



TESTIMONY IN SUPPORT OF

H.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.

March 10, 2021

Judiciary Committee

Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

This testimony is submitted on behalf of the Center for Children's Advocacy (CCA), a non-profit organization affiliated with University of Connecticut School of Law concerning **H.B. No. 1019, also known as the Clean Slate bill.** CCA commends the Committee for raising this important bill and urges it to pass it into law. CCA also encourages the Committee to amend the bill to include **a no cost amendment to extend automatic erasure to juvenile records** (see proposed language attached.)

CCA's mission is to promote and protect the legal rights and interests of our state's most vulnerable children and young adults who are dependent upon the judicial, child welfare, health and mental health, education, and juvenile justice systems for their care. CCA provides holistic legal services to Connecticut's poorest and most vulnerable youth as well as young adults through the age of 24 years old, through both individual representation and systemic advocacy. Through our TeamChild Youth Justice, Racial Justice and Right Direction: Homeless Youth Advocacy Projects, CCA provides individual representation to youth at risk of or already involved in the juvenile justice or adult criminal systems.

CCA urges the Committee to pass H.B. 1019 because Connecticut residents with a record who have done their time and rehabilitated deserve the opportunity to move forward with their lives with a clean slate. The collateral consequences experienced by individuals with a criminal record are countless (more than 500 collateral consequences exist in state law and policy) and they are debilitating. It is no secret that these consequences disproportionately impact people of color. Black people in the state of Connecticut are more than nine times likely to be incarcerated than White people; Latin people are more than three times likely. **The passage of 1019, which**

will facilitate automatic erasure of a large majority of criminal records, is a crucial step in advancing racial justice and abolishing systemic racism in our state.

H.B. 1019 will facilitate automatic erasure for misdemeanor offenses, and the majority of C, D and E felonies (with limited exemptions). These new provisions around automatic erasure will alleviate the need for individuals convicted of crimes in these categories from pursuing the extensive and costly pardons process to have their record removed. Instead, their records will be erased after the passage of set timeframes and no known intervening setbacks (7 years in the case of misdemeanors, 10 years in the case of C & D felonies and 12 years in the case of C felonies.) CCA is particularly committed to the passage of 1019 for the benefit of its clients in the 18 – 24 age range who have committed misdemeanor and non-violent felony offenses as these young people, by virtue of their age and development status, have the highest propensity for rehabilitation. These young people deserve a clean slate to get back on track and become productive members of society.

H.B. 1019 should include automatic erasure of juvenile record information as well.

Current Connecticut law requires any youth adjudicated delinquent to petition to have their record erased. H.B. 1019 should be amended to incorporate automatic juvenile record erasure as well. This no cost amendment, fully supported across the state’s juvenile justice community, is an equally important component of clean slate that the Committee should also incorporate into law.

While records of juvenile offenses are indeed confidential (see Conn. Gen. Stat. § 46b-146), they **still have unavoidable negative collateral consequences.**¹ Despite this confidentiality, the reality is that juvenile records remain available to many state agencies and people within the court system. Additionally, juvenile arrests records that have not been erased often remain available to law enforcement. Sometimes, they are inadvertently shared among state agencies. For these reasons, a juvenile conviction can negatively impact a young person’s future by creating barriers to opportunities including employment and higher education.

H.B. 1019 takes additional crucial steps to ensure the integrity of the records erasure process and to protect individuals’ whose records have been erased from improper sharing of dated information that has since been erased. First,

the bill incorporates a number of provisions to protect individuals from the sharing of dated information by credit reporting agencies, establishing clear processes and procedures for old information possessed by these agencies to be deleted and removed. **These provisions are essential to ensure the intended impact of this bill.** All too often, we see the young adults we work with face barriers due to previous arrests or charges that were nollied or dismissed because credit reporting agencies have

¹ Shah, Riya Saha & Strout, Jean, “Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records,” Juvenile Law Center, February 2016, found at: <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf>

not updated their information accordingly to reflect the outcome of case. These provisions will correct this problem and will ensure credit reporting agencies stay up to date with their data and do not misreport erased information.

Additionally, 1019 expressly prohibits discrimination in housing, employment based on information related to a criminal record that has been erased. What is more, the bill adds language to protect those with non-erased convictions from baseless and unfounded discrimination because of their criminal history.

For all of the above-mentioned reasons, **CCA endorses H.B. 1019** as it would be a bold step in the right direction towards dismantling systemic racism in our state, and would promote the full re-integration of many of our returning citizens. However, **CCA also urges the Committee to create parity between the juvenile and adult court systems by adopting our requested amendment to provide for automatic juvenile record erasure.**

Thank you for your consideration, and please do not hesitate to contact us with questions, concerns or comments.

Respectfully submitted,

/s/

Marisa Halm, Esq.

Director, TeamChild Youth Justice Project

Att.

PROPOSED AMENDMENT: H.B. 1019:

New section

Section 46b-146 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) (1) Whenever [any] a child has been adjudicated [convicted] as delinquent [, has been adjudicated a member of a family with service needs] for the commission of a serious juvenile offense or has signed a statement of responsibility admitting to having committed a [delinquent act] serious juvenile offense, and has subsequently been discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or from the care of any other institution or agency to [whom] which the child has been committed by the court, such child, or the child's parent or guardian, may file a petition with the Superior Court [. If such] for erasure of records pursuant to this subdivision. The court shall order all police and court records pertaining to such child to be erased if the court finds [(1)] that (A) at least [two years or, in the case of a child convicted as delinquent for the commission of a serious juvenile offense,] four years have elapsed from the date of such discharge, [(2) that] (B) no subsequent juvenile proceeding or adult criminal proceeding is pending against such child, [(3) that] (C) such child has not been convicted of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during such [two-year or] four-year period, [(4) that] (D) such child has not been convicted as an adult of a felony or misdemeanor during such [two-year or] four-year period, and [(5) that] (E) such child has reached eighteen years of age. [, the court shall order all police and court records pertaining to such child to be erased.]

(2) Whenever a child has been adjudicated as delinquent for the commission of a delinquent act other than a serious juvenile offense, has been adjudicated a member of a family with service needs or has signed a statement of responsibility admitting to having committed a delinquent act other than a serious juvenile offense, and has subsequently been discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or from the care of any other institution or agency to which the child has been committed by the court, the court shall order all police and court records pertaining to such child to be erased on the second day of January of each year or on a date designated by the court without the filing of a petition if the court finds that (A) at least two years have elapsed from the date of such discharge, (B) no subsequent juvenile proceeding or adult criminal proceeding is pending against such child, (C) such child has not been convicted of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during such two-year period, (D) such child has not been convicted as an adult of a felony or misdemeanor during such two-year period, and (E) such child has reached eighteen years of age.

(3) Upon the entry of such an erasure order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files, and a finding of delinquency or that the child was a member of a family with service needs shall

be deemed never to have occurred. The persons in charge of such records shall not disclose to any person information pertaining to the record so erased, except that the fact of such erasure may be substantiated where, in the opinion of the court, it is in the best interests of such child to do so. No child who has been the subject of such an erasure order shall be deemed to have been arrested ab initio, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the delinquency or family with service needs proceedings affecting such child.

(b) Whenever the case of a child who is charged with being delinquent or being a member of a family with service needs is dismissed, [as not delinquent or as not being a member of a family with service needs,] all police and court records pertaining to such charge shall be ordered erased immediately, without the filing of a petition.

(c) Nothing in this section shall prohibit the court from granting a petition to erase a child's records on a showing of good cause, after a hearing, before the [time] date when such records could be erased.