



Senate

General Assembly

File No. 271

February Session, 2012

Senate Bill No. 245

Senate, April 5, 2012

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the 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, 2012*) (a) For the purposes of
2 this section, "peace officer" has the meaning provided in section 53a-3
3 of the general statutes.

4 (b) A peace officer who interferes with any person taking a
5 photographic or digital still or video image of such peace officer or
6 another peace officer acting in the performance of such peace officer's
7 duties shall, subject to sections 5-141d, 7-465 and 29-8a of the general
8 statutes, be liable to such person in an action at law, suit in equity or
9 other proper proceeding for redress.

10 (c) A peace officer shall not be liable under subsection (b) of this
11 section if the peace officer had reasonable grounds to believe that the
12 peace officer was interfering with the taking of such image in order to
13 (1) lawfully enforce a criminal law of this state or a municipal

14 ordinance, (2) protect the public safety, (3) preserve the integrity of a
15 crime scene or criminal investigation, (4) safeguard the privacy
16 interests of any person, including a victim of a crime, or (5) lawfully
17 enforce court rules and policies of the Judicial Branch with respect to
18 taking a photograph, videotaping or otherwise recording an image in
19 facilities of the Judicial Branch.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section

JUD *Joint Favorable*

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 13 \$	FY 14 \$
Department of Emergency Services and Public Protection	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 13 \$	FY 14 \$
All Municipalities	Potential Cost	See Below	See Below

Explanation

There are potential costs related to legal proceedings and judgments for the Department of Emergency Services and Public Protection and municipalities associated with this bill.

The bill allows individuals to bring civil suits against peace officers who interfere with the video and still image recording of their actions in the course of their duties. In general, public servants are indemnified from civil action during the performance of their jobs. Provided the officer's action was not willful, wanton or reckless, the bill potentially creates civil suits in which the law enforcement agency is liable for damages and legal costs.

The Out Years

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

OLR Bill Analysis**SB 245*****AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.*****SUMMARY:**

This bill makes peace officers potentially liable for damages for interfering with a person taking a photograph, digital still, or video image of either the officer or a colleague performing his or her job duties. Under the bill, officers cannot be found liable if they reasonably believed that the interference was necessary to (1) lawfully enforce a criminal law or municipal ordinance; (2) protect public safety; (3) preserve the integrity of a crime scene or criminal investigation; (4) safeguard the privacy of a crime victim or other person; or (5) enforce Judicial Branch rules and policies that limit taking photographs, videotaping, or otherwise recording images in branch facilities.

Officers found liable of this offense are entitled, under existing law, to indemnification (repayment) from their state or municipal employer if they were acting within their scope of authority and the conduct was not willful, wanton, or reckless.

EFFECTIVE DATE: October 1, 2012

BACKGROUND***Peace Officers***

Under state law, "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 (CGS § 53a-3).

Related Bill

HB 5345 (File 145) gives sworn U.S. Secret Service special agents and officers certain powers and protections reserved for peace officers and other specified law enforcement officers with respect to the use of force and deadly physical force.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 31 Nay 12 (03/21/2012)