



General Assembly

**Amendment**

January Session, 2017

LCO No. 6890



Offered by:  
REP. PORTER, 94<sup>th</sup> Dist.

To: House Bill No. 6663

File No. 221

Cal. No. 174

**"AN ACT CONCERNING POLICE MISCONDUCT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2017*) No collective bargaining  
4 agreement entered into on or after July 1, 2017, shall contain any  
5 provision that limits the application of the provisions of section 51-  
6 277a of the general statutes, as amended by this act, to any peace  
7 officer, as defined in section 53a-3 of the general statutes.

8 Sec. 2. Section 51-277a of the general statutes is repealed and the  
9 following is substituted in lieu thereof (*Effective July 1, 2017*):

10 (a) Whenever a peace officer, in the performance of such officer's  
11 duties, uses physical force upon another person [and such person dies  
12 as a result thereof,] and such force results in a discharge of a firearm  
13 resulting in bodily injury, bone fracture, periorbital hematoma, wrist  
14 hematoma, concussion, laceration requiring sutures or any other force  
15 exceeding that which is reasonably necessary to accomplish a lawful

16 purpose the Division of Criminal Justice shall cause an investigation to  
17 be ~~[made]~~ completed not later than fifteen business days after such use  
18 of physical force and shall have the responsibility of determining,  
19 based upon a preponderance of the evidence, whether the use of  
20 physical force by the peace officer was appropriate under section 53a-  
21 22. The division shall request (1) the ~~[appropriate]~~ employing law  
22 enforcement agency to provide all information in its possession  
23 relevant to such use of physical force, and (2) such assistance as is  
24 necessary from any appropriate law enforcement agency, other than  
25 the employing law enforcement agency, to determine the  
26 circumstances of the incident.

27 (b) In causing such an investigation to be made, the Chief State's  
28 Attorney shall, (1) as provided in section 51-281, designate a  
29 prosecutorial official from a judicial district other than the judicial  
30 district in which the incident occurred to conduct the investigation, or  
31 (2) as provided in subsection (a) of section 51-285, appoint a special  
32 assistant state's attorney or special deputy assistant state's attorney to  
33 conduct the investigation. The Chief State's Attorney ~~[shall]~~ may, upon  
34 the request of such prosecutorial official or special prosecutor, appoint  
35 a special inspector or special inspectors to assist in such investigation.

36 (c) Upon the conclusion of the investigation of the incident, the  
37 division shall file a report with the Chief State's Attorney which shall  
38 contain the following: (1) The circumstances of the incident, (2) a  
39 determination of whether the use of physical force by the peace officer  
40 was appropriate under section 53a-22, and (3) any future action to be  
41 taken by the Division of Criminal Justice as a result of the incident. The  
42 Chief State's Attorney shall provide a copy of the report to the chief  
43 executive officer of the municipality in which the incident occurred  
44 and to the Commissioner of Emergency Services and Public Protection  
45 or the chief of police of such municipality, as the case may be, and shall  
46 contemporaneously make such report available to the public.

47 (d) If the division determines that the use of physical force was not  
48 appropriate under section 53a-22, the peace officer shall be

49 immediately suspended without pay by the appropriate law  
50 enforcement agency until the conclusion of any further proceedings  
51 involving such incident.

52 (e) Notwithstanding any provision of the general statutes, on or  
53 after July 1, 2017, if any peace officer is convicted of or pleads guilty or  
54 nolo contendere to any (1) inappropriate use of physical force in  
55 violation of section 53a-22, or (2) crime of violence involving the  
56 unlawful use or threatened use of physical force under any other  
57 provision of the general statutes related to such peace officer's  
58 employment, the appropriate law enforcement agency shall  
59 immediately terminate such peace officer's employment."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2017	New section
Sec. 2	July 1, 2017	51-277a