



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Testimony of the Judicial Branch
Judiciary Committee Public Hearing
March 10, 2021**

**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**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch concerning *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*. The Judicial Branch takes no position with regard to the policy implications of the bill, but has concerns about the significant impact the bill will have on court processes and procedures, as well as the substantial resources that it will take to implement the proposal.

First, regarding Section 3, programming for erasure at the “charge” level and not the case level will necessitate changes to the Judicial Branch’s automated systems, including: CRMVS, CRIM, CMIS, SAVIN, the Protective Order Registry, POR-ARM, PRAWN, the public website, data provided to private companies, and the CJIS exchange. Because of this, we would request the proposed effective date be pushed back from October 1, 2021 to January 1, 2023.

Additionally, there are significant implementation issues related to cases in existence prior to January 1, 2000, as those cases exist primarily in paper form. If an individual were to ask to see paper records, would staff have to redact the record before presentation if one charge in the case was erased but not others? It would be difficult to determine which of the paper records should be excluded.

In Section 3(e)(2)(A), (B), and (C), it would be helpful for the language to read “most recent conviction or the date that any court-ordered supervision ends, whichever is longer.” It is also unclear what is meant by adjudicated. Is it the intent to erase the record of a relevant charge based on the date of conviction or some other date, such as the date of sentencing?

The Committee should also be aware of the difficulties presented by the disqualifiers in Section (3)(e)(3). While the Judicial Branch database is able to identify that an arrest involves family violence, the system does not identify which of the specific resulting charges from the arrest are family violence crimes. Moreover, there are cases in our system that would seem to obviously involve family violence, such as cases that charge violation of a protective order, that are not marked as family violence arrests, either because of data entry errors or because law enforcement did not so identify the case as involving family violence in their records. Further, as is stated earlier in our testimony, our computer records go back to approximately January 1, 2000 to the present, making it nearly impossible to determine domestic violence cases prior to that time. As a result, even if extensive manual research was done into these types of cases, the decision as to whether or not to apply erasure may not always be accurate. Additionally, we should note that some sexual offenses, including offenses against minors, have not been captured by the exclusion in Section (3)(e)(3)(B).

We would also note that the bill as proposed has no procedure for victim notification in the new petition process. Additionally, as a result of the erasure by operation of law, some cases that contain Standing Criminal Protective Orders will be erased, thus terminating the order.

In Section 3 (B)(4), we will not be able to determine certain decriminalized offenses, as some are parts of a larger statute listing several crimes, some of which may not have been decriminalized (i.e. C.G.S. section 21a-279(c) prior to 10/1/2015).

Finally, in Sections 22 and 35, we would request an exception for the practice of law, as admittance to the practice of law is the exclusive province of the Judicial Branch.

Should the Committee decide to move forward on this proposal, we have additional technical changes we would like to suggest. Thank for your time and attention to this matter.