OLR Bill Analysis

HB 7349 (as amended by House "A")*

AN ACT CONCERNING IDENTITY THEFT VICTIM ACCESS TO RECORDS.

SUMMARY

Under current law, when a criminal defendant applies for pretrial accelerated rehabilitation (AR), the court orders the file sealed to the public. Generally, if the defendant successfully completes the program, the court dismisses the charges and upon dismissal, the related police, court, and prosecution records are erased.

This bill creates an exception for certain records related to AR program participants charged with 2\textsuperscript{nd} or 3\textsuperscript{rd} degree identity theft or trafficking in personal identifying information. It gives the victim the right to access his or her complaint and any law enforcement agency reports about the offense.

*House Amendment “A” extends the bill to apply to persons charged with trafficking in personal identifying information.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Accelerated Rehabilitation

By law, AR is a pretrial diversionary program for people accused of certain crimes and motor vehicle violations who meet specified eligibility criteria. The court has discretion, within statutory eligibility requirements, to allow a defendant to use the program. The court generally places AR participants under the Court Support Services Division’s supervision for up to two years. If the defendant violates a condition of the program, he or she is brought to trial on the original charges (CGS § 54-56e).

 Trafficking in personal identifying information and 3\textsuperscript{rd} degree
identity theft are class D felonies. By law, defendants charged with class D felonies are eligible for AR if they meet the law’s other eligibility criteria (e.g., no previous convictions).

Second degree identity theft is a class C felony and defendants charged with class C felonies are ineligible for AR unless good cause is shown. Defendants charged with most class B felonies, including 1st degree identity theft, are ineligible for AR.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 37  Nay 0  (04/10/2019)