



General Assembly

January Session, 2015

Raised Bill No. 6905

LCO No. 4239



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING THE AWARDING OF COSTS FOR APPEALS
UNDER THE FREEDOM OF INFORMATION ACT.***

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

1 Section 1. Subsection (d) of section 1-206 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (d) Any party aggrieved by the decision of said commission may
5 appeal therefrom, in accordance with the provisions of section 4-183.
6 Notwithstanding the provisions of section 4-183, in any such appeal of
7 a decision of the commission, the court may conduct an in camera
8 review of the original or a certified copy of the records which are at
9 issue in the appeal but were not included in the record of the
10 commission's proceedings, admit the records into evidence and order
11 the records to be sealed or inspected on such terms as the court deems
12 fair and appropriate, during the appeal. The commission shall have
13 standing to defend, prosecute or otherwise participate in any appeal of
14 any of its decisions and to take an appeal from any judicial decision

15 overturning or modifying a decision of the commission. If
16 aggrievement is a jurisdictional prerequisite to the commission taking
17 any such appeal, the commission shall be deemed to be aggrieved.
18 Notwithstanding the provisions of section 3-125, legal counsel
19 employed or retained by said commission shall represent said
20 commission in all such appeals and in any other litigation affecting
21 said commission. Notwithstanding the provisions of subsection (c) of
22 section 4-183 and section 52-64, all process shall be served upon said
23 commission at its office. Any appeal taken pursuant to this section
24 shall be privileged in respect to its assignment for trial over all other
25 actions except writs of habeas corpus and actions brought by or on
26 behalf of the state, including informations on the relation of private
27 individuals. Nothing in this section shall deprive any party of any
28 rights he may have had at common law prior to January 1, 1958. In any
29 appeal taken under this section or section 4-183, the court may, in
30 addition to any other powers conferred by law, order said commission
31 to pay the complainant reasonable attorney's fees and other litigation
32 costs reasonably incurred in an appeal in which the complainant has
33 prevailed against said commission. If the court finds that any appeal
34 taken pursuant to this section or section 4-183 is frivolous or taken
35 solely for the purpose of delay, it shall order the party responsible
36 therefor to pay to the party injured by such frivolous or dilatory appeal
37 costs or attorney's fees of not more than one thousand dollars. Such
38 order shall be in addition to any other remedy or disciplinary action
39 required or permitted by statute or by rules of court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	1-206(d)

Statement of Purpose:

To authorize the court to award attorney's fees and other litigation costs to an aggrieved party who prevails in an appeal against the Freedom of Information Commission.

[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.]