



General Assembly

January Session, 2011

Committee Bill No. 38

LCO No. 5149

05149SB00038GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE FREEDOM OF INFORMATION ACT AND DIVISION OF PUBLIC DEFENDER SERVICES.

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

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2 repealed and the following is substituted in lieu thereof (*Effective*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

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

5 (A) Any executive, administrative or legislative office of the state or
6 any political subdivision of the state and any state or town agency, any
7 department, institution, bureau, board, commission, authority or
8 official of the state or of any city, town, borough, municipal
9 corporation, school district, regional district or other district or other
10 political subdivision of the state, including any committee of, or
11 created by, any such office, subdivision, agency, department,
12 institution, bureau, board, commission, authority or official, and also
13 includes any judicial office, official, or body or committee thereof but
14 only with respect to its or their administrative functions, and for

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

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

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

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 Section 18-101f of the general statutes is repealed and the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

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

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

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

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	1-200(1)
Sec. 2	October 1, 2011	18-101f
Sec. 3	October 1, 2011	1-212(d)

Statement of Purpose:

To exempt certain documents retained or concerning public defenders from disclosure under the Freedom of Information Act and to exempt public defenders from paying a fee for copies obtained under said act.

[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.]

Co-Sponsors: SEN. LOONEY, 11th Dist.

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