

PA 11-047

SB1099

House	4762-4836	75
Judiciary	1800-1807, 1925, 1928-1929, 2101-2115	26
<u>Senate</u>	<u>1919-1932</u>	<u>14</u>
		115

H – 1105

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 14
4474 – 4836**

cd/rgd/gbr
HOUSE OF REPRESENTATIVES

376
May 25, 2011

Will the Clerk please call Calendar Number
522.

THE CLERK:

On page 30, Calendar 522, Substitute for
Senate Bill Number 1099, AN ACT CONCERNING THE
UNAUTHORIZED TAKING OR TRANSMISSION BY FIRST
RESPONDERS OF IMAGES OF CRIME OR ACCIDENT
VICTIMS, favorable report by the Committee on
Public safety.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gary Holder-Winfield, you
have the floor, sir.

REP. HOLDER-WINFIELD (94th):

Yes. Good evening, Madam Speaker.

I move acceptance of the joint committee's
favorable report and passage of the bill in
concurrence with the Senate.

DEPUTY SPEAKER KIRKLEY-BEY:

The motion before us is acceptance of the
joint committee's favorable report and passage
of the bill.

Will you remark further, sir?

REP. HOLDER-WINFIELD (94th):

Yes, Madam Speaker.

This bill, An Act Concerning Unauthorized Taking of or Transmission By First Responders of Images or Crimes at Accidents, this bill is a bill that comes to us partially as a bill in response to some inquiries by constituents of members of our Chamber and also because the State does not have a law currently which takes into account the fact that people who are considered first responders might take an action which we would all deem an action that is not appropriate, which is to take images of people at a scene and transmit those images in the future.

What the bill does, is it creates a penalty of up to \$2,000 for taking such an action. It includes people who would be peace officers, firefighters, ambulance drivers, emergency medical technicians or paramedics. It also creates an imprisonment of not more than one year.

Madam Speaker, the Clerk is in possession of an amendment, which is LCO 6217. I would ask that the Clerk please call the amendment and I be granted leave of the Chamber to

summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 6217.

THE CLERK:

LCO 6217 Senate "A," offered by Senator
Williams, et al.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield has asked to summarize. Is there any objection? Is there any objection? Hearing none, please proceed, sir.

REP. HOLDER-WINFIELD (94th):

Madam Speaker, the change that this amendment makes to the bill is it adds to the list of people that I already -- I previously spoke about firefighters, paramedics and such. To that list it adds the group that are called emergency responders. Other than that, it does not make any changes to the bill, Madam Speaker.

And I urge adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark further on the amendment

that is before us designated House Amendment

"A?" Will you remark further?

Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

I listened to the explanation by the proponent, but I'm not quite sure I understand why this change is being made from the original bill that came out of judiciary in the file copy.

So if I might ask, was there -- is there something wrong with the original file copy that the Senate needed to make this correction?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Madam Speaker.

And through you, Madam Speaker, to Representative O'Neill, I was not a part of drafting, but I think what it's trying to do is capture -- it adds emergency medical responders. I think what it's attempting to do

is capture those that we're not sure the language is explicit as it was written when he bill was first written. I think that's what the attempt is about.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

I guess I'm a little dismayed that the Senate chose to make this change without contacting the leadership of the Judiciary Committee, a person, the vice chair or the chair to at least give an explanation as to why they were doing what they were doing, because I'm not really sure how this -- how many more people are going to be encompassed by this or if this narrows the number of people that are being covered by this statute now or what the story is.

So perhaps again, at least an opinion from the vice chair of the Judiciary Committee, does this expand the number of people that are going to be covered by this statute?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Madam Speaker, through you.

I think that it is possible that it expands the number of people, but I think it encompasses the people that we always wanted to be captured by the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

Because as I recollect the testimony at the public hearing there was one particular incident that seemed to give rise to what was happening and -- or for the purpose, the purpose of the bill was sort of based on an example of one particular episode. And I'm not sure if this person would have been covered.

So I guess I would ask that the specific example that the incident that gave rise to this, would that person be covered by this, the language that's contained in the amendment?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Speaker.

If Representative O'Neill could -- I don't remember all of the testimony, so if Representative O'Neill could give a little bit more in the way of information as to which testimony.

I know that attached to this bill there are three pieces of testimony. One piece talks about actually two incidents I believe, so I'm not quite sure I'm perfectly willing to answer. I'm just not quite sure what is being referred to.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker.

My recollection is that the individual who was -- and I may be mis-remembering and perhaps I should take a look at the testimonies again - - but my recollection is that the individual in question was a police officer.

And so a police officer would -- at least I wouldn't think automatically that a police officer is an emergency medical responder, but perhaps they fall into that category if they're providing some sort of medical support.

But that's my recollection, was that that incident that occurred involved a police officer who was doing this, but I may be misremembering. That's my recollection. So I guess would a police officer be covered by this amendment?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

And if you could just give me a second. I just wanted to check the bill again.

I don't believe that the amendment captures the police officer, but the underlying bill, the list of people includes police officers. I think that might capture the police officers.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. HOLDER-WINFIELD (94th):

And through you, Madam Chair, that part of the -- that part where the original individuals I listed is not taken out of the bill. It's just adding to with emergency medical responders.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. So that the way this amendment is going to fit into the bill, it will be in addition to, it adds extra people. It does not, in effect, replace the category of people that are to be covered by the bill. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Speaker, yes.

REP. O'NEILL (69th):

Okay. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome, sir.

Representative Alberts, you have the floor, sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

A quick question to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Representative.

Please frame your question, sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

In the amendment, the term "emergency medical responder," would this include nurses?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Speaker.

I would have to take a moment to take a look at the definitions as defined in the penal code. If you could give me that chance.

REP. ALBERTS (50th):

Absolutely.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Speaker.

I don't see that particular term in the code, but I would say that what the underlying -- and I know I recognize we're speaking to the amendment, but the underlying bill talks ambulance drivers, emergency medical technicians or paramedics. It doesn't specifically say nurses, though.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. So --

DEPUTY SPEAKER KIRKLEY-BEY:

Are we speaking to the amendment, sir?

REP. ALBERTS (50th):

We are speaking to the amendment.

So the amendment and the term "emergency medical responders" may include the term "nurses."

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Speaker.

I would imagine that it would. They are medically trained. They would be responding in an emergency situation. I would believe that that would be correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

Continuing with that train, if we were looking at, in the context in this amendment, an emergency medical responder being potentially a registered nurse who came upon an accident, would that apply to her?

Through you -- or him -- through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I imagine it would apply to the nurse who came upon the scene if the nurse actually was -
- came upon a scene and was responding to the scene. I'm not under the impression it would

apply if the nurse happened to be walking by and wasn't participating in the emergency situation.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

So I just wanted to clarify this a little bit more. My scenario is actually the first scenario that the gentleman responded to, a situation where the emergency medical responder as outlined here in the amendment would be potentially a registered nurse who was driving a car, came upon an accident scene, responded and basically being a good Samaritan and maybe inadvertently did something that we're about to pass here.

So from that scenario that I've outlined, as I understand it, that would not be someone who would qualify under these terms.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Speaker.

If my understanding of emergency medical responder, what we're trying to capture here is correct, if the nurse becomes a part of the emergency and then chooses to transmit a photograph of the scene, I think they would actually be captured under this.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

I'm disappointed by that. I do thank the gentleman for his answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, a question through you to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Representative Holder-Winfield.

Representative Cafero, please proceed.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Through you to Representative Holder-Winfield, Representative, is the word "emergency medical responder" defined anywhere in our statutes?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Madam Chair.

Through you, Madam Chair, I was looking for it. I have not found it yet. If you want me to I can look further. I haven't found the place where it's defined.

I would imagine that it might be, but I don't know off -- I don't know currently. I can get that for you, though.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker.

Representative Hetherington handed me a

copy of our statutes, which on -- I don't know what section, but anyway, it defines, emergency medical responder, means an individual who is certified as an emergency medical responder by the Department of Public Health. Would that, through you, Madam Speaker, clarify whom this amendment applies to?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Speaker.

If the statutes state that that is how we define emergency medical responder, I would have to say yes unless -- and I'm pulling up the amendment again -- amendment specifically defines it differently than that.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

I thank the gentleman for his answers.

Ladies and gentlemen of the Chamber, and I

say this with all due respect to Representative Holder-Winfield, we are passing laws in this Chamber. We're passing laws in this Chamber. In this particular case we're passing a criminal law in this Chamber that carries with it a penalty, a fine, maybe imprisonment.

If we don't know what it means, how in God's name are those charged with enforcing it or interpreting it supposed to know what it means? When we have an amendment that was passed in the Senate and brought before the House and we don't understand who it applies to.

You know, we found out yesterday we got in a little trouble when we thought we were voting on one thing and turned out to be another. The public expects more of us. We are passing laws here. We should know what the heck they mean and who they apply to and how they're going to be interpreted.

It is disturbing to me when we're -- an amendment is before us that comes from the Senate and we don't know what it means. These are laws. We're lawmakers. That's our job.

Let's do our job.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Mikutel, you have the floor, sir.

REP. MIKUTEL (45th):

Yes. Thank you, Madam Speaker.

I rise in support of the amendment and I would like to remind my colleagues to keep their eyes on the prize here. What we are talking about on emergency first -- emergency medical responders or anyone else covered under this bill, we are talking about people not abusing their authority. We're talking about unauthorized taking of pictures or transmitting of pictures of a crime victim or an accident victim.

No one should be allowed as a first responder to abuse the privacy and the dignity of a victim. And that's what this is all about. That's what this whole bill is all about, protecting the privacy and dignity of an accident or crime victim. So let's keep our eyes on the prize.

No one should put a victim on public exhibit. And that's what we are doing and trying to prevent with this bill and with this amendment. Yes, we could have defined this a little bit better, but remember whoever that emergency medical responder is, they have no right to put a victim on display and that's what this is about. Keep your eyes on the prize.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith, you have the floor.

REP. SMITH (108th):

Madam Speaker, I would just like to yield to the underlying bill, if I may?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Srinivasan, you have the floor, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

Through you to the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield, prepare yourself.

Representative Srinivasan, you have the

floor.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

I do agree with the underlying principle of this bill that a person arriving at a scene does not have the right or the authority to transmit the pictures. I fully agree with that.

But I'm concerned about why are we passing these bills? Where have you heard or are you seeing a lot of this happening? Because as a provider myself, when we arrive at the scene we have no time to be taking pictures of our victims. We are doing a service there. We are performing a duty there and we are trying to do the best that we can as a health care provider, as a person who is arriving at the scene to take care of what is happening there.

And where are we seeing these pictures being taken and transmitted is beyond me and that is what I will ask the proponent. Is it something that is frequently being seen? What has been the experience?

Thank you, Madam Speaker, through you to

cd/rgd/gbr
HOUSE OF REPRESENTATIVES

396
May 25, 2011

the proponent.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Madam Chair.

And through you, I'm not sure if I would use the word "frequent." And I would agree with the good Representative that I would say almost everyone who is an emergency medical responder, police person, anyone responding to one of these emergencies is simply there to do their job.

Having said that, there was testimony before the Judiciary Committee that there have been cases, and they were lined up for us and we were given the names of people who have had negative experiences with first responders who chose to step outside of what I think comports with good sense of the situation, and take pictures of the scene and distribute those.

And the two members of the General Assembly who suggested this bill have had experiences with constituents. And that's how

this bill gets before the General Assembly on
this evening.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative, do you have another
question.

REP. SRINIVASAN (31st):

No. I just want to thank you and I want
to thank the proponent for clarifying that for
me. I appreciate that very much.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome.

