

General Assembly

Substitute Bill No. 1541

January Session, 2025



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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Subsection (m) of section 18-81jj of the general statutes is
- 2 repealed and the following is substituted in lieu thereof (Effective from
- 3 passage):
- 4 (m) The person appointed as Correction Ombuds shall serve for an
- 5 initial term of [two years] four years to run concurrent with the term of
- 6 the Governor and may serve until a successor is appointed and
- 7 confirmed in accordance with this section. Such person may be
- 8 reappointed for succeeding terms.
- 9 Sec. 2. Section 18-81jj of the general statutes is amended by adding
- 10 subsection (o) as follows (*Effective from passage*):
- 11 (NEW) (o) (1) The office of the Governor shall develop and make
- 12 public a method for any person to complain to said office concerning the
- 13 performance of the Correction Ombuds if such person is able to
- document that the Correction Ombuds, in performance of the duties of
- 15 the Correction Ombuds, committed an act that constitutes an abuse of

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power, malfeasance or negligence. Upon evaluation of each such 16 17 complaint, if said office finds that such complaint may warrant the 18 removal of the Correction Ombuds, said office shall submit a copy of 19 such complaint to both houses of the General Assembly. Such complaint 20 shall be referred, without debate, to the joint standing committee of the 21 General Assembly having cognizance of matters relating to the 22 Department of Correction, which shall conduct a public hearing on such 23 complaint and vote on whether to report such complaint not later than 24 thirty calendar days from the time of reference, but not later than seven 25 calendar days before the adjourning of the General Assembly when the 26 General Assembly is in regular session. If the General Assembly is not 27 in regular session at the time of the submission of such complaint, such 28 committee shall conduct a public hearing on such complaint and vote 29 on whether to report such complaint not later than sixty calendar days 30 from the time of reference. If the committee fails to vote affirmatively to 31 remove the Correction Ombuds, no report to the General Assembly 32 shall be generated and such complaint shall be deemed resolved and not result in the removal of the Correction Ombuds. If the committee votes 33 34 to recommend removal of the Correction Ombuds, such committee shall 35 report such recommendation to the General Assembly. The General 36 Assembly by joint resolution may approve or reject such resolution. 37 Approval of such resolution shall result in immediate removal of the 38 Correction Ombuds. Rejection or failure to take action on such 39 resolution by either house shall result in such complaint being deemed 40 resolved and not result in the removal of the Correction Ombuds.

- 41 (2) The General Assembly may dispose of any complaint filed 42 pursuant to subdivision (1) of this subsection in regular or special 43 session, as applicable.
- Sec. 3. Section 18-81qq of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(a) (1) There is, within the Office of Governmental Accountability established under section 1-300, the Office of the Correction Ombuds for the provision of ombuds services. The Correction Ombuds appointed

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- pursuant to section 18-81jj, as amended by this act, shall be the head of said office.
- 51 (2) For purposes of this section, "ombuds services" includes:

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- 52 (A) Evaluating the delivery of services to <u>persons who are</u> 53 incarcerated [persons] by the Department of Correction;
 - (B) Reviewing periodically the nonemergency procedures established by the department to carry out the provisions of title 18 and evaluating whether such procedures conflict with the rights of [incarcerated] persons who are incarcerated;
- (C) Receiving communications, [from persons in the custody of the Commissioner of Correction] including telephone calls and electronic mail from persons who are incarcerated, who shall be permitted to make such telephone or electronic mail communications free of charge, regarding decisions, actions, omissions, policies, procedures, rules or regulations of the department;
- 64 (D) Conducting announced or unannounced site visits of correctional 65 facilities administered by the department, without restrictions on such visits, including during periods when a facility is locked down or 66 67 experiencing a facility-wide emergency, provided the department may 68 restrict access to a portion of a facility in an emergency situation for the 69 duration of the emergency. For the purpose of this subparagraph, a 70 situation or event constituting an emergency shall be determined by the 71 commissioner or the commissioner's designee, to be a situation 72 constituting a significant risk to the safety or security of the facility, or 73 the health, safety or security of department staff or persons who are 74 incarcerated, or an event that significantly compromises the operations 75 of the facility;
 - (E) Reviewing the operation of correctional facilities and nonemergency procedures employed at such facilities. Nonemergency procedures include, but are not limited to, the department's use of force procedures;

