



General Assembly

January Session, 2011

**Committee Bill No. 38**

LCO No. 5149

\* SB00038GAE\_\_040411\_\_\*

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2 repealed and the following is substituted in lieu thereof (*Effective*  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 Section 18-101f of the general statutes is repealed and the  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)

**GAE**      *Joint Favorable*