



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):) : DESPP2018-disposal of fireworks.doc

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DESPP

Liaison: Scott DeVico
Phone: 203-525-6959
E-mail: scott.devico@ct.gov

Lead agency division requesting this proposal: Division of Stat Police- FEIU

Agency Analyst/Drafter of proposal: LT. Buddy Conroy-CSP-ESU

Title of Proposal – AAC Disposal of Fireworks

Statutory Reference –29-363

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Sec.29-363 of the CGS covers the expense for transportation and storage of seized fireworks. This proposal would add the expenses incurred to dispose of seized fireworks to alleviate the fiscal burden currently placed on DESPP/State for disposal.

- **Origin of Proposal** **X New Proposal** **Resubmission**

N/A

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)



Agency Name: N/A Agency Contact: Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: N/A
State: Revenue gain. Calculation of disposal fee is dependent on the type and amount of product seized. Currently, FEIU is averaging 2 large seizures annually.
Federal
Additional notes on fiscal impact:

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

This proposal would allow DESPP/State to recoup the costs associated with the disposing of seized fireworks.
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Sec. 29-363. Expense of transportation [and] storage of seized fireworks, and disposal. In any proceeding under section 29-362, if the judgment is against one defendant only, he shall pay the expense of the transportation [and] storage, and disposal incurred in the seizure and detention of the fireworks claimed by him; but if the judgment is against more than one defendant, claiming distinct interests in such fireworks, such expense shall be apportioned among them by the court, and execution on such judgment may be issued against the accused. If judgment is rendered that such fireworks do not constitute a nuisance, the court shall issue a warrant to some proper officer, directing him to restore such fireworks, with the containers thereof, to the place where they were seized, as nearly as possible, or to the person entitled to



receive them. All such proceedings shall be proceedings in rem and may be issued and served at any time and shall be conducted as civil actions, and the defendant shall have the same right of appeal.



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):) : DESPP2018-move over law.doc

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DESPP

Liaison: Scott DeVico
Phone: 203-525-6959
E-mail: scott.devico@ct.gov

Lead agency division requesting this proposal: DESPP

Agency Analyst/Drafter of proposal: Scott DeVico, Legislative/PIO

Title of Proposal – AAC the Move Over Law

Statutory Reference –14-283b

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Since its inception in 1903, the CSP has sustained 22 line-of-duty death of troopers, of which nine were victims of traffic fatalities. Every year a number of additional troopers are struck and injured in their vehicles or alongside the road. This proposal would strengthen the 'move over law' by making the fines imposed for violating the law and causing physical injury mirror those of the endangerment of a highway worker statutes.

- **Origin of Proposal** **X New Proposal** **Resubmission**

N/A

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)



Agency Name: N/A Agency Contact: Date Contacted: Approve of Proposal __ YES __ NO __
Summary of Affected Agency's Comments
Will there need to be further negotiation? __ YES __ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal: N/A
State: N/A
Federal: N/A
Additional notes on fiscal impact:

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

<p>The strengthening of laws governing our first responders is vital to keeping them safe and secure as they perform their duties and put their lives on the line every day. This proposal would increase the maximum fine from \$2500 to \$5000 for anyone violating the 'move over' law and causing injury to the operator of an emergency vehicle, mirroring the endangerment of a highway worker statutes.</p>
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Sec. 14-283b. Motor vehicle operator required to move over when approaching emergency vehicle that is stationary or traveling significantly below speed limit. (a) For the purpose of this section "emergency vehicle" means any vehicle with activated flashing lights (1) operated by a member of an emergency medical service organization responding to an emergency call, (2) operated by a fire department or by any officer of a fire department responding to a fire or other emergency, (3) operated by a police officer, (4) that is a maintenance vehicle, as defined in section 14-1, or (5) that is a wrecker, as defined in section 14-1, "police officer" has the meaning set forth in section 7-294a, and "highway" has the meaning set forth in section 14-1, provided such highway has two or more travel lanes that proceed in the same direction.



