

## **Erased Criminal History Statutes**

**Sec. 46a-80a. Discrimination on basis of erased criminal history record information: Definitions.** For purposes of this section, sections 8-265c and 8-315, subsection (b) of section 10a-6, and sections 31-51i, 38a-358, 38a-447, 46a-74, 46a-79, 46a-80, 46a-80b to 46a-80n, inclusive, and 46a-81:

(1) "Commission" means the Commission on Human Rights and Opportunities created by section 46a-52;

(2) "Criminal history record information" means court records and information obtained from the Judicial Department or any criminal justice agency relating to arrests, releases, detentions, indictments, informations or other formal criminal charges or any events and outcomes arising from those arrests, releases, detentions, including pleas, trials, sentences, appeals, incarcerations, correctional supervision, paroles and releases, outstanding judgments and any other conviction information, as defined in section 54-142g;

(3) "Employer" includes the state and all political subdivisions of the state and means any person or employer with one or more persons in such person's or employer's employ;

(4) "Erased criminal history record information" means (A) criminal history record information that has been erased pursuant to section 54-142a or 54-76o, or any other provision of the general statutes or other operation of law; (B) information relating to persons granted youthful offender status pursuant to section 46b-146; and (C) continuances of a criminal case that are more than thirteen months old; and

(5) "Place of public accommodation, resort or amusement" means any establishment that caters or offers its services or facilities or goods to the general public, including, but not limited to, any commercial property or building lot on which it is intended that a commercial building will be constructed or offered for sale or rent.

**Sec. 54-142a. (Formerly Sec. 54-90). Erasure of criminal records.** (a) Whenever in any criminal case, on or after October 1, 1969, the accused, by a final judgment, is found not guilty of the charge or the charge is dismissed, all police and court records and records of any state's attorney pertaining to such charge shall be erased upon the expiration of the time to file a writ of error or take an appeal, if an appeal is not taken, or upon final determination of the appeal sustaining a finding of not guilty or a dismissal, if an appeal is taken. Nothing in this subsection shall require the erasure of any record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect or guilty but not criminally responsible by reason of mental disease or defect.

(b) Whenever in any criminal case prior to October 1, 1969, the accused, by a final judgment, was found not guilty of the charge or the charge was dismissed, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased by operation of law and the clerk or any person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased; provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition for erasure with the court granting such not guilty judgment or dismissal, or, where the matter had been before a municipal court, a trial justice, the Circuit Court or the Court of Common Pleas in the Superior Court where venue would exist for criminal prosecution and thereupon all police and court records and records of the state's attorney, prosecuting attorney or prosecuting grand juror pertaining to such charge shall be erased. Nothing in this subsection shall require the erasure of any record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect.

(c) (1) Whenever any charge in a criminal case has been nolle in the Superior Court, or in the Court of Common Pleas, if at least thirteen months have elapsed since such nolle, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased, except that in cases of nolle entered in the Superior Court, Court of Common Pleas, Circuit Court, municipal

court or by a justice of the peace prior to April 1, 1972, such records shall be deemed erased by operation of law and the clerk or the person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased, provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition to the court to have such records erased, in which case such records shall be erased.

(2) Whenever any charge in a criminal case has been continued at the request of the prosecuting attorney, and a period of thirteen months has elapsed since the granting of such continuance during which period there has been no prosecution or other disposition of the matter, the charge shall be nolle upon motion of the arrested person and such erasure may thereafter be effected or a petition filed therefor, as the case may be, as provided in this subsection for nolle cases.

(d) (1) Whenever prior to October 1, 1974, any person who has been convicted of an offense in any court of this state has received an absolute pardon for such offense, such person or any one of his heirs may, at any time subsequent to such pardon, file a petition with the Superior Court at the location in which such conviction was effected, or with the Superior Court at the location having custody of the records of such conviction or if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice court, in the Superior Court where venue would exist for criminal prosecution, for an order of erasure, and the Superior Court shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such offense be erased.

(2) Whenever such absolute pardon was received on or after October 1, 1974, such records shall be erased.

