



General Assembly

**Substitute Bill No. 7390**

January Session, 2007

\* \_\_\_\_\_ HB07390JUD \_\_\_ 041307 \_\_\_ \*

**AN ACT CONCERNING OVERSIGHT OF INTELLIGENCE GATHERING  
BY LAW ENFORCEMENT AGENCIES.**

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

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) For the purposes of  
2 this section:

3 (1) "Public agency" means public agency as defined in section 1-200  
4 of the general statutes; and

5 (2) "Public official" means public official as defined in section 1-79 of  
6 the general statutes, any elected or appointed municipal official, a  
7 judge of any court either elected or appointed and a senator or  
8 representative in Congress.

9 (b) A law enforcement agency may collect and maintain criminal  
10 intelligence information concerning individuals and organizations for  
11 the purposes of (1) ensuring the safety and security of public officials,  
12 and (2) preventing the disturbance or disruption of, or the interference  
13 with, the performance by a public official of his or her official  
14 functions, powers or duties or with the meetings of a public agency.

15 (c) A law enforcement agency may collect and maintain criminal  
16 intelligence information concerning an individual or organization  
17 pursuant to subsection (b) of this section if:

18 (1) Such agency has an articulable suspicion that such individual or  
19 organization is engaged in or will engage in criminal conduct or  
20 activity directed toward a public official or with respect to the  
21 performance by a public official of his or her official functions, powers  
22 or duties or with respect to the meetings of a public agency;

23 (2) Such individual has been convicted of an offense involving the  
24 use, attempted use or threatened use of physical force against another  
25 person;

26 (3) Such individual has been convicted of threatening, harassing or  
27 stalking a public official, violating a restraining or protective order  
28 involving a public official or committing criminal trespass in a  
29 building or other premises where a public official resides or frequents;  
30 or

31 (4) Such individual has been convicted of an offense involving the  
32 disturbance or disruption of, or interference with, the performance by  
33 a public official of his or her official functions, powers or duties or with  
34 the meetings of a public agency.

35 (d) A law enforcement agency may collect and maintain criminal  
36 intelligence information concerning an individual or organization  
37 pursuant to subsection (b) of this section for reasons other than those  
38 specified in subsection (c) of this section whenever such agency deems  
39 it appropriate for the purposes set forth in subsection (b) of this  
40 section.

41 (e) A law enforcement agency shall not collect or maintain criminal  
42 intelligence information about the political, religious or social views,  
43 associations or activities of any individual or organization unless such  
44 information directly relates to criminal conduct or activity and there is  
45 an articulable suspicion that the subject of the information is engaged  
46 in or will engage in criminal conduct or activity.

47 (f) Whenever a law enforcement agency briefs its officers concerning  
48 the safety and security of public officials or preventing the disturbance

49 or disruption of, or the interference with, the performance by a public  
50 official of his or her official functions, powers or duties or with the  
51 meeting of a public agency, and disseminates information about  
52 individuals or organizations that it has collected under this section, the  
53 agency shall include in such briefing an explanation of statutory and  
54 constitutional rights that citizens have at such public events including,  
55 but not limited to, freedom of speech, freedom from unreasonable  
56 searches and seizures, freedom from arrest, detention or punishment  
57 except where clearly warranted by law, and the right to peaceably  
58 assemble and petition their government for a redress of grievances.

59 (g) Not later than January fifteenth of each year, each law  
60 enforcement agency that has collected and maintained criminal  
61 intelligence information concerning an individual pursuant to  
62 subsection (d) of this section in the preceding year shall report to the  
63 Commissioner of Public Safety the information required by this  
64 subsection with respect to such individual. The Commissioner of  
65 Public Safety shall, based upon the reports filed by each law  
66 enforcement agency and not later than January thirty-first of each year,  
67 submit a report, in accordance with the provisions of section 11-4a of  
68 the general statutes, to the joint standing committee of the General  
69 Assembly having cognizance of matters relating to criminal law and  
70 procedure concerning the collection and maintenance of criminal  
71 intelligence information concerning individuals pursuant to subsection  
72 (d) of this section in the preceding calendar year. The report shall  
73 include the following information: (1) The reasons the agency collected  
74 and maintained criminal intelligence information with respect to such  
75 individual; (2) the criminal activity the agency believed the individual  
76 might engage in; (3) whether the individual was investigated, detained  
77 or arrested, and the facts and circumstances of any such investigation,  
78 detention or arrest; and (4) the status of any criminal prosecution  
79 resulting from the arrest of such individual.

