



General Assembly

January Session, 2003

**Amendment**

LCO No. 7275

\*HB0544507275HD0\*

Offered by:

REP. O'ROURKE, 32<sup>nd</sup> Dist.  
REP. FLOREN, 149<sup>th</sup> Dist.  
REP. HAMZY, 78<sup>th</sup> Dist.

REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. FLEISCHMANN, 18<sup>th</sup> Dist.  
REP. CHAPIN, 67<sup>th</sup> Dist.

To: House Bill No. 5445

File No. 298

Cal. No. 199

**"AN ACT CONCERNING DISCLOSURE OF RESIDENTIAL  
ADDRESSES UNDER THE FREEDOM OF INFORMATION ACT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (c) of section 1-225 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2003*):

6 (c) The agenda of the regular meetings of every public agency,  
7 except for the General Assembly, shall be available to the public and  
8 shall be filed, not less than twenty-four hours before the meetings to  
9 which they refer, [in such agency's regular office or place of business  
10 or, if there is no such office or place of business,] (1) in the office of the  
11 Secretary of the State for any such public agency of the state, in the  
12 office of the clerk of such subdivision for any public agency of a  
13 political subdivision of the state or in the office of the clerk of each

14 municipal member of any multitown district or agency, as the case  
15 may be, and (2) in the agency's regular office or place of business, if  
16 any. Upon the affirmative vote of two-thirds of the members of a  
17 public agency present and voting, any subsequent business not  
18 included in such filed agendas may be considered and acted upon at  
19 such meetings.

20 Sec. 502. Subsections (b) to (d), inclusive, of section 1-210 of the  
21 general statutes are repealed and the following is substituted in lieu  
22 thereof (*Effective October 1, 2003*):

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

25 (1) Preliminary drafts or notes provided the public agency has  
26 determined that the public interest in withholding such documents  
27 clearly outweighs the public interest in disclosure;

28 (2) Personnel or medical files and similar files the disclosure of  
29 which would constitute an invasion of personal privacy;

30 (3) Records of law enforcement agencies not otherwise available to  
31 the public which records were compiled in connection with the  
32 detection or investigation of crime, if the disclosure of said records  
33 would not be in the public interest because it would result in the  
34 disclosure of (A) the identity of informants not otherwise known or the  
35 identity of witnesses not otherwise known whose safety would be  
36 endangered or who would be subject to threat or intimidation if their  
37 identity was made known, (B) signed statements of witnesses, (C)  
38 information to be used in a prospective law enforcement action if  
39 prejudicial to such action, (D) investigatory techniques not otherwise  
40 known to the general public, (E) arrest records of a juvenile, which  
41 shall also include any investigatory files, concerning the arrest of such  
42 juvenile, compiled for law enforcement purposes, (F) the name and  
43 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
44 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
45 impairing of morals under section 53-21, or of an attempt thereof, or

46 (G) uncorroborated allegations subject to destruction pursuant to  
47 section 1-216;

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

52 (5) (A) Trade secrets, which for purposes of the Freedom of  
53 Information Act, are defined as information, including formulas,  
54 patterns, compilations, programs, devices, methods, techniques,  
55 processes, drawings, cost data, or customer lists that (i) derive  
56 independent economic value, actual or potential, from not being  
57 generally known to, and not being readily ascertainable by proper  
58 means by, other persons who can obtain economic value from their  
59 disclosure or use, and (ii) are the subject of efforts that are reasonable  
60 under the circumstances to maintain secrecy; and

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

63 (6) Test questions, scoring keys and other examination data used to  
64 administer a licensing examination, examination for employment or  
65 academic examinations;

66 (7) The contents of real estate appraisals, engineering or feasibility  
67 estimates and evaluations made for or by an agency relative to the  
68 acquisition of property or to prospective public supply and  
69 construction contracts, until such time as all of the property has been  
70 acquired or all proceedings or transactions have been terminated or  
71 abandoned, provided the law of eminent domain shall not be affected  
72 by this provision;

