

SB 1541 -- Redline

APP Joint Favorable to Chaptered -- AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, DISCLOSURE OF DISCIPLINARY MATTERS OR ALLEGED MISCONDUCT BY A DEPARTMENT OF CORRECTION EMPLOYEE, USE OF FORCE AND BODY CAMERAS IN CORRECTIONAL FACILITIES AND CRIMINAL HISTORY RECORDS.

Deletions ~~struck~~ · Insertions underlined

~~General Assembly~~ Substitute Senate Bill No.

~~1541 January Public Session, Act 2025 No. AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, DISCLOSURE OF DISCIPLINARY MATTERS OR ALLEGED MISCONDUCT BY A DEPARTMENT OF CORRECTION EMPLOYEE AND USE OF FORCE AND BODY CAMERAS IN CORRECTIONAL FACILITIES.~~

25-161 AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, DISCLOSURE OF DISCIPLINARY MATTERS OR ALLEGED MISCONDUCT BY A DEPARTMENT OF CORRECTION EMPLOYEE, USE OF FORCE AND BODY CAMERAS IN CORRECTIONAL FACILITIES AND CRIMINAL HISTORY RECORDS.

(m) The person appointed as Correction Ombuds shall serve for ~~an~~[an initial]~~initial~~ a term of ~~[two two~~two~~ye]r~~four~~years, years~~[and] to except run that concurrent on with and the after term~~January of 6, the 2027,~~Governor~~a and person may appointed as Correction Ombuds shall serve until for a successor term is of~~appointed four and years confirmed to in run accordance concurrent with this the section, term of the Governor. Such person may ~~be serve~~ reappointed until for a succeeding~~successor terms is appointed and confirmed in accordance with this section [.~~Such person] and may be reappointed for succeeding terms.

~~Section 18-81jj of the general statutes is amended by adding subsection (o) as follows (Effective from passage):-~~

~~(NEW) (o) (1) The office of the Governor shall develop and make public a method for any person to complaint to said office concerning the performance of the Correction Ombuds if such person is able to document that the Correction Ombuds, in performance of the duties of the Correction Ombuds, committed an act that constitutes an abuse of LCO 1 of 15 Substitute Bill No.~~

~~1541 power, malfeasance or negligence.~~

~~Upon evaluation of each such complaint, if said office finds that such complaint may warrant the removal of the Correction Ombuds, said office shall submit a copy of such complaint to both houses of the General Assembly. Such complaint shall be referred, without debate, to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction, which shall conduct a public hearing on such complaint and vote on whether to report such complaint not later than thirty calendar days from the time of reference, but not later than seven calendar days before the adjourning of the General Assembly when the General Assembly is in regular session.~~

~~If the General Assembly is not in regular session at the time of the submission of such complaint, such committee shall conduct a public hearing on such complaint and vote on whether to report such complaint not later than sixty calendar days from the time of reference.~~

~~If the committee fails to vote affirmatively to remove the Correction Ombuds, no report to the General Assembly shall be generated and such complaint shall be deemed resolved and not result in the removal of the Correction Ombuds.~~

~~If the committee votes to recommend removal of the Correction Ombuds, such committee shall report such recommendation to the General Assembly.~~

~~The General Assembly by joint resolution may approve or reject such resolution.~~

~~Approval of such resolution shall result in immediate removal of the Correction Ombuds.~~

~~Rejection or failure to take action on such resolution by either house shall result in such complaint being deemed resolved and not result in the removal of the Correction Ombuds.~~

~~(2) The General Assembly may dispose of any complaint filed pursuant to subdivision (1) of this subsection in regular or special session, as applicable.~~

~~Sec.~~

~~3.~~

(a) (1) There is, within the Office of Governmental Accountability established under section 1-300, the Office of the Correction Ombuds for ~~the~~Substitute ~~provision~~Senate of Bill ~~ombuds~~No. services. ~~The 1541 Correction the Ombuds provision appointed LCO 2 of 15 ombuds Substitute services. Bill No. 1541 The Correction Ombuds appointed~~ pursuant to section 18-81jj, as amended by this act, shall be the head of said office.

(E) Reviewing the operation of correctional facilities and ~~non emergency~~Public ~~procedures~~Act ~~employed~~No. ~~at such facilities.~~

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1541 nonemergency procedures employed at such facilities.

