



General Assembly

**Amendment**

January Session, 2019

LCO No. 10240



Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. WITKOS, 8<sup>th</sup> Dist.

To: Subst. Senate Bill No. 691

File No. 832

Cal. No. 434

(As Amended)

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

1 Strike subdivision (1) of subsection (e) of section 1 in its entirety and  
2 substitute the following in lieu thereof:

3 "(e) (1) Any individual who has ever been convicted of a  
4 misdemeanor in any court of this state may, provided at least three  
5 years have passed following the completion of any sentence imposed  
6 as a result of such individual's most recent conviction for a  
7 misdemeanor or felony offense, file a petition with the Superior Court  
8 at the location in which the most recent misdemeanor conviction was  
9 effected, or with the Superior Court at the location having custody of  
10 the records of such conviction or if such conviction was in the Court of  
11 Common Pleas, Circuit Court, municipal court or by a trial justice  
12 court, in the Superior Court where venue would exist for criminal

13 prosecution, for an order of erasure, and if such petition is in order, the  
14 Superior Court shall issue such order of erasure and direct all police  
15 and court records and records of the state's or prosecuting attorney  
16 pertaining to each such misdemeanor offense, except any  
17 misdemeanor that is a family violence crime, as defined in section 46b-  
18 38a, or that is a nonviolent sexual offense or a sexually violent offense,  
19 each as defined in section 54-250, or a violation of section 14-227a, 14-  
20 227m or 14-227n, to be erased.

21 (A) Notice of the erasure shall immediately be sent to all persons,  
22 agencies, officials or institutions known to have information pertaining  
23 to the criminal history record information. Reasonable efforts shall be  
24 made to send notice of the erasure to the individual whose records  
25 have been erased not later than thirty calendar days after such erasure;

26 (B) If an individual has been convicted of an offense in any court in  
27 this state and such offense has been decriminalized subsequent to the  
28 date of such conviction, such conviction shall not be considered when  
29 evaluating such individual's criminal history record information for  
30 the purposes of this subsection; and

31 (C) Erasure under this subsection shall not occur in the case of any  
32 individual who has pending charges or an open criminal case in any  
33 jurisdiction."

34 Strike section 6 in its entirety and insert the following in lieu thereof:

35 "Sec. 6. Subsection (j) of section 54-124a of the general statutes is  
36 repealed and the following is substituted in lieu thereof (*Effective*  
37 *October 1, 2019*):

38 (j) The chairperson, in consultation with the executive director, shall  
39 adopt regulations, in accordance with chapter 54, concerning:

40 (1) Parole revocation and rescission hearings that include  
41 implementing due process requirements;

42 (2) An expedited pardons review that allows an applicant convicted

43 of a crime that is a C, D or E felony offense, except a family violence  
44 crime, as defined in section 46b-38a, or a nonviolent sexual offense or  
45 sexually violent offense, each as defined in section 54-250, or a  
46 violation of section 14a-277a, 14-227m, 14-227n, 53a-56b or 53a-60d, to  
47 be granted a pardon with respect to such crime without a hearing,  
48 based on the presumption that the pardon shall be granted, unless the  
49 board requires a hearing in order to further evaluate whether the  
50 pardon should be granted or a victim of such crime requests such a  
51 hearing, [if such applicant was convicted of a nonviolent crime] in  
52 which cases, as part of such hearing process, the burden of proving  
53 that the person is not eligible for a pardon shall be upon the state;

54 (3) Requiring board members to issue written statements containing  
55 the reasons for rejecting any application for a pardon."