



House of Representatives

General Assembly

File No. 145

February Session, 2012

House Bill No. 5345

House of Representatives, March 27, 2012

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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

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

1 Section 1. Section 53a-19 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) Except as provided in subsections (b) and (c) of this section, a
4 person is justified in using reasonable physical force upon another
5 person to defend himself or a third person from what he reasonably
6 believes to be the use or imminent use of physical force, and he may
7 use such degree of force which he reasonably believes to be necessary
8 for such purpose; except that deadly physical force may not be used
9 unless the actor reasonably believes that such other person is (1) using
10 or about to use deadly physical force, or (2) inflicting or about to inflict
11 great bodily harm.

12 (b) Notwithstanding the provisions of subsection (a) of this section,
13 a person is not justified in using deadly physical force upon another

14 person if he or she knows that he or she can avoid the necessity of
15 using such force with complete safety (1) by retreating, except that the
16 actor shall not be required to retreat if he or she is in his or her
17 dwelling, as defined in section 53a-100, or place of work and was not
18 the initial aggressor, or if he or she is a peace officer, a special
19 policeman appointed under section 29-18b, [or] a motor vehicle
20 inspector designated under section 14-8 and certified pursuant to
21 section 7-294d, a sworn special agent or sworn uniformed division
22 officer of the United States Secret Service or a private person assisting
23 such peace officer, special policeman, [or] motor vehicle inspector,
24 agent or officer at his or her direction, and acting pursuant to section
25 53a-22, as amended by this act, or (2) by surrendering possession of
26 property to a person asserting a claim of right thereto, or (3) by
27 complying with a demand that he or she abstain from performing an
28 act which he or she is not obliged to perform.

29 (c) Notwithstanding the provisions of subsection (a) of this section,
30 a person is not justified in using physical force when (1) with intent to
31 cause physical injury or death to another person, he provokes the use
32 of physical force by such other person, or (2) he is the initial aggressor,
33 except that his use of physical force upon another person under such
34 circumstances is justifiable if he withdraws from the encounter and
35 effectively communicates to such other person his intent to do so, but
36 such other person notwithstanding continues or threatens the use of
37 physical force, or (3) the physical force involved was the product of a
38 combat by agreement not specifically authorized by law.

39 Sec. 2. Section 53a-22 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2012*):

41 (a) For purposes of this section, a reasonable belief that a person has
42 committed an offense means a reasonable belief in facts or
43 circumstances which if true would in law constitute an offense. If the
44 believed facts or circumstances would not in law constitute an offense,
45 an erroneous though not unreasonable belief that the law is otherwise
46 does not render justifiable the use of physical force to make an arrest

47 or to prevent an escape from custody. A peace officer, special
48 policeman appointed under section 29-18b, motor vehicle inspector
49 designated under section 14-8 and certified pursuant to section 7-294d,
50 [or] authorized official of the Department of Correction or the Board of
51 Pardons and Paroles or sworn special agent or sworn uniformed
52 division officer of the United States Secret Service who is effecting an
53 arrest pursuant to a warrant or preventing an escape from custody is
54 justified in using the physical force prescribed in subsections (b) and
55 (c) of this section unless such warrant is invalid and is known by such
56 officer to be invalid.

57 (b) Except as provided in subsection (a) of this section, a peace
58 officer, special policeman appointed under section 29-18b, motor
59 vehicle inspector designated under section 14-8 and certified pursuant
60 to section 7-294d, [or] authorized official of the Department of
61 Correction or the Board of Pardons and Paroles or sworn special agent
62 or sworn uniformed division officer of the United States Secret Service
63 is justified in using physical force upon another person when and to
64 the extent that he or she reasonably believes such to be necessary to: (1)
65 Effect an arrest or prevent the escape from custody of a person whom
66 he or she reasonably believes to have committed an offense, unless he
67 or she knows that the arrest or custody is unauthorized; or (2) defend
68 himself or herself or a third person from the use or imminent use of
69 physical force while effecting or attempting to effect an arrest or while
70 preventing or attempting to prevent an escape.

