general statutes with  
507 respect to the proceedings that are so sealed or erased and may so  
508 swear under oath.

509 (d) No employer or employer's agent, representative or designee  
510 shall deny employment to a prospective employee solely on the basis  
511 that the prospective employee had a prior arrest, criminal charge or  
512 conviction, the records of which [have been] are sealed due to a  
513 provisional pardon or have been erased pursuant to section 46b-146,  
514 54-76o or 54-142a, as amended by this act, or that the prospective  
515 employee had a prior conviction for which the prospective employee  
516 has received a [provisional pardon or] certificate of rehabilitation  
517 pursuant to section 54-108f or 54-130a, as amended by this act. [or a  
518 certificate of rehabilitation pursuant to section 54-108f.]

519 (e) No employer or employer's agent, representative or designee  
520 shall discharge, or cause to be discharged, or in any manner  
521 discriminate against, any employee solely on the basis that the  
522 employee had, prior to being employed by such employer, an arrest,  
523 criminal charge or conviction, the records of which [have been] are  
524 sealed due to a provisional pardon or have been erased pursuant to  
525 section 46b-146, 54-76o or 54-142a, as amended by this act, or that the  
526 employee had, prior to being employed by such employer, a prior  
527 conviction for which the employee has received a [provisional pardon  
528 or] certificate of rehabilitation pursuant to section 54-108f or 54-130a,

529 as amended by this act. [or a certificate of rehabilitation pursuant to  
530 section 54-108f.]

531 (f) The portion of an employment application form which contains  
532 information concerning the criminal history record of an applicant or  
533 employee shall only be available to the members of the personnel  
534 department of the company, firm or corporation or, if the company,  
535 firm or corporation does not have a personnel department, the person  
536 in charge of employment, and to any employee or member of the  
537 company, firm or corporation, or an agent of such employee or  
538 member, involved in the interviewing of the applicant.

539 (g) Notwithstanding the provisions of subsection (f) of this section,  
540 the portion of an employment application form which contains  
541 information concerning the criminal history record of an applicant or  
542 employee may be made available as necessary to persons other than  
543 those specified in said subsection (f) by:

544 (1) A broker-dealer or investment adviser registered under chapter  
545 672a in connection with (A) the possible or actual filing of, or the  
546 collection or retention of information contained in, a form U-4 Uniform  
547 Application for Securities Industry Registration or Transfer, (B) the  
548 compliance responsibilities of such broker-dealer or investment  
549 adviser under state or federal law, or (C) the applicable rules of self-  
550 regulatory organizations promulgated in accordance with federal law;

551 (2) An insured depository institution in connection with (A) the  
552 management of risks related to safety and soundness, security or  
553 privacy of such institution, (B) any waiver that may possibly or  
554 actually be sought by such institution pursuant to section 19 of the  
555 Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or  
556 actual obtaining by such institution of any security or fidelity bond, or  
557 (D) the compliance responsibilities of such institution under state or  
558 federal law; and

559 (3) An insurance producer licensed under chapter 701a in

560 connection with (A) the management of risks related to security or  
561 privacy of such insurance producer, or (B) the compliance  
562 responsibilities of such insurance producer under state or federal law.

563 (h) (1) For the purposes of this subsection: (A) "Consumer reporting  
564 agency" means any person who regularly engages, in whole or in part,  
565 in the practice of assembling or preparing consumer reports for a fee,  
566 which reports compile and report items of information on consumers  
567 that are matters of public record and are likely to have an adverse  
568 effect on a consumer's ability to obtain employment, but does not  
569 include any public agency; (B) "consumer report" means any written,  
570 oral or other communication of information bearing on an individual's  
571 credit worthiness, credit standing, credit capacity, character, general  
572 reputation, personal characteristics or mode of living; and (C)  
573 "criminal matters of public record" means information obtained from  
574 the Judicial Department relating to arrests, indictments, convictions,  
575 outstanding judgments, and any other conviction information, as  
576 defined in section 54-142g, as amended by this act.

577 (2) Each consumer reporting agency that issues a consumer report  
578 that is used or is expected to be used for employment purposes and  
579 that includes in such report criminal matters of public record  
580 concerning the consumer shall:

581 (A) At the time the consumer reporting agency issues such  
582 consumer report to a person other than the consumer who is the  
583 subject of the report, provide the consumer who is the subject of the  
584 consumer report (i) notice that the consumer reporting agency is  
585 reporting criminal matters of public record, and (ii) the name and  
586 address of the person to whom such consumer report is being issued;

587 (B) Maintain procedures designed to ensure that any criminal  
588 matter of public record reported is complete and up-to-date as of the  
589 date the consumer report is issued, which procedures shall, at a  
590 minimum, conform to the requirements set forth in section 54-142e, as  
591 amended by this act.

