



General Assembly

February Session, 2002

Raised Bill No. 224

LCO No. 638

Referred to Committee on Public Safety

Introduced by:
(PS)

AN ACT INCREASING THE PENALTY FOR ENGAGING A POLICE OFFICER IN PURSUIT.

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

1 Section 1. Section 14-223 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Whenever the operator of any motor vehicle fails promptly to
4 bring his motor vehicle to a full stop upon the signal of any officer in
5 uniform or prominently displaying the badge of his office, or disobeys
6 the direction of such officer with relation to the operation of his motor
7 vehicle, he shall be deemed to have committed an infraction and be
8 fined thirty-five dollars for a first offense and shall be fined not less
9 than thirty-five dollars nor more than fifty dollars for any subsequent
10 offense.

11 (b) No person operating a motor vehicle, when signalled to stop by
12 an officer in a police vehicle using an audible signal device or flashing
13 or revolving lights, shall increase the speed of the motor vehicle in an
14 attempt to escape or elude such police officer. Any person who violates
15 this subsection shall be guilty of a class [A misdemeanor] D felony,

16 except that, if such violation causes the death or serious physical
17 injury, as defined in section 53a-3, as amended, of another person, such
18 person shall be guilty of [a class D felony, and] assault in the first
19 degree as provided in section 53a-59, as amended by this act. Any
20 person who violates any provision of this subsection shall have [such
21 person's] his or her motor vehicle operator's license suspended for one
22 year, [for the first offense,] except that the Commissioner of Motor
23 Vehicles may, after a hearing, as provided for in subsection (k) of
24 section 14-111, and upon a showing of compelling mitigating
25 circumstances, reinstate such person's license before the expiration of
26 such one-year period. [For any subsequent offense such person shall be
27 guilty of a class D felony, except that if any prior offense by such
28 person under this subsection caused, and such subsequent offense
29 causes, the death or serious physical injury, as defined in section 53a-3,
30 of another person, such person shall be guilty of a class D felony for
31 which one year of the sentence imposed may not be suspended or
32 reduced by the court, and shall have such person's motor vehicle
33 operator's license suspended for not less than eighteen months nor
34 more than two years, except that said commissioner may, after a
35 hearing, as provided for in subsection (k) of section 14-111, and upon a
36 showing of compelling mitigating circumstances, reinstate such
37 person's license before such period.]

38 Sec. 2. Section 53a-59 of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective October 1, 2002*):

40 (a) A person is guilty of assault in the first degree when: (1) With
41 intent to cause serious physical injury to another person, he causes
42 such injury to such person or to a third person by means of a deadly
43 weapon or a dangerous instrument; or (2) with intent to disfigure
44 another person seriously and permanently, or to destroy, amputate or
45 disable permanently a member or organ of his body, he causes such
46 injury to such person or to a third person; or (3) under circumstances
47 evincing an extreme indifference to human life he recklessly engages in
48 conduct which creates a risk of death to another person, and thereby

49 causes serious physical injury to another person; or (4) with intent to
50 cause serious physical injury to another person and while aided by two
51 or more other persons actually present, he causes such injury to such
52 person or to a third person; or (5) with intent to cause physical injury
53 to another person, he causes such injury to such person or to a third
54 person by means of the discharge of a firearm; or (6) such person
55 violates the provisions of subsection (b) of section 14-223, as amended
56 by this act, and such violation causes the death or serious physical
57 injury of another person.

58 (b) Assault in the first degree is a class B felony provided (1) any
59 person found guilty under subdivision (1) of subsection (a) of this
60 section shall be sentenced to a term of imprisonment of which five
61 years of the sentence imposed may not be suspended or reduced by
62 the court; and (2) any person found guilty under subsection (a) of this
63 section shall be sentenced to a term of imprisonment of which ten
64 years of the sentence imposed may not be suspended or reduced by
65 the court if the victim of the offense is a person under ten years of age
66 or if the victim of the offense is a witness, as defined in section 53a-146,
67 and the actor knew the victim was a witness.

68 (c) Any person found guilty under subdivision (6) of subsection (a)
69 of this section shall have his or her motor vehicle operator's license
70 suspended for not less than eighteen months which period may not be
71 concurrent with any term of imprisonment imposed.

This act shall take effect as follows:	
Section 1	October 1, 2002
Sec. 2	October 1, 2002

Statement of Purpose:

To increase the penalty for a violation of section 14-223 of the general statutes from a class A misdemeanor to a class D felony, except that where the violation results in death or serious physical injury, the violation shall be a class B felony; and to provide for a minimum motor vehicle operator's license suspension of eighteen months where the

individual is guilty of assault in the first degree as a result of engaging an officer in pursuit.

[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.]