



General Assembly

January Session, 2013

Raised Bill No. 6665

LCO No. 4692



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING REVIEW OF TRAFFIC STOP COMPLAINTS
AND THE COLLECTION OF TRAFFIC STOP INFORMATION WITH
RESPECT TO IMMIGRATION STATUS.***

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

1 Section 1. Section 54-1m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) (1) Each municipal police department and the Department of
4 Emergency Services and Public Protection shall adopt a written policy
5 that prohibits the stopping, detention or search of any person when
6 such action is solely motivated by considerations of race, color,
7 ethnicity, age, gender or sexual orientation, and such action would
8 constitute a violation of the civil rights of the person.

9 (2) When stopping, detaining or searching any person with respect
10 to a traffic stop, no police officer may (A) request from the operator of
11 the motor vehicle identification or documentation other than an
12 operator's license, certificate of motor vehicle registration or
13 automobile insurance identification card, or inquire as to the
14 immigration status of the operator, or (B) request from any passenger
15 of the motor vehicle identification or documentation or inquire as to

16 the immigration status of the passenger unless the police officer has a
17 reasonable suspicion, based on actions observed by the police officer or
18 another person, that a criminal offense has been committed by such
19 passenger.

20 (b) Not later than July 1, 2013, the Office of Policy and Management,
21 in consultation with the Racial Profiling Prohibition Project Advisory
22 Board established in section 54-1s, and the Criminal Justice
23 Information System Governing Board shall, within available resources,
24 develop and implement a standardized method:

25 (1) To be used by police officers of municipal police departments
26 and the Department of Emergency Services and Public Protection to
27 record traffic stop information. The standardized method and any
28 form developed and implemented pursuant to such standardized
29 method shall allow the following information to be recorded: (A) Date
30 and time of the stop; (B) location of the stop; (C) name and badge
31 number of the police officer making the stop; (D) race, color, ethnicity,
32 age and gender of the operator of the motor vehicle that is stopped,
33 provided the identification of such characteristics shall be based on the
34 observation and perception of the police officer responsible for
35 reporting the stop; (E) the nature of the alleged traffic violation or
36 other violation that caused the stop to be made and the statutory
37 citation for such violation; (F) the disposition of the stop including
38 whether a warning, citation or summons was issued, whether a search
39 was conducted and whether a custodial arrest was made; and (G) any
40 other information deemed appropriate. The method shall also provide
41 for (i) such form to be completed in duplicate with a copy provided to
42 the person stopped, (ii) notice to be given to the person stopped that if
43 such person believes that such person has been stopped, detained or
44 subjected to a search solely because of race, color, ethnicity, age,
45 gender, sexual orientation, religion or membership in any other
46 protected class, such person may file a complaint with the appropriate
47 law enforcement agency or with the Commission on Human Rights
48 and Opportunities, and [(ii)] (iii) instructions to be given to the person

49 stopped on how to file any such complaint;

50 (2) To be used to report complaints pursuant to this section by any
51 person who believes such person has been subjected to a motor vehicle
52 stop by a police officer solely on the basis of race, color, ethnicity, age,
53 gender, sexual orientation or religion; and

54 (3) To be used by each municipal police department and the
55 Department of Emergency Services and Public Protection to report
56 data to the Office of Policy and Management pursuant to subsection
57 (h) of this section.

58 (c) Not later than July 1, 2013, the Office of Policy and Management,
59 in consultation with the Racial Profiling Prohibition Project Advisory
60 Board, shall develop and implement guidelines to be used by each
61 municipal police department and the Department of Emergency
62 Services and Public Protection in (1) training police officers of such
63 agency in the completion of the form developed and implemented
64 pursuant to subdivision (1) of subsection (b) of this section, and (2)
65 evaluating the information collected by police officers of such
66 municipal police department and the Department of Emergency
67 Services and Public Protection pursuant to subsection (e) of this section
68 for use in the counseling and training of such police officers.

69 (d) (1) Prior to the date a standardized method and form have been
70 developed and implemented pursuant to subdivision (1) of subsection
71 (b) of this section, each municipal police department and the
72 Department of Emergency Services and Public Protection shall, using
73 the form developed and promulgated pursuant to the provisions of
74 subsection (h) in effect on January 1, 2012, record and retain the
75 following information: (A) The number of persons stopped for traffic
76 violations; (B) characteristics of race, color, ethnicity, gender and age of
77 such persons, provided the identification of such characteristics shall
78 be based on the observation and perception of the police officer
79 responsible for reporting the stop and the information shall not be

80 required to be provided by the person stopped; (C) the nature of the
81 alleged traffic violation that resulted in the stop; (D) whether a
82 warning or citation was issued, an arrest made or a search conducted
83 as a result of the stop; and (E) any additional information that such
84 municipal police department or the Department of Emergency Services
85 and Public Protection, as the case may be, deems appropriate,
86 provided such information shall not include any other identifying
87 information about any person stopped for a traffic violation such as
88 the person's operator's license number, name or address.

