



General Assembly

January Session, 2005

**Raised Bill No. 6888**

LCO No. 3242

\*03242\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING EMPLOYEES OF THE BOARD OF PARDONS  
AND PAROLES.**

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

1 Section 1. Section 1-24 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The following officers may administer oaths: (1) The clerks of the  
4 Senate, the clerks of the House of Representatives and the chairpersons  
5 of committees of the General Assembly or of either branch thereof,  
6 during its session; (2) state officers, as defined in subsection (t) of  
7 section 9-1, judges and clerks of any court, family support magistrates,  
8 judge trial referees, justices of the peace, commissioners of the Superior  
9 Court, notaries public, town clerks and assistant town clerks, in all  
10 cases where an oath may be administered, except in a case where the  
11 law otherwise requires; (3) commissioners on insolvent estates,  
12 auditors, arbitrators and committees, to parties and witnesses, in all  
13 cases tried before them; (4) assessors and boards of assessment  
14 appeals, in cases coming before them; (5) commissioners appointed by  
15 governors of other states to take the acknowledgment of deeds, in the  
16 discharge of their official duty; (6) the moderator of a school district

17 meeting, in such meeting, to the clerk of such district, as required by  
18 law; (7) the first selectman, in any matter before the board of  
19 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner  
20 and assistant medical examiners of the Office of the Medical Examiner,  
21 in any matter before them; (9) registrars of vital statistics, in any matter  
22 before them; (10) any chief inspector or inspector appointed pursuant  
23 to section 51-286; (11) registrars of voters, deputy registrars, assistant  
24 registrars, and moderators, in any matter before them; (12) special  
25 assistant registrars, in matters provided for in subsections (b) and (c) of  
26 section 9-19b and section 9-19c; (13) the Commissioner of Public Safety  
27 and any sworn member of any local police department or the Division  
28 of State Police within the Department of Public Safety, in all affidavits,  
29 statements, depositions, complaints or reports made to or by any  
30 member of any local police department or said Division of State Police  
31 or any constable who is under the supervision of said commissioner or  
32 any of such officers of said Division of State Police and who is certified  
33 under the provisions of sections 7-294a to 7-294e, inclusive, and  
34 performs criminal law enforcement duties; (14) judge advocates of the  
35 United States Army, Navy, Air Force and Marine Corps, law  
36 specialists of the United States Coast Guard, adjutants, assistant  
37 adjutants, acting adjutants and personnel adjutants, commanding  
38 officers, executive officers and officers whose rank is lieutenant  
39 commander or major, or above, of the armed forces, as defined in  
40 section 27-103, to persons serving with or in the armed forces, as  
41 defined in said section, or their spouses; (15) investigators, deputy  
42 investigators, investigative aides, secretaries, clerical assistants, social  
43 workers, social worker trainees, paralegals and certified legal interns  
44 employed by or assigned to the Public Defender Services Commission  
45 in the performance of their assigned duties; (16) bail commissioners  
46 employed by the Judicial Department in the performance of their  
47 assigned duties; (17) juvenile matter investigators employed by the  
48 Division of Criminal Justice in the performance of their assigned  
49 duties; (18) the chairperson of the Connecticut Siting Council or the  
50 chairperson's designee; (19) the presiding officer at an agency hearing

51 under section 4-177b; (20) family relations counselors employed by the  
52 Judicial Department and support enforcement officers and  
53 investigators employed by the Department of Social Services Bureau of  
54 Child Support Enforcement and the Judicial Department, in the  
55 performance of their assigned duties; (21) the chairperson, vice-  
56 chairperson, [and] members and employees of the Board of Pardons  
57 and Paroles, in the performance of their assigned duties; and (22) the  
58 Commissioner of Correction or the commissioner's designee.

59 Sec. 2. Subsection (a) of section 1-217 of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective from*  
61 *passage*):

62 (a) No public agency may disclose, under the Freedom of  
63 Information Act, the residential address of any of the following  
64 persons:

65 (1) A federal court judge, federal court magistrate, judge of the  
66 Superior Court, Appellate Court or Supreme Court of the state, or  
67 family support magistrate;

68 (2) A sworn member of a municipal police department or a sworn  
69 member of the Division of State Police within the Department of Public  
70 Safety;

71 (3) An employee of the Department of Correction;

72 (4) An attorney-at-law who represents or has represented the state  
73 in a criminal prosecution;

74 (5) An attorney-at-law who is or has been employed by the Public  
75 Defender Services Division or a social worker who is employed by the  
76 Public Defender Services Division;

77 (6) An inspector employed by the Division of Criminal Justice;

78 (7) A firefighter;

- 79 (8) An employee of the Department of Children and Families;
- 80 (9) A member or employee of the Board of Pardons and Paroles;
- 81 (10) An employee of the judicial branch; or
- 82 (11) A member or employee of the Commission on Human Rights  
83 and Opportunities.