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

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

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

82 (11) Names or addresses of students enrolled in any public school or  
83 college without the consent of each student whose name or address is  
84 to be disclosed who is eighteen years of age or older and a parent or  
85 guardian of each such student who is younger than eighteen years of  
86 age, provided this subdivision shall not be construed as prohibiting the  
87 disclosure of the names or addresses of students enrolled in any public  
88 school in a regional school district to the board of selectmen or town  
89 board of finance, as the case may be, of the town wherein the student  
90 resides for the purpose of verifying tuition payments made to such  
91 school;

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

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

95 (14) Adoption records and information provided for in sections 45a-  
96 746, 45a-750 and 45a-751;

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

103 (16) Records of complaints, including information compiled in the  
104 investigation thereof, brought to a municipal health authority pursuant  
105 to chapter 368e or a district department of health pursuant to chapter  
106 368f, until such time as the investigation is concluded or thirty days

107 from the date of receipt of the complaint, whichever occurs first;

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

110 (18) Records, the disclosure of which the Commissioner of  
111 Correction, or as it applies to Whiting Forensic Division facilities of the  
112 Connecticut Valley Hospital, the Commissioner of Mental Health and  
113 Addiction Services, has reasonable grounds to believe may result in a  
114 safety risk, including the risk of harm to any person or the risk of an  
115 escape from, or a disorder in, a correctional institution or facility under  
116 the supervision of the Department of Correction or Whiting Forensic  
117 Division facilities. Such records shall include, but are not limited to:

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

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

122 (C) Operational specifications of security systems utilized by the  
123 Department of Correction at any correctional institution or facility or  
124 Whiting Forensic Division facilities, except that a general description  
125 of any such security system and the cost and quality of such system  
126 may be disclosed;

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

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

132 (F) Minutes or recordings of staff meetings of the Department of  
133 Correction or Whiting Forensic Division facilities, or portions of such  
134 minutes or recordings, that contain or reveal information relating to  
135 security or other records otherwise exempt from disclosure under this  
136 subdivision;

137 (G) Logs or other documents that contain information on the  
138 movement or assignment of inmates or staff at correctional institutions  
139 or facilities; and

140 (H) Records that contain information on contacts between inmates,  
141 as defined in section 18-84, and law enforcement officers;

142 (19) Records when there are reasonable grounds to believe  
143 disclosure may result in a safety risk, including the risk of harm to any  
144 person, any government-owned or leased institution or facility or any  
145 fixture or appurtenance and equipment attached to, or contained in,  
146 such institution or facility, except that such records shall be disclosed  
147 to a law enforcement agency upon the request of the law enforcement  
148 agency. Such reasonable grounds shall be determined (A) with respect  
149 to records concerning any executive branch agency of the state or any  
150 municipal, district or regional agency, by the Commissioner of Public  
151 Works, after consultation with the chief executive officer of the agency;  
152 (B) with respect to records concerning Judicial Department facilities,  
153 by the Chief Court Administrator; and (C) with respect to records  
154 concerning the Legislative Department, by the executive director of the  
155 Joint Committee on Legislative Management. As used in this section,  
156 "government-owned or leased institution or facility" includes, but is  
157 not limited to, an institution or facility owned or leased by a public  
158 service company, as defined in section 16-1, a certified  
159 telecommunications provider, as defined in section 16-1, a water  
160 company, as defined in section 25-32a, or a municipal utility that  
161 furnishes electric, gas or water service, but does not include an  
162 institution or facility owned or leased by the federal government, and  
163 "chief executive officer" includes, but is not limited to, an agency head,  
164 department head, executive director or chief executive officer. Such  
165 records include, but are not limited to:

166 (i) Security manuals or reports;

167 (ii) Engineering and architectural drawings of government-owned  
168 or leased institutions or facilities;

169 (iii) Operational specifications of security systems utilized at any  
170 government-owned or leased institution or facility, except that a  
171 general description of any such security system and the cost and  
172 quality of such system, may be disclosed;

