



House of Representatives

General Assembly

File No. 615

February Session, 2016

Substitute House Bill No. 5641

House of Representatives, April 14, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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 Section 54-130a of the general statutes is repealed and the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	October 1, 2016	54-142g
Sec. 6	October 1, 2016	46a-80(e)
Sec. 7	October 1, 2016	54-130e
Sec. 8	October 1, 2016	31-51i
Sec. 9	October 1, 2016	29-11(a)
Sec. 10	October 1, 2016	46a-80(c)
Sec. 11	October 1, 2016	54-142k
Sec. 12	October 1, 2016	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.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Correction, Dept.	GF - Cost	172,261	137,261
State Comptroller - Fringe Benefits ¹	GF - Cost	54,822	54,822

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill broadens the circumstances in which provisional pardons can be issued and creates requirements related to records sealing and erasure which results in a cost of \$172,261 in FY 17 and \$137,261 annually thereafter to the Board of Pardons and Parole (BPP) within the Department of Correction. The changes in the bill are anticipated to create a shift in caseload due to allowing offenders who previously were required to wait three or five years depending on their offense to apply immediately upon release from supervision. In FY 15 the BPP received 1,103 pardon applications, of which 963 were deemed eligible. Based on FY 15 applications, up to approximately 3,000 individuals could apply for provisional pardons under the bill.

The costs in the bill include funding for a parole officer, records clerk, and part time secretary and associated fringe benefits. Additionally, the changes in the bill require additions to the agency's data and case management system, which based on similar contracts

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 39.94% of payroll in FY 17 and FY 18.

will result in a one-time cost of approximately \$35,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Board of Pardons and Paroles*

<http://www.ct.gov/bopp/cwp/view.asp?a=4331&q=550204>

Core-CT Financial Accounting System Salary Information for BPP Employees

OLR Bill Analysis

sHB 5641

AN ACT CONCERNING PROVISIONAL PARDONS.

SUMMARY:

This bill allows the Board of Pardons and Paroles, beginning October 1, 2016, to issue an offender a provisional pardon that seals the records of the crime that is the subject of the pardon. The bill treats sealed records similar to the way existing law treats criminal records that are erased after a pardon, dismissal, or finding of not guilty. In both cases, access to the records is limited, the subject of the records can state that he or she has never been arrested for the crime in the records, and several employment protections apply to people who are the subject of the records.

The bill requires the board to revoke someone's provisional pardon if the person is later convicted of a crime. A person can ask the board to convert his or her provisional pardon to an absolute pardon five years after it was granted if it has not been revoked. As under existing law for absolute pardons, the bill erases the records of anyone whose provisional pardon is converted.

The bill eliminates provisions related to the board issuing a provisional pardon to relieve an offender from barriers to employment or the issuance of licenses. Current law allows the board to issue a provisional pardon or a certificate of rehabilitation for these purposes. The law also allows the Judicial Branch's Court Support Services Division to issue these certificates to offenders under its jurisdiction.

Finally, the bill alters a Sentencing Commission study requirement to apply to provisional pardons issued under the bill, rather than those issued under current law to relieve offenders of barriers to employment or licensure

EFFECTIVE DATE: October 1, 2016

§§ 1 & 7 — PROVISIONAL PARDONS

The bill modifies the board's authority to issue provisional pardons. Currently, the board may issue a provisional pardon to relieve an offender from barriers to employment or licensing if the relief granted (1) may promote the public policy of rehabilitating ex-offenders through employment and (2) is consistent with the public interest in public safety, the victim's safety, and protecting property.

Under the bill, the board may still issue provisional pardons but, starting October 1, 2016, it is no longer limited to granting them for these purposes. (By law, the board may still issue certificates of rehabilitation for these purposes.) For provisional pardons issued beginning on October 1, 2016, the bill requires sealing the records of the crime that is the subject of the provisional pardon.

The bill requires the board to revoke a provisional pardon when a person who received one is later convicted of a crime. The board must notify the court clerk, Judicial Branch records personnel, or a law enforcement agency with information in its records of the revocation and the person's records are unsealed.

The bill allows a person to apply to the board to convert a provisional pardon to an absolute pardon if it is at least five years since the provisional pardon was granted and it has not been revoked.

As with an absolute pardon under existing law, the bill requires the board to notify the clerk of the court where the person was convicted when it grants a provisional pardon or converts it to an absolute pardon.

§§ 2-5, 9, & 11 — RECORD SEALING AND ERASURE

Sealing Records

For provisional pardons issued on or after October 1, 2016, the bill requires sealing the records of the crime that is the subject of the provisional pardon. The bill imposes requirements on sealing records

that are similar to those governing erased records.

1. The court clerk, Judicial Branch records personnel, and law enforcement agencies with information in their records cannot disclose information about the charge.
2. The record's subject can access the records if he or she submits satisfactory proof of identity under the chief court administrator's guidelines.
3. The clerk or person in control of the records must send a notice about the record's sealing to any law enforcement agency he or she knows has information about the arrest and the agencies must seal it in the same way.
4. The clerk or person in control of records must use adequate security measures to safeguard against unauthorized access to or dissemination of the records.
5. While the records are sealed, the subject is deemed to have never been arrested and can swear to it under oath.

