



# State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

450 Columbus Boulevard, Suite 2, Hartford, CT 06103

*Promoting Equality and Justice for all People*

## Judiciary Committee Public Hearing – March 10, 2021

### CHRO Testimony Regarding:

#### **SB 1019, AAC 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**

Good morning Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, and members of the Judiciary Committee. The Commission on Human Rights and Opportunities appreciates the chance to submit testimony regarding SB 1019.

The Commission strongly supports legislative efforts to address the overwhelming barriers faced by individuals who have criminal records. Eliminating barriers to opportunity is one of the Commission's core concerns. An individual should not pay for a lifetime for a prior conviction.

The Commission would appreciate the opportunity to work with the committee on a few concerns it has with the procedural aspects of the antidiscrimination provisions of the bill. In Section 12 of the bill, "employer" is defined in lines 444-445 as "any person or employer with one or more persons in such person's or employer's employ." In Conn. Gen. Stat. §46a-51(10), "employer" is limited to "three or more persons in such person's or employer's employ." Individuals with an erased criminal history record information would thus be the only protected class under the state's antidiscrimination statutes covered if an employer only has one or two employees.

A similar issue arises with the changes made to Conn. Gen. Stat. §31-51i in Section 18 of the bill. The Commission supports the change to the "ban the box" statute that allows an employee or perspective employee to file a complaint with the Commission for violations of their rights under this section. However, the Commission is concerned about lines 691-695 which permits an individual to bring an action directly to Superior Court, allowing for a private right of action to court without exhausting administrative remedies for only this one subset of employment discrimination cases. Further, the Commission was specifically designed by the legislature to be free of charge and easily accessible, particularly for self-represented complainants. The agency is concerned that individuals aggrieved under Section 18 of the bill may ultimately file in court without recognizing the greater potential costs and difficulties of pursuing a court case rather than a complaint through the Commission.

We would like to again thank the committee for allowing us to testify on this important bill and we look forward to working with the committee as the bill moves forward.