



General Assembly

February Session, 2024

Governor's Bill No. 5055

LCO No. 614



Referred to Committee on JUDICIARY

Introduced by:

Request of the Governor Pursuant
to Joint Rule 9

**AN ACT STRENGTHENING POLICE DATA REPORTING
REQUIREMENTS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) A person is guilty of
2 false statement in a law enforcement record when such person, in the
3 performance of such person's duties as a police officer, intentionally
4 makes a false written statement or enters false information or data in a
5 law enforcement record which such person does not believe to be true
6 and which statement or entry is intended to mislead a public servant in
7 the performance of such public servant's official function.

8 (b) As used in this section, a "law enforcement record" means
9 information collected or maintained in connection with the detection or
10 investigation of crimes or motor vehicle violations by a law enforcement
11 unit, as defined in section 7-294a of the general statutes, that is inscribed
12 on a tangible medium or that is stored in an electronic or other medium
13 and is retrievable in perceivable form, and "police officer" has the same
14 meaning as provided in section 7-294a of the general statutes.

15 (c) False statement in a law enforcement record is a class D felony.

16 Sec. 2. Subdivision (2) of subsection (c) of section 7-294d of the general
17 statutes is repealed and the following is substituted in lieu thereof
18 (*Effective July 1, 2024*):

19 (2) The council may cancel or revoke any certificate if: (A) The
20 certificate was issued by administrative error, (B) the certificate was
21 obtained through misrepresentation or fraud, (C) the holder falsified
22 any document in order to obtain or renew any certificate, (D) the holder
23 has been convicted of a felony, (E) the holder has been found not guilty
24 of a felony by reason of mental disease or defect pursuant to section 53a-
25 13, (F) the holder has been convicted of a violation of section 21a-279,
26 (G) the holder has been refused issuance of a certificate or similar
27 authorization or has had his or her certificate or other authorization
28 cancelled or revoked by another jurisdiction on grounds which would
29 authorize cancellation or revocation under the provisions of this
30 subdivision, (H) the holder has been found by a law enforcement unit,
31 pursuant to procedures established by such unit, to have used a firearm
32 in an improper manner which resulted in the death or serious physical
33 injury of another person, (I) the holder has been found by a law
34 enforcement unit, pursuant to procedures established by such unit and
35 considering guidance developed under subsection (g) of this section, to
36 have engaged in conduct that undermines public confidence in law
37 enforcement, including, but not limited to, discriminatory conduct,
38 falsification of reports, issuances of orders that are not lawful orders,
39 failure to report or timely report a death in violation of section 7-294mm
40 or a violation of the Alvin W. Penn Racial Profiling Prohibition Act
41 pursuant to sections 54-1l and 54-1m, provided, when evaluating any
42 such conduct, the council considers such conduct engaged in while the
43 holder is acting in such holder's law enforcement capacity or
44 representing himself or herself to be a police officer to be more serious
45 than such conduct engaged in by a holder not acting in such holder's
46 law enforcement capacity or representing himself or herself to be a
47 police officer, (J) the holder has been found by a law enforcement unit,
48 pursuant to procedures established by such unit, to have used physical