(b) Any operator of a motor vehicle on a highway when approaching one or more emergency vehicles that are stationary or traveling significantly below the posted speed limit and located on the shoulder, lane or breakdown lane of such highway shall (1) immediately reduce speed to a reasonable level below the posted speed limit, and (2) if traveling in the lane adjacent to the shoulder, lane or breakdown lane containing such emergency vehicle, move such motor vehicle over one lane, unless such movement would be unreasonable or unsafe.

(c) Any person who violates the provisions of subsection (b) of this section shall have committed an infraction, except that if such violation results in the injury of the operator of an emergency vehicle, such person shall be fined not more than [two thousand five hundred dollars] five thousand dollars and, if such violation results in the death of the operator of an emergency vehicle, such person shall be fined not more than ten thousand dollars.



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DESPP2018-ArsonImmunity.doc

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Emergency Services and Public Protection

Liaison: Scott DeVico

Phone: 860-685-8246

E-mail: scott.devico@ct.gov

Lead agency division requesting this proposal: Division of State Police

Agency Analyst/Drafter of Proposal: Lt. Seth Mancini, Division of State Police

Title of Proposal: AN ACT CONCERNING INFORMATION TO BE FURNISHED RELATIVE TO FIRE LOSSES

Statutory Reference: Conn. Gen. Stat. § 38a-318

Proposal Summary:

This proposal adds federal, state and local law enforcement officers to the definition of “authorized agency” and makes other minor language changes to bring the statute in line with current terminology and the relevant sections of the penal code, specifically sections 53a-111 et seq.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Since the transfer of the Office of the State Fire Marshal from then-DPS to DAS, the Connecticut State Police Fire and Explosion Investigation Unit (FEIU) has had an increasingly difficult time obtaining critical information from the insurance industry while conducting fire investigations. Such information includes insurance policies, policy premium records, history of previous claims, and other relevant material relating to such losses or potential losses from fires. This is due to the definition of “authorized agent” in CGS 38a-318 including State Fire Marshal (under which the FEIU previously fell), but not law enforcement. This proposal will once again allow the FEIU (and other law enforcement officials) responsible for the criminal investigations of incendiary and undetermined fires to obtain the relevant insurance information they need.

◇ **Origin of Proposal**

New Proposal

Resubmission



N/A

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

<p>Agency Name: Department of Insurance Agency Contact (name, title, phone): Eric Weinstein, Dir. Of Legislative Affairs, 860-297-3864 Date Contacted: October 26, 2017</p> <p>Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p> <p>Summary of Affected Agency's Comments The Insurance Department reviewed the information and concluded they will be neutral on the concept. The issue, while under the insurance statutes, is outside of the Department's regulatory area.</p> <p>Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
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<p>Agency Name: Division of Criminal Justice Agency Contact (name, title, phone): Wilfred Blanchette Jr., Legislative Liaison, 860-214-9301 Date Contacted: October 26, 2017</p> <p>Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p> <p>Summary of Affected Agency's Comments DJ indicated that they had no problem with this proposal.</p> <p>Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*



Municipal <i>(please include any municipal mandate that can be found within legislation)</i> None.
State None.
Federal None.
Additional notes on fiscal impact Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This proposal will allow law enforcement fire investigators, federal, state and local, to conduct more thorough fire investigations by having the ability to obtain information relative to fire loss from the insurance industry.

Insert fully drafted bill here

(a) Any authorized agency may in writing request any insurance company to release information relative to any investigation it has made concerning a loss or potential loss due to fire **or explosion** of [**suspicious**] **undetermined** or incendiary origin which shall include but not be limited to: (1) An insurance policy relative to such loss, (2) policy premium records, (3) history of previous claims, and (4) other relevant material relating to such loss or potential loss.

(b) If any insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the company shall furnish any authorized agency with all relevant material acquired during its investigation of the fire loss, cooperate with and take such action as may be requested of it by the authorized agency and permit any person ordered by a court to inspect any of its records pertaining to the policy and the loss. Such insurance company may request any authorized agency to release information relative to any investigation it has made concerning any such fire loss of suspicious or incendiary origin.

