



House of Representatives

General Assembly

File No. 477

February Session, 2024

Substitute House Bill No. 5055

House of Representatives, April 15, 2024

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT STRENGTHENING POLICE DATA REPORTING REQUIREMENTS.

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

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) A person is guilty of
2 false statement in a law enforcement record when such person
3 intentionally makes a false written statement or enters false information
4 or data in a law enforcement record which such person does not believe
5 to be true and which statement or entry is intended to mislead a public
6 servant in the performance of such public servant's official function.

7 (b) As used in this section, a "law enforcement record" means
8 information collected or maintained in connection with the detection or
9 investigation of crimes or motor vehicle violations by a law enforcement
10 unit, as defined in section 7-294a of the general statutes, that is inscribed
11 on a tangible medium or that is stored in an electronic or other medium
12 and is retrievable in perceivable form.

13 (c) False statement in a law enforcement record is a class D felony.

14 Sec. 2. Subdivision (2) of subsection (c) of section 7-294d of the general
15 statutes is repealed and the following is substituted in lieu thereof
16 (*Effective October 1, 2024*):

17 (2) The council may cancel or revoke any certificate if: (A) The
18 certificate was issued by administrative error, (B) the certificate was
19 obtained through misrepresentation or fraud, (C) the holder falsified
20 any document in order to obtain or renew any certificate, (D) the holder
21 has been convicted of a felony, (E) the holder has been found not guilty
22 of a felony by reason of mental disease or defect pursuant to section 53a-
23 13, (F) the holder has been convicted of a violation of section 21a-279,
24 (G) the holder has been refused issuance of a certificate or similar
25 authorization or has had his or her certificate or other authorization
26 cancelled or revoked by another jurisdiction on grounds which would
27 authorize cancellation or revocation under the provisions of this
28 subdivision, (H) the holder has been found by a law enforcement unit,
29 pursuant to procedures established by such unit, to have used a firearm
30 in an improper manner which resulted in the death or serious physical
31 injury of another person, (I) the holder has been found by a law
32 enforcement unit, pursuant to procedures established by such unit and
33 considering guidance developed under subsection (g) of this section, to
34 have engaged in conduct that undermines public confidence in law
35 enforcement, including, but not limited to, discriminatory conduct,
36 falsification of reports, issuances of orders that are not lawful orders,
37 failure to report or timely report a death in violation of section 7-294mm
38 or a violation of the Alvin W. Penn Racial Profiling Prohibition Act
39 pursuant to sections 54-1l and 54-1m, provided, when evaluating any
40 such conduct, the council considers such conduct engaged in while the
41 holder is acting in such holder's law enforcement capacity or
42 representing himself or herself to be a police officer to be more serious
43 than such conduct engaged in by a holder not acting in such holder's
44 law enforcement capacity or representing himself or herself to be a
45 police officer, (J) the holder has been found by a law enforcement unit,
46 pursuant to procedures established by such unit, to have used physical
47 force on another person in a manner that is excessive or used physical
48 force in a manner found to not be justifiable after an investigation

49 conducted pursuant to section 51-277a, or (K) the holder has been found
50 by a law enforcement unit, pursuant to procedures established by such
51 unit, to have committed any act that would constitute tampering with
52 or fabricating physical evidence in violation of section 53a-155, perjury
53 in violation of section 53a-156, [or] false statement in violation of section
54 53a-157b or false statement in a law enforcement record in violation of
55 section 1 of this act. Whenever the council believes there is a reasonable
56 basis for suspension, cancellation or revocation of the certification of a
57 police officer, police training school or law enforcement instructor, it
58 shall give notice and an adequate opportunity for a hearing prior to such
59 suspension, cancellation or revocation. Such hearing shall be conducted
60 in accordance with the provisions of chapter 54. Any holder aggrieved
61 by the decision of the council may appeal from such decision in
62 accordance with the provisions of section 4-183. The council may cancel
63 or revoke any certificate if, after a de novo review, it finds by clear and
64 convincing evidence (i) a basis set forth in subparagraphs (A) to (G),
65 inclusive, of this subdivision, or (ii) that the holder of the certificate
66 committed an act set forth in subparagraph (H), (I), (J) or (K) of this
67 subdivision. In any such case where the council finds such evidence, but
68 determines that the severity of an act committed by the holder of the
69 certificate does not warrant cancellation or revocation of such holder's
70 certificate, the council may suspend such holder's certification for a
71 period of up to forty-five days and may censure such holder of the
72 certificate. Any police officer or law enforcement instructor whose
73 certification is cancelled or revoked pursuant to this section may
74 reapply for certification no sooner than two years after the date on
75 which the cancellation or revocation order becomes final. Any police
76 training school whose certification is cancelled or revoked pursuant to
77 this section may reapply for certification at any time after the date on
78 which such order becomes final. For purposes of this subdivision, a
79 lawful order is an order issued by a police officer who is in uniform or
80 has identified himself or herself as a police officer to the person such
81 order is issued to at the time such order is issued, and which order is
82 reasonably related to the fulfillment of the duties of the police officer
83 who is issuing such order, does not violate any provision of state or

84 federal law and is only issued for the purposes of (I) preventing,
85 detecting, investigating or stopping a crime, (II) protecting a person or
86 property from harm, (III) apprehending a person suspected of a crime,
87 (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency
88 relief, including the administration of first aid.

