



General Assembly

Amendment

January Session, 2015

LCO No. 8546



Offered by:

- REP. JUTILA, 37th Dist.
- REP. SMITH, 108th Dist.
- REP. TONG, 147th Dist.
- REP. GODFREY, 110th Dist.

To: Subst. House Bill No. 6750

File No. 760

Cal. No. 437

"AN ACT CONCERNING THE REQUIREMENT FOR DISCLOSURE OF ARREST RECORDS UNDER THE FREEDOM OF INFORMATION ACT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 1-215 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) For the purposes of this section, "record of the arrest" means (1)
6 the name, race and address of the person arrested, the date, time and
7 place of the arrest and the offense for which the person was arrested,
8 and (2) in addition, in a case in which (A) the arrest has been made by
9 warrant, the arrest warrant application, including any affidavit in
10 support of such warrant, (B) the arrest has been made without a
11 warrant, the official arrest, incident or similar report, or (C) a judicial

12 authority has ordered the affidavit in support of a warrant or the
13 official arrest, incident or similar report sealed from public inspection
14 or disclosure, in whole or in part, the portion of the affidavit or report
15 that has not been sealed, if applicable, as well as a report setting forth a
16 summary of the circumstances that led to the arrest of the person in a
17 manner that does not violate such order. "Record of the arrest" does
18 not include any record of arrest of a juvenile, a record erased pursuant
19 to chapter 961a or any investigative file of a law enforcement agency
20 compiled in connection with the investigation of a crime resulting in
21 an arrest.

22 [(a)] (b) Notwithstanding any provision of the general statutes, [to
23 the contrary,] and except as otherwise provided in this section, any
24 record of the arrest of any person [, other than a juvenile, except a
25 record erased pursuant to chapter 961a,] shall be a public record from
26 the time of such arrest and shall be disclosed in accordance with the
27 provisions of section 1-212 and subsection (a) of section 1-210. [, except
28 that disclosure of data or information other than that set forth in
29 subdivision (1) of subsection (b) of this section shall be subject to the
30 provisions of subdivision (3) of subsection (b) of section 1-210.] No law
31 enforcement agency shall redact any record of the arrest of any person,
32 except for (1) the identity of witnesses, (2) specific information about
33 the commission of a crime, the disclosure of which the law
34 enforcement agency reasonably believes may prejudice a pending
35 prosecution or a prospective law enforcement action, or (3) any
36 information that a judicial authority has ordered to be sealed from
37 public inspection or disclosure. Any personal possessions or effects
38 found on a person at the time of such person's arrest shall not be
39 disclosed unless such possessions or effects are relevant to the crime
40 for which such person was arrested.

41 [(b) For the purposes of this section, "record of the arrest" means (1)
42 the name and address of the person arrested, the date, time and place
43 of the arrest and the offense for which the person was arrested, and (2)
44 at least one of the following, designated by the law enforcement

45 agency: The arrest report, incident report, news release or other similar
46 report of the arrest of a person.]

47 (c) In addition, any other public record of a law enforcement agency
48 that documents or depicts the arrest or custody of a person during the
49 period in which the prosecution of such person is pending shall be
50 disclosed in accordance with the provisions of subsection (a) of section
51 1-210 and section 1-212, unless such record is subject to any applicable
52 exemption from disclosure contained in any provision of the general
53 statutes.

54 (d) Any law enforcement agency receiving a request for a record
55 described in subsection (c) of this section shall promptly provide
56 written notice of such request to the office of the state's attorney for the
57 appropriate judicial district where the arrest occurred. The state's
58 attorney for such district shall be afforded the opportunity to intervene
59 in any proceeding before the Freedom of Information Commission
60 concerning such request.

61 (e) The provisions of this section shall only be applicable to any
62 record described in this section during the period in which a
63 prosecution is pending against the person who is the subject of such
64 record. At all other times, the applicable provisions of the Freedom of
65 Information Act concerning the disclosure of such record shall
66 govern."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	1-215