



General Assembly

February Session, 2002

Raised Bill No. 5625

LCO No. 1983

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

**AN ACT CONCERNING THE FILING AND CONFIDENTIALITY OF
MILITARY DISCHARGE DOCUMENTS.**

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

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) As used in this section
2 and section 1-210 of the general statutes, as amended by this act: (1)
3 "Armed forces" means the Army, Navy, Marine Corps, Coast Guard or
4 Air Force of the United States; (2) "veteran" means any person
5 honorably discharged from, or released under honorable conditions
6 from active service or reserve status in the armed forces; and (3)
7 "military discharge document" means a United States Department of
8 Defense form, including, but not limited to, a DD 214 form, or any
9 valid paper that evidences the discharge or retirement of a person from
10 the armed forces and contains personal information such as a service
11 number or Social Security number.

12 (b) Any veteran who applies for a program to obtain veteran
13 benefits or relief from a town shall file with the town clerk the original
14 or a certified copy of the military discharge document as required by
15 law. Any veteran may provide evidence of armed forces service by

16 filing a military discharge document with the town clerk in the
17 veteran's town of residence. The military discharge document shall be
18 photographed, microphotographed or otherwise reproduced by
19 electronic imaging or any other process approved by the Public
20 Records Administrator, as permitted under section 1-16 of the general
21 statutes. The reproduced images shall be placed in conveniently
22 accessible files, preserved and a copy or copies deposited for security
23 storage in the State Library or in some other safe storage facility, as
24 shall be required or approved by the Public Records Administrator.
25 The town clerk shall return the filed document if requested or may,
26 with approval of the administrative head of the municipality and the
27 Public Records Administrator, destroy the original military discharge
28 document so reproduced, provided no original military discharge
29 document shall be destroyed without the town clerk making a
30 reasonable attempt to return the original military discharge document
31 to the veteran, and no original military discharge document created
32 prior to the year 1850 shall be destroyed without the express written
33 approval of the State Librarian. When military discharge documents
34 have been microphotographed or otherwise reproduced by a process
35 approved by the Public Records Administrator and the originals have
36 been destroyed as provided in this section, the reproduced images thus
37 made shall be deemed to be the record for all purposes.

38 (c) Each military discharge document, and each similar document
39 filed with an executive branch agency of the state, shall be filed and
40 indexed to carry out the provisions of this section and to prevent
41 access to the document and the information contained in the
42 document, without due cause, except as provided in this section. Any
43 person, except the person filing the military discharge document, who
44 discloses any information contained in the document, except as
45 provided in this section, shall be fined not more than five hundred
46 dollars or imprisoned not more than six months or both.

47 Sec. 2. Subsection (b) of section 1-210 of the general statutes, as
48 amended by section 1 of public act 01-26, is repealed and the following

49 is substituted in lieu thereof (*Effective October 1, 2002*):

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

52 (1) Preliminary drafts or notes provided the public agency has
53 determined that the public interest in withholding such documents
54 clearly outweighs the public interest in disclosure;

55 (2) Personnel, [or] medical files, military discharge documents, as
56 defined in section 1 of this act, and similar files the disclosure of which
57 would constitute an invasion of personal privacy;

58 (3) Records of law enforcement agencies not otherwise available to
59 the public which records were compiled in connection with the
60 detection or investigation of crime, if the disclosure of said records
61 would not be in the public interest because it would result in the
62 disclosure of (A) the identity of informants not otherwise known or the
63 identity of witnesses not otherwise known whose safety would be
64 endangered or who would be subject to threat or intimidation if their
65 identity was made known, (B) signed statements of witnesses, (C)
66 information to be used in a prospective law enforcement action if
67 prejudicial to such action, (D) investigatory techniques not otherwise
68 known to the general public, (E) arrest records of a juvenile, which
69 shall also include any investigatory files, concerning the arrest of such
70 juvenile, compiled for law enforcement purposes, (F) the name and
71 address of the victim of a sexual assault under section 53a-70, 53a-70a,
72 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
73 impairing of morals under section 53-21, or of an attempt thereof, or
74 (G) uncorroborated allegations subject to destruction pursuant to
75 section 1-216;

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

80 (5) (A) Trade secrets, which for purposes of the Freedom of
81 Information Act, are defined as information, including formulas,
82 patterns, compilations, programs, devices, methods, techniques,
83 processes, drawings, cost data, or customer lists that (i) derive
84 independent economic value, actual or potential, from not being
85 generally known to, and not being readily ascertainable by proper
86 means by, other persons who can obtain economic value from their
87 disclosure or use, and (ii) are the subject of efforts that are reasonable
88 under the circumstances to maintain secrecy; and

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

91 (6) Test questions, scoring keys and other examination data used to
92 administer a licensing examination, examination for employment or
93 academic examinations;

