



General Assembly

Amendment

February Session, 2024

LCO No. 5793



Offered by:

REP. STAFSTROM, 129th Dist.

REP. FISHBEIN, 90th Dist.

To: Subst. House Bill No. 5055

File No. 477

Cal. No. 332

"AN ACT STRENGTHENING POLICE DATA REPORTING REQUIREMENTS."

1 In line 92, after "unit" insert ", or in the case of a violation by the chief
2 law enforcement officer, the appointing authority of such chief law
3 enforcement officer,"

4 After the last section, add the following and renumber sections and
5 internal references accordingly:

6 "Sec. 501. Subsection (b) of section 1-210 of the 2024 supplement to
7 the general statutes is repealed and the following is substituted in lieu
8 thereof (*Effective October 1, 2024*):

9 (b) Nothing in the Freedom of Information Act shall be construed to
10 require disclosure of:

11 (1) Preliminary drafts or notes provided the public agency has
12 determined that the public interest in withholding such documents
13 clearly outweighs the public interest in disclosure;

14 (2) Personnel or medical files and similar files the disclosure of which
15 would constitute an invasion of personal privacy;

16 (3) Records of law enforcement agencies not otherwise available to
17 the public which records were compiled in connection with the
18 detection or investigation of crime, if the disclosure of such records
19 would not be in the public interest because it would result in the
20 disclosure of (A) the identity of informants not otherwise known or the
21 identity of witnesses not otherwise known whose safety would be
22 endangered or who would be subject to threat or intimidation if their
23 identity was made known, (B) the identity of minor witnesses, (C)
24 signed statements of witnesses, (D) information to be used in a
25 prospective law enforcement action if prejudicial to such action, (E)
26 investigatory techniques not otherwise known to the general public, (F)
27 arrest records of a juvenile, which shall also include any investigatory
28 files, concerning the arrest of such juvenile, compiled for law
29 enforcement purposes, (G) the name and address of the victim of a
30 sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
31 53a-73a, voyeurism under section 53a-189a, injury or risk of injury, or
32 impairing of morals under section 53-21 or family violence, as defined
33 in section 46b-38a, or of an attempt thereof, or (H) uncorroborated
34 allegations subject to destruction pursuant to section 1-216;

35 (4) Records pertaining to strategy and negotiations with respect to
36 pending claims or pending litigation to which the public agency is a
37 party until such litigation or claim has been finally adjudicated or
38 otherwise settled;

39 (5) (A) Trade secrets, which for purposes of the Freedom of
40 Information Act, are defined as information, including formulas,
41 patterns, compilations, programs, devices, methods, techniques,
42 processes, drawings, cost data, customer lists, film or television scripts
43 or detailed production budgets that (i) derive independent economic
44 value, actual or potential, from not being generally known to, and not
45 being readily ascertainable by proper means by, other persons who can
46 obtain economic value from their disclosure or use, and (ii) are the

47 subject of efforts that are reasonable under the circumstances to
48 maintain secrecy; and

49 (B) Commercial or financial information given in confidence, not
50 required by statute;

51 (6) Test questions, scoring keys and other examination data used to
52 administer a licensing examination, examination for employment or
53 academic examinations;

54 (7) The contents of real estate appraisals, engineering or feasibility
55 estimates and evaluations made for or by an agency relative to the
56 acquisition of property or to prospective public supply and construction
57 contracts, until such time as all of the property has been acquired or all
58 proceedings or transactions have been terminated or abandoned,
59 provided the law of eminent domain shall not be affected by this
60 provision;

61 (8) Statements of personal worth or personal financial data required
62 by a licensing agency and filed by an applicant with such licensing
63 agency to establish the applicant's personal qualification for the license,
64 certificate or permit applied for;

65 (9) Records, reports and statements of strategy or negotiations with
66 respect to collective bargaining;

67 (10) Records, tax returns, reports and statements exempted by federal
68 law or the general statutes or communications privileged by the
69 attorney-client relationship, marital relationship, clergy-penitent
70 relationship, doctor-patient relationship, therapist-patient relationship
71 or any other privilege established by the common law or the general
72 statutes, including any such records, tax returns, reports or
73 communications that were created or made prior to the establishment
74 of the applicable privilege under the common law or the general
75 statutes;