(c) No insurance company, authorized agency or person who furnished information on behalf of such company or agency, shall be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement made or any other action taken that is necessary to supply information



requested pursuant to this section, unless there is fraud, actual malice or conduct relating to the release of such information which constitutes a criminal act.

(d) Except as provided in subsection (h) of this section, any authorized agency receiving any information furnished pursuant to this section shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding.

(e) Any authorized agency personnel may be required to testify as to any information in the agency's possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against an insurance company for the fire loss.

(f) For the purposes of this section, "authorized agency" means: (1) The State Fire Marshal or the local fire marshal when authorized or charged with the investigation of fires or explosions at the place where the fire or explosion actually took place; (2) federal, state or local peace officer when investigating a fire or explosion at the place where the fire or explosion actually took place; and (3) the Insurance Commissioner.

(g) For the purposes of this section, "insurance company" shall include organizations issuing insurance policies in this state pursuant to the provisions of section 38a-328.

(h) Any authorized agency provided with information pursuant to subsection (a) or (b) of this section, may, in furtherance of its own purposes, release any information in its possession to any other authorized agency.

(i) The provisions of this section shall apply to fire losses occurring on or after October 1, 1979.



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DESPP2018-fastrackregulations.doc

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DESPP

Liaison: Scott DeVico
Phone: 203-525-6959
E-mail: scott.devico@ct.gov

Title of Proposal – AAC Regulations

Statutory Section: New Section

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- Reason for Proposal**

The proposal would create a fast-track regulation adoption process similar to what is in place for the building, fire and fire prevention codes. Like those codes, the next iteration of this regulation will rely on incorporation of one or more adopted national standards, including those of the National Fire Protection Association. The lengthy process to adopt a state regulation, when combined with limited resources, results in regulations that do not keep pace with changes in the national standards that they incorporate. The consequence is that agency regulations lag behind industry standards.

- Origin of Proposal** **X New Proposal** **Resubmission**

N/A

PROPOSAL IMPACT

- Agencies Affected** (please list for each affected agency)



Agency Name: N/A Agency Contact: Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal N/A
State N/A
Federal N/A
Additional notes on fiscal impact:

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

This proposal would allow for a more efficient regulation process, allowing the regulations to keep pace with industry standards.

(NEW SECTION) Procedure for adoption and amendment of Fireworks, Special Effects and Flame Producing Devices Code. (a) For the purposes of this section, “proposed code” means a proposal by the Commissioner of the Department of Emergency Services and Public Protection for a new Fireworks, Special Effects and Flame Producing Devices Code or for a change in, addition to or repeal of any provision of the Fireworks, Special Effects and Flame Producing Devices Code.

(b) Notwithstanding the provisions of chapter 54, the adoption of the Fireworks, Special Effects and Flame Producing Devices Code and any amendments thereto shall not be required to comply with the provisions of chapter 54, except as provided in this section.



(c) Prior to the adoption of the Fireworks, Special Effects and Flame Producing Devices Code and any amendments thereto, the Commissioner of Emergency Services and Public Protection shall (1) post any proposed code, a statement of purpose for which the proposed code is proposed, a fiscal note associated with compliance with the proposed code prepared pursuant to section 4-168, and a regulatory flexibility analysis prepared pursuant to section 4-168a on the Internet web site of the Department of Emergency Services and Public Protection, (2) give notice electronically to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, (3) give notice to any person who has requested the Commissioner of Emergency Services and Public Protection for advance notice of its proposed code adoption proceedings, (4) provide for a public comment period of forty-five days following the posting of such proposed code, fiscal note and regulatory flexibility analysis, and (5) hold a public hearing on the proposed code not less than twenty nor more than thirty-five days after such posting.

(d) After the close of the public comment period, the Commissioner of Emergency Services and Public Protection shall respond to each written and oral comment respecting the proposed code received during the public comment period and at the public hearing. Such response shall include any change made to the proposed code if applicable, and the rationale for such change. The Commissioner of Emergency Services and Public Protection shall post such response on the Internet web site of the Department of Emergency Services and Public Protection not later than thirty days after the close of the public comment period.

