



# Senate

General Assembly

**File No. 696**

January Session, 2011

Substitute Senate Bill No. 1206

*Senate, May 2, 2011*

The Committee on Judiciary 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 THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.***

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

1 Section 1. (NEW) (*Effective October 1, 2011*) Any peace officer, as  
2 defined in section 53a-3 of the general statutes, who, without  
3 reasonable grounds to believe that he or she is acting to (1) lawfully  
4 enforce a criminal law of this state or a municipal ordinance, (2)  
5 protect the public safety, (3) preserve the integrity of a crime scene or  
6 criminal investigation, or (4) safeguard the privacy interests of any  
7 person, including a victim of a crime, interferes with a person taking a  
8 photographic or digital still or video image of such peace officer or  
9 another peace officer acting in the performance of such officer's duties  
10 shall, subject to the provisions of sections 5-141d, 7-465 and 29-8a of  
11 the general statutes, be liable to such person in an action at law, suit in  
12 equity or other proper proceeding for redress.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section

**JUD**      *Joint Favorable Subst.*

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 12 \$	FY 13 \$
Various State Agencies	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	STATE MANDATE - Cost	Potential	Potential

**Explanation**

The bill results in a potential cost to the state and municipalities by indemnifying peace officers from liability if they interfere with the recording of police activity. The peace officer can receive indemnification only if the officer was working within the scope of authority and the conduct was not willful, wanton or reckless. In such a case, the state or municipality employing the peace officer would be required to pay all expenses arising from the liability. The cost will vary depending on the scope of the liability case.

If the peace officer is found to be in violation of the conditions mentioned above, then the officer, and not the employing state or municipality, would bear the financial obligations of the liability.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 1206*****AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.*****SUMMARY:**

This bill makes peace officers liable when they interfere with a person taking a photographic or digital still or video image of them or another peace officer performing his or her duties. The bill specifies that liability attaches when the interfering officer lacks a reasonable basis for believing that he or she is acting to:

1. lawfully enforce a state criminal law or municipal ordinance;
2. protect public safety;
3. preserve the integrity of a crime scene or criminal investigation;  
or
4. safeguard the privacy interests of any person, including a crime victim.

The photographer can establish liability against the officer through a suit at law, in equity, or other proper procedure. The peace officer may seek indemnification (repayment) from his state or municipal employer so long as he or she was working within the scope of authority and the conduct was not willful, wanton, or reckless.

EFFECTIVE DATE: October 1, 2011

**BACKGROUND*****Peace Officers***

“Peace officer” means a member of the Division of State Police or organized local police department; chief inspector or inspector in the

Criminal Justice Division; state or judicial marshal exercising legal authority; conservation or special conservation officer; constable who performs criminal law enforcement duties; special policeman, with some limitations; adult probation officer; Department of Correction (DOC) official authorized to make arrests in DOC facilities; Treasurer's Office investigator; or federal special agent authorized to enforce federal drug statutes.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 29 Nay 16 (04/14/2011)