



# House of Representatives

General Assembly

**File No. 214**

*January Session, 2001*

House Bill No. 5103

*House of Representatives, April 10, 2001*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING THE PENALTY FOR ASSAULT OF CIVILIAN DETENTION OFFICERS.***

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

1 Section 53a-167c of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) A person is guilty of assault of public safety or emergency  
4 medical personnel when, with intent to prevent a reasonably  
5 identifiable peace officer, fireman or employee of an emergency  
6 medical service organization, as defined in section 53a-3, emergency  
7 room physician or nurse, employee of the Department of Correction,  
8 employee or member of the Board of Parole, probation officer,  
9 employee of the judicial branch assigned to provide pretrial secure  
10 detention and programming services to juveniles accused of the  
11 commission of a delinquent act, [or] employee of the Department of  
12 Children and Families assigned to provide direct services to children  
13 and youth in the care or custody of the department, or employee of a

14 municipal police department assigned to provide security at the police  
15 department's lockup and holding facility from performing his or her  
16 duties, and while such peace officer, fireman, employee, physician,  
17 nurse, member or probation officer is acting in the performance of his  
18 or her duties, (1) such person causes physical injury to such peace  
19 officer, fireman, employee, physician, nurse, member or probation  
20 officer, or (2) such person throws or hurls, or causes to be thrown or  
21 hurled, any rock, bottle, can or other article, object or missile of any  
22 kind capable of causing physical harm, damage or injury, at such peace  
23 officer, fireman, employee, physician, nurse, member or probation  
24 officer, or (3) such person uses or causes to be used any mace, tear gas  
25 or any like or similar deleterious agent against such peace officer,  
26 fireman, employee, physician, nurse, member or probation officer, or  
27 (4) such person throws or hurls, or causes to be thrown or hurled, any  
28 paint, dye or other like or similar staining, discoloring or coloring  
29 agent or any type of offensive or noxious liquid, agent or substance at  
30 such peace officer, fireman, employee, physician, nurse, member or  
31 probation officer, or (5) such person throws or hurls, or causes to be  
32 thrown or hurled, any bodily fluid including, but not limited to, urine,  
33 feces, blood or saliva at such peace officer, fireman, employee,  
34 physician, nurse, member or probation officer.

35 (b) Assault of public safety or emergency medical personnel is a  
36 class C felony. If any person who is confined in an institution or facility  
37 of the Department of Correction is sentenced to a term of  
38 imprisonment for assault of an employee of the Department of  
39 Correction under this section, such term shall run consecutively to the  
40 term for which the person was serving at the time of the assault.

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Cost

**Affected Agencies:** Various Criminal Justice Agencies

**Municipal Impact:** None

**Explanation**

**State Impact:**

The bill would result in a cost to the criminal justice system by increasing the penalty for assault of civilian detention officers. Assaults of civilian detention officers are not common in Connecticut because most local police departments do not use civilian detention officers, except for the use of matrons for female prisoners. Currently, the range of activity covered by the bill could be a class A misdemeanor which is punishable by up to one year imprisonment and up to a \$2,000 fine or a class B misdemeanor which is punishable by up to six months imprisonment and up to a \$1,000 fine. The bill would make such activity a class C felony which is punishable by one to ten years imprisonment and up to a \$10,000 fine.

Therefore, an offender under the bill could face a maximum sentence that is up to ten times longer and a fine that is up to five times higher than under current law. The cost of sentencing someone to ten years of incarceration instead of one year would be \$273,800 in an average correctional facility. There would likely not be a revenue gain

from the increase in fines since fines are not commonly imposed and collected for these crimes. In 2000, there were 856 offenses under current law (CGS Section 53a-167c) involving assaults of public safety and emergency medical personnel; only \$8,500 was collected in fines.

**Background**

There are currently 89 municipalities with organized police departments. While it is not known how many civilians work in police holding cell areas, OFA estimates about 100. Most would be matrons, who are required in police departments in municipalities with a population of over 20,000 (per CGS Section 7-286). Such personnel take charge of all women who are arrested and held by the police. Fifty-one (51) of the 91 organized municipal police departments are in municipalities with a population over 20,000. There could also be other civilians working in the holding cell areas in these departments, and in holding cell areas in police departments in smaller towns. Not all police departments may have holding cells.

**OLR Bill Analysis**

HB 5103

**AN ACT CONCERNING THE PENALTY FOR ASSAULT OF CIVILIAN DETENTION OFFICERS.****SUMMARY:**

This bill extends the enhanced penalty that currently exists for assaults on public safety and emergency medical personnel to assaults on a municipal police department employee assigned to provide security at the department's lockup and holding facility. The act must be undertaken with the intent to prevent him from performing his job, and involve injuring the employee; throwing potentially harmful objects, offensive substances (such as paint or dye), or bodily fluids at him; or using tear gas, mace, or similar agents.

It is already a class C felony to commit these acts against peace officers, firefighters, emergency medical service personnel, emergency room physicians and nurses, Department of Correction employees, Board of Parole members and employees, probation officers, Judicial Department employees providing pretrial secure detention or programming services to delinquents, and some Department of Children and Families employees.

Class C felonies are punishable by one to 10 years imprisonment, a fine of up to \$10,000, or both.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****Related Bill***

sSB 1050, reported favorably by the Judiciary Committee, makes it a class C felony to assault a prosecutor. The actions must physically injure him and be taken with the intent to intimidate, harass, or retaliate against him because of his prosecutorial activities.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 34    Nay 0