



Senate

General Assembly

File No. 68

February Session, 2002

Senate Bill No. 185

Senate, March 19, 2002

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT INCREASING THE PENALTY FOR ASSAULT ON A LIQUOR AGENT.

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

1 Section 1. Section 53a-167c of the general statutes, as amended by
2 section 13 of public act 01-84, is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2002*):

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

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

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

This act shall take effect as follows:	
Section 1	July 1, 2002

GL *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:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Correction, Dept.	None	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the penalty for assault of public safety or emergency medical personnel to include liquor agents of the Department of Consumer Protection; making the offense a class C felony, which is punishable by 1-10 years imprisonment and up to a \$10,000 fine. Under current law, such an offense could be classified as any of the following, according to the type of assault:

- class A misdemeanor (punishable by up to 1 year imprisonment and up to a \$2,000 fine),
- class D felony (punishable by 1-5 years imprisonment and up to a \$5,000 fine), or
- class B felony (punishable by 1-20 years imprisonment and up to a \$15,000 fine.)

It is unknown to what extent offenders would be prosecuted under the expanded penalty rather than one of the current penalties for assault. There are currently 31 Liquor Control Agents at the Department of Consumer Protection. Although agents have been

verbally intimidated and in one instance physically abused, there are no statistics documenting the exact number of assaults on the agents.

Expanding the penalty to include liquor agents would likely result in a negligible state impact because: (1) very few assaults on liquor agents performing their duties occur; and (2) depending upon the circumstances of each case, an individual offender might still be penalized under one of the existing penalties. Offenders are typically imprisoned rather than fined for assaults on public safety or emergency medical personnel. (*See the table below.*)

FY 01 Assaults on Public Safety or Emergency Medical Personnel			
Total Offenses	Prosecuted Offenses	Fines	Average Incarcerated
981	348	5 (average fine of \$1,340)	225

While the impact is not anticipated to be significant, increasing the penalty for assaulting a liquor agent (along with similar proposals to increase other penalties) could potentially result in the need for additional resources for the Department of Correction (DOC).

OLR Bill Analysis

SB 185

AN ACT INCREASING THE PENALTY FOR ASSAULT ON A LIQUOR AGENT**SUMMARY:**

This bill makes it a class C felony to assault reasonably identifiable Liquor Control Division agents of the Department of Consumer Protection. The assault must be on an agent performing his duties to prevent him from doing so.

Under the bill, "assault" means (1) physically injuring someone; (2) throwing potentially damaging objects at him; (3) using tear gas, mace, or similar agents against him; (4) throwing paint, dye, or any other offensive substance at him; or (5) throwing bodily fluid such as urine, feces, blood, or saliva at them. A class C felony is punishable by one to 10 years in prison, a fine of up to \$10,000, or both.

Current law applies this penalty to people who, under the same circumstances, assault public safety and emergency medical personnel, including peace officers, firefighters, emergency medical service employees, emergency room physicians and nurses, Department of Correction employees, Board of Parole members and employees, probation officers, Judicial Branch employees providing pretrial secure detention or programming services to delinquents, and Department of Children and Families employees assigned to provide direct services.

EFFECTIVE DATE: July 1, 2002

COMMITTEE ACTION

General Law Committee

Joint Favorable Report

Yea 17 Nay 0