



# Senate

General Assembly

**File No. 766**

January Session, 2019

Substitute Senate Bill No. 1110

*Senate, April 18, 2019*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING ACCESS TO RECORDS BY PERSONS WHO ARE INJURED WHILE IN THE CUSTODY OF THE COMMISSIONER OF CORRECTION.***

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

1 Section 1. (NEW) (*Effective October 1, 2019*) An inmate, his or her  
2 legal representative or the legal representative of the estate of an  
3 inmate, who provides a written request for documents to the  
4 Commissioner of Correction in connection with a fatal injury suffered  
5 by the inmate while incarcerated or an injury that resulted in the  
6 inmate suffering a permanent disability while incarcerated, may  
7 receive all personnel, protocol or policy reviews, medical files, medical  
8 reviews, corrective action plans or summary reports in the possession  
9 of the Department of Correction that are relevant to such request. The  
10 Commissioner of Correction shall ensure that such documentary  
11 materials are provided to the inmate, his or her legal representative or  
12 the legal representative of the estate of an inmate not later than sixty  
13 days after the date of receipt of the written request, unless the  
14 disclosure of the documentary materials is otherwise prohibited by

15 state or federal law. The Commissioner of Correction shall adopt  
16 regulations in accordance with the provisions of chapter 54 of the  
17 general statutes to implement the provisions of this section. Such  
18 regulations shall include (1) a process for resolving any dispute  
19 concerning the production of documentary materials by the  
20 Department of Correction under this section, and (2) a delineation of  
21 the fees, if any, that the Department of Correction may impose when  
22 complying with a request for documentary materials under this  
23 section.

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

**JUD**      *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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 20 \$</b>	<b>FY 21 \$</b>
Correction, Dept.	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill requires the Department of Correction (DOC) to provide injured inmates with certain documentation if requested and results in a potential revenue gain if the Commissioner adopts fees for the requests.

### **The Out Years**

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

**OLR Bill Analysis****sSB 1110*****AN ACT CONCERNING ACCESS TO RECORDS BY PERSONS WHO ARE INJURED WHILE IN THE CUSTODY OF THE COMMISSIONER OF CORRECTION.*****SUMMARY**

This bill allows an inmate, his or her legal representative, or the legal representative of an inmate's estate, who makes a written request for documents to the Department of Correction (DOC) commissioner to receive them in certain circumstances. The bill applies to document requests made in connection with (1) a fatal injury suffered by the inmate while incarcerated or (2) an injury that resulted in the inmate suffering a permanent disability while incarcerated.

The bill requires the DOC commissioner to ensure that the documents are provided within 60 days after receiving the written request, unless state or federal law otherwise prohibits their disclosure. Under the bill, the requester may receive all relevant personnel, protocol or policy reviews, medical files, medical reviews, corrective action plans, or summary reports in DOC's possession.

The bill also requires the DOC commissioner to adopt implementing regulations, which must include (1) a dispute resolution process for resolving any dispute concerning DOC's production of documents under the bill and (2) the fees, if any, that DOC may impose when complying with such a request.

EFFECTIVE DATE: October 1, 2019

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/08/2019)