



General Assembly

Amendment

January Session, 2019

LCO No. 9624



Offered by:

SEN. FASANO, 34th Dist.

SEN. WITKOS, 8th Dist.

To: Subst. Senate Bill No. 691

File No. 832

Cal. No. 434

**"AN ACT CONCERNING ERASURE OF CERTAIN MISDEMEANOR
CRIMINAL RECORDS AND EXPEDITED PARDONS REVIEW FOR
CERTAIN FELONY OFFENSES."**

1 Strike lines 236 to 246, inclusive, in their entirety, and insert the
2 following in lieu thereof:

3 "(2) An expedited pardons review [that allows an applicant
4 convicted of a crime to be granted a pardon with respect to such crime
5 without a hearing, unless a victim of such crime requests such a
6 hearing, if such applicant was convicted of a nonviolent crime] as set
7 forth in section 501 of this act;"

8 After the last section, add the following and renumber sections and
9 internal references accordingly:

10 "Sec. 501. (NEW) (*Effective October 1, 2019*) (a) As used in this
11 section:

12 (1) "Applicant" means a person convicted of an offense who

13 completes an application for pardon consideration by the Board of
14 Pardons and Paroles;

15 (2) "Board" means the Board of Pardons and Paroles;

16 (3) "Chairperson" means the Chairperson of the Board of Pardons
17 and Paroles;

18 (4) "Expedited pardon" means a pardon application identified by an
19 employee of the board as meeting the criteria described in subsection
20 (f) of this section that will be reviewed by a panel of the board and
21 which may be granted without a hearing to a person convicted of an
22 offense other than a violent offense, after the consideration of the
23 application submitted to the board in accordance with this section;

24 (5) "Incarceration" means the period of time an individual is
25 confined in a correctional institution, under Department of Correction
26 supervision, or under parole supervision;

27 (6) "Pardon" means the conditional or absolute release from the legal
28 penalties resulting from the conviction of an offense;

29 (7) "Victim" means "victim of crime" or "crime victim" as provided in
30 section 1-1k of the general statutes; and

31 (8) "Violent offense" means any offense (A) for which an individual
32 is convicted and which causes such individual's eligibility for parole
33 release to be subject to the provisions of subsection (b) of section 54-
34 125a of the general statutes, (B) that results in a conviction for a
35 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
36 53a-58, 53a-59, 53a-59a, 53a-59b, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-
37 64aa, 53a-64bb, 53a-70, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-
38 94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111,
39 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c, 53a-
40 181c or 53a-321 of the general statutes, (C) for which an individual is
41 convicted and which causes such individual to serve at least eighty-
42 five per cent of such individual's sentence pursuant to a policy

43 established by the board, or (D) for which an individual is convicted
44 and is otherwise prohibited from being granted parole.

45 (b) An employee of the board shall review each application received
46 for pardon consideration, and identify applications eligible for an
47 expedited pardon that meet the criteria described in subsection (f) of
48 this section. No applicant who was convicted of a violent offenses shall
49 be eligible for an expedited pardon.

50 (c) After applicants who are eligible for an expedited pardon have
51 been identified pursuant to subsection (b) of this section, the Office of
52 Victim Services within the Judicial Department or Victim Services Unit
53 within the Department of Correction shall attempt to identify and
54 notify any victim of the offense that is the subject of a pardon
55 application deemed eligible for an expedited pardon.

56 (d) Pursuant to section 54-228 of the general statutes, if a victim
57 requests the opportunity to be heard personally prior to the board
58 taking final action on the application, the application shall be ineligible
59 for an expedited pardon and the application shall be scheduled for a
60 full pardon hearing. The board shall notify the applicant and the
61 victim of the hearing date.

62 (e) A panel consisting of three members of the board shall meet to
63 review each application for an expedited pardon that has been
64 identified pursuant to subsection (b) of this section. For an application
65 for an expedited pardon to be approved, at least two of the three
66 members of the panel shall be required to vote for such approval.
67 Should an application fail to receive the two votes required for
68 approval, the pardon application may be denied or scheduled for a full
69 pardon hearing.

70 (f) The board may grant an expedited pardon to an applicant
71 without a hearing, provided:

72 (1) The offense is not a violent offense;

73 (2) At least five years have passed from the date of conviction for a
74 felony and at least three years from the date of conviction for a
75 misdemeanor, pursuant to section 54-130a of the general statutes;

76 (3) The applicant's service of any sentence has been completed,
77 including, but not limited to, any period of imprisonment, probation or
78 parole, payment of court-ordered fines and completion of any court-
79 ordered program or community service, as applicable;

80 (4) The applicant has not been convicted of any other offense other
81 than the offenses included in the application; and

82 (5) The applicant has no pending criminal charges or open criminal
83 cases in this state or any other jurisdiction.

84 (g) The board shall have the discretion to require an application
85 eligible for an expedited pardon to receive a full hearing. In
86 determining whether an application shall be scheduled for a full
87 hearing, the board may consider the underlying act or acts constituting
88 the offense or any offense for which the applicant has served a
89 sentence of imprisonment or any other relevant information that
90 demonstrates a tendency toward the use, attempted use or threatened
91 use of physical force against another person. Information may include,
92 but not be limited to, presentence reports, criminal records check,
93 sentencing dockets, Criminal Justice Information System information,
94 police reports, out-of-state criminal records, parole and probation
95 reports, victim statements, witness statements and the applicant's prior
96 incarceration history."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2019	New section