76 (11) Names or addresses of students enrolled in any public school or

77 college without the consent of each student whose name or address is to
78 be disclosed who is eighteen years of age or older and a parent or
79 guardian of each such student who is younger than eighteen years of
80 age, provided this subdivision shall not be construed as prohibiting the
81 disclosure of the names or addresses of students enrolled in any public
82 school in a regional school district to the board of selectmen or town
83 board of finance, as the case may be, of the town wherein the student
84 resides for the purpose of verifying tuition payments made to such
85 school;

86 (12) Any information obtained by the use of illegal means;

87 (13) Records of an investigation, including any complaint or the name
88 of a person providing information under the provisions of section 4-
89 61dd or sections 4-276 to 4-280, inclusive;

90 (14) Adoption records and information provided for in sections 45a-
91 746, 45a-750 and 45a-751;

92 (15) Any page of a primary petition, nominating petition, referendum
93 petition or petition for a town meeting submitted under any provision
94 of the general statutes or of any special act, municipal charter or
95 ordinance, until the required processing and certification of such page
96 has been completed by the official or officials charged with such duty
97 after which time disclosure of such page shall be required;

98 (16) Records of complaints, including information compiled in the
99 investigation thereof, brought to a municipal health authority pursuant
100 to chapter 368e or a district department of health pursuant to chapter
101 368f, until such time as the investigation is concluded or thirty days
102 from the date of receipt of the complaint, whichever occurs first;

103 (17) Educational records which are not subject to disclosure under the
104 Family Educational Rights and Privacy Act, 20 USC 1232g;

105 (18) Records, the disclosure of which the Commissioner of
106 Correction, or as it applies to Whiting Forensic Hospital, the

107 Commissioner of Mental Health and Addiction Services, has reasonable
108 grounds to believe may result in a safety risk, including the risk of harm
109 to any person or the risk of an escape from, or a disorder in, a
110 correctional institution or facility under the supervision of the
111 Department of Correction or Whiting Forensic Hospital. Such records
112 shall include, but are not limited to:

113 (A) Security manuals, including emergency plans contained or
114 referred to in such security manuals;

115 (B) Engineering and architectural drawings of correctional
116 institutions or facilities or Whiting Forensic Hospital facilities;

117 (C) Operational specifications of security systems utilized by the
118 Department of Correction at any correctional institution or facility or
119 Whiting Forensic Hospital facilities, except that a general description of
120 any such security system and the cost and quality of such system may
121 be disclosed;

122 (D) Training manuals prepared for correctional institutions and
123 facilities or Whiting Forensic Hospital facilities that describe, in any
124 manner, security procedures, emergency plans or security equipment;

125 (E) Internal security audits of correctional institutions and facilities or
126 Whiting Forensic Hospital facilities;

127 (F) Minutes or recordings of staff meetings of the Department of
128 Correction or Whiting Forensic Hospital facilities, or portions of such
129 minutes or recordings, that contain or reveal information relating to
130 security or other records otherwise exempt from disclosure under this
131 subdivision;

132 (G) Logs or other documents that contain information on the
133 movement or assignment of inmates or staff at correctional institutions
134 or facilities; and

135 (H) Records that contain information on contacts between inmates, as
136 defined in section 18-84, and law enforcement officers;

137 (19) Records when there are reasonable grounds to believe disclosure
138 may result in a safety risk, including the risk of harm to any person, any
139 government-owned or leased institution or facility or any fixture or
140 appurtenance and equipment attached to, or contained in, such
141 institution or facility, except that such records shall be disclosed to a law
142 enforcement agency upon the request of the law enforcement agency.
143 Such reasonable grounds shall be determined (A) (i) by the
144 Commissioner of Administrative Services, after consultation with the
145 chief executive officer of an executive branch state agency, with respect
146 to records concerning such agency; and (ii) by the Commissioner of
147 Emergency Services and Public Protection, after consultation with the
148 chief executive officer of a municipal, district or regional agency, with
149 respect to records concerning such agency; (B) by the Chief Court
150 Administrator with respect to records concerning the Judicial
151 Department; and (C) by the executive director of the Joint Committee on
152 Legislative Management, with respect to records concerning the
153 Legislative Department. As used in this section, "government-owned or
154 leased institution or facility" includes, but is not limited to, an institution
155 or facility owned or leased by a public service company, as defined in
156 section 16-1, other than a water company, as defined in section 25-32a, a
157 certified telecommunications provider, as defined in section 16-1, or a
158 municipal utility that furnishes electric or gas service, but does not
159 include an institution or facility owned or leased by the federal
160 government, and "chief executive officer" includes, but is not limited to,
161 an agency head, department head, executive director or chief executive
162 officer. Such records include, but are not limited to:

