



General Assembly

**Substitute Bill No. 161**

February Session, 2022



**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 Section 7-291c of the general statutes is repealed and the  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. (NEW) (*Effective July 1, 2022*) (a) If a police officer, as defined  
58 in section 7-294a of the general statutes, resigns or retires from  
59 employment with a law enforcement unit, as defined in section 7-294a  
60 of the general statutes, while such unit is conducting an investigation of  
61 such police officer for malfeasance or other serious misconduct calling  
62 into question such person's fitness to serve as a police officer, such unit  
63 shall complete the investigation of such officer. Such unit shall attempt  
64 to interview such officer as part of the investigation and, if such officer  
65 does not respond or refuses to participate in the interview, such unit  
66 shall document such nonresponse or refusal in the investigation file and  
67 shall complete the investigation without interviewing such officer.

68 (b) A law enforcement unit that has conducted an investigation  
69 described in subsection (a) of this section shall provide the investigation  
70 file to the Police Officer Standards and Training Council, when  
71 requested by the council for purposes of a hearing to be held pursuant  
72 to subsection (e) of section 7-291c of the general statutes, as amended by  
73 this act.

74 Sec. 3. Section 7-294e of the general statutes is repealed and the  
75 following is substituted in lieu thereof (*Effective July 1, 2022*):

76 (a) Notwithstanding the provisions of any general statute or special  
77 act or local law, ordinance or charter, [to the contrary,] each police  
78 officer shall forfeit such officer's appointment and position unless  
79 recertified by the council according to procedures and within the time  
80 frame established by the council. Any sworn member of the Division of  
81 State Police within the Department of Emergency Services and Public

82 Protection who is deemed certified under subsection (d) of section 7-  
83 294d is required to apply for recertification by the council within the  
84 time frame established by the council, unless such member retires from  
85 said division within such time frame.

86 (b) The Police Officer Standards and Training Council may  
87 recommend to the Commissioner of Emergency Services and Public  
88 Protection any regulations it deems necessary to carry out the  
89 provisions of section 7-291c, as amended by this act, 7-294a, subsection  
90 (a) of section 7-294b, sections 7-294c and 7-294d and this section, giving  
91 due consideration to the varying factors and special requirements of law  
92 enforcement units.

93 (c) The Commissioner of Emergency Services and Public Protection  
94 may adopt regulations, in accordance with the provisions of chapter 54,  
95 as are necessary to implement the provisions of section 7-291c, as  
96 amended by this act, 7-294a, subsection (a) of section 7-294b, sections 7-  
97 294c and 7-294d and this section. Such regulations shall be binding upon  
98 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>	New section
Sec. 3	<i>July 1, 2022</i>	7-294e

**PS**            *Joint Favorable Subst.*