89 Sec. 3. Subsection (h) of section 7-294d of the general statutes is
90 repealed and the following is substituted in lieu thereof (*Effective October*
91 *1, 2024*):

92 (h) (1) The chief law enforcement officer of each law enforcement unit
93 shall report to the council any violation where a certificate holder has
94 been found by the law enforcement unit, pursuant to procedures
95 established by such unit, to have: (A) Used unreasonable, excessive or
96 illegal force that causes serious physical injury to or the death of another
97 person, or used unreasonable, excessive or illegal force that was likely
98 to cause serious physical injury or death to another person; (B) while
99 acting in a law enforcement capacity, failed to intervene or stop the use
100 of unreasonable, excessive or illegal force by another police officer that
101 caused serious physical injury or death to another person, or
102 unreasonable, excessive or illegal force that was likely to cause serious
103 physical injury or death to another person, or to notify a supervisor and
104 submit a written report of such acts where the holder has personal
105 knowledge of such acts and had the ability to prevent such acts; (C)
106 intentionally intimidated or harassed another person based upon actual
107 or perceived protected class membership, identity or expression and in
108 doing so threatened to commit or caused physical injury to another
109 person; [and] (D) been terminated, dismissed, resigned or retired under
110 circumstances described in section 7-291c; or (E) engaged in misconduct
111 that reflects upon the truthfulness of the certificate holder, including,
112 but not limited to, (i) the commission of any act that would constitute
113 tampering with or fabricating physical evidence in violation of section
114 53a-155, perjury in violation of section 53a-156, false statement in
115 violation of section 53a-157b or false statement in a law enforcement
116 record in violation of section 1 of this act, or (ii) while acting in a law
117 enforcement capacity, knowingly making a statement found to be

118 untruthful during a criminal, civil or administrative inquiry or
119 proceeding.

120 (2) If the chief law enforcement officer of any municipal police
121 department or the Department of Emergency Services and Public
122 Protection fails to report to the council as required in subdivision (1) of
123 this subsection, the council shall notify the Inspector General who shall
124 investigate such failure to report. The Inspector General shall report the
125 findings of the investigation to the Governor and joint standing
126 committee of the General Assembly having cognizance of matters
127 relating to the judiciary in accordance with the provisions of section 11-
128 4a.

129 (3) The chief law enforcement officer of each law enforcement unit
130 shall promptly notify the appropriate state's attorney of any matter in
131 which the chief law enforcement officer reasonably suspects that a
132 certificate holder has engaged in conduct that constitutes a violation of
133 any criminal law of this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	New section
Sec. 2	October 1, 2024	7-294d(c)(2)
Sec. 3	October 1, 2024	7-294d(h)

JUD Joint Favorable Subst.

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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which creates a class D felony for making a false statement in a law enforcement record, results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300¹ while the average marginal cost for supervision in the community is less than \$800² each year for adults.

The bill also authorizes the Police Officer Standards and Training Council (POST) to cancel or revoke a law enforcement officer's certificate if it is found that they violated the law as described above. Additionally, the bill requires chief law enforcement officers to make

¹ Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

reports to the state's attorney under certain circumstances. These provisions of the bill are not anticipated to have a fiscal impact as the entities involved have the expertise and resources to fulfill the requirements of the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis

sHB 5055

AN ACT STRENGTHENING POLICE DATA REPORTING REQUIREMENTS.

SUMMARY

This bill makes it a class D felony to make a false statement in a law enforcement record. Under the bill, a person is guilty of “false statement in a law enforcement record” when the (1) person intentionally makes a false written statement or enters false information or data in a law enforcement record that he or she does not believe to be true and (2) statement or entry is intended to mislead a public servant performing his or her official function. (A class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both.)

Under the bill, a “law enforcement record” is information collected or maintained in connection with a law enforcement unit’s detection or investigation of crimes or motor vehicle violations that is inscribed on a tangible medium, electronically stored, or other medium and is retrievable in perceivable form.

The bill authorizes the Police Officer Standards and Training Council (POST) to cancel or revoke a police officer’s certification if the officer’s law enforcement unit, under its established procedures, finds the officer made a false statement in a law enforcement record. Existing law already authorizes POST to do this if, among other things, the officer is found to have committed any act that would (1) undermine public confidence in law enforcement, including falsifying reports, or (2) constitute the crimes of tampering with or fabricating physical evidence, perjury, or false statement (see BACKGROUND).

Under existing law, each law enforcement unit’s chief law

enforcement officer must report to POST any violation where, under the unit's established procedures, an officer is found to have committed certain acts (e.g., using excessive force). The bill expands this by requiring the chief law enforcement officer to also report on an officer found to have (1) engaged in misconduct that reflects on his or her truthfulness, including any act that constitutes the crimes of tampering with or fabricating physical evidence, perjury, false statement, or false statement in a law enforcement record, or (2) knowingly made a statement while acting in a law enforcement capacity, which was found to be untruthful during a criminal, civil, or administrative inquiry or proceeding.

The bill also requires the chief law enforcement officer to promptly notify the appropriate state's attorney about any matter in which the officer reasonably suspects that a certificate holder has engaged in criminal conduct that violates state law.

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2024

BACKGROUND

Law Enforcement Unit

By law, and under the bill, a "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

Existing False Statement Crime

Under existing law, a person is guilty of making a false statement, which is a class A misdemeanor, when he or she (1) intentionally makes a false written statement that the person does not believe to be true with the intent to mislead a public servant performing an official function, and (2) makes the statement under oath or in a form bearing notice, authorized by law, that false statements made in the form are

punishable. (A class A misdemeanor is punishable by up to 364 days in prison, a fine of up to \$2,000, or both.)

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/26/2024)