

**Proposed Substitute
Bill No. 5641**

LCO No. 3615

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 Section 54-130a of the general statutes is repealed and the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 or a
13 certificate of rehabilitation three years after an applicant's conviction of
14 a misdemeanor or violation and five years after an applicant's
15 conviction of a felony, except that the board, upon a finding of
16 extraordinary circumstances, may accept an application for a pardon
17 prior to such dates.

18 (2) The board may accept an application to have a provisional
19 pardon converted to an absolute pardon as provided in subdivision (3)
20 of subsection (d) of this section.

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

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

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

43 (B) Whenever the board grants a provisional pardon to any person
44 who during the five-year period following the granting of such
45 provisional pardon does not have such pardon revoked, such person
46 may apply to have such provisional pardon converted to an absolute
47 pardon pursuant to subsection (c) of this section.

48 (e) Whenever the board grants [a provisional pardon or] a certificate
49 of rehabilitation to any person, the board shall cause notification of

50 such [provisional pardon or] certificate of rehabilitation to be made in
51 writing to the clerk of the court in which such person was convicted.
52 The granting of [a provisional pardon or] a certificate of rehabilitation
53 does not entitle such person to erasure of the record of the conviction
54 of the offense or relieve such person from disclosing the existence of
55 such conviction as may be required.

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

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

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

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

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

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

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

114 (d) (1) Whenever prior to October 1, 1974, any person who has been
115 convicted of an offense in any court of this state has received an

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

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

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

148 (2) No fee shall be charged in any court with respect to any petition

149 under this section.

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

154 (f) (1) Whenever any person who has been convicted of an offense in
155 any court of this state receives a provisional pardon on or after October
156 1, 2016, the records of such conviction shall be sealed in accordance
157 with this subsection.

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

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

182 records.

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

188 (4) Any such record shall be erased if the provisional pardon is
189 converted to an absolute pardon pursuant to section 54-130f, as
190 amended by this act.

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

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

215 electronic records released to the public that reference a charge that
216 would otherwise be entitled to erasure under this section shall be
217 erased in accordance with the provisions of this section. Nothing in
218 this section shall require the erasure of any information contained in
219 the registry of protective orders established pursuant to section 51-5c.
220 For the purposes of this subsection, "electronic record" means any
221 police or court record or the record of any state's attorney or
222 prosecuting attorney that is an electronic record, as defined in section
223 1-267, or a computer printout.

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

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

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

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

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

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

259 (a) Notwithstanding the provisions of subsection (e) of section 54-
260 142a, as amended by this act, and section 54-142c, as amended by this
261 act, with respect to any person, including, but not limited to, a
262 consumer reporting agency as defined in subsection (h) of section 31-
263 51i, as amended by this act, that purchases criminal matters of public
264 record, as defined in said subsection (h), from the Judicial Department,
265 the department shall make available to such person information
266 concerning such criminal matters of public record that [have been] are
267 sealed due to a provisional pardon or have been erased pursuant to
268 section 54-142a, as amended by this act. Such information may include
269 docket numbers or other information that permits the person to
270 identify and permanently delete records that [have been] are sealed
271 due to a provisional pardon or have been erased pursuant to section
272 54-142a, as amended by this act.

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

281 records. Such person shall not further disclose such sealed due to a
282 provisional pardon or erased records.

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

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

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

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

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

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

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

336 (f) "Disclosure" means the communication of information to any
337 person by any means.

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

343 Sec. 6. Subsection (e) of section 46a-80 of the general statutes is
344 repealed and the following is substituted in lieu thereof (*Effective*
345 *October 1, 2016*):

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

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

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

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

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

366 (3) "Certificate of rehabilitation" means a form of relief from barriers
367 or forfeitures to employment or the issuance of licenses, other than a
368 provisional pardon, that is granted to an eligible offender by (A) the
369 Board of Pardons and Paroles pursuant to this section, or (B) the Court
370 Support Services Division of the Judicial Branch pursuant to section
371 54-108f;

372 (4) "Eligible offender" means a person who has been convicted of a
373 crime or crimes in this state or another jurisdiction and who is a
374 resident of this state and (A) is applying for a provisional pardon or is
375 under the jurisdiction of the Board of Pardons and Paroles, or (B) with
376 respect to a certificate of rehabilitation under section 54-108f, is under

377 the supervision of the Court Support Services Division of the Judicial
378 Branch;

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

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

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

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

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

406 (c) The Board of Pardons and Paroles may, in its discretion, issue [a
407 provisional pardon or] a certificate of rehabilitation to an eligible

408 offender upon verified application of such eligible offender. The board
409 may issue [a provisional pardon or] a certificate of rehabilitation at any
410 time after the sentencing of an eligible offender, including, but not
411 limited to, any time prior to the eligible offender's date of release from
412 the custody of the Commissioner of Correction, probation or parole.
413 Such [provisional pardon or] certificate of rehabilitation may be issued
414 by a pardon panel of the board or a parole release panel of the board.

