



General Assembly

Substitute Bill No. 5153

February Session, 2010

* _____HB05153PS_JUD030910_____*

**AN ACT CONCERNING THE POWERS OF CERTAIN UNITED STATES
SECRET SERVICE AGENTS AND OFFICERS.**

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

1 Section 1. Subsection (b) of section 53a-19 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2010*):

4 (b) Notwithstanding the provisions of subsection (a) of this section,
5 a person is not justified in using deadly physical force upon another
6 person if he or she knows that he or she can avoid the necessity of
7 using such force with complete safety (1) by retreating, except that the
8 actor shall not be required to retreat if he or she is in his or her
9 dwelling, as defined in section 53a-100, or place of work and was not
10 the initial aggressor, or if he or she is a peace officer or a special
11 policeman appointed under section 29-18b, a Department of Motor
12 Vehicles inspector appointed under section 14-8 and certified pursuant
13 to section 7-294d, [or] a private person assisting such peace officer,
14 special policeman or motor vehicle inspector at his or her direction,
15 and acting pursuant to section 53a-22, as amended by this act, or a
16 sworn agent or sworn uniformed division officer of the United States
17 Secret Service, or (2) by surrendering possession of property to a
18 person asserting a claim of right thereto, or (3) by complying with a
19 demand that he or she abstain from performing an act which he or she

20 is not obliged to perform.

21 Sec. 2. Section 53a-22 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2010*):

23 (a) For purposes of this section, a reasonable belief that a person has
24 committed an offense means a reasonable belief in facts or
25 circumstances which if true would in law constitute an offense. If the
26 believed facts or circumstances would not in law constitute an offense,
27 an erroneous though not unreasonable belief that the law is otherwise
28 does not render justifiable the use of physical force to make an arrest
29 or to prevent an escape from custody. A peace officer, special
30 policeman appointed under section 29-18b, sworn agent or sworn
31 uniformed division officer of the United States Secret Service,
32 Department of Motor Vehicles inspector appointed under section 14-8
33 and certified pursuant to section 7-294d, or an authorized official of the
34 Department of Correction or the Board of Pardons and Paroles who is
35 effecting an arrest pursuant to a warrant or preventing an escape from
36 custody is justified in using the physical force prescribed in
37 subsections (b) and (c) of this section unless such warrant is invalid
38 and is known by such officer, policeman, agent, inspector or official to
39 be invalid.

40 (b) Except as provided in subsection (a) of this section, a peace
41 officer, sworn agent or sworn uniformed division officer of the United
42 States Secret Service, special policeman appointed under section 29-
43 18b, Department of Motor Vehicles inspector appointed under section
44 14-8 and certified pursuant to section 7-294d, or authorized official of
45 the Department of Correction or the Board of Pardons and Paroles is
46 justified in using physical force upon another person when and to the
47 extent that he or she reasonably believes such to be necessary to: (1)
48 Effect an arrest or prevent the escape from custody of a person whom
49 he or she reasonably believes to have committed an offense, unless he
50 or she knows that the arrest or custody is unauthorized; or (2) defend
51 himself or herself or a third person from the use or imminent use of
52 physical force while effecting or attempting to effect an arrest or while

53 preventing or attempting to prevent an escape.

54 (c) A peace officer, sworn agent or sworn uniformed division officer
55 of the United States Secret Service, special policeman appointed under
56 section 29-18b, Department of Motor Vehicles inspector appointed
57 under section 14-8 and certified pursuant to section 7-294d, or
58 authorized official of the Department of Correction or the Board of
59 Pardons and Paroles is justified in using deadly physical force upon
60 another person for the purposes specified in subsection (b) of this
61 section only when he or she reasonably believes such to be necessary
62 to: (1) Defend himself or herself or a third person from the use or
63 imminent use of deadly physical force; or (2) effect an arrest or prevent
64 the escape from custody of a person whom he or she reasonably
65 believes has committed or attempted to commit a felony which
66 involved the infliction or threatened infliction of serious physical
67 injury and if, where feasible, he or she has given warning of his or her
68 intent to use deadly physical force.