(e) (1) Except as provided in subdivision (2) and subdivision (3) of this subsection, whenever any person has been convicted in any court of this state of a classified or unclassified misdemeanor offense, or a class D or E felony or an unclassified felony offense carrying a term of imprisonment of not more than five years, any police or court record and record of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such conviction, or any record pertaining to court obligations arising from such conviction held by the Board of Pardons and Paroles shall be erased as follows: (A) For any classified or unclassified misdemeanor offense, such records shall be erased seven years from the date on which the court entered the convicted person's most recent judgment of conviction (i) by operation of law, if such offense occurred on or after January 1, 2000, or (ii) upon the filing of a petition on a form prescribed by the Office of the Chief Court Administrator, if such offense occurred prior to January 1, 2000; and (B) for any class D or E felony or an unclassified felony offense carrying a term of imprisonment of not more than five years, such records shall be erased ten years from the date on which the court entered the convicted person's most recent judgment of conviction (i) by operation of law, if such offense occurred on or after January 1, 2000, or (ii) upon the filing of a petition on a form prescribed by the Office of the Chief Court Administrator, if such offense occurred prior to January 1, 2000.

(2) Convictions for the following offenses shall not be eligible for erasure pursuant to this subsection:

(A) Any conviction designated as a family violence crime, as defined in section 46b-38a;

(B) Any conviction for an offense that is a nonviolent sexual offense or a sexually violent offense, each as defined in section 54-250;

(C) Any conviction for a class D felony offense that is a violation of section 53a-60a, 53a-60b, 53a-60c, 53a-64bb, 53a-72a, 53a-90a, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196f, 53a-211, 53a-216, 53a-217a, 53a-322, 54-251, 54-252, 54-253 or 54-254 or subdivision (1) of subsection (a) of section 53a-189a; or

(D) Any conviction for a class A misdemeanor offense that is a violation of section 53a-61a, 53a-64cc or 53a-323.

(3) The provisions of subdivision (1) of this subsection shall not apply to any conviction for any offense until the defendant has completed serving the sentence imposed for any offense or offenses for which the defendant has been convicted.

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

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

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

(f) (1) Whenever a person was convicted of one or more misdemeanors committed while such person was under eighteen years of age, and the offense or offenses occurred on or after January 1, 2000, and before July 1, 2012, all police and court records and records of the state's or prosecuting attorney shall be (A) erased, if such record is in an electronic record other than a scanned copy of a physical document, or (B) deemed erased by operation of law if such record is a scanned copy of a physical document or another record that is not electronic. This subdivision shall not apply to a motor vehicle offense, a violation under title 14 or a violation of section 51-164r. The clerk of the court or any law enforcement agency having information contained in such erased records shall not disclose to anyone, except the subject of the record, upon submission pursuant to guidelines prescribed by the Office of the Chief Court Administrator of satisfactory proof of the subject's identity, information pertaining to any charge erased under this subdivision and such clerk shall forward a notice of such erasure to any law enforcement agency and the state's or prosecuting attorney to which he or she knows information concerning the arrest has been disseminated directing that all law enforcement and records of the state's or prosecuting attorney pertaining to such case to be so erased or so deemed erased by operation of law.

(2) Whenever a person was convicted of one or more misdemeanors committed while such person was under eighteen years of age, and the offense or offenses occurred before January 1, 2000, such person may file a petition with the Superior Court at the location in which such conviction was effected for an order of erasure, and the Superior Court shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased.

(3) Notwithstanding subsection (i) of this section, the provisions of this subsection shall not apply in cases in which there has been a conviction for any charge for which erasure would not apply arising from the same information as any erased conviction.

(g) (1) The clerk of the court or any law enforcement agency having information contained in such erased records shall not disclose to anyone, except the subject of the record, upon submission pursuant to guidelines prescribed by the Office of the Chief Court Administrator of satisfactory proof of the subject's identity, information pertaining to any charge erased under any provision of this section and such clerk shall forward a notice of such erasure to any law enforcement agency to which he knows information concerning the arrest has been disseminated and such disseminated information shall be erased from the records of such law enforcement agency. Such clerk shall provide adequate security measures to safeguard against unauthorized access to or dissemination of such records or upon the request of the accused cause the actual physical destruction of such records, except that such clerk shall not cause the actual physical destruction of such records until three years have elapsed from the date of the final disposition of the criminal case to which such records pertain.