Representative E. Wright, you have the
floor sir -- ma'am.

-- I mean E. Ritter. I'll be all right.

REP. E. RITTER (38th):

Thank you, Madam Chair.

And Madam Chair, at this time I will speak
to the amendment, but before I do that I am one
of the legislators that helped bring this bill
to the attention of the Judiciary Committee.

The purpose of the amendment is simply to

capture the full range of first responders to an incident. And when we get to the underlying bill we can talk a little bit about the purpose of the bill and the potential for harm to be caused to other individuals and family through the dissemination of these pictures.

But again, the purpose of the amendment is to adequately and completely capture that and I hope that my colleagues would support it.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Perillo, you have the floor.

Representative Holder-Winfield, prepare yourself.

REP. PERILLO (113th):

Madam Speaker, thank you.

A few questions, through you for the proponent. Just -- and let me preface by saying, I think the intent of this bill is very, very good and I agree very much so with what Representative Ritter just said, but I do have an interest in making sure that we are

indeed capturing everybody who we intend to capture.

And I am a little bit concerned about the amendment. By eliminating the term "ambulance driver" which is defined in statute, we do risk eliminating a pretty substantial portion of individuals who would be responding to emergencies. We're replacing ambulance driver with emergency medical responder.

Emergency medical responder very, very specifically refers to individuals certified by the Department of Public Health. Certified has specific meaning. An ambulance driver does not per se need to be certified. An ambulance driver could be someone who has CPR training, an ambulance driver could be someone who, quite frankly, doesn't have that training at all, but is working alongside individuals in an ambulance who properly comprise that certified ambulance crew.

So I think that by doing this, we -- though, we have intended to include all emergency medical responders -- have in fact not done that. So my question, through you,

Madam Speaker, to the proponent is, do we intend with this amendment to actually include noncertified responders on board an ambulance? If that is the intent I would like to know, because I do not believe the amendment does that.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

If my reading of the amendment is correct the word "emergency medical responders" is inserted after drivers. So it simply adds to and does not eliminate, if I read it correctly.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you very much.

And I thank the gentleman for his answer.

And that is correct. I appreciate that.

My second question is -- may seem a little bit specific, but I think we're trying to be very, very specific here. You know, we have two helicopters in the state of Connecticut.

They operate as Life Star and they provide emergency response and non emergency response, but in this case, emergency response.

Again referring to our definition of emergency medical responder as an individual certified, those Life Star helicopters do also utilize licensed respiratory therapists aboard their crews. Because the term "emergency medical responder" refers specifically to certified professionals, there is a difference between certification and licensure in statute.

Is the intent, in the intent of this amendment, to include licensed respiratory therapists responding to an emergency?

Through you, Mr. Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Madam Chair.

And if you give me a moment, I would have to look at the amendment as it is within the bill. So I just need to get back to the bill in order to answer that question.

Through you, Madam Chair, the question the

proponent asked, I believe that the way the bill is written, it defines terms in 53a-3, which is the penal code; the emergency medical responder does not fall there. So I think as Representative Ritter previously said, as one of the people who is moving this bill, that what the intent was, was to capture what would be the panoply of those who we would in general terms think of, as emergency medical responders.

I recognize that it was brought to our attention earlier that somewhere else in statute there is the term "emergency medical responder," but I think what the attention of those who had proposed the amendment was, was to capture all of those who we generally think of as emergency medical responders and that would incorporate those people who the Representative is talking about.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Perillo, we're speaking to the amendment.

REP. PERILLO (113th):

Yes. Thank you, Madam Speaker.

I respect that answer and I respect that the intent is indeed to include licensed professionals. We do actually have -- and again, I will refer briefly to the underlying bill as I believe it is relative to the underlying amendment -- we do actually list a specific licensed professional in the bill and it is, you know, the term "paramedic." Paramedics in the state of Connecticut are indeed licensed. It seems like we did that intentionally to include a specific licensed class.

However again, I would just simply refer to, you know, the statutory definition of emergency medical responder and the fact that it does not reference licensed individuals. We have in one instance specifically mentioned a licensed profession, which are paramedics, yet we have not in this case mentioned a licensed profession in the form of respiratory therapist.

I just want to be sure that we're not unintentionally carving out a group of emergency medical responders, who we obviously

do intend to include. But again, I think this gets back to a point that Representative Cafero made previously. I'm not sure that we're doing what we intend to do. And we can intend all we want, but at the end of the day the statute is the statute.

And I don't know if that's a question or a statement or a plea for help, but it seems as though we want to do something very, very good and I just don't think we've done that. That's my final comment on the amendment. I may have some comments on the underlying bill.

DEPUTY SPEAKER KIRKLEY-BEY:

I think Representative Holder-Winfield is ready to answer that. Were you not, sir?

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

If you could give me a second.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

If the Representative could just frame the question again.

DEPUTY SPEAKER KIRKLEY-BEY:

Can I move the amendment? Then we can all talk about the bill as amended. It would make it easier for me and all of you at the same time.

REP. PERILLO (113th):

Madam Speaker, if I could, I actually did not form a question. But the speaker indicated you had answer, even though I didn't have a question.

So I will end my discussion on the amendment and I may have further items on the underlying bill.

DEPUTY SPEAKER KIRKLEY-BEY:

All those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

Those opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER KIRKLEY-BEY:

The ayes have it. Amendment, House

Amendment "A" is passed.

Will you remark further on the bill as amended?

Representative Perillo, you still have the floor, sir.

REP. PERILLO (113th):

Madam speaker, thank you very much.

Again, through you, a question for the proponent, if I may?

Madam Speaker, through you, the first line of the bill refers to firefighters. And for obvious reasons we want to make sure that, you know, firefighters responding to medical emergencies are, you know, handled under this bill.

My question through you, Madam Speaker, to the proponent is, does firefighter include fire police?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I am pulling up the definition of firefighter.

As it's defined where this bill refers us to look for definitions, firefighter means, any agent of a municipality whose duty it is to protect life and property therein as a member of a duly constituted fire department, whether professional or volunteer.

So if it is the case that the fire police are a member of the fire department, that would be a yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Madam Speaker.

I thank the gentleman for his answer to the question. Because fire police is not specifically mentioned in the definition, I just did want to clarify for legislative intent that we do indeed want to include fire police.

Even though they are not necessarily specifically protecting life and property, they are involved in these incidents, whether it be directing traffic or otherwise. And quite frankly, I've seen, I've, you know, experienced first-hand where a volunteer fire police member

actually took a photo of a dead body, not out in the southeast end of the state, but in mine. And that is certainly inappropriate and I wanted to be sure that we were including these individuals.

So again, I thank the gentleman for clarifying and I thank the Chamber for its time.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Labriola, you have the floor, sir.

REP. LABRIOLA (131st):

Thank you, Madam Speaker.

I rise in support of this bill. Earlier this session I proposed a bill with similar language along with Representative Rebimbas. And yes, as indicated the bill is in response to certain incidents that happened here in Connecticut. And other states have passed similar bills that happened in their states -- regard to incidents that happened in their states.

Essentially what happened in Connecticut

was an image was disseminated without the consent of the victim's families regarding a person who, as I recall, had overdosed from drugs. And in other states where this occurred, there were incidents where images were disseminated without the victim's family's consent improperly.

So what we're not talking about is images that are taken in the performance of the duties by these emergency medical responders. In fact, the bill covers those cases where a third party receives the image from a first responder, a peace officer, firefighter, ambulance driver, emergency medical technician, paramedics, only when those actions are not in the performance of their duties. And that's very important to remember.

We're talking about some really horrible situations where the victim's families are not even told that the victims were the victims of an accident or death in some cases. And the families didn't even know about it, but had to find out through the Internet or what have you.

And so other states have enacted similar

cd/rgd/gbr
HOUSE OF REPRESENTATIVES

410
May 25, 2011

laws. We should do that here. The bill makes perfect sense. I believe it passed unanimously in the Judiciary Committee. I believe that it passed with only one -- no vote in Public Safety Committee. And I urge this Chamber to adopt this measure.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Hetherington, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

And it's nice to see you there this evening. Good evening.

DEPUTY SPEAKER KIRKLEY-BEY:

Nice to see you too.

REP. HETHERINGTON (125th):

Thank you.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield prepare yourself.

Representative Hetherington, please frame

your question.

REP. HETHERINGTON (125th):

Thank you.

Through you, Madam Speaker, with respect to lines 11 and 12, the persons who can consent, who counts as members of the immediate family for these purposes?

Through you, Mr. Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

Though not discussed here, I think what we're trying to capture would be the parents, sisters and brothers, those we traditionally think of as the immediate family: husband, son, daughter.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Madam Speaker, would we consider those persons able to give consent while the victim, if you will, is still alive

and capable of giving consent?

Through you, Mr. Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

The bill does not speak to whether or not we are talking about whether a person is able to do such. It simply allows for those immediate family members to provide consent. So it is sidelined as to a distinction there.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

I see. Thank you, Madam Speaker.

There was a report in the news yesterday of an organization that I believe it's called Twitter pics. And this organization is a technical resource that makes available the transmission of photographs that one may take, for example, on your telephone and transmit to someone to whom you intend it to go.

But it turns out that this organization,

at least according to the reports, takes that image and according to the terms and conditions, which most people don't ever bother reading, their terms and conditions of service, they own that photograph even though they didn't take it, but they can appropriate it. They can sell it. They have exclusive rights to it.

Now if that situation developed and someone transmitted a photograph in the course of duty and it was taken according to the terms of service and sold by, I think it's -- as I said, I think it's Twitter Pics, or some other organization, to a media publication or some other commercial consumer, would that violate this statute?

Would the person who had taken the picture, legitimately taken it, transmitted it, but it was taken by a third party under a contract which actually the transmitter had agreed to and then sold it commercially, would that make the person who had transmitted it a person who violated the statute?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

The individual I'm assuming -- I would assume under the scenario given to me -- because it's not quite clear to me -- but assume under the scenario that this individual did not get permission to transmit this picture to Twitter pics or whatever organization this is.

And the transmission should be -- if they're doing their job, the transmission should be to whomever the end-user, end receiver is, not to Twitter pics.

So I'm not quite clear about your scenario, but --

REP. HETHERINGTON (125th):

Okay. Well, I appreciate the proponent's effort to respond to that. I realize it's not a situation which is yet commonplace.

Madam Speaker, I generally support this bill as I did in committee, but I have some reservations which I think we should consider.

We are criminalizing people for behavior that could not really be expected of people who are certified by the State to perform the duty that they perform.

There was testimony that I recall of one instance by a police officer, but I can't recall any testimony -- and I'm not saying there isn't -- wasn't any, but I don't recall any -- wherein any of the persons classified in this language other than the peace officer were guilty of violating these provisions, and that is misuse of a photograph.

Now I think that we're approaching this with a rather broad brush and we ought to consider that. I mean, the people who provide medical assistance on scene are in most communities heroes. Those are people who drive ambulances, provide advanced medical attention. Those are the people who save lives everyday and they do it by being available around the clock, by working hard to qualify for the certifications they may need.

And on balance I find it a little bit offensive to these people who labor long and

hard in the work they're about, to imply that we suspect them of doing these kind of nefarious things. That doesn't mean that the offense which we want to prohibit is not a serious one, but I wonder if we had to do it from the beginning we might be more concerned about the people who we are, in one way or another, putting at risk.

Well, one might say to that, well, they're not being put at risk because if they don't take the pictures then there is no exposure from that to them. Well, I would suggest that this is a very rapidly developing area and we don't know what tomorrow will bring.

