



**Office of Chief Public Defender
State of Connecticut**

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**Testimony of
Attorney Michael S. Wagner, Senior Assistant Public Defender
Office of Chief Public Defender
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**House Bill 5622
An Act Concerning The Availability Of Erased Records In Determining
Whether A Person Is A Suitable Person To Carry A Pistol Or Revolver**

The Office of Chief Public Defender opposes *H.B. 5622, An Act Concerning The Availability Of Erased Records In Determining Whether A Person Is A Suitable Person To Carry A Pistol Or Revolver* because it seeks to change the state's erasure statute, C.G.S. §54-142a, by allowing local law enforcement officials or selectman, or warden of a borough to access previously erased police, court, and records of any state's attorney pertaining to criminal charges that have been erased. Similar to concerns raised in the Division's testimony regarding *Raised Bill 5527, An Act Concerning Crimes Committed While Out On Pre Trial Release*, this bill is unnecessary and would be contrary to the legislative intent of C.G.S. §54-142a, subjecting persons to the negative consequences which flow from criminal charges which do not result in conviction.

The State Supreme Court has spoken with clarity on this issue in *State vs. Seth Apt*, 319 Conn. 494 (2015). The Court explained that the legislature intended to insulate people who are arrested but never convicted from the adverse societal consequences that result from having an arrest record. "This history makes clear that "the purpose of the erasure statute ... is to protect innocent persons from the harmful consequences of a *criminal charge* [that] is subsequently dismissed." *Id.*

Local officials who process these applications and issue permits have available alternatives under state and federal law which can be utilized to determine whether it is appropriate to issue a permit. The Office of Chief Public Defender strongly urges this Committee not to act favorably on this bill.

