



# House of Representatives

**File No. 1017**

General Assembly

January Session, 2019

**(Reprint of File No. 707)**

House Bill No. 7401  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 30, 2019

**AN ACT CONCERNING THE UNAUTHORIZED DISSEMINATION OF  
AN IMAGE OF A DEAD BODY BY A STATE OR MUNICIPAL  
EMPLOYEE.**

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) Any state employee or  
2 municipal employee who, while in the course of his or her duties as a  
3 state employee or municipal employee, encounters the dead body of a  
4 person, and, other than in the performance of his or her duties,  
5 transmits, disseminates or otherwise makes available to a third person  
6 any photographic or digital image of such body without the consent of  
7 a member of such person's immediate family, shall be guilty of a class  
8 A misdemeanor. No person shall be convicted of both a violation of  
9 this section and section 53-341c of the general statutes, but such person  
10 may be charged and prosecuted for both offenses upon the same  
11 information.

12 (b) The provisions of this section shall not apply to the transmission,  
13 dissemination or otherwise making available to a third person of a  
14 photographic or digital image described in subsection (a) of this

15 section by a state employee or municipal employee for the purpose of  
16 making or supporting a report of a crime or misconduct by another  
17 person.

18 (c) For purposes of this section, "state employee" means a state  
19 employee, as defined in section 5-154 of the general statutes, and  
20 includes an employee of any quasi-public agency, as defined in section  
21 1-120 of the general statutes, and "municipal employee" means any  
22 person, whether appointed or under contract, who provides services  
23 for a city, town or other political subdivision of the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section

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 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (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 creates a new misdemeanor, making it a class A when a state or municipal employee transmits images of a deceased person and results in a potential cost for incarceration or probation supervision and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

House "A" strikes the language of the underlying bill, replacing it with language that results in the fiscal impact described above.

**The Out Years**

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

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

**OLR Bill Analysis****HB 7401 (as amended by House "A")\******AN ACT CONCERNING A STUDY OF VICTIM SERVICES.*****SUMMARY**

This bill makes it a class A misdemeanor for a state or municipal employee to transmit, disseminate, or make available to a third party any photographic or digital images of a dead body he or she encountered in the course of his or her duties, unless he or she:

1. is performing official duties by doing so,
2. does so to make or support a report of crime or misconduct by another person, or
3. has the consent of one of the deceased person's immediate family members.

A class A misdemeanor is punishable by up to one year in prison, up to a \$2,000 fine, or both.

Under the bill, a person cannot be convicted of the above crime and for violating the law that prohibits first responders from taking images of crime or accident victims without authorization (CGS § 53-341c, punishable by the penalties for a class A misdemeanor). But a person may be charged and prosecuted for both offenses upon the same information.

Under the bill, (1) "state employees" means anyone in state service, whether appointed or elected, including quasi-public agency employees and (2) "municipal employees" means anyone appointed or under contract to provide services for a city, town, or other political

subdivision of the state.

\*House Amendment "A" replaces the underlying bill, which established a working group to study victim services.

EFFECTIVE DATE: October 1, 2019

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 25    Nay 14    (04/08/2019)