
OLR Bill Analysis

sHB 5388

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

SUMMARY:

This bill makes assault of a fire or building official a class C felony and one of the serious felonies requiring the person arrested, when requested by the arresting law enforcement agency, to provide a DNA sample if he or she had previously been convicted of a felony and did not provide a sample (see BACKGROUND). A class C felony is punishable by one to 10 years imprisonment, a fine of up to \$10,000, or both. This is the same penalty, under existing law, for assaulting specified public safety, emergency medical, public transit, or health care personnel.

A person commits the crime under the bill if he or she does any of the following to a reasonably identifiable fire marshal, deputy fire marshal, fire inspector, building official, or assistant building official performing his or her duties to prevent him or her from performing them:

1. causes physical injury;
2. throws objects capable of causing harm;
3. uses tear gas, mace, or a similar harmful agent;
4. throws paint, dye, or any other offensive substance; or
5. throws bodily fluid, such as feces, blood, or saliva.

EFFECTIVE DATE: October 1, 2014

ASSAULT OF CERTAIN PUBLIC SAFETY AND OTHER PERSONNEL

By law, it is a class C felony to assault, as defined in the bill, any of certain reasonably identifiable people performing their duties, with intent to prevent them from doing so. These include peace officers, appointed special policemen, motor vehicle inspectors, emergency room physicians or nurses, Board of Pardons and Paroles employees, certain Judicial Branch employees, probation officers, liquor control agents, and public transit employees.

BACKGROUND

Serious Felonies

By law, whenever anyone is arrested for a serious felony, the arresting law enforcement agency, within available resources, must require the arrested person to submit a DNA sample before release from custody if he or she was previously convicted of a felony and did not provide a sample (CGS § 54-102g). Under the law, serious felonies include the following C felonies: 2nd degree manslaughter (CGS § 53a-56), 2nd degree burglary (CGS § 53a-102), 2nd degree robbery (CGS § 53a-135), and 2nd degree manslaughter with a motor vehicle (CGS § 53a-56b).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Change of Reference
Yea 23 Nay 1 (03/11/2014)

Judiciary Committee

Joint Favorable
Yea 40 Nay 0 (04/02/2014)