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CONNECTICUT SENTENCING COMMISSION

November 18, 2021

RE: Improving Access to Occupational Licenses for Individuals With Criminal Records

Governor Ned Lamont
State Capitol
210 Capitol Avenue
Hartford, CT 06106

Dear Governor Lamont,

As you know, the Connecticut Sentencing Commission is an independent state criminal justice agency established by Public Act 10-129 (CGS §54-300) to review, research, and make recommendations concerning the state's criminal justice system. The Sentencing Commission's work is informed by all the major stakeholders of the state criminal justice system and aims to adhere to the best legal and evidence-based research and practices.

We write on behalf of the Commission to request your attention to issues surrounding access to state occupational licenses for individuals with criminal records.

Subject to narrow exceptions, current law in Connecticut prevents a person from being disqualified from pursuing a license or permit based solely on a prior conviction. Under CGS § 46a-80(a), a person shall not be "disqualified to practice, pursue or engage in any occupation, trade, vocation, profession or business for which a license, permit, certificate, or registration is required to be issued by the state or any of its agencies solely because of a prior conviction of a crime." However, the state or an agency may deny employment or a license to an individual based on a conviction if that individual is found unsuitable after considering.

1) the nature of the crime and its relationship to the occupation;
2) information pertaining to the degree of rehabilitation; and
3) the time elapsed since the conviction of release.

Having a criminal record can make it difficult or impossible for individuals to work in fields requiring occupational licenses. Moreover, the lack of uniform requirements and processes across occupations can confuse applicants and deter individuals with records from applying for licenses. It is unclear to the public how different agencies and boards in the state consider a criminal record in their decision-making.

A licensing process that lacks transparency and predictability makes it difficult for potential licensees to determine whether their past conviction will disqualify them from a certain profession. People with criminal records take on a significant risk when they invest their time and money to train and meet the educational requirements for an occupation, only to be barred in the licensing process because of unclear criminal record criteria.

We ask that you explore the possibility of a centralized preclearance process that would allow individuals with a criminal record to ascertain ahead of time if their record would be a disqualifier. We understand that several state agencies are required to report to the Secretary of Office of Policy and Management on their practices for background checks per Public Act 21-152.

In addition, we ask that you explore legislation eliminating the criminal record check on applications for licenses for certain occupations. Public Act 17-112, *An Act Concerning the Licensing of Barbers and Hairdressers*, exempted barbers, hairdressers, and cosmeticians from having to submit to a state or national criminal history records check as a prerequisite to state licensure. The state should explore building on this legislation to include other state licenses.

We look forward to working with you on this and future projects.

Sincerely,

_____   _____
John Santa   Sarah Russell
Vice-Chair   Quinnipiac School of Law

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Alex Tsarkov
Executive Director