

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 19-43—SB 1105

Government Administration and Elections Committee

AN ACT CONCERNING THE CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS CONCERNING VICTIMS OF SEXUAL ASSAULT AND FAMILY VIOLENCE

SUMMARY: This act exempts certain crime victims' identifying information included in law enforcement investigation and arrest records from public disclosure under the Freedom of Information Act (FOIA).

Under FOIA, law enforcement records are exempt from disclosure if (1) they were compiled in connection with detecting or investigating crime and (2) disclosure would not be in the public interest because it would reveal, among other things, the name and address of a victim of the following crimes or attempted crimes: sexual assault; voyeurism; and injury, risk of injury, or impairing morals. The act expands this exemption to include victims of family violence or attempted family violence.

For each of these crimes and attempted crimes, the act also allows law enforcement agencies to redact a victim's name, address, or other identifying information from an arrest record (see BACKGROUND). Prior law prohibited law enforcement agencies, during a pending prosecution, from redacting an arrest record except for (1) witnesses' identities; (2) specific information about the commission of a crime, if the agency reasonably believes it may prejudice a pending prosecution or a prospective law enforcement action; or (3) information ordered sealed by a judicial authority (see BACKGROUND).

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Arrest Records

By law, for purposes of FOIA, an arrest record consists of, among other things, the arrestee's name, race, and address; the date, time, and place of the arrest; and the offense for which the person was arrested (i.e., "blotter information"). It also includes the (1) arrest warrant application and supporting affidavits, if the arrest was made by warrant, or (2) official arrest, incident, or similar report, if the arrest was made without a warrant. If a judicial authority orders the affidavits or report sealed, in whole or in part, then the agency must disclose the unsealed portion, if applicable, and a report summarizing the circumstances that led to the arrest without violating the judicial authority's order (CGS § 1-215(a)).

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Pending Prosecution

FOIA's provisions specifically concerning arrest records (i.e., CGS § 1-215) apply only when a prosecution is pending against the person who is the subject of the record. At all other times, the applicable FOIA provisions govern record disclosure (i.e., the record must be disclosed unless there is a statutory exemption from disclosure) (CGS § 1-215(e)).