General Assembly **Amendment**

February Session, 2002 LCO No. **4521**

HB0562504521HDO

Offered by:
REP. O'ROURKE, 32nd Dist.

To: Subst. House Bill No. **5625** File No. 324 Cal. No. 209

(As Amended)

"AN ACT CONCERNING THE CONFIDENTIALITY OF MILITARY DISCHARGE DOCUMENTS."

After the last section, add the following:

"Sec. 2. Subsection (a) of section 1-210 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, **[**or to**]** (2) copy such records in accordance with subsection (g) of section 1-212, as amended by this act, or (3) receive a copy of such records in accordance with **[**the provisions of**]** section 1-212, as amended by this act. Any agency rule or regulation, or part thereof,

that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of the political subdivision in which such public agency is located or of the Secretary of the State, as the case may be. Any certified record hereunder attested as a true copy by the clerk, chief or deputy of such agency or by such other person designated or empowered by law to so act, shall be competent evidence in any court of this state of the facts contained therein. Each such agency shall make, keep and maintain a record of the proceedings of its meetings.

Sec. 3. Section 1-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The fee for any copy provided in accordance with the Freedom of Information Act:

(1) By an executive, administrative or legislative office of the state, a state agency or a department, institution, bureau, board, commission, authority or official of the state, including a committee of, or created by, such an office, agency, department, institution, bureau, board, commission, authority or official, and also including any judicial office, official or body or committee thereof but only in respect to its or their administrative functions, shall not exceed twenty-five cents per page; and

(2) By all other public agencies, as defined in section 1-200, <u>as amended,</u> shall not exceed fifty cents per page. If any copy provided in accordance with said Freedom of Information Act requires a transcription, or if any person applies for a transcription of a public record, the fee for such transcription shall not exceed the cost thereof to the public agency.

46 (b) The fee for any copy provided in accordance with subsection (a)
47 of section 1-211 shall not exceed the cost thereof to the public agency.
48 In determining such costs for a copy, other than for a printout which
49 exists at the time that the agency responds to the request for such copy,
50 an agency may include only:

51 (1) An amount equal to the hourly salary attributed to all agency
52 employees engaged in providing the requested computer-stored public
53 record, including their time performing the formatting or
54 programming functions necessary to provide the copy as requested,
55 but not including search or retrieval costs except as provided in
56 subdivision (4) of this subsection;

57 (2) An amount equal to the cost to the agency of engaging an
58 outside professional electronic copying service to provide such
59 copying services, if such service is necessary to provide the copying as
60 requested;

61 (3) The actual cost of the storage devices or media provided to the
62 person making the request in complying with such request; and

63 (4) The computer time charges incurred by the agency in providing
64 the requested computer-stored public record where another agency or
65 contractor provides the agency with computer storage and retrieval
66 services. Notwithstanding any other provision of this section, the fee
67 for any copy of the names of registered voters shall not exceed three
68 cents per name delivered or the cost thereof to the public agency, as
69 determined pursuant to this subsection, whichever is less. The
70 Department of Information Technology shall monitor the calculation of
71 the fees charged for copies of computer-stored public records to ensure
72 that such fees are reasonable and consistent among agencies.

73 (c) A public agency may require the prepayment of any fee required
74 or permitted under the Freedom of Information Act if such fee is
75 estimated to be ten dollars or more. The sales tax provided in chapter
76 219 shall not be imposed upon any transaction for which a fee is
77 required or permissible under this section or section 1-227.

78 (d) The public agency shall waive any fee provided for in this
79 section when:

80 (1) The person requesting the records is an indigent individual;

81 (2) The records located are determined by the public agency to be
82 exempt from disclosure under subsection (b) of section 1-210, as
83 amended; **[**or**]**

84 (3) In its judgment, compliance with the applicant's request benefits
85 the general welfare; or

86 (4) The person requesting the record is an elected official of a
87 political subdivision of the state and the official (A) obtains the record
88 from an agency of the political subdivision in which the official serves,
89 and (B) certifies that the record pertains to the official's duties.

90 (e) Except as otherwise provided by law, the fee for any person who
91 has the custody of any public records or files for certifying any copy of
92 such records or files, or certifying to any fact appearing therefrom,
93 shall be for the first page of such certificate, or copy and certificate, one
94 dollar; and for each additional page, fifty cents. For the purpose of
95 computing such fee, such copy and certificate shall be deemed to be
96 one continuous instrument.

