



Senate

General Assembly

File No. 207

February Session, 2024

Substitute Senate Bill No. 234

Senate, April 3, 2024

The Committee on Public Safety and Security reported through SEN. GASTON of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT EXEMPTING CERTAIN LAW ENFORCEMENT RECORDS
FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.***

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

1 Section 1. Subdivision (3) of subsection (b) of section 1-210 of the 2024
2 supplement to the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2024*):

4 (3) Records of law enforcement agencies not otherwise available to
5 the public which records were compiled in connection with the
6 detection or investigation of crime, if the disclosure of such records
7 would not be in the public interest because it would result in the
8 disclosure of (A) the identity of informants or mandated reporters, as
9 described in subsection (b) of section 17a-101, not otherwise known or
10 the identity of witnesses not otherwise known whose safety would be
11 endangered or who would be subject to threat or intimidation if their
12 identity was made known, (B) the identity of minor witnesses, (C)
13 signed or sworn statements of witnesses, (D) information to be used in
14 a prospective law enforcement action if prejudicial to such action, (E)

15 investigatory techniques not otherwise known to the general public, (F)
 16 arrest records of a juvenile, which shall also include any investigatory
 17 files, concerning the arrest of such juvenile, compiled for law
 18 enforcement purposes, (G) the name and address of the victim of a
 19 sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
 20 53a-73a, voyeurism under section 53a-189a, injury or risk of injury, or
 21 impairing of morals under section 53-21 or family violence, as defined
 22 in section 46b-38a, or of an attempt thereof, or (H) uncorroborated
 23 allegations subject to destruction pursuant to section 1-216;

24 Sec. 2. Subdivision (27) of subsection (b) of section 1-210 of the 2024
 25 supplement to the general statutes is repealed and the following is
 26 substituted in lieu thereof (*Effective July 1, 2024*):

27 (27) Any record created by a law enforcement agency or other federal,
 28 state, or municipal governmental agency consisting of a photograph,
 29 film, video or digital or other visual image depicting [the victim of a
 30 homicide, to the extent that such record] (A) (i) a victim of domestic or
 31 sexual abuse, (ii) a victim of homicide or suicide, or (iii) a deceased
 32 victim of an accident, if disclosure could reasonably be expected to
 33 constitute an unwarranted invasion of the personal privacy of the victim
 34 or the victim's surviving family members, or (B) a minor, unless
 35 disclosure is required in accordance with the provisions of subdivision
 36 (2) of subsection (g) of section 29-6d;

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	1-210(b)(3)
Sec. 2	July 1, 2024	1-210(b)(27)

PS 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:** None**Municipal Impact:** None**Explanation**

The bill removes the requirement to sign statements of witnesses and extends certain exemptions from freedom of information requests resulting in no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 234*****AN ACT EXEMPTING CERTAIN LAW ENFORCEMENT RECORDS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

This bill expands two exemptions from disclosure under the Freedom of Information Act (FOIA) that principally apply to certain law enforcement agency records. First, existing law exempts from disclosure under FOIA law enforcement agency records created in detecting or investigating crime that are not otherwise available to the public when disclosure would not be in the public interest because it would reveal, among other things, (1) the identity of certain informants or witnesses or (2) signed witness statements. The bill expands this exemption to also include (1) the identity of mandated reporters not otherwise known (see BACKGROUND) and (2) sworn witness statements.

The bill also expands a FOIA exemption for certain images where disclosure could constitute an invasion of personal privacy. Under current law, this exemption applies only to certain images of homicide victims. Under the bill, the expanded exemption applies to a photograph, film, video, digital image, or other visual image created by a law enforcement or other government agency depicting a domestic or sexual abuse victim, homicide or suicide victim, or deceased victim of an accident. The exemption applies if disclosure could reasonably be expected to constitute an unwarranted invasion of the victim's or surviving family members' personal privacy. Under existing law, a similar confidentiality requirement applies to body or dashboard camera recordings of an incident scene involving these victims (CGS § 29-6d(g)(2)(B)).

The bill also exempts from disclosure a photograph, film, video, digital image, or other image created by a law enforcement or other government agency of a minor unless disclosure is required by the

state’s body and dashboard camera law. By law, body and dashboard camera recordings of minors must be disclosed if:

1. the minor and his or her parent or guardian consent to disclosure;
2. the minor or his or her parent or guardian alleges police misconduct, and the person representing the accused officer in an investigation requests disclosure solely to prepare a defense; or
3. a person is charged with a crime and his or her counsel requests disclosure solely to aid in the person’s defense, provided the record’s discovery as evidence is otherwise allowed (CGS § 29-6d(g)(2)(C)).

EFFECTIVE DATE: July 1, 2024

BACKGROUND

Mandated Reporters

By law, people in more than 40 different professions and occupations that have contact with children or whose primary focus is children must report suspected child abuse or neglect (CGS § 17a-101). These are called mandated reporters, and they must make the report when, in the ordinary course of their employment or profession, they have reasonable cause to believe or suspect that a child younger than age 18 has been abused, neglected, or placed in imminent risk of serious harm (CGS § 17a-101b). Broadly, these individuals include specified law enforcement members, health professionals, social workers, counselors and therapists, childcare providers, school employees, coaches, clergy members, and certain state employees (e.g., Department of Children and Families and certain Office of Early Childhood employees) (CGS § 17a-101(b)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute
Yea 25 Nay 0 (03/19/2024)