

Legislative History for Connecticut Act

<u>HB8510</u>	PA229	<u>1969</u> *
<u>Senate</u> : P. 1748-1749		2
<u>House</u> : P. 2196-2200		5
Judiciary - 0		0

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S-71

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1969

VOL. 13
PART 4
1474-2031

May 9, 1969

Page 12

CAL. NO. 796. FILE NO.626. Favorable report of the Joint Committee on Judiciary and Governmental Functions. Substitute for House Bill N. 8510. An Act concerning Erasure of Nolles, Dismissals and Not Guilty Findings and Adjudications of Non-delinquency. (As amended by House Amendment Schedule "A".)

SENATOR PICKETT:

Mr. President, will the clerk please read House Amendment Schedule, "A"?

THE CLERK:

In Section 1, line 37, after (d) insert Whenever any person who has been convicted of an offense in any court of this state has received an absolute pardon for such offense, such pardon, file a petition, with the court in which such conviction was effected, for an order of erasure in the same manner as i provided in subsection (c) of this section, and such court shall order all police and court records and records of the State's or prosecuting attorney pertaining to such case to be erased.(e).

SENATOR PICKETT:

Mr. President, I shall comment on the bill, as amended. The purpose of the amendment, is ~~and~~ salutary, it recognizes the fact that a person confined to the correctional institution who has been pardoned, if he is entitled to the pardon, should be placed in the same category of the person who has received a nolle or dismissal or not guilty finding by having his

May 9, 1969

Page 13

record erased also. As to the entire bill, may I say this, that we feel this is a landmark piece, an important piece in recognizing the rights of people, who have been convicted of crimes, whose record is such that they are entitled to these erasures of record. A person often indulges in a criminal record or crime early in life and later finds that he is unable to procure employment or advancement or perhaps even enter into the armed forces, or whatever it may be, because of his record. Sometimes the mere presence of the record, is greater punishment than the original punishment at the time the person was found guilty. I feel this is a very good piece of legislation and I move for passage of the bill, as amended.

THE CHAIR:

Motion is on acceptance of the bill, as amended, will you remark further?

SENATOR BARNES:

Mr. President, I support the bill. I think it's excellent/ I rise for the purpose really, of a question to the clerk. I understand that these amendments from the house, were going to be reprinted in our file? Is this one that came up before or after you made that decision?

THE CHAIR:

Are there further remarks? If not, all in favor of the bill, as amended, kindly signify by saying, "aye". Oppose, "no". The ayes have it and the bill, as amended, is passed.

H-99

CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
1969

VOL. 13

PART 5

2065-2591

Thursday, May 1, 1969

9.

JAMES J. KENNELLY, 1st District:

MBS

Mr. Speaker, may Calendar 556, Substitute for House Bill 7350, file 606 be placed at the foot of the calendar.

MR. SPEAKER:

Do I hear any objections? If not, so ordered.

THE CLERK:

Calendar 574, Substitute for House Bill 8513. An Act concerning the Election of Aldermen in New Britain. File 607.

JAMES J. KENNELLY, 1st District:

Mr. Speaker, may Calendar 574, Substitute for House Bill 8513, file 607 be passed retaining its place on the calendar?

MR. SPEAKER:

Do I hear any objections? Hearing none, so ordered.

THE CLERK:

Calendar 593, Substitute for House Bill 8510. An Act concerning Erasure of Nolles, Dismissals and Not Guilty Findings and Adjudications of Non-Delinquency. Favorable report, Committee on Judiciary, file 626.

WILLIAM E. STRADA, JR., 156th District:

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark?

WILLIAM E. STRADA, JR., 156th District:

Mr. Speaker, the Clerk has an amendment.

MR. SPEAKER:

Thursday, May 1, 1969

10.

The Clerk will read the amendment.