49 force on another person in a manner that is excessive or used physical
50 force in a manner found to not be justifiable after an investigation
51 conducted pursuant to section 51-277a, or (K) the holder has been found
52 by a law enforcement unit, pursuant to procedures established by such
53 unit, to have committed any act that would constitute tampering with
54 or fabricating physical evidence in violation of section 53a-155, perjury
55 in violation of section 53a-156, [or] false statement in violation of section
56 53a-157b or false statement in a law enforcement record in violation of
57 section 1 of this act. Whenever the council believes there is a reasonable
58 basis for suspension, cancellation or revocation of the certification of a
59 police officer, police training school or law enforcement instructor, it
60 shall give notice and an adequate opportunity for a hearing prior to such
61 suspension, cancellation or revocation. Such hearing shall be conducted
62 in accordance with the provisions of chapter 54. Any holder aggrieved
63 by the decision of the council may appeal from such decision in
64 accordance with the provisions of section 4-183. The council may cancel
65 or revoke any certificate if, after a de novo review, it finds by clear and
66 convincing evidence (i) a basis set forth in subparagraphs (A) to (G),
67 inclusive, of this subdivision, or (ii) that the holder of the certificate
68 committed an act set forth in subparagraph (H), (I), (J) or (K) of this
69 subdivision. In any such case where the council finds such evidence, but
70 determines that the severity of an act committed by the holder of the
71 certificate does not warrant cancellation or revocation of such holder's
72 certificate, the council may suspend such holder's certification for a
73 period of up to forty-five days and may censure such holder of the
74 certificate. Any police officer or law enforcement instructor whose
75 certification is cancelled or revoked pursuant to this section may
76 reapply for certification no sooner than two years after the date on
77 which the cancellation or revocation order becomes final. Any police
78 training school whose certification is cancelled or revoked pursuant to
79 this section may reapply for certification at any time after the date on
80 which such order becomes final. For purposes of this subdivision, a
81 lawful order is an order issued by a police officer who is in uniform or
82 has identified himself or herself as a police officer to the person such
83 order is issued to at the time such order is issued, and which order is

84 reasonably related to the fulfillment of the duties of the police officer
85 who is issuing such order, does not violate any provision of state or
86 federal law and is only issued for the purposes of (I) preventing,
87 detecting, investigating or stopping a crime, (II) protecting a person or
88 property from harm, (III) apprehending a person suspected of a crime,
89 (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency
90 relief, including the administration of first aid.

91 Sec. 3. Subsection (h) of section 7-294d of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective July 1,*
93 *2024*):

94 (h) (1) The chief law enforcement officer of each law enforcement unit
95 shall report to the council any violation where a certificate holder has
96 been found by the law enforcement unit, pursuant to procedures
97 established by such unit, to have: (A) Used unreasonable, excessive or
98 illegal force that causes serious physical injury to or the death of another
99 person, or used unreasonable, excessive or illegal force that was likely
100 to cause serious physical injury or death to another person; (B) while
101 acting in a law enforcement capacity, failed to intervene or stop the use
102 of unreasonable, excessive or illegal force by another police officer that
103 caused serious physical injury or death to another person, or
104 unreasonable, excessive or illegal force that was likely to cause serious
105 physical injury or death to another person, or to notify a supervisor and
106 submit a written report of such acts where the holder has personal
107 knowledge of such acts and had the ability to prevent such acts; (C)
108 intentionally intimidated or harassed another person based upon actual
109 or perceived protected class membership, identity or expression and in
110 doing so threatened to commit or caused physical injury to another
111 person; [and] (D) been terminated, dismissed, resigned or retired under
112 circumstances described in section 7-291c; or (E) engaged in misconduct
113 that reflects upon the truthfulness of the certificate holder, including,
114 but not limited to, (i) the commission of any act that would constitute
115 tampering with or fabricating physical evidence in violation of section
116 53a-155, perjury in violation of section 53a-156, false statement in
117 violation of section 53a-157b or false statement in a law enforcement

118 record in violation of section 1 of this act, or (ii) the making of a
119 statement found to be untruthful during a criminal, civil or
120 administrative inquiry or proceeding.

121 (2) If the chief law enforcement officer of any municipal police
122 department or the Department of Emergency Services and Public
123 Protection fails to report to the council as required in subdivision (1) of
124 this subsection, the council shall notify the Inspector General who shall
125 investigate such failure to report. The Inspector General shall report the
126 findings of the investigation to the Governor and joint standing
127 committee of the General Assembly having cognizance of matters
128 relating to the judiciary in accordance with the provisions of section 11-
129 4a.

130 (3) The chief law enforcement officer of each law enforcement unit
131 shall refer to the Chief State's Attorney for investigation by the Division
132 of Criminal Justice any matter in which it is alleged that a certificate
133 holder has engaged in conduct that constitutes a violation of any
134 criminal law of this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section
Sec. 2	<i>July 1, 2024</i>	7-294d(c)(2)
Sec. 3	<i>July 1, 2024</i>	7-294d(h)

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]