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80 (F) Recommending procedure and policy revisions to the 81 department;

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- (G) Taking all possible actions, including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action in order to secure and ensure the rights of persons in the custody of the commissioner. The Correction Ombuds shall exhaust all other means to reach a resolution before initiating litigation; [and]
- 88 (H) Conducting surveys by sending or distributing during facility visits, confidential written and electronic communications or 89 questionnaires to persons who are incarcerated or employees of the 90 91 Department of Correction concerning conditions of confinement, 92 working conditions or other subjects within the scope of the duties of 93 the Office of the Correction Ombuds, without prior approval of the 94 department. Such persons who are incarcerated or employees shall be 95 permitted to complete and return to said office such surveys either in 96 written format or electronically. No survey may be sent or distributed 97 to an employee of the Department of Correction, unless the Correction 98 Ombuds previously made such survey available for review and 99 comment by the bargaining units representing such employees; and
 - [(H)] (I) Publishing on an Internet web site operated by the Office of the Correction Ombuds a semiannual summary of all ombuds services and activities during the six-month period before such publication.
 - (b) Notwithstanding any provision of the general statutes, the Correction Ombuds shall act independently of any department in the performance of the office's duties.
 - (c) The Correction Ombuds may, within available funds, appoint such staff as may be deemed necessary. The duties of the staff may include the duties and powers of the Correction Ombuds if performed under the direction of the Correction Ombuds.
- 110 [(d) The General Assembly shall annually appropriate such sums as

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- 111 necessary for the payment of the salaries of the staff and for the payment
- of office expenses and other actual expenses incurred by the Correction
- Ombuds in the performance of the Correction Ombuds' duties. Any
- legal or court fees obtained by the state in actions brought by the
- 115 Correction Ombuds shall be deposited in the General Fund.]
- (d) (1) Notwithstanding any provision of the general statutes, the
- appropriations recommended for the Office of the Correction Ombuds
- shall be the estimates of the expenditure requirements transmitted to the
- 119 Secretary of the Office of Policy and Management by the Correction
- 120 Ombuds and the recommended adjustments and revisions of such
- estimates shall be the recommended adjustments and revisions, if any,
- transmitted by said Correction Ombuds to the director of the Office of
- 123 Policy and Management.
- 124 (2) Notwithstanding any provision of the general statutes, the
- 125 Governor shall not reduce allotment requisitions or allotments in force
- 126 concerning the Office of the Correction Ombuds.
- (e) (1) The Correction Ombuds need not investigate a complaint, if
- the Correction Ombuds determines such investigation is not warranted.
- [(e)] (2) In the course of [investigations] an investigation, the
- 130 Correction Ombuds shall rely on a variety of sources to corroborate
- matters raised by persons who are incarcerated [persons] or others.
- Where such matters turn on validation of particular incidents, the
- 133 Correction Ombuds shall endeavor to rely on communications from
- persons who are incarcerated [persons] who have reasonably pursued a
- resolution of the complaint through any existing internal grievance
- 136 procedures of the Department of Correction. In all events, the
- 137 Correction Ombuds shall make good faith efforts to provide an
- opportunity to the Commissioner of Correction to investigate and to
- respond to such concerns prior to making such matters public.
- 140 (3) (A) At the conclusion of an investigation, the Correction Ombuds
- 141 shall render a public decision on the merits of each complaint.
- 142 Documents supporting the decision are subject to relevant

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confidentiality provisions, but may be disclosed by request of and to (i) 143 144 the complainant or an authorized representative of the family of the complainant as disclosed to the Correction Ombuds, or (ii) the 145 146 chairpersons of the joint standing committee of the General Assembly 147 having cognizance of matters relating to the Department of Correction. 148 The Correction Ombuds shall communicate the decision to the person 149 making the complaint and to the department. The Correction Ombuds shall include in any decision findings of any department administrative 150 151 directive, state or constitutional right that has been violated by the 152 department or an employee of the department and recommendations 153 and reasoning if, in the Correction Ombuds' opinion, the department or 154 any employee should (I) further investigate the complaint; (II) modify or cancel an action of the department or employee; (III) alter a 155 department rule, practice or ruling; (IV) explain in detail the action in 156 157 question; or (V) rectify an omission of the department or employee.