(e) The Commissioner of Emergency Services and Public Protection shall create and maintain a code-making record for each proposed code, submit such code-making record electronically to the standing legislative regulation review committee and the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, and post such code-making record on the Internet web site of the Department of Emergency Services and Public Protection. Such code-making record shall include, but need not be limited to: (1) The final wording of the proposed code in a format consistent with a nationally recognized consensus standard, (2) the fiscal note prepared pursuant to subsection (c) of this section, (3) the regulatory flexibility analysis prepared pursuant to subsection (c) of this section, (4) all written and oral comments received during the public comment period, and (5) the response to such comments prepared pursuant to subsection (d) of this section.

(f) The standing legislative regulation review committee shall have not more than forty-five days from the date the code-making record is submitted to the committee



pursuant to subsection (e) of this section to convene a meeting to approve, disapprove or reject without prejudice the proposed code, in whole or in part. If the proposed code is withdrawn, the Commissioner of Emergency Services and Public Protection shall resubmit the proposed code and the committee shall have not more than forty-five days from the date of such resubmittal to convene a meeting to approve, disapprove or reject without prejudice the resubmitted proposed code. If the committee notifies the Commissioner of Emergency Services and Public Protection in writing that it is waiving its right to convene a meeting or does not act on a proposed code or a resubmitted proposed code, as the case may be, within such forty-five-day period, the proposed code or resubmitted proposed code shall be deemed to be approved by the committee.

(g) If the committee disapproves a proposed code, in whole or in part, the committee shall notify the Commissioner of Emergency Services and Public Protection of the disapproval and the reasons for the disapproval. The Commissioner of Emergency Services and Public Protection shall not take any action to implement such disapproved code, except that the Commissioner of Emergency Services and Public Protection may submit a substantively new proposed code in accordance with the provisions of this section, provided the General Assembly may reverse such disapproval in accordance with the provisions of section 4-171.

(h) If the committee rejects a proposed code without prejudice, in whole or in part, the committee shall notify the Commissioner of Emergency Services and Public Protection of the reasons for the rejection and the Commissioner of Emergency Services and Public Protection shall resubmit the proposed code in revised form to the committee not later than thirty days after the date of rejection without prejudice. Each resubmission of the proposed code under this subsection shall include a summary of any revisions to the proposed code. The committee shall have not more than forty-five days after the receipt of the resubmittal to review and take action on such resubmitted proposed code in the same manner as provided in subsection (f) of this section.

(i) The Fireworks, Special Effects and Flame Producing Devices Code or any amendment thereto approved or deemed approved by the committee pursuant to subsection (f) of this section is effective and enforceable against any person or party upon its posting on the Internet web site of the Department of Emergency Services and Public Protection, except that: (1) If a later date is required by statute or specified in the code, the later date is the effective date, and (2) a code may not be effective before the effective date of the public act requiring or permitting the code. Such posting shall include a statement by the Commissioner of Emergency Services and Public Protection certifying that the electronic copy of the code is a true and accurate copy of the code



approved or deemed approved in accordance with subsection (f) of this section. The electronic copy of the Fireworks, Special Effects and Flame Producing Devices Code posted on the Internet web site of the Department of Emergency Services and Public Protection shall be the official version for all purposes, including all legal and administrative proceedings.

(j) No provision of the Fireworks, Special Effects and Flame Producing Devices Code or any amendment thereto adopted after the effective date of this section, is valid unless adopted in substantial compliance with the requirements of this section. A proceeding to contest any provision of the code on the ground of noncompliance with the requirements of this section shall be commenced within two years from the effective date of the code.

(k) The Commissioner of Emergency Services and Public Protection State Building Inspector shall advise the public concerning how to obtain a copy of the Fireworks, Special Effects and Flame Producing Devices Code and any amendments thereto.

