



# House of Representatives

General Assembly

**File No. 604**

February Session, 2016

House Bill No. 5273

*House of Representatives, April 14, 2016*

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 THE PENALTY FOR ASSAULT OF AN OFF-DUTY POLICE OFFICER.***

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

1 Section 1. Section 53a-167c of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2016*):

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 emergency room physician or nurse, health care employee as defined  
11 in section 19a-490q, employee of the Department of Correction,  
12 member or employee of the Board of Pardons and Paroles, probation  
13 officer, employee of the Judicial Branch assigned to provide pretrial  
14 secure detention and programming services to juveniles accused of the

15 commission of a delinquent act, liquor control agent, state or  
16 municipal animal control officer, security officer, employee of the  
17 Department of Children and Families assigned to provide direct  
18 services to children and youths in the care or custody of the  
19 department, employee of a municipal police department assigned to  
20 provide security at the police department's lockup and holding facility,  
21 active individual member of a volunteer canine search and rescue  
22 team, as defined in section 5-249, or public transit employee from  
23 performing his or her duties, and while such peace officer, special  
24 policeman, motor vehicle inspector, firefighter, employee, physician,  
25 nurse, health care employee, member, liquor control agent, animal  
26 control officer, security officer, probation officer or active individual  
27 member is acting in the performance of his or her duties and, with  
28 respect to a reasonably identifiable peace officer who is a member of  
29 the Division of State Police within the Department of Emergency  
30 Services and Public Protection or an organized local police  
31 department, while such peace officer is off duty, provided such peace  
32 officer was not the initial aggressor, (1) such person causes physical  
33 injury to such peace officer, special policeman, motor vehicle inspector,  
34 firefighter, employee, physician, nurse, member, liquor control agent,  
35 animal control officer, security officer, probation officer or active  
36 individual member, or (2) such person throws or hurls, or causes to be  
37 thrown or hurled, any rock, bottle, can or other article, object or missile  
38 of any kind capable of causing physical harm, damage or injury, at  
39 such peace officer, special policeman, motor vehicle inspector,  
40 firefighter, employee, physician, nurse, member, liquor control agent,  
41 animal control officer, security officer, probation officer or active  
42 individual member, or (3) such person uses or causes to be used any  
43 mace, tear gas or any like or similar deleterious agent against such  
44 peace officer, special policeman, motor vehicle inspector, firefighter,  
45 employee, physician, nurse, member, liquor control agent, animal  
46 control officer, security officer, probation officer or active individual  
47 member, or (4) such person throws or hurls, or causes to be thrown or  
48 hurled, any paint, dye or other like or similar staining, discoloring or  
49 coloring agent or any type of offensive or noxious liquid, agent or

50 substance at such peace officer, special policeman, motor vehicle  
51 inspector, firefighter, employee, physician, nurse, member, liquor  
52 control agent, animal control officer, security officer, probation officer  
53 or active individual member, or (5) such person throws or hurls, or  
54 causes to be thrown or hurled, any bodily fluid including, but not  
55 limited to, urine, feces, blood or saliva at such peace officer, special  
56 policeman, motor vehicle inspector, firefighter, employee, physician,  
57 nurse, member, liquor control agent, animal control officer, security  
58 officer, probation officer or active individual member. For the  
59 purposes of this section, "public transit employee" means a person  
60 employed by the state, a political subdivision of the state, a transit  
61 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 ferry service or fixed route bus  
65 service or performs duties directly related to the operation of such  
66 vehicle or vessel, or who, as part of the provision of public rail service,  
67 is a train operator, conductor, inspector, signal person or station agent  
68 and "security officer" has the same meaning as provided in section 29-  
69 152u.

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

77 (c) In any prosecution under this section involving assault of a  
78 health care employee, as defined in section 19a-490q, it shall be a  
79 defense that the defendant is a person with a disability as described in  
80 subdivision (13), (15) or (20) of section 46a-51 and the defendant's  
81 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	<i>October 1, 2016</i>	53a-167c
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**PS**      *Joint Favorable C/R*      JUD

**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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill expands the crime of assault of a public safety officer and results in a potential cost for increased incarceration or supervision in the community. To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender. There are currently 98 inmates incarcerated for assault of a public safety officer.

**The Out Years**

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

**OLR Bill Analysis****HB 5273*****AN ACT CONCERNING THE PENALTY FOR ASSAULT OF AN OFF-DUTY POLICE OFFICER.*****SUMMARY:**

This bill makes assault of a reasonably identifiable off-duty state or local police officer, but not other off-duty peace officers (see BACKGROUND), a class C felony, provided the off-duty officer was not the initial aggressor. A class C felony is punishable by one to 10 years in prison, a fine of up to \$10,000, or both. This is the same penalty, under existing law, for assaulting reasonably identifiable on-duty peace officers to prevent them from performing their duties.

By law, assault of certain public safety personnel, including peace officers, to prevent them from performing their duties is a serious felony requiring an arrested person to provide a DNA sample if he or she was previously convicted of a felony and did not provide a sample (CGS § 54-102g).

EFFECTIVE DATE: October 1, 2016

**BACKGROUND*****Assault of Peace Officers***

By law, a person assaults a peace officer if he or she does any of the following to the officer:

1. causes physical injury;
2. throws potentially damaging objects;
3. releases tear gas, Mace, or a similar agent;
4. throws paint, dye, or any other offensive substance; or

- 5. throws bodily fluid, such as feces, blood, or saliva.

**Peace Officer Definition**

The law defines “peace officers” as state or local police officers, Division of Criminal Justice inspectors, state marshals exercising statutory authority, judicial marshals performing their duties, conservation officers or special conservation officers, constables who perform criminal law enforcement duties, certain special policemen appointed by the Department of Emergency Services and Public Protection, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, federal narcotics agents, and Mohegan and Mashantucket Pequot certified tribal police (CGS § 53a-3(9)).

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable  
Yea 24 Nay 1 (03/10/2016)

Judiciary Committee

Joint Favorable  
Yea 45 Nay 0 (03/30/2016)