



General Assembly

January Session, 2011

Raised Bill No. 1183

LCO No. 4627

04627_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING INMATE REQUESTS FOR PUBLIC RECORDS.

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

1 Section 1. Subsection (c) of section 1-210 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (c) (1) Whenever a public agency receives a request from any person
5 confined in a correctional institution or facility or a Whiting Forensic
6 Division facility, for disclosure of any public record under the
7 Freedom of Information Act, the public agency shall promptly forward
8 a copy of such request to a judge trial referee, designated by the Chief
9 Court Administrator, who shall conduct a preliminary review of such
10 request. If the judge trial referee determines that there are reasonable
11 grounds for the request, the judge trial referee shall order the agency to
12 comply with the request and proceed in accordance with subdivision
13 (2) of this subsection. If the judge trial referee determines that the
14 request is without reasonable grounds, the judge trial referee shall
15 order the agency to deny the request.

16 (2) If the judge trial referee orders the agency to comply with the

17 request, the agency shall promptly notify the Commissioner of
18 Correction or the Commissioner of Mental Health and Addiction
19 Services in the case of a person confined in a Whiting Forensic Division
20 facility of such request, in the manner prescribed by the commissioner,
21 before complying with the request as required by the Freedom of
22 Information Act.

23 (3) If the [commissioner] Commissioner of Correction or the
24 Commissioner of Mental Health and Addiction Services, as the case
25 may be, believes the requested record is exempt from disclosure
26 pursuant to subdivision (18) of subsection (b) of this section, the
27 commissioner may withhold such record from such person when the
28 record is delivered to the person's correctional institution or facility or
29 Whiting Forensic Division facility.

30 Sec. 2. Subsection (a) of section 1-206 of the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective*
32 *October 1, 2011*):

33 (a) Any denial of the right to inspect or copy records provided for
34 under section 1-210, as amended by this act, shall be made to the
35 person requesting such right by the public agency official who has
36 custody or control of the public record, in writing, within four business
37 days of such request, except when the request is determined to be
38 subject to subsections (b) and (c) of section 1-214, in which case such
39 denial shall be made, in writing, within ten business days of such
40 request or, when the request is determined to be subject to subsection
41 (c) of section 1-210, as amended by this act, in which case such denial
42 shall be made, in writing, within four business days of receipt of the
43 order of the judge trial referee. Failure to comply with a request to so
44 inspect or copy such public record within the applicable number of
45 business days shall be deemed to be a denial.

46 Sec. 3. (NEW) (*Effective October 1, 2011*) A statement filed under
47 section 9-608 of the general statutes shall not be subject to disclosure
48 under the Freedom of Information Act, as defined in section 1-200 of

49 the general statutes, to any individual committed to the custody or
50 supervision of the Commissioner of Correction or confined in a facility
51 of the Whiting Forensic Division of the Connecticut Valley Hospital.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	1-210(c)
Sec. 2	<i>October 1, 2011</i>	1-206(a)
Sec. 3	<i>October 1, 2011</i>	New section

Statement of Purpose:

To provide for a preliminary review of Freedom of Information requests made by inmates and prohibit access by inmates to the list of contributors to a candidate for election to public office.

[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.]