173 (iv) Training manuals prepared for government-owned or leased  
174 institutions or facilities that describe, in any manner, security  
175 procedures, emergency plans or security equipment;

176 (v) Internal security audits of government-owned or leased  
177 institutions or facilities;

178 (vi) Minutes or records of meetings, or portions of such minutes or  
179 records, that contain or reveal information relating to security or other  
180 records otherwise exempt from disclosure under this subdivision;

181 (vii) Logs or other documents that contain information on the  
182 movement or assignment of security personnel at government-owned  
183 or leased institutions or facilities; [and]

184 (viii) Emergency plans and emergency recovery or response plans;

185 (ix) Residential addresses, residential telephone numbers,  
186 residential electronic mail addresses or other residential or personal  
187 contact information related to a state employee, or classification of  
188 employee, where disclosure may result in a significant risk of harm to  
189 the employee, or employees in that classification;

190 (x) Procurement documents concerning security and surveillance  
191 equipment and investigative services when the disclosure of the  
192 equipment type or subject of the services could make known the target  
193 of an investigation or that an investigation is in progress;

194 (xi) The content of any workplace violence incident report,  
195 including, but not limited to, information on the identity of a  
196 complainant, the investigators or the circumstances surrounding the  
197 incident or threat when disclosure poses a substantial risk of harm to  
198 the complainant or another person; and

199 (xii) With respect to a water company, as defined in section 25-32a,  
200 that provides water service: Vulnerability assessments and risk  
201 management plans, operational plans, portions of water supply plans  
202 submitted pursuant to section 25-32d that contain or reveal  
203 information the disclosure of which may result in a security risk to a  
204 water company, inspection reports, technical specifications and other  
205 materials that depict or specifically describe critical water company  
206 operating facilities, collection and distribution systems or sources of  
207 supply;

208 (20) Records of standards, procedures, processes, software and  
209 codes, not otherwise available to the public, the disclosure of which  
210 would compromise the security or integrity of an information  
211 technology system.

212 (c) Whenever a public agency receives a request from any person  
213 confined in a correctional institution or facility or a Whiting Forensic  
214 Division facility, for disclosure of any public record under the  
215 Freedom of Information Act, the public agency shall promptly notify  
216 the Commissioner of Correction or the Commissioner of Mental Health  
217 and Addiction Services in the case of a person confined in a Whiting  
218 Forensic Division facility of such request, in the manner prescribed by  
219 the commissioner, before complying with the request as required by  
220 the Freedom of Information Act. If the commissioner believes the  
221 requested record is exempt from disclosure pursuant to subdivision  
222 (18) of subsection (b) of this section, the commissioner may withhold  
223 such record from such person when the record is delivered to the  
224 person's correctional institution or facility or Whiting Forensic  
225 Division facility.

226 (d) Whenever a public agency, except the Judicial Department or  
227 Legislative Department, receives a request from any person for  
228 disclosure of any records described in subdivision (19) of subsection  
229 (b) of this section under the Freedom of Information Act, the public  
230 agency shall promptly notify the Commissioner of Public Works of  
231 such request, in the manner prescribed by the commissioner, before

232 complying with the request as required by the Freedom of Information  
233 Act and for information related to a water company, as defined in  
234 section 25-32a, the public agency shall promptly notify the water  
235 company, before complying with the request as required by the  
236 Freedom of Information Act. If the commissioner, after consultation  
237 with the chief executive officer of the applicable agency or after  
238 consultation with the chief executive officer of the applicable water  
239 company for information related to a water company, as defined in  
240 section 25-32a, believes the requested record is exempt from disclosure  
241 pursuant to subdivision (19) of subsection (b) of this section, the  
242 commissioner may direct the agency to withhold such record from  
243 such person. In any appeal brought under the provisions of section 1-  
244 206 of the Freedom of Information Act for denial of access to records  
245 for any of the reasons described in subdivision (19) of subsection (b) of  
246 this section, such appeal shall be against the Commissioner of Public  
247 Works, exclusively, or, in the case of records concerning Judicial  
248 Department facilities, the Chief Court Administrator or, in the case of  
249 records concerning the Legislative Department, the executive director  
250 of the Joint Committee on Legislative Management.