94 (7) The contents of real estate appraisals, engineering or feasibility
95 estimates and evaluations made for or by an agency relative to the
96 acquisition of property or to prospective public supply and
97 construction contracts, until such time as all of the property has been
98 acquired or all proceedings or transactions have been terminated or
99 abandoned, provided the law of eminent domain shall not be affected
100 by this provision;

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

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

107 (10) Records, tax returns, reports and statements exempted by
108 federal law or state statutes or communications privileged by the
109 attorney-client relationship;

110 (11) Names or addresses of students enrolled in any public school or
111 college without the consent of each student whose name or address is
112 to be disclosed who is eighteen years of age or older and a parent or
113 guardian of each such student who is younger than eighteen years of
114 age, provided this subdivision shall not be construed as prohibiting the
115 disclosure of the names or addresses of students enrolled in any public
116 school in a regional school district to the board of selectmen or town
117 board of finance, as the case may be, of the town wherein the student
118 resides for the purpose of verifying tuition payments made to such
119 school;

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

121 (13) Records of an investigation or the name of an employee
122 providing information under the provisions of section 4-61dd;

123 (14) Adoption records and information provided for in sections 45a-
124 746, 45a-750, as amended, and 45a-751;

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

131 (16) Records of complaints, including information compiled in the
132 investigation thereof, brought to a municipal health authority pursuant
133 to chapter 368e or a district department of health pursuant to chapter
134 368f, until such time as the investigation is concluded or thirty days
135 from the date of receipt of the complaint, whichever occurs first;

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

138 (18) Records, the disclosure of which the Commissioner of
139 Correction, or as it applies to Whiting Forensic Division facilities of the

140 Connecticut Valley Hospital, the Commissioner of Mental Health and
141 Addiction Services, has reasonable grounds to believe may result in a
142 safety risk, including the risk of harm to any person or the risk of an
143 escape from, or a disorder in, a correctional institution or facility under
144 the supervision of the Department of Correction or Whiting Forensic
145 Division facilities. Such records shall include, but are not limited to:

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

148 (B) Engineering and architectural drawings of correctional
149 institutions or facilities or Whiting Forensic Division facilities;

150 (C) Operational specifications of security systems utilized by the
151 Department of Correction at any correctional institution or facility or
152 Whiting Forensic Division facilities, except that a general description
153 of any such security system and the cost and quality of such system
154 may be disclosed;

155 (D) Training manuals prepared for correctional institutions and
156 facilities or Whiting Forensic Division facilities that describe, in any
157 manner, security procedures, emergency plans or security equipment;

158 (E) Internal security audits of correctional institutions and facilities
159 or Whiting Forensic Division facilities;

160 (F) Minutes or recordings of staff meetings of the Department of
161 Correction or Whiting Forensic Division facilities, or portions of such
162 minutes or recordings, that contain or reveal information relating to
163 security or other records otherwise exempt from disclosure under this
164 subdivision;

165 (G) Logs or other documents that contain information on the
166 movement or assignment of inmates or staff at correctional institutions
167 or facilities; and

168 (H) Records that contain information on contacts between inmates,

169 as defined in section 18-84, and law enforcement officers;

170 (19) Records, the disclosure of which the Commissioner of Public
171 Works or, in the case of records concerning Judicial Department
172 facilities, the Chief Court Administrator, has reasonable grounds to
173 believe may result in a safety risk, including the risk of harm to any
174 person, any state-owned or leased institution or facility or any fixture
175 or appurtenance and equipment attached to, or contained in, such
176 institution or facility. Such records shall include, but are not limited to:

177 (A) Security manuals or reports, including emergency plans
178 contained or referred to in such security manuals;

179 (B) Engineering and architectural drawings of state-owned or leased
180 institutions or facilities;

181 (C) Operational specifications of security systems utilized at any
182 state-owned or leased institution or facility, except that a general
183 description of any such security system and the cost and quality of
184 such system, may be disclosed;

185 (D) Training manuals prepared for state-owned or leased
186 institutions or facilities that describe, in any manner, security
187 procedures, emergency plans or security equipment;

188 (E) Internal security audits of state-owned or leased institutions or
189 facilities;

190 (F) Minutes or recordings of meetings of the Department of Public
191 Works or the Judicial Department, or portions of such minutes or
192 recordings, that contain or reveal information relating to security or
193 other records otherwise exempt from disclosure under this
194 subdivision; and

195 (G) Logs or other documents that contain information on the
196 movement or assignment of security personnel at state-owned or
197 leased institutions or facilities;

198 (20) Records of standards, procedures, processes, software and
199 codes, not otherwise available to the public, the disclosure of which
200 would compromise the security or integrity of an information
201 technology system.

202 Sec. 3. Section 12-81g of the general statutes, as amended by section
203 47 of public act 01-6 of the June special session, is amended by adding
204 subsection (f) as follows (*Effective October 1, 2002*):

205 (NEW) (f) Applications filed under this section shall not be open for
206 public inspection.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

Statement of Purpose:

To establish procedures for the filing of military discharge documents with town clerks and to prevent the unauthorized disclosure of such documents.

[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.]