(B) At least ninety-six hours prior to issuing a decision pursuant to subparagraph (A) of this subdivision that expressly, or by implication, criticizes the department or an employee of the department, the Correction Ombuds shall consult with the department or employee, as applicable.

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- 163 (4) At the Correction Ombuds' request, the department shall, within the time specified by the Correction Ombuds, inform the Correction 164 165 Ombuds of any action taken on recommendations contained in a decision pursuant to subdivision (3) of this subsection or any reason for 166 not complying with any such recommendation. The Correction Ombuds 167 168 shall notify the incarcerated person whose complaint resulted in a decision containing such recommendation, of any action taken by the 169 170 department in response to such recommendation, unless such action is 171 confidential.
 - (f) (1) All oral and written communications, <u>including</u>, <u>but not limited</u> to, <u>in response to any survey</u>, and records relating to such communications between a person in the custody of the Commissioner of Correction, <u>or an employee of the Department of Correction</u>, and the

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176 Correction Ombuds or a member of the Office of the Correction 177 Ombuds staff, including, but not limited to, the identity of a 178 complainant, the details of the communications and the Correction 179 Ombuds' findings shall be confidential and shall not be disclosed 180 without the consent of such person, except that the Correction Ombuds 181 (A) may disclose without the consent of such person general findings or policy recommendations based on such communications, provided no 182 183 individually identifiable information is disclosed, and (B) shall disclose 184 to the Commissioner of Correction any communication concerning a physical threat made against such person's self, an incarcerated person 185 186 or an employee of the Department of Correction. The Correction 187 Ombuds shall disclose sufficient information to the Commissioner of 188 Correction or the commissioner's designee as is necessary to respond to the Correction Ombuds' inquiries or to carry out recommendations, but 189 190 such information may not be further disclosed outside of the 191 Department of Correction. For the purposes of this section, identical or blank surveys and questionnaires received by said office shall not be 192 193 confidential.

(2) All processing controls, allowances for limited free postage and advances of funds to persons who are incarcerated for postage shall apply to mail sent to the Office of the Correction Ombuds.

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- (g) Notwithstanding the provisions of subsection (f) of this section, whenever in the course of carrying out the Correction Ombuds' duties, the Correction Ombuds or a member of the Office of the Correction Ombuds staff becomes aware of the commission or planned commission of a criminal act or threat that the Correction Ombuds reasonably believes is likely to result in death or substantial bodily harm, the Correction Ombuds shall notify the Commissioner of Correction or an administrator of any correctional facility housing the perpetrator or potential perpetrator of such act or threat and the nature and target of the act or threat.
- (h) Notwithstanding any provision of the general statutes concerning the confidentiality of records and information, the Correction Ombuds

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shall have access to, including the right to inspect and copy, any records necessary to carry out the responsibilities of the Correction Ombuds, as provided in this section. The provisions of this subsection shall not be construed to compel access to any record protected by the attorney-client privilege or attorney-work product doctrine or any record related to a pending internal investigation, external criminal investigation or emergency procedures. For purposes of this subsection, "emergency procedures" are procedures the Department of Correction uses to manage control of tools, keys and armories and concerning department emergency plans, emergency response units, facility security levels and standards and radio communications.

