



Senate

General Assembly

File No. 265

January Session, 2007

Substitute Senate Bill No. 429

Senate, April 3, 2007

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING LAW ENFORCEMENT AND FIRE RESCUE VESSELS.

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

1 Section 1. Section 15-154 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) Any harbor master, deputy harbor master, conservation officer,
4 special conservation officer or state police officer and any municipal
5 police officer, any special police officer appointed under sections 29-18
6 and 29-19, any town marine officers appointed under section 15-154a
7 and certified by the commissioner for marine police duty and any lake
8 patrolman appointed under section 7-151b may enforce the provisions
9 of this chapter and chapter 446k, except that only peace officers shall
10 enforce the provisions of subsection (d) of section 15-133 and sections
11 15-140l and 15-140n. In the enforcement of this chapter, such officer
12 may arrest, without previous complaint and warrant, any person who
13 fails to comply with the provisions of this chapter. Failure to appear in
14 court pursuant to such arrest, unless excused by the court or the state's

15 attorney or assistant state's attorney, shall constitute sufficient cause
16 for the suspension by the Commissioner of Motor Vehicles of the boat
17 registration of the boat involved for not more than thirty days or until
18 the matter is resolved by the court, whichever is sooner.

19 (b) When engaged in the enforcement of this chapter and chapter
20 446k, such officer shall have the authority to stop and board any vessel
21 which is under way or which is moored on the waters of this state for
22 the purposes of (1) examining decals, certificates and other documents,
23 (2) inspecting safety equipment and waste disposal systems, (3)
24 determining if the operation of such vessel exceeds the noise levels
25 established in subsection (b) of section 15-129, (4) searching when such
26 officer has probable cause to believe that any provision of any law of
27 this state or any rule or regulation of the Department of Environmental
28 Protection relating to boating or water pollution has been violated, (5)
29 determining compliance with sections 15-140l and 15-140n and
30 subsections (d) and (e) of section 15-133, when such authorized officer
31 has probable cause to believe said section or subsection has been
32 violated, and (6) making arrests.

33 (c) No person operating a vessel shall refuse to stop such vessel or,
34 if sea conditions make stopping in that area unsafe, refuse to take such
35 vessel to a designated area after being requested or signalled to do so
36 by such officer. Any person operating a vessel who refuses to stop or
37 refuses to take such vessel to the designated area shall have committed
38 an infraction. Any person, when signaled to stop by such officer in a
39 law enforcement vessel using an audible signal device or flashing blue
40 lights, who operates such vessel in disregard of such signal so as to (1)
41 interfere with or endanger the operation of the law enforcement vessel
42 or any other vessel, (2) endanger or cause damage to property or
43 person, or (3) increase or maintain speed in an attempt to escape or
44 elude such law enforcement officer shall be guilty of a class A
45 misdemeanor. If such violation causes the death or serious physical
46 injury of another person, the vessel operator shall be guilty of a class D
47 felony, and such operator's safe boating certificate, certificate of
48 personal watercraft operation or right to operate a vessel that requires

49 a certificate shall be suspended for one year. For any subsequent
50 offense, such operator shall be guilty of a class D felony, except that if
51 any prior offense by such operator under this section caused, and such
52 subsequent offense causes, the death or serious physical injury of
53 another person, such operator shall be guilty of a class D felony for
54 which one year of the sentence imposed may not be suspended or
55 reduced by the court, and such operator's safe boating certificate,
56 certificate of personal watercraft operation or right to operate a vessel
57 that requires a certificate shall be suspended for not less than eighteen
58 months or more than two years. Proof of the registration number of the
59 vessel shall be prima facie evidence in any prosecution that the owner
60 was the operator. For purposes of this subsection, "serious physical
61 injury" means physical injury which creates a substantial risk of death,
62 or which causes serious disfigurement, serious impairment of health or
63 serious loss or impairment of the function of any bodily organ.

64 (d) Upon the immediate approach of a law enforcement vessel using
65 an audible signal device and flashing blue lights or a fire rescue vessel
66 using an audible signal device and flashing red or yellow lights, or
67 upon approaching a stationary law enforcement vessel using flashing
68 blue lights or fire rescue vessel using flashing red or yellow lights, any
69 person operating a vessel shall immediately slow to a speed sufficient
70 to maintain steerage only, shall alter course, within its ability, so as not
71 to inhibit or interfere with the operation of the law enforcement vessel
72 or fire rescue vessel, and shall proceed, unless otherwise directed by an
73 officer in the law enforcement vessel or fire rescue vessel, at a reduced
74 speed until beyond the area of operation of the law enforcement vessel
75 or fire rescue vessel. Any person operating a vessel who wilfully or
76 negligently obstructs or retards any law enforcement or fire rescue
77 vessel answering an emergency call or in pursuit of fleeing law
78 violators, shall be fined not more than two hundred dollars or
79 imprisoned not more than seven days, or both.

80 [(d)] (e) The Commissioner of Environmental Protection shall
81 publish an enforcement manual, conduct training and educational
82 sessions, serve as liaison between the enforcement groups and the

83 Superior Court and shall be generally responsible for the overall
84 coordination of enforcement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	15-154

TRA *Joint Favorable Subst.*

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Environmental Protection	Various - None	None	None
Various Criminal Justice Agencies	GF - Cost/Revenue	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes responsibilities for vessel operators in specified instances and will not impact costs to the Department of Environmental Protection or municipal law enforcement officers.

The bill makes it a crime (punishable by a fine of up to \$200 and/or imprisonment for up to seven days) for any person to willfully or negligently interfere with any law enforcement or fire rescue vessel answering an emergency call or in pursuit of fleeing law violators. Any revenue from criminal fines or costs for incarceration under this provision would be minimal.

The Out Years

The annualized cost identified above would continue into the future subject to inflation. Revenues from criminal fines would remain relatively constant since they are set by statute.

OLR Bill Analysis**sSB 429*****AN ACT CONCERNING LAW ENFORCEMENT AND FIRE RESCUE VESSELS.*****SUMMARY:**

This bill establishes responsibilities for vessel operators who are either being approached a law enforcement or fire rescue vessel using an audible signal device and displaying appropriate flashing lights or are themselves approaching a stationary law enforcement or rescue vessel. (Law enforcement vessels use blue lights and rescue vessels use red or yellow.) Any such vessel operator must (1) immediately slow to a speed just sufficient to maintain control; (2) alter course within its ability to not inhibit or interfere with the law enforcement or fire rescue vessel; and (3) unless otherwise directed by an officer onboard such vessels, proceed at a reduced speed until beyond the area of operation of the law enforcement or fire rescue vessel.

If someone willfully or negligently obstructs or retards a law enforcement or fire rescue vessel answering an emergency call or pursuing a fleeing law violator, the bill subjects the offender to a fine of up to \$200, imprisonment for up to seven days, or both.

EFFECTIVE DATE: July 1, 2007

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/16/2007)