



House of Representatives

General Assembly

File No. 694

January Session, 2003

Substitute House Bill No. 5674

House of Representatives, May 14, 2003

The Committee on Appropriations reported through REP. DYSON of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RACIAL PROFILING.

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

1 Section 1. Section 54-1m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Not later than January 1, 2000, each municipal police department
4 and the Department of Public Safety shall adopt a written policy that
5 prohibits the stopping, detention or search of any person when such
6 action is solely motivated by considerations of race, color, ethnicity,
7 age, gender or sexual orientation, and the action would constitute a
8 violation of the civil rights of the person.

9 (b) Commencing on January 1, 2000, each municipal police
10 department and the Department of Public Safety shall, using the form
11 developed and promulgated pursuant to subsection (i) of this section,
12 record and retain the following information: (1) The number of persons
13 stopped for traffic violations; (2) characteristics of race, color, ethnicity,

14 gender and age of such persons, provided the identification of such
15 characteristics shall be based on the observation and perception of the
16 police officer responsible for reporting the stop and the information
17 shall not be required to be provided by the person stopped; (3) the
18 nature of the alleged traffic violation that resulted in the stop; (4)
19 whether a warning or citation was issued, an arrest made or a search
20 conducted as a result of the stop; and (5) any additional information
21 that such municipal police department or the Department of Public
22 Safety, as the case may be, deems appropriate.

23 (c) Each municipal police department and the Department of Public
24 Safety shall provide to the Chief State's Attorney (1) a copy of each
25 complaint received pursuant to subsections (a) to (h), inclusive, of this
26 section, and (2) written notification of the review and disposition of
27 such complaint.

28 (d) Any police officer who in good faith records traffic stop
29 information pursuant to the requirements of subsections (a) to (h),
30 inclusive, of this section shall not be held civilly liable for the act of
31 recording such information unless the officer's conduct was
32 unreasonable or reckless.

33 (e) If a municipal police department or the Department of Public
34 Safety fails to comply with the provisions of subsections (a) to (h),
35 inclusive, of this section, the Chief State's Attorney may recommend
36 and the Secretary of the Office of Policy and Management may order
37 an appropriate penalty in the form of the withholding of state funds
38 from such department or the Department of Public Safety.

39 (f) On or before October 1, 2000, and annually thereafter, each
40 municipal police department and the Department of Public Safety shall
41 provide to the Chief State's Attorney, in such form as the Chief State's
42 Attorney shall prescribe, a summary report of the information
43 recorded pursuant to subsection (b) of this section.

44 (g) The Chief State's Attorney shall, within the limits of existing
45 appropriations, provide for a review of the prevalence and disposition

46 of traffic stops and complaints reported pursuant to subsections (a) to
47 (h), inclusive, of this section. Not later than January 1, 2002, the Chief
48 State's Attorney shall report to the Governor and General Assembly
49 the results of such review, including any recommendations.

50 (h) The provisions of subsections (f) and (g) of this section shall be
51 in effect from October 1, 1999, until January 1, 2003.

52 (i) Not later than January 1, 2000, the Chief State's Attorney, in
53 conjunction with the Commissioner of Public Safety, the Attorney
54 General, the Chief Court Administrator, the Police Officer Standards
55 and Training Council, the Connecticut Police Chiefs Association and
56 the Connecticut Coalition of Police and Correctional Officers, shall
57 develop and promulgate: (1) A form, in both printed and electronic
58 format, to be used by police officers when making a traffic stop to
59 record personal identifying information about the operator of the
60 motor vehicle that is stopped, the location of the stop, the reason for
61 the stop and other information that is required to be recorded pursuant
62 to subsection (b) of this section; and (2) a form, in both printed and
63 electronic format, to be used to report complaints pursuant to
64 subsections (a) to (h), inclusive, of this section by persons who believe
65 they have been subjected to a motor vehicle stop by a police officer
66 solely on the basis of their race, color, ethnicity, age, gender or sexual
67 orientation.

68 (j) On and after the effective date of this section, the Chief State's
69 Attorney shall provide a copy of all information received pursuant to
70 this section to the Commission on Human Rights and Opportunities.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Human Rights & Opportunities, Com.	GF - None	None	None
Criminal Justice, Div.	GF - Cost	Less than \$50	None

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires the Chief State’s Attorney to submit traffic stop information and related complaints to the Commission On Human Rights and Opportunities (CHRO).

It is anticipated that passage of this bill would not require an additional appropriation for CHRO. It is worthwhile to note, however, that the general statutes grants the agency powers to seek funding, analyze information and make recommendations.

The Division of Criminal Justice would incur a negligible, one-time cost to provide hard copies of complaints and an electronic copy of traffic stop data to CHRO. To date, the Division of Criminal Justice has received a total of 30 complaints.

OLR Bill Analysis

sHB 5674

AN ACT CONCERNING RACIAL PROFILING

SUMMARY:

This bill requires the chief state's attorney to give the Commission on Human Rights and Opportunities (CHRO) a copy of all the traffic stop data and related complaints he has received from police departments, including the State Police, under the racial profiling law.

By law, police departments are no longer required to give traffic stop data to the chief state's attorney, but they must still report complaints.

EFFECTIVE DATE: Upon passage

BACKGROUND

Racial Profiling Law

This law prohibits police and law enforcement agencies from engaging in racial profiling, defined as the detention, interdiction, or other disparate treatment of someone solely because of his race or ethnicity. It requires the State Police and local police departments to adopt written policies that prohibit race-based traffic stops. The law requires them to collect and record traffic stop data and originally required them to give the chief state's attorney this information along with copies of complaints they get about discriminatory stops and written notices of the reviews and dispositions.

The provision requiring police to give traffic stop data to the chief state's attorney is no longer in effect. Also no longer in effect is the provision requiring the chief state's attorney, within existing appropriations, to (1) review the data on traffic stops and complaints to determine the prevalence and disposition of discriminatory stops and related complaints and (2) report his review results, including recommendations, to the governor and legislature by January 1, 2002. Both provisions were in effect until January 2003.

Racial Profiling Study

In December 2001, the chief state's attorney published the racial profiling report required by law, based on July 1, 2000 through June 30, 2001 data.

Legislative History

On April 9, the House referred the bill to the Appropriations Committee, which deleted a requirement in the original bill for CHRO to seek funding to analyze the data it gets from the chief state's attorney and make recommendations based on the analysis.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute
Yea 22 Nay 0

Appropriations Committee

Joint Favorable Substitute
Yea 40 Nay 9