



# Senate

General Assembly

**File No. 593**

January Session, 2021

Substitute Senate Bill No. 1093

*Senate, April 22, 2021*

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 CIVILIAN POLICE REVIEW BOARDS,  
SECURITY GUARDS, BODY-WORN RECORDING EQUIPMENT AND  
SEARCHES BY POLICE.***

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

1 Section 1. Section 7-294aaa of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) The legislative body of a town may, by ordinance, establish a  
4 civilian police review board. The ordinance shall, at a minimum,  
5 prescribe: (1) The scope of authority of the civilian police review board;  
6 (2) the number of members of the civilian police review board; (3) the  
7 process for the selection of board members, whether elected or  
8 appointed; (4) the term of office for board members; and (5) the  
9 procedure for filling any vacancy in the membership of the civilian  
10 police review board.

11 (b) Any civilian police review board established pursuant to  
12 subsection (a) of this section may be vested with the authority to: (1)

13 Issue subpoenas to compel the attendance of witnesses before such  
14 board; and (2) require the production for examination of any books and  
15 papers that such board deems relevant to any matter under  
16 investigation or in question.

17 (c) (1) The person to whom such subpoena is issued may, not later  
18 than fifteen days after service of such subpoena, or on or before the time  
19 specified in the subpoena for compliance if such time is less than fifteen  
20 days after service, serve upon the board written objection to the  
21 subpoena and file such objection in the Superior Court which shall  
22 adjudicate such objection in accordance with the rules of the court.

23 (2) If the person to whom such subpoena is issued fails to appear or  
24 if having appeared refuses to testify or produce the evidence required  
25 by such subpoena, the Superior Court, upon application of such board,  
26 shall have jurisdiction to order such person to appear or to give  
27 testimony or produce such evidence, as the case may be.

28 [(c)] (d) The provisions of this section shall not be construed to affect  
29 the operation of, or impose any limitation upon, a civilian police review  
30 board established prior to July 31, 2020.

31 [(d)] (e) Upon receipt of a written request from the Office of the  
32 Inspector General, established pursuant to section 51-277e, a civilian  
33 police review board shall stay and take no further action in connection  
34 with any proceeding that is the subject of an investigation or criminal  
35 prosecution that is being conducted pursuant to said section or section  
36 51-277a. Any stay of proceedings imposed pursuant to this subsection  
37 shall not exceed six months from the date on which the civilian police  
38 review board receives such written request from the Office of the  
39 Inspector General, and such stay of proceedings may be terminated  
40 sooner if the Office of the Inspector General provides written  
41 notification to the civilian police review board that a stay of proceedings  
42 is no longer required.

43 Sec. 2. Subsection (f) of section 29-6d of the general statutes is  
44 repealed and the following is substituted in lieu thereof (*Effective October*

45 1, 2021):

46 (f) ~~(1)~~ If a police officer is giving a formal statement about the use of  
47 force or if a police officer is the subject of a disciplinary investigation in  
48 which a recording from body-worn recording equipment or a  
49 dashboard camera with a remote recorder, as defined in subsection (c)  
50 of section 7-277b, is being considered as part of a review of an incident,  
51 the officer shall ~~[(1)]~~ have the right to review (A) such recording in the  
52 presence of the officer's attorney or labor representative, and ~~[(2) have~~  
53 ~~the right to review]~~ (B) recordings from other body-worn recording  
54 equipment capturing the officer's image or voice during the incident.  
55 Not later than forty-eight hours following an officer's review of a  
56 recording under subparagraph (A) of this subdivision, ~~[(1) of this~~  
57 ~~subsection,]~~ or if the officer does not review the recording, not later than  
58 ninety-six hours following the ~~[recorded incident]~~ initiation of such  
59 disciplinary investigation, whichever is earlier, such recording shall be  
60 disclosed, upon request, to the public, subject to the provisions of  
61 subsection (g) of this section.

62 (2) If a request is made for public disclosure of a recording from body-  
63 worn recording equipment or a dashboard camera of an incident about  
64 which (A) a police officer has not been asked to give a formal statement  
65 about the alleged use of force, or (B) a disciplinary investigation has not  
66 been initiated, any police officer whose image or voice is captured on  
67 the recording shall have the right to review such recording in the  
68 presence of the officer's attorney or labor representative. Not later than  
69 forty-eight hours following an officer's review of a recording under this  
70 subdivision, or if the officer does not review the recording, not later than  
71 ninety-six hours following the request for disclosure, whichever is  
72 earlier, such recording shall be disclosed to the public, subject to the  
73 provisions of subsection (g) of this section.