(NEW SECTION) Procedure for adoption and amendment to Explosives and Blasting Agents Code. (a) For the purposes of this section, “proposed code” means a proposal by the Commissioner of the Department of Emergency Services and Public Protection for a new Explosives and Blasting Agents Code or for a change in, addition to or repeal of any provision of the Explosives and Blasting Agents Code.

(b) Notwithstanding the provisions of chapter 54, the adoption of the Explosives and Blasting Agents Code and any amendments thereto shall not be required to comply with the provisions of chapter 54, except as provided in this section.

(c) Prior to the adoption of the Explosives and Blasting Agents Code and any amendments thereto, the Commissioner of Emergency Services and Public Protection shall (1) post any proposed code, a statement of purpose for which the proposed code is proposed, a fiscal note associated with compliance with the proposed code prepared pursuant to section 4-168, and a regulatory flexibility analysis prepared pursuant to section 4-168a on the Internet web site of the Department of Emergency Services and Public Protection, (2) give notice electronically to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, (3) give notice to any person who has requested the Commissioner of Emergency Services and Public Protection for advance notice of its proposed code adoption proceedings, (4) provide for a public comment period of forty-five days following the



posting of such proposed code, fiscal note and regulatory flexibility analysis, and (5) hold a public hearing on the proposed code not less than twenty nor more than thirty-five days after such posting.

(d) After the close of the public comment period, the Commissioner of Emergency Services and Public Protection shall respond to each written and oral comment respecting the proposed code received during the public comment period and at the public hearing. Such response shall include any change made to the proposed code if applicable, and the rationale for such change. The Commissioner of Emergency Services and Public Protection shall post such response on the Internet web site of the Department of Emergency Services and Public Protection not later than thirty days after the close of the public comment period.

(e) The Commissioner of Emergency Services and Public Protection shall create and maintain a code-making record for each proposed code, submit such code-making record electronically to the standing legislative regulation review committee and the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, and post such code-making record on the Internet web site of the Department of Emergency Services and Public Protection. Such code-making record shall include, but need not be limited to: (1) The final wording of the proposed code in a format consistent with a nationally recognized consensus standard, (2) the fiscal note prepared pursuant to subsection (c) of this section, (3) the regulatory flexibility analysis prepared pursuant to subsection (c) of this section, (4) all written and oral comments received during the public comment period, and (5) the response to such comments prepared pursuant to subsection (d) of this section.

(f) The standing legislative regulation review committee shall have not more than forty-five days from the date the code-making record is submitted to the committee pursuant to subsection (e) of this section to convene a meeting to approve, disapprove or reject without prejudice the proposed code, in whole or in part. If the proposed code is withdrawn, the Commissioner of Emergency Services and Public Protection shall resubmit the proposed code and the committee shall have not more than forty-five days from the date of such resubmittal to convene a meeting to approve, disapprove or reject without prejudice the resubmitted proposed code. If the committee notifies the Commissioner of Emergency Services and Public Protection in writing that it is waiving its right to convene a meeting or does not act on a proposed code or a resubmitted proposed code, as the case may be, within such forty-five-day period, the proposed code or resubmitted proposed code shall be deemed to be approved by the committee.



(g) If the committee disapproves a proposed code, in whole or in part, the committee shall notify the Commissioner of Emergency Services and Public Protection of the disapproval and the reasons for the disapproval. The Commissioner of Emergency Services and Public Protection shall not take any action to implement such disapproved code, except that the Commissioner of Emergency Services and Public Protection may submit a substantively new proposed code in accordance with the provisions of this section, provided the General Assembly may reverse such disapproval in accordance with the provisions of section 4-171.

(h) If the committee rejects a proposed code without prejudice, in whole or in part, the committee shall notify the Commissioner of Emergency Services and Public Protection of the reasons for the rejection and the Commissioner of Emergency Services and Public Protection shall resubmit the proposed code in revised form to the committee not later than thirty days after the date of rejection without prejudice. Each resubmission of the proposed code under this subsection shall include a summary of any revisions to the proposed code. The committee shall have not more than forty-five days after the receipt of the resubmittal to review and take action on such resubmitted proposed code in the same manner as provided in subsection (f) of this section.

