



# House of Representatives

General Assembly

**File No. 545**

February Session, 2014

Substitute House Bill No. 5060

*House of Representatives, April 15, 2014*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute 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, 2014*) (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 shall not interfere 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, except as necessary to (1) lawfully enforce a criminal law of this  
8 state or a municipal ordinance, (2) protect the public safety, (3)  
9 preserve the integrity of a crime scene or criminal investigation, (4)  
10 safeguard the privacy interests of any person, including a victim of a  
11 crime, or (5) lawfully enforce court rules and policies of the Judicial  
12 Branch with respect to taking a photograph, videotaping or otherwise  
13 recording an image in facilities of the Judicial Branch.

14 (c) The Division of State Police within the Department of Emergency  
 15 Services and Public Protection and the Police Officer Standards and  
 16 Training Council established under section 7-294b of the general  
 17 statutes shall jointly develop a model policy and training standard to  
 18 implement the requirements of subsection (b) of this section in a  
 19 manner consistent with public safety and rights guaranteed by the  
 20 first, fourth and fourteenth amendments to the United States  
 21 Constitution. Not later than January 15, 2015, the Police Officer  
 22 Standards and Training Council shall submit such model policy and  
 23 training standard to the joint standing committee of the General  
 24 Assembly having cognizance of matters relating to public safety, in  
 25 accordance with section 11-4a of the general statutes, and to the chief  
 26 law enforcement officer of each municipality having a police  
 27 department, the law enforcement instructor of each such police  
 28 department and the Commissioner of Emergency Services and Public  
 29 Protection. On and after July 1, 2015, each law enforcement agency  
 30 shall adopt and implement the model policy and training standard  
 31 developed under this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section

**JUD**      *Joint Favorable Subst.*

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.

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Department of Emergency Services and Public Protection	GF - Cost	Minimal	Minimal

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Various Municipalities	Potential Cost	Less than 2,500	Less than 2,500

**Explanation**

The bill requires the Department of Emergency Services and Public Protection (DESPP) to develop a model policy and training standard regarding the recording of police activity by members of the public. Such policy and related training standard must be adopted and implemented by each law enforcement agency by July 1, 2015.

DESPP is anticipated to incur minimal costs in the development of the model policy and training standard. These costs may include consultant or overtime costs for development of the new policy and would be dependent upon the specifics of the adopted program.

Both DESPP and municipal police departments may incur costs in implementing the policy and training standard. These costs are not anticipated to be greater than \$2,500 per affected municipality.

The bill also prevents a peace officer from interfering with any person recording the actions of a peace officer except in certain circumstances. There is no fiscal impact arising from this provision.

***The Out Years***

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

**OLR Bill Analysis****sHB 5060*****AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.*****SUMMARY:**

This bill generally prohibits peace officers from interfering with anyone taking a photograph, digital still, or video image of either the officer or a colleague performing his or her job duties. But under the bill, officers can interfere to:

1. lawfully enforce a state 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. lawfully enforce Judicial Branch rules and policies that limit taking photographs, videotaping, or otherwise recording images in branch facilities.

The bill requires the State Police and Police Officer Standards and Training Council (POST) to jointly develop a model policy and training standard on the bill's requirements. The policy and standard must be consistent with public safety and rights under the following amendments to the U.S. Constitution:

1. 1<sup>st</sup> Amendment (freedom of speech, press, religion, petition, and assembly),
2. 4<sup>th</sup> Amendment (protections against unreasonable searches and seizures), and

- 3. 14<sup>th</sup> Amendment (due process and equal protection provisions).

By January 15, 2015, POST must submit the policy and standard to the Public Safety and Security Committee, Department of Emergency Services and Public Protection commissioner, and the chief law enforcement officer and instructor in each municipal police department. Starting July 1, 2015, the bill requires law enforcement agencies to adopt and implement the policy and standard.

EFFECTIVE DATE: October 1, 2014

**BACKGROUND**

***Peace Officers***

Under state law, “peace officers” are state or local police officers, Criminal Justice Division inspectors, state or judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction (DOC) officials authorized to make arrests in DOC facilities, Treasurer’s Office investigators, federal narcotics agents, and certain tribal law enforcement officers (CGS § 53a-3).

***Police Officer Standards and Training Council***

POST (1) trains, certifies, and establishes minimum qualifications for municipal police officers and (2) enforces professional standards for certifying and decertifying them.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 27 Nay 12 (03/28/2014)