I mentioned the reports of Twitter pics. This is an organization, a business firm that handles a great number of photographic transmissions as part of the technology that we've come to expect and use every day -- I probably don't, but those who are more technologically capable than I am, do routinely.

And it is quite possible to frame a scenario where someone may fall within the

cd/rgd/gbr
HOUSE OF REPRESENTATIVES

417
May 25, 2011

parameters of this statute inadvertently. A first responder uses Twitter pics, takes a picture in the course of duty. Takes a picture in the course of duty, forwards it to the place where he or she is supposed to forward it, but it turns out that because the carrier has an agreement with that first responder and an agreement that, you know, that agreement that when you sign up for some technology, there's always an agreement online. And it says, I agree or don't agree.

And I think most of us, even those of us who are members of the Legislature or lawyers and worry about words that get into statutes, words that get into agreements, you know, you look through that and you scroll down and you say, yeah. Yeah. Yeah. I agree. Otherwise I don't get it. It's a contract of adherence.

So it's very possible that an ambulance driver would use that service and would be taking a photograph in the course of duty. However because the carrier has obtained an agreement to the effect that the carrier owns the photograph, has all rights to the

cd/rgd/gbr
HOUSE OF REPRESENTATIVES

418
May 25, 2011

photograph and may send it to someone else, may sell it to someone else. The next time you see that photograph it's on the rack by the checkout line at the supermarket in some publication.

So this is not quite as simple as it seems because in that situation that first responder would technically violate this provision. Why? Because the person presumably, at least is -- should have known what the carrier that he or she used required in order to use the service. The service then obtains rights to the photograph and sells them. So you have a violation. You have a violation.

So we should be careful. We should be careful about this because we may be putting in jeopardy people who do not act out of avarice, out of a desire to take gruesome pictures and sell them, but people who, doing what they should be doing, fall into a trap and become violators of this statute.

So I applaud the purposes, but I have concerns such as those I have indicated and I also have concerns such as I had raised with

the able Representative Holder-Winfield, and that is that it's not clear actually who can give a consent.

If the person, the victim is alive, is conscious, is able to make decisions, then do we really want a member of the family saying, yes, you can take photographs? It seems to me that a better approach would have been to specify when the consent of such person is not sufficient. And in that, because of incapacity, in that case a member of the family would be authorized to make the consent.

So although it's far from perfect and I think has some serious pitfalls, I'm going to support this bill because I do believe in the overall purposes of it. And I hope that going forward we may watch carefully how this develops and when the need arises, that we address it promptly.

Thank you, Mr. Speaker -- Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representatives Smith, you have the floor, sir.

cd/rgd/gbr
HOUSE OF REPRESENTATIVES

420
May 25, 2011

REP. SMITH (108th):

Thank you, Madam Speaker.

Just a few questions for the proponent of the bill, if I may?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield, prepare yourself.

Representatives Smith, please proceed.

REP. SMITH (108th):

Thank you.

And just for legislative intent purposes, look -- reading through the statute, I see that there's a defined set of groups or categories that this bill would apply to, but I do not see any restriction as to a layperson going to a crime scene or to an accident scene and taking a photograph.

So am I correct in believing that this bill does not apply to a layperson going up and taking a photograph, assuming they're not part of the emergency response team?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

cd/rgd/gbr
HOUSE OF REPRESENTATIVES

421
May 25, 2011

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

That would be correct and I would like to also -- and perhaps to clarify even more, that it would not apply to even the people who are captured under the bill if they are not responding to a request for medical care or assistance. So this bill is very specific about who it applies to and how it applies to those persons.

And just on -- because I didn't get a chance to respond, perhaps to clarify a little bit more, if the first responder who was captured under this bill, used Twitt pics, or whatever the case may have been in order to transmit this as part of their duties, they would not be captured under the penalizing phase of this bill.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker.

And that was very helpful and I appreciate

that response. So -- and I didn't really realize until you just said it, that -- so for a medical responder who just happens to be on the scene, but wasn't requested to actually go to the scene, for instance, a firefighter or an ambulance driver or whoever it may be, they just happened to be in the area and went over as a good Samaritan to help out in that situation, this bill would not apply to that situation as well. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you.

Yes. Through you, Madam Speaker, that is correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you.

And there was some other discussion based on the amendment in our district in New Fairfield and Sherman and New Milford.

Candlewood Lake resides there and we have a lake patrol and I'm just wondering if this bill would apply to lake patrol responders or policeman. Or if there was a boat accident, they responded, would this bill apply to them?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I'm not very clear as to how your lake responders are or are not qualified. So I can't actually answer that. I would say that if they fall under what is the definition of an emergency medical responder -- and I don't happen to have that information -- but if they do and they are requested to provide medical or assistance then they would, but I don't happen to have that information.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you.

And that's fair enough and I don't have it either, so I'm just going to let that lie.

The one-year criminal penalty and the \$2,000, is that a class A misdemeanor based on the one-year?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I am not sure. I don't have that in front of me. I can look that up for you if you would like. I would assume so, but I don't have it in front of me. I'd have to look it up.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And thank you for that.

And I'm not sure either. I'm thinking it probably is. But was there any discussion, if you know, in the Judiciary Committee or in the discussion of this bill to make this an infraction as opposed to a criminal penalty?

Through you, Madam Chair -- Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I do not remember that being a part of the discussion. I remember the majority -- and I was in and out of the room actually during the testimony -- but I remember most of the testimony focused on the story and what impact it would have on individuals for us doing what those who came to testify had viewed as a positive, particularly because of the situation that was described earlier.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you.

And just finally, just to clarify for the legislative intent, the bill talks about if the photograph is taken in the course of duty then they're exempted from the penalties and the fines and the criminalization aspect of the statute.

And I'm just trying -- I know it's not defined anywhere that I see in the bill, so in order to try to determine what in the course of duty means. Is it fair to say that if it's standard procedure or standard practice to take a photograph at a scene, the crime scene or an accident scene, that would be in the normal course of duty?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And is it also fair to say then that if it's not the standard, but would happen on occasion or very infrequently or not at all, then that would not be in the standard or in the ordinary course of one's duty?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I believe that would be a yes, also.

REP. SMITH (108th):

And I thank the good Representative for
his answers.

I too have some issues with some of the
language in the bill, but I think the intent of
the bill is warranted and well supported.

So thank you, Madam Speaker.

And thank you, Representative.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Noujaim, you have the
floor, sir.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. Good evening,
Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good evening, dear.

REP. NOUJAIM (74th):

Madam Speaker, through you.

And I am in support of the content. I'm
in support of the intent of this legislation

and although I do support it I do have a few questions, through you to the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed.

Holder-Winfield, prepare.

Please proceed, sir.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

To the good Representative, if I may ask you, on line 1 it says any, peace officer. Is this a typographical error where it's supposed to be a police office?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

If you give me a second I will find --

Through you, Madam Chair, this bill refers us to a section where those in the bill are defined. If you go to that section, peace officer is defined as a member of a division of state police within the Department of Public

Safety and it continues on.

So because the bill refers us to a section where definitions are and you find peace officer within that section, I would say to you that it is not incorrect that they use the term peace officer. That the peace officer was intended to be in the bill.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

I truly, truly appreciate the answer because it clarifies it for me. And Madam Speaker, through you, on line 7 for legislative intent, the word "knowingly." And I am not an attorney and I will not try to interpret the law in this case, but the word "knowingly", let us -- if I may paint a synopsis.

If something happened and it goes to court and the person claims ignorance and claims not knowing, or I did something without knowingly understanding the consequences behind it, would this be a cause for probably dismissal and the

person will no longer be subject to the fine?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

The knowingly refers to the action of taking the photo without consent. I'm not quite sure how someone can take the photo without consent and not know that they didn't get consent.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

But through you, Madam Speaker, to the good Representative, if a person is unconscious -- the person is not able to provide consent and that photograph was taken and the person claimed ignorance saying, I did not know that I violated the law, would this be also a case where attorneys can argue over it and try to interpret the law one way versus being

interpreted another way?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I would have to ask a question to make sure I'm answering accurately. If the individual takes the photo of the unconscious person on the scene and is doing this in the course of their duties there is no issue here. So I guess my question to you is, is this person taking it in an action outside of their duties?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you. Thank you, Madam Speaker.

I think the Representative did answer my question by his response. I appreciate that.

And finally, I have just one more question for clarification. On line 10, it says, makes available to a third person a photographic or digital image. Here is the synopsis that I

would like to paint. Let us say, for example, a person was being beaten and that person is unconscious or his family or her family did not want to get permission for the photographs to be disseminated.

But a prosecutor probably would want to use those images against the violent offender. Would the violent offender then end up being dismissed or the case being dismissed because the family of the victim did not want to allow the images to be given?

I hope I am not confusing the issue to Representative Holder-Winfield. My point in here through you, Madam Speaker, is to make sure that the victim's rights are not violated and that the violent offender does not go free.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I'm not sure I completely understand, but I'll take a crack and if I'm not getting your scenario I would be happy to take another

attempt at it.

In that scenario there is an emergency situation. I assume that we're talking sometime after this emergency situation there is a case that comes up and the photo is needed and that photo is requested. And through legal means the prosecutor has the right to the photo.

I would suggest to you that that is not actually covered under this bill. So I don't think there's any jeopardy that this bill would put anyone in, if I understand your situation.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker.

I think the good Representative did not understand me very well and did answer the question the way I would like to have it answered. And I truly appreciate the answer.

And thank you so much, Madam Speaker. I do intend to support this bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you too, sir.

Representative Mikutel, you have the floor, sir.

REP. MIKUTEL (45th):

Yes. Thank you, Madam Speaker.

Madam Speaker, I'd just like to make it clear that almost all first responders perform at a professional and ethical manner, but like all professions there are some people, or rogue people who break the rules. And when they break a rule here they violate the privacy and dignity of victims and I've always been a supporter of victims rights.

Now those people who perform their job properly have nothing to fear under this bill. It's targeted to those who abuse their authority. And what makes this important to me, this bill, is the incident that happened in New York City in 2009 where an emergency technician was at a crime scene where a beautiful young lady was murdered. And he took a picture of her on his cell phone and posted it on Facebook.

And this was a beautiful young woman, a

lot of talent and a good-natured person. And that gruesome picture is what all her family and friends and loved ones will remember her by. It's out on the Internet. Once it gets out there you cannot get it back and Facebook will not take it off.

So just imagine if that was your daughter or your friend and that's the way they're going -- she's going to be remembered, that gruesome picture of her. Just think of the emotional distress that causes the parents of this beautiful young lady and their friends -- her friends. So that's what we're doing here, we're protecting the privacy and the dignity of victims. So I urge all my colleagues to support this legislation.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Ms. Ritter, you have the floor, ma'am.

REP. E. RITTER (38th):

Thank you, Madam Speaker.

And thank you, to the Chamber for paying particular attention to this discussion. This is a thorny issue in many respects and it's a

difficult issue because we're what we're trying to do here is almost sad in a way, legislating decency, legislating respect. Legislating respect for not only the victim of violent -- of a violent crime, but respect and decency and sympathy for the family and friends of the victim.

Sadly in today's electronic world when these things happen those pictures that are taken have the ability to be with us all for that -- with that family and friends for years and years, and years. As Representative Mikutel said, they will be the lasting image. And indeed that is the circumstance that gave rise to the particular instance that happened to a family living in my district that helped bring this bill to the floor.

For members of the Chamber that have concerns about this, I would like to be very, very clear that this bill pertains to actions that are taken by a first responder other than in the performance of his or her duties on the job and that is the critical distinction under this bill that provides the necessary

protection to our first responders and guarantees at the same time to families that their rights to privacy and decency will be protected in the future. Please understand that.

