



General Assembly

Amendment

January Session, 2015

LCO No. 8499



Offered by:

- REP. JUTILA, 37th Dist.
- REP. SMITH, 108th Dist.
- REP. TONG, 147th Dist.
- REP. GODFREY, 110th Dist.

To: Subst. House Bill No. 6750

File No. 760

Cal. No. 437

"AN ACT CONCERNING THE REQUIREMENT FOR DISCLOSURE OF ARREST RECORDS UNDER THE FREEDOM OF INFORMATION ACT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 1-215 of the general statutes is repealed and the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

5 (a) For the purposes of this section, "record of the arrest" means (1)
6 the name, race and address of the person arrested, the date, time and
7 place of the arrest and the offense for which the person was arrested,
8 and (2) in addition, in a case in which (A) the arrest has been by
9 warrant, the arrest warrant application, including any affidavit in
10 support of such warrant, or (B) the arrest has been made without a
11 warrant, the official arrest, incident or similar report, provided if a

12 judicial authority has ordered any such affidavit or report sealed from
13 public inspection or disclosure, in whole or in part, the portion of the
14 affidavit or report that has not been sealed, if applicable, as well as a
15 report setting forth a summary of the circumstances that led to the
16 arrest of the person in a manner that does not violate such order.
17 "Record of the arrest" does not include any record of arrest of a
18 juvenile, a record erased pursuant to chapter 961a or any investigative
19 file of a law enforcement agency compiled in connection with the
20 investigation of a crime resulting in an arrest.

21 [(a)] (b) Notwithstanding any provision of the general statutes, [to
22 the contrary,] and except as otherwise provided in this section, any
23 record of the arrest of any person [, other than a juvenile, except a
24 record erased pursuant to chapter 961a,] shall be a public record from
25 the time of such arrest and shall be disclosed in accordance with the
26 provisions of section 1-212 and subsection (a) of section 1-210. [, except
27 that disclosure of data or information other than that set forth in
28 subdivision (1) of subsection (b) of this section shall be subject to the
29 provisions of subdivision (3) of subsection (b) of section 1-210.] No law
30 enforcement agency shall redact any record of the arrest of any person,
31 except for (1) the identity of witnesses, (2) specific information about
32 the commission of a crime, the disclosure of which the law
33 enforcement agency reasonably believes may prejudice a pending
34 prosecution or a prospective law enforcement action, or (3) any
35 information that a judicial authority has ordered to be sealed from
36 public inspection or disclosure. Any personal possessions or effects
37 found on a person at the time of such person's arrest shall not be
38 disclosed unless such possessions or effects are relevant to the crime
39 for which such person was arrested.

40 [(b) For the purposes of this section, "record of the arrest" means (1)
41 the name and address of the person arrested, the date, time and place
42 of the arrest and the offense for which the person was arrested, and (2)
43 at least one of the following, designated by the law enforcement
44 agency: The arrest report, incident report, news release or other similar

45 report of the arrest of a person.]

46 (c) In addition, any other public record of a law enforcement agency
47 that documents or depicts the arrest or custody of a person during the
48 period in which the prosecution of such person is pending shall be
49 disclosed in accordance with the provisions of subsection (a) of section
50 1-210 and section 1-212, unless such record is subject to any applicable
51 exemption from disclosure contained in any provision of the general
52 statutes.

53 (d) Any law enforcement agency receiving a request for a record
54 described in subsection (c) of this section shall promptly provide
55 written notice of such request to the office of the state's attorney for the
56 appropriate judicial district where the arrest occurred. The state's
57 attorney for such district shall be afforded the opportunity to intervene
58 in any proceeding before the Freedom of Information Commission
59 concerning such request.

60 (e) The provisions of this section shall only be applicable to any
61 record described in this section during the period in which a
62 prosecution is pending against the person who is the subject of such
63 record. At all other times, the applicable provisions of the Freedom of
64 Information Act concerning the disclosure of such record shall
65 govern."

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