



General Assembly

January Session, 2019

**Committee Bill No. 691**

LCO No. 6436



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-142a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) Whenever in any criminal case, on or after October 1, 1969, the  
4 accused, by a final judgment, is found not guilty of the charge or the  
5 charge is dismissed, all police and court records and records of any  
6 state's attorney pertaining to such charge shall be erased upon the  
7 expiration of the time to file a writ of error or take an appeal, if an  
8 appeal is not taken, or upon final determination of the appeal  
9 sustaining a finding of not guilty or a dismissal, if an appeal is taken.  
10 Nothing in this subsection shall require the erasure of any record  
11 pertaining to a charge for which the defendant was found not guilty by  
12 reason of mental disease or defect or guilty but not criminally  
13 responsible by reason of mental disease or defect.

14 (b) Whenever in any criminal case prior to October 1, 1969, the  
15 accused, by a final judgment, was found not guilty of the charge or the  
16 charge was dismissed, all police and court records and records of the

17 state's or prosecuting attorney or the prosecuting grand juror  
18 pertaining to such charge shall be erased by operation of law and the  
19 clerk or any person charged with the retention and control of such  
20 records shall not disclose to anyone their existence or any information  
21 pertaining to any charge so erased; provided nothing in this subsection  
22 shall prohibit the arrested person or any one of his heirs from filing a  
23 petition for erasure with the court granting such not guilty judgment  
24 or dismissal, or, where the matter had been before a municipal court, a  
25 trial justice, the Circuit Court or the Court of Common Pleas with the  
26 records center of the Judicial Department and thereupon all police and  
27 court records and records of the state's attorney, prosecuting attorney  
28 or prosecuting grand juror pertaining to such charge shall be erased.  
29 Nothing in this subsection shall require the erasure of any record  
30 pertaining to a charge for which the defendant was found not guilty by  
31 reason of mental disease or defect.

32 (c) (1) Whenever any charge in a criminal case has been nolle in the  
33 Superior Court, or in the Court of Common Pleas, if at least thirteen  
34 months have elapsed since such nolle, all police and court records and  
35 records of the state's or prosecuting attorney or the prosecuting grand  
36 juror pertaining to such charge shall be erased, except that in cases of  
37 nolles entered in the Superior Court, Court of Common Pleas, Circuit  
38 Court, municipal court or by a justice of the peace prior to April 1,  
39 1972, such records shall be deemed erased by operation of law and the  
40 clerk or the person charged with the retention and control of such  
41 records shall not disclose to anyone their existence or any information  
42 pertaining to any charge so erased, provided nothing in this subsection  
43 shall prohibit the arrested person or any one of his heirs from filing a  
44 petition to the court or to the records center of the Judicial Department,  
45 as the case may be, to have such records erased, in which case such  
46 records shall be erased.

47 (2) Whenever any charge in a criminal case has been continued at  
48 the request of the prosecuting attorney, and a period of thirteen  
49 months has elapsed since the granting of such continuance during

50 which period there has been no prosecution or other disposition of the  
51 matter, the charge shall be nolle upon motion of the arrested person  
52 and such erasure may thereafter be effected or a petition filed therefor,  
53 as the case may be, as provided in this subsection for nolle cases.

54 (d) (1) Whenever prior to October 1, 1974, any person who has been  
55 convicted of an offense in any court of this state has received an  
56 absolute pardon for such offense, such person or any one of his heirs  
57 may, at any time subsequent to such pardon, file a petition with the  
58 superior court at the location in which such conviction was effected, or  
59 with the superior court at the location having custody of the records of  
60 such conviction or with the records center of the Judicial Department if  
61 such conviction was in the Court of Common Pleas, Circuit Court,  
62 municipal court or by a trial justice court, for an order of erasure, and  
63 the Superior Court or records center of the Judicial Department shall  
64 direct all police and court records and records of the state's or  
65 prosecuting attorney pertaining to such case to be erased.

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

68 (e) (1) For any individual who has ever been convicted of a  
69 misdemeanor or a felony in any court of this state:

70 (A) All of such individual's criminal history record information, as  
71 defined in subsection (a) of section 54-142g, shall be erased by  
72 operation of law three years following the completion of any sentence  
73 imposed as a result of such individual's most recent conviction for a  
74 misdemeanor offense or five years following the completion of any  
75 sentence imposed as a result of such individual's most recent  
76 conviction for a felony offense, whichever comes later;

77 (B) Notice of the erasure shall immediately be sent to all persons,  
78 agencies, officials or institutions known to have information pertaining  
79 to the criminal history record information. Reasonable efforts shall be  
80 made to send notice of the erasure to the individual whose records

81 have been erased not later than thirty calendar days after such erasure;