71 (c) A peace officer, special policeman appointed under section 29-
72 18b, motor vehicle inspector designated under section 14-8 and
73 certified pursuant to section 7-294d, [or] authorized official of the
74 Department of Correction or the Board of Pardons and Paroles or
75 sworn special agent or sworn uniformed division officer of the United
76 States Secret Service is justified in using deadly physical force upon
77 another person for the purposes specified in subsection (b) of this
78 section only when he or she reasonably believes such to be necessary
79 to: (1) Defend himself or herself or a third person from the use or
80 imminent use of deadly physical force; or (2) effect an arrest or prevent

81 the escape from custody of a person whom he or she reasonably
82 believes has committed or attempted to commit a felony which
83 involved the infliction or threatened infliction of serious physical
84 injury and if, where feasible, he or she has given warning of his or her
85 intent to use deadly physical force.

86 (d) Except as provided in subsection (e) of this section, a person who
87 has been directed by a peace officer, special policeman appointed
88 under section 29-18b, motor vehicle inspector designated under section
89 14-8 and certified pursuant to section 7-294d, [or] authorized official of
90 the Department of Correction or the Board of Pardons and Paroles or
91 sworn special agent or sworn uniformed division officer of the United
92 States Secret Service to assist such peace officer, special policeman,
93 motor vehicle inspector, [or] official, agent or officer to effect an arrest
94 or to prevent an escape from custody is justified in using reasonable
95 physical force when and to the extent that he or she reasonably
96 believes such to be necessary to carry out such peace officer's, special
97 policeman's, motor vehicle inspector's, [or] official's, agent's or officer's
98 direction.

99 (e) A person who has been directed to assist a peace officer, special
100 policeman appointed under section 29-18b, motor vehicle inspector
101 designated under section 14-8 and certified pursuant to section 7-294d,
102 [or] authorized official of the Department of Correction or the Board of
103 Pardons and Paroles or sworn special agent or sworn uniformed
104 division officer of the United States Secret Service under circumstances
105 specified in subsection (d) of this section may use deadly physical force
106 to effect an arrest or to prevent an escape from custody only when: (1)
107 He or she reasonably believes such to be necessary to defend himself
108 or herself or a third person from what he or she reasonably believes to
109 be the use or imminent use of deadly physical force; or (2) he or she is
110 directed or authorized by such peace officer, special policeman, motor
111 vehicle inspector, [or] official, agent or officer to use deadly physical
112 force, unless he or she knows that the peace officer, special policeman,
113 motor vehicle inspector, [or] official, agent or officer himself or herself
114 is not authorized to use deadly physical force under the circumstances.

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

123 Sec. 3. Section 53a-23 of the general statutes is repealed and the
 124 following is substituted in lieu thereof (*Effective October 1, 2012*):

125 A person is not justified in using physical force to resist an arrest by
 126 a reasonably identifiable peace officer, special policeman appointed
 127 under section 29-18b, [or] motor vehicle inspector designated under
 128 section 14-8 and certified pursuant to section 7-294d or sworn special
 129 agent or sworn uniformed division officer of the United States Secret
 130 Service, whether such arrest is legal or illegal.

131 Sec. 4. (NEW) (*Effective October 1, 2012*) Any sworn special agent of
 132 the United States Secret Service shall have the same authority as police
 133 officers in this state to (1) obtain and serve search warrants and arrest
 134 warrants with respect to financial crimes, and (2) arrest without
 135 previous complaint and warrant any person such agent has reasonable
 136 grounds to believe has committed or is committing a felony in such
 137 agent's presence. As used in this section, "financial crime" means a
 138 violation of section 53-388a, 53a-122, 53a-123, 53a-124, 53a-125, 53a-
 139 125a, 53a-125b, 53a-127b, 53a-128, 53a-128b, 53a-128c, 53a-128d, 53a-
 140 128e, 53a-128f, 53a-128g, 53a-129b, 53a-129c, 53a-129d, 53a-129e, 53a-
 141 138, 53a-139, 53a-140, 53a-141, 53a-142, 53a-252, 53a-253, 53a-254, 53a-
 142 255, 53a-256, 53a-276, 53a-277, 53a-278 or 53a-279 of the general
 143 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	53a-19

Sec. 2	<i>October 1, 2012</i>	53a-22
Sec. 3	<i>October 1, 2012</i>	53a-23
Sec. 4	<i>October 1, 2012</i>	New section

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

This bill will not result in a municipal or state fiscal impact. There are no costs or savings associated with extending peace officer status to members of the United States Secret Service.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5345*****AN ACT CONCERNING THE POWERS OF CERTAIN AGENTS AND OFFICERS OF THE UNITED STATES SECRET SERVICE.*****SUMMARY:**

This bill gives sworn U.S. Secret Service special agents and officers certain powers and protections reserved for peace officers and other specified law enforcement officers with respect to the use of force and deadly physical force.