84 Sec. 3. Subsection (e) of section 14-10 of the general statutes is  
85 repealed and the following is substituted in lieu thereof (*Effective from*  
86 *passage*):

87 (e) In the event (1) a federal court judge, federal court magistrate or  
88 judge of the Superior Court, Appellate Court or Supreme Court of the  
89 state, (2) a member of a municipal police department or a member of  
90 the Division of State Police within the Department of Public Safety, (3)  
91 an employee of the Department of Correction, (4) an attorney-at-law  
92 who represents or has represented the state in a criminal prosecution,  
93 or (5) a member or employee of the Board of Pardons and Paroles  
94 submits a written request and furnishes such individual's business  
95 address to the commissioner, such business address only shall be  
96 disclosed or available for public inspection to the extent authorized by  
97 this section.

98 Sec. 4. Subsection (g) of section 46a-152 of the general statutes is  
99 repealed and the following is substituted in lieu thereof (*Effective from*  
100 *passage*):

101 (g) Nothing in this section shall be construed as limiting the justified  
102 use of physical force by a local, state or federal law enforcement official  
103 or an employee of the Board of Pardons and Paroles or the Department  
104 of Correction responsible for the supervision of persons released on  
105 parole while in the performance of such official's or employee's duties.

106 Sec. 5. Subsection (b) of section 51-5c of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective from*

108 *passage*):

109 (b) (1) The following information contained in the registry of  
110 protective orders shall not be subject to disclosure and may be  
111 accessed only in accordance with this section, unless otherwise  
112 ordered by the court: (A) Any information that would identify a  
113 person protected by an order contained in the registry; (B) any  
114 information that is confidential pursuant to state or federal law,  
115 including, but not limited to, any information that is confidential  
116 pursuant to a court order; and (C) any information entered in the  
117 registry pursuant to an ex parte order prior to a hearing by a court  
118 having jurisdiction over the parties and the subject matter.

119 (2) Any employee of the Judicial Department authorized by policies  
120 and procedures adopted by the Chief Court Administrator shall have  
121 access to such information. The Chief Court Administrator may grant  
122 access to such information to personnel of the Department of Public  
123 Safety, the Department of Correction, the Board of Pardons and  
124 Paroles, the Psychiatric Security Review Board, the Division of  
125 Criminal Justice, any municipal or tribal police department within this  
126 state or any other agency, organization or person determined by the  
127 Chief Court Administrator, pursuant to policies and procedures  
128 adopted by the Chief Court Administrator, to have a legitimate interest  
129 in the information contained in the registry. Any person who obtains  
130 such information pursuant to this subdivision may use and disclose  
131 the information only in the performance of such person's duties.

132 (3) Except as provided in subsection (c) of this section, the  
133 information contained in the registry shall be provided to and may be  
134 accessed through the Connecticut on-line law enforcement  
135 communications teleprocessing system maintained by the Department  
136 of Public Safety. Nothing in this section shall be construed to permit  
137 public access to the Connecticut on-line law enforcement  
138 communications teleprocessing system.

139 Sec. 6. Section 53a-22 of the general statutes is repealed and the

140 following is substituted in lieu thereof (*Effective from passage*):

141 (a) For purposes of this section, a reasonable belief that a person has  
142 committed an offense means a reasonable belief in facts or  
143 circumstances which if true would in law constitute an offense. If the  
144 believed facts or circumstances would not in law constitute an offense,  
145 an erroneous though not unreasonable belief that the law is otherwise  
146 does not render justifiable the use of physical force to make an arrest  
147 or to prevent an escape from custody. A peace officer or an authorized  
148 official of the Department of Correction or the Board of Pardons and  
149 Paroles who is effecting an arrest pursuant to a warrant or preventing  
150 an escape from custody is justified in using the physical force  
151 prescribed in subsections (b) and (c) of this section unless such warrant  
152 is invalid and is known by such officer to be invalid.

153 (b) Except as provided in subsection (a) of this section, a peace  
154 officer or authorized official of the Department of Correction or the  
155 Board of Pardons and Paroles is justified in using physical force upon  
156 another person when and to the extent that he reasonably believes  
157 such to be necessary to: (1) Effect an arrest or prevent the escape from  
158 custody of a person whom he reasonably believes to have committed  
159 an offense, unless he knows that the arrest or custody is unauthorized;  
160 or (2) defend himself or a third person from the use or imminent use of  
161 physical force while effecting or attempting to effect an arrest or while  
162 preventing or attempting to prevent an escape.

