



House of Representatives

General Assembly

File No. 629

January Session, 2015

House Bill No. 6963

House of Representatives, April 14, 2015

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING LEGAL PROTECTIONS FOR PERSONS ENTERING CARS TO RENDER EMERGENCY ASSISTANCE TO CHILDREN.

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

1 Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any
2 provision of the general statutes, a person who enters the vehicle of
3 another, including entry by force, to remove a child from the vehicle
4 shall not be liable to the owner of the vehicle for civil damages or
5 subject to criminal prosecution resulting from acts or omissions by
6 such person in removing the child from the vehicle, if such person:

7 (1) Maintains a good faith belief that entry into the vehicle is
8 necessary to remove the child from imminent danger;

9 (2) Contacts the local law enforcement agency, fire department or
10 other appropriate emergency service prior to entering the vehicle;

11 (3) Places a written notice on the windshield of the vehicle stating
12 (A) the name, telephone number and address of the person entering

13 the vehicle, (B) the reason the vehicle was entered, (C) the current
 14 location of the child, if such child was removed from the vehicle, and
 15 (D) that the local law enforcement agency, fire department or other
 16 appropriate emergency service has been contacted regarding the entry
 17 of the vehicle;

18 (4) Remains with the child in a safe location in reasonable proximity
 19 to the vehicle, if such child was removed from the vehicle, until the
 20 local law enforcement agency, fire department or other appropriate
 21 emergency service arrives; and

22 (5) Uses no more force than necessary under the circumstances to
 23 enter the vehicle to remove the child from imminent danger based
 24 upon the circumstances known by such person at the time.

25 (b) The immunity provided in subsection (a) of this section does not
 26 apply to acts or omissions constituting gross, wilful or wanton
 27 negligence.

28 (c) Nothing in this section shall affect a person's civil liability if the
 29 person attempts to render aid to the child in addition to the acts
 30 authorized under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

JUD *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:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Resources of the General Fund	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential revenue loss by eliminating criminal penalties that could be imposed upon individuals performing certain specified acts. It is unknown the number of these acts that have been charged in the past but is anticipated to be negligible; therefore the fiscal impact is anticipated to be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6963*****AN ACT CONCERNING LEGAL PROTECTIONS FOR PERSONS ENTERING CARS TO RENDER EMERGENCY ASSISTANCE TO CHILDREN.*****SUMMARY:**

Under certain circumstances, this bill immunizes from civil or criminal liability anyone who enters another person's vehicle, including entry by force, to remove a child who he or she believes is in imminent danger. It covers the person's actions or omissions in removing the child as long as he or she:

1. maintains a good faith belief that entering the vehicle is necessary to remove the child from imminent danger;
2. contacts the local law enforcement agency, fire department, or other appropriate emergency service (i.e., a "first responder") before entering the vehicle;
3. places a written notice on the vehicle's windshield stating (a) his or her name, telephone number, and address; (b) the reason for entering the vehicle; (c) the child's current location, if the child was removed from the vehicle; and (d) that he or she contacted a first responder about the entry;
4. remains with the child in a safe location, in reasonable proximity to the vehicle, if the child was removed from the vehicle, until a first responder arrives; and
5. uses no more force than necessary under the circumstances, given what the person knows at the time, to enter the vehicle to remove the child from imminent danger.

The immunity applies to (1) liability to the vehicle owner for civil damages and (2) criminal prosecution. It does not apply to acts or omissions constituting gross, willful, or wanton negligence. Under the bill, a person may still be liable for civil damages if he or she attempts to provide aid to the child in addition to the actions the bill authorizes.

EFFECTIVE DATE: Upon passage

BACKGROUND***Related Bills***

HB 5654, (File 21), reported favorably by the Children Committee, contains similar provisions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/27/2015)