



General Assembly

**Substitute Bill No. 5388**

February Session, 2014



**AN ACT CONCERNING THE PENALTY FOR ASSAULT OF FIRE MARSHALS, DEPUTY FIRE MARSHALS, FIRE INSPECTORS, BUILDING OFFICIALS AND ASSISTANT BUILDING OFFICIALS.**

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

1 Section 1. Section 53a-167c of the 2014 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2014*):

4 (a) A person is guilty of assault of public safety, emergency medical,  
5 public transit or health care personnel when, with intent to prevent a  
6 reasonably identifiable peace officer, special policeman appointed  
7 under section 29-18b, motor vehicle inspector designated under section  
8 14-8 and certified pursuant to section 7-294d, firefighter or employee of  
9 an emergency medical service organization, as defined in section 53a-3,  
10 fire marshal, deputy fire marshal or fire inspector, building official  
11 appointed pursuant to section 29-260, assistant building official,  
12 emergency room physician or nurse, health care employee as defined  
13 in section 19a-490q, employee of the Department of Correction,  
14 member or employee of the Board of Pardons and Paroles, probation  
15 officer, employee of the Judicial Branch assigned to provide pretrial  
16 secure detention and programming services to juveniles accused of the  
17 commission of a delinquent act, liquor control agent, employee of the  
18 Department of Children and Families assigned to provide direct

19 services to children and youths in the care or custody of the  
20 department, employee of a municipal police department assigned to  
21 provide security at the police department's lockup and holding facility,  
22 active individual member of a volunteer canine search and rescue  
23 team, as defined in section 5-249, or public transit employee from  
24 performing his or her duties, and while such peace officer, special  
25 policeman, motor vehicle inspector, firefighter, employee, fire marshal,  
26 deputy fire marshal, fire inspector, building official, assistant building  
27 official, physician, nurse, health care employee, member, liquor control  
28 agent, probation officer or active individual member is acting in the  
29 performance of his or her duties, (1) such person causes physical injury  
30 to such peace officer, special policeman, motor vehicle inspector,  
31 firefighter, employee, fire marshal, deputy fire marshal, fire inspector,  
32 building official, assistant building official, physician, nurse, member,  
33 liquor control agent, probation officer or active individual member, or  
34 (2) such person throws or hurls, or causes to be thrown or hurled, any  
35 rock, bottle, can or other article, object or missile of any kind capable of  
36 causing physical harm, damage or injury, at such peace officer, special  
37 policeman, motor vehicle inspector, firefighter, employee, fire marshal,  
38 deputy fire marshal, fire inspector, building official, assistant building  
39 official, physician, nurse, member, liquor control agent, probation  
40 officer or active individual member, or (3) such person uses or causes  
41 to be used any mace, tear gas or any like or similar deleterious agent  
42 against such peace officer, special policeman, motor vehicle inspector,  
43 firefighter, employee, fire marshal, deputy fire marshal, fire inspector,  
44 building official, assistant building official, physician, nurse, member,  
45 liquor control agent, probation officer or active individual member, or  
46 (4) such person throws or hurls, or causes to be thrown or hurled, any  
47 paint, dye or other like or similar staining, discoloring or coloring  
48 agent or any type of offensive or noxious liquid, agent or substance at  
49 such peace officer, special policeman, motor vehicle inspector,  
50 firefighter, employee, fire marshal, deputy fire marshal, fire inspector,  
51 building official, assistant building official, physician, nurse, member,  
52 liquor control agent, probation officer or active individual member, or  
53 (5) such person throws or hurls, or causes to be thrown or hurled, any

54 bodily fluid including, but not limited to, urine, feces, blood or saliva  
55 at such peace officer, special policeman, motor vehicle inspector,  
56 firefighter, employee, fire marshal, deputy fire marshal, fire inspector,  
57 building official, assistant building official, physician, nurse, member,  
58 liquor control agent, probation officer or active individual member.  
59 For the purposes of this section, "public transit employee" means a  
60 person employed by the state, a political subdivision of the state, a  
61 transit district formed under chapter 103a or a person with whom the  
62 Commissioner of Transportation has contracted in accordance with  
63 section 13b-34 to provide transportation services who operates a  
64 vehicle or vessel providing public rail service, ferry service or fixed  
65 route bus service or performs duties directly related to the operation of  
66 such vehicle or vessel.

67 (b) Assault of public safety, emergency medical, public transit or  
68 health care personnel is a class C felony. If any person who is confined  
69 in an institution or facility of the Department of Correction is  
70 sentenced to a term of imprisonment for assault of an employee of the  
71 Department of Correction under this section, such term shall run  
72 consecutively to the term for which the person was serving at the time  
73 of the assault.

74 (c) In any prosecution under this section involving assault of a  
75 health care employee, as defined in section 19a-490q, it shall be a  
76 defense that the defendant is a person with a disability as described in  
77 subdivision (13), (15) or (20) of section 46a-51 and the defendant's  
78 conduct was a clear and direct manifestation of the disability.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2014	53a-167c
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**Statement of Legislative Commissioners:**

In section 1(a) the phrase "assistant building official" was moved for internal accuracy.

**PS**      *Joint Favorable C/R*      JUD  
**JUD**      *Joint Favorable Subst.-LCO*