



House of Representatives

General Assembly

File No. 312

January Session, 2003

Substitute House Bill No. 6615

House of Representatives, April 10, 2003

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

AN ACT CONCERNING ARREST POWERS OF LOCAL POLICE.

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

1 Section 1. Section 54-1f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) For purposes of this section, the respective precinct or
4 jurisdiction of a state marshal or judicial marshal shall be wherever
5 such marshal is required to perform duties. Peace officers, as defined
6 in subdivision (9) of section 53a-3, in their respective precincts, shall
7 arrest, without previous complaint and warrant, any person for any
8 offense in their jurisdiction, when the person is taken or apprehended
9 in the act or on the speedy information of others, provided that no
10 constable elected pursuant to the provisions of section 9-200 shall be
11 considered a peace officer for the purposes of this subsection, unless
12 the town in which such constable holds office provides, by ordinance,
13 that constables shall be considered peace officers for the purposes of
14 this subsection.

15 (b) Sworn members of any local police department, outside their
16 respective precincts, when on duty, may arrest, without previous
17 complaint and warrant, any person for any offense when the person is
18 taken or apprehended in the act or on the speedy information of others.
19 Whenever a police officer makes an arrest under this subsection, such
20 police officer shall immediately present the arrested person to the local
21 police department or state police troop having jurisdiction over the
22 precinct in which the arrest was effected.

23 [(b) Members] (c) Sworn members of the Division of State Police
24 within the Department of Public Safety or of any local police
25 department or any chief inspector or inspector in the Division of
26 Criminal Justice shall arrest, without previous complaint and warrant,
27 any person who the officer has reasonable grounds to believe has
28 committed or is committing a felony.

29 [(c) Members] (d) Sworn members of any local police department or
30 the Office of State Capitol Police and constables and state marshals
31 who are certified under the provisions of sections 7-294a to 7-294e,
32 inclusive, and who perform criminal law enforcement duties, when in
33 immediate pursuit of [one] a person who may be arrested under the
34 provisions of this section, are authorized to pursue the offender
35 outside of their respective precincts into any part of the state in order
36 to effect the arrest. Such person may then be returned in the custody of
37 such officer to the precinct in which the offense was committed.

38 [(d)] (e) Any person arrested pursuant to this section shall be
39 presented with reasonable promptness before proper authority.

40 Sec. 2. Section 30-45 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2003*):

42 The Department of Consumer Protection shall refuse permits for the
43 sale of alcoholic liquor to the following persons: (1) Any state marshal,
44 judicial marshal, judge of any court, prosecuting officer or member of
45 any police force, (2) any first selectman holding office and acting as a
46 chief of police in the town within which the permit premises are to be

47 located, (3) a minor, and (4) any constable who performs criminal law
 48 enforcement duties and is considered a peace officer by town
 49 ordinance pursuant to the provisions of subsection (a) of section 54-1f,
 50 any constable who is certified under the provisions of sections 7-294a
 51 to 7-294e, inclusive, who performs criminal law enforcement duties
 52 pursuant to the provisions of subsection [(c)] (d) of section 54-1f, as
 53 amended by this act, or any special constable appointed pursuant to
 54 section 7-92. This section shall not apply to out-of-state shippers', boat
 55 and airline permits. As used in this section, "minor" means a minor as
 56 defined in section 1-1d or as defined in section 30-1, whichever age is
 57 older.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Statement of Legislative Commissioners:

Section 2 was added to make a conforming technical change for purposes of accuracy.

JUD *Joint Favorable Subst.-LCO*

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill gives police officers the same authority to make arrests for non-felony offenses outside their jurisdiction in certain circumstances.¹ While it is anticipated that passage of the bill would result in an increase in these types of arrests, there would be no fiscal impact to the state. However, it is uncertain what impact the bill would have on municipal civil liability and workers' compensation insurance.

¹ Current law already allows police officers to make felony arrests outside their jurisdiction.

OLR Bill Analysis

sHB 6615

AN ACT CONCERNING ARREST POWERS OF LOCAL POLICE**SUMMARY:**

This bill gives police officers the same authority to make arrests for non-felony offenses outside their jurisdiction as they presently have within their jurisdiction. Specifically, it authorizes members of any local police department who are on duty to make arrests outside their jurisdiction for non-felony offense if either they apprehended the person (1) during the commission of the offense or (2) based on information received and acted upon shortly after the offense was committed (speedy information). By law, police officers may make arrests for felonies at any time within or outside their jurisdiction.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Speedy Information***

The statutes do not define the term "speedy information". Apparently it means that the police must receive and act on information about the commission of an offense shortly after it was committed (*State v. Barles*, 25 Conn. Sup. 103,108 (1964)).

Felony

A felony is an offense that carries a penalty of more than one year in prison (CGS § 53a-25).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 34 Nay 5

