



House of Representatives

General Assembly

File No. 592

February Session, 2016

Substitute House Bill No. 5410

House of Representatives, April 13, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT INCREASING THE PENALTY FOR REFUSING TO SUBMIT TO THE TAKING OF FINGERPRINTS, A PHOTOGRAPH OR A PHYSICAL DESCRIPTION.

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

1 Section 1. Section 29-12 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) All persons arrested for a crime as described in section 29-11
4 shall submit to the taking of their fingerprints, photograph and
5 physical description. [and all] All constables and chiefs of police of
6 organized police departments and the commanding officers of state
7 police stations shall immediately furnish to the State Police Bureau of
8 Identification two copies of a standard identification card on which
9 shall be imprinted fingerprints of each person so arrested, together
10 with the physical description of, and such information as said bureau
11 may require with respect to, such arrested person. In the event
12 fingerprint or photographic images of arrested persons are captured
13 by electronic means, the captured electronic images shall be

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:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the penalty for refusing to submit to be fingerprinted and photographed from a \$100 fine to a class E felony. To the extent that offenders receive higher fines or prison time under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender. On average, there is less than one offense per year.

The Out Years

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

OLR Bill Analysis**sHB 5410*****AN ACT INCREASING THE PENALTY FOR REFUSING TO SUBMIT TO THE TAKING OF FINGERPRINTS, A PHOTOGRAPH OR A PHYSICAL DESCRIPTION.*****SUMMARY:**

By law, people arrested for crimes involving moral turpitude (which the law does not define) must “submit” to the taking of their fingerprints, photograph, and physical description for inclusion in a state criminal database (see BACKGROUND). Under current law, the penalty for refusing or neglecting to comply is a fine of up to \$100. This bill requires that the refusal to comply be knowing and intentional to qualify as a violation and increases the penalty to a class E felony, which is punishable by imprisonment for up to three years, a fine of up to \$3,500, or both. It eliminates as a violation noncompliance based on neglect.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2016

BACKGROUND***Moral Turpitude***

Black’s Law Dictionary defines moral turpitude as conduct contrary to justice, honesty, or morality. In general, case law similarly defines it as “conduct that shocks the public conscience as being inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general” (*Rodriguez v. Gonzales*, 451 F.3d 60, 63 (2d Cir. 2006)).

Taking of Fingerprints, Photographs, and Physical Description

The law does not explicitly state to whom arrested persons must

“submit” to have their fingerprints, photograph, and physical description taken. But, in practice, the provision is construed to mean that they must submit to constables, police chiefs, or State Police commanding officers, as applicable, and these law enforcement officers must, by law, send the documentation to the State Police Bureau of Identification. By law, the bureau must maintain a central repository of complete criminal history record disposition information (CGS § 29-11).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 19 Nay 6 (03/10/2016)

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 19 (03/30/2016)