
OLR Bill Analysis

sHB 5055

AN ACT STRENGTHENING POLICE DATA REPORTING REQUIREMENTS.

SUMMARY

This bill makes it a class D felony to make a false statement in a law enforcement record. Under the bill, a person is guilty of “false statement in a law enforcement record” when the (1) person intentionally makes a false written statement or enters false information or data in a law enforcement record that he or she does not believe to be true and (2) statement or entry is intended to mislead a public servant performing his or her official function. (A class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both.)

Under the bill, a “law enforcement record” is information collected or maintained in connection with a law enforcement unit’s detection or investigation of crimes or motor vehicle violations that is inscribed on a tangible medium, electronically stored, or other medium and is retrievable in perceivable form.

The bill authorizes the Police Officer Standards and Training Council (POST) to cancel or revoke a police officer’s certification if the officer’s law enforcement unit, under its established procedures, finds the officer made a false statement in a law enforcement record. Existing law already authorizes POST to do this if, among other things, the officer is found to have committed any act that would (1) undermine public confidence in law enforcement, including falsifying reports, or (2) constitute the crimes of tampering with or fabricating physical evidence, perjury, or false statement (see BACKGROUND).

Under existing law, each law enforcement unit’s chief law enforcement officer must report to POST any violation where, under the unit’s established procedures, an officer is found to have committed

certain acts (e.g., using excessive force). The bill expands this by requiring the chief law enforcement officer to also report on an officer found to have (1) engaged in misconduct that reflects on his or her truthfulness, including any act that constitutes the crimes of tampering with or fabricating physical evidence, perjury, false statement, or false statement in a law enforcement record, or (2) knowingly made a statement while acting in a law enforcement capacity, which was found to be untruthful during a criminal, civil, or administrative inquiry or proceeding.

The bill also requires the chief law enforcement officer to promptly notify the appropriate state's attorney about any matter in which the officer reasonably suspects that a certificate holder has engaged in criminal conduct that violates state law.

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2024

BACKGROUND

Law Enforcement Unit

By law, and under the bill, a "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

Existing False Statement Crime

Under existing law, a person is guilty of making a false statement, which is a class A misdemeanor, when he or she (1) intentionally makes a false written statement that the person does not believe to be true with the intent to mislead a public servant performing an official function, and (2) makes the statement under oath or in a form bearing notice, authorized by law, that false statements made in the form are punishable. (A class A misdemeanor is punishable by up to 364 days in prison, a fine of up to \$2,000, or both.)

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/26/2024)