



Hon. Robert J. Devlin  
Chair

Alex Tsarkov  
Executive Director

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Commission  
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## CONNECTICUT SENTENCING COMMISSION

September 30, 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 is not "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 or release.

Having a criminal record can make it difficult, or even impossible, for an individual to work in a given field that requires an occupational license. The lack of uniformity of requirements and processes across occupations can be confusing to 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 harder for workers to determine if their past conviction may disqualify them from a certain profession. People with criminal records might take on a significant risk if they invest their time and money to train and meet the educational requirements for an occupation, only to be barred in the licensing process.

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,

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John Santa  
Vice-Chair

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Sarah Russell,  
Legal Clinic, Quinnipiac  
University School of Law

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Alex Tsarkov  
Executive Director