(i) The Explosives and Blasting Agents Code or any amendment thereto approved or deemed approved by the committee pursuant to subsection (f) of this section is effective and enforceable against any person or party upon its posting on the Internet web site of the Department of Emergency Services and Public Protection, except that: (1) If a later date is required by statute or specified in the code, the later date is the effective date, and (2) a code may not be effective before the effective date of the public act requiring or permitting the code. Such posting shall include a statement by the Commissioner of Emergency Services and Public Protection certifying that the electronic copy of the code is a true and accurate copy of the code approved or deemed approved in accordance with subsection (f) of this section. The electronic copy of the Explosives and Blasting Agents Code posted on the Internet web site of the Department of Emergency Services and Public Protection shall be the official version for all purposes, including all legal and administrative proceedings.

(j) No provision of the Explosives and Blasting Agents Code or any amendment thereto adopted after the effective date of this section, is valid unless adopted in substantial compliance with the requirements of this section. A proceeding to contest any provision of the code on the ground of noncompliance with the requirements of this section shall be commenced within two years from the effective date of the code.



(k) The Commissioner of Emergency Services and Public Protection State Building Inspector shall advise the public concerning how to obtain a copy of the Explosives and Blasting Agents Code and any amendments thereto.

(a) For the purposes of this section, “proposed code” means a proposal by the Commissioner of the Department of Emergency Services and Public Protection for a new Explosives and Blasting Agents Code or for a change in, addition to or repeal of any provision of the Explosives and Blasting Agents Code.

(b) Notwithstanding the provisions of chapter 54, the adoption of the Explosives and Blasting Agents Code and any amendments thereto shall not be required to comply with the provisions of chapter 54, except as provided in this section.

(c) Prior to the adoption of the Explosives and Blasting Agents Code and any amendments thereto, the Commissioner of Emergency Services and Public Protection shall (1) post any proposed code, a statement of purpose for which the proposed code is proposed, a fiscal note associated with compliance with the proposed code prepared pursuant to section 4-168, and a regulatory flexibility analysis prepared pursuant to section 4-168a on the Internet web site of the Department of Emergency Services and Public Protection, (2) give notice electronically to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, (3) give notice to any person who has requested the Commissioner of Emergency Services and Public Protection for advance notice of its proposed code adoption proceedings, (4) provide for a public comment period of forty-five days following the posting of such proposed code, fiscal note and regulatory flexibility analysis, and (5) hold a public hearing on the proposed code not less than twenty nor more than thirty-five days after such posting.

(d) After the close of the public comment period, the Commissioner of Emergency Services and Public Protection shall respond to each written and oral comment respecting the proposed code received during the public comment period and at the public hearing. Such response shall include any change made to the proposed code if applicable, and the rationale for such change. The Commissioner of Emergency Services and Public Protection shall post such response on the Internet web site of the Department of Emergency Services and Public Protection not later than thirty days after the close of the public comment period.

(e) The Commissioner of Emergency Services and Public Protection shall create and maintain a code-making record for each proposed code, submit such code-making record electronically to the standing legislative regulation review committee and the



joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, and post such code-making record on the Internet web site of the Department of Emergency Services and Public Protection. Such code-making record shall include, but need not be limited to: (1) The final wording of the proposed code in a format consistent with a nationally recognized consensus standard, (2) the fiscal note prepared pursuant to subsection (c) of this section, (3) the regulatory flexibility analysis prepared pursuant to subsection (c) of this section, (4) all written and oral comments received during the public comment period, and (5) the response to such comments prepared pursuant to subsection (d) of this section.

