



# Senate

General Assembly

**File No. 352**

February Session, 2004

Substitute Senate Bill No. 126

*Senate, March 31, 2004*

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT PROVIDING NOTICE OF FREEDOM OF INFORMATION  
RELATED LITIGATION TO THE FREEDOM OF INFORMATION  
COMMISSION.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) In any action involving  
2 the assertion that a provision of the Freedom of Information Act has  
3 been violated or constitutes a defense, the court to which such action is  
4 brought shall make an order requiring the party asserting such  
5 violation or defense, as applicable, to provide the Freedom of  
6 Information Commission with notice of the action and a copy of the  
7 complaint and all pleadings in the action by first-class mail or personal  
8 service to the address of the commission's office.

9 (b) Upon the filing of a verified pleading by the commission, the  
10 court to which an action described in subsection (a) of this section is  
11 brought shall grant the commission's motion to intervene in the action  
12 for purposes of participating in any issue involving a provision of the

13 Freedom of Information Act.

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

**Statement of Legislative Commissioners:**

In subsection (a) of section 1, "in person delivery at" was changed to "personal service to the address of" for consistency with existing statutory provisions.

**GAE**      *Joint Favorable Subst.-LCO*

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-Effect	FY 05 \$	FY 06 \$
Freedom of Inf. Com.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill requires courts to order any party asserting a Freedom of Information Act violation or defense in any action to give the Freedom of Information Commission notice of the action and a copy of the complaint and all pleadings. The bill also requires any court entering such an order to allow the commission to intervene in the action and participate in any issue involving a provision of the Freedom of Information Act. The preceding potentially will create a workload increase for the commission, but the current FOI budget includes funding for litigation and is not expected to exceed existing appropriations.

**OLR Bill Analysis**

sSB 126

***AN ACT PROVIDING NOTICE OF FREEDOM OF INFORMATION RELATED LITIGATION TO THE FREEDOM OF INFORMATION COMMISSION*****SUMMARY:**

This bill requires courts to order any party asserting a Freedom of Information Act (FOIA) violation or defense in any action to give the Freedom of Information Commission notice of the action and a copy of the complaint and all pleadings. The party may personally deliver the documents or send them by first-class mail to the commission's office. The bill also requires any court entering such an order to allow the commission to intervene (join) in the action and participate in issues related to FOIA.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Report

Yea 17    Nay 0