LCQ(F) 3 Recommending of procedure 15 and Substitute policy Bill revisions No. to the department;

1541 (F) Recommending procedure and policy revisions to the department;

The Correction Ombuds ~~shall~~[shall] exhaust all other means to reach a resolution before ~~initiating~~[initiating] is not authorized to institute litigation;

(b) Notwithstanding any provision of the general statutes, the Correction Ombuds shall act independently of any department in the ~~performance~~Public of Act the No. office's duties.

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1541 performance of the office's duties.

[(d) The General Assembly shall annually appropriate such sums as ~~LCQ necessary 4 for the payment of the salaries of the staff and for the payment of~~ 15 office Substitute expenses Bill and No. other actual expenses incurred by the Correction Ombuds in the performance of the Correction Ombuds' duties.

~~1541 necessary for the payment of the salaries of the staff and for the payment of office expenses and other actual expenses incurred by the Correction Ombuds in the performance of the Correction Ombuds' duties.~~

~~[(e)] If (2) the In Correction the Ombuds course determines of that [investigations] such an investigation investigation, is not warranted, the Correction Ombuds shall rely inform on the a person variety making of the sources complaint to of corroborate such matters decision raised in by writing. persons who are incarcerated [persons] or others.~~

[(e)] (2) In the course of [investigations] an investigation, the Correction Ombuds shall rely on a variety of sources to corroborate Public Act No.

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1541 matters raised by persons who are incarcerated [persons] or others.

Documents supporting the decision are subject to relevant ~~LCQ confidentiality 5 provisions, but may be disclosed by request of 15 and Substitute to Bill (i) No. the complainant or an authorized representative of the family of the complainant as disclosed to the Correction Ombuds, or (ii) the chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction.~~

~~1541 confidentiality provisions, but may be disclosed by request of and to (i) the complainant or an authorized representative of the family of the complainant as disclosed to the Correction Ombuds, or (ii) the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction.~~

(B) At least ninety-six hours prior to issuing a decision pursuant to subparagraph (A) of this subdivision that expressly, or by implication, criticizes the department or an employee of the department, the ~~Correction Public Ombuds Act shall No. consult with the department or employee, as applicable.~~

~~(4) 25-161 At 5 the Correction Ombuds' request, the department shall, within the time specified by the Correction Ombuds, inform the Correction Ombuds of any 16 action Substitute taken Senate on Bill recommendations No. contained in a decision pursuant to subdivision (3) of this subsection or any reason for not complying with any such recommendation. The Correction Ombuds shall notify the incarcerated person whose complaint resulted in a decision containing such recommendation, of any action taken by the department in response to such recommendation, unless such action is confidential.~~

~~(f) (1) All oral and written communications, 1541 including, but not limited to, Correction to, Ombuds in shall response consult to with any survey, and records relating to such communications between a person in the custody department of the Commissioner of Correction, or an employee of the Department representative of Correction, and the LCQ employee's bargaining of unit, 15 as Substitute applicable. Bill No.~~

~~1541 (4) Correction At Ombuds or a member of the Office of the Correction Ombuds Ombuds' staff, request, including, the but department not shall, limited during to, a the period identity of a time complainant, agreed the upon details with of the communications and the Correction Ombuds Ombuds, findings inform shall be confidential and shall not be disclosed without the consent of such person, except that the Correction Ombuds (A) may disclose without the consent of such any person action general taken findings on or policy recommendations based contained on in such a communications, decision provided pursuant no individually identifiable information is disclosed, and (B) shall disclose to the subdivision Commissioner (3) of Correction this any subsection communication or concerning any areason physical for threat not made complying against with any such person's recommendation. self, an incarcerated person or an employee of the Department of Correction.~~

The Correction Ombuds shall ~~disclose~~notify sufficient the information ~~incarcerated to person the whose Commissioner complaint of resulted Correction in or a the decision commissioner's containing designees such as recommendation, is of necessary any to action respond taken to by the Correction department Ombuds in inquiries response or to carry out recommendations, but such information recommendation. may not be further disclosed outside of the Department of Correction.~~

~~For (f) All oral and written communications, including, but not limited to, in response to any survey, and records relating to such communications between a person in the purposes custody of this the~~