74 Sec. 3. Subsection (f) of section 29-6d of the general statutes, as  
75 amended by section 19 of public act 20-1 of the July special session, is  
76 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
77 *2022*):

78 (f) (1) If a police officer is giving a formal statement about the use of  
79 force or if a police officer is the subject of a disciplinary investigation in  
80 which a recording from body-worn recording equipment or a  
81 dashboard camera is being considered as part of a review of an incident,  
82 the officer shall ~~[(1)]~~ have the right to review (A) such recording in the  
83 presence of the officer's attorney or labor representative, and ~~[(2)~~ have  
84 the right to review] (B) recordings from other body-worn recording  
85 equipment capturing the officer's image or voice during the incident.  
86 Not later than forty-eight hours following an officer's review of a  
87 recording under subparagraph (A) of this subdivision, ~~[(1) of this~~  
88 ~~subsection,]~~ or if the officer does not review the recording, not later than  
89 ninety-six hours following the ~~[recorded incident]~~ initiation of such  
90 disciplinary investigation, whichever is earlier, such recording shall be  
91 disclosed, upon request, to the public, subject to the provisions of  
92 subsection (g) of this section.

93 (2) If a request is made for public disclosure of a recording from body-  
94 worn recording equipment or a dashboard camera of an incident about  
95 which (A) a police officer has not been asked to give a formal statement  
96 about the alleged use of force, or (B) a disciplinary investigation has not  
97 been initiated, any police officer whose image or voice is captured on  
98 the recording shall have the right to review such recording in the  
99 presence of the officer's attorney or labor representative. Not later than  
100 forty-eight hours following an officer's review of a recording under this  
101 subdivision, or if the officer does not review the recording, not later than  
102 ninety-six hours following the request for disclosure, whichever is  
103 earlier, such recording shall be disclosed to the public, subject to the  
104 provisions of subsection (g) of this section.

105 Sec. 4. Subsection (c) of section 29-161h of the general statutes is  
106 repealed and the following is substituted in lieu thereof (*Effective October*  
107 *1, 2021*):

108 (c) No license shall be issued to any person who has been (1)  
109 convicted of any felony, (2) convicted of any misdemeanor under  
110 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,

111 53a-176, 53a-178 or 53a-181d, or equivalent conviction in another  
112 jurisdiction, within the past seven years, (3) convicted of any offense  
113 involving moral turpitude, (4) discharged from military service under  
114 conditions that demonstrate questionable moral character, or (5)  
115 decertified as a police officer or otherwise had his or her certification  
116 canceled, revoked or refused renewal pursuant to subsection (c) of  
117 section 7-294d, or under the laws of any other jurisdiction.

118 Sec. 5. Section 29-161q of the general statutes is repealed and the  
119 following is substituted in lieu thereof (*Effective October 1, 2021*):

120 (a) Any security service or business may employ as many security  
121 officers as such security service or business deems necessary for the  
122 conduct of the business, provided such security officers are of good  
123 moral character and at least eighteen years of age.

124 (b) No person hired or otherwise engaged to perform work as a  
125 security officer, as defined in section 29-152u, shall perform the duties  
126 of a security officer prior to being licensed as a security officer by the  
127 Commissioner of Emergency Services and Public Protection, except as  
128 provided in subsection (h) of this section. Each applicant for a license  
129 shall complete a minimum of eight hours training in the following areas:  
130 Basic first aid, search and seizure laws and regulations, use of force,  
131 basic criminal justice and public safety issues. The commissioner shall  
132 waive such training for any person who, while serving in the armed  
133 forces or the National Guard, or if such person is a veteran, within two  
134 years of such person's discharge from the armed forces, presents proof  
135 that such person has completed military training that is equivalent to  
136 the training required by this subsection, and, if applicable, such person's  
137 military discharge document or a certified copy thereof. For the  
138 purposes of this subsection, "veteran" means any person who was  
139 discharged or released under conditions other than dishonorable from  
140 active service in the armed forces, "armed forces" has the same meaning  
141 as provided in section 27-103, and "military discharge document" has  
142 the same meaning as provided in section 1-219. The training shall be  
143 approved by the commissioner in accordance with regulations adopted

144 pursuant to section 29-161x. The commissioner may not grant a license  
145 to any person who has been decertified as a police officer or otherwise  
146 had his or her certification canceled, revoked or refused renewal  
147 pursuant to subsection (c) of section 7-294d, or under the laws of any  
148 other jurisdiction.