89 (2) On and after the date a standardized method and form have
90 been developed and implemented pursuant to subdivision (1) of
91 subsection (b) of this section, each municipal police department and
92 the Department of Emergency Services and Public Protection shall
93 record and retain the information required to be recorded pursuant to
94 such standardized method and any additional information that such
95 municipal police department or the Department of Emergency Services
96 and Public Protection, as the case may be, deems appropriate,
97 provided such information shall not include any other identifying
98 information about any person stopped for a traffic violation such as
99 the person's operator's license number, name or address.

100 (e) Each municipal police department and the Department of
101 Emergency Services and Public Protection shall provide to the Chief
102 State's Attorney, [and] the Office of Policy and Management and the
103 Commission on Human Rights and Opportunities (1) a copy of each
104 complaint received pursuant to this section, and (2) written notification
105 of the review and disposition of such complaint. No copy of such
106 complaint shall include any other identifying information about the
107 complainant such as the complainant's operator's license number,
108 name or address.

109 (f) Any police officer who in good faith records traffic stop
110 information pursuant to the requirements of this section shall not be
111 held civilly liable for the act of recording such information unless the

112 officer's conduct was unreasonable or reckless.

113 (g) If a municipal police department or the Department of
114 Emergency Services and Public Protection fails to comply with the
115 provisions of this section, or fails to implement corrective procedures
116 prescribed by the Commission on Human Rights and Opportunities
117 pursuant to section 2 of this act, the Office of Policy and Management
118 shall recommend and the Secretary of the Office of Policy and
119 Management may order an appropriate penalty in the form of the
120 withholding of state funds from such municipal police department or
121 the Department of Emergency Services and Public Protection.

122 (h) Not later than October 1, 2012, and annually thereafter, each
123 municipal police department and the Department of Emergency
124 Services and Public Protection shall provide to the Office of Policy and
125 Management a summary report of the information recorded pursuant
126 to subsection (d) of this section.

127 (i) The Office of Policy and Management shall, within available
128 resources, review the prevalence and disposition of traffic stops and
129 complaints reported pursuant to this section. Not later than January 1,
130 2014, and annually thereafter, the office shall report the results of any
131 such review, including any recommendations, to the Governor, the
132 General Assembly and any other entity deemed appropriate.

133 (j) Not later than January 1, 2013, the Office of Policy and
134 Management shall submit a report to the joint standing committee of
135 the General Assembly having cognizance of matters relating to the
136 judiciary on the office's progress in developing a standardized method
137 and guidelines pursuant to this section. Such report may include
138 recommendations for amendments to this section.

139 Sec. 2. (NEW) (*Effective October 1, 2013*) The Commission on Human
140 Rights and Opportunities shall review complaints received by the
141 commission pursuant to section 54-1m of the general statutes, as
142 amended by this act, with respect to traffic stops and determine

143 whether any municipality or the Department of Emergency Services
144 and Public Protection may be in substantial noncompliance with the
145 requirements of said section. If, after notice and an opportunity for a
146 hearing, the commission determines that a municipality or the
147 Department of Emergency Services and Public Protection has been in
148 substantial noncompliance with the requirements of said section, the
149 commission shall prescribe corrective procedures for the municipality
150 or department, as the case may be, and shall provide written notice of
151 such finding and corrective procedures to such municipality or
152 department and the Office of Policy and Management. Not later than
153 one hundred eighty calendar days after receiving such notice, the
154 municipality or department, as the case may be, shall submit a written
155 report to the commission and the Office of Policy and Management
156 detailing its efforts and progress in implementing such corrective
157 procedures.

158 Sec. 3. Subsection (a) of section 46a-56 of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective*
160 *October 1, 2013*):

161 (a) The commission shall:

162 (1) Investigate the possibilities of affording equal opportunity of
163 profitable employment to all persons, with particular reference to job
164 training and placement;

165 (2) Compile facts concerning discrimination in employment,
166 violations of civil liberties and other related matters;

167 (3) Investigate and proceed in all cases of discriminatory practices as
168 provided in this chapter and noncompliance with the provisions of
169 section 4a-60 or 4a-60a, [or] sections 46a-68c to 46a-68f, inclusive, and
170 section 54-1m, as amended by this act;

171 (4) From time to time, but not less than once a year, report to the
172 Governor as provided in section 4-60, making recommendations for

173 the removal of such injustices as it may find to exist and such other
174 recommendations as it deems advisable and describing the
175 investigations, proceedings and hearings it has conducted and their
176 outcome, the decisions it has rendered and the other work it has
177 performed;

178 (5) Monitor state contracts to determine whether they are in
179 compliance with sections 4a-60 and 4a-60a, and those provisions of the
180 general statutes which prohibit discrimination; [and]

181 (6) Compile data concerning state contracts with female and
182 minority business enterprises and submit a report annually to the
183 General Assembly concerning the employment of such business
184 enterprises as contractors and subcontractors; and

185 (7) Review complaints with respect to traffic stops, make findings
186 and prescribe corrective procedures pursuant to section 2 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	54-1m
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>October 1, 2013</i>	46a-56(a)

Statement of Purpose:

To: (1) Limit the authority of police officers to inquire into the immigration status of persons pursuant to a traffic stop, and (2) establish a procedure for review of traffic stop complaints and implementation of corrective procedures with respect to such complaints.

[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.]