



General Assembly

**Raised Bill No. 1105**

January Session, 2019

LCO No. 6353



Referred to Committee on GOVERNMENT  
ADMINISTRATION AND ELECTIONS

Introduced by:  
(GAE)

**AN ACT CONCERNING THE CONFIDENTIALITY OF LAW  
ENFORCEMENT RECORDS CONCERNING VICTIMS OF SEXUAL  
ASSAULT AND FAMILY VIOLENCE.**

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

1 Section 1. Subsection (b) of section 1-210 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2019*):

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

6 (1) Preliminary drafts or notes provided the public agency has  
7 determined that the public interest in withholding such documents  
8 clearly outweighs the public interest in disclosure;

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

11 (3) Records of law enforcement agencies not otherwise available to  
12 the public which records were compiled in connection with the

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

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

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

45 (B) Commercial or financial information given in confidence, not

46 required by statute;

47 (6) Test questions, scoring keys and other examination data used to  
48 administer a licensing examination, examination for employment or  
49 academic examinations;

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

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

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

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

72 (11) Names or addresses of students enrolled in any public school or  
73 college without the consent of each student whose name or address is  
74 to be disclosed who is eighteen years of age or older and a parent or  
75 guardian of each such student who is younger than eighteen years of  
76 age, provided this subdivision shall not be construed as prohibiting the

77 disclosure of the names or addresses of students enrolled in any public  
78 school in a regional school district to the board of selectmen or town  
79 board of finance, as the case may be, of the town wherein the student  
80 resides for the purpose of verifying tuition payments made to such  
81 school;

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

83 (13) Records of an investigation or the name of an employee  
84 providing information under the provisions of section 4-61dd or  
85 sections 4-276 to 4-280, inclusive;

86 (14) Adoption records and information provided for in sections 45a-  
87 746, 45a-750 and 45a-751;

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

94 (16) Records of complaints, including information compiled in the  
95 investigation thereof, brought to a municipal health authority pursuant  
96 to chapter 368e or a district department of health pursuant to chapter  
97 368f, until such time as the investigation is concluded or thirty days  
98 from the date of receipt of the complaint, whichever occurs first;

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

101 (18) Records, the disclosure of which the Commissioner of  
102 Correction, or as it applies to Whiting Forensic Hospital, the  
103 Commissioner of Mental Health and Addiction Services, has  
104 reasonable grounds to believe may result in a safety risk, including the  
105 risk of harm to any person or the risk of an escape from, or a disorder  
106 in, a correctional institution or facility under the supervision of the

107 Department of Correction or Whiting Forensic Hospital. Such records  
108 shall include, but are not limited to:

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

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

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

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

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

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

128 (G) Logs or other documents that contain information on the  
129 movement or assignment of inmates or staff at correctional institutions  
130 or facilities; and

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

133 (19) Records when there are reasonable grounds to believe  
134 disclosure may result in a safety risk, including the risk of harm to any

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

159 (i) Security manuals or reports;

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

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

166 (iv) Training manuals prepared for government-owned or leased

167 institutions or facilities that describe, in any manner, security  
168 procedures, emergency plans or security equipment;

169 (v) Internal security audits of government-owned or leased  
170 institutions or facilities;

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

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

176 (viii) Emergency plans and emergency preparedness, response,  
177 recovery and mitigation plans, including plans provided by a person  
178 to a state agency or a local emergency management agency or official.

179 (20) Records of standards, procedures, processes, software and  
180 codes, not otherwise available to the public, the disclosure of which  
181 would compromise the security or integrity of an information  
182 technology system;

183 (21) The residential, work or school address of any participant in the  
184 address confidentiality program established pursuant to sections 54-  
185 240 to 54-240o, inclusive;

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

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

192 (24) Responses to any request for proposals or bid solicitation issued  
193 by a public agency or any record or file made by a public agency in  
194 connection with the contract award process, until such contract is

195 executed or negotiations for the award of such contract have ended,  
196 whichever occurs earlier, provided the chief executive officer of such  
197 public agency certifies that the public interest in the disclosure of such  
198 responses, record or file is outweighed by the public interest in the  
199 confidentiality of such responses, record or file;

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

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

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

216 (28) Any documentation provided to or obtained by an executive  
217 branch agency, including documentation provided or obtained prior to  
218 May 25, 2016, relating to claims of faulty or failing concrete  
219 foundations in residential buildings by the owners of such residential  
220 buildings, and documents prepared by an executive branch agency  
221 relating to such documentation, for seven years after the date of receipt  
222 of the documentation or seven years after May 25, 2016, whichever is  
223 later.

224 Sec. 2. Subsection (b) of section 1-215 of the general statutes is  
225 repealed and the following is substituted in lieu thereof (*Effective*



226 *October 1, 2019*):

227 (b) Notwithstanding any provision of the general statutes, and  
 228 except as otherwise provided in this section, any record of the arrest of  
 229 any person shall be a public record from the time of such arrest and  
 230 shall be disclosed in accordance with the provisions of section 1-212  
 231 and subsection (a) of section 1-210. No law enforcement agency shall  
 232 redact any record of the arrest of any person, except for (1) the identity  
 233 of witnesses, (2) the name, address or other identifying information of  
 234 any victim of sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-  
 235 72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, injury or  
 236 risk of injury, or impairing of morals under section 53-21 or family  
 237 violence, as defined in section 46b-38a, or of an attempt thereof, [(2)]  
 238 (3) specific information about the commission of a crime, the disclosure  
 239 of which the law enforcement agency reasonably believes may  
 240 prejudice a pending prosecution or a prospective law enforcement  
 241 action, or [(3)] (4) any information that a judicial authority has ordered  
 242 to be sealed from public inspection or disclosure. Any personal  
 243 possessions or effects found on a person at the time of such person's  
 244 arrest shall not be disclosed unless such possessions or effects are  
 245 relevant to the crime for which such person was arrested.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	1-210(b)
Sec. 2	<i>October 1, 2019</i>	1-215(b)

**GAE**      *Joint Favorable*