

# Connecticut Clean Slate Law Brings New Requirements for Employers in 2023 and Beyond

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On June 10, 2021, Governor Ned Lamont signed into law Connecticut's "Clean Slate" law, [Public Act No. 21-32](#). The Clean Slate law became effective January 1, 2023, and it provides for the automatic erasure of certain criminal records.

## Who Is Affected?

The Clean Slate law's automatic erasure provision affects individuals with misdemeanors and low-level felony records. Individuals who have been convicted of sexual offenses, family violence, and firearm-related crimes are not eligible for the erasure of those records under the new law.

The law provides for the automatic erasure of records after seven years from the date on which the court entered the convicted person's most recent judgment of conviction of a classified or unclassified misdemeanor offense.

The law also provides for the automatic erasure of the following records after ten years from the date on which the court entered the most recent judgment of conviction:

- Convictions for any class D or E felony
- Any unclassified felony offense carrying a term of imprisonment of not more than five years

Misdemeanors committed by persons under eighteen years of age will be automatically erased if the offense or offenses occurred on or after January 1, 2000, and before July 1, 2012. Misdemeanor offenses committed by minors prior to January 1, 2000, may be erased upon petition by the convicted person to the Connecticut Superior Court "at the location in which such conviction was effected."

Now that Connecticut's Clean Slate law is effective, employers may want to consider what impact the law will have on hiring and employment practices, especially in the wake of new prohibitions that make it an unlawful discriminatory practice for an employer to make decisions based on an employee's or job applicant's erased criminal record.

Connecticut's "[ban the box](#)" law prohibits employers from denying employment solely on the basis of, or inquiring about, a job applicant's prior arrests, criminal charges, or convictions on an initial employment application, unless certain exceptions applied. In addition, employment application forms that include questions concerning

an applicant's criminal history are required to contain a notice, in clear and conspicuous language, that the applicant is not required to disclose the existence of any erased arrest, criminal charge, or conviction.

The Clean Slate law expands upon these prohibitions by prohibiting employers from requiring a job applicant with erased criminal records to disclose those records, denying employment based on an applicant's erased criminal history record, or inquiring about an applicant's criminal history on a job application unless it contains, in a clear and conspicuous manner, a notice essentially stating the following:

The applicant is not required to disclose the existence of any erased criminal history record information. Erased criminal history record information are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolle, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon or criminal records that are erased pursuant to statute or by other operation of law. Any person with erased criminal history record information shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

The Clean Slate law applies to current employees, not just job applicants, and prohibits employers or their agents from discharging, causing to discharge, or in any manner discriminating against any employee solely on the basis that the employee has an erased criminal history record.

### **How to Comply and Best Practices**

What does this all mean for employers? Employers may want to consider discussing these changes with appropriate personnel and managers, especially those responsible for hiring and interviewing prospective candidates, so that they are aware of the latest prohibitions and not relying on erased criminal records when making employment decisions. Employers may also want to review job application forms for inquiries concerning criminal record histories and make revisions to bring the forms into compliance with the Clean Slate law.

As the law made changes to the requirements for employment applications and background checks, employers that use third-party services for background checks may want to consider contacting those vendors to confirm they are complying with the new law. Employers may also need to revise their equal employment opportunity policies in light of the new law.

Finally, employers may want to be aware that a violation of the Clean Slate law may constitute a "discriminatory practice," pursuant to which an employee or prospective employee may file a complaint with the Connecticut Labor Commissioner or the Connecticut Commission on Human Rights and Opportunities, or bring an action in Connecticut Superior Court.

Additional information on Connecticut and federal background check requirements is available in the firm's [OD Comply: Background Checks](#) subscription materials, which are updated and provided to [OD Comply](#)<sup>™</sup> subscribers as the law changes.

