

REP. ARESIMOWICZ (30th):

Mr. Speaker, I rise for immediate suspension of our House Rules for immediate consideration of Senate Bill 1149.

SPEAKER SHARKEY:

The motion is for the immediate suspension of our rules for the immediate consideration of Senate Bill 1149.

Representative Cafero.

REP. CAFERO (142nd):

We have no objection, Mr. Speaker.

SPEAKER SHARKEY:

Thank you.

Seeing no objection, the rules are suspended for the consideration of Senate Bill 1149.

Will the Clerk please call Calendar 690?

THE CLERK:

House Calendar 690, favorable report of the Joint Standing Committee on Government Administration and Elections, Substitute Senate Bill 1149, AN ACT MAKING TECHNICAL CHANGES TO THE STATUTE OF CONCERNING ACCESS TO PUBLIC RECORDS.

SPEAKER SHARKEY:

Representative Gerry Fox, the distinguished Chair of the Judiciary Committee, you have the floor, sir.

REP. FOX (146TH):

Thank you, Mr. Speaker.

I move for acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER SHARKEY:

The question is acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

Will you remark, sir.

REP. FOX (146TH) :

Thank you, Mr. Speaker.

The Senate passed a strike-all amendment LCO Number 8864. I would ask that that be called and I be given leave to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 8864, which has been previously designated Senate Amendment "A"?

THE CLERK:

Mr. Speaker, Calendar Number -- or excuse me -- Senate "A", Substitute -- or -- LCO 8864 introduced by Senator Williams and Representative Sharkey, et al.

SPEAKER SHARKEY:

The gentleman seeks leave of the Chamber to summarize. Is there objection? Is there objection?

Seeing none, you may proceed with summarization, sir.

REP. FOX (146TH) :

Thank you, Mr. Speaker.

This -- this amendment makes certain changes to our disclosure laws with respect to freedom of information. It also creates a task force and I move adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption of Senate Amendment "A".

Will you remark?

REP. FOX (146TH) :

Yes, Mr. Speaker.

Thank you.

The intent of this, Mr. Speaker, is to update our freedom of information laws and to make them consistent with federal freedom of information laws, including how they have been interpreted under the United States Supreme Court in the case *National Archives and Records Administration versus Travis*.

In that case and -- and what we're intentioned here to do is to recognize the privacy rights of victims of violent crime and those victims surviving family members.

Mr. Speaker, the -- what the amendment does is it -- it does a few things. One, it makes it clear that in our records of law enforcement agencies that are not otherwise disclosable, that we would also include the identity of minor witnesses, so if there's a -- a minor whose -- whose name is identified in -- in a report that was taken in -- as a result of a -- a crime, that that minor's name would be redacted from that -- that report.

Also, Mr. Speaker, this amendment has a Section 2 and what it does there is it states that any records created by a law enforcement agency that would result in a photograph, a film, a digital, some sort of video, maybe -- if that image depicts a victim of a homicide that the record could -- and if that record could reasonably be expected to constitute an unwarranted invasion of privacy that that record be -- may not be disclosed in order to protect the victim and the victim's family members privacy rights.

It's the intention of this section, Mr. Speaker, that it -- that it not be the burden of the family member to disclose -- or to assert this right, but rather that it be presumed that they have this right. We don't want the family members and the victims of -- of these victims to have to go through additional court proceedings or commissioned hearings, so that -- that -- that's the intent here.

Also, Mr. Speaker, I should say it specifically intended that this would include the family members of the victims of Sandy Hook. In case there's any doubt or any question when those are looking for legislative intent.

Mr. Speaker, also, there is a provision that also that would allow for the exemption of audio tapes amongst emergency

personnel that they would also be excluded. Now, that's -- that provides in -- is a moratorium that would take us to the end of next session and there would -- there is a task force that has been created -- that will be created under this amendment and we will study this issue and look further as we look to update our freedom on information laws to make them consistent with the digital age.

So I would urge and move adoption of the amendment.

SPEAKER SHARKEY:

Thank you, sir.

The question before the Chamber is adoption of Senate Amendment "A".

Will you remark?

Representative Hovey of the 112th.

REP. HOVEY (112TH):

Thank you, Mr. Speaker.

I want to, on behalf of the Newtown Delegation, thank my leader, the Speaker of the House, the Majority Leader, the Senate Majority Leader, the Senate Minority Leader, and the Governor. And I also really need to thank the four caucus attorneys because they have spent endless hours trying to get this right.

Last, but not least, I want to thank the Sandy Hook families for sharing their very personal perspectives with all of us. Their grace is amazing.

This bill protects families from further harm when their loved ones have been murdered. The loss of a loved one is beyond most of our imaginations and to have that loss publicized and politicized is vicious and depraved.

This bill follows the federal FOIA law which has already been affirmed by the Supreme Court. As a society we must reignite civility and compassion. I urge each and every one of you to support this legislation and I thank you all.

SPEAKER SHARKEY:

Thank you, madam.