80 (h) Nothing in this section shall be construed to prevent the receipt  
81 by a law enforcement agency of a tip concerning actual or suspected

82 criminal conduct or activity and the investigation thereof by such  
83 agency.

84 (i) Nothing in this section shall be construed to prevent or limit a  
85 law enforcement agency collecting and maintaining criminal  
86 intelligence information for purposes other than those set forth in  
87 subsection (b) of this section.

88 Sec. 2. Section 1-215 of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective October 1, 2007*):

90 (a) Notwithstanding any provision of the general statutes to the  
91 contrary, and except as otherwise provided in this section, any record  
92 of the arrest of any person, other than a juvenile, except a record  
93 erased pursuant to chapter 961a, shall be a public record from the time  
94 of such arrest and shall be disclosed in accordance with the provisions  
95 of section 1-212 and subsection (a) of section 1-210, except that  
96 disclosure of data or information other than that set forth in  
97 subdivision (1) of subsection (b) of this section shall be subject to the  
98 provisions of subdivision (3) of subsection (b) of section 1-210. Any  
99 personal possessions or effects found on a person at the time of such  
100 person's arrest shall not be disclosed unless such possessions or effects  
101 are relevant to the crime for which such person was arrested.

102 (b) For the purposes of this section, "record of the arrest" means (1)  
103 the name and address of the person arrested, the date, time and place  
104 of the arrest, [and] the offense for which the person was arrested and  
105 the facts and circumstances that constituted probable cause for the  
106 arrest, and (2) at least one of the following, designated by the law  
107 enforcement agency: The arrest report, incident report, news release or  
108 other similar report of the arrest of a person.

109 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) There is established a  
110 select legislative committee on intelligence oversight to oversee and  
111 make continuing studies of the intelligence activities and programs of  
112 the state and municipalities. The select committee shall:

113 (1) Review the intelligence activities and programs of state and  
114 municipal law enforcement agencies;

115 (2) Report to the General Assembly concerning such intelligence  
116 activities and programs and submit to the General Assembly any  
117 recommendations for legislation related thereto; and

118 (3) Provide legislative oversight over the intelligence activities of the  
119 state and municipalities to assure that such activities are in conformity  
120 with the laws and Constitution of the state and the United States  
121 Constitution.

122 (b) The select committee shall be comprised of the chairpersons and  
123 ranking members of the joint standing committees of the General  
124 Assembly having cognizance of matters relating to the judiciary, public  
125 safety and government administration.

126 (c) The president pro tempore of the Senate and the speaker of the  
127 House of Representatives may jointly convene the select committee  
128 whenever they deem it necessary.

129 (d) The select committee shall be subject to the provisions of chapter  
130 14 of the general statutes and meetings of the select committee shall be  
131 open to the public except when the select committee meets in executive  
132 session, as defined in section 1-200 of the general statutes, or meets to  
133 receive criminal intelligence information pursuant to 28 Code of  
134 Federal Regulations, Part 23.

135 (e) The select committee shall be deemed a law enforcement  
136 authority performing a law enforcement activity for purposes of  
137 receiving criminal intelligence information pursuant to 28 Code of  
138 Federal Regulations, Part 23. The select committee shall adopt  
139 procedures concerning the receipt, maintenance, security and  
140 dissemination of such criminal intelligence information that is  
141 consistent with federal regulations. Any member of the select  
142 committee who discloses confidential information received by the  
143 select committee pursuant to this section shall be subject to the same

144 penalties a law enforcement official would be subject to for such  
145 unauthorized disclosure.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	1-215
Sec. 3	<i>October 1, 2007</i>	New section

**JUD**      *Joint Favorable Subst.*