163 (i) Security manuals or reports;

164 (ii) Engineering and architectural drawings of government-owned or
165 leased institutions or facilities;

166 (iii) Operational specifications of security systems utilized at any
167 government-owned or leased institution or facility, except that a general
168 description of any such security system and the cost and quality of such
169 system may be disclosed;

170 (iv) Training manuals prepared for government-owned or leased
171 institutions or facilities that describe, in any manner, security
172 procedures, emergency plans or security equipment;

173 (v) Internal security audits of government-owned or leased
174 institutions or facilities;

175 (vi) Minutes or records of meetings, or portions of such minutes or
176 records, that contain or reveal information relating to security or other
177 records otherwise exempt from disclosure under this subdivision;

178 (vii) Logs or other documents that contain information on the
179 movement or assignment of security personnel; and

180 (viii) Emergency plans and emergency preparedness, response,
181 recovery and mitigation plans, including plans provided by a person to
182 a state agency or a local emergency management agency or official;

183 (20) Records of standards, procedures, processes, software and codes,
184 not otherwise available to the public, the disclosure of which would
185 compromise the security or integrity of an information technology
186 system;

187 (21) The residential, work or school address of any participant in the
188 address confidentiality program established pursuant to sections 54-240
189 to 54-240o, inclusive;

190 (22) The electronic mail address of any person that is obtained by the
191 Department of Transportation in connection with the implementation
192 or administration of any plan to inform individuals about significant
193 highway or railway incidents;

194 (23) The name or address of any minor enrolled in any parks and
195 recreation program administered or sponsored by any public agency;

196 (24) Responses to any request for proposals or bid solicitation issued
197 by a public agency, responses by a public agency to any request for
198 proposals or bid solicitation issued by a private entity or any record or

199 file made by a public agency in connection with the contract award
200 process, until such contract is executed or negotiations for the award of
201 such contract have ended, whichever occurs earlier, provided the chief
202 executive officer of such public agency certifies that the public interest
203 in the disclosure of such responses, record or file is outweighed by the
204 public interest in the confidentiality of such responses, record or file;

205 (25) The name, address, telephone number or electronic mail address
206 of any person enrolled in any senior center program or any member of
207 a senior center administered or sponsored by any public agency;

208 (26) All records obtained during the course of inspection,
209 investigation, examination and audit activities of an institution, as
210 defined in section 19a-490, that are confidential pursuant to a contract
211 between the Department of Public Health and the United States
212 Department of Health and Human Services relating to the Medicare and
213 Medicaid programs;

214 (27) Any record created by a law enforcement agency or other federal,
215 state, or municipal governmental agency consisting of a photograph,
216 film, video or digital or other visual image depicting the victim of a
217 homicide, to the extent that such record could reasonably be expected
218 to constitute an unwarranted invasion of the personal privacy of the
219 victim or the victim's surviving family members;

220 (28) Any records maintained or kept on file by an executive branch
221 agency or public institution of higher education, including
222 documentation prepared or obtained prior to May 25, 2016, relating to
223 claims of or testing for faulty or failing concrete foundations in
224 residential buildings and documents or materials prepared by an
225 executive branch agency or public institution of higher education
226 relating to such records;

227 (29) Any record pertaining to a formal complaint against a police
228 officer, as defined in section 7-294a, prior to such complaint being
229 investigated and adjudicated by the proper legal authority."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	<i>October 1, 2024</i>	1-210(b)
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