



Senate Bill No. 38

Public Act No. 11-220

***AN ACT CONCERNING ACCESS TO INFORMATION CONCERNING
THE DIVISION OF PUBLIC DEFENDER SERVICES AND SECRET
BALLOTS OF VOLUNTEER FIRE DEPARTMENTS UNDER THE
FREEDOM OF INFORMATION ACT.***

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

Section 1. Subdivision (1) of section 1-200 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(1) "Public agency" or "agency" means:

(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, and for purposes of this subparagraph, "judicial office" includes, but is not limited to, the Division of Public Defender Services;

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(B) Any person to the extent such person is deemed to be the functional equivalent of a public agency pursuant to law; or

(C) Any "implementing agency", as defined in section 32-222.

Sec. 2. Section 18-101f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

A personnel or medical file or similar file concerning a current or former employee of the Division of Public Defender Services, Department of Correction or the Department of Mental Health and Addiction Services, including, but not limited to, a record of a security investigation of such employee by the department or division or an investigation by the department or division of a discrimination complaint by or against such employee, shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, as amended by this act, to any individual committed to the custody or supervision of the Commissioner of Correction or confined in a facility of the Whiting Forensic Division of the Connecticut Valley Hospital. For the purposes of this section, an "employee of the Department of Correction" includes a member or employee of the Board of Pardons and Paroles within the Department of Correction.

Sec. 3. Subsection (d) of section 1-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(d) The public agency shall waive any fee provided for in this section when:

(1) The person requesting the records is an indigent individual;

(2) The records located are determined by the public agency to be exempt from disclosure under subsection (b) of section 1-210;

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(3) In its judgment, compliance with the applicant's request benefits the general welfare; [or]

(4) The person requesting the record is an elected official of a political subdivision of the state and the official (A) obtains the record from an agency of the political subdivision in which the official serves, and (B) certifies that the record pertains to the official's duties; or

(5) The person requesting the records is a member of the Division of Public Defender Services or an attorney appointed by the court as a special assistant public defender under section 51-296 and such member or attorney certifies that the record pertains to the member's or attorney's duties.

Sec. 4. (NEW) (*Effective October 1, 2011*) Nothing in chapter 14 of the general statutes shall be construed to require the disclosure of secret ballots used for the election of an officer of a volunteer fire department.

Approved July 13, 2011