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(i) The Correction Ombuds may issue subpoenas to compel the attendance and testimony of witnesses or the production of books, papers and other documents and administer oaths to witnesses in any matter under investigation. Any such subpoena shall be served upon the person to whom such subpoena is issued not later than fifteen days prior to the time specified in the subpoena for compliance. Such person may, not later than fifteen days after service of such subpoena, or on or before the time specified in the subpoena for compliance, whichever is later, serve upon the Correction Ombuds written objection to the subpoena and file such objection in the superior court for the judicial district of Hartford, which shall adjudicate such objection in accordance with the rules of the court. If any person to whom such subpoena is issued fails to so object or appear or, having appeared, refuses to give testimony or fails to produce the evidence required, the Correction Ombuds may apply to the superior court for the judicial district of Hartford, which shall have jurisdiction to order such person to appear and give testimony or to produce such evidence, as the case may be.

(j) In the performance of the duties provided for in this section, the Correction Ombuds may communicate privately with any person in the custody of the commissioner. Such communications shall be confidential except as provided in subsections (e) and (f) of this section.

(k) (1) The Correction Ombuds may hold informal hearings and may

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- 242 request that any person appear before the Correction Ombuds or at a
- 243 hearing and give testimony or produce documentary or other evidence
- 244 that the Correction Ombuds considers relevant to a matter under
- 245 <u>investigation.</u>
- 246 (2) The Correction Ombuds, when scheduling such hearing, shall
- 247 arrange an appearance of a person who is incarcerated or an employee
- of the department in cooperation with the department at a time and
- 249 location that does not interfere with the operation of a correctional
- 250 facility.
- 251 (1) The Correction Ombuds shall make available to persons who are
- 252 incarcerated confidential means by which to report concerns or
- otherwise submit complaints to the Correction Ombuds, which may
- include, but need not be limited to (1) electronic means or a locked box,
- accessible only by the Correction Ombuds and the employees of the
- 256 Office of the Correction Ombuds, or (2) a hotline for persons who are
- 257 incarcerated to communicate with said office. All measures shall be
- 258 taken to ensure there is no risk or credible fear of retaliation against
- 259 persons who are incarcerated for submitting complaints to the
- 260 Correction Ombuds. Submission of complaints to the Correction
- 261 Ombuds shall not be part of the department administrative grievance or
- 262 appeal process, and the Correction Ombuds' decisions shall not
- 263 constitute agency action. Nothing in this section shall be deemed to
- 264 constitute part of the administrative exhaustion process. The Correction
- 265 Ombuds shall not require persons who are incarcerated to file
- 266 grievances or other inquiries as part of the department's system to be
- 267 considered ripe for review by the Correction Ombuds.
- [(i)] (m) In the performance of the responsibilities provided for in this
- section, the Correction Ombuds may communicate privately with any
- 270 person in the custody of the commissioner. Such communications shall
- 271 be confidential except as provided in subsections (e) and (f) of this
- 272 section.
- [(j)] (n) The Correction Ombuds may apply for and accept grants,

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- 274 gifts and bequests of funds from other states, federal and interstate 275 agencies, for the purpose of carrying out the Correction Ombuds' 276 responsibilities. There is established within the General Fund a 277 Correction Ombuds account which shall be a separate, nonlapsing 278 account. Any funds received under this subsection shall, upon deposit 279 in the General Fund, be credited to said account and may be used by the 280 Correction Ombuds in the performance of the Correction Ombuds' 281 duties.
- 282 [(k)] (o) The name, address and other personally identifiable 283 information of a person who makes a complaint to the Correction 284 Ombuds, information obtained or generated by the Office of the 285 Correction Ombuds in the course of an investigation and all confidential 286 records obtained by the Correction Ombuds or the office shall be 287 confidential and shall not be subject to disclosure under the Freedom of 288 Information Act, as defined in section 1-200, or otherwise except as 289 provided in subsections (f) and (g) of this section.
 - [(l)] (p) No state or municipal agency shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a complaint to the Correction Ombuds or cooperates with the Office of the Correction Ombuds in an investigation.

