



General Assembly

January Session, 2019

Raised Bill No. 1105

LCO No. 6353



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING THE CONFIDENTIALITY OF LAW
ENFORCEMENT RECORDS CONCERNING VICTIMS OF SEXUAL
ASSAULT AND FAMILY VIOLENCE.**

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

1 Section 1. Subsection (b) of section 1-210 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (b) Nothing in the Freedom of Information Act shall be construed to
5 require disclosure of:

6 (1) Preliminary drafts or notes provided the public agency has
7 determined that the public interest in withholding such documents
8 clearly outweighs the public interest in disclosure;

9 (2) Personnel or medical files and similar files the disclosure of
10 which would constitute an invasion of personal privacy;

11 (3) Records of law enforcement agencies not otherwise available to

12 the public which records were compiled in connection with the
13 detection or investigation of crime, if the disclosure of [said] such
14 records would not be in the public interest because it would result in
15 the disclosure of (A) the identity of informants not otherwise known or
16 the identity of witnesses not otherwise known whose safety would be
17 endangered or who would be subject to threat or intimidation if their
18 identity was made known, (B) the identity of minor witnesses, (C)
19 signed statements of witnesses, (D) information to be used in a
20 prospective law enforcement action if prejudicial to such action, (E)
21 investigatory techniques not otherwise known to the general public,
22 (F) arrest records of a juvenile, which shall also include any
23 investigatory files, concerning the arrest of such juvenile, compiled for
24 law enforcement purposes, (G) the name and address of the victim of a
25 sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b
26 or 53a-73a, voyeurism under section 53a-189a, [or] injury or risk of
27 injury, or impairing of morals under section 53-21 or family violence,
28 as defined in section 46b-38a, or of an attempt thereof, or (H)
29 uncorroborated allegations subject to destruction pursuant to section 1-
30 216;

31 (4) Records pertaining to strategy and negotiations with respect to
32 pending claims or pending litigation to which the public agency is a
33 party until such litigation or claim has been finally adjudicated or
34 otherwise settled;

35 (5) (A) Trade secrets, which for purposes of the Freedom of
36 Information Act, are defined as information, including formulas,
37 patterns, compilations, programs, devices, methods, techniques,
38 processes, drawings, cost data, customer lists, film or television scripts
39 or detailed production budgets that (i) derive independent economic
40 value, actual or potential, from not being generally known to, and not
41 being readily ascertainable by proper means by, other persons who can
42 obtain economic value from their disclosure or use, and (ii) are the
43 subject of efforts that are reasonable under the circumstances to
44 maintain secrecy; and

45 (B) Commercial or financial information given in confidence, not
46 required by statute;

47 (6) Test questions, scoring keys and other examination data used to
48 administer a licensing examination, examination for employment or
49 academic examinations;

50 (7) The contents of real estate appraisals, engineering or feasibility
51 estimates and evaluations made for or by an agency relative to the
52 acquisition of property or to prospective public supply and
53 construction contracts, until such time as all of the property has been
54 acquired or all proceedings or transactions have been terminated or
55 abandoned, provided the law of eminent domain shall not be affected
56 by this provision;

57 (8) Statements of personal worth or personal financial data required
58 by a licensing agency and filed by an applicant with such licensing
59 agency to establish the applicant's personal qualification for the
60 license, certificate or permit applied for;

61 (9) Records, reports and statements of strategy or negotiations with
62 respect to collective bargaining;

63 (10) Records, tax returns, reports and statements exempted by
64 federal law or the general statutes or communications privileged by
65 the attorney-client relationship, marital relationship, clergy-penitent
66 relationship, doctor-patient relationship, therapist-patient relationship
67 or any other privilege established by the common law or the general
68 statutes, including any such records, tax returns, reports or
69 communications that were created or made prior to the establishment
70 of the applicable privilege under the common law or the general
71 statutes;

72 (11) Names or addresses of students enrolled in any public school or
73 college without the consent of each student whose name or address is
74 to be disclosed who is eighteen years of age or older and a parent or
75 guardian of each such student who is younger than eighteen years of

76 age, provided this subdivision shall not be construed as prohibiting the
77 disclosure of the names or addresses of students enrolled in any public
78 school in a regional school district to the board of selectmen or town
79 board of finance, as the case may be, of the town wherein the student
80 resides for the purpose of verifying tuition payments made to such
81 school;

82 (12) Any information obtained by the use of illegal means;

