



House of Representatives

File No. 696

General Assembly

January Session, 2021

(Reprint of File No. 465)

Substitute House Bill No. 5011
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 20, 2021

**AN ACT CONCERNING THE COPYING OF PUBLIC RECORDS UNDER
THE FREEDOM OF INFORMATION ACT WITH A HAND-HELD
SCANNER.**

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

1 Section 1. Subsection (a) of section 1-212 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (a) Any person applying in writing shall receive, promptly upon
5 request, a plain, facsimile, electronic or certified copy of any public
6 record. The type of copy provided shall be within the discretion of the
7 public agency, except (1) the agency shall provide a certified copy
8 whenever requested, and (2) if the applicant does not have access to a
9 computer or facsimile machine, the public agency shall not send the
10 applicant an electronic or facsimile copy. [The] Except as provided in
11 subsection (g) of this section, the fee for any copy provided in
12 accordance with the Freedom of Information Act:

13 (A) By an executive, administrative or legislative office of the state, a

14 state agency or a department, institution, bureau, board, commission,
 15 authority or official of the state, including a committee of, or created by,
 16 such an office, agency, department, institution, bureau, board,
 17 commission, authority or official, and also including any judicial office,
 18 official or body or committee thereof but only in respect to its or their
 19 administrative functions, shall not exceed twenty-five cents per page;
 20 and

21 (B) By all other public agencies, as defined in section 1-200, shall not
 22 exceed fifty cents per page. If any copy provided in accordance with
 23 [said] the Freedom of Information Act requires a transcription, or if any
 24 person applies for a transcription of a public record, the fee for such
 25 transcription shall not exceed the cost thereof to the public agency.

26 Sec. 2. Subsection (g) of section 1-212 of the general statutes is
 27 repealed and the following is substituted in lieu thereof (*Effective October*
 28 *1, 2021*):

29 (g) Any individual may copy a public record through the use of a
 30 hand-held scanner. A public agency [may establish a fee structure not
 31 to exceed twenty dollars for an] shall not charge a fee to any individual
 32 [to pay each time the individual] who copies records at the agency with
 33 a hand-held scanner, except that a public agency may establish a fee
 34 structure not to exceed twenty dollars per day for the copying of land
 35 records using a hand-held scanner. As used in this section, "hand-held
 36 scanner" means a battery operated electronic scanning device the use of
 37 which (1) leaves no mark or impression on the public record, and (2)
 38 does not unreasonably interfere with the operation of the public agency.
 39 "Hand-held scanner" includes, but is not limited to, a mobile telephone
 40 or camera.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	1-212(a)
Sec. 2	<i>October 1, 2021</i>	1-212(g)

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: None

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
All Municipalities	STATE MANDATE ¹ - Revenue Loss	Minimal	Minimal

Explanation

The bill will result in a minimal revenue loss associated with changing the fee structure for the copying of land records using a handheld scanner.

House "A" strikes the original bill and its associated fiscal impact, thus becoming the bill with the above referenced fiscal impact.

The Out Years

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

¹ State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

OLR Bill Analysis**sHB 5011 (as amended by House "A")******AN ACT CONCERNING THE COPYING OF PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

This bill prohibits public agencies from charging individuals a fee to copy public records under the Freedom of Information Act (FOIA) using a handheld scanner (e.g., mobile phone or camera). Under current law, public agencies may establish their own fee structure, up to a maximum of \$20, for each time an individual copies public records at the agency using a handheld scanner. For land records, the bill maintains public agencies' ability to charge these individuals up to \$20 per day.

Generally, under FOIA, a public agency is any (1) state, municipal, regional, or quasi-public agency or (2) entity that is the functional equivalent of these agencies (CGS § 1-200(1)). FOIA defines "handheld scanner" as a battery-operated electronic scanning device that (1) leaves no mark or impression on the public record and (2) does not unreasonably interfere with the public agency's operation.

*House Amendment "A" eliminates the underlying bill's fee reductions for public agencies to copy or certify records under FOIA.

EFFECTIVE DATE: October 1, 2021

BACKGROUND***Agency-Copied Records***

By law, state governmental entities may generally charge up to \$0.25 per agency-copied page and other public agencies (e.g., municipalities) may charge up to \$0.50 per page.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 18 Nay 0 (03/29/2021)

Planning and Development Committee

Joint Favorable

Yea 15 Nay 10 (04/30/2021)