It's everything that would happen after that action, an action that was taken other than in the performance of his or her duties if someone were to knowingly then transmit those photographs that were taken under those circumstances.

It's difficult, Madam Speaker, often when we are here to deal with issues that when it comes down to it have to do with common sense and decency. And I understand that that has given rise to many questions here in the Chamber and I respect all of my members very much for asking those questions and for taking the time particularly on the part of Representative Holder-Winfield to answer them. It's in that spirit, Madam Speaker, that I urge this Chamber to adopt this bill.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Madam.

Representative Srinivasan, you have the floor, sir.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

I do also rise in support of this bill. I think this bill is essential as the previous speaker said for decency and to make sure that the rights of the people there who are in the unfortunate situation, adequately protected.

We know in the medical world, you know, we have the HIPAA guidelines. And the HIPAA guidelines make it very clear that any information that a professional gets from the patient cannot be public knowledge, cannot be disseminated to the world at large. You have been given that privilege to gather information from the patient because of the position that you have. And having that definitely does not entitle you to pass it on to the world at large.

So I definitely will be supporting this bill because the intent is very important. As the previous speaker said, the lasting image of

that person cannot be what the family does not want to be seen.

My only question to the proponent of the bill, through you, Madam Speaker, is did you also consider expanding this, not only to the professionals who came on the scene, but anybody who took pictures without the appropriate approval of the family?

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome.

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Through you, Madam Chair.

I wasn't involved in the drafting of this bill, but I do remember there was a conversation. I'm not sure if it was a, what you would consider a mainline conversation, or a conversation off to the side that dealt with that issue. It never became a part of this bill.

So I would assume that some of the issues that came up during this discussion probably came up in that discussion and it wasn't

something that those who were talking about it felt they were able to resolve.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

Because as I see that the dignity of the person who is injured at that scene is very important. And to preserve the dignity of the person without that person's permission, anybody, not only the people who arrive at the scene -- and hopefully the Chamber in the year or the years to come will consider even expanding this bill so that it covers the dignity of that injured person.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Alberts, you have the floor.

REP. ALBERTS (50th):

Thank you, Madam Speaker.

I rise to thank the proponent of the bill,

bringing this out for us tonight. I think when the bill was initially brought out, and then the amendment, there was significant confusion, I know on this side of the House in particular in terms of some of the provisions.

I think as the dialogue has increased, we've fleshed out the definitions. I'm especially appreciative of those who've clarified that good Samaritans would not fall under this amended bill. And for that reason, I'm pleased to support it.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Carter, you have the floor.

REP. CARTER (2nd):

Thank you very much, Madam Speaker. And good evening.

DEPUTY SPEAKER KIRKLEY-BEY:

Good evening, sir.

REP. CARTER (2nd):

I had one concern. First I'll say I support this attention. I think this is a great idea. It's a tragedy when you find

pictures online of folks, families who have been injured and they have to have further trauma, you know, seeing that in public. So I wholeheartedly support this effort.

Now keeping the eye on the ball, we do need to make sure we get this right. So there is one question I do have for the proponent of the bill, through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Holder-Winfield.

Mr. Carter, please proceed.

REP. CARTER (2nd):

Thank you, Madam Speaker.

In reading the language of the bill, it talks, you know, not only about taking a photo -- about transmitting a photo. And the way I see this, it's probably more about the transmission of the photo where we get ourselves in trouble.

And as I read this, and here's the question, if other than a first responder -- let's say, the first responder takes the photo. It goes back to the dispatcher. It's in evidence or whatever it's being used for, but

then another person from the department finds the photo and transmits it to the public. Can that person be prosecuted through this bill?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

The way this bill is written the answer to that question would be, no.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much.

I appreciate the answer to the question.

And I would say as we talk about doing this legislation it is really important we get this stuff right. I would -- I will support this bill as written, but that is another, I think, wrinkle that we need to look at in the future.

Because often what happens is somebody may take a picture. My brother, for instance, is a police officer. He may be the first responder and may also be the investigating officer. In

that situation he may take pictures. What I would worry about is where else those pictures go in the department and if some other bad egg decides to transmit these things to the public I want to be able to hold those folks accountable for doing something.

So in future I would hope we could look at this more deeply, but for now, Madam Speaker, I will wholeheartedly support this bill and I will urge the support by my colleagues.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Miner, you have the floor, sir.

REP. MINER (66th):

Thank you, Madam Speaker.

I just wanted to clarify one question that I had in my mind, if I could, through you please, to the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield, prepare yourself.

REP. MINER (66th):

Thank you, Madam Speaker.

I've listened to the debate tonight and I get the -- I sincerely get the purpose for which the bill was drafted. If I read the bill I almost might get the impression that if in an effort to kind of recount what may have happened at an accident scene, if an individual that took the picture shares the picture with the agency with which he is a member and it wasn't with the express approval of the patient, would anybody within the responding group or the fire department or ambulance association be held liable under this bill as it's currently drafted?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

And I have to do some assuming because I don't know the totality of your situation, but I would assume that the sharing of the picture would be as part of the duties of the individual who was the first responder. And

even though this is given to a third-party, if it's part of the duties of the first responder then, no, there is no liability under this piece of legislation.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

And so to the extent that the information stayed in-house -- again, I'm very satisfied with the drafting of the bill -- if the information was transmitted as part of a first responding agencies' effort to ensure itself or defend itself against a claim, that would not come under this as well. I would imagine people don't give up their right to protect themselves under a claim through this law.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Excuse me. Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I don't believe it would be captured here because what -- under that scenario, the first

responder in the course of their duties would have given the photo to the house and then subsequent to that the house would have moved this in an attempt to protect themselves.

And so the first responder who is captured under this bill has not taken the action which we're really talking about in that scenario.

Through you, Madam Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. I also join the Chamber in supporting the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark? Will you remark further on the bill as amended?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

If I may have your indulgence to speak for a second time? One question to the proponent, if I may?

Through you, Madam Speaker, I gather from

this language that it would not depend -- or there would be no difference no matter what the status of the victim, that is if this were a fleeing criminal, presumptive criminal for these purposes who were -- was brought down by a police officer -- or this would still protect that person from being photographed even if the person was not a victim in the usual sense, but a perpetrator.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

If the police takes down the perpetrator and there is an emergency situation which arises from the takedown of the perpetrator and there is a request for medical or assistance, and the individual takes a picture in the course of their duties, all of the provisions of this bill then would apply. If not, they would not.

Through you, Madam Chair.

REP. HETHERINGTON (125th):

So I thank the proponent for his response.
I think he's probably correct.

So it would protect a -- someone whom was not an innocent victim, but would be protected for these purposes.

I guess it's good that they didn't have this law in Afghanistan. You know, I mean, taking out bin Laden might have been a problem with these pictures.

But anyway, I raise that just to clarify that even -- no matter what the status of the person is, who is photographed in terms of being a person outside the law, or whatever, that person is protected.

I think the proponent has answered faithfully and correctly and I just wanted to establish that. Thank you.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark? Will you further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests please come to the well. Members take your seats. The machine will be open.

cd/rgd/gbr
HOUSE OF REPRESENTATIVES

450
May 25, 2011

THE CLERK:

The House of Representatives is voting by
roll call. Members to the Chamber. The House
is taking a roll call vote. Members to the
Chamber, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members
voted? Please check the board to see that your
vote has been properly cast. Please check the
board. The machine will be locked and the
Clerk will prepare the tally. Will the Clerk
please announce the tally.

THE CLERK:

Senate Bill 1099 as amended by Senate "A"
in concurrence with the Senate.

Total Number voting	140
Necessary for adoption	71
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	11

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes,

Will the Clerk please call Calendar Number

236.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 6
1626 – 1949**

2011

30
tmj/lw/gbr JUDICIARY COMMITTEE

March 9, 2011
11:00 A.M.

it up a little.

CHEIF STATE'S ATTORNEY KEVIN KANE: We're here to serve you, not the other way around.

REP. FOX: Thank you. I think what we'll do is we'll go to the next witness and then we'll come back.

Next is Senator Stillman was going to stand in for Senator Looney is my understanding.

SENATOR STILLMAN: Thank you very much. I appreciate your indulgence. Thank you to Mr. Kane for relinquishing the microphone. And Senator Coleman, Representative Fox and members of the judiciary committee, for the record, I'm Senator Andrea Stillman and I'm here to speak in favor of Raised Bill Number 1099, which is AN ACT CONCERNING THE UNAUTHORIZED TAKING OF TRANSMISSIONS BY FIRST RESPONDERS OF IMAGES OF CRIME OR ACCIDENT VICTIMS.

Sitting next to me are Mr. and Mrs. Rogers. This bill has been introduced because of the very sad situation that occurred upon the death of their son. And if it's all right with you, they have some testimony they would like to share with the committee so that you can have firsthand information as to why this bill is here.

REP. FOX: Okay. Please proceed.

SENATOR STILLMAN: Thank you, sir.

Introduce yourself.

NANCY ROGERS: I'm Nancy Rogers, Waterford, Connecticut. And it's a very difficult subject that we're talking about, close to our hearts. I want to allow you to -- thank you for

31
tmj/lw/gbr JUDICIARY COMMITTEE

March 9, 2011
11:00 A.M.

allowing me to speak today. And if you don't mind, I'd just like to read what I have because it is a very emotional issue for us.

On November 21, 2007, our son, Joshua Rogers, raised his hand -- raised his right hand to take the oath of enlistment in the U.S. Army in the Connecticut Army National Guard to defend the constitution of the United States, to include the State of Connecticut, from enemies, foreign and domestic. Regrettably June 20, 2009, the final day of Josh's two weeks annual training prior to deployment to Afghanistan in the fall of 2009, with the first of the 102 Infantry Division, tragedy struck our family. Josh would never make that deployment. Like his friend and mentor, Staff Sergeant Edwin Rivera, who unfortunately would never make it home from the deployment, the world, country and state lost two young men who volunteered to defend those principles this country was founded on.

Adding to our pain over Josh's death, a fax came to us directly from New London Police Chief Margaret Ackley, that a New London Police Department Officer, Jeffrey Nichols, had conducted himself at the scene in a manner, in our opinion, that not only breached his oath of office but displayed behavior beyond reasonable human comprehension.

Mr. Nichols' actions violated his oath of office specifically regarding that he would protect the dignity and respect the rights of all individuals. When Mr. Nichols used his own cell phone to capture photos of the deceased body of Josh and forwarded them to private individuals with personal comments, he blatantly desecrated his department's code of conduct, oath of office, as well as basic human decency.

No parent should have to live with the thoughts of those images etched forever in their hearts, minds and souls. We will always question with modern-day technology where else those photos have been circulated.

December 6, 2010, when an article appeared in the New London Day, entitled, "He Deserved More Respect Than He Got," concerning what transpired that day, public outrage as evidenced in the 33 pages of comments from readers disgusted at the actions of Mr. Nichols. Conversations we have had with neighbors, friends, coworkers and complete strangers to include members of law enforcement and emergency responders, resonate with the same disgust and repulsion that not only he committed this crime but disbelief that there is not already a law in place to prevent and punish this type of behavior.

Joshua was a victim twice that day when he was robbed of the respect and dignity every human being deserves at the time of their passing. While Mr. Nichols was dismissed from the department on November 23rd, which should have been Josh's 22 birthday, we were notified that the police union and arbitration board had awarded his reinstatement. As noted in the arbitration award, one of the justifications for Mr. Nichols being reinstated was due to the fact, I quote, "While the city has a policy entitled computer E-mail and internet policy, the policy does not address the use of cameras, camera phones or taking of pictures." Since it is apparent we cannot rely on each and every city, town or county to implement codes of conduct within their departments to address this issue, we must therefore ask the state to step in and protect the rights of every citizen by passing this important legislation. We must

33
tmj/lw/gbr JUDICIARY COMMITTEE

March 9, 2011
11:00 A.M.

give a voice to Josh so no other parent, grandparent, spouse or loved one must endure the pain we will carry with us the rest of our lives. Thank you.

