



Senate

General Assembly

File No. 641

January Session, 2009

Senate Bill No. 673

Senate, April 15, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ACCESS TO THE CRIMINAL JUSTICE INFORMATION SYSTEM.

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

1 Section 1. Section 54-142q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section, (1) "governing board" means the
4 Criminal Justice Information System Governing Board established in
5 this section, (2) "offender-based tracking system" means an information
6 system that enables, as determined by the governing board and subject
7 to this chapter, criminal justice agencies, as defined in subsection (b) of
8 section 54-142g, [and] the Division of Public Defender Services and the
9 Office of the Federal Public Defender to share criminal history record
10 information, as defined in subsection (a) of section 54-142g, and to
11 access electronically maintained offender and case data involving
12 felonies, misdemeanors, violations, motor vehicle violations, motor
13 vehicle offenses for which a sentence to a term of imprisonment may
14 be imposed, and infractions, and (3) "criminal justice information

15 systems" means the offender-based tracking system and information
16 systems among criminal justice agencies.

17 (b) There shall be a Criminal Justice Information System Governing
18 Board which shall be within the Office of Policy and Management for
19 administrative purposes only and shall oversee criminal justice
20 information systems.

21 (c) The governing board shall be composed of the Chief Court
22 Administrator, the Commissioner of Public Safety, the Commissioner
23 of Emergency Management and Homeland Security, the Secretary of
24 the Office of Policy and Management, the Commissioner of Correction,
25 the chairperson of the Board of Pardons and Paroles, the Chief State's
26 Attorney, the Chief Public Defender, the Chief Information Officer of
27 the Department of Information Technology, the Victim Advocate, the
28 Commissioner of Motor Vehicles, the chairpersons and ranking
29 members of the joint standing committee of the General Assembly on
30 judiciary and the president of the Connecticut Police Chiefs
31 Association. The Chief Court Administrator and a person appointed
32 by the Governor from among the membership shall serve as
33 cochairpersons. Each member of the governing board may appoint a
34 designee who shall have the same powers as such member.

35 (d) The governing board shall meet at least once during each
36 calendar quarter and at such other times as the chairperson deems
37 necessary. A majority of the members shall constitute a quorum for the
38 transaction of business.

39 (e) The governing board shall hire an executive director of the board
40 who shall not be a member of the board and who shall serve at the
41 pleasure of the board. The executive director shall be qualified by
42 education, training or experience to oversee the design and
43 implementation of a comprehensive, state-wide information
44 technology system for the sharing of criminal justice information as
45 provided in section 54-142s. The Office of Policy and Management
46 shall provide office space and such staff, supplies and services as
47 necessary for the executive director to properly carry out his or her

48 duties under this subsection.

49 (f) The governing board shall develop plans, maintain policies and
50 provide direction for the efficient operation and integration of criminal
51 justice information systems, whether such systems service a single
52 agency or multiple agencies. The governing board shall establish
53 standards and procedures for use by agencies to assure the
54 interoperability of such systems, authorized access to such systems
55 and the security of such systems.

56 (g) In addition to the requirements of subsection (f) of this section,
57 the duties and responsibilities of the governing board shall be to: (1)
58 Oversee the operations and administration of criminal justice
59 information systems; (2) establish such permanent and ad hoc
60 committees as it deems necessary, with appointments to such
61 committees not restricted to criminal justice agencies; (3) recommend
62 any legislation necessary for implementation, operation and
63 maintenance of criminal justice information systems; (4) establish and
64 implement policies and procedures to meet the system-wide
65 objectives, including the provision of appropriate controls for data
66 access and security; and (5) perform all necessary functions to facilitate
67 the coordination and integration of criminal justice information
68 systems.

69 (h) A member of the governing board, a member of a permanent or
70 an ad hoc committee established by the governing board, and any
71 person operating and administering the offender-based tracking
72 system shall be deemed to be "state officers and employees" for the
73 purposes of chapter 53 and section 5-141d.

74 (i) Information that may be accessed by the Division of Public
75 Defender Services or the Office of the Federal Public Defender
76 pursuant to subsection [(b)] (a) of this section shall be limited to: (1)
77 Conviction information, as defined in subsection (c) of section 54-142g,
78 (2) information that is otherwise available to the public, and (3)
79 information, including nonconviction information, concerning a client
80 whom the division has been appointed by the court to represent and is

81 representing at the time of the request for access to such information.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	54-142q

JUD *Joint Favorable*

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 10 \$	FY 11 \$
Dpt of Information Technology; Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits federal public defenders access to the state's Criminal Justice Information System. In order to gain access to the system, federal public defenders would need to acquire user ids and passwords after participating in a 3-hour training session on use of the system. These training sessions are conducted by the Department of Public Safety (using existing personnel) twice monthly. There would be no additional cost to train federal public defenders and grant them access to the system.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis**SB 673*****AN ACT CONCERNING ACCESS TO THE CRIMINAL JUSTICE INFORMATION SYSTEM.*****SUMMARY:**

This bill gives the Office of the Federal Public Defender access to shared criminal history information stored electronically in the state's Criminal Justice Information System (CJIS). As with the state Division of Public Defender Services, access is limited to (1) conviction information; (2) information that is otherwise available to the public; and (3) information, including nonconviction information, concerning a client it has been appointed to represent and is representing at the time of the request.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Criminal Justice Information System***

The CJIS is an electronic offender-based tracking system to which criminal justice agencies have full access; and public defenders have limited access. The database contains offender and case data on felonies, misdemeanors, violations, motor vehicle violations, motor vehicle offenses that carry potential jail sentences, and infractions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (03/27/2009)