Government Administration and Elections Committee
JOINT FAVORABLE REPORT

Bill No.: SB-1233
Title: AN ACT EXEMPTING THE NAME AND ADDRESS OF AN INDIVIDUAL REPORTING AN ALLEGATION INVOLVING BIGOTRY OR BIAS AND OF THE ALLEGED OFFENDER FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.
Vote Date: 2/28/2025
Vote Action: Joint Favorable
PH Date: 2/7/2025
File No.:

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

There is a growing concern that individuals who report hate crimes can be subjected to harassment through targeted weaponized FOIA requests. Hate crimes can be underreported due to fear of retaliation, lack of anonymity, among other reasons. This bill seeks to protect individuals who report hate crimes from weaponized disclosures under the freedom of administration act.

RESPONSE FROM ADMINISTRATION/AGENCY:

Colleen Murphy, Executive director and General Council FOI Commission:
We have some concerns with the proposal, and it may be unnecessary. Proponents have expressed concern for individuals reporting allegations involving bigotry or bias. FOI already exempts records and if IMRP received a request, the statue would already allow the agency to withhold records. The proposal is too broad and could have the opposite effect. Information reported by individuals on alleged hate crimes are already collected by IMRP to determine if they did occur. It is unclear if the intent provides confidentiality of offenders even after arrest or convictions. We question why personally identifiable date is collected by IMRP. This is not a law enforcement agency and maybe it would be better if they do not collect this type of date. The Advisory Council's online reporting tool contains a pre-submission acknowledgment to be checked off by the individual submitting information, which acknowledgment states: "This

information is only intended to be used for analysis to inform policy and resource allocation. It will not be disseminated otherwise unless required by law." The reporting page also states that information may be shared with law enforcement" and "to ensure this incident is investigated by the police, please contact law enforcement directly." In addition, the reporting tool requires those reporting to consent to sharing their information. If information is being gathered for statistical and research purposes and is not going to be shared with law enforcement and investigated unless specifically authorized, then the identity of an individual reporting an alleged hate crime or bias incident would seem unnecessary.

Deborah Del Prete Sullivan, Director, Office of Chief Public Defender:
We do not support this bill. The language beginning at line 10 as drafted may create a non-exhaustive list of offenses as illustrated in lines 10 thru 20. They are overbroad and not limited to the context of section (A) and (B) in lines 16-20. This may cause confusion and conflict with current law. The office is also concerned about exempting information currently disclosed through the Freedom of Information Act if originated from the Institute for Municipal and Regional Policy (IMRP) at the University of Connecticut. As a participant on the Hate Crimes Advisory Council, we are having ongoing discussions regarding its work. Transparency in government and protections of individual rights require data pertaining to complaints collected thru IMRP be disclosable to the public.

NATURE AND SOURCES OF SUPPORT:

Michael Bloom, Executive Director, Jewish Federation Association of Connecticut:
This legislation ensures the protection and safety of individuals who report acts of bias or bigotry thru www.reporthate.ct.gov. Hate crimes are often personal and traumatic for victims and their entire communities. The names and address of alleged offenders should be protected from a FOI request until due process has been followed. Public disclosure can lead to unjust consequences and potential vigilantism. This bill strikes the balance between transparency and the need for confidentiality.

Michelle Querijero, State-Wide Hate Crimes Advisory Council:
Hate crimes and bias remain under-reported because of fear of contacting law enforcement directly. The council has worked with the Institute of Municipal and Regional Policy at UConn to create an online portal to report hate crimes and bias incidents. This portal does not make public the reports to protect victims and witnesses and any alleged offenders. FOI Commission Executive Director, we disagree about whether FOI's safety risk exemption was adequate. We feel that the exemption is not enough, and fewer people will use our portal for fear of FOI disclosure. The new FOI exemption does not cover personal identifying information on reports. IMRP does determination thru DAS the safety risk in the reporthate.ct.gov reports it then converts into database form.

Hillary Brown:
As a resident of Bridgeport, I support this amendment at an especially critical time. Attacks on persons or groups because of race, religion, ethnicity, disability, sex, sexual orientation or gender identity are increasing across the country. Enshrining these in out state constitution will safeguard both those who choose to raise allegations and those who are charged.

The following also support the bill:
Lorayna Hinton

NATURE AND SOURCES OF OPPOSITION:

Jacqueline Smith, Treasurer, Connecticut Council of Freedom of Information:
CCFOI supports the purpose and intent of the bill but have a problem with the language. The bill is unnecessary because the protections already exist in current FOI Act. We question why the University of Connecticut is appointed to collect the date at IMRP. IMRP is not a law enforcement agency and should not be collecting personal date. Much of the language is duplicative or unnecessary. Sec. 1-210-(b)(3) of our existing statute provides exemptions and language regarding the non-disclosure of names and information when there is dangerous risk of a release prematurely.

Lee Sirotnak:
The November election sent a clear message that it is time for a change. The name of the individual doing the reporting should be released because allegations of a violation of this ridiculous law destroys lives and is a complete disregard of our right of free speech. The alleged offenders name should not be released because they have not been convicted of a crime and should be protected against the hate that follows a false accusation.

The following also testified against the bill:
Sarah Baillargeon
Thom Brown III
Linda Dalessio
Kenneth Finn
Afga Wahid
Anonymous

Reported by: Pamela Bianca **Date: March 5, 2025**