



General Assembly

February Session, 2008

Raised Bill No. 5528

LCO No. 1834

01834_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE FREEDOM OF INFORMATION ACT.

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

1 Section 1. Subsection (a) of section 1-210 of the 2008 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2008*):

4 (a) Except as otherwise provided by any federal law or state statute,
5 all records maintained or kept on file by any public agency, whether or
6 not such records are required by any law or by any rule or regulation,
7 shall be public records and every person shall have the right to (1)
8 inspect such records promptly during regular office or business hours,
9 (2) copy such records in accordance with subsection (g) of section 1-
10 212, or (3) receive a copy of such records in accordance with section 1-
11 212. Any agency rule or regulation, or part thereof, that conflicts with
12 the provisions of this subsection or diminishes or curtails in any way
13 the rights granted by this subsection shall be void. Each such agency
14 shall keep and maintain all public records in its custody at its regular
15 office or place of business in an accessible place and, if there is no such
16 office or place of business, the public records pertaining to such agency

17 shall be kept in the office of the clerk of the political subdivision in
18 which such public agency is located or of the Secretary of the State, as
19 the case may be. Any certified record hereunder attested as a true copy
20 by the clerk, chief or deputy of such agency or by such other person
21 designated or empowered by law to so act, shall be competent
22 evidence in any court of this state of the facts contained therein. [Each
23 such agency shall make, keep and maintain a record of the proceedings
24 of its meetings.]

25 Sec. 2. Subsection (a) of section 1-225 of the 2008 supplement to the
26 general statutes is repealed and the following is substituted in lieu
27 thereof (*Effective October 1, 2008*):

28 (a) The meetings of all public agencies, except executive sessions, as
29 defined in subdivision (6) of section 1-200, shall be open to the public.
30 The votes of each member of any such public agency upon any issue
31 before such public agency shall be reduced to writing and made
32 available for public inspection within forty-eight hours and shall also
33 be recorded in the minutes of the session at which taken, which
34 minutes shall be available for public inspection within seven days of
35 the session to which they refer. Such public agency shall make, keep
36 and maintain a record of the proceedings of its meetings.

37 Sec. 3. Subdivision (1) of section 1-200 of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective July
39 1, 2008*):

40 (1) "Public agency" or "agency" means:

41 (A) Any executive, administrative or legislative office of the state or
42 any political subdivision of the state and any state or town agency, any
43 department, institution, bureau, board, commission, authority or
44 official of the state or of any city, town, borough, municipal
45 corporation, school district, regional district or other district or other
46 political subdivision of the state, including any committee of, or
47 created by, any such office, subdivision, agency, department,

48 institution, bureau, board, commission, authority or official, and also
49 includes any judicial office, official, or body or committee thereof but
50 only with respect to its or their administrative functions. With respect
51 to such judicial office, official, or body or committee thereof,
52 "administrative functions" means (i) all matters not directly related to
53 judicial decision-making in individual court cases, and (ii) those
54 matters that relate to the management of the internal institutional
55 machinery of the judicial branch including, but not limited to,
56 budgeting, accounting, rule-making, personnel, facilities, physical
57 operations, docketing, record-keeping and scheduling;

58 (B) Any person to the extent such person is deemed to be the
59 functional equivalent of a public agency pursuant to law; or

60 (C) Any "implementing agency", as defined in section 32-222.

61 Sec. 4. Section 1-217 of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective from passage*):

63 (a) No public agency [may] shall disclose, under the Freedom of
64 Information Act, the residential address of any of [the following
65 persons:

66 (1) A federal court judge, federal court magistrate, judge of the
67 Superior Court, Appellate Court or Supreme Court of the state, or
68 family support magistrate;

69 (2) A sworn member of a municipal police department or a sworn
70 member of the Division of State Police within the Department of Public
71 Safety;

72 (3) An employee of the Department of Correction;

73 (4) An attorney-at-law who represents or has represented the state
74 in a criminal prosecution;

75 (5) An attorney-at-law who is or has been employed by the Public

76 Defender Services Division or a social worker who is employed by the
 77 Public Defender Services Division;

78 (6) An inspector employed by the Division of Criminal Justice;

79 (7) A firefighter;

80 (8) An employee of the Department of Children and Families;

81 (9) A member or employee of the Board of Pardons and Paroles;

82 (10) An employee of the judicial branch; or

83 (11) A member or employee of the Commission on Human Rights
 84 and Opportunities] its officials or employees, regardless of whether
 85 such address is listed in a public record of another public agency,
 86 except that nothing in this section shall exempt from disclosure (1)
 87 residential addresses of elected officials, or (2) residential addresses of
 88 officials or employees that appear (A) on a grand list of a municipality,
 89 (B) on a tax delinquency list, (C) on a voter registration or enrollment
 90 list or application form, or (D) in any other record that is otherwise
 91 required by law to be disclosed to the public.

92 (b) The business address of any person described in this section
 93 shall be subject to disclosure under section 1-210 of the 2008
 94 supplement to the general statutes, as amended by this act. The
 95 provisions of this section shall not apply to Department of Motor
 96 Vehicles records described in section 14-10 of the 2008 supplement to
 97 the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	1-210(a)
Sec. 2	<i>October 1, 2008</i>	1-225(a)
Sec. 3	<i>July 1, 2008</i>	1-200(1)
Sec. 4	<i>from passage</i>	1-217

Statement of Purpose:

To: (1) Move the existing requirement that public agencies maintain a record of their proceedings to the appropriate section of the Freedom of Information Act, (2) ensure public access to court records, other than those records that directly relate to judicial decision-making in individual court cases, and (3) treat governmental employees equally under the Freedom of Information Act by extending to all governmental employees the limitation on disclosure of their residential addresses under the Freedom of Information Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]