



House of Representatives

General Assembly

File No. 676

January Session, 2015

Substitute House Bill No. 6750

House of Representatives, April 16, 2015

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT EXPANDING THE REQUIREMENT FOR DISCLOSURE OF ARREST RECORDS DURING A PENDING PROSECUTION UNDER THE FREEDOM OF INFORMATION ACT.

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

1 Section 1. Section 1-215 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) Notwithstanding any provision of the general statutes, [to the
4 contrary, and except as otherwise provided in this section,] any record
5 of the arrest of any person, other than a juvenile, except a record
6 erased pursuant to chapter 961a, shall be a public record from the time
7 of such arrest and shall be disclosed in accordance with the provisions
8 of section 1-212 and subsection (a) of section 1-210, [except that
9 disclosure of data or information other than that set forth in
10 subdivision (1) of subsection (b) of this section shall be subject to the
11 provisions of subdivision (3) of subsection (b) of section 1-210] and any
12 such record shall not be subject to any exemption from disclosure

13 contained in any other provision of the general statutes. Any personal
14 possessions or effects found on a person at the time of such person's
15 arrest shall not be disclosed unless such possessions or effects are
16 relevant to the crime for which such person was arrested.

17 (b) In addition to the disclosure of any record of the arrest of any
18 person required under this section, and notwithstanding the existence
19 of a pending prosecution, any other public record that pertains to the
20 arrest of any person shall be disclosed in accordance with the
21 provisions of subsection (a) of section 1-210 and section 1-212 unless
22 such record is exempt from disclosure pursuant to the provisions of
23 subdivision (3) of subsection (b) of section 1-210. Such other records
24 shall include, but not be limited to, any record listed in subdivision (2)
25 of subsection (c) of this section not designated for disclosure by the law
26 enforcement agency.

27 [(b)] (c) For the purposes of this section, "record of the arrest" means
28 (1) the name and address of the person arrested, the date, time and
29 place of the arrest and the offense for which the person was arrested,
30 and (2) at least one of the following, designated by the law
31 enforcement agency: The arrest report, incident report, news release or
32 other similar report of the arrest of a person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	1-215

GAE *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.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which modifies the treatment of records of arrest under the Freedom of Information Act, has no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6750*****AN ACT EXPANDING THE REQUIREMENT FOR DISCLOSURE OF ARREST RECORDS DURING A PENDING PROSECUTION UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY:**

This bill expands law enforcement agencies' disclosure obligations under the Freedom of Information Act (FOIA) for records relating to a person's arrest. By law, when a person is arrested, a law enforcement agency must disclose the "record of the arrest" under FOIA. The record consists of (1) the arrestee's name and address; date, time, and place of the arrest; and offense for which the person was arrested (i.e., "blotter information") and (2) at least one additional report designated by the agency. The report may be the arrest report, incident report, news release, or other similar report of the arrest.

The bill requires that any other record pertaining to a person's arrest be disclosed under FOIA unless it is exempt from disclosure under one of FOIA's eight law enforcement records exemptions. It prohibits the use of other FOIA exemptions for these records. The disclosure requirement applies regardless of any pending prosecution (see BACKGROUND).

The bill also requires unredacted disclosure of the one additional report designated as part of the "record of the arrest." However, any additional report not designated for release may be redacted in accordance with FOIA's law enforcement records exemptions. For example, if the law enforcement agency designates a press release as the additional report, the agency could redact the other reports (e.g., the arrest report or incident report) in accordance with the law enforcement records exemptions.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Law Enforcement Records Exemption

FOIA exempts law enforcement records from disclosure if they were compiled in connection with the detection or investigation of crime and disclosure would not be in the public interest because it would reveal:

1. the identity of informants or witnesses not otherwise known and whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known;
2. the identity of witnesses who are minors;
3. witnesses' signed statements;
4. information to be used in a prospective law enforcement action if prejudicial to the action;
5. investigatory techniques not otherwise known to the general public;
6. arrest records of a juvenile, including any associated investigatory files;
7. the name and address of the victim of (a) sexual assault or (b) risk of injury to a minor, or of an attempt thereof; or
8. uncorroborated allegations subject to destruction (CGS § 1-210(b)(3)).

Pending Prosecution

In *Commissioner of Public Safety v. Freedom of Information Commission*, 312 Conn. 513 (2014), the Connecticut Supreme Court held that, during a pending prosecution, only the "blotter information" and one additional report (see above) are subject to disclosure by law

enforcement agencies under FOIA.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 5 (03/30/2015)