The bill erases the records if the provisional pardon is converted to an absolute pardon. If the board notifies the clerk or person in control of records that a provisional pardon is revoked, he or she must unseal the records.

As with erased records, the bill allows (1) disclosure of arrest records under a court order to a defendant in an action for false arrest arising out of the proceeding or to prosecutors and defense counsel when a perjury charge relates to testimony at trial and (2) certain uses of a jury charge. The bill additionally allows access to sealed records by a prosecutor and defense counsel in a case where the subject of the records is being prosecuted for an offense other than the one that was provisionally pardoned.

As with erased records, court clerks, Judicial Branch records personnel, and criminal justice agencies with sealed information

generally cannot disclose it.

The bill requires the State Police Bureau of Identification when providing records of final court judgments to update its records to reflect if a record has been sealed by a provisional pardon (§ 9).

Purchased Records (§ 4)

Similar to erased records, the bill requires the Judicial Branch to make information on sealed records available to consumer reporting agencies and others that purchase information on public criminal records from the branch. As with erased records:

1. the information the branch provides can include docket numbers or other information that permits the purchasers to identify and delete sealed records and
2. purchasers must purchase updated information from the branch and cannot further disclose sealed records.

Sealed Records as Nonconviction Information (§§ 5 & 11)

The bill extends protections given to erased records as “nonconviction information” to records sealed by a provisional pardon. This information cannot be released except as described above or (1) for research, evaluation, or statistical analysis or (2) under a specific agreement with a criminal justice agency or certain others to provide certain services (CGS § 54-142m). Nonconviction information may be disclosed to federal or other state criminal justice agencies, other agencies, or people who require it to implement a statute or executive order expressly referencing criminal conduct, or agencies or people authorized by court order, statute, or case law to receive nonconviction information (CGS § 54-142n). A noncriminal justice agency with nonconviction information must use it only for the purpose it was given, cannot disseminate it further, and cannot confirm its existence or nonexistence to anyone not entitled to the information (CGS § 54-142o).

The bill requires a person or agency with conviction and

nonconviction information to (1) update its information promptly when records are sealed by a provisional pardon or unsealed because of the revocation of one and (2) post a notice on any information available to the public that the information may change daily due to provisional pardons and it cannot guarantee the information's accuracy except as of the date information is disclosed or obtained. The law already imposes these requirements for record erasures, corrections, absolute pardons, and other modifications.

§§ 6, 8 & 10 — EMPLOYMENT PROTECTIONS

State Employment and Licensing (§§ 6 & 10)

The bill prohibits state agencies from using or disseminating sealed records in connection with an application for employment with the state or for a state-issued credential such as a professional license or permit.

The law requires a state agency to consider certain factors when deciding whether to deny employment or a credential to someone because of a prior conviction. The bill eliminates a requirement that state agencies consider a person's provisional pardon issued under current law (which designates an offender's relief from certain barriers to employment or licensure) as a part of this process. As under current law, these provisions apply to someone with a certificate of rehabilitation, but the bill allows a person granted a provisional pardon under its provisions to state under oath that the recipient was not arrested for the crime that is the subject of the pardon.

Employment (§ 8)

As with erased records, the bill:

1. prohibits employers from requiring an employee or prospective employee to disclose an arrest, charge, or conviction that is sealed and
2. requires employers to include a notice in an employment application form that states that this disclosure is not required, that criminal records that are sealed relate to a conviction, and

that a person who has a provisional pardon that seals his or her records is deemed to have never been arrested and may swear to that effect.

The bill extends two protections given employees and prospective employees with erased records to those with sealed records. The law prohibits an employer from (1) denying employment to a prospective employee solely because of an arrest, charge, or conviction that is the subject of erased records or (2) discharging or discriminating against an employee solely because of an arrest, charge, or conviction prior to employment that is in an erased record. The bill extends these protections to arrests, charges, and convictions in sealed records. But it eliminates these same protections for someone who received a provisional pardon under the current law as relief from a barrier to employment or licensing.

§ 12 — SENTENCING COMMISSION REPORT

The bill alters a requirement that the Sentencing Commission evaluate the effectiveness of provisional pardons and certificates of rehabilitation to apply to provisional pardons as issued under the bill, rather than those issued under current law to relieve offenders of barriers to employment or licensure.

By law, the Sentencing Commission, or its designee, must evaluate the effectiveness of these documents in promoting the public policy of rehabilitating ex-offenders consistent with the public interest in public safety, crime victim safety, and protecting property. The evaluations must cover the three years beginning October 1, 2015. The commission must report to the Judiciary Committee by January 15 of 2016, 2017, and 2018 on (1) the provisional pardons' and certificates' effectiveness and (2) recommendations for statutory changes.

BACKGROUND

Related Bill

sSB 454, reported favorably by the Judiciary Committee, contains a number of provisions on record erasure, including erasing the records

of a (1) person's misdemeanor drug possession conviction if during the five years since the conviction he or she has no other arrests and is not known to have sold or possessed controlled substances and (2) charge that is dropped before arraignment or of a person released without being charged due to mistaken identity.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 27 Nay 18 (03/30/2016)