(f) The standing legislative regulation review committee shall have not more than forty-five days from the date the code-making record is submitted to the committee pursuant to subsection (e) of this section to convene a meeting to approve, disapprove or reject without prejudice the proposed code, in whole or in part. If the proposed code is withdrawn, the Commissioner of Emergency Services and Public Protection shall resubmit the proposed code and the committee shall have not more than forty-five days from the date of such resubmittal to convene a meeting to approve, disapprove or reject without prejudice the resubmitted proposed code. If the committee notifies the Commissioner of Emergency Services and Public Protection in writing that it is waiving its right to convene a meeting or does not act on a proposed code or a resubmitted proposed code, as the case may be, within such forty-five-day period, the proposed code or resubmitted proposed code shall be deemed to be approved by the committee.

(g) If the committee disapproves a proposed code, in whole or in part, the committee shall notify the Commissioner of Emergency Services and Public Protection of the disapproval and the reasons for the disapproval. The Commissioner of Emergency Services and Public Protection shall not take any action to implement such disapproved code, except that the Commissioner of Emergency Services and Public Protection may submit a substantively new proposed code in accordance with the provisions of this section, provided the General Assembly may reverse such disapproval in accordance with the provisions of section 4-171.

(h) If the committee rejects a proposed code without prejudice, in whole or in part, the committee shall notify the Commissioner of Emergency Services and Public Protection of the reasons for the rejection and the Commissioner of Emergency Services and Public Protection shall resubmit the proposed code in revised form to the committee not later than thirty days after the date of rejection without prejudice. Each resubmission of the proposed code under this subsection shall include a summary of any revisions to the proposed code. The committee shall have not more than forty-five days after the



receipt of the resubmittal to review and take action on such resubmitted proposed code in the same manner as provided in subsection (f) of this section.

(i) The Explosives and Blasting Agents Code or any amendment thereto approved or deemed approved by the committee pursuant to subsection (f) of this section is effective and enforceable against any person or party upon its posting on the Internet web site of the Department of Emergency Services and Public Protection, except that: (1) If a later date is required by statute or specified in the code, the later date is the effective date, and (2) a code may not be effective before the effective date of the public act requiring or permitting the code. Such posting shall include a statement by the Commissioner of Emergency Services and Public Protection certifying that the electronic copy of the code is a true and accurate copy of the code approved or deemed approved in accordance with subsection (f) of this section. The electronic copy of the Explosives and Blasting Agents Code posted on the Internet web site of the Department of Emergency Services and Public Protection shall be the official version for all purposes, including all legal and administrative proceedings.

(j) No provision of the Explosives and Blasting Agents Code or any amendment thereto adopted after the effective date of this section, is valid unless adopted in substantial compliance with the requirements of this section. A proceeding to contest any provision of the code on the ground of noncompliance with the requirements of this section shall be commenced within two years from the effective date of the code.

(k) The Commissioner of Emergency Services and Public Protection State Building Inspector shall advise the public concerning how to obtain a copy of the Explosives and Blasting Agents Code and any amendments thereto.



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):) : DESPP2018-Fingerprinting.doc

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DESPP

Liaison: Scott DeVico
Phone: 203-525-6959
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Lead agency division requesting this proposal: CSP, Bureau of Business Development, Identification and Records

Agency Analyst/Drafter of Proposal: Dane Silcox, Manager SPBI

Title of Proposal – AAC Fingerprinting Services

Statutory Reference - 29-11

This proposal would enable qualified private parties to provide the collection and electronic transmission of fingerprints and demographic information for employment and licensing purposes to the State Police Bureau of Identification through the use of Livescan devices.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

The Connecticut State Police Troops and State Police Bureau of Identification (SPBI) unit at Headquarters have experienced a 118.7% increase in fingerprinting volume since 2015. To date this year, fingerprinting volume is down (10.0%) compared to the same period in 2016 but is expected to increase in 2018 when additional long-term-care providers will be required to be fingerprinted.

As a result of this increase, an appreciably greater number of Troopers who are in the field on patrol are called back to the Troops to perform the fingerprinting service. The increased demand for fingerprints at HQ is also impacting day-to-day criminal identification duties creating greater backlogs in the verification of criminal fingerprint matches and applicant to criminal matching. If this proposal is enacted, it would enable both Troopers to spend more time in the field performing core law enforcement duties and SPBI unit staff at HQ to reduce the growing backlog in pending fingerprinting requests for processing.