(2) Any person who shall have been the subject of such an erasure shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

(h) Upon motion properly brought, the court or a judge of such court, if such court is not in session, shall order disclosure of such records (1) to a defendant in an action for false arrest arising out of the proceedings so erased, or (2) to the prosecuting attorney and defense counsel in connection with any perjury charges which the prosecutor alleges may have arisen from the testimony elicited during the trial, or any false statement charges, or any proceeding held pursuant to section 53a-40b, or (3) counsel for the petitioner and the respondent in connection with any habeas corpus or other collateral civil action in which evidence pertaining to a nolle or dismissed criminal charge may become relevant. Such disclosure of such records is subject also to any records destruction program pursuant to which the records may have been destroyed. The jury charge in connection with erased offenses may be ordered by the judge for use by the judiciary, provided the names of the accused and the witnesses are omitted therefrom.

(i) The provisions of this section shall not apply to any police or court records or the records of any state's attorney or prosecuting attorney with respect to any information or indictment containing more than one count (1) while the criminal case is pending, or (2) when the criminal case is disposed of unless and until all counts are entitled to erasure in accordance with the provisions of this section, except that when the criminal case is disposed of, electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section. Nothing in this section shall require the erasure of any information contained in the registry of protective orders established pursuant to section 51-5c. For the purposes of this subsection, "electronic record" means any police or court record or the record of any state's attorney or prosecuting attorney that is an electronic record, as defined in section 1-267, or a computer printout.

(j) An attorney of any person (1) who is the subject of any immigration matter in which disclosure of such person's criminal history record information may be required under federal law, (2) who has been convicted of an offense in any court of this state, and (3) whose criminal history record information has been erased pursuant to this chapter for such offense, may petition the Superior Court at the location in which such conviction was effected, or the Superior Court at the location having custody of the records of such conviction or if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice court, the Superior Court where venue would exist for criminal prosecution, for such records, and the Superior Court shall direct that all police and court records and records of the state's or prosecuting attorney pertaining to such offense be made available to such person's attorney, to the degree that such information has been retained.

(k) No fee shall be charged in any court with respect to any petition under this section.

(l) For the purposes of this section, "court records" shall not include a record or transcript of the proceedings made or prepared by an official court reporter, assistant court reporter or monitor.

**Sec. 54-76o. Erasure of police and court records of youthful offender.** Whenever any person has been adjudicated a youthful offender and has subsequently been discharged from the supervision of the court or from the care of any institution or agency to whom he has been committed by the court, all police and court records pertaining to such youthful offender shall be automatically erased when such person attains twenty-one years of age, provided such person has not subsequent to being adjudged a youthful offender been convicted of a felony, as defined in section 53a-25, prior to attaining such age. Youthful offender status shall not be deemed conviction of a crime for the purposes of this section. 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. The persons in charge of such records shall not disclose to any person, except the subject of the record, upon submission of satisfactory proof of the subject's identity in accordance with guidelines

prescribed by the Chief Court Administrator, information pertaining to the record so erased. No youth 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 proceedings affecting such youth.

**Sec. 46b-146. (Formerly Sec. 51-327). Erasure of police and court records.** Whenever any child has been convicted as delinquent, 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, 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 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. The Court Support Services Division shall provide written notice concerning the erasure of certain records to any such child and the child's parent or guardian when (1) such child is so discharged, and (2) upon such child's eighteenth birthday if such child was younger than eighteen years of age when so discharged. Such notice shall provide that such child, parent or guardian may petition the Superior Court for such erasure pursuant to this section. If, upon the filing of such petition, such court finds (A) (i) that 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, (ii) that no subsequent juvenile proceeding or adult criminal proceeding is pending against such child, (iii) that 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, (iv) that such child has not been convicted as an adult of a felony or misdemeanor during such two-year or four-year period, and (v) that such child has reached eighteen years of age, or (B) that such child has a criminal record as a result of being a victim of conduct by another person that constitutes a violation of section 53a-192a or a criminal violation of 18 USC Chapter 77, the court shall order all police and court records pertaining to such child to be erased. 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. Whenever a child 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. 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 when such records could be erased.