



**Substitute Senate Bill No. 1149**

**Public Act No. 13-311**

***AN ACT LIMITING THE DISCLOSURE OF CERTAIN RECORDS OF LAW ENFORCEMENT AGENCIES AND ESTABLISHING A TASK FORCE CONCERNING VICTIM PRIVACY UNDER THE FREEDOM OF INFORMATION ACT.***

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

Section 1. Subdivision (3) of subsection (b) of section 1-210 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage, and applicable to all requests for records under chapter 14 of the general statutes pending on or made on or after said date*):

(3) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) the identity of minor witnesses, (C) signed statements of witnesses, [(C)] (D) information to be used in a prospective law enforcement action if prejudicial to such action, [(D)] (E) investigatory techniques not otherwise known to the general

**Substitute Senate Bill No. 1149**

public, [(E)] (F) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes, [(F)] (G) the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, or [(G)] (H) uncorroborated allegations subject to destruction pursuant to section 1-216;

Sec. 2. Subsection (b) of section 1-210 of the general statutes is amended by adding subdivision (27) as follows (*Effective from passage, and applicable to all requests for records under chapter 14 of the general statutes pending on or made on or after said date*):

(NEW) (27) Any record created by a law enforcement agency or other federal, state, or municipal governmental agency consisting of a photograph, film, video or digital or other visual image depicting the victim of a homicide, to the extent that such record could reasonably be expected to constitute an unwarranted invasion of the personal privacy of the victim or the victim's surviving family members.

Sec. 3. (NEW) (*Effective from passage, and applicable to all requests for records under chapter 14 of the general statutes pending on or made on or after said date*) Notwithstanding any provision of the general statutes or any special act, a law enforcement agency shall not be required to disclose that portion of an audio tape or other recording where the individual speaking on the recording describes the condition of a victim of homicide, except for a recording that consists of an emergency 9-1-1 call or other call for assistance made by a member of the public to a law enforcement agency. This section shall apply to any request for such audio tape or other recording made on or before May 7, 2014.

Sec. 4. (*Effective from passage*) (a) There is established a task force to

***Substitute Senate Bill No. 1149***

consider and make recommendations regarding the balance between victim privacy under the Freedom of Information Act and the public's right to know.

(b) The task force shall consist of the following members:

(1) The executive director of the Freedom of Information Commission;

(2) A person appointed by the Connecticut Council of Freedom of Information;

(3) The Chief State's Attorney;

(4) The Chief Public Defender;

(5) The Victim Advocate;

(6) The Commissioner of Emergency Services and Public Protection;

(7) Two persons appointed by the Governor, one of whom shall represent a crime victim advocacy organization, and one of whom shall be a representative of municipal law enforcement;

(8) A professor of constitutional law who is recommended jointly by the deans of the schools of law of Yale, Quinnipiac University and The University of Connecticut;

(9) Four persons appointed by the Connecticut Society of Professional Journalists, one each representing television, radio, print and electronic media;

(10) The president pro tempore of the Senate, or a member of the General Assembly designated by the president pro tempore;

(11) The speaker of the House of Representatives, or a member of the Black and Puerto Rican Caucus of the General Assembly

***Substitute Senate Bill No. 1149***

designated by the speaker;

(12) The minority leader of the Senate, or a member of the General Assembly designated by said minority leader; and

(13) The minority leader of the House of Representatives, or a member of the General Assembly designated by said minority leader.

(c) All appointments to the task force shall be made not later than July 1, 2013. Any vacancy shall be filled by the appointing authority.

(d) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the two chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than August 1, 2013, and additional meetings at least monthly thereafter through December 2013.

(e) Not later than January 1, 2014, the task force shall submit a report on its findings and recommendations to the majority and minority leadership of the Connecticut General Assembly. The task force shall terminate on the date that it submits such report or January 1, 2014, whichever is later.

Approved June 5, 2013