



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Government Administration and Elections – March 23,
2009

- **S.B. No. 912 An Act Concerning the Definition of Administrative Functions Under the Freedom of Information Act**

The Division of Criminal Justice would respectfully request a technical change to the wording of S.B. No. 912 to correct an apparent drafting oversight. We believe this revision is necessary to properly implement the stated purpose of the bill, which is to ensure access to certain records within the Judicial Branch.

The Division would note that the same language we are proposing today was accepted by the Committee when the same concept was considered in the 2008 session. The bill obviously did not pass.

The recommended amendment to Raised Bill No. 912, LCO No. 3434, is as follows:

Strike Lines 122 through 127 of in their entirety.

Strike lines 7 through 16 and insert the following in lieu thereof and renumber the remaining lines accordingly:

(A) Any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board, commission, authority or official, and also includes any judicial office, official, or body or committee thereof but only with respect to its or their administrative functions[;]. With respect to such judicial office, official, or body or committee thereof, "administrative functions" means: (A) All matters not directly related to judicial decision-making in individual court cases, and (B) those matters that relate to the management of the internal institutional machinery of the judicial branch, including, but not limited to, budgeting, accounting, rulemaking, personnel, facilities, physical operations, docketing, recordkeeping and scheduling.

This technical amendment is necessary to specify that the provisions of S.B. No. 912 apply solely to the administrative records of the Judicial Branch and not to the records of the Division of Criminal Justice involving its investigative and prosecutorial functions. This is essential to protect the confidentiality of the investigative and prosecutorial records, which the General Assembly explicitly exempted from disclosure by Section 1-201 of the General Statutes. This would in no way affect records of the administrative functions of the Division of Criminal Justice, which are already subject to disclosure under Section 1-201.

To reiterate, the language of the Raised Bill is apparently the result of a drafting oversight, and the change we are recommending would make no substantive change to the Freedom of Information Act beyond the already delineated in the Statement of Purpose for Raised Bill No. 912.

The Division of Criminal Justice thanks the Committee for this opportunity to discuss this legislation and present our recommendation. We would be happy to provide any additional information the Committee may desire or to answer any questions that you might have.