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- [(m)] (q) Not later than December 1, 2023, and annually thereafter, the Correction Ombuds shall submit a report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction regarding the conditions of confinement in the state's correctional facilities and halfway houses. Such report shall detail the Correction Ombuds' findings and recommendations.
- Sec. 4. Section 1-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- The following officers may administer oaths: (1) The clerks of the Senate, the clerks of the House of Representatives and the chairpersons of committees of the General Assembly or of either branch thereof,

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during its session; (2) state officers, as defined in subsection (t) of section 9-1, judges and clerks of any court, family support magistrates, judge trial referees, justices of the peace, commissioners of the Superior Court, notaries public, town clerks and assistant town clerks, in all cases where an oath may be administered, except in a case where the law otherwise requires; (3) commissioners on insolvent estates, auditors, arbitrators and committees, to parties and witnesses, in all cases tried before them; (4) assessors and boards of assessment appeals, in cases coming before them; (5) commissioners appointed by governors of other states to take the acknowledgment of deeds, in the discharge of their official duty; (6) the moderator of a school district meeting, in such meeting, to the clerk of such district, as required by law; (7) the chief elected official of a municipality, in any matter before the chief elected official of a municipality; (8) the Chief Medical Examiner, Deputy Medical Examiner and assistant medical examiners of the Office of the Medical Examiner, in any matter before them; (9) registrars of vital statistics, in any matter before them; (10) any chief inspector or inspector appointed pursuant to section 51-286; (11) registrars of voters, deputy registrars, assistant registrars, and moderators, in any matter before them; (12) special assistant registrars, in matters provided for in subsections (b) and (c) of section 9-19b and section 9-19c; (13) the Commissioner of Emergency Services and Public Protection and any sworn member of any local police department or the Division of State Police within the Department of Emergency Services and Public Protection, in all affidavits, statements, depositions, complaints or reports made to or by any member of any local police department or said Division of State Police or any constable who is under the supervision of said commissioner or any of such officers of said Division of State Police and who is certified under the provisions of sections 7-294a to 7-294e, inclusive, and performs criminal law enforcement duties; (14) judge advocates of the United States Army, Navy, Air Force, Marine Corps and Space Force, law specialists of the United States Coast Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding officers, executive officers and officers whose rank is lieutenant commander or major, or above, of the armed forces, as

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defined in section 27-103, to persons serving with or in the armed forces, as defined in said section, or their spouses; (15) investigators, deputy investigators, investigative aides, secretaries, clerical assistants, social workers, social worker trainees, paralegals and certified legal interns employed by or assigned to the Public Defender Services Commission in the performance of their assigned duties; (16) bail commissioners, intake, assessment and referral specialists, family relations counselors, support enforcement officers, chief probation officers and supervisory judicial marshals employed by the Judicial Department in the performance of their assigned duties; (17) juvenile matter investigators employed by the Division of Criminal Justice in the performance of their assigned duties; (18) the chairperson of the Connecticut Siting Council or the chairperson's designee; (19) the presiding officer at an agency hearing under section 4-177b; (20) investigators employed by the Department of Social Services Office of Child Support Services, in the performance of their assigned duties; (21) the chairperson, vicechairperson, members and employees of the Board of Pardons and Paroles, in the performance of their assigned duties; (22) the Commissioner of Correction or the commissioner's designee; (23) sworn law enforcement officers, appointed under section 26-5, within the Department of Energy and Environmental Protection, in all affidavits, statements, depositions, complaints or reports made to or by any such sworn law enforcement officer; (24) sworn motor vehicle inspectors acting under the authority of section 14-8; (25) the Correction Ombuds pursuant to section 18-81qq, as amended by this act, and [(25)] (26) eligibility workers, specialists and supervisors employed by the Department of Social Services for the sole purpose of witnessing the execution of an affirmation or acknowledgment of parentage when their assigned duties include witnessing such execution.