82 (C) If an individual has been convicted of an offense in any court in  
83 this state and such offense has been decriminalized subsequent to the  
84 date of such conviction, such conviction shall not be considered when  
85 evaluating such individual's criminal history record information for  
86 the purposes of this subsection; and

87 (D) Erasure under this subsection shall not be granted (i) to any  
88 individual who has a conviction for a violation of section 53a-45, 53a-  
89 54a, 53a-54b, 53a-54c, 53a-55, 53a-55a, 53a-59, 53a-59a, 53a-60, 53a-60a,  
90 53a-64aa, 53a-70, 53a-70a, 53a-92, 53a-92a, 53a-101, 53a-111, 53a-112,  
91 53a-134, 53a-167c or 53a-181c, or (ii) to any individual who has  
92 pending charges or an open criminal case in any jurisdiction.

93 (2) Nothing in this subsection shall limit any other procedure for  
94 erasure of criminal history record information or prohibit an  
95 individual from participating in any such procedure, even if such  
96 individual's criminal history record information has been erased under  
97 this subsection.

98 (3) No fee shall be charged with respect to any erasure under this  
99 subsection.

100 ~~[(e)]~~ (f) (1) The clerk of the court or any person charged with  
101 retention and control of such records in the records center of the  
102 Judicial Department or any law enforcement agency having  
103 information contained in such erased records shall not disclose to  
104 anyone, except the subject of the record, upon submission pursuant to  
105 guidelines prescribed by the Office of the Chief Court Administrator of  
106 satisfactory proof of the subject's identity, information pertaining to  
107 any charge erased under any provision of this section and such clerk or  
108 person charged with the retention and control of such records shall  
109 forward a notice of such erasure to any law enforcement agency to  
110 which he knows information concerning the arrest has been  
111 disseminated and such disseminated information shall be erased from

112 the records of such law enforcement agency. Such clerk or such person,  
113 as the case may be, shall provide adequate security measures to  
114 safeguard against unauthorized access to or dissemination of such  
115 records or upon the request of the accused cause the actual physical  
116 destruction of such records, except that such clerk or such person shall  
117 not cause the actual physical destruction of such records until three  
118 years have elapsed from the date of the final disposition of the criminal  
119 case to which such records pertain.

120 (2) No fee shall be charged in any court with respect to any petition  
121 under this section.

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

126 ~~[(f)]~~ (g) Upon motion properly brought, the court or a judge of such  
127 court, if such court is not in session, shall order disclosure of such  
128 records (1) to a defendant in an action for false arrest arising out of the  
129 proceedings so erased, or (2) to the prosecuting attorney and defense  
130 counsel in connection with any perjury charges which the prosecutor  
131 alleges may have arisen from the testimony elicited during the trial, or  
132 any false statement charges, or any proceeding held pursuant to  
133 section 53a-40b, or (3) counsel for the petitioner and the respondent in  
134 connection with any habeas corpus or other collateral civil action in  
135 which evidence pertaining to a nolle or dismissed criminal charge  
136 may become relevant. Such disclosure of such records is subject also to  
137 any records destruction program pursuant to which the records may  
138 have been destroyed. The jury charge in connection with erased  
139 offenses may be ordered by the judge for use by the judiciary,  
140 provided the names of the accused and the witnesses are omitted  
141 therefrom.

142 ~~[(g)]~~ (h) The provisions of this section shall not apply to any police  
143 or court records or the records of any state's attorney or prosecuting

144 attorney with respect to any information or indictment containing  
145 more than one count (1) while the criminal case is pending, or (2) when  
146 the criminal case is disposed of unless and until all counts are entitled  
147 to erasure in accordance with the provisions of this section, except that  
148 when the criminal case is disposed of, electronic records or portions of  
149 electronic records released to the public that reference a charge that  
150 would otherwise be entitled to erasure under this section shall be  
151 erased in accordance with the provisions of this section. Nothing in  
152 this section shall require the erasure of any information contained in  
153 the registry of protective orders established pursuant to section 51-5c.  
154 For the purposes of this subsection, "electronic record" means any  
155 police or court record or the record of any state's attorney or  
156 prosecuting attorney that is an electronic record, as defined in section  
157 1-267, or a computer printout.

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

161 Sec. 2. Section 54-142d of the general statutes is repealed and the  
162 following is substituted in lieu thereof (*Effective October 1, 2019*):

163 Whenever any person has been convicted of an offense in any court  
164 in this state and such offense has been decriminalized subsequent to  
165 the date of such conviction [, such person may file a petition with the  
166 superior court at the location in which such conviction was effected, or  
167 with the superior court at the location having custody of the records of  
168 such conviction or with the records center of the Judicial Department if  
169 such conviction was in the Court of Common Pleas, Circuit Court,  
170 municipal court or by a trial justice, for an order of erasure, and] the  
171 Superior Court or records center of the Judicial Department shall  
172 immediately direct all police and court records and records of the  
173 state's or prosecuting attorney pertaining to such case to be physically  
174 destroyed.

