Engage PEO Client Alert: Connecticut

New Clean Slate Law Goes Into Effect – in Part; A Greater Number of Convictions To Be Erased Later in 2023

WHAT'S NEW

In 2021, Connecticut passed a "Clean Slate" law that expands protections for individuals whose criminal records have been erased. The law also expands the types of criminal convictions that will either be erased automatically or subject to erasure upon request. While the law went into effect on January 1, 2023, for technical and other reasons, only 44,000 records relating to convictions for cannabis possession have been erased. An additional 230,000 non-cannabis-related convictions will be erased in the second half of 2023.

Under the new law, records of classified or unclassified misdemeanor offenses will be erased seven years from the date on which the court entered the individual's most recent judgment of conviction. Records of Class D or Class E felonies or an unclassified felony that carries a prison sentence of five years or less will be erased ten years from the date on which the court entered the individual's most recent judgment of conviction.[1]

For crimes that fall into the categories above, erasure will take place automatically if the crime took place on or after January 1, 2020. For misdemeanors committed by minors under the age of 18, those records will be erased automatically if the crime occurred after January 1, 2000, and before July 1, 2012. Records of crimes that took place before these dates can be erased by an individual petition requesting such relief.

WHAT IT MEANS

Connecticut employers will be limited in their use of criminal conviction history in making hiring or promotion decisions, as an employer may not discriminate in employment matters based on a person's erased criminal history records, and an employer may not advertise employment opportunities only to candidates who have never had a criminal conviction erased from their records.

WHAT EMPLOYERS SHOULD DO

Employers should be aware that once the law is fully implemented later this year, many job applicants who were previously convicted of a crime will be able to represent that they do not have prior criminal records, and their doing so would not be considered an error or omission on their job application.

Employers should refrain from advertising jobs in such a way as to restrict the applicant pool to only those individuals who have not had a prior criminal conviction erased, as doing so would be a violation of the Clean Slate law.

Finally, employers should be aware that Connecticut has characterized violation of the Clean Slate law as a discriminatory act, which means that applicants or employees who believe that the law has been violated may file an employment discrimination complaint with the Connecticut Commission on Human Rights and Opportunities or seek relief in court.

If you have any questions, please contact your Engage HR Consultant or Account Manager.

[1] Convictions that are classified as family violence crimes or sexual offenses are not eligible for erasure.