149 (1) On and after October 1, 2008, no person or employee of an  
150 association, corporation or partnership shall conduct such training  
151 without the approval of the commissioner except as provided in  
152 subdivision (2) of this subsection. Application for such approval shall  
153 be submitted on forms prescribed by the commissioner and  
154 accompanied by a fee of forty dollars. Such application shall be made  
155 under oath and shall contain the applicant's name, address, date and  
156 place of birth, employment for the previous five years, education or  
157 training in the subjects required to be taught under this subsection, any  
158 convictions for violations of the law and such other information as the  
159 commissioner may require by regulation adopted pursuant to section  
160 29-161x to properly investigate the character, competency and integrity  
161 of the applicant. No person shall be approved as an instructor for such  
162 training who has been convicted of a felony, a sexual offense or a crime  
163 of moral turpitude or who has been denied approval as a security  
164 service licensee, a security officer or instructor in the security industry  
165 by any licensing authority, or whose approval has been revoked or  
166 suspended. The term for such approval shall not exceed two years. Not  
167 later than two business days after a change of address, any person  
168 approved as an instructor in accordance with this section shall notify the  
169 commissioner of such change and such notification shall include both  
170 the old and new addresses.

171 (2) If a security officer training course described in this subsection is  
172 approved by the commissioner on or before September 30, 2008, the  
173 instructor of such course shall have until April 1, 2009, to apply for  
174 approval as an instructor in accordance with subdivision (1) of this  
175 subsection.

176 (3) Each person approved as an instructor in accordance with this

177 section may apply for the renewal of such approval on a form approved  
178 by the commissioner, accompanied by a fee of forty dollars. Such form  
179 may require the disclosure of any information necessary for the  
180 commissioner to determine whether the instructor's suitability to serve  
181 as an instructor has changed since the issuance of the prior approval.  
182 The term of such renewed approval shall not exceed two years.

183 (c) Not later than two years after successful completion of the training  
184 required pursuant to subsection (b) of this section, or the waiver of such  
185 training, the applicant may submit an application for a license as a  
186 security officer on forms furnished by the commissioner and, under  
187 oath, shall give the applicant's name, address, date and place of birth,  
188 employment for the previous five years, experience in the position  
189 applied for, including military training and weapons qualifications, any  
190 convictions for violations of the law and such other information as the  
191 commissioner may require, by regulation, to properly investigate the  
192 character, competency and integrity of the applicant. The commissioner  
193 shall require any applicant for a license under this section to submit to  
194 state and national criminal history records checks conducted in  
195 accordance with section 29-17a. Each applicant shall submit with the  
196 application two sets of his or her fingerprints on forms specified and  
197 furnished by the commissioner, two full-face photographs, two inches  
198 wide by two inches high, taken not earlier than six months prior to the  
199 date of application, and a one-hundred-dollar licensing fee, made  
200 payable to the state. Any applicant who received a waiver as provided  
201 in subsection (b) of this section shall be exempt from payment of such  
202 licensing fee. Subject to the provisions of section 46a-80, no person shall  
203 be approved for a license who has been convicted of a felony, any sexual  
204 offense or any crime involving moral turpitude, or who has been  
205 refused a license under the provisions of sections 29-161g to 29-161x,  
206 inclusive, for any reason except minimum experience, or whose license,  
207 having been granted, has been revoked or is under suspension. Upon  
208 being satisfied of the suitability of the applicant for licensure, the  
209 commissioner may license the applicant as a security officer. Such  
210 license shall be renewed every five years for a one-hundred-dollar fee.  
211 The commissioner shall send a notice of the expiration date of such

212 license to the holder of such license, by first class mail, not less than  
213 ninety days before such expiration, and shall enclose with such notice  
214 an application for renewal. The security officer license shall be valid for  
215 a period of ninety days after its expiration date unless the license has  
216 been revoked or is under suspension pursuant to section 29-161v. An  
217 application for renewal filed with the commissioner after the expiration  
218 date shall be accompanied by a late fee of twenty-five dollars. The  
219 commissioner shall not renew any license that has been expired for more  
220 than ninety days.

221 (d) Upon the security officer's successful completion of training and  
222 licensing by the commissioner, or immediately upon hiring a licensed  
223 security officer, the security service employing such security officer  
224 shall apply to register such security officer with the commissioner on  
225 forms provided by the commissioner. Such application shall be  
226 accompanied by payment of a forty-dollar application fee payable to the  
227 state. The Division of State Police within the Department of Emergency  
228 Services and Public Protection shall keep on file the completed  
229 registration form and all related material. An identification card with  
230 the name, date of birth, address, full-face photograph, physical  
231 descriptors and signature of the applicant shall be issued to the security  
232 officer, and shall be carried by the security officer at all times while  
233 performing the duties associated with the security officer's employment.  
234 Registered security officers, in the course of performing their duties,  
235 shall present such card for inspection upon the request of a law  
236 enforcement officer.

237 (e) The security service shall notify the commissioner not later than  
238 five days after the termination of employment of any registered  
239 employee.

240 (f) Any fee or portion of a fee paid pursuant to this section shall not  
241 be refundable.