~~section, Commissioner identical of Correction, or blank an surveys employee of the Department of Correction, and questionnaires the received Correction by Ombuds said or office a member of the Office of the Correction Ombuds staff, including, but not limited to, the identity of a complainant, the details of the communications and the Correction Ombuds' findings shall be confidential and exempt from the Freedom of Information Act, as defined in section 1-200, and shall not be disclosed without the consent of such person, except that the Correction Ombuds (1) may disclose without the consent of such person general findings or policy recommendations based on such communications, provided no individually identifiable information is disclosed, [The Correction Ombuds shall disclose sufficient information to the Commissioner of Correction or the commissioner's designee as is necessary to respond to the Correction Ombuds' inquiries or to carry out recommendations, but such information may not be confidential, further disclosed outside of the Department of Correction] and (2) shall immediately disclose to the Commissioner of Correction any communication concerning a physical threat made against such person's self, a member of the public, an incarcerated person or an employee of the Department of Correction.~~

~~(2) Public All Act processing No. controls, allowances for limited free postage and advances of funds to persons who are incarcerated for postage shall apply to mail sent to the Office of the Correction Ombuds.~~

~~(g) 25-161 Notwithstanding 6 the provisions of subsection 16 (f) Substitute of Senate this Bill section, No. whenever in the course of carrying out the Correction Ombuds' duties, the Correction Ombuds or a member of the Office of the Correction Ombuds staff becomes aware of the commission or planned commission of a criminal act or threat that the Correction Ombuds reasonably believes is likely to result in death or substantial bodily harm, the Correction Ombuds shall notify the Commissioner of Correction or an administrator of any correctional facility housing the perpetrator or potential perpetrator of such act or threat and the nature and target of the act or threat.~~

~~(h) 1541 Notwithstanding For any the provision purposes of the this general section, statutes identical concerning or the blank confidentiality surveys of records and information, questionnaires the received Correction by Ombuds said LCO Office 7 shall of not 15 be Substitute confidential. Bill No.~~

~~1541 (g) shall Notwithstanding have the access provisions to, of including subsection (f) of this section, whenever in the right course to of inspect carrying and out copy, the any Correction records Ombuds' necessary duties, to the carry Correction out Ombuds or a member of the responsibilities Office of the Correction Ombuds, Ombuds staff becomes aware of the commission or planned commission as of provided a criminal act or threat that the Correction Ombuds reasonably believes is likely to result in this death section, or substantial bodily harm, the Correction Ombuds shall immediately notify the Commissioner of Correction or an administrator of any correctional facility housing the perpetrator or potential perpetrator of such act or threat and the nature and target of the act or threat.~~

~~(h) Notwithstanding any provision of the general statutes concerning the confidentiality of records and information, the Correction Ombuds shall have access to, including the right to inspect and copy, any records necessary to carry out the responsibilities of the Correction Ombuds, as provided in this section.~~

~~(i) The Correction Ombuds Ombuds, if a commissioner of the Superior Court, may issue subpoenas to compel the attendance and testimony of witnesses or the production of books, papers and other documents and administer oaths to witnesses in any matter under investigation.~~

~~Any such subpoena shall be served upon upon the the person to whom such subpoena is issued not later than fifteen days prior to the time specified in the subpoena Public for Act compliance. No.~~

~~Such 25-161 person 7 may, not later than fifteen days after service of such 16 subpoena, Substitute or Senate on Bill or No. before the time specified in the subpoena for compliance, whichever is later, serve upon the Correction Ombuds written objection to the subpoena and file such objection in the superior court for the judicial district of Hartford, which shall adjudicate such objection in accordance with the rules of the court.~~

~~1541 subpoena for compliance.~~

~~Such person may, not later than fifteen days after service of such subpoena, or on or before the time specified in the subpoena for compliance, whichever is later, serve upon the Correction Ombuds written objection to the subpoena and file such objection in the superior court for the judicial district of Hartford, which shall adjudicate such objection in accordance with the rules of the court.~~

~~(k) (1) The Correction Ombuds may hold conduct informal hearings in accordance with the provisions of chapter 54 and may LCO request 8 that of any 15 person Substitute appear Bill before No. the Correction Ombuds or at a hearing and give testimony or produce documentary or other evidence that the Correction Ombuds considers relevant to a matter under investigation.~~

~~1541 request that any person appear before the Correction Ombuds or at a hearing and give testimony or produce documentary or other evidence that the Correction Ombuds considers relevant to a matter under investigation.~~

~~(l) Any The appearance Correction of Ombuds a shall person make available to persons who are is incarcerated confidential shall means occur by at which to report concerns or otherwise submit complaints to the~~

~~Correction facility Ombuds, where which such may person include, is but incarcerated need at not be limited to (1) electronic means or a locked box, accessible only by the Correction time Ombuds and the employees of the Office hearing, of the Correction Ombuds, or (2) a hotline for persons who are incarcerated to communicate with said office.~~

(l) The Correction Ombuds shall make available to persons who are incarcerated confidential means by which to report concerns or otherwise submit complaints to the Correction Ombuds, which may Public Act No.

