



General Assembly

February Session, 2010

Raised Bill No. 5344

LCO No. 1460

01460_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING THE NONDISCLOSURE OF INFORMATION REGARDING PERSONS ARRESTED FOR DOMESTIC VIOLENCE.

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

1 Section 1. Subsection (b) of section 1-210 of the 2010 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2010*):

4 (b) Nothing in the Freedom of Information Act shall be construed to
5 require disclosure of:

6 (1) Preliminary drafts or notes provided the public agency has
7 determined that the public interest in withholding such documents
8 clearly outweighs the public interest in disclosure;

9 (2) Personnel or medical files and similar files the disclosure of
10 which would constitute an invasion of personal privacy;

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, (G)
27 the name, address and arrest records of a person arrested for a
28 violation of section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c,
29 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-181c, 53a-181d,
30 53a-181e, 53a-223, 53a-223a or 53a-223b, against a family or household
31 member, as defined in section 46b-38a, or against a person in a dating
32 relationship, which shall also include any investigatory files,
33 concerning the arrest of such person, compiled for law enforcement
34 purposes, or [(G)] (H) uncorroborated allegations subject to
35 destruction pursuant to section 1-216;

36 (4) Records pertaining to strategy and negotiations with respect to
37 pending claims or pending litigation to which the public agency is a
38 party until such litigation or claim has been finally adjudicated or
39 otherwise settled;

40 (5) (A) Trade secrets, which for purposes of the Freedom of
41 Information Act, are defined as information, including formulas,
42 patterns, compilations, programs, devices, methods, techniques,
43 processes, drawings, cost data, customer lists, film or television scripts
44 or detailed production budgets that (i) derive independent economic
45 value, actual or potential, from not being generally known to, and not
46 being readily ascertainable by proper means by, other persons who can
47 obtain economic value from their disclosure or use, and (ii) are the

48 subject of efforts that are reasonable under the circumstances to
49 maintain secrecy; and

50 (B) Commercial or financial information given in confidence, not
51 required by statute;

52 (6) Test questions, scoring keys and other examination data used to
53 administer a licensing examination, examination for employment or
54 academic examinations;

55 (7) The contents of real estate appraisals, engineering or feasibility
56 estimates and evaluations made for or by an agency relative to the
57 acquisition of property or to prospective public supply and
58 construction contracts, until such time as all of the property has been
59 acquired or all proceedings or transactions have been terminated or
60 abandoned, provided the law of eminent domain shall not be affected
61 by this provision;

62 (8) Statements of personal worth or personal financial data required
63 by a licensing agency and filed by an applicant with such licensing
64 agency to establish the applicant's personal qualification for the
65 license, certificate or permit applied for;

66 (9) Records, reports and statements of strategy or negotiations with
67 respect to collective bargaining;

68 (10) Records, tax returns, reports and statements exempted by
69 federal law or state statutes or communications privileged by the
70 attorney-client relationship;

71 (11) Names or addresses of students enrolled in any public school or
72 college without the consent of each student whose name or address is
73 to be disclosed who is eighteen years of age or older and a parent or
74 guardian of each such student who is younger than eighteen years of
75 age, provided this subdivision shall not be construed as prohibiting the
76 disclosure of the names or addresses of students enrolled in any public
77 school in a regional school district to the board of selectmen or town

78 board of finance, as the case may be, of the town wherein the student
79 resides for the purpose of verifying tuition payments made to such
80 school;

81 (12) Any information obtained by the use of illegal means;

82 (13) Records of an investigation or the name of an employee
83 providing information under the provisions of section 4-61dd or
84 sections 17b-301c to 17b-301g, inclusive;

85 (14) Adoption records and information provided for in sections 45a-
86 746, 45a-750 and 45a-751;

87 (15) Any page of a primary petition, nominating petition,
88 referendum petition or petition for a town meeting submitted under
89 any provision of the general statutes or of any special act, municipal
90 charter or ordinance, until the required processing and certification of
91 such page has been completed by the official or officials charged with
92 such duty after which time disclosure of such page shall be required;

93 (16) Records of complaints, including information compiled in the
94 investigation thereof, brought to a municipal health authority pursuant
95 to chapter 368e or a district department of health pursuant to chapter
96 368f, until such time as the investigation is concluded or thirty days
97 from the date of receipt of the complaint, whichever occurs first;

98 (17) Educational records which are not subject to disclosure under
99 the Family Educational Rights and Privacy Act, 20 USC 1232g;

100 (18) Records, the disclosure of which the Commissioner of
101 Correction, or as it applies to Whiting Forensic Division facilities of the
102 Connecticut Valley Hospital, the Commissioner of Mental Health and
103 Addiction Services, has reasonable grounds to believe may result in a
104 safety risk, including the risk of harm to any person or the risk of an
105 escape from, or a disorder in, a correctional institution or facility under
106 the supervision of the Department of Correction or Whiting Forensic
107 Division facilities. Such records shall include, but are not limited to:

108 (A) Security manuals, including emergency plans contained or
109 referred to in such security manuals;

110 (B) Engineering and architectural drawings of correctional
111 institutions or facilities or Whiting Forensic Division facilities;