242 (g) No person, firm or corporation shall employ or otherwise engage  
243 any person as a security officer, as defined in section 29-152u, unless  
244 such person (1) is a licensed security officer, or (2) meets the

245 requirements of subsection (h) of this section.

246 (h) During the time that an application for a license as a security  
247 officer is pending with the commissioner, the applicant may perform the  
248 duties of security officer, provided (1) the security service employing  
249 the applicant conducts, or has a consumer reporting agency regulated  
250 under the federal Fair Credit Reporting Act conduct, a state and national  
251 criminal history records check and determines the applicant meets the  
252 requirements of subsection (c) of this section to be a security officer, (2)  
253 the applicant (A) successfully completed the training required pursuant  
254 to subsection (b) of this section, or obtained a waiver of such training,  
255 and (B) performs the duties of a security officer under the direct on-site  
256 supervision of a licensed security officer with at least one year of  
257 experience as a licensed security officer, and (3) the applicant has not  
258 been decertified as a police officer or otherwise had his or her  
259 certification canceled, revoked or refused renewal pursuant to  
260 subsection (c) of section 7-294d, or under the laws of any other  
261 jurisdiction. The applicant shall not perform such duties at a public or  
262 private preschool, elementary or secondary school or at a facility  
263 licensed and used exclusively as a child care center, as described in  
264 subdivision (1) of subsection (a) of section 19a-77. The applicant shall  
265 cease to perform such duties pursuant to this subsection when the  
266 commissioner grants or denies the pending application for a security  
267 license under this section.

268 (i) Any person, firm or corporation that violates any provision of  
269 subsection (b), (d), (e), (g) or (h) of this section shall be fined seventy-  
270 five dollars for each offense. Each distinct violation of this section shall  
271 be a separate offense and, in the case of a continuing violation, each day  
272 thereof shall be deemed a separate offense.

273 Sec. 6. Section 54-33b of the general statutes is repealed and the  
274 following is substituted in lieu thereof (*Effective October 1, 2021*):

275 (a) [The consent of a person given to a law enforcement official to  
276 conduct a search of such person shall not, absent the existence of  
277 probable cause, constitute justification for such law enforcement official

278 to conduct such search] A law enforcement official may ask a person if  
279 he or she may conduct a search of their person, provided such law  
280 enforcement official has reasonable and articulable suspicion that  
281 weapons, contraband or other evidence of a crime is contained upon the  
282 person, or that the search is reasonably necessary to further an ongoing  
283 law enforcement investigation. A law enforcement official who solicits  
284 consent to search a person shall, whether or not the consent is granted,  
285 complete a police report documenting the reasonable and articulable  
286 suspicion for the solicitation of consent, or the facts and circumstances  
287 that support the search being reasonably necessary to further an  
288 ongoing law enforcement investigation.

289 (b) A law enforcement official serving a search warrant may, if such  
290 official has reason to believe that any of the property described in the  
291 warrant is concealed in the garments of any person in or upon the place  
292 or thing to be searched, search the person for the purpose of seizing the  
293 same. When the person to be searched is a woman, the search shall be  
294 made by a female law enforcement official or other woman assisting in  
295 the service of the warrant, or by a woman designated by the judge or  
296 judge trial referee issuing the warrant.

297 Sec. 7. Section 54-33o of the general statutes is repealed and the  
298 following is substituted in lieu thereof (*Effective October 1, 2021*):

299 (a) (1) [No] A law enforcement official may ask an operator of a motor  
300 vehicle to conduct a search of a motor vehicle or the contents of the  
301 motor vehicle that is stopped by a law enforcement official, [solely for a  
302 motor vehicle violation] provided such law enforcement official has  
303 reasonable and articulable suspicion that weapons, contraband or other  
304 evidence of a crime is contained within the vehicle. A law enforcement  
305 official who solicits consent to search a motor vehicle shall, whether or  
306 not the consent is granted, complete a police report within forty-eight  
307 hours documenting the reasonable and articulable suspicion for the  
308 solicitation of consent.

309 (2) Any search by a law enforcement official of a motor vehicle or the  
310 contents of the motor vehicle that is stopped by a law enforcement

311 official solely for a motor vehicle violation shall be (A) based on  
312 probable cause, or (B) after having received [the unsolicited] consent to  
313 such search from the operator of the motor vehicle in written form or  
314 recorded by body-worn recording equipment or a dashboard camera,  
315 each as defined in section 29-6d.

316 (b) No law enforcement official may ask an operator of a motor  
317 vehicle to provide any documentation or identification other than an  
318 operator's license, motor vehicle registration, insurance identity card or  
319 other documentation or identification directly related to the stop, when  
320 the motor vehicle has been stopped solely for a motor vehicle violation,  
321 unless there exists probable cause or reasonable and articulable  
322 suspicion to believe that a felony or misdemeanor offense has been  
323 committed or the operator has failed to produce a valid operator's  
324 license.