251 Sec. 503. (NEW) (*Effective from passage*) The name and address of a  
252 sexual harassment complainant in any sexual harassment investigation  
253 conducted by a public agency and any related identifying information  
254 shall be confidential and shall be disclosed only upon order of the  
255 Superior Court, except the public agency (1) shall disclose the name of  
256 the sexual harassment complainant to the accused during the public  
257 agency's sexual harassment investigation, and (2) may disclose the  
258 name of the sexual harassment complainant to other persons  
259 participating in the public agency's sexual harassment investigation.  
260 For purposes of this section, "public agency" has the same meaning as  
261 in section 1-200 of the general statutes.

262 Sec. 504. (NEW) (*Effective July 1, 2003*) Any person (1) claiming to  
263 have been aggrieved by any ruling of any election official in  
264 connection with a referendum, (2) claiming that there has been a  
265 mistake in the count of votes cast for a referendum, or (3) claiming to

266 be aggrieved by a violation of any provision of section 9-355, 9-357 to  
267 9-361, inclusive, 9-364, 9-364a or 9-365 of the general statutes in the  
268 casting of absentee ballots at a referendum, may bring a complaint to  
269 any judge of the Superior Court for relief from such ruling, mistake or  
270 violation. In any action brought pursuant to the provisions of this  
271 section, the complainant shall send a copy of the complaint by first  
272 class mail, or deliver a copy of the complaint by hand, to the State  
273 Elections Enforcement Commission. If such complaint is made prior to  
274 such referendum, such judge shall proceed expeditiously to render  
275 judgment on the complaint and shall cause notice of the hearing to be  
276 given to the Secretary of the State and the State Elections Enforcement  
277 Commission. If such complaint is made subsequent to such  
278 referendum, it shall be brought within thirty days after such  
279 referendum to any judge of the Superior Court, in which the person  
280 shall set out the claimed errors of the election official, the claimed  
281 errors in the count or the claimed violations of said sections. Such  
282 judge shall forthwith order a hearing to be held upon such complaint,  
283 upon a day not more than five nor less than three days from the  
284 making of such order, and shall cause notice of not less than three nor  
285 more than five days to be given to any person who may be affected by  
286 the decision upon such hearing, to such election official, the Secretary  
287 of the State, the State Elections Enforcement Commission and to any  
288 other party or parties whom such judge deems proper parties to the  
289 hearing, of the time and place for the hearing upon such complaint.  
290 Such judge shall, on the day fixed for such hearing and without  
291 unnecessary delay, proceed to hear the parties. If sufficient reason is  
292 shown, such judge may order any voting machines to be unlocked or  
293 any ballot boxes to be opened and a recount of the votes cast, including  
294 absentee ballots, to be made. Such judge shall, if such judge finds any  
295 error in the rulings of the election official or any mistake in the count  
296 of the votes, certify the result of such judge's finding or decision to the  
297 Secretary of the State before the tenth day succeeding the conclusion of  
298 the hearing. Such judge may order a new referendum or a change in  
299 the existing referendum schedule. Such certificate of such judge's  
300 finding or decision shall be final and conclusive upon all questions

301 relating to errors in the ruling of such election officials, to the  
302 correctness of such count, and, for the purposes of this section only,  
303 such claimed violations, and shall operate to correct the returns of the  
304 moderators or presiding officers, so as to conform to such finding or  
305 decision, except that this section shall not affect the right of appeal to  
306 the Supreme Court and it shall not prevent such judge from reserving  
307 such questions of law for the advice of the Supreme Court as provided  
308 in section 9-325 of the general statutes. Such judge may, if necessary,  
309 issue such judge's writ of mandamus, requiring the adverse party and  
310 those under such judge to deliver to the complainant the  
311 appurtenances of such office, and shall cause such judge's finding and  
312 decree to be entered on the records of the Superior Court in the proper  
313 judicial district.