SENATOR STILLMAN: Thank you very much. It's interesting to follow the previous testimony of Mr. Kane, and the reality is that the police departments do not have any choice because there is nothing in their code of conduct to date, certainly not in New London, which I think is typical of police departments about using a personal cell phone and transmitting a photo.

I mean, this was obviously extraordinary poor judgment. I can think of saying something even stronger than that, but these are people that we entrust with appropriate conduct. We expect them to act appropriately. And cases like this have occurred in other parts of the country, and so I think it's time that Connecticut stepped forward. The officer was suspended who actually was -- the police chief wanted to terminate the officer, the young officer, but as was stated, the mediation award from the state board said that he had to be reinstated after about 17 months of -- or maybe not that quite long.

He was suspended without pay and benefits for a period of July 12, 2009 until November 22nd of 2010. So this is an issue that we believe was important to the department. The bill is before you. It's been sponsored by a variety of legislators from southeastern Connecticut. We feel strongly about it and certainly hope that you will act favorably when the time comes. And Representative Ritter is also sitting with me as well.

REP. FOX: Thank you, Senator Stillman.

And Representative Ritter has discussed this bill with me as well as I'm sure other members of the committee and expressed her strong support of the need for this type of legislation.

Are there questions from members of the committee?

Representative Hewitt.

REP. HEWITT: Thanks for coming in today. Not so much a question is that I'm glad you came forth with this, I'm glad to be part of this bill, and if you've not heard this publicly, as a state representative of the 39th District, I publicly apologize for what happened to you and your family because it was really really uncalled for. Thank you.

REP. FOX: Representative Wright.

REP. WRIGHT: Thank you, Mr. Chairman. I too would like to express my sincere condolences to Mr. and Mrs. Rogers on their loss and thank you for your testimony and for your advocacy on what must be a very difficult issue for you. It's interesting to note I think by way of comment that our codes of conduct really have not evolved, in my opinion, to reflect advances in technology and the capabilities of electronic transmission. And I thank you for your work on behalf of establishing a statewide policy restricting the use of video technology at the crime scenes and the transmission of those images without authority of the victim or the victim's family and outside the scope of the responder's official duties. Thank you again for coming here today.

REP. FOX: Representative Baram.

35
tmj/lw/gbr JUDICIARY COMMITTEE

March 9, 2011
11:00 A.M.

REP. BARAM: Thank you, Mr. Chairman.

My condolences as well. I just had two technical questions about the proposed bill. The language it says, other than the performance of their duties, that would allow obviously police coming to a crime scene to take photographs for evidentiary purposes and the like. There's no intent to exclude that; is that correct?

SENATOR STILLMAN: That's correct, Representative. We understand that the technology that sometimes can be misused is also important in its use, and if someone is authorized to send a photographic image to another, you know, a law enforcement facility or individual, that we certainly are not infringing on that.

I don't believe that's the intent. The intent is this -- you don't need to see these things flying around on the internet and being used -- being seen inappropriately. It is a terrible affront to the young man who died, to Joshua, but it's terrible for the family. I think you'll be hearing or reading some testimony later where because of this cycle where people get pictures and then they send, forward them along to someone else, they sadly come back to the family itself, and so this I believe is a very important law to tighten.

REP. BARAM: Thank you. And then I noticed that the kind of employee, if you will, that's defined such as a driver, medical technician, the bill seems to pertain to those individuals.

So if there was a bystander who was next to a crime scene and they're not one of these individuals defined by statute and they take their camera out, and let's just say it's for,

you know, a -- they think it's a beneficial reason, they think there should be some evidence, nobody is there at the time, or as an attorney I've experienced where there are photographers who do this as a profession, they sit and listen and monitor the police radios, and when there's an accident, they're there immediately taking pictures and they sell them to attorneys primarily for purposes of trial or defense, whatever, and this is what they do for a living.

It seems to me that those people would not be covered by this statute, and I just wanted to see if, you know, you may not have thought about, but the way it's written it seems like the prohibition against using and disseminating these pictures other than their official duties is limited to the people identified in the statute.

SENATOR STILLMAN: You raise a good point, and I would like to ask those people to find a different job. That's the first thing because that's a horrible -- I mean -- and I don't mean to be flip about it, but I would hope that something like -- I don't know whether there is a law and a different statute that might cover that particular situation, but certainly once law enforcements arrive, I know there's usually -- they try and keep people away from a scene so that things like that don't happen but sadly they do. I wish we could cover every single circumstance.

This particular request is here based on the fact that you have people who are in as first responders who make very poor decisions and need to be punished seriously. They need to understand the ramifications of the decisions they make. Thank you, sir.

37
tmj/lw/gbr JUDICIARY COMMITTEE

March 9, 2011
11:00 A.M.

REP. FOX: Are there any other questions?

Seeing none, thank you very much for your testimony and for bringing this to our attention. It is something we will look at carefully.

SENATOR STILLMAN: Thank you very much.

REP. FOX: Next is Justice David Borden.

THE HONORABLE DAVID BORDEN: Thank you Senator Coleman and Representative Fox and members of the committee. I'm here to testify on Raised Bill Number 6344, an Act Concerning Eyewitness Identification. My name is David Borden. I'm a retired justice of the Connecticut Supreme Court, having reached the mandatory retirement age in 2007, and I now serve as a judge trial referee on the state appellate court, but I want to make it clear that I appeared today here solely in a private capacity. I do not appear as a representative of the judicial branch or of any court within that branch.

While on the supreme court, I was the author in 2005 of the court's opinion in a case called State versus Ledbetter in which the court for the first time took notice of the body of science on the issue of eyewitness identification. Based on that science, the court mandated that when an eyewitness was to be shown a photo or live lineup, it was required that he or she be instructed that the perpetrator may or may not be in the lineup.

And the purpose of this instruction was to reduce the likelihood of what the science terms the relative judgment process. The relative judgment process is the process by which the eyewitness, having been shown say a photo lineup of six photographs of possible perpetrators, tends to choose that photo that

155
tmj/lw/gbr JUDICIARY COMMITTEE

March 9, 2011
11:00 A.M.

ANDREW SCHNEIDER: Thank you. It was an important issue, thank you.

SENATOR COLEMAN: Michelle Cruz.

MICHELLE CRUZ: Good afternoon, Senator Coleman and distinguished members of the Judiciary Committee. My name is Michelle Cruz and I'm the state Victim Advocate and I run the Office of the Victim Advocate.

My office has submitted numerous volumes of written support and opposition to various bills today. However, what I will do today is I'll just comment on some of the highlights on a few bills and then read the testimony on two more important bills that relate to victims.

First of all, I just want to comment on the Office of the Victim Advocate did provide supportive testimony on House Bill 6537 regarding speedy trials. The victims in the state of Connecticut have a right to a swift disposition in their case and this would assist in those misdemeanor cases. The only addition that the Office of the Victim Advocate would ask for is in cases where an offender is challenging the speedy trial right, instead of immediately releasing that individual, the Office of the Victim Advocate would ask that a prompt bail or bond hearing be allowed to address the incarceration of that particular individual. The reasons for that are described in our testimony as well.

With regards to witness ID which is House Bill 6344, as a testimony today already suggests, there are best practices that will guide witness identification. But as you've heard for a myriad of reasons, codifying these guidelines is not desirable at this time.

SB954
SB1099
HB6367

And so I would encourage the Legislature to look at this issue, look at it as a place that we're going. But codifying these particular guidelines in a way that could negatively affect a criminal case -- it will negatively impact crime victims because if the case is sidelined because a department couldn't do this and then maybe didn't have the officer available to come testify to explain that particular department's financial restrictions, that case will probably not live throughout the initial prosecution.

Now there's two particular legislative proposals that directly impact crime victims. The first one is Raised Senate Bill 1099. Now you heard this morning from a family member who was negatively impacted from the fact that we don't have this law here in Connecticut. And as you know, crime victims in Connecticut have a constitutional right to be treated with fairness and respect throughout the criminal justice process.

This particular bill will make it illegal for first responders who respond to a request to provide medical or other assistance to a person from taking or transmitting photographic or digital images of that person without that person's consent. It is unthinkable to think that this would occur, but sadly, this does occur.

And as I was looking for cases, I Googled, which apparently is my favorite tool because we keep talking about it this week. I Googled this particular behavior and I found three other states that this has happened. And in each case, it was -- one case was a fire department and in one case it was the California Highway Patrol and another case was

159
tmj/lw/gbr JUDICIARY COMMITTEE

March 9, 2011
11:00 A.M.

also a fire department. And in each case the reason given why this occurred was there is no law preventing it. Which is really sad but it is why this is occurring and why there's no deterrent from it happening. In three -- in two out of three of those cases, the family member actually got a copy of their photos of their loved one deceased. One of them was a decapitated young girl sent back to them either through email or on their phone.

So ramifications of this particular bill are -- it may just affect a small population but the affect on that particular family is devastating. That's why I'd encourage the Judicial Committee to look at this bill and pass this bill.

The last bill I wanted to talk about is the act concerning -- I'm sorry. Is AN ACT CONCERNING FAILURE OF A WITNESS TO REPORT A SERIOUS CRIME. The Office of the Victim Advocate, although understanding of the impetus for this proposal, is concerned with the unintended consequence this proposal may have.

HB 367

Often domestic violence victims struggle for years -- with years of abuse before having the courage to break free. For some of those domestic violence victims who have children the strength to leave is borne if not -- if and when the abuse turns towards the child. For others, however, the strength may never come. The unintended consequences of this proposal would expose domestic violence victims with an arrest. For instance, if the victim of domestic violence is too frightened to report child -- abuse of their child, as soon as reasonably practical or likewise, a frightened child to report abuse of the parent, that person would then be arrested.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 7
1950 – 2303**

2011



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Michelle S. Cruz, Esq.
State Victim Advocate

Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Wednesday, March 9, 2011

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised Senate Bill No. 1099, *An Act Concerning the Unauthorized Taking or Transmission by First Responders of Images of Crime or Accident Victims*

All crime victims in Connecticut have the constitutional right to be treated fairly and with respect throughout the criminal justice process. Especially in cases of homicide, the surviving family members are often exposed to unrelenting media coverage, gruesome autopsy and crime scene photographs presented during trial and the offensive tactics by some defense attorneys zealously representing their client. Unfortunately, there is very little the criminal justice system can offer crime victims to lessen this burden and seemingly lack of respect.

Raised Senate Bill No. 1099 will make it illegal for first responders, who respond to a request to provide medical or other assistance to a person, from taking or transmitting photographic or digital images of that person, without such person's consent. It is unimaginable to think that this would occur, but sadly, the proliferation of the social network empire expands, so to does the human desire to be "in the know". On Halloween of 2006, Nicole "Nikki" Catsouras lost her life in a car accident. Images of her gruesome car accident were taken by one of the responding police officers, by a cell phone, and were then forwarded to the department's dispatcher. From there those photographs have gone viral and are now available on the Internet. In a sickening turn of events; her parents were forwarded these same images of their daughter. Her parents are now suing the California Highway Patrol for taking the photographs. On March 30, 2009, the body of Caroline Wimmer was found by her parents, two days after she was fatally beaten and strangled in the West Brighton area of New York. An emergency medical technician, who was called and responded to the scene, snapped pictures, using his cell phone, of the victim, lying dead on the floor of her apartment with a cord wrapped around her throat. He then proceeded to post the highly offensive photos on his Facebook page. On July 17th, 2010 a fire fighter in Spaulding County Georgia, using his cell phone, photographed and took videos of Dayne Kempson-Schacht, who was killed in a horrific car accident and then shared those photos and videos with his colleagues and the patrons of a bar. These images included a 30 second video close up of the victim after she had passed. That same video has since gone viral and is now on YouTube.