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

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

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

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

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

431 (f) The board may, for the purpose of determining whether such
432 [provisional pardon or] certificate of rehabilitation should be issued,
433 request its staff to conduct an investigation of the applicant and submit
434 to the board a report of the investigation. Any written report
435 submitted to the board pursuant to this subsection shall be confidential
436 and shall not be disclosed except to the applicant and where required
437 or permitted by any provision of the general statutes or upon specific
438 authorization of the board.

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

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

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

464 (j) If a temporary certificate of rehabilitation issued under this
465 section or section 54-108f is revoked, barriers and forfeitures thereby
466 relieved shall be reinstated as of the date the person to whom the
467 temporary certificate of rehabilitation was issued receives written
468 notice of the revocation. Any such person shall surrender the
469 temporary certificate of rehabilitation to the issuing board or division
470 upon receipt of the notice.

471 (k) The board shall revoke a [provisional pardon or] certificate of

472 rehabilitation if the person to whom it was issued is convicted of a
473 crime, as defined in section 53a-24, after the issuance of the
474 [provisional pardon or] certificate of rehabilitation.

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

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

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

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

493 (c) An employment application form that contains any question
494 concerning the criminal history of the applicant shall contain a notice,
495 in clear and conspicuous language: (1) That the applicant is not
496 required to disclose the existence of any arrest, criminal charge or
497 conviction, the records of which [have been] are sealed due to a
498 provisional pardon or have been erased pursuant to section 46b-146,
499 54-76o or 54-142a, as amended by this act, (2) that criminal records
500 subject to sealing due to a provisional pardon or erasure pursuant to
501 section 46b-146, 54-76o or 54-142a, as amended by this act, are records
502 pertaining to a finding of delinquency or that a child was a member of
503 a family with service needs, an adjudication as a youthful offender, a

504 criminal charge that has been dismissed or nolleed, a criminal charge
505 for which the person has been found not guilty or a conviction for
506 which the person received an absolute or provisional pardon, and (3)
507 that any person whose criminal records [have been] are sealed due to a
508 provisional pardon or have been erased pursuant to section 46b-146,
509 54-76o or 54-142a, as amended by this act, shall be deemed to have
510 never been arrested within the meaning of the general statutes with
511 respect to the proceedings under seal due to a provisional pardon or so
512 erased and may so swear under oath.

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

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

534 (f) The portion of an employment application form which contains
535 information concerning the criminal history record of an applicant or
536 employee shall only be available to the members of the personnel

537 department of the company, firm or corporation or, if the company,
538 firm or corporation does not have a personnel department, the person
539 in charge of employment, and to any employee or member of the
540 company, firm or corporation, or an agent of such employee or
541 member, involved in the interviewing of the applicant.

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

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

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

562 (3) An insurance producer licensed under chapter 701a in
563 connection with (A) the management of risks related to security or
564 privacy of such insurance producer, or (B) the compliance
565 responsibilities of such insurance producer under state or federal law.

566 (h) (1) For the purposes of this subsection: (A) "Consumer reporting
567 agency" means any person who regularly engages, in whole or in part,
568 in the practice of assembling or preparing consumer reports for a fee,

569 which reports compile and report items of information on consumers
570 that are matters of public record and are likely to have an adverse
571 effect on a consumer's ability to obtain employment, but does not
572 include any public agency; (B) "consumer report" means any written,
573 oral or other communication of information bearing on an individual's
574 credit worthiness, credit standing, credit capacity, character, general
575 reputation, personal characteristics or mode of living; and (C)
576 "criminal matters of public record" means information obtained from
577 the Judicial Department relating to arrests, indictments, convictions,
578 outstanding judgments, and any other conviction information, as
579 defined in section 54-142g, as amended by this act.

