



State of Connecticut
Department of Developmental Services

DDS

Ned Lamont
Governor

Jordan A. Scheff
Commissioner

Peter Mason
Deputy Commissioner

**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE JUDICIARY COMMITTEE**

March 9, 2020

Senators Winfield and Kissel, Representatives Stafstrom and Rebimbas and members of the Judiciary Committee. I am Jordan A. Scheff, Commissioner of the Department of Developmental Services. Thank you for the opportunity to submit testimony in support of [H.B. No. 5019](#) AN ACT **CONCERNING FAIR FUTURES FOLLOWING ERASURE OF CRIMINAL RECORDS.**

Section 2 of [H.B. No. 5019](#) proposes an automatic and retroactive erasure of criminal records for Connecticut residents that include most Class C and D misdemeanors and low-level drug charges. DDS is appreciative and proud of Governor Lamont's leadership in recognizing that no one should receive a life sentence for a misdemeanor offense, while also understanding the importance of keeping our most vulnerable populations safe, in particular those individuals with intellectual disability.

The department's mandates include keeping the individuals we serve safe from harm. Federal Medicaid Waiver assurances also require the department to protect individuals from harm. One protective measure is completing criminal history background checks on all job applicants who have been made an offer of conditional employment either by DDS or by DDS's network of qualified private providers.

While DDS and its providers have latitude to hire those applicants who have a conviction record, not being able to know that a person has been convicted of a violent crime against an elderly, blind, disabled or pregnant person or a person with intellectual disability because the conviction record has been erased leaves both DDS and its providers vulnerable to hiring decisions that may put individuals at risk. State statutes categorize certain offenses based on the crime committed against a vulnerable person. For instance, CGS Sec. 53a-61a classifies "assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree" as a Class A misdemeanor and Sec. 53a-60c classifies "assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm" as a Class D felony. Both of these offenses would not be subject to erasure under [H.B. No. 5019](#).

DDS supports [H.B. No. 5019](#) as it provides a second chance to many residents, but also continues to protect individuals with intellectual disability by excluding any conviction for a violent crime against an elderly, blind, disabled or pregnant person or a person with intellectual disability from consideration for automatic erasure. Crimes against vulnerable populations are serious offenses and should be reviewed when hiring staff to work at DDS or in our qualified provider network.

I would like to thank the staff in the Governor's office and the Office of Policy and Management who worked collaboratively over the past year with DDS and other state agencies to develop this legislation.

Thank you for the opportunity to testify in support of the Governor's bill [H.B. No. 5019](#) **AN ACT CONCERNING FAIR FUTURES FOLLOWING ERASURE OF CRIMINAL RECORDS**. Please contact Krista Ostaszewski, Director of Legislation, Communication, and Regulation at (860) 418-6066, if you have any questions.