69 (d) Except as provided in subsection (e) of this section, a person who
70 has been directed by a peace officer, sworn agent or sworn uniformed
71 division officer of the United States Secret Service, special policeman
72 appointed under section 29-18b, Department of Motor Vehicles
73 inspector appointed under section 14-8 and certified pursuant to
74 section 7-294d, or authorized official of the Department of Correction
75 or the Board of Pardons and Paroles to assist such peace officer, agent,
76 officer, special policeman, motor vehicle inspector or official to effect
77 an arrest or to prevent an escape from custody is justified in using
78 reasonable physical force when and to the extent that he or she
79 reasonably believes such to be necessary to carry out such peace
80 officer's, agent's, officer's, special policeman's, motor vehicle
81 inspector's or official's direction.

82 (e) A person who has been directed to assist a peace officer, sworn
83 agent or sworn uniformed division officer of the United States Secret
84 Service, special policeman appointed under section 29-18b,
85 Department of Motor Vehicles inspector appointed under section 14-8

86 and certified pursuant to section 7-294d, or authorized official of the
87 Department of Correction or the Board of Pardons and Paroles under
88 circumstances specified in subsection (d) of this section may use
89 deadly physical force to effect an arrest or to prevent an escape from
90 custody only when: (1) He or she reasonably believes such to be
91 necessary to defend himself or herself or a third person from what he
92 or she reasonably believes to be the use or imminent use of deadly
93 physical force; or (2) he or she is directed or authorized by such peace
94 officer, agent, officer, special policeman, motor vehicle inspector or
95 official to use deadly physical force, unless he or she knows that the
96 peace officer, agent, officer, special policeman, motor vehicle inspector
97 or official himself or herself is not authorized to use deadly physical
98 force under the circumstances.

99 (f) A private person acting on his or her own account is justified in
100 using reasonable physical force upon another person when and to the
101 extent that he or she reasonably believes such to be necessary to effect
102 an arrest or to prevent the escape from custody of an arrested person
103 whom he or she reasonably believes to have committed an offense and
104 who in fact has committed such offense; but he or she is not justified in
105 using deadly physical force in such circumstances, except in defense of
106 person as prescribed in section 53a-19, as amended by this act.

107 Sec. 3. Section 53a-23 of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective October 1, 2010*):

109 A person is not justified in using physical force to resist an arrest by
110 a reasonably identifiable peace officer or special policeman appointed
111 under section 29-18b, sworn agent or sworn uniformed division officer
112 of the United States Secret Service, or a Department of Motor Vehicles
113 inspector appointed under section 14-8 and certified pursuant to
114 section 7-294d, whether such arrest is legal or illegal.

115 Sec. 4. Section 54-170 of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective October 1, 2010*):

117 The arrest of a person may be lawfully made also by any peace
 118 officer, sworn agent or sworn uniformed division officer of the United
 119 States Secret Service, or a private person, without a warrant, upon
 120 reasonable information that the accused stands charged in the courts of
 121 a state with a crime punishable by death or imprisonment for a term
 122 exceeding one year, but when so arrested the accused shall be taken
 123 before such a judge with all practicable speed and complaint shall be
 124 made against him under oath setting forth the ground for the arrest as
 125 in section 54-169; and thereafter his answer shall be heard as if he had
 126 been arrested on a warrant.

127 Sec. 5. (NEW) (*Effective October 1, 2010*) Any sworn agent of the
 128 United States Secret Service may obtain and serve search warrants and
 129 arrest warrants for financial crimes, and make arrests without warrant
 130 for a felony committed in their presence, if they have probable cause to
 131 believe that the person so arrested has committed, or is committing,
 132 such offense. Any such agent executing the powers authorized
 133 pursuant to this section, except when using deadly physical force, shall
 134 be deemed to be acting in the capacity of a peace officer, as defined in
 135 section 53a-3 of the general statutes. For purposes of this section,
 136 "financial crimes" includes a violation of sections 53-388a, 53a-122 to
 137 53a-125b, inclusive, 53a-127b, 53a-128, 53a-128b to 53a-128g, inclusive,
 138 53a-129a to 53a-129e, inclusive, 53a-138 to 53a-142, inclusive, 53a-252 to
 139 53a-256, inclusive, and 53a-276 to 53a-279, inclusive, of the general
 140 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	53a-19(b)
Sec. 2	<i>October 1, 2010</i>	53a-22
Sec. 3	<i>October 1, 2010</i>	53a-23
Sec. 4	<i>October 1, 2010</i>	54-170
Sec. 5	<i>October 1, 2010</i>	New section

PS

Joint Favorable Subst. C/R

JUD