

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



PA 13-311—sSB 1149

*Government Administration and Elections Committee*

**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**

**SUMMARY:** This act exempts from disclosure under the Freedom of Information Act (FOIA) a photograph, film, video, digital, or other visual image depicting a homicide victim, to the extent that the record could reasonably be expected to constitute an unwarranted invasion of the victim's or surviving family members' personal privacy. The record must have been created by a law enforcement or other government agency.

The act also exempts from disclosure under FOIA (1) the portion of a recording or audio tape that describes a homicide victim's condition and (2) law enforcement records, compiled in detecting or investigating a crime, that would disclose the identity of minor witnesses. The audio recording exemption (1) applies only to law enforcement agencies, (2) does not extend to 9-1-1 or other calls for assistance made by a member of the public to a law enforcement agency, and (3) expires on May 7, 2014. The minor witness exemption applies only if disclosure would not be in the public interest. (Minors were previously covered by a similar provision in existing law, but that provision limits the withholding to witnesses not otherwise known and to disclosures that would endanger the witness's safety or subject him or her to threat or intimidation.)

Lastly, the act establishes a 17-member task force to make recommendations regarding the balance between victim privacy under FOIA and the public's right to know.

**EFFECTIVE DATE:** Upon passage and, for the FOIA exemptions, applicable to all requests pending or made on or after that date.

**TASK FORCE**

The act establishes a 17-member task force to consider and make recommendations regarding the balance between victim privacy under FOIA and the public's right to know. The members are:

1. the executive director of the Freedom of Information Commission, chief state's attorney, chief public defender, state victim advocate, and emergency services and public protection commissioner;
2. one appointee of the Connecticut Council on Freedom of Information;
3. two gubernatorial appointees, one representing a crime victim advocacy organization and one representing municipal law enforcement;
4. a constitutional law professor jointly recommended by the Yale,

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- Quinnipiac, and UConn law school deans;
5. four appointees of the Connecticut Society of Professional Journalists, one each representing television, radio, print, and electronic media; and
  6. the Senate president pro tempore, House speaker, and Senate and House minority leaders or their designees, who must be legislators. (The speaker's designee must be a member of the legislature's Black and Puerto Rican Caucus.)

The act requires the task force appointments to be made by July 1, 2013 and its two chairpersons to schedule the first meeting, which must be held by August 1, 2013. The House speaker and Senate president pro tempore must select the task force's two chairpersons from among its members.

The task force must meet at least monthly through December 2013 and report its findings and recommendations to the legislature's majority and minority leadership by January 1, 2014. The task force terminates on January 1, 2014 or when it submits its report, whichever is later.

OLR Tracking: TA:KM:JKL:ts