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Sec. 5. (NEW) (*Effective from passage*) (a) For any agreement or arbitration award approved before, on or after the effective date of this section, in accordance with the provisions of sections 5-270 to 5-280, inclusive, of the general statutes, on matters appropriate to collective bargaining, as defined in said sections, where any provision in such

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agreement or award pertaining to the disclosure of disciplinary matters or alleged misconduct by a Department of Correction employee would prevent the disclosure of documents required to be disclosed under the provisions of the Freedom of Information Act, as defined in section 1-379 200 of the general statutes, the provisions of the Freedom of Information 380 Act shall prevail. The provisions of this subsection shall not be construed to diminish a bargaining agent's access to information pursuant to state law.

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- (b) No collective bargaining agreement or arbitration award entered into before, on or after the effective date of this section, by the state and any collective bargaining unit of the Department of Correction may prohibit the disclosure of any disciplinary action based on a violation of the administrative directives contained in the personnel file of an officer of said division.
- Sec. 6. Section 18-81nn of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):
- (a) Any correction officer who witnesses another correction officer use what the witnessing correction officer objectively knows to be excessive or illegal use of force shall intervene and attempt to stop such other correction officer from using such force. Any correction officer who fails to intervene in such an incident may be prosecuted and punished in accordance with the provisions of section 53a-8 for the same acts as the correction officer who used unreasonable, excessive or illegal force.
- (b) Any correction officer who witnesses another correction officer use what the witnessing correction officer objectively knows to be unreasonable, excessive or illegal use of force or is otherwise aware of such use of force by another correction officer shall report, as soon as is practicable, such use of force to the [witnessing correction officer's immediate supervisor. Such supervisor] warden of the facility where such use of force occurred, who shall immediately report such use of force to the [immediate supervisor of the correction officer who is

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state police. Any correction officer required to report such an incident
who fails to do so may be prosecuted and punished in accordance with
the provisions of sections 53a-165 to 53a-167, inclusive.

- (c) The Department of Correction or any employee of the department shall not take any retaliatory personnel action or discriminate against a correction officer because such correction officer intervened in an incident pursuant to subsection (a) of this section or reported an incident pursuant to subsection (b) of this section. Such intervening or reporting correction officer shall be protected by the provisions of section 4-61dd.
- (d) If a correction officer is giving a formal statement about the use of force or if a correction officer is the subject of a disciplinary investigation in which a recording is being considered as part of a review of an incident, the officer shall (1) have the right to review such recording in the presence of the officer's attorney or labor representative, and (2) have the right to review recordings capturing the officer's image or voice during the incident. Such recording shall not be disclosed, except by request of and to (A) a person in the recording or an authorized representative of the family of such person as disclosed to the Correction Ombuds; or (B) the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction.
 - (e) Not later than January 1, 2026, the Commissioner of Correction shall develop a plan for the implementation of body-worn recording equipment in correctional facilities. Not later than February 1, 2026, the commissioner shall report such plan, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to public safety, government oversight and the Department of Correction. Such plan shall include recommendations for any legislation necessary to implement such plan and the department's timeline for implementation of such plan.

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(f) For purposes of this section, "use of force" means the use of physical force or deadly physical force, as defined in section 53a-3, by a correction officer to compel compliance by a person who is incarcerated. "Use of force" includes, but is not limited to, the use of restraints, chemical agents, canines, chokeholds or munitions or forceable extraction from a cell.

Sec. 7. (Effective from passage) The Office of the Correction Ombuds, established pursuant to section 18-81qq of the general statutes, as amended by this act, in consultation with the Office of the Attorney General, shall publish on said offices' Internet web sites a database that contains all cases filed against the Department of Correction defended by the division of the office of the Attorney General concerning public safety during the period from January 1, 2000, to the effective date of this section. Said offices shall conduct and publish the results of targeted audits of such cases that were brought as medical neglect cases during the period from January 1, 2019, to the effective date of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	18-81jj(m)
Sec. 2	from passage	18-81jj(o)
Sec. 3	from passage	18-81qq
Sec. 4	from passage	1-24
Sec. 5	from passage	New section
Sec. 6	October 1, 2025	18-81nn
Sec. 7	from passage	New section

JUD Joint Favorable Subst.

APP Joint Favorable

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