



General Assembly

January Session, 2021

Substitute Bill No. 6598



AN ACT CONCERNING THE PROHIBITION AGAINST HIRING POLICE OFFICERS DISMISSED FOR MALFEASANCE OR WHO RESIGNED OR RETIRED WHILE UNDER INVESTIGATION.

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

1 Section 1. Section 7-291c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 (a) No law enforcement unit, as defined in section 7-294a, shall hire
4 any person as a police officer, as defined in said section, [7-294a,] who
5 was previously employed as a police officer by such unit or in any other
6 jurisdiction and who (1) was dismissed for malfeasance or other serious
7 misconduct calling into question such person's fitness to serve as a
8 police officer; or (2) resigned or retired from such officer's position while
9 under investigation for such malfeasance or other serious misconduct.

10 (b) Any law enforcement unit that has knowledge that any former
11 police officer of such unit who (1) (A) was dismissed for malfeasance or
12 other serious misconduct, or (B) resigned or retired from such officer's
13 position while under investigation for such malfeasance or other serious
14 misconduct; and (2) is an applicant for the position of police officer with
15 any other law enforcement unit, shall inform such other unit and the
16 Police Officer Standards and Training Council established under section
17 7-294b of such dismissal, resignation or retirement.

18 (c) The Police Officer Standards and Training Council shall not certify
19 any police officer who (1) was dismissed for malfeasance or other
20 serious misconduct, or (2) resigned or retired from such officer's
21 position while under investigation for malfeasance or other serious
22 misconduct.

23 ~~[(c)]~~ (d) The provisions of this section shall not apply to any police
24 officer who is exonerated of each allegation against such officer of such
25 malfeasance or other serious misconduct.

26 (e) The Police Officer Standards and Training Council may afford any
27 law enforcement unit prohibited from hiring a person as a police officer
28 pursuant to subsection (a) of this section and any police officer denied
29 certification pursuant to subsection (c) of this section an opportunity for
30 a hearing in accordance with the provisions of chapter 54 to determine
31 whether (1) the police officer resigned or retired while under
32 investigation for such malfeasance or other serious misconduct, (2) the
33 police officer was exonerated of each allegation of such malfeasance or
34 other serious misconduct, or (3) the conduct at issue constituted
35 malfeasance or serious misconduct.

36 (f) Nothing in this section shall preclude the Police Officer Standards
37 and Training Council from suspending, cancelling or revoking the
38 certification of a police officer pursuant to subsection (c) of section 7-
39 294d.

40 ~~[(d)]~~ (g) For purposes of this section, (1) "malfeasance" means the
41 commonly approved usage of "malfeasance"; and (2) "serious
42 misconduct" means improper or illegal actions taken by a police officer
43 in connection with such officer's official duties that could result in a
44 miscarriage of justice, ~~[or] discrimination~~ or a gross deviation of the
45 generally accepted standards and behavior of a police officer, including,
46 but not limited to, (A) a conviction of a felony, (B) fabrication or
47 falsification of evidence, (C) [repeated] use of [excessive] physical force
48 in a manner found to not be justifiable after an investigation conducted
49 pursuant to section 51-277a, (D) acceptance of a bribe, [or] (E) the

50 commission of fraud, (F) failure to intervene or stop unreasonable,
51 excessive or illegal use of force by another police officer, or (G)
52 intimidation or harassment causing injury based upon actual or
53 perceived protected class membership, identity or expression.

54 Sec. 2. Section 7-294e of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective July 1, 2021*):

56 (a) Notwithstanding the provisions of any general statute or special
57 act or local law, ordinance or charter, [to the contrary,] each police
58 officer shall forfeit such officer's appointment and position unless
59 recertified by the council according to procedures and within the time
60 frame established by the council. Any sworn member of the Division of
61 State Police within the Department of Emergency Services and Public
62 Protection who is deemed certified under subsection (d) of section 7-
63 294d is required to apply for recertification by the council within the
64 time frame established by the council, unless such member retires from
65 said division within such time frame.

66 (b) The Police Officer Standards and Training Council may
67 recommend to the Commissioner of Emergency Services and Public
68 Protection any regulations it deems necessary to carry out the
69 provisions of section 7-291c, as amended by this act, 7-294a, subsection
70 (a) of section 7-294b, sections 7-294c and 7-294d and this section, giving
71 due consideration to the varying factors and special requirements of law
72 enforcement units.

73 (c) The Commissioner of Emergency Services and Public Protection
74 may adopt regulations, in accordance with the provisions of chapter 54,
75 as are necessary to implement the provisions of section 7-291c, as
76 amended by this act, 7-294a, subsection (a) of section 7-294b, sections 7-
77 294c and 7-294d and this section. Such regulations shall be binding upon
78 all law enforcement units.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	7-291c
Sec. 2	<i>July 1, 2021</i>	7-294e

Statement of Legislative Commissioners:

In Section 1(c), the word "such" was deleted for internal consistency, in Section 1(e), the word "former" was deleted for internal consistency and in Section 2(a), "to the contrary," was bracketed for conciseness.

PS *Joint Favorable Subst. -LCO*