



General Assembly

February Session, 2008

Raised Bill No. 5675

LCO No. 1534

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Referred to Committee on Judiciary

Introduced by:
(JUD)

**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, 2008*) (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 2008 supplement to the general statutes, any elected or appointed
7 municipal official, a judge of any court either elected or appointed and
8 a senator or 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, 2008*):

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 of the 2008
96 supplement to the general statutes, except that disclosure of data or
97 information other than that set forth in subdivision (1) of subsection (b)
98 of this section shall be subject to the provisions of subdivision (3) of
99 subsection (b) of section 1-210 of the 2008 supplement to the general
100 statutes. Any personal possessions or effects found on a person at the
101 time of such person's arrest shall not be disclosed unless such
102 possessions or effects are relevant to the crime for which such person
103 was arrested.

104 (b) For the purposes of this section, "record of the arrest" means (1)
105 the name and address of the person arrested, the date, time and place
106 of the arrest, [and] the offense for which the person was arrested and
107 the facts and circumstances that constituted probable cause for the
108 arrest, and (2) at least one of the following, designated by the law

109 enforcement agency: The arrest report, incident report, news release or
110 other similar report of the arrest of a person.

111 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) There is established a
112 select legislative committee on intelligence oversight to oversee and
113 make continuing studies of the intelligence activities and programs of
114 the state and municipalities. The select committee shall:

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

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

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

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

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

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

137 (e) The select committee shall be deemed a law enforcement

138 authority performing a law enforcement activity for purposes of
139 receiving criminal intelligence information pursuant to 28 Code of
140 Federal Regulations, Part 23. The select committee shall adopt
141 procedures concerning the receipt, maintenance, security and
142 dissemination of such criminal intelligence information that is
143 consistent with federal regulations. Any member of the select
144 committee who discloses confidential information received by the
145 select committee pursuant to this section shall be subject to the same
146 penalties a law enforcement official would be subject to for such
147 unauthorized disclosure.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	1-215
Sec. 3	<i>October 1, 2008</i>	New section

Statement of Purpose:

To provide legislative oversight of criminal intelligence gathering activities of law enforcement agencies.

[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.]