



House of Representatives

General Assembly

File No. 578

January Session, 2005

Substitute House Bill No. 6746

House of Representatives, April 28, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING EVIDENCE TAMPERING, PERJURY AND FALSE STATEMENTS BY POLICE OFFICERS.

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

1 Section 1. Subsection (c) of section 7-294d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (c) (1) The council may refuse to renew any certificate if the holder
5 fails to meet the requirements for renewal of his or her certification.

6 (2) The council may cancel or revoke any certificate if: (A) The
7 certificate was issued by administrative error, (B) the certificate was
8 obtained through misrepresentation or fraud, (C) the holder falsified
9 any document in order to obtain or renew any certificate, (D) the
10 holder has been convicted of a felony, (E) the holder has been found
11 not guilty of a felony by reason of mental disease or defect pursuant to
12 section 53a-13, (F) the holder has been convicted of a violation of
13 subsection (c) of section 21a-279 or section 29-9, (G) the holder has

14 been refused issuance of a certificate or similar authorization or has
 15 had his or her certificate or other authorization cancelled or revoked
 16 by another jurisdiction on grounds which would authorize
 17 cancellation or revocation under the provisions of this subdivision, [or]
 18 (H) the holder has been found by a law enforcement unit, pursuant to
 19 procedures established by such unit, to have used a firearm in an
 20 improper manner which resulted in the death or serious physical
 21 injury of another person, or (I) the holder has been found by a law
 22 enforcement unit, pursuant to procedures established by such unit, to
 23 have committed any act that would constitute tampering with or
 24 fabricating physical evidence in violation of section 53a-155, perjury in
 25 violation of section 53a-156 or false statement in the second degree in
 26 violation of section 53a-157b. Whenever the council believes there is a
 27 reasonable basis for cancellation or revocation of the certification of a
 28 police officer, police training school or law enforcement instructor, it
 29 shall give notice and an adequate opportunity for a hearing prior to
 30 such cancellation or revocation. The council may cancel or revoke any
 31 certificate if, after a de novo review, it finds by clear and convincing
 32 evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of
 33 this subdivision, or (ii) that the holder of the certificate committed an
 34 act set forth in subparagraph (H) or (I) of this subdivision. Any police
 35 officer or law enforcement instructor whose certification is cancelled or
 36 revoked pursuant to this section may reapply for certification no
 37 sooner than two years after the date on which the cancellation or
 38 revocation order becomes final. Any police training school whose
 39 certification is cancelled or revoked pursuant to this section may
 40 reapply for certification at any time after the date on which such order
 41 becomes final.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	7-294d(c)

JUD *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-Effect	FY 06 \$	FY 07 \$
Police Officer Std. & Training Council	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in an increase in the workload of the Police Officer Standards and Training Council, due to the additional hearings related to the revocation of certificates. The bill is not anticipated to result in a fiscal impact to the state.

OLR Bill Analysis

sHB 6746

AN ACT CONCERNING EVIDENCE TAMPERING, PERJURY AND FALSE STATEMENTS BY POLICE OFFICERS**SUMMARY:**

This bill authorizes the Police Officer Standards and Training Council (POST) to cancel or revoke a police officer's certificate if he is found by a law enforcement unit, pursuant to its procedures, to have committed an act that constitutes the crime of (1) tampering with or fabricating evidence, (2) perjury, or (3) 2nd degree false statement.

By law, when POST finds a reasonable basis for canceling or revoking the certification of a police officer, police training school, or law enforcement instructor, it must provide an adequate opportunity for a hearing. The bill (1) specifies that POST provide notice of the hearing, (2) requires POST to have a de novo review (take a fresh review of the evidence), and (3) requires finding any basis for cancellation or revocation by clear and convincing evidence.

EFFECTIVE DATE: October 1, 2005

BACKGROUND***Police Officers Subject to POST Authority***

By law, the following are subject to POST Council authority: municipal police officers, appointed constables who perform criminal law enforcement duties, special policemen, and members of a law enforcement unit who perform police duties. Police officers must be certified within one year of employment. In order to continue serving, they must be recertified. They may not serve during any period when their certificate is cancelled or revoked.

Grounds on Which POST Can Revoke a Certificate

Under current law, POST can cancel or revoke a certificate for the following reasons:

1. it was issued in error;
2. it was obtained by misrepresentation or fraud;
3. the holder falsified a document to get or renew it;
4. the holder was convicted or found not guilty by reason of mental disease or defect of a felony;
5. the holder was convicted of misdemeanor drug possession or accepting gifts or rewards to influence his conduct;
6. the holder was refused a certificate or similar authorization or had one cancelled or revoked in another jurisdiction on grounds similar to these that warrant cancellation or revocation in Connecticut; or
7. the holder was found by a law enforcement unit, pursuant to its procedures, to have used a firearm improperly and caused death or serious physical injury to another person.

Tampering With or Fabricating Evidence

A person commits this crime if he (1) believes that an official proceeding is pending or will be instituted and (2) alters, destroys, conceals, or removes a record, document, or thing to impair its validity or availability in the proceeding. This is a class D felony.

Perjury

A person commits this crime if he intentionally makes a false statement, swears, affirms, or testifies falsely to a material statement that he does not believe is true while under oath in an official proceeding. This is a class D felony.

2nd Degree False Statement

A person commits this crime if he (1) intentionally makes a false written statement under oath or on a form that states that false statements are punishable, (2) does not believe the statement is true, and (3) intends to mislead a public servant in performing his official functions. This crime is a class A misdemeanor.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0