

OFFICE OF FISCAL ANALYSIS

Legislative Office Building, Room 5200
Hartford, CT 06106 ◊ (860) 240-0200
<http://www.cga.ct.gov/ofa>

sSB-397

AN ACT CONCERNING DEMOCRACY AND GOVERNMENT ACCOUNTABILITY.

As Amended by Senate "A" (LCO 4084), Senate "B" (LCO 4114)
Senate Calendar No.: 245

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 27 \$	FY 28 \$
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to laws related to civil rights and law enforcement activity, resulting in the fiscal impacts described below.

Sections 1 and 2 create a new cause of action and allow the Office of the Attorney General (OAG) to bring a civil or administrative action for certain violations of a person's constitutional rights resulting in no fiscal impact to the state. The OAG has the resources and expertise to meet the requirements of the bill. The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources.

Sections 3 and 4, which allow the Division of Criminal Justice (DCJ) and the Office of Inspector General (OIG) to access certain evidence and scenes of investigation, is not anticipated to result in a fiscal impact as DCJ and OIG have the capacity and expertise to conduct these

Primary Analyst: RP
Contributing Analyst(s):
Reviewer: PR

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investigations.

Section 5 (1) prohibits peace officers from wearing a facial covering or personal disguise in certain circumstances and (2) requires peace officers to be clearly identified by their badge and name tag. Violations of these provisions is a class D Misdemeanor, resulting in a potential cost to the Judicial Department for probation and a potential revenue gain to the General Fund from fines. On average, the marginal cost for supervision in the community is less than \$600¹ each year for adults and \$450 each year for juveniles.

Section 6, which prohibits an armed military force from another state, territory, or district from entering Connecticut for military duty here without the Governor's permission, results in no fiscal impact to the state.

Section 7, which prohibits peace officers, from detaining, arresting, or taking someone into custody based on a civil offense in certain locations unless the officer (1) is acting in his or her official capacity and (2) has a judicial warrant for the individual, results in no fiscal impact to the state or municipalities.

Section 8 makes changes to the Police Officer Standards and Training Council (POSTC) comparative certification process and does not have a fiscal impact because POSTC has the existing expertise to implement these changes.

Section 9, which expands liability for certain actions to apply to the employers of all federal law enforcement officers, does not result in a fiscal impact to the state.

Section 10, which limits prosecutorial immunity for federal officers

¹ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

and employees, results in no fiscal impact to the state.

Section 11, which prohibits law enforcement units from hiring peace officers who (1) were dismissed for malfeasance or serious misconduct calling into question the fitness to serve as an officer or (2) resigned or retired during an investigation for this conduct, results in no fiscal impact to the state or municipalities.

Section 13 results in a minimal potential revenue gain to the General Fund beginning in FY 27 by allowing courts to award civil penalties of up to \$2,500 per violation of the section.

Section 14 requires POSTC to adopt a model policy governing law enforcement acquisition and use of automated license plate reader (ALPR) data and does not result in a fiscal impact because POSTC has already adopted an ALPR model policy. To the extent that revisions to the current policy are needed to meet the requirements of the bill, POSTC can accomplish this within existing resources.

Section 15 sets various ALPR reporting requirements and does not have a fiscal impact because it is expected that agencies can comply within existing resources.

Senate "A" strikes the underlying bill and results in the fiscal impact described above

Senate "B" makes clarifying changes that result in no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenses and fines imposed under section 5, and the number of civil penalties awarded under section 13.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.