



General Assembly

January Session, 2009

Amendment

LCO No. 7658

HB0670907658HDO

Offered by:
REP. LAWLOR, 99th Dist.

To: Subst. House Bill No. 6709 File No. 770 Cal. No. 529

"AN ACT CONCERNING THE DEPARTMENT OF CORRECTION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 1-200 of the general statutes is amended by adding
4 subdivision (12) as follows (*Effective October 1, 2009*):

5 (NEW) (12) "Invasion of personal privacy" means the public
6 disclosure of any matter that (A) would be highly offensive to a
7 reasonable person, and (B) is not of legitimate concern to the public.

8 Sec. 502. Subdivision (3) of subsection (b) of section 1-210 of the
9 general statutes is repealed and the following is substituted in lieu
10 thereof (*Effective October 1, 2009*):

11 (3) Records of law enforcement agencies not otherwise available to
12 the public which records were compiled in connection with the
13 detection or investigation of crime, if the disclosure of said records
14 would not be in the public interest because it would result in the

15 disclosure of (A) the identity of informants not otherwise known or the
16 identity of witnesses not otherwise known whose safety would be
17 endangered or who would be subject to threat or intimidation if their
18 identity was made known, (B) signed statements of witnesses, (C)
19 information to be used in a prospective law enforcement action if
20 prejudicial to such action, (D) investigatory techniques not otherwise
21 known to the general public, (E) arrest records of a juvenile, which
22 shall also include any investigatory files, concerning the arrest of such
23 juvenile, compiled for law enforcement purposes, (F) the name and
24 address of the victim of a sexual assault under section 53a-70, 53a-70a,
25 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
26 impairing of morals under section 53-21, or of an attempt thereof, [or]
27 (G) uncorroborated allegations subject to destruction pursuant to
28 section 1-216, or (H) records or information that would constitute an
29 invasion of the personal privacy of a crime victim, as defined in section
30 1-1k.

31 Sec. 503. Subdivision (1) of subsection (b) of section 1-206 of the
32 general statutes is repealed and the following is substituted in lieu
33 thereof (*Effective October 1, 2009*):

34 (b) (1) Any person denied the right to inspect or copy records under
35 section 1-210, as amended by this act, or wrongfully denied the right to
36 attend any meeting of a public agency or denied any other right
37 conferred by the Freedom of Information Act may appeal therefrom to
38 the Freedom of Information Commission, by filing a notice of appeal
39 with said commission. A notice of appeal shall be filed not later than
40 thirty days after such denial, except in the case of an unnoticed or
41 secret meeting, in which case the appeal shall be filed not later than
42 thirty days after the person filing the appeal receives notice in fact that
43 such meeting was held. For purposes of this subsection, such notice of
44 appeal shall be deemed to be filed on the date it is received by said
45 commission or on the date it is postmarked, if received more than
46 thirty days after the date of the denial from which such appeal is taken.
47 Upon receipt of such notice, the commission shall serve upon all
48 parties, by certified or registered mail, a copy of such notice together

49 with any other notice or order of such commission. In the case of the
50 denial of a request to inspect or copy records contained in a public
51 employee's personnel or medical file or similar file under subsection
52 (c) of section 1-214, the commission shall include with its notice or
53 order an order requiring the public agency to notify any employee
54 whose records are the subject of an appeal, and the employee's
55 collective bargaining representative, if any, of the commission's
56 proceedings and, if any such employee or collective bargaining
57 representative has filed an objection under said subsection (c), the
58 agency shall provide the required notice to such employee and
59 collective bargaining representative by certified mail, return receipt
60 requested or by hand delivery with a signed receipt. A public
61 employee whose personnel or medical file or similar file is the subject
62 of an appeal under this subsection may intervene as a party in the
63 proceedings on the matter before the commission. A crime victim, as
64 defined in section 1-1k, whose personal privacy might be invaded by
65 the disclosure of a record under subparagraph (H) of subdivision (3) of
66 subsection (b) of section 1-210, as amended by this act, which record is
67 the subject of an appeal under this subsection, may intervene as a
68 party in the proceedings on the matter before the commission. Said
69 commission shall, after due notice to the parties, hear and decide the
70 appeal within one year after the filing of the notice of appeal. The
71 commission shall adopt regulations in accordance with chapter 54,
72 establishing criteria for those appeals which shall be privileged in their
73 assignment for hearing. Any such appeal shall be heard not later than
74 thirty days after receipt of a notice of appeal and decided not later than
75 sixty days after the hearing. If a notice of appeal concerns an
76 announced agency decision to meet in executive session or an ongoing
77 agency practice of meeting in executive sessions, for a stated purpose,
78 the commission or a member or members of the commission
79 designated by its chairperson shall serve notice upon the parties in
80 accordance with this section and hold a preliminary hearing on the
81 appeal not later than seventy-two hours after receipt of the notice,
82 provided such notice shall be given to the parties at least forty-eight
83 hours prior to such hearing. During such preliminary hearing, the

84 commission shall take evidence and receive testimony from the parties.
85 If after the preliminary hearing the commission finds probable cause to
86 believe that the agency decision or practice is in violation of sections 1-
87 200, as amended by this act, and 1-225, the agency shall not meet in
88 executive session for such purpose until the commission decides the
89 appeal. If probable cause is found by the commission, it shall conduct a
90 final hearing on the appeal and render its decision not later than five
91 days after the completion of the preliminary hearing. Such decision
92 shall specify the commission's findings of fact and conclusions of law."