These incidents mark only the tip of the iceberg. One of the barriers in these cases has been that according to the laws in GA, CA and NY, the individuals who took these photographs did not violate any law in their state. It is sad that we need such a law, but clearly these high profile cases exhibit the need and evidence the harm and revictimization of the victims' families. In creating the language of the proposed law, I would encourage you to make sure the definition of "first responder" includes all who presumptively may show up at the scene of a

crime or a motor vehicle accident and render assistance such as law enforcement officers, firefighters, and first responders, for they all receive extensive training and should be on notice that this type of behavior is not only despicable, but also criminal. I strongly urge favorable consideration by the Committee for Raised Senate Bill No. 1099.

Thank you for consideration of my testimony.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle D. Cruz".

Michelle Cruz, Esq.
State Victim Advocate

MAR-08-2011 TUE 10:12 AM CT AVCRAD

FAX NO. 860 441 2941

P. 04

JOSEPH I. LIEBERMAN
CONNECTICUT
COMMITTEES
ARMED SERVICES
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
SMALL BUSINESS

United States Senate
WASHINGTON, DC 20510-0703

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<http://liberman.senate.gov>

January 7, 2011

The Honorable Dannel Malloy
Office of the Governor
210 Capitol Avenue
Hartford, CT 06106

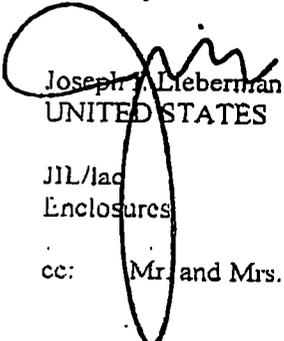
Dear Governor Malloy:

I am writing on behalf of Mr. and Mrs. Robert & Nancy Rogers who resides in Waterford, Connecticut who wrote my office regarding the June 20, 2009 tragic death of their only child. The New London Police Department crime scene investigation involved a police officer engaging in wholly inappropriate professional behavior. Police Officer Jeffrey Nichols took photographs of Mr. and Mrs. Roger's deceased son on a personal cell phone which were forwarded to personal friends. Mr. and Mrs. Rogers were heartbroken and devastated upon learning of Officer Nichols action.

Mr. and Mrs. Rogers wrote my office seeking assistance in the passage of a new Connecticut statute that would establish statewide police procedures regarding use of cameras at crime scenes. Enclosed please find a copy of their correspondence and supporting documents. I understand that State Senator Andrea Stillman and State Representative Elizabeth Ritter will consider introducing a bill on this issue in 2011 CT State Legislature.

I respectfully request that your office give every sincere and serious consideration to Mr. and Mrs. Rogers' complaint and request for legislative relief. The Rogers have suffered a tremendous loss, and all our hearts reach out in sympathy and prayers that they find comfort during this difficult time. Thank you for your consideration of this important matter.

Sincerely,


Joseph I. Lieberman
UNITED STATES

JIL/lac
Enclosures

cc: Mr. and Mrs. Robert & Nancy Rogers

SUPPORT FOR CONNECTICUT SB-00790

"JOSHUA'S LAW"

We request the Judiciary Committee move forward with support for SB-00790

"Joshua's Law" that Connecticut State Statutes be amended to prohibit first responders from using personal devices to take crime or accident scene photographs or video recordings and transmitting them to private individuals.

Name	Signature	City/Town	State
ROBERT E ROGERS	<i>Robert E Rogers</i>	Waterford	CT
Nancy Rogers	<i>Nancy Rogers</i>	Waterford	CT
DARREN PISTENSKI	<i>Darren Pistenksi</i>	Groton	CT
STEPHEN DANIEL	<i>Steph G Hall</i>	STED	CT
Barry Milton	<i>Barry Milton</i>	Groton	CT
Bracy Hopkins	<i>Bracy Hopkins</i>	Lebanon	CT
DAVID WATSON	<i>David Watson</i>	MONTVILLE	CT
JEFFERY SALES	<i>Jeffery Sales</i>	THOMASTON	CT
Eve Lynn Johnson	<i>Eve Lynn Johnson</i>	Plainfield	CT
Edward W. Grover	<i>Edward W. Grover</i>	Voluntown	CT
Paul B. O'NEAL	<i>Paul B. O'Neal</i>	Norwich	CT
Jeffrey Byrnes	<i>Jeffrey Byrnes</i>	Groton	CT
Martha Rowan	<i>Martha Rowan</i>	Groton, CT	CT
TIMOTHY W. OLSEN	<i>Timothy W. Olsen</i>	WATERFORD	CT
Candy Smith	<i>Candy Smith</i>	MOOSUP	CT
Serina C Carter	<i>Serina C Carter</i>	NEW LONDON	CT
TIMOTHY E ROGERS	<i>Timothy E Rogers</i>	NORWICH	CT
Timothy R Condit	<i>Timothy R Condit</i>	Groton	CT
Ralph A Colvoco	<i>Ralph A Colvoco</i>	East Haven	CT
Angelique Madaloni	<i>Angelique Madaloni</i>	Groton	CT
Britter Longenecker	<i>Britter Longenecker</i>	COLCHESTER	CT
JEAN ST MARTIN	<i>Jean St Martin</i>	WESTERLY	RI
DAVE EBERHARDT	<i>Dave Eberhardt</i>	Groton	CT
JOSEPH KONESNI	<i>Joseph Konesni</i>	DAYVILLE	CT
KATHRYN M LANDRY	<i>Kathryn M Landry</i>	Groton	CT
Robert Ellsworth	<i>Robert Ellsworth</i>	POURBRET, CT	CT
SHAWN P RYAN	<i>Shawn P Ryan</i>	MONTVILLE	CT
Will Odeh	<i>Will Odeh</i>	Montic	CT
LEE NAIES!	<i>Lee Naies!</i>	WATERFORD	CT

Name	Signature	City/Town	State
Scott Burdick	[Signature]	Willimantic	CT
ROBERT J. LORA JR	[Signature]	Voluntown	CT
MARLANE SULLIVAN	[Signature]	MIDDICH	CT
Amy Jensen	[Signature]	Gales Ferry	CT
SHANE SMITH	[Signature]	Jewett City	CT
Abram Tirado	[Signature]	GROTON	CT
Susan Gorecki	[Signature]	Clinton	CT
Irving Greenman	[Signature]	Griswold	CT
DEBOIS BECKLOFF	[Signature]	Waterford	CT
Ricardo Cortes	[Signature]	Berlin	CT
LARKINS Charls	[Signature]	Colchester	CT
JUAN MAYUMBO	[Signature]	GROTON	CT
Garvin Martina	[Signature]	Hartford	CT
Gissel Walf	[Signature]	Ledyard	CT
RICHARD WILKINSON	[Signature]	EAST LIME	CT
Stephen Stamps	[Signature]	Volantown	CT
Jose R. Chambers	[Signature]	Bristol	CT
Randy P Pockham	[Signature]	Waterford	CT
STEVEN C BRASSE	[Signature]	Ledyard	CT
Peter H Casley	[Signature]	Hamden	CT
CHRISTOPHER KING	[Signature]	LEDYARD	CT
Michelle R. Ruff	[Signature]	Plainfield	CT
Colleen M. Ortiz	[Signature]	Plainfield,	CT
Michael P. Generoux	[Signature]	GROTON,	CT
Michael R. McTurkins	[Signature]	Gales Ferry,	CT
TEMONY BRODEUR	[Signature]	BALZC	CT
Ronald Mavandian	[Signature]	Rista	CT
Gris Edwards	[Signature]	Groton	CT
Christopher Milson	[Signature]	Lisbon	CT
DAVID W. ICEIER	[Signature]	East Haddam	CT
Jamie Fontana	[Signature]	East Haddam	CT
William ORTIZ	[Signature]	PLAINFIELD, CT	CT
Natalie Banks	[Signature]	Westfield, RI	
John Coley	[Signature]	Groton	CT
RONALD W. GIBSON	[Signature]	ANDOVER, CT	
Jame Gorecki	[Signature]	Waterford	CT
JAKE GRUBBELL	[Signature]	PAWCATUCK	CT

Name	Signature	City/Town	State
Jeremy Newman		Griswold	CT
PAUL SIMMONS		LEDYARD	CT
SANFORD MOORE		ENFIELD	CT
Arthur E. Newman Jr.		Old Lyme	CT
LEONARD BANKS		Waterford	CT
Donald Gleason Jr.		Plainfield	CT
Raymond Warner		Norwich	CT
Ramon A. Figueroa		Rocky Hill	CT
MICHAEL S. DELOMAN		PLATTAM	CT
Christopher E. Watson		Mantoloking	CT
Erik Reid		Groton	CT
Mary Leonard		Gales Ferry	CT
Robert Tjara		Norwich	CT
Ellsworth Bath		LEDYARD	CT
Gabriel Thomas		Waterford	CT
Anne Holsby		Middletown	CT
Albert Deschamps		Groton	CT
Ramon M. Rivera		Groton	CT
BEACKEURN, DAVID		Norwich	CT
DeMing, Daniel		HARTFORD	CT
ANTHONY, KENNETH P.		Norwich	CT
Jasen Williams		Preston	CT
FREDERICK BILKAS		Waterford	CT
Steven Splachnik		Groton	CT
Jared Meckhoff		New London	CT
William H. Stamper 3.		Plainfield	CT
Robert H. Burnside		North Stonington	CT
Jay B. Bowdy		Mystic	CT
Ray E. Paul Jr.		Groton	CT
Steven Houn		Dayville	CT
ANTHONY P. HERODEAN		CANTERBURY	CT
Amy Mish		Pawcatuck	CT
LARRY DAVIS		Groton	CT
Mark Ferguson		Norwich	CT
Phyllis DeWitt		Niantic	CT
Alfred Brown		LEDYARD	CT

