



General Assembly

**Substitute Bill No. 5339**

February Session, 2010

\* \_\_\_\_\_HB05339PS\_JUD030910\_\_\_\_\_\*

**AN ACT IMPOSING A MANDATORY MINIMUM SENTENCE FOR ASSAULT OF PUBLIC SAFETY, EMERGENCY MEDICAL OR PUBLIC TRANSIT PERSONNEL AND INCLUDING HOSPITAL SECURITY OFFICERS IN SUCH OFFENSE.**

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

1 Section 1. Section 53a-167c of the 2010 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2010*):

4 (a) A person is guilty of assault of public safety, emergency medical  
5 or public transit personnel when, with intent to prevent a reasonably  
6 identifiable peace officer, special policeman appointed under section  
7 29-18b, Department of Motor Vehicles inspector appointed under  
8 section 14-8 and certified pursuant to section 7-294d, firefighter or  
9 employee of an emergency medical service organization, as defined in  
10 section 53a-3, emergency room physician or nurse, security officer, as  
11 defined in section 29-152u, assigned to, or employed by, a hospital,  
12 employee of the Department of Correction, member or employee of the  
13 Board of Pardons and Paroles, probation officer, employee of the  
14 Judicial Branch assigned to provide pretrial secure detention and  
15 programming services to juveniles accused of the commission of a  
16 delinquent act, employee of the Department of Children and Families  
17 assigned to provide direct services to children and youths in the care  
18 or custody of the department, employee of a municipal police

19 department assigned to provide security at the police department's  
20 lockup and holding facility, active individual member of a volunteer  
21 canine search and rescue team, as defined in section 5-249, or public  
22 transit employee from performing his or her duties, and while such  
23 peace officer, special policeman, motor vehicle inspector, firefighter,  
24 employee, physician, nurse, security officer, member, probation officer  
25 or active individual member is acting in the performance of his or her  
26 duties, (1) such person causes physical injury to such peace officer,  
27 special policeman, motor vehicle inspector, firefighter, employee,  
28 physician, nurse, security officer, member, probation officer or active  
29 individual member, or (2) such person throws or hurls, or causes to be  
30 thrown or hurled, any rock, bottle, can or other article, object or missile  
31 of any kind capable of causing physical harm, damage or injury, at  
32 such peace officer, special policeman, motor vehicle inspector,  
33 firefighter, employee, physician, nurse, security officer, member,  
34 probation officer or active individual member, or (3) such person uses  
35 or causes to be used any mace, tear gas or any like or similar  
36 deleterious agent against such peace officer, special policeman, motor  
37 vehicle inspector, firefighter, employee, physician, nurse, security  
38 officer, member, probation officer or active individual member, or (4)  
39 such person throws or hurls, or causes to be thrown or hurled, any  
40 paint, dye or other like or similar staining, discoloring or coloring  
41 agent or any type of offensive or noxious liquid, agent or substance at  
42 such peace officer, special policeman, motor vehicle inspector,  
43 firefighter, employee, physician, nurse, security officer, member,  
44 probation officer or active individual member, or (5) such person  
45 throws or hurls, or causes to be thrown or hurled, any bodily fluid  
46 including, but not limited to, urine, feces, blood or saliva at such peace  
47 officer, special policeman, motor vehicle inspector, firefighter,  
48 employee, physician, nurse, security officer, member, probation officer  
49 or active individual member. For the purposes of this section, "public  
50 transit employee" means a person employed by the state, a political  
51 subdivision of the state, a transit district formed under chapter 103a or  
52 a person with whom the Commissioner of Transportation has  
53 contracted in accordance with section 13b-34 to provide transportation

54 services who operates a vehicle or vessel providing public rail service,  
55 ferry service or fixed route bus service or performs duties directly  
56 related to the operation of such vehicle or vessel.

57 (b) Assault of public safety, emergency medical or public transit  
58 personnel is a class C felony and shall carry a minimum term of  
59 imprisonment of not less than two years. The execution of the  
60 mandatory minimum sentence imposed by the provisions of this  
61 subsection shall not be suspended, except the court may suspend the  
62 execution of such mandatory minimum sentence if at the time of the  
63 commission of the offense (1) such person was under the age of  
64 eighteen years, or (2) such person's mental capacity was significantly  
65 impaired, but not so impaired as to constitute a defense to prosecution.  
66 If any person who is confined in an institution or facility of the  
67 Department of Correction is sentenced to a term of imprisonment for  
68 assault of an employee of the Department of Correction under this  
69 section, such term shall run consecutively to the term for which the  
70 person was serving at the time of the assault.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	53a-167c

**PS**

*Joint Favorable Subst. C/R*

**JUD**