
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)