



General Assembly

February Session, 2020

Raised Bill No. 261

LCO No. 2092



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT DESIGNATING SPECIAL POLICE OFFICERS IN THE DEPARTMENT OF REVENUE SERVICES AS PEACE OFFICERS.

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

1 Section 1. Section 29-18b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 The Commissioner of Emergency Services and Public Protection may
4 appoint persons nominated by the Commissioner of Revenue Services
5 to act as special [policemen] police officers in the Department of
6 Revenue Services. Such appointees shall serve at the pleasure of the
7 Commissioner of Emergency Services and Public Protection and, during
8 such tenure, shall have all the powers conferred on state [policemen]
9 police officers. Such special [policemen] police officers shall, in addition
10 to their duties with [said department] the Department of Revenue
11 Services, be subject to call by the Commissioner of Emergency Services
12 and Public Protection for such emergency service as the Commissioner
13 of Emergency Services and Public Protection may prescribe.

14 Sec. 2. Subdivision (9) of section 53a-3 of the 2020 supplement to the
15 general statutes is repealed and the following is substituted in lieu

16 thereof (*Effective October 1, 2020*):

17 (9) "Peace officer" means a member of the Division of State Police
18 within the Department of Emergency Services and Public Protection or
19 an organized local police department, a chief inspector or inspector in
20 the Division of Criminal Justice, a state marshal while exercising
21 authority granted under any provision of the general statutes, a judicial
22 marshal in the performance of the duties of a judicial marshal, a
23 conservation officer or special conservation officer, as defined in section
24 26-5, a constable who performs criminal law enforcement duties, a
25 special policeman appointed under section 29-18, 29-18a, 29-18b, as
26 amended by this act, or 29-19, as amended by this act, an adult probation
27 officer, an official of the Department of Correction authorized by the
28 Commissioner of Correction to make arrests in a correctional institution
29 or facility, any investigator in the investigations unit of the office of the
30 State Treasurer, an inspector of motor vehicles in the Department of
31 Motor Vehicles, who is certified under the provisions of sections 7-294a
32 to 7-294e, inclusive, a United States marshal or deputy marshal, any
33 special agent of the federal government authorized to enforce the
34 provisions of Title 21 of the United States Code, or a member of a law
35 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan
36 Tribe of Indians of Connecticut created and governed by a
37 memorandum of agreement under section 47-65c who is certified as a
38 police officer by the Police Officer Standards and Training Council
39 pursuant to sections 7-294a to 7-294e, inclusive;

40 Sec. 3. Section 53a-19 of the 2020 supplement to the general statutes
41 is repealed and the following is substituted in lieu thereof (*Effective*
42 *October 1, 2020*):

43 (a) Except as provided in subsections (b) and (c) of this section, a
44 person is justified in using reasonable physical force upon another
45 person to defend himself or a third person from what he reasonably
46 believes to be the use or imminent use of physical force, and he may use
47 such degree of force which he reasonably believes to be necessary for
48 such purpose; except that deadly physical force may not be used unless

49 the actor reasonably believes that such other person is (1) using or about
50 to use deadly physical force, or (2) inflicting or about to inflict great
51 bodily harm.

52 (b) Notwithstanding the provisions of subsection (a) of this section, a
53 person is not justified in using deadly physical force upon another
54 person if he or she knows that he or she can avoid the necessity of using
55 such force with complete safety (1) by retreating, except that the actor
56 shall not be required to retreat if he or she is in his or her dwelling, as
57 defined in section 53a-100, or place of work and was not the initial
58 aggressor, or if he or she is a peace officer, [or a special policeman
59 appointed under section 29-18b,] or a private person assisting such
60 peace officer or special policeman at his or her direction, and acting
61 pursuant to section 53a-22, as amended by this act, or (2) by
62 surrendering possession of property to a person asserting a claim of
63 right thereto, or (3) by complying with a demand that he or she abstain
64 from performing an act which he or she is not obliged to perform.

65 (c) Notwithstanding the provisions of subsection (a) of this section, a
66 person is not justified in using physical force when (1) with intent to
67 cause physical injury or death to another person, he provokes the use of
68 physical force by such other person, or (2) he is the initial aggressor,
69 except that his use of physical force upon another person under such
70 circumstances is justifiable if he withdraws from the encounter and
71 effectively communicates to such other person his intent to do so, but
72 such other person notwithstanding continues or threatens the use of
73 physical force, or (3) the physical force involved was the product of a
74 combat by agreement not specifically authorized by law.

75 Sec. 4. Section 53a-22 of the 2020 supplement to the general statutes
76 is repealed and the following is substituted in lieu thereof (*Effective*
77 *October 1, 2020*):

78 (a) For purposes of this section, a reasonable belief that a person has
79 committed an offense means a reasonable belief in facts or
80 circumstances which if true would in law constitute an offense. If the

81 believed facts or circumstances would not in law constitute an offense,
82 an erroneous though not unreasonable belief that the law is otherwise
83 does not render justifiable the use of physical force to make an arrest or
84 to prevent an escape from custody. A peace officer [, special policeman
85 appointed under section 29-18b] or authorized official of the
86 Department of Correction or the Board of Pardons and Paroles who is
87 effecting an arrest pursuant to a warrant or preventing an escape from
88 custody is justified in using the physical force prescribed in subsections
89 (b) and (c) of this section unless such warrant is invalid and is known by
90 such officer to be invalid.

