



General Assembly

***Amendment***

*January Session, 2019*

LCO No. 10514



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 subsection (c) of  
20 section 14-215, section 14-227a, 14-227g, 14-227k, 14-227m or 14-227n or  
21 an offense that pursuant to section 14-44k would disqualify a person  
22 from operating a commercial motor vehicle, to be erased.

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

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

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

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

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38 repealed and the following is substituted in lieu thereof (*Effective*  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

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

42 (1) Parole revocation and rescission hearings that include

43 implementing due process requirements;

44 (2) An expedited pardons review that allows an applicant convicted  
45 of a crime that is a C, D or E felony offense, except a family violence  
46 crime, as defined in section 46b-38a, or a nonviolent sexual offense or  
47 sexually violent offense, each as defined in section 54-250, or a  
48 violation of subsection (c) of section 14-215, section 14a-227a, 14-227g,  
49 14-227k, 14-227m, 14-227n, 53a-56b or 53a-60d or an offense that  
50 pursuant to section 14-44k would disqualify a person from operating a  
51 commercial motor vehicle, to be granted a pardon with respect to such  
52 crime without a hearing, based on the presumption that the pardon  
53 shall be granted, unless the board requires a hearing in order to further  
54 evaluate whether the pardon should be granted or a victim of such  
55 crime requests such a hearing, [if such applicant was convicted of a  
56 nonviolent crime] in which cases, as part of such hearing process, the  
57 burden of proving that the person is not eligible for a pardon shall be  
58 upon the state;

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