325 Sec. 8. Section 54-33a of the general statutes is repealed and the  
326 following is substituted in lieu thereof (*Effective October 1, 2021*):

327 (a) As used in sections 54-33a to 54-33g, inclusive, "property"  
328 includes, but is not limited to, documents, books, papers, films,  
329 recordings, records, data and any other tangible thing; and "tracking  
330 device" means an electronic or mechanical device that permits the  
331 tracking of the movement of a person or object.

332 (b) Upon complaint on oath by any state's attorney or assistant state's  
333 attorney or by any two credible persons, to any judge of the Superior  
334 Court or judge trial referee, that such state's attorney or assistant state's  
335 attorney or such persons have probable cause to believe that any  
336 property (1) possessed, controlled, designed or intended for use or  
337 which is or has been used or which may be used as the means of  
338 committing any criminal offense; or (2) which was stolen or embezzled;  
339 or (3) which constitutes evidence of an offense, or which constitutes  
340 evidence that a particular person participated in the commission of an  
341 offense, is within or upon any place, thing or person, such judge or judge  
342 trial referee, except as provided in section 54-33j, may issue a warrant  
343 commanding a proper officer to enter into or upon such place or thing,

344 search such place, thing or person and take into such officer's custody  
345 all such property named in the warrant.

346 (c) Upon complaint on oath by any state's attorney or assistant state's  
347 attorney or by any two credible persons, to any judge of the Superior  
348 Court or judge trial referee, that such state's attorney or assistant state's  
349 attorney or such persons have probable cause to believe that a criminal  
350 offense has been, is being, or will be committed and that the use of a  
351 tracking device will yield evidence of the commission of that offense,  
352 such judge or judge trial referee may issue a warrant authorizing the  
353 installation and use of a tracking device. The complaint shall identify  
354 the person on which or the property to, in or on which the tracking  
355 device is to be installed, and, if known, the owner of such property.

356 (d) A warrant may issue only on affidavit sworn to by the  
357 complainant or complainants before the judge or judge trial referee and  
358 establishing the grounds for issuing the warrant, which affidavit shall  
359 be part of the arrest file. If the judge or judge trial referee is satisfied that  
360 grounds for the application exist or that there is probable cause to  
361 believe that grounds for the application exist, the judge or judge trial  
362 referee shall issue a warrant identifying the property and naming or  
363 describing the person, place or thing to be searched or authorizing the  
364 installation and use of a tracking device and identifying the person on  
365 which or the property to, in or on which the tracking device is to be  
366 installed. The warrant shall be directed to any police officer of a  
367 regularly organized police department or any state police officer, to an  
368 inspector in the Division of Criminal Justice, to a conservation officer,  
369 special conservation officer or patrolman acting pursuant to section 26-  
370 6 or to a sworn motor vehicle inspector acting under the authority of  
371 section 14-8. Except for a warrant for the installation and use of a  
372 tracking device, the warrant shall state the date and time of its issuance  
373 and the grounds or probable cause for its issuance and shall command  
374 the officer to search within a reasonable time the person, place or thing  
375 named, for the property specified. A warrant for the installation and use  
376 of a tracking device shall state the date and time of its issuance and the  
377 grounds or probable cause for its issuance and shall command the

378 officer to complete the installation of the device within a specified  
379 period not later than ten days after the date of its issuance and authorize  
380 the installation and use of the tracking device, including the collection  
381 of data through such tracking device, for a reasonable period of time not  
382 to exceed thirty days from the date the tracking device is installed. Upon  
383 request and a showing of good cause, a judge or judge trial referee may  
384 authorize the use of the tracking device for an additional period of thirty  
385 days.

386 (e) No police officer of a regularly organized police department or  
387 any state police officer, an inspector in the Division of Criminal Justice,  
388 a conservation officer, special conservation officer or patrolman acting  
389 pursuant to section 26-6 or a sworn motor vehicle inspector acting under  
390 the authority of section 14-8, shall seek, execute or participate in the  
391 execution of a no-knock warrant. A search warrant authorized under  
392 this section shall require that an officer provide notice of such officer's  
393 identity, authority and purpose prior to entering the place to be  
394 searched for the execution of such search warrant. Prior to undertaking  
395 any search or seizure pursuant to the search warrant, the executing  
396 officer shall read and give a copy of the search warrant to the person to  
397 be searched or the owner of the place to be searched or, if the owner is  
398 not present, to any occupant of the place to be searched. If the place to  
399 be searched is unoccupied, the executing officer shall leave a copy of the  
400 search warrant suitably affixed to the place to be searched. For purposes  
401 of this subsection, "no-knock warrant" means a warrant authorizing  
402 police officers to enter certain premises without first knocking and  
403 announcing their presence or purpose prior to entering the place to be  
404 searched.