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1541 include, but need not be limited to (1) electronic means or a locked box, accessible only by the Correction Ombuds and the employees of the Office of the Correction Ombuds, and (2) a hotline for persons who are incarcerated to communicate with said office.

[(j)] (n) The Correction Ombuds may apply for and accept grants, LCO gifts and bequests of 15 funds Substitute from Bill other No. states, federal and interstate agencies, for the purpose of carrying out the Correction Ombuds' responsibilities.

~~1541 gifts and bequests of funds from other states, federal and interstate agencies, for the purpose of carrying out the Correction Ombuds' responsibilities.~~

[(k)] (o) The name, address and other personally identifiable information of a person who makes a complaint to the Correction Ombuds, information obtained or generated by the Office of the Correction Ombuds in Public the course of an investigation and all confidential Act records No. obtained by the Correction Ombuds or the office shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, or otherwise except as provided in subsections (f) and (g) of this section.

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1541 Correction Ombuds in the course of an investigation and all confidential records obtained by the Correction Ombuds or the office shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, or otherwise except as provided in subsections (f) and (g) of this section.

4-3.

(1) The clerks of the Senate, the clerks of the House of Representatives and the chairpersons of committees of the General Assembly or of either branch thereof, LCO during 10 its of session; 15 Substitute Bill No.

~~1541 during its session;~~

(5) commissioners appointed by governors of other states to take the Public acknowledgment Act of No. deeds, in the discharge of their official duty;

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1541 the acknowledgment of deeds, in the discharge of their official duty;

(14) judge advocates of the United States Army, Navy, Air Force, Marine Corps and Space Force, law specialists of the United States Coast Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding officers, executive officers and officers whose rank is lieutenant commander or major, or above, of the armed forces, as LCO defined 11 in of section 1527-103, Substitute to Bill persons No. serving with or in the armed forces, as defined in said section, or their spouses;

~~1541 defined in section 27-103, to persons serving with or in the armed forces, as defined in said section, or their spouses;~~

(16) bail commissioners, intake, assessment and referral specialists, family relations counselors, support Public enforcement Act officers, No. chief probation officers and supervisory judicial marshals employed by the Judicial Department in the performance of their assigned duties;

~~(17) 25-161 juvenile 11 matter of investigators 16 employed Substitute by Senate the Division of Criminal Justice Bill in the performance No. of their assigned duties;~~

1541 support enforcement officers, chief probation officers and supervisory judicial marshals employed by the Judicial Department in the performance of their assigned duties;

(17) juvenile matter investigators employed by the Division of Criminal Justice in the performance of their assigned duties;

5-4.

(NEW) (Effective from passage) (a) For any agreement or arbitration award approved before, on or after the effective date of this section, in accordance with the provisions of sections 5-270 to 5-280, inclusive, of the general statutes, on matters appropriate to collective bargaining, as defined in said sections, where any provision in such LCO agreement 12 or award pertaining to the disclosure of 15 disciplinary Substitute matters Bill or alleged misconduct by a Department of Correction employee would prevent the disclosure of documents required to be disclosed under the provisions of the Freedom of Information Act, as defined in section 1-200 of the general statutes, the provisions of the Freedom of Information Act shall Public Act No.

~~154125-161 agreement12 or award pertaining to the disclosure of disciplinary16 mattersSubstitute orSenate allegedBill misconductNo. by a Department of Correction employee would prevent the disclosure of documents required to be disclosed under the provisions of the Freedom of Information Act, as defined in section 1-200 of the general statutes, the provisions of the Freedom of Information Act shall prevail.~~

1541 prevail.

(b) No collective bargaining agreement or arbitration award entered into ~~before~~, on or after the effective date of this section, by the state and any collective bargaining unit of the Department of Correction may prohibit the disclosure of any disciplinary action based on a violation of the administrative directives contained in the personnel file of an officer of said division.

