State of Connecticut

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Testimony of Christine Perra Rapillo, Chief Public Defender

Raised S.B. 1085 (LCO 6083): An Act Concerning the Legalization of the Retail Sale and Possession of Cannabis and Concerning Erasure of Criminal Records in the Case of Convictions Based on the Possession of a Small Amount of Cannabis

Judiciary Committee - March 22, 2019

Thank you for the opportunity to comment on ***Raised Senate Bill 1085, An Act Concerning the Legalization of the Retail Sale and Possession of Cannabis and Concerning Erasure of Criminal Records in the Case of Convictions Based on the Possession of a Small Amount of Cannabis.***

The Office of Chief Public Defender supports the responsible legalization of cannabis, generally, and particularly supports the erasure of criminal convictions based on repealed cannabis-related offenses. We urge the Committee to endorse *automatic* erasure rather than place an additional burden on individuals and communities already disproportionately impacted by the "war on drugs."

Renowned lawyer Bryan Stevenson, founder of the Equal Justice Initiative and author of Just Mercy, has observed that the opposite of poverty is not wealth, but justice. The history of drug policy and its enforcement in Connecticut and across our country lends credence to that perspective. It reminds us of the need to move forward on cannabis policy in a way that acknowledges—and to the extent possible, corrects for—a "war on drugs" that has disproportionately criminalized lower-income communities and communities of color.

On a daily basis in our representation of indigent criminal accused in Connecticut's state courts, we see how intentional drug policy and unconscious bias impact lower-income defendants. Accordingly, we not only provide effective, zealous representation to our clients, but also support efforts to make the system fairer, and to give defendants, victims, and the public more confidence that justice will be done. SB 1085 is such an effort.

We recommend providing for the automatic erasure of criminal convictions based on repealed cannabis-related offenses. As currently written, the bill places an additional burden on the very individuals and communities disproportionately burdened by the aforementioned disparities. A recently released study on expungement of criminal records showed that less than 10% of individuals file for erasure when it is permissive and not automatic. Barriers identified included the cost, lack of knowledge that erasure was available and an inability to navigate the process. All of these factors impact our indigent client's ability to apply for erasure and we ask that it be made automatic to give full effect to the restorative nature of this proposal. [1]

Thank you for considering our perspective on this important issue.

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[1] **Expungement of Criminal Convictions: An Empirical Study,** U of Michigan Law & Econ Research Paper No. 19-001, Prescott, JJ, Starr, Sonia, University of Michigan Law School March 16, 2018.