163 (c) A peace officer or authorized official of the Department of  
164 Correction or the Board of Pardons and Paroles is justified in using  
165 deadly physical force upon another person for the purposes specified  
166 in subsection (b) of this section only when he reasonably believes such  
167 to be necessary to: (1) Defend himself or a third person from the use or  
168 imminent use of deadly physical force; or (2) effect an arrest or prevent  
169 the escape from custody of a person whom he reasonably believes has  
170 committed or attempted to commit a felony which involved the  
171 infliction or threatened infliction of serious physical injury and if,

172 where feasible, he has given warning of his intent to use deadly  
173 physical force.

174 (d) Except as provided in subsection (e) of this section, a person who  
175 has been directed by a peace officer or authorized official of the  
176 Department of Correction or the Board of Pardons and Paroles to assist  
177 such peace officer or official to effect an arrest or to prevent an escape  
178 from custody is justified in using reasonable physical force when and  
179 to the extent that he reasonably believes such to be necessary to carry  
180 out such peace officer's or official's direction.

181 (e) A person who has been directed to assist a peace officer or  
182 authorized official of the Department of Correction or the Board of  
183 Pardons and Paroles under circumstances specified in subsection (d) of  
184 this section may use deadly physical force to effect an arrest or to  
185 prevent an escape from custody only when: (1) He reasonably believes  
186 such to be necessary to defend himself or a third person from what he  
187 reasonably believes to be the use or imminent use of deadly physical  
188 force; or (2) he is directed or authorized by such peace officer or official  
189 to use deadly physical force, unless he knows that the peace officer or  
190 official himself is not authorized to use deadly physical force under the  
191 circumstances.

192 (f) A private person acting on his own account is justified in using  
193 reasonable physical force upon another person when and to the extent  
194 that he reasonably believes such to be necessary to effect an arrest or to  
195 prevent the escape from custody of an arrested person whom he  
196 reasonably believes to have committed an offense and who in fact has  
197 committed such offense; but he is not justified in using deadly physical  
198 force in such circumstances, except in defense of person as prescribed  
199 in section 53a-19.

200 Sec. 7. Subsection (a) of section 53a-167c of the general statutes is  
201 repealed and the following is substituted in lieu thereof (*Effective from*  
202 *passage*):

203 (a) A person is guilty of assault of public safety or emergency  
204 medical personnel when, with intent to prevent a reasonably  
205 identifiable peace officer, firefighter or employee of an emergency  
206 medical service organization, as defined in section 53a-3, emergency  
207 room physician or nurse, employee of the Department of Correction,  
208 member or employee of the Board of Pardons and Paroles, probation  
209 officer, employee of the judicial branch assigned to provide pretrial  
210 secure detention and programming services to juveniles accused of the  
211 commission of a delinquent act, employee of the Department of  
212 Children and Families assigned to provide direct services to children  
213 and youth in the care or custody of the department, employee of a  
214 municipal police department assigned to provide security at the police  
215 department's lockup and holding facility or active individual member  
216 of a volunteer canine search and rescue team, as defined in section 5-  
217 249, from performing his or her duties, and while such peace officer,  
218 firefighter, employee, physician, nurse, member, probation officer or  
219 active individual member is acting in the performance of his or her  
220 duties, (1) such person causes physical injury to such peace officer,  
221 firefighter, employee, physician, nurse, member, probation officer or  
222 active individual member, or (2) such person throws or hurls, or  
223 causes to be thrown or hurled, any rock, bottle, can or other article,  
224 object or missile of any kind capable of causing physical harm, damage  
225 or injury, at such peace officer, firefighter, employee, physician, nurse,  
226 member, probation officer or active individual member, or (3) such  
227 person uses or causes to be used any mace, tear gas or any like or  
228 similar deleterious agent against such peace officer, firefighter,  
229 employee, physician, nurse, member, probation officer or active  
230 individual member, or (4) such person throws or hurls, or causes to be  
231 thrown or hurled, any paint, dye or other like or similar staining,  
232 discoloring or coloring agent or any type of offensive or noxious  
233 liquid, agent or substance at such peace officer, firefighter, employee,  
234 physician, nurse, member, probation officer or active individual  
235 member, or (5) such person throws or hurls, or causes to be thrown or  
236 hurled, any bodily fluid including, but not limited to, urine, feces,

237 blood or saliva at such peace officer, firefighter, employee, physician,  
238 nurse, member, probation officer or active individual member.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-24
Sec. 2	<i>from passage</i>	1-217(a)
Sec. 3	<i>from passage</i>	14-10(e)
Sec. 4	<i>from passage</i>	46a-152(g)
Sec. 5	<i>from passage</i>	51-5c(b)
Sec. 6	<i>from passage</i>	53a-22
Sec. 7	<i>from passage</i>	53a-167c(a)

**Statement of Purpose:**

To reinstate references to employees of the Board of Pardons and Paroles in certain statutory sections to reflect the fact that, despite the vesting of the supervision function in the Department of Correction, the board continues to have employees who perform duties related to the hearing function of the board.

*[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.]*