

OFFICE OF FISCAL ANALYSIS

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sSB-1019

AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES, ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES, PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION AND CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.

As Amended by Senate "A" (LCO 8737)

Senate Calendar No.: 349

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Correction, Dept.	GF - Cost	Up to 25,000	Up to 5,000
Judicial Dept.	GF - Cost	Up to 500,000	None
Judicial Dept.	GF - Cost	None	89,088
State Comptroller - Fringe Benefits ¹	GF - Cost	None	36,793
Department of Emergency Services and Public Protection	GF - Cost	Up to \$650,000	None
Resources of the General Fund	GF - Potential Revenue Loss	See Below	See Below
Human Rights & Opportunities, Com.	GF - Cost	None	127,254
State Comptroller - Fringe Benefits ²	GF - Cost	None	52,556
Correction, Dept.	GF - Potential Savings	See Below	See Below

Note: GF=General Fund

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

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Reviewer: ME

5/19/21

Municipal Impact: None

Explanation

The bill establishes a process for automatic erasure of certain criminal convictions and prohibits discrimination based on someone's erased criminal history and results in the impact described below.

Section 1 requires the Board of Pardons and Paroles (BOPP) to provide additional training for staff resulting in an annual cost of up to \$5,000 to the Department of Correction (the BOPP resides under the DOC).

Section 2 requires the BOPP to provide a written statement when denying a pardon and results in a one-time cost of approximately \$20,000 in FY 22 to modify their case management system to meet the requirements of the bill.

Section 3-5 establishes a process to erase conviction for most misdemeanors and certain felony convictions and results in a Judicial Department one-time cost of approximately \$500,000 in FY 22 for IT consultants to complete necessary system changes and a one-time cost to the Department of Emergency Services and Public Protection (DESPP) in FY 22 of up to \$650,000. To meet the requirements of the bill the DESPP will require an information technology consultant to make necessary technology changes.

The bill results in a cost for up to 3 positions at an annual cost of \$178,176 (one court planner and two administrative assistants) to identify cases where automatic erasure may pose a problem to the Judicial Department. As the effective date for these changes is January 1, 2023, the bill results in a half year cost of \$89,088 in FY 23 to the Judicial Department and \$36,793 for fringe benefits.

The bill may result in an additional cost to the Division of Criminal Justice if additional staff are needed to complete court ordered erasure.

The bill results in a potential cost to municipalities to the extent

additional staff are hired, or overtime is incurred, from the requirement that certain electronic records be deleted. It is anticipated potential costs will be isolated to municipalities with greater volumes of criminal records.

Section 7 allows DESPP to waive the \$75 fee for certain criminal history information record searches resulting in a potential revenue loss to the General Fund depending on how many record search fees are waived.

Sections 9-32 and **34** prohibit discrimination based on someone's erased criminal history and classifies this type of discrimination under CHRO's laws. The bill also allows individuals to file housing and employment discrimination complaints with CHRO, effective January 1, 2023. Additionally, the bill would result in costs of \$127,254 to the Commission on Human Rights and Opportunity (CHRO) and fringe benefits of \$52,556 in FY 23 (partial year), associated with additional staff to handle the increased number of expected discrimination complaints filed with the agency.

It is expected that CHRO would need to hire two additional Human Rights Attorney I and two Human Rights and Opportunities (HRO) Trainee positions, each starting January 1, 2023, to process the increased number of filed complaints under the bill's provisions. One HRO Trainee can generally handle 50 complaints annually, and the number of complaints is expected to double under the bill.

These sections make other changes that are not anticipated to result in a fiscal impact to the state or municipalities.

Section 35 reduces the maximum sentence for misdemeanors from one year to 364 days resulting in a potential marginal savings to the Department of Correction (DOC) to the extent inmates are released earlier from DOC facilities. On average, the annual marginal savings

to the state for releasing an offender is \$2,200.³

The bill makes additional changes that do not result in an anticipated fiscal impact.

Senate "A" makes changes to eligibility for erasure in the underlying bill, removing class C felonies, and does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

³ Inmate marginal savings is based on decreased consumables (e.g. food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility closed.