175 Sec. 3. Section 54-142e of the general statutes is repealed and the

176 following is substituted in lieu thereof (*Effective October 1, 2019*):

177 (a) Notwithstanding the provisions of subsection [(e)] (f) of section  
178 54-142a, as amended by this act, and section 54-142c, with respect to  
179 any person, including, but not limited to, a consumer reporting agency  
180 as defined in subsection (i) of section 31-51i, that purchases criminal  
181 matters of public record, as defined in said subsection (i), from the  
182 Judicial Department, the department shall make available to such  
183 person information concerning such criminal matters of public record  
184 that have been erased pursuant to section 54-142a, as amended by this  
185 act. Such information may include docket numbers or other  
186 information that permits the person to identify and permanently delete  
187 records that have been erased pursuant to section 54-142a, as amended  
188 by this act.

189 (b) Each person, including, but not limited to, a consumer reporting  
190 agency or a background screening provider or similar data-based  
191 service or company, that has purchased records of criminal matters of  
192 public record from the Judicial Department shall, prior to disclosing  
193 such records, (1) purchase from the Judicial Department, on a monthly  
194 basis, [or on such other schedule as the Judicial Department may  
195 establish,] any updated criminal matters of public record or  
196 information available for the purpose of complying with this section  
197 and section 54-142a, as amended by this act, and (2) update its records  
198 of criminal matters of public record to permanently delete such erased  
199 records not later than thirty calendar days after receipt of information  
200 on the erasure of criminal records pursuant to section 54-142a, as  
201 amended by this act. Such person shall not further disclose such erased  
202 records.

203 Sec. 4. Subsection (d) of section 54-142k of the general statutes is  
204 repealed and the following is substituted in lieu thereof (*Effective*  
205 *October 1, 2019*):

206 (d) Nonconviction information shall be available to the subject of  
207 the information and to the subject's attorney pursuant to this

208 subsection and subsection (e) of this section. Any person shall, upon  
 209 satisfactory proof of the person's identity, be entitled to inspect, for  
 210 purposes of verification and correction, any nonconviction information  
 211 relating to the person and upon the person's request shall be given a  
 212 computer printout or photocopy of such information for which a  
 213 reasonable fee may be charged, provided no erased record may be  
 214 released except as provided in subsection [(f)] (g) of section 54-142a, as  
 215 amended by this act. Before releasing any exact reproductions of  
 216 nonconviction information to the subject of the information, the agency  
 217 holding such information may remove all personal identifying  
 218 information from such reproductions.

219 Sec. 5. Subsection (a) of section 54-142s of the general statutes is  
 220 repealed and the following is substituted in lieu thereof (*Effective*  
 221 *October 1, 2019*):

222 (a) The Criminal Justice Information System Governing Board shall  
 223 design and implement a comprehensive, state-wide information  
 224 technology system to facilitate the immediate, seamless and  
 225 comprehensive sharing and erasure of information between all state  
 226 agencies, departments, boards and commissions having any  
 227 cognizance over matters relating to law enforcement and criminal  
 228 justice, and organized local police departments and law enforcement  
 229 officials.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	54-142a
Sec. 2	<i>October 1, 2019</i>	54-142d
Sec. 3	<i>October 1, 2019</i>	54-142e
Sec. 4	<i>October 1, 2019</i>	54-142k(d)
Sec. 5	<i>October 1, 2019</i>	54-142s(a)

**Statement of Purpose:**

To provide for the automatic erasure of criminal records in the case of misdemeanor offenses after three years following the completion of the

sentence for the person's most recent misdemeanor offense, and in the case of certain felony offenses after five years following the completion of the sentence for the person's most recent felony offense.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.  
SEN. MCCRORY, 2nd Dist.; SEN. CASSANO, 4th Dist.  
SEN. WINFIELD, 10th Dist.; SEN. COHEN, 12th Dist.  
SEN. ABRAMS, 13th Dist.; SEN. MARONEY, 14th Dist.  
SEN. MOORE, 22nd Dist.; SEN. BRADLEY, 23rd Dist.  
SEN. KUSHNER, 24th Dist.; SEN. HASKELL, 26th Dist.  
SEN. FLEXER, 29th Dist.; SEN. NEEDLEMAN, 33rd Dist.  
REP. ROSE, 118th Dist.; REP. STAFSTROM, 129th Dist.  
REP. ELLIOTT, 88th Dist.; REP. DIMASSA, 116th Dist.  
REP. ROSARIO, 128th Dist.

S.B. 691