



**DIVISION OF PUBLIC DEFENDER SERVICES**  
**State of Connecticut**

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**TESTIMONY OF CHRISTINE PERRA RAPILLO, CHIEF PUBLIC DEFENDER**

**RAISED BILL 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.**

**JUDICIARY COMMITTEE**  
**March 10, 2021**

*Mission Statement of the Division of Public Defender Services*

*Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us. We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.*

The Office of Chief Public Defender supports passage of ***Raised Bill 1019, An Act Concerning the Board of Pardons and Parole, 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.***

All the proposals contained in this bill represent improvements in the administration of criminal justice in Connecticut. Sections 1 and 2 apply to the Board of Pardons and Parole, requiring annual training on the collateral consequences of conviction to the Board members and mandating that denial of pardons be in writing.

Sections 3 through 7 provides for automatic erasure of certain misdemeanor and felony offenses. The Office of Chief Public Defender supports any effort to improve access to records erasure. Criminal records carry multiple collateral consequences for individuals extending far beyond the actual sentence imposed. These consequences are felt more acutely by our clients from historically marginalized groups, who have been disproportionately impacted by such factors as decades of “tough

**Testimony of Christine Perra Rapillo, Chief Public Defender**

**Judiciary Committee- March 10, 2021**

**Re: R.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**

on crime” policies and enforcement. Automatic erasure provides these individuals the best hope of rebuilding productive lives after a conviction.

This proposal provides for automatic erasure of certain misdemeanor and felony charges after a period of 7, 10 or 12 years has passed since the date of conviction. These are lengthy time periods, and we urge the Committee to consider eliminating the carve-out for family violence cases. If an individual is able to not reoffend for at least 7 years, any risk to public safety is reduced to the point where an erasure would be appropriate. These sections would also provide for erasure of records for individuals who were 16 or 17 at the time of their misdemeanor conviction prior to the implementation of the Raise the Age legislation in 2010 and 2012.

Sections 8 and 9 increase the ability of the Department of Corrections to successfully transition incarcerated individuals into the community by designating a deputy warden to coordinate reentry services and creating a reentry employment advisory committee. This is a solid proposal that will improve the opportunities for individuals being released from incarceration to successfully reintegrate into their communities.

Sections 10 and 11 deal with the Judicial Branch’s granting of access to erased records.

Sections 12 through 37 ban discrimination based on erased criminal record information. This includes discrimination regarding access to housing, employment, insurance, licensing and credit. Access to housing and jobs are the most important factors in determining who will be successful after involvement in the criminal justice system. It is important that erased records not be used against an individual who has been held accountable, completed whatever sentence was imposed, and remained out of trouble for 7 to 12 years.

Section 38 is a proposal endorsed by the Connecticut Sentencing Commission. This proposal would reduce the maximum sentence for a misdemeanor from 365 to 364 days, a one day reduction. A change to the maximum possible sentence is necessary to ensure that Connecticut’s legislative definition of a misdemeanor offense is properly interpreted in federal proceedings.

Under federal law, aggravated felonies are defined as being an offense for which a sentence of a year or more can be imposed. Federal law does not consider what the actual sentence was; if the crime was subject to a year or more imprisonment, the individual is considered to be a felon. This disregards Connecticut’s legislative intent to classify these less serious offenses as misdemeanors.

Our Constitution requires that all accused individuals must be fully informed of the consequences of their decision to plead guilty to a criminal offense. Felony convictions come with more serious collateral consequences, particularly in immigration matters. Individuals who plead to a misdemeanor charge

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should not later be surprised that the federal government considers them to be a felon. Over the last two years, the Sentencing Commission has heard testimony from many individuals who were surprised to find out that their misdemeanor conviction had unintended consequences. One of the most compelling witnesses was an Iraq war veteran with legal status and a green card. His misdemeanor conviction resulting from a fight with another man has led to his status being revoked and deportation proceedings commenced. We heard from numerous people in the same situation. Individuals with legal status and those who were undocumented and seeking status were negatively impacted by misdemeanor convictions. It is critical that people pleading guilty to offenses in Connecticut do so knowing the full impact of their plea on their immigration status. It has long been Connecticut law to treat crimes carrying a sentence of a year or less as a misdemeanor - a less serious offense. This change will ensure that Connecticut's sentencing policy is given full faith and credit by the federal government.

In conclusion, this office respectfully requests that this bill be voted on favorably by this Committee.