

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-691

**Title:** AN ACT CONCERNING ERASURE OF CRIMINAL RECORDS.

**Vote Date:** 4/10/2019

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/29/2019

**File No.:**

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

## **SPONSORS OF BILL:**

### **Judiciary Committee**

**Sen. Looney, Sen. Duff, Sen. McCrory, Sen. Cassano, Sen. Winfield, Sen. Cohen, Sen. Abrams, Sen. Maroney, Sen. Moore, Sen. Bradley, Sen. Kushner, Sen. Haskell, Sen. Needleman, Rep. Rose, Rep. Stafstrom, Rep. Elliot, Rep. DiMassa, Rep. Rosario**

## **REASONS FOR BILL:**

Currently, for most offenses, misdemeanors and felonies alike, one guilty of such offenses has to go to the Board of Pardons and Paroles to get a pardon. If the Board of Pardons and Paroles does not grant a pardon, for whatever reason, the offense will not be erased from an offender's criminal record. This could greatly hinder the offender's ability to get certain items like housing and employment. The proposed language allows the offender who committed certain offenses can move on from that record. This bill would give offenders a better chance at not going back to jail because there would be an increased likelihood of adding stabilizing factors to their lives, such as stable housing and employment, which make recidivism less likely.

## **SUBSTITUTE LANGUAGE:**

Lines 68-99 add language describing the process for erasure of criminal records for misdemeanor crimes and felony crimes. The language would erase all criminal records for misdemeanor crimes after three years of the completion of the sentence. C, D, or E felony offenses would be erased after five years of the completion of the sentence. The substitute language would provide exception from erasure certain family violence crime, nonviolent sexual offense, or sexually violent offense. Lines 165-170 remove the burden of a person who committed a crime that had post-conviction been decriminalized to file a petition, as the language in lines 68-99 provide for the automatic erasure of such convictions. Line 172 adds the word immediately, which tightens the requirement for police and court records to be

destroyed. Lines 190-191 add language that requires background screening providers and similar data-based services must delete the erased criminal records within 30 days of the erasure of the records by the police and courts. Line 225 adds erasure to the information the Criminal Justice Information System Governing Board is required to provide to state entities.

#### **RESPONSE FROM ADMINISTRATION/AGENCY:**

**CT Judicial Branch:** Takes no position on bill; but has several concerns regarding the implementation of bill for the Judicial Branch. If the policy is implemented, the Judicial Branch is concerned regarding: Erasures of DUI convictions, inability to address convictions prior to 1999 since their database only dates back to 1999, and the amount of time and resources that would be involved in this endeavor.

**CT Division of Criminal Justice (DCJ):** Opposes bill because it will “greatly impact the ability of the DCJ to appropriately decide issues such as sentencing recommendations, bail decisions, issuance of protective orders, punishing serious repeat offenders and thereby endangering the public at large...many determinations in criminal court are based on metrics that weigh the chance of recidivism on a person’s prior criminal history”.

**CT Office of Policy and Management, Under Secretary of Criminal Justice Policy and Planning, Marc Pelka:** Supports bill because Governor Lamont “believes that the course of justice is served when people who have completed their sentences are able to be restored as full, contributing members of society...Meaningful employment, stable housing, quality education, removal of stigma, and access to treatment and programs all often are key elements of success following involvement in the criminal justice system”.

**CT Sentencing Commission, Executive Director, Alex Tsarkov, and Chair, Judge Robert Devlin:** Supports bill, but **suggests amendment** to that “would ensure that most adult convictions for misdemeanor offenses committed by 16- and 17-year-olds prior to the effective dates of the Raise the Age legislation would be erased by state entities”.

**CT Division of Public Defender Services, Chief Public Defender, Christine Perra Rapillo:** Supports bill because it is “designed to recognize that individuals who have previously been convicted of a crime are able to rehabilitate and successfully integrate into communities”. Supports the Sentencing Commission’s amendment regarding youth’s adult convictions.

**Office of the Victim Advocate, Victim Advocate, Natasha Pierre:** Opposes bill because it would “circumvent” the process in place to grant a pardon, which is currently done by the Board of Pardons and Paroles, and that there “are exceptions from erasure for certain offenses”.

**Commission on Equity and Opportunity (CEO) and Commission on Women, Children, and Seniors (CWCS), Executive Director, Steven Hernandez:** Supports bill because CT will “very likely realize a return on that investment and improve the quality of life for its residents through increased public safety, reduced recidivism, and reduced healthcare spending”.

