



House of Representatives

File No. 440

General Assembly

February Session, 2006

(Reprint of File No. 41)

Substitute House Bill No. 5084
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 7, 2006

**AN ACT CONCERNING THE FILING, STORAGE AND DISPOSITION
OF THE FINGERPRINTS AND PHOTOGRAPHS OF ARRESTED
PERSONS.**

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

1 Section 1. Section 29-12 of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) All persons arrested for crime as described in section 29-11 shall
5 submit to the taking of their fingerprints, photograph and physical
6 description and all constables and chiefs of police of organized police
7 departments and the commanding officers of state police stations shall
8 immediately furnish to the State Police Bureau of Identification two
9 copies of a standard identification card on which shall be imprinted
10 fingerprints [and a photograph] of each person so arrested, together
11 with the physical description of, and such information as said bureau
12 may require with respect to, such arrested person. In the event
13 fingerprint or photographic images of arrested persons are captured
14 by electronic means, the captured electronic images shall be

15 immediately transmitted to said bureau. Any electronic imaging
16 equipment used to capture such fingerprint or photographic images
17 shall be approved by the Commissioner of Public Safety or said
18 commissioner's designee.

19 (b) All wardens of correctional institutions and the Community
20 Correctional Center Administrator shall furnish to the State Police
21 Bureau of Identification such information with respect to prisoners as
22 said bureau requires.

23 (c) The Commissioner of Public Safety may adopt regulations, in
24 accordance with chapter 54, for the submission to and the taking of
25 fingerprints as required under this section which will promote
26 efficiency and be consistent with advances in automation and
27 technology.

28 Sec. 2. (NEW) (*Effective July 1, 2006*) (a) The State Police Bureau of
29 Identification may maintain the fingerprints of arrested persons
30 received pursuant to section 29-12 of the 2006 supplement to the
31 general statutes, as amended by this act, and of persons who have
32 submitted fingerprints in connection with a criminal history records
33 check pursuant to section 29-17a of the 2006 supplement to the general
34 statutes in an electronic format in lieu of a paper format.

35 (b) Whenever the bureau converts fingerprints contained in its files
36 from a paper format to an electronic format, it may destroy the paper
37 copy of such fingerprints.

38 Sec. 3. Section 29-15 of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective July 1, 2006*):

40 (a) [On or after October 1, 1974, when] (1) Except as provided in
41 subdivision (2) of this subsection, whenever any person, having no
42 record of prior criminal conviction, whose fingerprints, [and pictures]
43 photograph and physical description are so filed has been found not
44 guilty of the offense charged, or has had such charge dismissed or
45 nulled, [his] such person's fingerprints, [pictures] photograph and

46 physical description and other identification data and all copies and
 47 duplicates thereof, shall, be returned to [him] such person not later
 48 than sixty days after the finding of not guilty or after such dismissal or
 49 in the case of a nolle within sixty days after thirteen months of such
 50 nolle.

51 (2) Whenever any person, having no record of prior criminal
 52 conviction, whose fingerprints, photograph and physical description
 53 and other identification data has been filed and stored in an electronic
 54 format, has been found not guilty of the offense charged, or has had
 55 such charge dismissed or nolle, such electronically stored images and
 56 data shall be permanently deleted and any paper copy of such
 57 fingerprints, photograph and physical description and other
 58 identification data, and all copies and duplicates thereof, shall be
 59 destroyed not later than sixty days after the finding of not guilty or
 60 after such dismissal or in the case of a nolle within sixty days after
 61 thirteen months of such nolle.

62 (b) Any person having no record of prior criminal conviction whose
 63 fingerprints and pictures are so filed, who has been found not guilty of
 64 the offense charged or has had such charge dismissed or nolle prior
 65 to October 1, 1974, may, upon application to the person charged with
 66 the retention and control of such identification data at the State Police
 67 Bureau of Identification, have his fingerprints, pictures and description
 68 and other identification data and all copies and duplicates thereof,
 69 returned to him not later than sixty days after the filing of such
 70 application provided in the case of a nolle, such nolle shall have
 71 occurred thirteen months prior to filing of such application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-12
Sec. 2	<i>July 1, 2006</i>	New section
Sec. 3	<i>July 1, 2006</i>	29-15

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 07 \$	FY 08 \$
Public Safety, Dept.	GF - Savings	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill eliminates the requirement that law enforcement officials include a photograph on the standard identification card that officials must submit to the State Police Bureau of Identification. The change in the requirement will result in the Department of Public Safety only collecting photographs electronically, and is not anticipated to have a fiscal impact.

The bill also allows the Department of Public Safety (DPS) to convert paper copies of fingerprints of arrested persons to an electronic format. Once fingerprints have been converted to an electronic format the paper copies may be destroyed. The conversion of paper files to electronic could result in a savings to the DPS, as storage and filing of the fingerprints is no longer necessary.

Additionally, the bill allows the DPS to delete or destroy fingerprints and identification data, which could result in an administrative savings.

House Amendment "A" allows DPS to store fingerprints electronically and destroy paper copies of fingerprints once they have been converted to an electronic format, resulting in minimal savings to the DPS.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5084 (as amended by House "A")*****AN ACT CONCERNING THE PHOTOGRAPHIC IMAGE REQUIREMENT ON STANDARD IDENTIFICATION CARDS.****SUMMARY:**

This bill gives the State Police Bureau of Identification (SPBI) the option of maintaining fingerprints in either paper or electronic format. It allows SPBI to destroy paper copies of fingerprints in its files whenever it converts them to an electronic format.

The bill requires the (SPBI) to delete all electronically maintained fingerprints, photographs, physical description, and other identification data for a person who has no prior criminal record when the charges against him are dismissed or nolleed or he is found not guilty.

The bill eliminates a requirement for law enforcement officials to include a photograph of persons arrested for crimes of moral turpitude on the standard identification card that they must submit to the SPBI. The card must still include the person's fingerprints and physical description and any other information the bureau requires.

*House Amendment "A" adds the provisions on maintenance and disposition of fingerprints.

EFFECTIVE DATE: July 1, 2006 for the provisions on maintenance and disposition of fingerprints; upon passage for the other provision.

MAINTENANCE OF SPBI FINGERPRINT DATA

The bill gives SPBI the option of maintaining fingerprints in either electronic or paper format. It applies to fingerprints (1) SPBI receives

from police departments for people convicted of crimes of moral turpitude and (2) from people who submit to criminal history record checks required by law.

DISPOSITION OF FINGERPRINT DATA

Under existing law, SPBI must return fingerprints and related data of a person with no prior criminal conviction record if he is found not guilty or his case is nolle or dismissed. The bill requires that in cases where the data is stored electronically, the bureau delete the stored images and related data and destroy any paper copies or duplicates. The bureau must do this within 60 days after the case is dismissed or nolle or the person is found not guilty. This is the same time frame for returning paper documents to such individuals under existing law.

BACKGROUND

Fingerprinting and Physical Description of Arrested Persons

By law, law enforcement officials must take the fingerprints, physical description, and photographs of anyone arrested for a crime of moral turpitude and immediately furnish the State Police Bureau of Identification with two copies of a standard identification card imprinted with the fingerprints, photograph, description, and other information the bureau requires. If the officials take the fingerprints or photographs electronically, they must send the electronic images.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/07/2006)