83 (13) Records of an investigation or the name of an employee
84 providing information under the provisions of section 4-61dd or
85 sections 4-276 to 4-280, inclusive;

86 (14) Adoption records and information provided for in sections 45a-
87 746, 45a-750 and 45a-751;

88 (15) Any page of a primary petition, nominating petition,
89 referendum petition or petition for a town meeting submitted under
90 any provision of the general statutes or of any special act, municipal
91 charter or ordinance, until the required processing and certification of
92 such page has been completed by the official or officials charged with
93 such duty after which time disclosure of such page shall be required;

94 (16) Records of complaints, including information compiled in the
95 investigation thereof, brought to a municipal health authority pursuant
96 to chapter 368e or a district department of health pursuant to chapter
97 368f, until such time as the investigation is concluded or thirty days
98 from the date of receipt of the complaint, whichever occurs first;

99 (17) Educational records which are not subject to disclosure under
100 the Family Educational Rights and Privacy Act, 20 USC 1232g;

101 (18) Records, the disclosure of which the Commissioner of
102 Correction, or as it applies to Whiting Forensic Hospital, the
103 Commissioner of Mental Health and Addiction Services, has
104 reasonable grounds to believe may result in a safety risk, including the
105 risk of harm to any person or the risk of an escape from, or a disorder

106 in, a correctional institution or facility under the supervision of the
107 Department of Correction or Whiting Forensic Hospital. Such records
108 shall include, but are not limited to:

109 (A) Security manuals, including emergency plans contained or
110 referred to in such security manuals;

111 (B) Engineering and architectural drawings of correctional
112 institutions or facilities or Whiting Forensic Hospital facilities;

113 (C) Operational specifications of security systems utilized by the
114 Department of Correction at any correctional institution or facility or
115 Whiting Forensic Hospital facilities, except that a general description
116 of any such security system and the cost and quality of such system
117 may be disclosed;

118 (D) Training manuals prepared for correctional institutions and
119 facilities or Whiting Forensic Hospital facilities that describe, in any
120 manner, security procedures, emergency plans or security equipment;

121 (E) Internal security audits of correctional institutions and facilities
122 or Whiting Forensic Hospital facilities;

123 (F) Minutes or recordings of staff meetings of the Department of
124 Correction or Whiting Forensic Hospital facilities, or portions of such
125 minutes or recordings, that contain or reveal information relating to
126 security or other records otherwise exempt from disclosure under this
127 subdivision;

128 (G) Logs or other documents that contain information on the
129 movement or assignment of inmates or staff at correctional institutions
130 or facilities; and

131 (H) Records that contain information on contacts between inmates,
132 as defined in section 18-84, and law enforcement officers;

133 (19) Records when there are reasonable grounds to believe
134 disclosure may result in a safety risk, including the risk of harm to any

135 person, any government-owned or leased institution or facility or any
136 fixture or appurtenance and equipment attached to, or contained in,
137 such institution or facility, except that such records shall be disclosed
138 to a law enforcement agency upon the request of the law enforcement
139 agency. Such reasonable grounds shall be determined (A) (i) by the
140 Commissioner of Administrative Services, after consultation with the
141 chief executive officer of an executive branch state agency, with respect
142 to records concerning such agency; and (ii) by the Commissioner of
143 Emergency Services and Public Protection, after consultation with the
144 chief executive officer of a municipal, district or regional agency, with
145 respect to records concerning such agency; (B) by the Chief Court
146 Administrator with respect to records concerning the Judicial
147 Department; and (C) by the executive director of the Joint Committee
148 on Legislative Management, with respect to records concerning the
149 Legislative Department. As used in this section, "government-owned
150 or leased institution or facility" includes, but is not limited to, an
151 institution or facility owned or leased by a public service company, as
152 defined in section 16-1, other than a water company, as defined in
153 section 25-32a, a certified telecommunications provider, as defined in
154 section 16-1, or a municipal utility that furnishes electric or gas service,
155 but does not include an institution or facility owned or leased by the
156 federal government, and "chief executive officer" includes, but is not
157 limited to, an agency head, department head, executive director or
158 chief executive officer. Such records include, but are not limited to:

159 (i) Security manuals or reports;

160 (ii) Engineering and architectural drawings of government-owned
161 or leased institutions or facilities;

162 (iii) Operational specifications of security systems utilized at any
163 government-owned or leased institution or facility, except that a
164 general description of any such security system and the cost and
165 quality of such system may be disclosed;