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

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

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

595 (3) This subsection shall not apply in the case of an agency or
596 department of the United States government seeking to obtain and use
597 a consumer report for employment purposes if the head of the agency
598 or department makes a written finding pursuant to 15 USC
599 1681b(b)(4)(A).

600 Sec. 9. Subsection (a) of section 29-11 of the general statutes is

601 repealed and the following is substituted in lieu thereof (*Effective*
602 *October 1, 2016*):

603 (a) The bureau in the Division of State Police within the Department
604 of Emergency Services and Public Protection known as the State Police
605 Bureau of Identification shall be maintained for the purposes of (1)
606 providing an authentic record of each person sixteen years of age or
607 over who is charged with the commission of any crime involving
608 moral turpitude, (2) providing definite information relative to the
609 identity of each person so arrested, (3) providing a record of the final
610 judgment of the court resulting from such arrest, unless such record is
611 sealed due to a provisional pardon or has been erased pursuant to
612 section 54-142a, as amended by this act, and (4) maintaining a central
613 repository of complete criminal history record disposition information.
614 The Commissioner of Emergency Services and Public Protection is
615 directed to maintain the State Police Bureau of Identification, which
616 bureau shall receive, classify and file in an orderly manner all
617 fingerprints, pictures and descriptions, including previous criminal
618 records as far as known of all persons so arrested, and shall classify
619 and file in a like manner all identification material and records
620 received from the government of the United States and from the
621 various state governments and subdivisions thereof, and shall
622 cooperate with such governmental units in the exchange of
623 information relative to criminals. The State Police Bureau of
624 Identification shall accept fingerprints of applicants for admission to
625 the bar of the state and, to the extent permitted by federal law, shall
626 exchange state, multistate and federal criminal history records with the
627 State Bar Examining Committee for purposes of investigation of the
628 qualifications of any applicant for admission as an attorney under
629 section 51-80. The record of all arrests reported to the bureau after
630 March 16, 1976, shall contain information of any disposition within
631 ninety days after the disposition has occurred.

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

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

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

659 (a) Each person or agency holding conviction information or
660 nonconviction information shall establish reasonable hours and places
661 of inspection of such information.

662 (b) Each person or agency holding conviction information or
663 nonconviction information shall (1) update such information promptly
664 whenever related criminal history record information is under or
665 released from seal due to a provisional pardon, erased, modified or
666 corrected or when a pardon is granted; and (2) post on any conviction
667 information or nonconviction information available to the public a

668 notice that the criminal history record information may change daily
669 due to sealings and unsealings due to a provisional pardon, erasures,
670 corrections, pardons and other modifications to individual criminal
671 history record information and that the person or agency cannot
672 guarantee the accuracy of the information except with respect to the
673 date the information is disclosed or obtained.

674 (c) Conviction information shall be available to the public for any
675 purpose.

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

689 (e) Any person may authorize, in writing, an agency holding
690 nonconviction information pertaining directly to the person to disclose
691 such information to the person's attorney. The holding agency shall
692 permit such attorney to inspect and obtain a copy of such information
693 if both the attorney's identity and that of the attorney's client are
694 satisfactorily established, provided no erased record may be released
695 unless the attorney attests to such attorney's client's intention to
696 challenge the accuracy of such record.

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

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

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

709 (b) The Connecticut Sentencing Commission, or its designee, shall
710 evaluate the effectiveness of provisional pardons issued pursuant to
711 section 54-130a, as amended by this act, and certificates of
712 rehabilitation issued pursuant to section 54-130e, as amended by this
713 act, and certificates of rehabilitation issued pursuant to section 54-108f,
714 at promoting the public policy of rehabilitating ex-offenders consistent
715 with the public interest in public safety, the safety of crime victims and
716 the protection of property. Such evaluation shall continue for a period
717 of three years from October 1, 2015. The commission shall submit a
718 report to the joint standing committee of the General Assembly having
719 cognizance of matters relating to the judiciary not later than January
720 15, 2016, January 15, 2017, and January 15, 2018, on the effectiveness of
721 such provisional pardons and certificates of rehabilitation at
722 promoting such public policy and public interest. Such report shall
723 include recommendations, if any, for amendments to the general
724 statutes governing such provisional pardons and certificates of
725 rehabilitation in order to promote such public policy and public
726 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

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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>	New section