



General Assembly

Amendment

January Session, 2021

LCO No. 8777



Offered by:

SEN. KISSEL, 7th Dist.

SEN. SAMPSON, 16th Dist.

To: Subst. Senate Bill No. 1019

File No. 613

Cal. No. 349

"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."

1 Strike subsection (e) of section 3 in its entirety and substitute the
2 following in lieu thereof:

3 "(e) (1) Any individual who has ever been convicted of a
4 misdemeanor in any court of this state may, provided at least three years
5 have passed following the completion of any sentence imposed as a
6 result of such individual's most recent conviction for a misdemeanor or
7 felony offense, file a petition with the Superior Court at the location in
8 which the most recent misdemeanor conviction was effected, or with the
9 Superior Court at the location having custody of the records of such
10 conviction or if such conviction was in the Court of Common Pleas,
11 Circuit Court, municipal court or by a trial justice court, in the Superior

12 Court where venue would exist for criminal prosecution, for an order of
13 erasure, and if such petition is in order, the Superior Court shall issue
14 such order of erasure and direct all police and court records and records
15 of the state's or prosecuting attorney pertaining to each such
16 misdemeanor offense, except for a violation of section 53a-64cc, any
17 misdemeanor that is a family violence crime, as defined in section 46b-
18 38a, or that is a nonviolent sexual offense or a sexually violent offense,
19 each as defined in section 54-250, or a violation of section 14-227a, 14-
20 227m or 14-227n, to be erased.

21 (A) Notice of the erasure shall immediately be sent to all persons,
22 agencies, officials or institutions known to have information pertaining
23 to the criminal history record information. Reasonable efforts shall be
24 made to send notice of the erasure to the individual whose records have
25 been erased not later than thirty calendar days after such erasure;

26 (B) If an individual has been convicted of an offense in any court in
27 this state and such offense has been decriminalized subsequent to the
28 date of such conviction, such conviction shall not be considered when
29 evaluating such individual's criminal history record information for the
30 purposes of this subsection; and

31 (C) Erasure under this subsection shall not occur in the case of any
32 individual who has pending charges or an open criminal case in any
33 jurisdiction.

34 (2) If a person has been convicted of a violation of subsection (c) of
35 section 21a-279 prior to October 1, 2015, such conviction shall not be
36 considered as a most recent offense when evaluating whether a
37 sufficient period of time has elapsed for an offense to qualify for erasure
38 pursuant to this subsection.

39 (3) Nothing in this subsection shall limit any other procedure for
40 erasure of criminal history record information, as defined in section 54-
41 142g, as amended by this act, or prohibit a person from participating in
42 any such procedure, even if such person's criminal history record
43 information has been erased pursuant to this section.

44 (4) Nothing in this subsection shall be construed to require the
45 Department of Motor Vehicles to erase criminal history record
46 information on an operator's driving record. When applicable, the
47 Department of Motor Vehicles shall make such criminal history record
48 information available through the Commercial Driver's License
49 Information System."