166 (iv) Training manuals prepared for government-owned or leased

167 institutions or facilities that describe, in any manner, security
168 procedures, emergency plans or security equipment;

169 (v) Internal security audits of government-owned or leased
170 institutions or facilities;

171 (vi) Minutes or records of meetings, or portions of such minutes or
172 records, that contain or reveal information relating to security or other
173 records otherwise exempt from disclosure under this subdivision;

174 (vii) Logs or other documents that contain information on the
175 movement or assignment of security personnel; and

176 (viii) Emergency plans and emergency preparedness, response,
177 recovery and mitigation plans, including plans provided by a person
178 to a state agency or a local emergency management agency or official.

179 (20) Records of standards, procedures, processes, software and
180 codes, not otherwise available to the public, the disclosure of which
181 would compromise the security or integrity of an information
182 technology system;

183 (21) The residential, work or school address of any participant in the
184 address confidentiality program established pursuant to sections 54-
185 240 to 54-240o, inclusive;

186 (22) The electronic mail address of any person that is obtained by
187 the Department of Transportation in connection with the
188 implementation or administration of any plan to inform individuals
189 about significant highway or railway incidents;

190 (23) The name or address of any minor enrolled in any parks and
191 recreation program administered or sponsored by any public agency;

192 (24) Responses to any request for proposals or bid solicitation issued
193 by a public agency or any record or file made by a public agency in
194 connection with the contract award process, until such contract is
195 executed or negotiations for the award of such contract have ended,

196 whichever occurs earlier, provided the chief executive officer of such
197 public agency certifies that the public interest in the disclosure of such
198 responses, record or file is outweighed by the public interest in the
199 confidentiality of such responses, record or file;

200 (25) The name, address, telephone number or electronic mail
201 address of any person enrolled in any senior center program or any
202 member of a senior center administered or sponsored by any public
203 agency;

204 (26) All records obtained during the course of inspection,
205 investigation, examination and audit activities of an institution, as
206 defined in section 19a-490, that are confidential pursuant to a contract
207 between the Department of Public Health and the United States
208 Department of Health and Human Services relating to the Medicare
209 and Medicaid programs;

210 (27) Any record created by a law enforcement agency or other
211 federal, state, or municipal governmental agency consisting of a
212 photograph, film, video or digital or other visual image depicting the
213 victim of a homicide, to the extent that such record could reasonably
214 be expected to constitute an unwarranted invasion of the personal
215 privacy of the victim or the victim's surviving family members;

216 (28) Any documentation provided to or obtained by an executive
217 branch agency, including documentation provided or obtained prior to
218 May 25, 2016, relating to claims of faulty or failing concrete
219 foundations in residential buildings by the owners of such residential
220 buildings, and documents prepared by an executive branch agency
221 relating to such documentation, for seven years after the date of receipt
222 of the documentation or seven years after May 25, 2016, whichever is
223 later.

224 Sec. 2. Subsection (b) of section 1-215 of the general statutes is
225 repealed and the following is substituted in lieu thereof (*Effective*
226 *October 1, 2019*):

227 (b) Notwithstanding any provision of the general statutes, and
 228 except as otherwise provided in this section, any record of the arrest of
 229 any person shall be a public record from the time of such arrest and
 230 shall be disclosed in accordance with the provisions of section 1-212
 231 and subsection (a) of section 1-210. No law enforcement agency shall
 232 redact any record of the arrest of any person, except for (1) the identity
 233 of witnesses, (2) the name, address or other identifying information of
 234 any victim of sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-
 235 72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, injury or
 236 risk of injury, or impairing of morals under section 53-21 or family
 237 violence, as defined in section 46b-38a, or of an attempt thereof, [(2)]
 238 (3) specific information about the commission of a crime, the disclosure
 239 of which the law enforcement agency reasonably believes may
 240 prejudice a pending prosecution or a prospective law enforcement
 241 action, or [(3)] (4) any information that a judicial authority has ordered
 242 to be sealed from public inspection or disclosure. Any personal
 243 possessions or effects found on a person at the time of such person's
 244 arrest shall not be disclosed unless such possessions or effects are
 245 relevant to the crime for which such person was arrested.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	1-210(b)
Sec. 2	<i>October 1, 2019</i>	1-215(b)

Statement of Purpose:

To authorize the nondisclosure of the names, addresses and identifying information of victims of sexual assault and family violence contained in law enforcement records.

[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.]