~~6-5.~~

Such supervisor] warden of the facility where such use of force occurred, who shall immediately ~~report upon such being use informed of of such use force of force to reportsuch use the off force to the~~ [immediate supervisor of the correction officer who is ~~LCQ reported 13 to have used such force~~ Commissioner of ~~15 Correction Substitute and Bill the No-state police.~~

~~1541Any reported correction officer required to have report used such an incident such who force failsto Commissioner do of so Correction may and be the prosecuted state Public police. Act No.~~

~~Any25-161 correction13 officer required to report such an incident who fails to do so may be prosecuted and punished in accordance with the provisions of sections16 53a-165Substitute toSenate 53a-167,Bill inclusive.No.~~

~~(c)1541 Theand Department punished of in Correction accordance or with anythe employee provisions of the sections department53a-165 shall not take any retaliatory personnel action or discriminate against a correction officer because such correction officer intervened in an incidentpursuant to subsection(a) of this section or reported an incident pursuant to subsection53a-167, (b) inclusive. of this section.~~

(c) The Department of Correction or any employee of the department shall not take any retaliatory personnel action or discriminate against a correction officer because such correction officer intervened in an incident pursuant to subsection (a) of this section or reported an incident pursuant to subsection (b) of this section.

or (B) the chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction.

Such plan shall include recommendations for any legislation necessary to implement such plan, the budgetary resources required for the implementation of such plan and the department's timeline for implementation of such ~~plan, plan, if such budgetary resources are made Public Act No.~~

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~~1541 (f) available. For purposes of this section, "use of force" means the use of physical force or deadly physical force, as defined in section 53a-3, by a correction officer to compel compliance by a person who is incarcerated.~~

(f) For purposes of this section, "use of force" means the use of physical force or deadly physical force, as defined in section 53a-3, by a correction officer to compel compliance by a person who is incarcerated.

6.

(NEW) (Effective January 1, 2026) The Office of the Correction Ombuds, established pursuant to section 18-81q of the general statutes, as amended by this act, in consultation with the office of the Attorney General, shall publish on said offices' Internet web sites a list of the case captions and the names of the parties for each case filed on or after January 1, 2026, against the Department of Correction relating to excessive use of force or medical neglect that is defended by the Attorney General.

Sec.

(Effective from July passage)1, The2025) Office Notwithstanding subparagraph (A) of the subdivision Correction(1) Ombuds, of established subsection pursuant (c) to of section 18-81qq29-11 of the general statutes, as for amended the by fiscal this year act, ending in June consultation30, with2026, the Office Commissioner of the Emergency Attorney Services General, and Public Protection shall publish waive on a said criminal offices' history Internet record web information sites search a or database fingerprint that search contains fee all for cases any filed person against (1) the whose Department criminal of history Correction record defended information was required to be deemed erased by operation of law pursuant to the division provisions of the subsection office (e) of the section Attorney54-142a General of concerning the public general safety statutes, during and the (2) period who from has January demonstrated 1, through 2000, evidence sufficient to the effective Department date of this section. Said offices shall Emergency conduct Services and publish the result of targeted and audits Public of Protection that such cases person that submitted were and brought paid as for medical neglect prior cases criminal during history the record period information from search January or 1, fingerprint 2010, search to that the included effective records date that of have this been section, deemed erased.

~~This act~~ The act ~~commissioner shall may take waive effect fees as~~ pursuant follows to and this shall section amend not
~~the more following than sections: two times per person.~~

~~Section 1 from passage 18-81jj(m) Sec.~~

~~28. from passage 18-81jj(o) Sec.~~

~~3 Subsection from (g) passage of 18-81qq section Sec. 54-142t~~ of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, Public Act No.

~~425-161 from 15 passage of 1-2416 Sec. Substitute Senate Bill No.~~

~~51541 from 2025): passage New section Sec.~~

~~6(g) October~~ On and after January 1, 2025 ~~2024, 18-81nn if Sec.~~ a person (1) believes any of such person's criminal history record information was required to be deemed erased by operation of law pursuant to the provisions of subsection (e) of section 54-142a, and (2) submits [a copy of such person's criminal history record information search demonstrating that such criminal history record information has not been marked as erased] an application to the Department of Emergency Services and Public Protection in a form and manner determined by the department, the department shall, following a contested hearing if the department determines relief cannot be immediately granted, make a determination on whether such criminal history information should be deemed erased by operation of law.

~~7 If from a passage hearing Now is section held, JUD the Joint department Favorable shall, Subst.~~ not later than fifteen days prior to the hearing, provide the applicant with any criminal history record information to be considered by the department in adjudicating the application and issue a written notice of its determination not later than fifteen days following the hearing.

~~APP Such Joint determination Favorable shall LCO constitute 15 a~~ final decision for the purposes of 15 the provisions of chapter 54.

Governor's Action:

Approved June 30, 2025 Public Act No.

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