91 (b) Except as provided in subsection (a) of this section, a peace officer
92 [, special policeman appointed under section 29-18b] or authorized
93 official of the Department of Correction or the Board of Pardons and
94 Paroles is justified in using physical force upon another person when
95 and to the extent that he or she reasonably believes such to be necessary
96 to: (1) Effect an arrest or prevent the escape from custody of a person
97 whom he or she reasonably believes to have committed an offense,
98 unless he or she knows that the arrest or custody is unauthorized; or (2)
99 defend himself or herself or a third person from the use or imminent use
100 of physical force while effecting or attempting to effect an arrest or while
101 preventing or attempting to prevent an escape.

102 (c) A peace officer [, special policeman appointed under section 29-
103 18b] or authorized official of the Department of Correction or the Board
104 of Pardons and Paroles is justified in using deadly physical force upon
105 another person for the purposes specified in subsection (b) of this
106 section only when he or she reasonably believes such to be necessary to:
107 (1) Defend himself or herself or a third person from the use or imminent
108 use of deadly physical force; or (2) (A) effect an arrest of a person whom
109 he or she reasonably believes has committed or attempted to commit a
110 felony which involved the infliction or threatened infliction of serious
111 physical injury, or (B) prevent the escape from custody of a person
112 whom he or she reasonably believes has committed a felony which
113 involved the infliction or threatened infliction of serious physical injury
114 and if, where feasible under this subdivision, he or she has given

115 warning of his or her intent to use deadly physical force.

116 (d) Except as provided in subsection (e) of this section, a person who
117 has been directed by a peace officer [, special policeman appointed
118 under section 29-18b] or authorized official of the Department of
119 Correction or the Board of Pardons and Paroles to assist such peace
120 officer [, special policeman] or official to effect an arrest or to prevent an
121 escape from custody is justified in using reasonable physical force when
122 and to the extent that he or she reasonably believes such to be necessary
123 to carry out such peace officer's [, special policeman's] or official's
124 direction.

125 (e) A person who has been directed to assist a peace officer [, special
126 policeman appointed under section 29-18b] or authorized official of the
127 Department of Correction or the Board of Pardons and Paroles under
128 circumstances specified in subsection (d) of this section may use deadly
129 physical force to effect an arrest or to prevent an escape from custody
130 only when: (1) He or she reasonably believes such to be necessary to
131 defend himself or herself or a third person from what he or she
132 reasonably believes to be the use or imminent use of deadly physical
133 force; or (2) he or she is directed or authorized by such peace officer [,
134 special policeman] or official to use deadly physical force, unless he or
135 she knows that the peace officer [, special policeman] or official himself
136 or herself is not authorized to use deadly physical force under the
137 circumstances.

138 (f) A private person acting on his or her own account is justified in
139 using reasonable physical force upon another person when and to the
140 extent that he or she reasonably believes such to be necessary to effect
141 an arrest or to prevent the escape from custody of an arrested person
142 whom he or she reasonably believes to have committed an offense and
143 who in fact has committed such offense; but he or she is not justified in
144 using deadly physical force in such circumstances, except in defense of
145 person as prescribed in section 53a-19, as amended by this act.

146 Sec. 5. Section 53a-23 of the 2020 supplement to the general statutes

147 is repealed and the following is substituted in lieu thereof (*Effective*
148 *October 1, 2020*):

149 A person is not justified in using physical force to resist an arrest by
150 a reasonably identifiable peace officer [or special policeman appointed
151 under section 29-18b,] whether such arrest is legal or illegal.

152 Sec. 6. Section 53a-167a of the 2020 supplement to the general statutes
153 is repealed and the following is substituted in lieu thereof (*Effective*
154 *October 1, 2020*):

155 (a) A person is guilty of interfering with an officer when such person
156 obstructs, resists, hinders or endangers any peace officer [, special
157 policeman appointed under section 29-18b] or firefighter in the
158 performance of such peace officer's [, special policeman's] or firefighter's
159 duties.

160 (b) Interfering with an officer is a class A misdemeanor, except that,
161 if such violation causes the death or serious physical injury of another
162 person, such person shall be guilty of a class D felony.

163 Sec. 7. Section 53a-167b of the 2020 supplement to the general statutes
164 is repealed and the following is substituted in lieu thereof (*Effective*
165 *October 1, 2020*):

166 (a) A person is guilty of failure to assist a peace officer [, special
167 policeman] or firefighter when, commanded by a peace officer [, special
168 policeman appointed under section 29-18b] or firefighter authorized to
169 command assistance, such person refuses to assist such peace officer [,
170 special policeman] or firefighter in the execution of such peace officer's
171 [, special policeman's] or firefighter's duties.