Name	Signature	City/Town	State
Michael Hinson	Michael Hinson	Waterford	CT
Wynold A. Wynn	Wynold A. Wynn	GROTON	CT
Steven Carter	Steven Carter	MANTON	CT
Theodore M. Currier	Theodore M. Currier	Lisbon	CT
Crespo, Celia	Crespo, Celia	New London	CT
DOANUSKI, Dennis	DOANUSKI, Dennis	LEBANON	CT
Kelly L. Pendleton	Kelly L. Pendleton	Waterford	CT
Donald Bizek	Donald Bizek	Groton	CT
ROBERT D. CANNON	ROBERT D. CANNON	GROTON	CT
Nathaniel Burnham	Nathaniel Burnham	Old Saybrook	CT
Cody Morgan	Cody Morgan	Windsor	CT
MURIEL J.A. BRIGGS	MURIEL J.A. BRIGGS	WATERFORD	CT
John R. WGAARD	John R. WGAARD	Colchester	CT
Michael Walters	Michael Walters	Manchester, CT	
MARIUSZ ZALEWSKI	MARIUSZ ZALEWSKI	EAST HAMPTON	CT
David Beatrice	David Beatrice	Waterford	CT
Sandra Waller	Sandra Waller	Middletown	CT
RICHARD RAYMOND SR.	RICHARD RAYMOND SR.	NORWICH	CT
Helio, Lawrence A. J.	Helio, Lawrence A. J.	Groton	CT
MILLER, CHRISTOPHER C.	MILLER, CHRISTOPHER C.	COLCHESTER	CT
Azavedo, Brian M.	Azavedo, Brian M.	Uxasville	CT
MICHAEL BERRY	MICHAEL BERRY	GROTON	CT
Flores, Susan P.	Flores, Susan P.	New London	CT
Gaudette, Phil	Gaudette, Phil	Salem	CT
MATTESON, BEAU	MATTESON, BEAU	MYSTIC	CT
Nate Leonard	Nate Leonard	GROTON	CT
STEVEN J. PETIT	STEVEN J. PETIT	GROTON	CT
Rodrick P. Carrier Jr.	Rodrick P. Carrier Jr.	Gales Ferry	CT
Thomas P. Newman	Thomas P. Newman	Sterling	CT
Bill Lewick	Bill Lewick	Mystic	CT
JOHN M. KERBUCK	JOHN M. KERBUCK	CANTERBURY	CT
GIUSEPPE ASTUTI	GIUSEPPE ASTUTI	GALES FERRY	CT
Mark Grott	Mark Grott	Nepant	RI
Michael Hartley	Michael Hartley	Pawcatuck	CT
Marc Perreault	Marc Perreault	Plainfield	CT
LARRY GRAHAM	LARRY GRAHAM	Norwich	CT
George Lewis	George Lewis	HAMPTON	CT

Name	Signature	City/Town	State
Renee Rumlill	Renee Rumlill	Woodstock	CT
Leo LeBlanc	Leo LeBlanc	Brooklyn	CT
mike Bannon	Michael S. Bannon	Preston	CT
Meredith - Meredith Caparde	Meredith Caparde	Waterford	CT
Amancio Caparde	Amancio Caparde	Westfield	CT
William Miller	William Miller	Waterford	CT
Bryan Krimph	Bryan Krimph	Groton	CT
ELEANOR ROGERS	Eleanor Rogers	Plainville	CT
Cathy Ryan	Cathy Ryan	Plainville	CT
Damela Brett	Damela Brett	Waterford	CT
Norm Rogers	Norm Rogers	Waterford	CT
Wendy Moreland	Wendy Moreland	Preston	CT
Scott Moreland	Scott Moreland	Preston	CT
Allan Selserman	Allan Selserman	Waterford	CT
Lynne Selserman	Lynne Selserman	Waterford	CT
William M. Landry	William M. Landry	Groton	CT
PECK, WILLIAM	William Peck	Groton	CT
Jacobs Desjardins	Jacobs Desjardins	Groton	CT
Johnathon Laudun	Johnathon Laudun	New London	CT
Brian Weiske	Brian Weiske	Colchester	CT
Gregory Greal	Gregory Greal	East Hampton	CT
Eric Vickers	Eric Vickers	Griswold	CT
LORETTA WALKER	Loretta Walker	Quaker Hill	CT
Juan H. Lozada	Juan H. Lozada	Groton	CT
Michael Kermode	Michael Kermode	Hebron	CT
Christopher Jasion	Christopher Jasion	Colchester	CT
STEVEN W CHMURA	Steven W Chmura	Meriden	CT
JAMES R. Dugas	James R. Dugas	Plainfield	CT
McGugan, George B	George B. McGugan	Mystic	CT
William Dominguez JR	William Dominguez JR	Bristol	CT
Charles Schofield	Charles Schofield	Lisbon	CT
Adan Garcia	Adan Garcia	Groton	CT
William HUMES	William Humes	Groton	CT
Norma Gauthier	Norma Gauthier	Plainfield	CT
ANDREW SHETLAND	Andrew Shetland	Griswold	CT
Brian ToSullivan	Brian ToSullivan	Hebron	CT
Michael F. Hogan	Michael F. Hogan	Cheshire	CT

Name	Signature	City/Town	State
THOMAS S. LAWTON	<i>Thomas S. Lawton</i>	NO SWICH	CT.
Michael P LaFontaine	<i>Michael P LaFontaine</i>	Hopkinton	RI
MARK C. CAPPOCCIO	<i>Mark C. Cappoccio</i>	NEW LONDON	CT
ANTHONY M. ZOLARIE	<i>Anthony M. Zolarie</i>	Groton	CT
SEAN T. WOOD	<i>Sean T. Wood</i>	North Woodham	CT
THOMAS E. TOMLIN	<i>Thomas E. Tomlin</i>	Ridham	CT
Daniel R Boulanger	<i>Daniel R Boulanger</i>	Voluntown	CT
RENEA MATLOCK	<i>Renia Matlock</i>	NORWICH	CT.
Mark Belle	<i>Mark Belle</i>	COLTON	CT

SUPPORT FOR CONNECTICUT SB-00790
"JOSHUA'S LAW"

We request the Judiciary Committee move forward with support for SB-00790 "Joshua's Law" that Connecticut State Statutes be amended to amended to prohibit first responders from using personal devices to take crime or accident scene photographs or video recordings and transmitting them to private individuals.

Name	Signature	City/Town	State
Tonya Covington	[Signature]	New Haven	CT
John Gispoli	[Signature]	New Haven	CT
Fagan Robinson-Sims	[Signature]	New Haven	CT
VELISHA CLAUD	[Signature]	NEW HAVEN	CT
Massie Machette	[Signature]	East Haven	CT
Frank Ruiz	[Signature]	Hamden	CT
Quanteenia McLaughlin	[Signature]	New Haven	CT
Maureen Bishop	[Signature]	North Haven	CT
RASHA MORALES	[Signature]	New Haven	CT
[Signature]	[Signature]	Seymour	CT
D. Rogers	[Signature]	West Haven	CT
IAN DUNCAN	[Signature]	Hamden	CT
Reine De Rivas	[Signature]	West Haven	CT
MICHAEL J GRANUCCI	[Signature]	NEW HAVEN	CT
Mike Casale	[Signature]	North	Conn
Sean A. Mitchell	[Signature]	New Haven	CT
Ethan Hutchinson	[Signature]	New Haven	CT
MICHAEL GODSHUE	[Signature]	HAMDEN	CT
Lequan Copeland	[Signature]	TRUMBULL	CT
Anthony Sims	[Signature]	New Haven	CT
Keith Myrick	[Signature]	Norwalk	CT
Danny Cruz	[Signature]	NEW HAVEN	CT
Tasha Anderson	[Signature]	NEW HAVEN	CT
Kathleen Williams	[Signature]	New Haven	CT
Theresa Ann	[Signature]	West Haven	CT
Eric M. Ross	[Signature]	Oxford	New Haven CT
Jose Riquelme	[Signature]	West Haven	CT
Anthony Bonanno	[Signature]	North Haven	CT
[Signature]	[Signature]	NEW HAVEN	CT

Name	Signature	City/Town	State
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William Williams	[Signature]	West Haven	CT
Yusef N. Shahn	[Signature]	New Haven	CT
William Williams	[Signature]	New Haven	CT
Jean Mitchell	[Signature]	West Haven	CT
Shablis Stanley	[Signature]	New Haven	CT
Philip Corin	[Signature]	New Haven	CT
Stephanie Marin	[Signature]	New Haven	CT
Jing Wang	[Signature]	New Haven	CT
Jesus Portillo	[Signature]	New Haven	CT
Laura Colpus	[Signature]	West Haven	CT
Mohamed Masaud	[Signature]	New Haven	CT
Greg Jankov	[Signature]	New Haven	CT
Bob Marino	[Signature]	New Haven	CT
Mezian O'Neal	[Signature]	Norwich	CT
Russell Caprio	[Signature]	North Haven	CT
Harvey Panza	[Signature]	New Haven	CT
Luis Rosado	[Signature]	New Haven	CT
Pete Panza	[Signature]	New Haven	CT
Matthew Whiting	[Signature]	New Haven	CT
Richard M. Wafi	[Signature]	West Haven	CT
Todd Haase	[Signature]	Ashaway	R.I.
Jake Bisset	[Signature]	Voluntown	CT

SUPPORT FOR CONNECTICUT SB-00790
"JOSHUA'S LAW"

We request the Judiciary Committee move forward with support for SB-00790 "Joshua's Law" that Connecticut State Statutes be amended to amended to prohibit first responders from using personal devices to take crime or accident scene photographs or video recordings and transmitting them to private individuals.

Name	Signature	City/Town	State
Jacquelyn Deschamps	<i>Jacquelyn Deschamps</i>	Groton	CT
Edward White	Edward White	GROTON	CT
Edward White	<i>Edward White</i>	GROTON	CT
WILLIAM PENNY	<i>W. Penny</i>	N. LONDON	CT
Tina May	<i>Tina May</i>	DANIELSON	CT
JEFFREY LEW	<i>Jeffrey Lew</i>	LEDYARD	CT
David Hausman	<i>David Hausman</i>	Groton	CT
Nicole P. Fuhrmann	<i>Nicole Fuhrmann</i>	Norwich	CT
R. Kirby	<i>R Kirby</i>	Groton	CT
Paul STADNICKI	<i>Paul Stadnicki</i>	GRISWOLD	CT



JOSHUA ROGERS

MEMORIAL DAY – NORWALK, CT 2009

LAST PHOTO "WE" HAVE OF JOSH
HE DIED 3 WEEKS LATER.

PAGE 4
LINE 20TESTIMONY IN SUPPORT OF SB-1099

9 March 2011

Nancy Briggs Rogers
15 Lloyd Road
Waterford, CT 06385

Good Morning Chairmen Coleman, Fox and the members of the Judiciary Committee.

Thank you for allowing me to speak on behalf of my family.

November 21st, 2007 our son, Joshua Rogers, raised his right hand to take the oath of enlistment in the US Army and CT National Guard to defend the Constitution of the United States, to include the State of Connecticut, from enemies foreign and domestic.

Regrettably June 20th 2009, the final day of Josh's two week annual training prior to deployment to Afghanistan in the fall of 2009 the 1st of the 102nd Infantry, tragedy struck our family.

Josh would never make that deployment. Like his friend and mentor SSG Edwin Rivera, who unfortunately would never make it home from the deployment; the world, country and state lost two young men who volunteered to defend those principles this country was founded on.

Adding to our pain over Josh's death facts came to us directly from New London Police Chief Margaret Ackley that NLPD Officer Jeffrey Nichols had conducted himself at the scene in a manner, in our opinion, that not only breached his oath of office but displayed behavior beyond reasonable human comprehension. Mr. Nichol's actions violated his oath of office specifically regarding "I will protect the dignity and respect the rights of all individuals".

When Mr. Nichols used his own cell phone to capture photos of the deceased body of Josh and forward them to private individuals with personal comments he blatantly desecrated his departments code of conduct, oath of office as well as basic human decency. No parent should have to live with the thoughts of those images etched forever in their heart, mind and soul. We will always question, with modern day technology, where else those photos have been circulated.

December 6th 2010, when an article appeared the New London Day entitled " He deserved more respect than he got" concerning what transpired that day, public outrage is evidenced in the thirty three pages of comments from readers disgusted at the actions of Mr. Nichols. Conversations we have had with neighbors, friends, coworkers and complete strangers, to include members of law enforcement and emergency responders, resonate with the same disgust and repulsion that not only he committed this "crime", but disbelief that there is not already a law in place to prevent and punish this type of behavior.

Josh was a victim twice that day when he was robbed off the respect and dignity every human being deserves at the time of their passing. Though Mr. Nicholas was dismissed from the department, on November 23rd, 2010, which should have been, Josh's 22nd birthday, we were notified that the Police Union and an Arbitration Board had awarded his reinstatement. As noted in the Arbitration Award one of the justifications for Mr. Nichols being reinstated was due to the fact "while the City has a policy entitled 'Computer, Email and Internet Policy', the policy does not address the use of camera phones or the taking of pictures".

