



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director  
Office of Chief Public Defender**

**PUBLIC SAFETY AND SECURITY COMMITTEE - FEBRUARY 20, 2024**

*Raised Bill No. 138*

### **AN ACT CONCERNING THE WAIVER OF CERTAIN CRIMINAL HISTORY RECORDS CHECK FEES FOR AN INDIGENT PERSON SEEKING A PARDON**

The Office of Chief Public Defender supports **Raised Bill 138, An Act Concerning The Waiver Of Certain Criminal History Records Check Fees For An Indigent Person Seeking A Pardon**. The bill would prohibit an independent contractor with the Department of Emergency Services and Public Protection (DESPP) from charging a convenience, processing, distribution, or electronic preregistration fee to any pardon applicant determined indigent by the Commissioner of DESPP. The amendment would be consistent with current statutory waivers of such fees if certain records were requested of DESPP by a person determined to be indigent.

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<sup>1</sup> P.A. 21-32, **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**. See *Section 7 – Waiver of fee by State Police for criminal history records for applicants for a pardon; and, June S.S. P.A. 21-2, An Act Concerning Provisions Related to Revenue and Other Items to Implement the State Budget for the Biennium Ending June 30, 2023*. See *Section 84 – DESPP waiver criminal history record search fee of \$75 for pardon applicant*.

As a state agency since 1975, this agency represents indigent persons accused of an offense in criminal pretrial and postconviction matters. The bill is also consistent with the support of the Connecticut Legislature through the years for the waiver of fees for persons who are indigent in pretrial and post-conviction proceedings or who have sought information pursuant to the Freedom of Information statutes.<sup>2</sup>

The amount of documentation a pardon applicant is required to obtain and put together can be a daunting task for anyone, especially if indigent. Obtaining the information and making copies of such takes time and the costs for copying can be difficult for some to pay for. If indigent, obtaining one's criminal history records could be delayed indefinitely. As a result, this bill would greatly assist those applicants by waiving the fee associated with obtaining certain criminal history records. This office requests that the Committee vote favorably on this legislation. Thank you for your consideration.

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<sup>2</sup> **P.A. 21-32, 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.** *See Section 3 – Waiver of fee for Petition for Erasure.*; **P.A. 21-102, An Act Concerning the Criminal Justice Process.** *See Sections 11-18 – Waiver of diversionary program fees for persons determined indigent;* **June S.S. PA 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (RERACA).** *See Section 8 - no fee to file Petition for Erasure; and Sections 166-167 – no program fee for persons applying for the new drug and alcohol diversionary programs and, C.G.S. 1-212, Copies and scanning of public records. Fees. See Section (d) – waiver of fees for an indigent person.*