



# Senate

General Assembly

**File No. 265**

January Session, 2011

Substitute Senate Bill No. 1099

*Senate, March 29, 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 UNAUTHORIZED TAKING OR TRANSMISSION BY FIRST RESPONDERS OF IMAGES OF CRIME OR ACCIDENT VICTIMS.***

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 or  
2 firefighter, as those terms are defined in section 53a-3 of the general  
3 statutes, or any ambulance driver, emergency medical technician or  
4 paramedic, as those terms are defined in section 19a-175 of the general  
5 statutes, who responds to a request to provide medical or other  
6 assistance to a person and, other than in the performance of his or her  
7 duties, knowingly (1) takes a photographic or digital image of such  
8 person without the consent of such person or a member of such  
9 person's immediate family, or (2) transmits, disseminates or otherwise  
10 makes available to a third person a photographic or digital image of  
11 such person without the consent of such person or a member of such  
12 person's immediate family, shall be fined not more than two thousand  
13 dollars or imprisoned not more than one year, or both.

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

**Statement of Legislative Commissioners:**

The words "as defined in section 53a-3" were replaced with "as those terms are defined in section 53a-3" for accuracy.

**JUD**      *Joint Favorable Subst.-LCO*

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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
Judicial Dept.	GF - Revenue Gain	Less than 10,000	Less than 10,000

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill establishes a fine of up to \$2,000 and/or imprisonment of no more than one year for a first responder to take or transmit photographic or digital images of a person without their consent, which will result in a potential revenue gain of less than \$10,000 to the General Fund. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated 25 offenders annually would be prosecuted and receive harsher penalties than under current law.<sup>1</sup>

It is anticipated that the number of additional offenders placed on probation would be less than 25, and would not result in additional resources being required by the Judicial Department. An additional 25 offenders placed on adult probation would represent a 0.05% increase to the overall adult probation open supervision caseload.

### **The Out Years**

The annualized ongoing revenue identified above would remain constant into the future since fine amounts are set by statute.

<sup>1</sup> In 2010, zero convictions were made for this offense, as it was not specified in statute as a fine and/or term of imprisonment.

**OLR Bill Analysis****sSB 1099*****AN ACT CONCERNING THE UNAUTHORIZED TAKING OR TRANSMISSION BY FIRST RESPONDERS OF IMAGES OF CRIME OR ACCIDENT VICTIMS.*****SUMMARY:**

This bill establishes criminal penalties for specified persons who, when responding to a request to provide medical or other assistance for someone, knowingly (1) take that person's photograph or digital image or (2) make such an image available to a third person. The penalties apply to peace officers, firefighters, ambulance drivers, emergency medical technicians, and paramedics, but only when these actions are not in the performance of their duties. The penalties do not apply if these actions are done with the consent of the assisted person or someone in that person's immediate family.

Under the bill, the penalty for this conduct is up to a year in prison, up to a \$2,000 fine, or both.

EFFECTIVE DATE: October 1, 2011

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 34    Nay 0    (03/11/2011)