Since it is apparent we cannot rely on each and every city, town or county to implement codes of conduct within their departments to address this issue we must therefore ask the state to step in and protect the rights of every citizen by passing this important legislation. We must give a voice to Josh, so no other parent, grandparent, spouse or loved one must endure the pain we will carry with us the rest of our lives.

Thank you.

S - 617

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 6
1735- 2085**

djp/gbr
SENATE

228
May 12, 2011

189, Senate Bill 1099 and the second is on Calendar page 5, Calendar 162, Senate Bill 1076.

THE CHAIR:

Mr. Clerk will you call the first bill, please?

THE CLERK:

Madame President Calendar page 35, top of the page, Calendar 189, substitute for Senate Bill 1099,
AN ACT CONCERNING THE UNAUTHORIZED TAKING OR
TRANSMISSION BY FIRST RESPONDERS OF IMAGES OF CRIME OR
ACCIDENT VICTIMS, Favorable Report of the Committees
on Judiciary and Public Safety.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you very much, Madame President. Madame President I move acceptance of the joint committees Favorable Report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, will you remark?

SENATOR COLEMAN:

First, Madame President, there is an amendment. I'd ask the Clerk to call LCO 6217 and if the clerk would read the amendment.

THE CHAIR:

djp/gbr
SENATE

229
May 12, 2011

Mr. Clerk.

THE CLERK:

Madame President, the Clerk is in possession of LCO 6217, which shall be designated as Senate "A", copies of which have been distributed. AN ACT CONCERNING UNAUTHORIZED TAKING OR TRANSMISSION BY FIRST RESPONDERS OF IMAGES OF CRIME OR ACCIDENT VICTIMS, introduced by Senator Williams, Senator Looney, Senator Coleman, Senator Doyle, Senator LeBeau, Senator Duff, Senator Slossberg and Senator Stillman. That's all that's listed on this amendment form, Madame.

SENATOR COLEMAN:

I move adoption of the amendment, Madame President.

THE CHAIR:

The request is on adoption, will you remark, sir?

SENATOR COLEMAN:

Madame President, I will remark and the amendment is very simple. It reads in line 3, after driver insert emergency medical responder. And, the purpose of the amendment is just to add to the first responder's -- the list of first responder's that are subject to the underlying provisions of the bill. I'd

djp/gbr
SENATE

230
May 12, 2011

ask that the amendment be supported and adopted.

THE CHAIR:

Thank you, Senator. Will you remark? Will you remark? If there's no discussion please let me try your minds. All in favor please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed.

The amendment has been adopted.

SENATOR COLEMAN:

Thank you, Madame President. If I may?

THE CHAIR:

Please proceed, sir.

SENATOR COLEMAN:

Okay. The bill as amended would penalize first responders who take photographs or digital images at a crime scene and without authorization disseminate those photographs and digital images to third parties.

The purpose of the bill is to address the situation that occurred in Senator Stillman's district and the purpose of the bill is to make sure that persons who are in a position of trust do not take advantage of that position of trust and breach that

djp/gbr
SENATE

231
May 12, 2011

trust by causing embarrassment and invasion of privacy to crime victims and family members of crime victims.

I'm sure that Senator Stillman may want to comment on the bill as amended and if that's the case, Madame President, I would like to yield at this time to Senator Stillman.

THE CHAIR:

Senator Stillman will you accept the yield?

SENATOR STILLMAN:

Yes, I will. Thank you, Madame President and thank you, Senator Coleman. I appreciate your leadership in moving this bill forward and your understanding of the importance of this issue. This is a real public issue in the sense that I don't think any of us wants to see something like this happen again.

And, just so for a little history, about three years ago in New London, there was an untimely death of a young man named Joshua Rogers who was enlisted in the army and was waiting to be -- in the National Guard and was waiting to be deployed to Afghanistan and unfortunately there was an untimely death and one of the police officers from New London who was one of the first responders on the scene, took some

djp/gbr
SENATE

232
May 12, 2011

photographs of this young man on his personal cell phone.

This young man died of an overdose and the police officer, a young police officer took these pictures and sent them to some friends of his to tell them -- sort of like saying to them that this is what could happen to you if you took drugs. Now, I think he -- I don't know what he was thinking at the time but as Senator Coleman said, this is someone, a police officer or first responder are people -- first responders are people that we do trust and that they've been trained properly to make appropriate decisions. And, due to the fact that these photos were transmitted, that trust was certainly violated and I don't want to see that, I don't think any of us wants to see that happen again.

The Rogers family approached myself and Representative Ritter about addressing this issue here in the General Assembly and as you know, we are dealing constantly with all kinds of internet issues whether it's bullying in the schools, whether it's illegal transmissions, it's identity theft, we talk about it constantly.

This is such a violation of this young man and a

djp/gbr
SENATE

233
May 12, 2011

violation to his family and I believe that this bill will go a long way to ensuring the security that families look for and the compassion and understanding in moments such as this. So, with that just a little short synopsis of what happened, I want to urge all of you to please support this bill.

I think that people in your districts will appreciate it as well that we are passing legislation that is so very important to protect the people that we serve. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark? Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madame President. I'd like to commend Senator Coleman and Senator Stillman for brining this issue forward. I distinctly recall the public hearing where the mother and father came and testified along with Senator Stillman and Representative Ritter and as so many of us around the circle are, I'm a dad and people end up sometimes making foolish decisions.

You know, I have a 15 year old and a 7 year old. God forbid sometime in the future something happened

djp/gbr
SENATE

234
May 12, 2011

to one of those children and someone who is a first responder thought that they should use some very bad thing regarding my loved ones as a cautionary channel for other people or perhaps just flat out ridicule, who knows.

But, when bad things happen to ones that you love, that is an extraordinarily personal matter. And, to think that people that have that trust invested in them to be the ones in our society allowed to be first responders, I think this just makes an awful lot of sense. As Senator Stillman indicated, we are trying to get our arms around technology and it's very difficult. Every time you blink we are getting further and further down the road.

Right here, Senator Gerratana, her computer now is half the size as the one that Senator Witkos has. Just a few years ago, we didn't have that. The ability to download things immediately into your cell phone -- it's all there. And, we as Legislators have to try to come with grips with that in a fair and balanced manner. So, what a compelling public hearing and I think this is a fair and even handed way to address this issue and I'm happy to support this legislation. Thank you, Madame President.

djp/gbr
SENATE

235
May 12, 2011

THE CHAIR:

Thank you, Senator Kissel. Will you remark?
Senator Witkos.

SENATOR WITKOS:

Thank you, Madame President. If I may, a few
questions to the proponent of the bill.

THE CHAIR:

Please prepare yourself, Senator Coleman.

SENATOR WITKOS:

Through you, Madame President, if somebody is
requested to respond to a scene and the scene being
many, many places somewhere at a location if you will,
and that person arrives and takes a photograph or
digital image, would that not be considered if they
are one of those terms stated in here, in the
performance of his or her duties, through you, Madame
President?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madame President to the Senator, it
depends on what the purpose of the photo is. Taking
of the photograph in the performance of one's duties
is not the conduct that the bill seeks to prescribe.

djp/gbr
SENATE

. 236
May 12, 2011

The dissemination, the unauthorized dissemination of a photograph that's taken is the conduct that the bill seeks to prescribe and penalize.

There are certain justifications for the taking of photographs, whether it be to provide the photograph to the police investigators or to provide the photograph to a coroner or medical examiner, through you, Madame President, to Senator Witkos.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. I understand that section part two of that speaks to the transmission the dissemination or making that photograph or digital image available, but part one of the bill speaks about actually taking the photograph or digital image without either the Consent of the person or without Consent of a family member and that's where I wanted to focus my questioning to the good Senator, that if I am asked to respond to a location and I'm on duty as a peace officer or a firefighter or one of the other occupations enumerated in the bill, and I determine that I need to take a photograph, is that not in the performance of my duty, through you Madame President?

djp/gbr
SENATE

237
May 12, 2011

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Again, Madame President, it depends on the base of your determination that you need to take the photograph. It could very well be in the performance of the first responders duties, through you, Madame President to Senator Witkos.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. So, would I have to go to the individual and explain to them the reason why I want to take or need to take their photograph under the spirit of this proposal, through you, Madame President?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madame President, I guess the only further explanation I can provide in addition to what I've already said, is that the bill does emphasize knowingly. There has to be some intent involved in the taking of the photograph and beyond that the

djp/gbr
SENATE

238
May 12, 2011

penalty would only kick in if the photograph or digital image were disseminated to a third party, through you, Madame President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madame President. I thank the Senator for his answers. Ladies and Gentlemen, I have concern the way the bill is worded in that section one speaks to the fact that if you take a photograph or a digital image of a person in the performance of your duty, you need to have the persons Consent or a Consent of a family member. That's section one.

And, then there's an or, it doesn't mean and transmit, it says or transmits. So, we have two separate occurrences here. So, if I am asked to respond to a scene, say a motor vehicle accident, and I take a photograph, what happens if the person is unconscious? I've just violated this soon to be statute if it passes because I knew I took the photograph.

I was summoned in the performance of my duties, the persons unconscious, I can't get Consent from them and I'm not going to run around at the time and try to

djp/gbr
SENATE

239
May 12, 2011

locate a family member if it's okay if I take a picture. I understand and I support wholeheartedly the improper dissemination of that photograph other than official business. But, my interpretation of the bill is not that. My interpretation is that you have to have Consent of either the person or a family member if you take a photo in the performance of your duty and that is a problem.

Because we will have more complaints against firefighter, peace officers if somebody is taking a photograph and sometimes if this in place and the fact is now it's a law, you cannot take a photograph unless you have Consent. How difficult will it be for accident reconstruction? We can't keep the scene closed forever until we locate a family member to get Consent.

I would ask, Madame President, that we PT this bill and we fix it so that we change the or to an and. That way if you take the photograph and you -- and you disseminate it improperly there should be a penalty. We need to fix the or to an and, and I would ask that it be PT'd. Thank you, Madame President.

THE CHAIR:

Thank you, Senator Witkos. Senator Coleman.

djp/gbr
SENATE

240
May 12, 2011

SENATOR COLEMAN:

Thank you, Madame President. Madame President, I would humbly and respectfully suggest to Senator Witkos that he's misreading the bill and I would encourage all of the members of the Senate to read the bill closely and pay particular attention to line six which specifically says other than in the performance of his or her duties and the way I interpret that language is that Consent of the victim or the family's victim, the family of the victim, would be required only if the photograph was taken other than in the performance of the first responder's duties. I think the bill is fine as its drafted and I would urge the Senate to act upon it as it is drafted. Thank you, Madame President.

THE CHAIR:

Thank you, Will you remark? Will you remark? Seeing none, a roll call vote will be ordered and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber? An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the

djp/gbr
SENATE

241
May 12, 2011

Chamber?

THE CHAIR:

Have all members voted? If all members have voted the machine will be closed and will the Clerk please tell the tally.

THE CLERK:

Total Number voting	34
Necessary for adoption	18
Those voting Yea	29
Those voting Nay	5
Those absent and not voting	2

THE CHAIR:

The bill has passed.

Mr. Clerk.

THE CLERK:

Returning to the Calendar, Calendar page 5, Calendar 162, substitute for Senate Bill 1076, AN ACT CONCERNING RESIDENT PARTICIPATION IN THE REVITALIZATION OF PUBLIC HOUSING, Favorable Report of the Select Committee on Housing.

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

I move acceptance of the joint favorable