592 (3) This subsection shall not apply in the case of an agency or  
593 department of the United States government seeking to obtain and use  
594 a consumer report for employment purposes if the head of the agency  
595 or department makes a written finding pursuant to 15 USC  
596 1681b(b)(4)(A).

597 Sec. 9. Subsection (a) of section 29-11 of the general statutes is  
598 repealed and the following is substituted in lieu thereof (*Effective*  
599 *October 1, 2016*):

600 (a) The bureau in the Division of State Police within the Department  
601 of Emergency Services and Public Protection known as the State Police  
602 Bureau of Identification shall be maintained for the purposes of (1)  
603 providing an authentic record of each person sixteen years of age or  
604 over who is charged with the commission of any crime involving  
605 moral turpitude, (2) providing definite information relative to the  
606 identity of each person so arrested, (3) providing a record of the final  
607 judgment of the court resulting from such arrest, unless such record is  
608 sealed due to a provisional pardon or has been erased pursuant to  
609 section 54-142a, as amended by this act, and (4) maintaining a central  
610 repository of complete criminal history record disposition information.  
611 The Commissioner of Emergency Services and Public Protection is  
612 directed to maintain the State Police Bureau of Identification, which  
613 bureau shall receive, classify and file in an orderly manner all  
614 fingerprints, pictures and descriptions, including previous criminal  
615 records as far as known of all persons so arrested, and shall classify  
616 and file in a like manner all identification material and records  
617 received from the government of the United States and from the  
618 various state governments and subdivisions thereof, and shall  
619 cooperate with such governmental units in the exchange of  
620 information relative to criminals. The State Police Bureau of  
621 Identification shall accept fingerprints of applicants for admission to  
622 the bar of the state and, to the extent permitted by federal law, shall  
623 exchange state, multistate and federal criminal history records with the  
624 State Bar Examining Committee for purposes of investigation of the

625 qualifications of any applicant for admission as an attorney under  
626 section 51-80. The record of all arrests reported to the bureau after  
627 March 16, 1976, shall contain information of any disposition within  
628 ninety days after the disposition has occurred.

629 Sec. 10. Subsection (c) of section 46a-80 of the general statutes is  
630 repealed and the following is substituted in lieu thereof (*Effective*  
631 *October 1, 2016*):

632 (c) A person may be denied employment by the state or any of its  
633 agencies, or a person may be denied a license, permit, certificate or  
634 registration to pursue, practice or engage in an occupation, trade,  
635 vocation, profession or business by reason of the prior conviction of a  
636 crime if, after considering (1) the nature of the crime and its  
637 relationship to the job for which the person has applied; (2)  
638 information pertaining to the degree of rehabilitation of the convicted  
639 person; and (3) the time elapsed since the conviction or release, the  
640 state or any of its agencies determines that the applicant is not suitable  
641 for the position of employment sought or the specific occupation,  
642 trade, vocation, profession or business for which the license, permit,  
643 certificate or registration is sought. In making a determination under  
644 this subsection, the state or any of its agencies shall give consideration  
645 to [a provisional pardon issued pursuant to section 54-130e, or] a  
646 certificate of rehabilitation issued pursuant to section 54-108f or 54-  
647 130e, as amended by this act, and such [provisional pardon or]  
648 certificate of rehabilitation shall establish a presumption that such  
649 applicant has been rehabilitated. If an application is denied based on a  
650 conviction for which the applicant has received a [provisional pardon  
651 or] certificate of rehabilitation, the state or any of its agencies, as the  
652 case may be, shall provide a written statement to the applicant of its  
653 reasons for such denial.

654 Sec. 11. Section 54-142k of the general statutes is repealed and the  
655 following is substituted in lieu thereof (*Effective October 1, 2016*):

656 (a) Each person or agency holding conviction information or

657 nonconviction information shall establish reasonable hours and places  
658 of inspection of such information.

659 (b) Each person or agency holding conviction information or  
660 nonconviction information shall (1) update such information promptly  
661 whenever related criminal history record information is sealed due to a  
662 provisional pardon or unsealed due to a revocation of a provisional  
663 pardon, erased, modified or corrected or when a pardon is granted;  
664 and (2) post on any conviction information or nonconviction  
665 information available to the public a notice that the criminal history  
666 record information may change daily due to provisional pardons,  
667 erasures, corrections, pardons and other modifications to individual  
668 criminal history record information and that the person or agency  
669 cannot guarantee the accuracy of the information except with respect  
670 to the date the information is disclosed or obtained.