The bill allows civilians to use physical and deadly force when directed by secret service agents and officers, just as when directed by the other law enforcement officers, to help make an arrest or prevent an escape from custody, and affords them the same protections as the officers they are assisting (see BACKGROUND).

The bill also gives sworn U.S. Secret Service special agents the same authority as police officers to (1) obtain and serve search and arrest warrants for financial crimes and (2) make warrantless arrests for felonies they have reasonable grounds to believe were or are being committed in their presence.

EFFECTIVE DATE: October 1, 2012

USE OF PHYSICAL AND DEADLY PHYSICAL FORCE BY POLICE

The law establishes the circumstances under which peace officers special policemen, motor vehicle inspectors certified by the Police Officers Standards and Training Council (POST), and authorized Department of Correction (DOC) and Board of Pardons and Paroles (BPP) officials are justified in using physical or deadly physical force against someone (see BACKGROUND). The bill gives sworn uniformed or sworn special agents of the U.S. Secret Service the

authority to use force under the same circumstances that apply to current officers.

ARREST FOR FINANCIAL CRIMES

The bill gives sworn uniformed or sworn special agents of the U.S. Secret Service the same authority as police officers in Connecticut to obtain and serve search and arrest warrants for financial crimes. Under the bill, financial crimes are:

1. unlawful use or possession of a scanning device or reencoder;
2. larceny;
3. fraudulent use of an automated teller machine;
4. issuing a bad check;
5. false statement to procure credit card;
6. credit card theft or illegal transfer;
7. illegal use of a credit card;
8. illegally furnishing money, goods, or services on a credit card;
9. unlawful completion or reproduction of a credit card;
10. obtaining money, goods, or services by illegal use of a credit card;
11. identity theft;
12. trafficking in personal information;
13. forgery;
14. criminal simulation;
15. forgery of symbols;
16. computer crimes; and

17. money laundering.

BACKGROUND

Use of Physical Force

A peace officer, special policeman, POST-certified motor vehicle inspector or authorized DOC or BPP official is justified in using physical force, when and to the extent he or she reasonably believes it necessary, to (1) make an arrest or prevent a custodial escape, unless he or she knows that the arrest or custody is unauthorized, or (2) defend himself, herself or someone else from the use or imminent use of physical force while making or attempting to make an arrest or while preventing or attempting to prevent an escape (CGS § 53a-22(b)).

Use of Deadly Physical Force

A peace officer, special policeman, POST-certified motor vehicle inspector, or authorized DOC or BPP official is justified in using deadly physical force when he or she reasonably believes it is necessary to (1) defend himself or herself or another person from the use or imminent use of deadly physical force and (2) arrest or prevent the escape from custody of someone whom he or she reasonably believes committed or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury, and if, where feasible, he or she warned of the intent to use deadly physical force (CGS § 53a-22(c)).

Civilian Use of Physical or Deadly Physical Force

Civilians directed by a peace officer, special policeman, POST-certified motor vehicle inspector, or authorized DOC or BPP official to help make an arrest or prevent an escape from custody are justified in using reasonable physical force, when and as necessary, to carry out the official's direction (CGS § 53a-22(d)). Under the same circumstances, civilians may use deadly physical force if (1) they believe such force is necessary to defend themselves or someone else from what they reasonably believe to be the use or imminent use of deadly physical force or (2) the official directed or authorized them to use such force, unless they know that the official is not authorized to

use such force under the circumstances (CGS § 53a-22(e)).

Duty to Retreat

The law exempts peace officers, special policemen, motor vehicle inspectors certified by POST, and civilians helping these officials and acting under their direction and pursuant to law from the general duty to retreat rather than use reasonable deadly physical force (CGS § 53a-19(b)).

Resisting Arrest

The law prohibits the use of physical force to resist an arrest by a reasonably identifiable peace officer, special policeman, or POST-certified motor vehicle inspector, whether the arrest is legal or illegal (CGS § 53a-23).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/13/2012)