



General Assembly

Amendment

January Session, 2003

LCO No. 6181

HB0567406181HD0

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 24, after "Attorney" insert "and the African-American Affairs
2 Commission"

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

5 "(f) On or before October 1, 2000, and annually thereafter, each
6 municipal police department and the Department of Public Safety shall
7 provide to the Chief State's Attorney and the African-American Affairs
8 Commission, in such form as the Chief State's Attorney shall prescribe,
9 a summary report of the information recorded pursuant to subsection
10 (b) of this section.

11 (g) The [Chief State's Attorney shall, within the limits of existing
12 appropriations, provide for a] African-American Affairs Commission
13 shall review [of] the prevalence and disposition of traffic stops and

14 complaints reported pursuant to subsections (a) to (h), inclusive, of this
15 section. Not later than January 1, [2002] 2004, and annually thereafter,
16 the [Chief State's Attorney] African-American Affairs Commission
17 shall report to the Governor, [and] the General Assembly and to any
18 other entity said commission deems appropriate the results of such
19 review, including any recommendations.

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

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

38 After the last section, add the following and renumber sections and
39 internal references accordingly:

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

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

44 [(a) (b) For the purposes of this section, "racial profiling" means the

45 detention, interdiction or other disparate treatment of an individual
46 solely on the basis of the racial or ethnic status of such individual.

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

52 ~~[(c)]~~ (d) The race or ethnicity of an individual shall not be the sole
53 factor in determining the existence of probable cause to place in
54 custody or arrest an individual or in constituting a reasonable and
55 articulable suspicion that an offense has been or is being committed so
56 as to justify the detention of an individual or the investigatory stop of a
57 motor vehicle."