



General Assembly

February Session, 2022

Raised Bill No. 161

LCO No. 1488



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

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 Section 7-291c of the general statutes is repealed and the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, 2022*):

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 calling into question such person's fitness to serve
21 as a police officer, or (2) resigned or retired from such officer's position
22 while under investigation for such malfeasance or other serious
23 misconduct.

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

27 (e) The Police Officer Standards and Training Council may afford any
28 law enforcement unit prohibited from hiring a person as a police officer
29 pursuant to subsection (a) of this section and any police officer denied
30 certification pursuant to subsection (c) of this section an opportunity for
31 a hearing in accordance with the provisions of chapter 54 to determine
32 whether (1) the police officer was dismissed for such malfeasance or
33 other serious misconduct, (2) the police officer resigned or retired while
34 under investigation for such malfeasance or other serious misconduct,
35 (3) the police officer was exonerated of each allegation of such
36 malfeasance or other serious misconduct, or (4) the conduct at issue
37 constituted malfeasance or serious misconduct.

38 (f) Nothing in this section shall preclude the Police Officer Standards
39 and Training Council from suspending, cancelling or revoking the
40 certification of a police officer pursuant to subsection (c) of section 7-
41 294d.

42 [(d)] (g) For purposes of this section, (1) "malfeasance" means the
43 commonly approved usage of "malfeasance"; and (2) "serious
44 misconduct" means improper or illegal actions taken by a police officer
45 in connection with such officer's official duties that could result in a
46 miscarriage of justice, [or] discrimination or a gross deviation of the

47 generally accepted standards and behavior of a police officer, including,
48 but not limited to, (A) a conviction of a felony, (B) fabrication or
49 falsification of evidence, (C) [repeated] use of [excessive] physical force
50 in a manner found to not be justifiable after an investigation conducted
51 pursuant to section 51-277a, (D) acceptance of a bribe, [or] (E) the
52 commission of fraud, (F) failure to intervene or stop the use of force by
53 another police officer that was found to not be justifiable after an
54 investigation conducted pursuant to section 51-277a, or (G) intimidation
55 or harassment causing injury based upon actual or perceived protected
56 class membership, identity or expression.

57 Sec. 2. Section 7-294e of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective July 1, 2022*):

59 (a) Notwithstanding the provisions of any general statute or special
60 act or local law, ordinance or charter, [to the contrary,] each police
61 officer shall forfeit such officer's appointment and position unless
62 recertified by the council according to procedures and within the time
63 frame established by the council. Any sworn member of the Division of
64 State Police within the Department of Emergency Services and Public
65 Protection who is deemed certified under subsection (d) of section 7-
66 294d is required to apply for recertification by the council within the
67 time frame established by the council, unless such member retires from
68 said division within such time frame.

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

76 (c) The Commissioner of Emergency Services and Public Protection
77 may adopt regulations, in accordance with the provisions of chapter 54,
78 as are necessary to implement the provisions of section 7-291c, as

79 amended by this act, 7-294a, subsection (a) of section 7-294b, sections 7-
80 294c and 7-294d and this section. Such regulations shall be binding upon
81 all law enforcement units.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	7-291c
Sec. 2	<i>July 1, 2022</i>	7-294e

Statement of Purpose:

To (1) prohibit the Police Officer Standards and Training Council from certifying a police officer who was dismissed for malfeasance or resigned or retired while under investigation, and (2) require the council to provide an opportunity for a hearing for such officer and a law enforcement unit seeking to hire such officer.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]