671 (c) Conviction information shall be available to the public for any  
672 purpose.

673 (d) Nonconviction information shall be available to the subject of  
674 the information and to the subject's attorney pursuant to this  
675 subsection and subsection (e) of this section. Any person shall, upon  
676 satisfactory proof of the person's identity, be entitled to inspect, for  
677 purposes of verification and correction, any nonconviction information  
678 relating to the person and upon the person's request shall be given a  
679 computer printout or photocopy of such information for which a  
680 reasonable fee may be charged, provided no sealed or erased record  
681 may be released except as provided in subsection [(f)] (g) of section 54-  
682 142a, as amended by this act. Before releasing any exact reproductions  
683 of nonconviction information to the subject of the information, the  
684 agency holding such information may remove all personal identifying  
685 information from such reproductions.

686 (e) Any person may authorize, in writing, an agency holding  
687 nonconviction information pertaining directly to the person to disclose  
688 such information to the person's attorney. The holding agency shall

689 permit such attorney to inspect and obtain a copy of such information  
690 if both the attorney's identity and that of the attorney's client are  
691 satisfactorily established, provided no erased record may be released  
692 unless the attorney attests to such attorney's client's intention to  
693 challenge the accuracy of such record.

694 (f) Any person who obtains nonconviction information by falsely  
695 representing to be the subject of the information shall be guilty of a  
696 class D felony.

697 Sec. 12. Section 54-301 of the general statutes is repealed and the  
698 following is substituted in lieu thereof (*Effective October 1, 2016*):

699 (a) Not later than January 1, 2016, the Connecticut Sentencing  
700 Commission shall post data on its Internet web site that the  
701 commission received from the Board of Pardons and Paroles pursuant  
702 to subsection (l) of section 54-130e, as amended by this act, and the  
703 Court Support Services Division of the Judicial Branch pursuant to  
704 section 54-108f, and shall update such data on its Internet web site  
705 annually thereafter.

706 (b) The Connecticut Sentencing Commission, or its designee, shall  
707 evaluate the effectiveness of provisional pardons issued pursuant to  
708 section 54-130a, as amended by this act, and certificates of  
709 rehabilitation issued pursuant to section 54-108f or 54-130e, as  
710 amended by this act, [and certificates of rehabilitation issued pursuant  
711 to section 54-108f,] at promoting the public policy of rehabilitating ex-  
712 offenders consistent with the public interest in public safety, the safety  
713 of crime victims and the protection of property. Such evaluation shall  
714 continue for a period of three years from October 1, 2015. The  
715 commission shall submit a report to the joint standing committee of  
716 the General Assembly having cognizance of matters relating to the  
717 judiciary not later than January 15, 2016, January 15, 2017, and January  
718 15, 2018, on the effectiveness of such provisional pardons and  
719 certificates of rehabilitation at promoting such public policy and public  
720 interest. Such report shall include recommendations, if any, for

721 amendments to the general statutes governing such provisional  
 722 pardons and certificates of rehabilitation in order to promote such  
 723 public policy and public interest.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	54-130a
Sec. 2	<i>October 1, 2016</i>	54-142a
Sec. 3	<i>October 1, 2016</i>	54-142c
Sec. 4	<i>October 1, 2016</i>	54-142e
Sec. 5	<i>October 1, 2016</i>	54-142g
Sec. 6	<i>October 1, 2016</i>	46a-80(e)
Sec. 7	<i>October 1, 2016</i>	54-130e
Sec. 8	<i>October 1, 2016</i>	31-51i
Sec. 9	<i>October 1, 2016</i>	29-11(a)
Sec. 10	<i>October 1, 2016</i>	46a-80(c)
Sec. 11	<i>October 1, 2016</i>	54-142k
Sec. 12	<i>October 1, 2016</i>	54-301

**Statement of Legislative Commissioners:**

In Section 1(c)(1), "or a certificate of rehabilitation" was deleted for accuracy, Section 1(d)(3)(B) was rewritten for clarity, in Sections 2, 3, 4 and 8, grammatical and clarifying changes were made to language describing a record sealed due to a provisional pardon, in Section 2(f)(4), "54-130f" was changed to "54-130a" for accuracy, in Section 11(b), language was clarified re a record unsealed due to the revocation of a provisional pardon and in Section 11(d), a reference to "subsection (f) of section 54-142a" was changed to "subsection [(f)] (g) of section 54-142a" for accuracy.

**JUD**      *Joint Favorable Subst.*