



General Assembly

January Session, 2015

Raised Bill No. 1094

LCO No. 5101



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING ASSAULT WITH ENHANCED PENALTIES.

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

1 Section 1. Section 53a-60 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) A person is guilty of assault in the second degree when: (1) With
4 intent to cause serious physical injury to another person, he causes
5 such injury to such person or to a third person; or (2) with intent to
6 cause physical injury to another person, he causes such injury to such
7 person or to a third person by means of a deadly weapon or a
8 dangerous instrument other than by means of the discharge of a
9 firearm; or (3) he recklessly causes serious physical injury to another
10 person by means of a deadly weapon or a dangerous instrument; or (4)
11 for a purpose other than lawful medical or therapeutic treatment, he
12 intentionally causes stupor, unconsciousness or other physical
13 impairment or injury to another person by administering to such
14 person, without his consent, a drug, substance or preparation capable
15 of producing the same; or (5) he is a parolee from a correctional
16 institution and with intent to cause physical injury to an employee or

17 member of the Board of Pardons and Paroles, he causes physical injury
18 to such employee or member; or (6) with intent to cause serious
19 physical injury to another person by rendering such other person
20 unconscious, and without provocation by such other person, he causes
21 such injury to such other person by striking such other person on the
22 head; or (7) with intent to cause physical injury to another person, he
23 causes such injury to such person by striking or kicking such person in
24 the head while such person is in a lying position.

25 (b) Assault in the second degree is a class D felony.

26 Sec. 2. Section 53a-167c of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2015*):

28 (a) A person is guilty of assault of public safety, emergency medical,
29 public transit or health care personnel when, with intent to prevent a
30 reasonably identifiable peace officer, special policeman appointed
31 under section 29-18b, motor vehicle inspector designated under section
32 14-8 and certified pursuant to section 7-294d, firefighter or employee of
33 an emergency medical service organization, as defined in section 53a-3,
34 emergency room physician or nurse, health care employee as defined
35 in section 19a-490q, employee of the Department of Correction,
36 member or employee of the Board of Pardons and Paroles, probation
37 officer, employee of the Judicial Branch assigned to provide pretrial
38 secure detention and programming services to juveniles accused of the
39 commission of a delinquent act, liquor control agent, state or
40 municipal animal control officer, employee of the Department of
41 Children and Families assigned to provide direct services to children
42 and youths in the care or custody of the department, employee of a
43 municipal police department assigned to provide security at the police
44 department's lockup and holding facility, active individual member of
45 a volunteer canine search and rescue team, as defined in section 5-249,
46 or public transit employee from performing his or her duties, and
47 while such peace officer, special policeman, motor vehicle inspector,
48 firefighter, employee, physician, nurse, health care employee, member,

49 liquor control agent, animal control officer, probation officer or active
50 individual member is acting in the performance of his or her duties, (1)
51 such person causes physical injury to such peace officer, special
52 policeman, motor vehicle inspector, firefighter, employee, physician,
53 nurse, member, liquor control agent, animal control officer, probation
54 officer or active individual member, or (2) such person throws or hurls,
55 or causes to be thrown or hurled, any rock, bottle, can or other article,
56 object or missile of any kind capable of causing physical harm, damage
57 or injury, at such peace officer, special policeman, motor vehicle
58 inspector, firefighter, employee, physician, nurse, member, liquor
59 control agent, animal control officer, probation officer or active
60 individual member, or (3) such person uses or causes to be used any
61 mace, tear gas or any like or similar deleterious agent against such
62 peace officer, special policeman, motor vehicle inspector, firefighter,
63 employee, physician, nurse, member, liquor control agent, animal
64 control officer, probation officer or active individual member, or (4)
65 such person throws or hurls, or causes to be thrown or hurled, any
66 paint, dye or other like or similar staining, discoloring or coloring
67 agent or any type of offensive or noxious liquid, agent or substance at
68 such peace officer, special policeman, motor vehicle inspector,
69 firefighter, employee, physician, nurse, member, liquor control agent,
70 animal control officer, probation officer or active individual member,
71 or (5) such person throws or hurls, or causes to be thrown or hurled,
72 any bodily fluid including, but not limited to, urine, feces, blood or
73 saliva at such peace officer, special policeman, motor vehicle inspector,
74 firefighter, employee, physician, nurse, member, liquor control agent,
75 animal control officer, probation officer or active individual member.
76 For the purposes of this section, "public transit employee" means a
77 person employed by the state, a political subdivision of the state, a
78 transit district formed under chapter 103a or a person with whom the
79 Commissioner of Transportation has contracted in accordance with
80 section 13b-34 to provide transportation services who operates a
81 vehicle or vessel providing public [rail service,] ferry service or fixed
82 route bus service or performs duties directly related to the operation of

83 such vehicle or vessel, or who, as part of the provision of public rail
84 service, is a train operator, conductor, inspector, signal person or
85 station agent.

86 (b) Assault of public safety, emergency medical, public transit or
87 health care personnel is a class C felony. If any person who is confined
88 in an institution or facility of the Department of Correction is
89 sentenced to a term of imprisonment for assault of an employee of the
90 Department of Correction under this section, such term shall run
91 consecutively to the term for which the person was serving at the time
92 of the assault.

93 (c) In any prosecution under this section involving assault of a
94 health care employee, as defined in section 19a-490q, it shall be a
95 defense that the defendant is a person with a disability as described in
96 subdivision (13), (15) or (20) of section 46a-51 and the defendant's
97 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, 2015	53a-60
Sec. 2	October 1, 2015	53a-167c

Statement of Purpose:

To address the danger posed by blunt force trauma to the head by increasing the penalty for hitting or kicking a person in the head who is lying down and to include animal control officers and all public railroad personnel who work with the public in the list of persons covered as victims in the case of an assault as a class C felony.

[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.]