



House of Representatives

General Assembly

File No. 344

February Session, 2016

House Bill No. 5365

House of Representatives, March 31, 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 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 have an affirmative defense against any civil damages or criminal
5 penalties resulting from the acts or omissions by such person in
6 removing the child from the vehicle, if such person:

7 (1) Has a reasonable belief, at the time such person enters the
8 vehicle, that such entry is necessary to remove the child from
9 imminent danger of serious bodily injury;

10 (2) Uses no more force than reasonably necessary under the
11 circumstances to enter the vehicle to remove the child from imminent
12 danger of serious bodily injury based upon the circumstances known

13 by such person at the time;

14 (3) Reports the entry and the circumstances surrounding such entry
15 to a law enforcement agency or public safety agency within a
16 reasonable period of time after entering the vehicle; and

17 (4) Takes reasonable steps to ensure the safety, health and well-
18 being of the child after removing the child from the vehicle.

19 (b) The affirmative defense provided in subsection (a) of this section
20 shall not apply to acts or omissions constituting gross, wilful or
21 wanton negligence.

22 (c) Nothing in this section shall affect a person's civil liability if the
23 person attempts to render aid to the child in addition to the aid that is
24 authorized under this section.

25 (d) The provisions of this section are not exclusive, and the
26 affirmative defense shall be in addition to any other defenses or
27 immunities provided by state or federal law or which are available
28 under common law.

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 17 \$	FY 18 \$
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 5365*****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 reasonably believes is in imminent danger of serious bodily injury. It covers the person's actions or omissions in removing the child as long as he or she:

1. uses no more force than reasonably necessary under the circumstances, given what the person knows at the time, to enter the vehicle to remove the child;
2. reports the entry and related circumstances to a law enforcement or public safety agency within a reasonable time after entering the vehicle; and
3. takes reasonable steps to ensure the safety, health, and well-being of the child after removal from the vehicle.

The immunity provided under the bill is in addition to defenses or immunities available under federal, state, or common law but 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

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/16/2016)