**Connecticut Airport Authority (CAA), Executive Director, Kevin Dillon:** Does not take a position, but **suggests amendment** that the bill “provide an avenue for employers who are federally required to consider an applicant’s criminal history beyond the limitations set forth in this bill if this legislation progresses further”.

#### **NATURE AND SOURCES OF TESTIMONY FROM GROUPS WHO SUPPORT BILL:**

**CGA Senate Democrats, including Sen. Looney, Sen. Cohen, Sen. Abrams, Sen. Haskell, Sen. Kushner, and Sen. Moore:** Supports bill because it would be “helping former inmates who want to be productive members of society” and it is a “positive direction toward an improved criminal justice system”.

**Senator Martin Looney:** Supports bill because it would help “remove the stigma of criminal records, and promote rehabilitation, restoration, and redemption”.

**Center for American Progress (CAP), Vice President of the Poverty Program, Rebecca Vallas:** Supports bill because it would help Connecticut “lift countless individuals and families out of poverty, to save taxpayer dollars and boost the state’s economy, while building safer and healthier communities for generations to come”.

**National Association of Social Workers (NASW) / CT Chapter, President, Michelle Kenefick:** Supports bill because the automatic expungement of criminal records “would open new opportunities and allow these citizens to truly rebuild their lives”.

**City of Hartford Mayor, Luke Bronin:** Supports bill because it would “be another big step forward, because the stigma of incarceration should not indefinitely outlast an individual’s sentence”.

**Center of Children’s Advocacy, Director, Marisa Halm, Esq.:** Supports bill because “Connecticut residents-especially those that have successfully completed their required sentence and stayed crime-free for a period of time-deserve the opportunity to move forward with a clean slate”. **Proposes an amendment** that the bill should “make youth eligible for automatic record erasure”.

**ACLU-CT, Executive Director, David McGuire:** Supports bill because “Connecticut will be safer, stronger, and fairer if our state passes a bill to erase convictions on criminal records”. **Proposes several amendments** including: adding all “misdemeanor and felony convictions, removing or greatly reducing the time period before record erasure, including juvenile records, and prohibiting discrimination based on a criminal record and to support the amended bill”.

**Former State Senator Ernest Newton:** Supports bill because it “attempts to right a terrible wrong done, not just to incarcerated individuals, but to entire families” and shared an anecdote about his re-entry process after being incarcerated.

**Connecticut Criminal Defense Lawyers Association, Executive Board Member, Frank J. Riccio II:** Supports bill because “those with a clean record can more easily reintegrate into the workforce and become successful – all to the benefit of their employers and to the economic health of the state as a whole”

**Career Resources, Vice President for Community Relations, Business Development, and Reentry Programs, Rob Hebert:** Supports bill because it will “provide an opportunity for citizens of Connecticut to move on with their lives and dreams after both paying their debt to society and then waiting for substantial period of time to ensure their behaviors have been corrected.

**Greater New Haven Chamber, President and CEO, Garrett Sheehan:** Supports bill because it is “a positive step to unlocking the full potential of our state’s workforce”.

**Connecticut Juvenile Justice Alliance, Deputy Director, Christina Quaranta:** Supports bill because it will “eliminate barriers to success individuals currently face in securing jobs, housing, and education”. Supports amendment proposed by the Center for Children’s Advocacy to expunge juvenile records.

**R Street Institute, Associate Director of Criminal Justice, Nila Bala:** Supports bill because it “supports human dignity, public safety, and our community” and it amends “the cumbersome process that justice-involved individuals must currently undertake to clear their records”.

**Southwest Community Health Center, Behavioral Health Site Supervisor, Karen Smith:** Supports bill because it would give “individuals that are affected by their legal records afforded the opportunity to integrate in the community with more success by omitting barriers to employment and housing which are necessary to rebuild a healthier lifestyle”.

**New Haven Legal Assistance Association Reentry Clinic submitted by John Vazquez and Victor Smith:** Supports bill because it “would make it much easier for people who served their time to get that fresh start” and it would be “combatting the vicious cycle of poverty and recidivism”.

**City of Hartford, Interim Director of Reentry Services, Sue Gunderman:** Supports bill because it will “give individuals who have turned their lives around access to higher education, careers where they can earn livable wages, and safe and affordable housing”.

**City of Bridgeport, Director of the M.I.R.A., Eric Christmas:** Supports bill because it would “prohibit discrimination in employment, housing, public education and accommodations, insurance, credit transactions, government programs and services, and economic development programs, based on a person’s criminal record”.