405 [(e)] (f) A judge or judge trial referee may issue a warrant pursuant to  
406 this section for records or data that are in the actual or constructive  
407 possession of a foreign corporation or business entity that transacts  
408 business in this state, including, but not limited to, a foreign corporation  
409 or business entity that provides electronic communication services or  
410 remote computing services to the public. Such a warrant may be served  
411 on an authorized representative of the foreign corporation or business

412 entity by hand, mail, commercial delivery, facsimile or electronic  
413 transmission, provided proof of delivery can be established. When  
414 properly served with a warrant issued pursuant to this section, the  
415 foreign corporation or business entity shall provide to the applicant all  
416 records or data sought by the warrant within fourteen business days of  
417 being served with the warrant, unless the judge or judge trial referee  
418 determines that a shorter or longer period of time is necessary or  
419 appropriate.

420 [(f)] (g) The inadvertent failure of the issuing judge or judge trial  
421 referee to state on the warrant the time of its issuance shall not in and of  
422 itself invalidate the warrant.

423 Sec. 9. Section 53a-22 of the general statutes, as amended by section  
424 29 of public act 20-1 of the July special session and public act 21-4, is  
425 amended by adding subsection (h) as follows (*Effective January 1, 2022*):

426 (NEW) (h) In determining whether use of force by a peace officer who  
427 is a police officer, as defined in subsection (a) of section 29-6d, is justified  
428 pursuant to this section, the trier of fact may draw an unfavorable  
429 inference from a police officer's deliberate failure in violation of section  
430 29-6d, as amended by this act, to record such use of physical force.

431 Sec. 10. Section 52-571k of the general statutes is repealed and the  
432 following is substituted in lieu thereof (*Effective July 1, 2021*):

433 (a) As used in this section:

434 (1) "Law enforcement unit" has the same meaning as provided in  
435 section 7-294a; and

436 (2) "Police officer" has the same meaning as provided in section 7-  
437 294a.

438 (b) No police officer, acting alone or in conspiracy with another, shall  
439 deprive any person or class of persons of the equal protection of the laws  
440 of this state, or of the equal privileges and immunities under the laws of  
441 this state, including, without limitation, the protections, privileges and

442 immunities guaranteed under article first of the Constitution of the  
443 state.

444 (c) Any person aggrieved by a violation of subsection (b) of this  
445 section may bring a civil action for equitable relief or damages in the  
446 Superior Court. A civil action brought for damages shall be triable by  
447 jury.

448 (d) (1) In any civil action brought under this section, governmental  
449 immunity shall only be a defense to a claim for damages when, at the  
450 time of the conduct complained of, the police officer had an objectively  
451 good faith belief that such officer's conduct did not violate the law.  
452 There shall be no interlocutory appeal of a trial court's denial of the  
453 application of the defense of governmental immunity. Governmental  
454 immunity shall not be a defense in a civil action brought solely for  
455 equitable relief.

456 (2) In any civil action brought under this section, the trier of fact may  
457 draw an adverse inference from a police officer's deliberate failure, in  
458 violation of section 29-6d, as amended by this act, to record any event  
459 that is relevant to such action.

460 (e) In an action under this section, each municipality or law  
461 enforcement unit shall protect and save harmless any such police officer  
462 from financial loss and expense, including legal fees and costs, if any,  
463 arising out of any claim, demand or suit instituted against such officer  
464 by reason of any act undertaken by such officer while acting in the  
465 discharge of the officer's duties. In the event such officer has a judgment  
466 entered against him or her for a malicious, wanton or wilful act in a  
467 court of law, such municipality shall be reimbursed by such officer for  
468 expenses it incurred in providing such defense and shall not be held  
469 liable to such officer for any financial loss or expense resulting from such  
470 act.

471 (f) In any civil action brought under this section, if the court finds that  
472 a violation of subsection (b) of this section was deliberate, wilful or  
473 committed with reckless indifference, the plaintiff may be awarded

474 costs and reasonable attorney's fees.

475 (g) A civil action brought pursuant to this section shall be commenced  
 476 not later than one year after the date on which the cause of action  
 477 accrues. Any notice of claim provision set forth in the general statutes,  
 478 including, but not limited to, the provisions of subsection (d) of section  
 479 7-101a and subsection (a) of section 7-465 shall not apply to an action  
 480 brought under this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2021	7-294aaa
Sec. 2	October 1, 2021	29-6d(f)
Sec. 3	July 1, 2022	29-6d(f)
Sec. 4	October 1, 2021	29-161h(c)
Sec. 5	October 1, 2021	29-161q
Sec. 6	October 1, 2021	54-33b
Sec. 7	October 1, 2021	54-33o
Sec. 8	October 1, 2021	54-33a
Sec. 9	January 1, 2022	53a-22
Sec. 10	July 1, 2021	52-571k

**Statement of Legislative Commissioners:**

In Section 3(f)(1), "with a remote recorder, as defined in subsection (c) of section 7-277b," was deleted for accuracy, in Section 8(e), "no-knock search warrant" was changed to "no-knock warrant" for consistency with the defined term and "entering the property" was changed to "entering the place to be searched" for consistency, and in Section 9, in the introductory language "substitute house bill 6462 of the current session" was changed to "public act 21-4" for accuracy.

