



General Assembly

Substitute Bill No. 388

February Session, 2014



AN ACT CONCERNING THE TASK FORCE ON VICTIM PRIVACY AND THE PUBLIC'S RIGHT TO KNOW.

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

1 Section 1. Subdivision (3) of subsection (b) of section 1-210 of the
2 2014 supplement to the general statutes is repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2014*):

4 (3) Records of law enforcement agencies not otherwise available to
5 the public which records were compiled in connection with the
6 detection or investigation of crime, if the disclosure of said records
7 would not be in the public interest because it would result in the
8 disclosure of (A) the identity of informants not otherwise known or the
9 identity of witnesses not otherwise known whose safety would be
10 endangered or who would be subject to threat or intimidation if their
11 identity was made known, (B) the identity of [minor] witnesses (i) to a
12 drug offense under chapter 420b, a sexual offense under subdivision
13 (2) of subsection (a) of section 53-21 or part VI of chapter 952 or a crime
14 of violence, (ii) who are under the age of eighteen at the time of
15 witnessing such offense or crime or making a statement to a law
16 enforcement agency concerning such offense or crime, (C) signed
17 statements of witnesses, (D) information to be used in a prospective
18 law enforcement action if prejudicial to such action, (E) investigatory
19 techniques not otherwise known to the general public, (F) arrest

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

27 Sec. 2. Subdivision (27) of subsection (b) of section 1-210 of the 2014
28 supplement to the general statutes is repealed and the following is
29 substituted in lieu thereof (*Effective October 1, 2014*):

30 (27) Any record created by a law enforcement agency or other
31 federal, state, or municipal governmental agency consisting of a
32 photograph, film, video or digital or other visual image depicting the
33 body or any portion of the body of a victim of a homicide, to the extent
34 that the disclosure of such record could reasonably be expected to
35 constitute an unwarranted invasion of [the] personal privacy, [of the
36 victim or the victim's surviving family members] provided nothing in
37 this subdivision shall be construed to prohibit the inspection of such a
38 record in accordance with section 3 of this act.

39 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) As used in this section,
40 "image" means a record described in subdivision (27) of subsection (b)
41 of section 1-210 of the general statutes, as amended by this act.

42 (b) A public agency shall permit any person to view an image at the
43 office or place of business of such agency during regular office or
44 business hours.

45 (c) Whenever a public agency receives a request from any person to
46 copy or receive a copy of any image and the agency reasonably
47 believes that the copying of such image could constitute an
48 unwarranted invasion of personal privacy, the agency shall not
49 provide a copy or permit the copying of the requested image. Failure
50 to comply with a request to copy or receive a copy of records under

51 this section shall constitute a denial for the purposes of section 1-206 of
 52 the general statutes.

53 (d) Whenever a public agency receives a notice of appeal under
 54 section 1-206 of the general statutes concerning the public agency's
 55 denial of a request to copy or receive a copy of a record under
 56 subsection (c) of this section, the public agency shall make a reasonable
 57 effort to provide notice of such complaint to the next of kin of the
 58 homicide victim who is the subject of such record or the legal
 59 representative of such next of kin. Any next of kin of the homicide
 60 victim who is the subject of such record, or the legal representative of
 61 such next of kin, may intervene as a party in such appeal before the
 62 Freedom of Information Commission. The burden of proof in any
 63 appeal under this section shall be upon any public agency claiming
 64 that the copying of such image could constitute an unwarranted
 65 invasion of personal privacy.

66 (e) Any person who removes, copies or otherwise duplicates an
 67 image in violation of this section shall be guilty of a class A
 68 misdemeanor and each distinct violation of this section shall constitute
 69 a separate offense.

70 Sec. 4. (*Effective from passage*) The Legislative Program Review and
 71 Investigations Committee shall conduct a study regarding victim
 72 privacy and all of its aspects and make recommendations for any
 73 necessary legislative changes. On or before January 1, 2015, said
 74 committee shall submit its findings and recommendations concerning
 75 such study to the joint standing committees of the General Assembly
 76 having cognizance of matters relating to government administration
 77 and the judiciary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	1-210(b)(3)
Sec. 2	October 1, 2014	1-210(b)(27)
Sec. 3	October 1, 2014	New section

Sec. 4	<i>from passage</i>	New section
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GAE *Joint Favorable Subst.*