



Legislative Testimony
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Written Testimony Opposing Senate Bill 1074, An Act Requiring Long-Term Care Facility Residents to Undergo a Criminal History and Sexual Offender Registry Search

Senator Anwar, Representative McCarthy-Vahey, Ranking Members Somers and Klarides Ditria, and distinguished members of the Public Health Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to Senate Bill 1074, An Act Requiring Long-Term Care Facility Residents to Undergo a Criminal History and Sexual Offender Registry Search.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. One of the biggest injustices faced by people living with a criminal record are the myriad of collateral consequences flowing from that criminal record, which persist for years, even lifetimes, after a person finishes the punishment they were sentenced to. Collateral consequences turn any sentence into a life sentence. In Connecticut, people living with a criminal record face over 550 legal barriers to full societal participation.¹ These barriers prevent people from obtaining employment, housing, education, and long-term care services. Collateral consequences are not just bad for the people who experience them, they are bad for children, families, and communities as well.

¹ National Inventory of Collateral Consequences of Conviction, *available at* https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1; see also Kelan Lyons, *Council Begins Study of Discrimination Against People with Criminal Records*, CT MIRROR (Aug. 22, 2019), *available at* <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

Connecticut is making strides toward eliminating collateral consequences of criminal records, but to achieve this goal, the state cannot continue to impose new collateral consequences on people trying to live out the last years of their lives in long-term care facilities. Unfortunately, this is exactly the effect of legislation that requires needless background and registry checks or that erects unnecessary barriers for people living with criminal records. By mandating background and sex offender registry checks, this bill creates another collateral consequence. Protecting residents in long term care facilities is important, but mandatory background and sex offender registry checks will limit the ability of people living with criminal records to get the end-of-life residential care they need.

This legislation takes a positive step forward in approaching background checks by using an individualized assessment that considers factors like inaccurate information, the lack of relationship between the nature of the crime and long-term care, evidence of rehabilitation, and time elapsed. But rather than automatically make an individualized assessment apply to everyone that is undergoing a background check, as drafted, this legislation requires that people in need of long-term care apply for a waiver to request an individualized assessment. We urge this Committee to, at the very least, consider amending the bill to require the state to *automatically* apply the individualized assessment, like in Public Act 22-88, rather than put the onus on the people who have been harmed by our criminal legal system.

The ACLU-CT opposes legislation that adds to the labyrinth of collateral consequences that people living with a criminal record face every day in this state. Unless amended, Senate Bill 1074 will add another collateral consequence to the bucket. As such, we encourage the Committee to oppose Senate Bill 1074 unless it is amended to automatically apply the individualized assessment to any person undergoing mandatory background or sex offender registry checks.