OLR Bill Analysis
HB 7349

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 participants charged with 2nd or 3rd degree identify theft. It allows the victim to access his or her complaint and any law enforcement agency reports about the offense.

EFFECTIVE DATE: October 1, 2019

BACKGROUND
Accelerated Rehabilitation and Identity Theft
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).

By law, 2nd degree identify 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)