**CONNECT:** Several members of CONECT testified in support of this bill including: Asti Jackson, Eleanor Sauers, Rev. Ally Brundige, Rev. David Blanchfield, Jack O’Melia, Rick Chamiec-Case, Julie Sharp, Rev. Phillipe Andal, Sally Connolly, Therese Lefever, Donald Day, Jeffery Schwartz, Pastor Anthony L. Bennett, Angela deMello, Shiela Rietano, Rabbi Evan Schultz, Richard DelValle, Nadine Repinecz, Ta’LannaMonique Miller, Artie Weissman, Rev. Curtis Farr, Emma Speer, Jasmine Vermont, Emily Lehrman, Kenny Foscue, Cindy Zuckerbrod, Weethne Dorvil, Paul Merriman, Rogsbert King, Erin Drake, and Philip Kent. Many of them discussed of the importance of giving people second chances and that they, as a group, support many of these people that the bill would affect. They also believe this

“legislation would give hope to returning citizens of being able to rebuild their lives going forward, without prejudice”.

**NATURE AND SOURCES OF TESTIMONY FROM GROUPS WHO OPPOSE BILL:**

**CT Property Owners Alliance, President, Bob De Cosmo:** Opposes bill it will “conceal a violent criminal’s history and allow them to commit future crimes against innocent victims” and “it will allow for an individual with many criminal acts to have literally just one or two records displaying on their report if we automatically erase records”.

**CBIA, Counsel, Louise DiCocco:** Opposes bill and **suggests amendment** that will “provide employers with protection from civil liability”.

**National Federation of Independent Business (NFIB), State Director, Andy Markowski:** Opposes bill because “employers are concerned about potential liabilities that may arise during or after the hiring process” and **suggests amendment** that would “protect employers from potential negligent hiring claims and limit employer liability associated with hiring an employee who may have had a criminal record automatically erased or expunged”.

Many realtors and landlords sent in testimony in opposition to this bill including: Heather Chometa, Rick Poulin, Joe Capuano, David Haberfeld, Sari Friedman, Laura Lieske, Alex Piech, Joe Mollica, Bill Doolan, Monica and Peter Obuckowski, Andrew Zeeman, Leigh Zeeman, Alison Hird, Naomi Freeman, Heather Kelley, Peter Kreckovic, Deb Rowe, Matt O’Grady, Will Ezarik, David Epstein, Ronald Gallagher, Christina King, Andrea Malone, Fanny Marone, Michael O’Neill, Caitlin Gagnon, James Barnie, Gayle Gagliano, Nancy Fox, David Mozdziak, Nathan Weiss, Paul Higgins, Rudy O’Neil, Steve Portera, Brynn Hickey, Cheryl Reynolds, Eric Rogers, Kristine Gasque, Sharon Gilson, Craig Silver, Sal Morello, Cathy Newlin, Karen Messer, and Eryen Lalonde. The sentiment among realtors and landlords was that this would put their tenants’ potentially in harm’s way and that they should know who would be renting their properties. They also believe that this bill “would put landlords and all of their tenants at risk for theft, sexual and/or physical abuse, other injuries, or even death by someone who has been convicted of such a crime in the past”.

**NATURE AND SOURCES OF PUBLIC TESTIMONY:**

Support:	Oppose:
Meryl Anne Spat (Waterbury, CT)	Bill Harris
Dr. Tina M. Manus (Bridgeport, CT)	Charles Evans
Christopher Halpin (Windsor Locks, CT)	Tina Marie Thornton
Donald M. Robinson	Pat Lionetti
John Vasquez (New Haven, CT)	Beth Hamilton
Victor Smith	Tracy Miller
Tammy (Niantic, CT)	Diane Venturi-Milo
Stephen Dougherty (New Haven, CT)	Bridget Koestner
Kenny Foscue (North Haven, CT)	Jeffrey Kerekes
Michael Askew	Aashish Chopra
Lonnie Spaulding (New York, New York)	Cheryl A. Reynolds (Deep River, CT)

Douglas Wade (Bridgeport, CT)	Doug Kupa (Wilton, CT)
Joe	Andre Drouin
Paul Merriman	
Earl Bloodworth (New Haven, CT)	
Carlos Sosa-Lombardo (New Haven, CT)	
Eric Christmas (Bridgeport, CT)	
Sue Gunderman (Hartford, CT)	

**Reported by: Logan Durant**

**Date: April 23, 2019**