112 (C) Operational specifications of security systems utilized by the
113 Department of Correction at any correctional institution or facility or
114 Whiting Forensic Division facilities, except that a general description
115 of any such security system and the cost and quality of such system
116 may be disclosed;

117 (D) Training manuals prepared for correctional institutions and
118 facilities or Whiting Forensic Division facilities that describe, in any
119 manner, security procedures, emergency plans or security equipment;

120 (E) Internal security audits of correctional institutions and facilities
121 or Whiting Forensic Division facilities;

122 (F) Minutes or recordings of staff meetings of the Department of
123 Correction or Whiting Forensic Division facilities, or portions of such
124 minutes or recordings, that contain or reveal information relating to
125 security or other records otherwise exempt from disclosure under this
126 subdivision;

127 (G) Logs or other documents that contain information on the
128 movement or assignment of inmates or staff at correctional institutions
129 or facilities; and

130 (H) Records that contain information on contacts between inmates,
131 as defined in section 18-84, and law enforcement officers;

132 (19) Records when there are reasonable grounds to believe
133 disclosure may result in a safety risk, including the risk of harm to any
134 person, any government-owned or leased institution or facility or any
135 fixture or appurtenance and equipment attached to, or contained in,
136 such institution or facility, except that such records shall be disclosed

137 to a law enforcement agency upon the request of the law enforcement
138 agency. Such reasonable grounds shall be determined (A) (i) by the
139 Commissioner of Public Works, after consultation with the chief
140 executive officer of an executive branch state agency, with respect to
141 records concerning such agency; and (ii) by the Commissioner of
142 Emergency Management and Homeland Security, after consultation
143 with the chief executive officer of a municipal, district or regional
144 agency, with respect to records concerning such agency; (B) by the
145 Chief Court Administrator with respect to records concerning the
146 Judicial Department; and (C) by the executive director of the Joint
147 Committee on Legislative Management, with respect to records
148 concerning the Legislative Department. As used in this section,
149 "government-owned or leased institution or facility" includes, but is
150 not limited to, an institution or facility owned or leased by a public
151 service company, as defined in section 16-1, a certified
152 telecommunications provider, as defined in section 16-1, a water
153 company, as defined in section 25-32a, or a municipal utility that
154 furnishes electric, gas or water service, but does not include an
155 institution or facility owned or leased by the federal government, and
156 "chief executive officer" includes, but is not limited to, an agency head,
157 department head, executive director or chief executive officer. Such
158 records include, but are not limited to:

159 (i) Security manuals or reports;

160 (ii) Engineering and architectural drawings of government-owned
161 or leased institutions or facilities;

162 (iii) Operational specifications of security systems utilized at any
163 government-owned or leased institution or facility, except that a
164 general description of any such security system and the cost and
165 quality of such system, may be disclosed;

166 (iv) Training manuals prepared for government-owned or leased
167 institutions or facilities that describe, in any manner, security
168 procedures, emergency plans or security equipment;

169 (v) Internal security audits of government-owned or leased
170 institutions or facilities;

171 (vi) Minutes or records of meetings, or portions of such minutes or
172 records, that contain or reveal information relating to security or other
173 records otherwise exempt from disclosure under this subdivision;

174 (vii) Logs or other documents that contain information on the
175 movement or assignment of security personnel;

176 (viii) Emergency plans and emergency preparedness, response,
177 recovery and mitigation plans, including plans provided by a person
178 to a state agency or a local emergency management agency or official;
179 and

180 (ix) With respect to a water company, as defined in section 25-32a,
181 that provides water service: Vulnerability assessments and risk
182 management plans, operational plans, portions of water supply plans
183 submitted pursuant to section 25-32d that contain or reveal
184 information the disclosure of which may result in a security risk to a
185 water company, inspection reports, technical specifications and other
186 materials that depict or specifically describe critical water company
187 operating facilities, collection and distribution systems or sources of
188 supply;

189 (20) Records of standards, procedures, processes, software and
190 codes, not otherwise available to the public, the disclosure of which
191 would compromise the security or integrity of an information
192 technology system;

193 (21) The residential, work or school address of any participant in the
194 address confidentiality program established pursuant to sections 54-
195 240 to 54-240o, inclusive;

196 (22) The electronic mail address of any person that is obtained by
197 the Department of Transportation in connection with the
198 implementation or administration of any plan to inform individuals

199 about significant highway or railway incidents;

200 (23) The name or address of any minor enrolled in any parks and
201 recreation program administered or sponsored by any public agency;

202 (24) Responses to any request for proposals or bid solicitation issued
203 by a public agency or any record or file made by a public agency in
204 connection with the contract award process, until such contract is
205 executed or negotiations for the award of such contract have ended,
206 whichever occurs earlier, provided the chief executive officer of such
207 public agency certifies that the public interest in the disclosure of such
208 responses, record or file is outweighed by the public interest in the
209 confidentiality of such responses, record or file.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	1-210(b)

Statement of Purpose:

To prohibit police departments from releasing the names of persons arrested for domestic violence.

[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.]