



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

**REGARDING:**

**S.B. No. 1019 (RAISED) 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.**

JOINT COMMITTEE ON JUDICIARY

March 10, 2021

The Division of Criminal Justice believes that criminal record erasure is a policy decision within the purview of the legislature. However, the Division has great concerns with the scope of erasure contained within S.B. 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.

Under current law, erasure of criminal records is reserved for individuals who successfully complete a diversionary program, receive a not guilty verdict after a trial, receive a *nolle prosequi* from the prosecutor and thirteen months elapses, or receive a pardon from the Board of Pardons and Paroles. This bill will automatically wipe clean a person's record in seven years for a misdemeanor, ten years for most felonies, and twelve years for class C felonies. Erasure severely limits, and for most purposes prevents, the use of any associated record of an offense from both the public and law enforcement's view.

This bill will greatly impact the ability of the Division to appropriately decide issues such as sentencing recommendations, bail decisions, issuance of protective orders, or punishing serious repeat offenders, and thereby endanger the public at large. Many determinations in criminal court are based on metrics that weigh the chance of recidivism on a person's prior criminal history. Judges factor prior criminal history in sentences and the data associated with those arrests play a key role in the recommendations of the probation officer in pre-sentence reports. This bill will not only erase "the record," it will wipe from view all documentation preserved by all government agencies associated with that arrest.

These societal collateral consequences and its effect on public safety need to be considered by the legislature when weighing the benefits of this legislation for the convicted individual.

Many convictions that would be of great importance to decision makers throughout the criminal justice system would be removed from view in a few short years. Some of these offenses include:

- Child Pornography
- Enticing a Minor
- Voyeurism
- DUI Related Homicides including Manslaughter 2nd with a Motor Vehicle
- Manslaughter 2<sup>nd</sup> Degree with a Firearm
- Strangulation
- Burglary and Larceny in the 2<sup>nd</sup> and 3<sup>rd</sup> Degree, Including with a Firearm
- Crimes of Public Corruption including Bribery, Witness Intimidation, Tampering with a Witness, Perjury, and Receiving Kickbacks
- Bias Offenses
- Firearms Possession Offenses (Erasure will allow offenders to reapply for a carry permit)
- Threatening 1<sup>st</sup> Degree with Intent to Cause Evacuation of a School or Day Care, House of Religious Worship, or Religiously-Affiliated Community Center
- Assault of Public Safety, Emergency Medical, Public Transit, or Health Care Personnel
- Money Laundering 2<sup>nd</sup> Degree
- Damage to Public Transportation for Terrorist Purposes
- Assault of an Elderly, Blind, Disabled, or Pregnant Person or Person with Intellectual Disability 2<sup>nd</sup> Degree with a Firearm

As you can see, conviction on many of these offenses create implications that go beyond the convicted individual and need to be considered by the criminal justice system and others in future years. The ability to own a firearm, DUI offenders' ability to avoid increased penalties for subsequent offenses, and white collar criminals' ability to return to their chosen field involving the handling of others money are just some of the areas where decision makers would be left in the dark.

In conclusion, in the interests of public safety the Division must oppose the scope of criminal records that would be erased, *by operation of law*, under this proposal. We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information to the Committee or to answer any questions that you may have.