97 (f) The Secretary of the State, after consulting with the chairperson
98 of the Freedom of Information Commission, the Commissioner of
99 Correction and a representative of the Judicial Department, shall
100 propose a fee structure for copies of public records provided to an
101 inmate, as defined in section 18-84, in accordance with subsection (a) of
102 this section. The Secretary of the State shall submit such proposed fee
103 structure to the joint standing committee of the General Assembly
104 having cognizance of matters relating to government administration,
105 not later than January 15, 2000.

106 (g) Any individual may copy a public record through the use of a
107 hand-held scanner. A public agency may establish a fee structure not

108 to exceed ten dollars for an individual to pay each time the individual
109 copies records at the agency with a hand-held scanner. As used in this
110 section, "hand-held scanner" means a battery operated electronic
111 scanning device the use of which (1) leaves no mark or impression on
112 the public record, and (2) does not unreasonably interfere with the
113 operation of the public agency.

114 Sec. 4. Section 10-151c of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective October 1, 2002*):

116 Any records maintained or kept on file by any local or regional
117 board of education which are records of teacher performance and
118 evaluation shall not be deemed to be public records and shall not be
119 subject to disclosure pursuant to subsection (a) of section 1-210, [the
120 provisions of section 1-210, provided] except that any teacher may
121 consent in writing to the release of [his] the teacher's records by a
122 board of education. Such consent shall be required for each request for
123 a release of such records. For the purposes of this section, [the term]
124 "teacher" [shall include] includes each certified professional employee
125 below the rank of superintendent employed by a board of education in
126 a position requiring a certificate issued by the State Board of
127 Education, and "records of teacher performance and evaluation" does
128 not include records that relate to a teacher's personal misconduct.

129 Sec. 5. Section 19a-411 of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective October 1, 2002*):

131 (a) The Office of the Chief Medical Examiner shall keep full and
132 complete records properly indexed, giving the name, if known, of
133 every person whose death is investigated, the place where the body
134 was found, the date, cause and manner of death and containing all
135 other relevant information concerning the death and a copy of the
136 death certificate. The full report and detailed findings of the autopsy
137 and toxicological and other scientific investigation, if any, shall be a
138 part of the record in each case. The office shall promptly notify the
139 state's attorney having jurisdiction of such death and deliver to [him]

140 the state's attorney copies of all pertinent records relating to every
141 death in which further investigation may be advisable. Any state's
142 attorney, chief of police or other law enforcement official may, upon
143 request, secure copies of such records or other information deemed
144 necessary by [him to] such official for the performance of his or her
145 official duties.

146 (b) The report of examinations conducted by the Chief Medical
147 Examiner, Deputy Chief Medical Examiner, an associate medical
148 examiner or an authorized assistant medical examiner, and of the
149 autopsy and other scientific findings may be made available to the
150 public only through the Office of the Chief Medical Examiner and in
151 accordance with this section, section 1-210, as amended, and the
152 regulations of the commission. Any person may obtain copies of such
153 records upon such conditions and payment of such fees as may be
154 prescribed by the commission, [provided] except that no person with a
155 legitimate interest [therein] in the records shall be denied access to
156 such records, and no person may be denied access to records
157 concerning a person in the custody of the state at the time of death. As
158 used in this section, a "person in the custody of the state" is a person
159 committed to the custody of (1) the Commissioner of Correction for
160 confinement in a correctional institution or facility or a community
161 residence, (2) the Commissioner of Children and Families, or (3) the
162 Commissioner of Mental Retardation.

163 (c) Upon application by the Chief Medical Examiner or state's
164 attorney to the superior court for the judicial district in which the
165 death occurred, or to any judge of the superior court in such judicial
166 district when said court is not then sitting, said court or such judge
167 may limit such disclosure to the extent that there is a showing by the
168 Chief Medical Examiner or state's attorney of compelling public
169 interest against disclosure of any particular document or documents.
170 Public authorities, professional, medical, legal or scientific bodies or
171 universities or similar research bodies may, in the discretion of the
172 commission, have access to all records upon such conditions and

173 payment of such fees as may be prescribed by the commission. Where
174 such information is made available for scientific or research purposes,
175 such conditions shall include a requirement that the identity of the
176 deceased persons shall remain confidential and shall not be
177 published."