MBS

THE CLERK:

House Amendment, Schedule A, offered by Mr. Strada of the 156th. In section 1, line 37, after (d) insert Whenever 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 court in which such conviction was effected, for an order of erasure in the same manner as is provided in subsection (c) of this section, and such court shall order all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased. (e)

WILLIAM E. STRADA, 156th District:

Mr. Speaker, two years ago, we passed a bill in this Assembly, introduced by our former Speaker, which provided for the erasure of police records in the situation of the criminal case, of a dismissal, or a not-guilty verdict. The bill before us today is a modification of that Statute, an improvement, and this amendment merely adds a category to the three enumerated previously. And, that is, in the case of an absolute pardon, where a person has been exonerated, he may petition the court to have the court records erased. I move adoption of the amendment.

MR. SPEAKER:

Will you remark further on the amendment? If not, all those in favor of House Amendment, Schedule A, say Aye, those opposed No, the Ayes have it, the amendment is adopted. I'll rule the amendment is technical.

Thursday, May 1, 1969

11.

WILLIAM E. STRADA, 156th District:

MBS

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill as amended.

MR. SPEAKER:

Question is on passage of this bill, as amended. Will you remark further?

WILLIAM E. STRADA, 156th District:

Mr. Speaker, what this bill does is provide now that in a case of a dismissal by the court, or a not-guilty verdict, that the police records will be erased automatically. It retains the provision in the case of a nolle that there must be a lapse of one year before a petition may be entertained. There is no reason, Mr. Speaker, why, after a dismissal, or a not-guilty verdict, the records should not be erased immediately, and this is what we propose. I move adoption of the bill.

MR. SPEAKER:

Will you remark further?

CARL R. AJELLO, 118th District:

Mr. Speaker, I'm most pleased to see this bill before us. I was one of the co-sponsors of the measure in the last session, which brought about the original bill. This is an improvement of it. Those of us who practice law in the courts where young people, particularly, appear have seen that it is effective. It adds the feature, too, that hasn't been mentioned, I don't think, that a young person, who later in life attempts to obtain a job of some substance is able then to have a clear record which is

Thursday, May 1, 1969

12.

most important in this type of instance. It is a very good bill and I urge its passage. MBS

ROBERT D. KING, 48th District:

Mr. Speaker, I concur with the statement of the last speaker that this is an excellent bill. There is, however, one question which has bothered me, for some time, about every two years ago, and it still does. I'd like, for purposes of legislative intent, to ask a question of the gentleman who introduced the bill. And the question is this, after the erasure of a criminal record, is the individual, who's record has been erased, is he privileged and protected by the state of Connecticut against any statement that he may make, for example, in a federal employment questionnaire, that he has never been arrested.

MR. SPEAKER:

Would the gentleman from the 156th care to answer?

WILLIAM E. STRADA, JR., 156th District:

Mr. Speaker, our understanding, our answer to the gentleman, is yes, he is. And I believe it is in the bill. It says that no person who has ever been the subject of such an erasure shall be deemed to have been arrested ab initio within the meaning of the General Statutes with respect to the proceedings so erased. HENRY A. POVINELLI, 120th District:

Mr. Speaker, I rise in support of this legislation. I think it is a fine piece of legislation. With past experience in my city of Milford too many times that people have access to records in the police file room who have no business seeing

Thursday, May 1, 1969

13.

these particular records and in instances such as this, I think this is very fine work and where a dismissal has been obtained and the records are erased, I think it is a fine piece of legislation. I want to go on record in support of it. Thank you.

MBS

MR. SPEAKER:

Will you remark further? If not, question is on the passage of the bill as amended by House Amendment, Schedule A. All those in favor say Aye, those opposed No, the Ayes have it, the bill is passed.

THE CLERK:

Page 4 of the Calendar. Calendar 596. House Bill 6187. An Act concerning Amending the Charter of the City of Hartford as to the Composition and Power and Duties of the Personnel Board. Favorable report of the Committee on Cities and Boroughs. File 636.

CARL R. AJELLO, 118th District:

Mr. Speaker, may Calendar 596, House Bill 6187 be passed retaining it place on the Calendar?

MR. SPEAKER:

Do I hear any objections? Hearing none, so ordered.

THE CLERK:

Calendar 597, House Bill No. 6621. An Act concerning Uniform Recognition of Acknowledgments. File 628.

RICHARD C. WILLARD, 15th District:

Mr. Speaker, I move for the acceptance of the joint committee's favorable report and passage of the bill.