



General Assembly

February Session, 2012

Raised Bill No. 325

LCO No. 1574

01574_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

**AN ACT CONCERNING THE FAILURE TO COMPLY WITH
MANDATORY EVACUATION ORDERS.**

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

1 Section 1. (NEW) (*Effective October 1, 2012*) Any person who (1)
2 knows that a mandatory evacuation order has been issued by the
3 Governor, pursuant to section 28-9 of the general statutes, or the chief
4 executive officer of a town, city or borough pursuant to an ordinance
5 of such town, city or borough or in the exercise of the police powers of
6 such town, city or borough, (2) has the reasonable ability to comply
7 with such order, and (3) wilfully fails to comply with such order, shall
8 be guilty of a class B misdemeanor.

9 Sec. 2. (NEW) (*Effective October 1, 2012*) Whenever a person fails to
10 comply with a mandatory evacuation order issued by the Governor
11 pursuant to section 28-9 of the general statutes or by the chief elected
12 official of a town, city or borough pursuant to an ordinance of such
13 town, city or borough or in the exercise of the police powers of such
14 town, city or borough, such person shall be liable for the costs incurred
15 by a governmental agency or a nonprofit agency cooperating with a
16 governmental agency in conducting a rescue effort if:

17 (1) The person knew that the mandatory evacuation order had been
18 issued;

19 (2) The person was reasonably able to comply with such order;

20 (3) The person wilfully failed to comply with such order and (A)
21 engaged in an activity or took a course of action that a reasonable
22 person would not have engaged in or taken, or (B) failed to take a
23 course of action that a reasonable person would have taken;

24 (4) As a result of failing to comply with such order, the physical
25 safety of the person or another person was endangered; and

26 (5) A rescue effort by such governmental or nonprofit agency was
27 undertaken on behalf of the person whose physical safety was
28 endangered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	New section

Statement of Purpose:

To impose criminal and civil liability upon a person who fails to comply with a mandatory evacuation order.

[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.]