**JUD**      *Joint Favorable Subst.*

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*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.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill makes various law enforcement policy changes resulting in no fiscal impact to the state.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sSB 1093*****AN ACT CONCERNING CIVILIAN POLICE REVIEW BOARDS, SECURITY GUARDS, BODY-WORN RECORDING EQUIPMENT AND SEARCHES BY POLICE.*****SUMMARY**

This bill makes various changes to the laws regarding (1) civilian police review boards, (2) police body-worn recording equipment (e.g., body cameras), (3) consent searches, (4) security guards, and (5) no-knock warrants. Specifically, the bill:

1. provides a process for a person to object to a civilian police review board's subpoena and allows the court to order compliance with a board's subpoena;
2. allows a police officer whose image or voice is captured on certain recordings (e.g., body camera) to review the recordings before they are disclosed in certain instances where there is a request for public disclosure;
3. allows a trier of fact (e.g., judge or jury) to draw an unfavorable inference from the deliberate failure of a police officer who wears a body camera to record their use of force or other relevant incidents in civil cases involving depriving someone's equal protection or privileges and immunities;
4. prohibits former police officers who were decertified in other states from being licensed as security guards and other related jobs; and
5. prohibits law enforcement from using no-knock warrants.

EFFECTIVE DATE: October 1, 2021, except that a conforming change

is effective July 1, 2022, and the provisions on unfavorable inferences for failure to record for (1) use of force is effective July 1, 2021, and (2) civil cases is effective January 1, 2022.

### **§ 1 – CIVILIAN POLICE REVIEW BOARD SUBPOENAS**

The bill provides a process for a person to object to a subpoena issued by a civilian police review board and allows the court to order compliance with a board's subpoena.

It allows the person issued such a subpoena to, within specified timeframes, (1) serve the board with a written objection to the subpoena and (2) file the objection in the Superior Court, which must adjudicate the objection under court rules. A person who wishes to object must do so within 15 days after the subpoena was served or on or before the time the subpoena specifies for compliance, if the time is less than 15 days after service.

Under the bill, if the person issued a subpoena fails to appear or refuses to testify or produce the evidence the subpoena requires after appearing, the Superior Court, upon the board's application, may order the person to appear, give testimony, or produce the evidence, as the case may be.

### **§§ 2, 3, 9 & 10 – BODY-WORN AND DASHBOARD CAMERA REVIEW AND UNFAVORABLE INFERENCE IF CAMERA IS OFF**

#### ***Right to Review (§§ 2 & 3)***

Under existing law, police officers have a right to review recordings, with their labor representative or attorney present, when they are (1) giving a formal statement about the use of force or (2) the subject of a disciplinary investigation where a body-worn recording equipment (e.g., body camera) or dashboard camera recording is part of the review. In these instances, the recordings are disclosable to the public, upon request, by the earlier of (1) 48 hours after an officer has reviewed it or (2) 96 hours after the recorded incident if the officer does not review the recording. The bill changes the latter to 96 hours after the initiation of a disciplinary investigation, thus potentially increasing the timeframe

before public disclosure.

The bill also extends this right to review to instances when a police officer's image or voice is captured on a recording for which a public disclosure request has been made and (1) the officer has not been asked to give a formal statement or (2) a disciplinary investigation has not been initiated. The bill requires public disclosure by the earlier of (1) 48 hours after an officer has reviewed the recording or (2) 96 hours after the disclosure request, if the officer does not review it.

As under existing law, certain scenarios are, generally, not disclosable, including the following:

1. communications with other law enforcement personnel, unless within the performance of duties;
2. encounters with undercover officers or informants;
3. officers on break or engaged in personal activity;
4. people undergoing medical or psychological evaluations, procedures, or treatment;
5. people, other than suspects, in a hospital or medical facility;
6. activities in mental health facilities, unless responding to a call involving a suspect in the facilities; or
7. certain crime victims if it would be an invasion of personal privacy (e.g., domestic or sexual abuse).

### ***Unfavorable Inference (§§ 9 & 10)***

***Use of Force.*** Under the bill, beginning January 1, 2022, in determining whether the use of force by a police officer who wears a body camera (see BACKGROUND) is justified, the trier of fact (e.g., judge or jury) may draw an unfavorable inference from a police officer's deliberate failure, in violation of the police body camera law, to record the use of physical force.