- **Origin of Proposal**

New Proposal

X Resubmission



The bill was not taken up for a vote in the Public Safety and Security Committee.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: N/A

Agency Contact:

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State

Potential. The fiscal impact could be mitigated by any agreement the Commissioner enters into and by the efficiencies created by the proposal.

Federal

None

Additional notes on fiscal impact:

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The proposal would help to alleviate current fingerprinting workload, allowing more Troopers to spend more time on law enforcement activities.

The agreement the Commissioner enters into will lay out the how the third party will provide the fingerprinting.



Sec. 29-11. State Police Bureau of Identification. Fees. Regulations. (a) The bureau in the Division of State Police within the Department of Emergency Services and Public Protection known as the State Police Bureau of Identification shall be maintained for the purposes of (1) providing an authentic record of each person sixteen years of age or over who is charged with the commission of any crime involving moral turpitude, (2) providing definite information relative to the identity of each person so arrested, (3) providing a record of the final judgment of the court resulting from such arrest, unless such record has been erased pursuant to section 54-142a, and (4) maintaining a central repository of complete criminal history record disposition information. The Commissioner of Emergency Services and Public Protection is directed to maintain the State Police Bureau of Identification, which bureau shall receive, classify and file in an orderly manner all fingerprints, pictures and descriptions, including previous criminal records as far as known of all persons so arrested, and shall classify and file in a like manner all identification material and records received from the government of the United States and from the various state governments and subdivisions thereof, and shall cooperate with such governmental units in the exchange of information relative to criminals. The State Police Bureau of Identification shall accept fingerprints of applicants for admission to the bar of the state and, to the extent permitted by federal law, shall exchange state, multistate and federal criminal history records with the State Bar Examining Committee for purposes of investigation of the qualifications of any applicant for admission as an attorney under section 51-80. The record of all arrests reported to the bureau after March 16, 1976, shall contain information of any disposition within ninety days after the disposition has occurred.

(b) Any cost incurred by the State Police Bureau of Identification in conducting any name search and fingerprinting of applicants for admission to the bar of the state shall be paid from fees collected by the State Bar Examining Committee.

(c) The Commissioner of Emergency Services and Public Protection shall charge the following fees for the service indicated: (1) Name search, thirty-six dollars; (2) fingerprint search, seventy-five dollars; (3) personal record search, seventy-five dollars; (4) letters of good conduct search, seventy-five dollars; (5) bar association search, seventy-five dollars; (6) fingerprinting, fifteen dollars; (7) criminal history record information search, seventy-five dollars. Except as provided in subsection (b) of this section, the provisions of this subsection shall not apply to any federal, state or municipal agency.

(d) The Commissioner of Emergency Services and Public Protection may enter into one or more agreements with independent contractors authorizing such contractors to receive and transmit by electronic means fingerprints and demographic information to the State Police Bureau of Identification for the processing of criminal history records checks. The commissioner shall require such contractors to: (1) Collect and remit the fee charged for fingerprinting, as provided in subsection (c) of this section, to the State Police Bureau of Identification; and (2) comply with terms and conditions as the commissioner shall prescribe to protect and ensure the security,



privacy, confidentiality and value of the fingerprints and demographic information received and transmitted by such contractors. The commissioner may authorize such contractors to charge an additional fee for fingerprinting.

[(d)] (e) The Commissioner of Emergency Services and Public Protection may adopt regulations, in accordance with the provisions of chapter 54, necessary to implement the provisions of the National Child Protection Act of 1993, the Violent Crime Control and Law Enforcement Act of 1994, the Volunteers for Children Act of 1998, and the National Crime Prevention and Privacy Compact as provided in section 29-164f to provide for national criminal history records checks to determine an employee's or volunteer's suitability and fitness to care for the safety and well-being of children, the elderly and individuals with disabilities.