



Senate

General Assembly

File No. 337

February Session, 2010

Substitute Senate Bill No. 167

Senate, April 7, 2010

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INDEMNIFICATION OF CERTAIN POLICE OFFICERS.

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

1 Section 1. Section 53-39a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 Whenever, in any prosecution of an officer of the Division of State
4 Police within the Department of Public Safety, or a member of the
5 Office of State Capitol Police or any person appointed under section
6 29-18 as a special policeman for the State Capitol building and
7 grounds, the Legislative Office Building and parking garage and
8 related structures and facilities, and other areas under the supervision
9 and control of the Joint Committee on Legislative Management, or a
10 local police department for a crime allegedly committed by such officer
11 in the course of his duty as such, the charge is dismissed or the officer
12 found not guilty, such officer shall be indemnified by his employing
13 governmental unit for economic loss sustained by him as a result of

14 such prosecution, including the payment of [any legal fees necessarily
 15 incurred] attorney's fees and costs incurred during the prosecution and
 16 the enforcement of this section. Such officer may bring an action in the
 17 Superior Court against such employing governmental unit to enforce
 18 the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	53-39a

LAB *Joint Favorable Subst. C/R* PD

PD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Public Safety, Dept.	GF - Cost	Potential	Potential
Legislative Mgmt.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Various Municipalities	STATE MANDATE - Cost	Potential	Potential

Explanation

This bill could result in a cost ranging from \$5,000 to over \$50,000 per case by allowing police officers to recover legal fees associated with indemnification. The cost per case will vary depending on the length of time involved in the litigation process. The cost will also depend upon the billing practice of the attorneys involved in the case.

It is anticipated that the number of cases will be minimal. Currently there are two related cases pending.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of indemnification cases.

Source: *Laffey Matrix 2003-2009, U.S. Department of Justice*

OLR Bill Analysis**sSB 167*****AN ACT CONCERNING INDEMNIFICATION OF CERTAIN POLICE OFFICERS.*****SUMMARY:**

Under current law, a police officer who is found not guilty or has charges dismissed in a prosecution for a crime allegedly committed in the course of duty, must be indemnified by his or her employer for economic loss, including legal fees. This applies to state, local, and State Capitol police officers. Under case law, an officer can recover attorney's fees related to the prosecution but not from a separate lawsuit to enforce the officer's right to indemnification (*Link v. Shelton*, 186 Conn. 623 (1982)).

This bill allows the officer to recover attorneys' fees and costs from enforcing the indemnification provisions.

EFFECTIVE DATE: October 1, 2010

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 10 Nay 0 (03/09/2010)

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/22/2010)