172 (b) Failure to assist a peace officer [, special policeman] or firefighter
173 is a class A misdemeanor.

174 Sec. 8. Section 53a-167c of the 2020 supplement to the general statutes
175 is repealed and the following is substituted in lieu thereof (*Effective*
176 *October 1, 2020*):

177 (a) A person is guilty of assault of public safety, emergency medical,
178 public transit or health care personnel when, with intent to prevent a
179 reasonably identifiable peace officer, [special policeman appointed
180 under section 29-18b,] firefighter or employee of an emergency medical
181 service organization, as defined in section 53a-3, as amended by this act,
182 emergency room physician or nurse, health care employee as defined in
183 section 19a-490q, employee of the Department of Correction, member or
184 employee of the Board of Pardons and Paroles, probation officer,
185 employee of the Judicial Branch assigned to provide pretrial secure
186 detention and programming services to juveniles accused of the
187 commission of a delinquent act, liquor control agent, state or municipal
188 animal control officer, security officer, employee of the Department of
189 Children and Families assigned to provide direct services to children
190 and youths in the care or custody of the department, employee of a
191 municipal police department assigned to provide security at the police
192 department's lockup and holding facility, active individual member of
193 a volunteer canine search and rescue team, as defined in section 5-249,
194 or public transit employee from performing his or her duties, and while
195 such peace officer, [special policeman,] firefighter, employee, physician,
196 nurse, health care employee, member, liquor control agent, animal
197 control officer, security officer, probation officer or active individual
198 member is acting in the performance of his or her duties, (1) such person
199 causes physical injury to such peace officer, [special policeman,]
200 firefighter, employee, physician, nurse, member, liquor control agent,
201 animal control officer, security officer, probation officer or active
202 individual member, or (2) such person throws or hurls, or causes to be
203 thrown or hurled, any rock, bottle, can or other article, object or missile
204 of any kind capable of causing physical harm, damage or injury, at such
205 peace officer, [special policeman,] firefighter, employee, physician,
206 nurse, member, liquor control agent, animal control officer, security
207 officer, probation officer or active individual member, or (3) such person
208 uses or causes to be used any mace, tear gas or any like or similar
209 deleterious agent against such peace officer, [special policeman,]
210 firefighter, employee, physician, nurse, member, liquor control agent,
211 animal control officer, security officer, probation officer or active

212 individual member, or (4) such person throws or hurls, or causes to be
213 thrown or hurled, any paint, dye or other like or similar staining,
214 discoloring or coloring agent or any type of offensive or noxious liquid,
215 agent or substance at such peace officer, [special policeman,] firefighter,
216 employee, physician, nurse, member, liquor control agent, animal
217 control officer, security officer, probation officer or active individual
218 member, or (5) such person throws or hurls, or causes to be thrown or
219 hurled, any bodily fluid including, but not limited to, urine, feces, blood
220 or saliva at such peace officer, [special policeman,] firefighter, employee,
221 physician, nurse, member, liquor control agent, animal control officer,
222 security officer, probation officer or active individual member. For the
223 purposes of this section, "public transit employee" means a person
224 employed by the state, a political subdivision of the state, a transit
225 district formed under chapter 103a or a person with whom the
226 Commissioner of Transportation has contracted in accordance with
227 section 13b-34 to provide transportation services who operates a vehicle
228 or vessel providing public ferry service or fixed route bus service or
229 performs duties directly related to the operation of such vehicle or
230 vessel, or who, as part of the provision of public rail service, is a train
231 operator, conductor, inspector, signal person or station agent and
232 "security officer" has the same meaning as provided in section 29-152u.

233 (b) Assault of public safety, emergency medical, public transit or
234 health care personnel is a class C felony. If any person who is confined
235 in an institution or facility of the Department of Correction is sentenced
236 to a term of imprisonment for assault of an employee of the Department
237 of Correction under this section, such term shall run consecutively to the
238 term for which the person was serving at the time of the assault.

239 (c) In any prosecution under this section involving assault of a health
240 care employee, as defined in section 19a-490q, it shall be an affirmative
241 defense that the defendant is a person with a disability as described in
242 subdivision (13), (15) or (20) of section 46a-51 and the defendant's
243 conduct was a clear and direct manifestation of the disability, except
244 that for the purposes of this subsection, "mental disability", as defined
245 in subdivision (20) of section 46a-51, does not include any abnormality

246 manifested only by repeated criminal or antisocial conduct.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	29-18b
Sec. 2	<i>October 1, 2020</i>	53a-3(9)
Sec. 3	<i>October 1, 2020</i>	53a-19
Sec. 4	<i>October 1, 2020</i>	53a-22
Sec. 5	<i>October 1, 2020</i>	53a-23
Sec. 6	<i>October 1, 2020</i>	53a-167a
Sec. 7	<i>October 1, 2020</i>	53a-167b
Sec. 8	<i>October 1, 2020</i>	53a-167c

Statement of Purpose:

To redefine "peace officer" to include a special police officer in the Department of Revenue Services and to make conforming changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]