The question before the Chamber is adoption of Senate Amendment "A".

Will you remark further?

Representative Bolinsky of the 106th.

REP. BOLINSKY (106TH) :

Thank you, Mr. Speaker.

I am not going to repeat the thanks my distinguished colleague has already showered upon our leadership, but I will refer to it if that's okay. I will address a very, very heartfelt comment and a very, very heartfelt thank you to every single person in this Chamber.

I look at this amendment -- bill -- I'm a freshman. I can't tell one from the other. And I see 110 co-sponsors. And I can't help but think to myself in the most simplistic of terms wow, that's a compassionate bunch of people.

And personally, to me, it's worth the world, but to the people who are in the well before us and the other families that haven't had the opportunity to join us here today I want to thank every single person who helped us get to the point of doing the right thing in the face of so much wrong.

What happened on 12/14 is inexplicable and I pray to God that it happens never, ever again. In a very challenging session this House, this Senate have managed to come together in a truly bipartisan fashion more than once to do what's right. The amendment -- bill before us is another manifestation of that.

I've personally thanked my speaker for the bipartisan work that we've done here before, as well as my leader, the person who gives me my advice, Larry Cafero, so to the two of you without expanding my thank you to over -- repeat what my -- what my colleague said, the two of you my hat is off to you if I had one.

I'm just going to conclude by making note of the fact that we started with a very -- very broad set of legislation that we were looking to perhaps over step which came FOI supporters

pause and cause to be concerned with our work. We then pulled back and we narrowed our definitions.

As a matter of fact, we narrowed them so much that we, and the Black and Puerto Rican Caucus, had a very brief disagreement over, you know, whether this was being done for Newtown only, or if it could become something that in the digital age could be applied to horrific losses of life that happen all throughout our state, and don't just include a small suburban school district, but also some of the horrors that happen in the inner cities as well.

So we reached a -- a very, very nice compromise of the minds, and I thank the Black and Puerto Rican Caucus for helping us get here and helping us do something that's broader than just Newtown, while also accomplishing what my initial goal was, what our delegations initial goal was, which was to do what we could to protect our families.

So on that note, I spoke much longer than I should have. Everybody's tired. I apologize for droning on and I thank every single person in this room.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on Senate Amendment "A"?

Representative Carter of the 2nd District.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

You know, ladies and gentlemen of the Chamber, we vote a lot on a lot of important things in this Howard Hall. And nothing more difficult than the vote we face tonight. I know a lot of us in this room have a lot of complex feelings about what's happened.

I mean, we have the emotions of what's happened in Newtown. We have our love of the Constitution. We have our concerns about the freedom of information.

What's unique about this bill before us this evening is it's within what the federal guidelines say with respect to freedom of information and that's important. Because by doing what we're doing this evening we're still keeping ourselves in the Connecticut law much stricter than what the federal law is.

I know this is a difficult step for us. It's a courageous step. And I hope we make it not as much on the -- the emotions of what's happened in our own community in the past, but the thought of what's going to happen in the future.

You know, it's unfortunate that in this instance, you know, the dramatic events of what happened in Newtown has been the catalyst to what we can see maybe the worst in society of wanting this information. And in the future I think what we have the opportunities now to guard against this.

You know, we've seen it rear its ugly head and -- and maybe tonight we have the opportunity to prevent, not only the re-victimization of people in our own state (inaudible) or in Newtown, but what could happen in the future? So ladies and gentleman, this is a -- this is a huge opportunity in front of us.

You know, I hope we have as much support as I think we're going to have. And as we've been through this process together, you know, our colleagues have said across the aisle thank you. We thank the -- the leadership. We thank the members because I know this hasn't been easy for anybody.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on Senate Amendment "A"?

If not, let me try your minds. All those in favor of Senate Amendment "A", please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

The ayes have it. The amendment is adopted.

Would you care to remark further on the bill as amended?

If not, staff and guests to the Well of the House? Members take your seats; the machine will be opened.

THE CLERK:

The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please return to the Chamber immediately?

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted?

Will the members please check the board to make sure your vote is properly cast?

If all the members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally?

THE CLERK:

Senate Bill 1149, as amended by Senate "A"

Total Number Voting 132

Necessary for Passage 67

Those voting Yea 130

Those voting Nay 2

Absent and not voting 18

SPEAKER SHARKEY:

The bill as amended passes in concurrence with the Senate.

Chamber will stand at ease.

(Chamber at ease. )

SPEAKER SHARKEY:

Chamber will come back to order.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Yes, Mr. Speaker.

I rise for suspension of our rules and immediate transmittal to the Governor.

SPEAKER SHARKEY:

Motion is for the immediate suspension of our rules for the immediate transmittal to the Governor.

Representative Cafero.

REP. CAFERO (142nd):

Without objection, Mr. Speaker.

SPEAKER SHARKEY:

Thank you -- thank you, Representative Cafero.

The previous bill will be transmitted immediately to the Governor.

The Chamber will now stand at ease.

(Chamber at ease. )