**Governmental Immunity.** PA 20-1, July Special Session (JSS), § 41, established a civil cause of action, beginning July 1, 2021, against a police officer who deprives an individual or class of individuals of state law's equal protection or privileges and immunities. In creating a cause of action against police officers in statute, the act, in certain circumstances, eliminates the possibility of claiming governmental immunity (i.e., common law protection from civil suit) as a defense to these suits.

Under the bill, in these civil actions, the trier of fact may draw an adverse inference from a police officer's deliberate failure, in violation of the police body camera law, to record any event that is relevant to the action.

#### **§ 4 & 5 – DECERTIFIED POLICE OFFICERS IN OTHER STATES SERVING AS SECURITY GUARDS**

The bill adds decertification as a police officer in other states, including cancellation, revocation, or refusal to renew a certification, to the list of criteria that make a person ineligible for (1) a security service license, (2) a security officer license, and (3) employment with a security service to perform security officer duties while his or her security officer license application is pending. Existing law already makes police officers decertified in Connecticut ineligible.

#### **§§ 6 & 7 – CONSENT SEARCHES**

The bill expands the instances where law enforcement officers may perform consent searches on an individual or in a motor vehicle and requires that they report information on their requests to search.

#### ***On the Person Searches***

Under current law, an individual's consent to conduct a search of his or her body is not justification for a law enforcement official to conduct the search, unless there is probable cause. The bill instead allows a law enforcement officer to ask a person if he or she may conduct a search of their person, if the officer has reasonable and articulable suspicion that (1) weapons, contraband, or other evidence of a crime is contained on the person or (2) the search is reasonably necessary to further an

ongoing law enforcement investigation.

Under the bill, officers who ask to search a person, whether or not the consent is granted, must complete a police report documenting the reasonable and articulable suspicion for soliciting consent or the facts and circumstances that support the search being reasonably necessary to further an ongoing law enforcement investigation.

### ***Motor Vehicle Searches***

Current law prohibits a law enforcement officer from asking for a driver's consent to search the vehicle or its contents when the vehicle is stopped solely for a motor vehicle violation. The bill eliminates this prohibition and instead allows police officers to ask for the drivers' consent to search a vehicle they have stopped if they have a reasonable and articulable suspicion that weapons, contraband, or other evidence of a crime is contained in the vehicle. An officer who solicits consent, whether or not the consent is granted, must complete a police report within 48 hours documenting the reasonable and articulable suspicion for doing so.

Under current law, for vehicles stopped solely for motor vehicle violations, any search of the vehicle or its contents must be (1) based on probable cause or (2) after receiving the driver's unsolicited consent either in writing or recorded by body-worn recording equipment or a dashboard camera. The bill removes the requirement for the consent to be unsolicited, but as under existing law, the consent must still be in writing or recorded.

### **§ 7 – ASKING FOR NON-DRIVER DOCUMENTATION**

Existing law generally prohibits law enforcement officials, during stops solely for motor vehicle violations, from asking drivers for any documentation or identification other than a driver's license, motor vehicle registration, insurance identity card, or other documentation or identification directly related to the stop. This prohibition, however, does not apply if there is probable cause that a felony or misdemeanor offense has been committed. The bill expands this exemption to also

include when there is a reasonable and articulable suspicion that such an offense has been committed.

## **§ 8 – NO-KNOCK WARRANTS PROHIBITED**

The bill prohibits police officers of a regularly organized police department, state police officers, Division of Criminal Justice inspectors, conservation officers, special conservation officers or patrolpersons, or sworn motor vehicle inspectors from seeking, executing, or participating in the execution of a no-knock warrant. The bill requires that search warrants require an officer to provide notice of the officer's identity, authority, and purpose before entering the place to be searched under the search warrant.

The bill requires the executing officer, before searching or seizing anything, to read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place is unoccupied, the officer must leave a copy of the search warrant suitably affixed to the place being searched.

Under the bill, a "no-knock warrant" means a warrant allowing police officers to enter certain premises without first knocking and announcing their presence or purpose before entering the property.

## **BACKGROUND**

### ***Body Camera Requirement***

Current law generally requires police officers to use body cameras while interacting with the public in their law enforcement capacity if they are sworn members of (1) the State Police, (2) a municipal police department that has received reimbursement for body camera purchases under the state's grant program, or (3) a public university or college special police force. Current law allows sworn members of all other municipal police departments to use body cameras as directed by their departments and in accordance with state law. Beginning July 1, 2020, all sworn members of law enforcement units and members of those units who perform police duties must wear body cameras, among

other requirements (PA 20-1, JSS, § 19).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 6 (04/06/2021)