



General Assembly

January Session, 2003

Amendment

LCO No. 6325

HB0567406325HD0

Offered by:

REP. CARTER, 7th Dist.

REP. KIRKLEY-BEY, 5th Dist.

SEN. NEWTON, 23rd Dist.

To: Subst. House Bill No. 5674

File No. 694

Cal. No. 143

"AN ACT CONCERNING RACIAL PROFILING."

1 In line 22, after "appropriate" and before the period insert "z
2 provided such information does not include any other identifying
3 information about any person stopped for a traffic violation such as
4 the person's operator's license number, name or address"

5 In line 24, after "Attorney" insert "and the African-American Affairs
6 Commission"

7 In line 27, after "complaint." insert the following:

8 "No such complaint shall contain any other identifying information
9 about the complainant such as his or her operator's license number,
10 name or address."

11 Strike lines 39 to 70, inclusive, in their entirety and substitute the
12 following in lieu thereof:

13 (f) On or before October 1, 2000, and annually thereafter, each
14 municipal police department and the Department of Public Safety shall
15 provide to the Chief State's Attorney and the African-American Affairs
16 Commission, in such form as the Chief State's Attorney shall prescribe,
17 a summary report of the information recorded pursuant to subsection
18 (b) of this section.

19 (g) The [Chief State's Attorney shall, within the limits of existing
20 appropriations, provide for a] African-American Affairs Commission
21 shall review [of] the prevalence and disposition of traffic stops and
22 complaints reported pursuant to subsections (a) to (h), inclusive, of this
23 section. Not later than January 1, [2002] 2004, and annually thereafter,
24 the [Chief State's Attorney] African-American Affairs Commission
25 shall report to the Governor, [and] the General Assembly and to any
26 other entity said commission deems appropriate the results of such
27 review, including any recommendations.

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

30 [(i) (h) Not later than January 1, 2000, the Chief State's Attorney, in
31 conjunction with the Commissioner of Public Safety, the Attorney
32 General, the Chief Court Administrator, the Police Officer Standards
33 and Training Council, the Connecticut Police Chiefs Association and
34 the Connecticut Coalition of Police and Correctional Officers, shall
35 develop and promulgate: (1) A form, in both printed and electronic
36 format, to be used by police officers when making a traffic stop to
37 record [personal identifying information about] the race, color,
38 ethnicity, gender and age of the operator of the motor vehicle that is
39 stopped, the location of the stop, the reason for the stop and other
40 information that is required to be recorded pursuant to subsection (b)
41 of this section; and (2) a form, in both printed and electronic format, to
42 be used to report complaints pursuant to subsections (a) to (h),
43 inclusive, of this section by persons who believe they have been
44 subjected to a motor vehicle stop by a police officer solely on the basis
45 of their race, color, ethnicity, age, gender or sexual orientation."

46 After the last section, add the following and renumber sections and
47 internal references accordingly:

48 "Sec. 501. Section 54-11 of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective from passage*):

50 (a) This section and section 54-1m, as amended by this act, shall be
51 known as the "Alvin W. Penn Racial Profiling Prohibition Act".

52 [(a)] (b) For the purposes of this section, "racial profiling" means the
53 detention, interdiction or other disparate treatment of an individual
54 solely on the basis of the racial or ethnic status of such individual.

55 [(b)] (c) No member of the Division of State Police within the
56 Department of Public Safety, a municipal police department or any
57 other law enforcement agency shall engage in racial profiling. The
58 detention of an individual based on any noncriminal factor or
59 combination of noncriminal factors is inconsistent with this policy.

60 [(c)] (d) The race or ethnicity of an individual shall not be the sole
61 factor in determining the existence of probable cause to place in
62 custody or arrest an individual or in constituting a reasonable and
63 articulable suspicion that an offense has been or is being committed so
64 as to justify the detention of an individual or the investigatory stop of a
65 motor vehicle."