314 Sec. 505. Section 19a-411 of the general statutes is repealed and the  
315 following is substituted in lieu thereof (*Effective October 1, 2003*):

316 (a) The Office of the Chief Medical Examiner shall keep full and  
317 complete records properly indexed, giving the name, if known, of  
318 every person whose death is investigated, the place where the body  
319 was found, the date, cause and manner of death and containing all  
320 other relevant information concerning the death and a copy of the  
321 death certificate. The full report and detailed findings of the autopsy  
322 and toxicological and other scientific investigation, if any, shall be a  
323 part of the record in each case. The office shall promptly notify the  
324 state's attorney having jurisdiction of such death and deliver to the  
325 state's attorney copies of all pertinent records relating to every death in  
326 which further investigation may be advisable. Any state's attorney,  
327 chief of police or other law enforcement official may, upon request,  
328 secure copies of such records or other information deemed necessary  
329 by such official for the performance of his or her official duties.

330 (b) The report of examinations conducted by the Chief Medical  
331 Examiner, Deputy Chief Medical Examiner, an associate medical  
332 examiner or an authorized assistant medical examiner, and of the  
333 autopsy and other scientific findings may be made available to the

334 public only through the Office of the Chief Medical Examiner and in  
335 accordance with this section, section 1-210, as amended by this act, and  
336 the regulations of the commission. Any person may obtain copies of  
337 such records upon such conditions and payment of such fees as may  
338 be prescribed by the commission, except that no person with a  
339 legitimate interest in the records shall be denied access to such records,  
340 and no person may be denied access to records concerning a person in  
341 the custody of the state at the time of death or a person who died as a  
342 result of police action. As used in this section, a "person in the custody  
343 of the state" is a person committed to the custody of (1) the  
344 Commissioner of Correction for confinement in a correctional  
345 institution or facility or a community residence, (2) the Commissioner  
346 of Children and Families, or (3) the Commissioner of Mental  
347 Retardation.

348 (c) Upon application by the Chief Medical Examiner or state's  
349 attorney to the superior court for the judicial district in which the  
350 death occurred, or to any judge of the superior court in such judicial  
351 district when said court is not then sitting, said court or such judge  
352 may limit such disclosure to the extent that there is a showing by the  
353 Chief Medical Examiner or state's attorney of compelling public  
354 interest against disclosure of any particular document or documents.  
355 Public authorities, professional, medical, legal or scientific bodies or  
356 universities or similar research bodies may, in the discretion of the  
357 commission, have access to all records upon such conditions and  
358 payment of such fees as may be prescribed by the commission. Where  
359 such information is made available for scientific or research purposes,  
360 such conditions shall include a requirement that the identity of the  
361 deceased persons shall remain confidential and shall not be published.

362 Sec. 506. Subdivision (6) of section 9-372 of the general statutes is  
363 repealed and the following is substituted in lieu thereof (*Effective July*  
364 *1, 2003*):

365 (6) "Minor party" means (A) a political party or organization which  
366 is not a major party and whose candidate for the office in question

367 received at the last-preceding regular election for such office, under the  
368 designation of that political party or organization, at least one per cent  
369 of the whole number of votes cast for all candidates for such office at  
370 such election, (B) a political party or organization whose candidate for  
371 Governor at the last-preceding election for Governor received, under  
372 the designation of that political party or organization, at least two per  
373 cent, but less than twenty per cent, of the whole number of votes cast  
374 for all candidates for Governor at such election, or (C) a political party  
375 having, at the last-preceding election for Governor, a number of  
376 enrolled members on the active and inactive registry lists equal to at  
377 least one per cent, but less than twenty per cent, of the total number of  
378 enrolled members of all political parties on the active registry list in the  
379 state."