



House Bill No. 6376

Public Act No. 19-108

**AN ACT CONCERNING MOTOR VEHICLE INSPECTORS AS
PEACE OFFICERS.**

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

Section 1. Subdivision (9) of section 53a-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(9) "Peace officer" means a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer, an inspector of motor vehicles in the Department of Motor Vehicles, who is certified under the provisions of sections 7-294a to 7-294e, inclusive, a United

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States marshal or deputy marshal, any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code, or a member of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut created and governed by a memorandum of agreement under section 47-65c who is certified as a police officer by the Police Officer Standards and Training Council pursuant to sections 7-294a to 7-294e, inclusive;

Sec. 2. Subsection (b) of section 14-296aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(b) (1) Except as otherwise provided in this subsection and subsections (c) and (d) of this section, no person shall operate a motor vehicle upon a highway, as defined in section 14-1, while using a hand-held mobile telephone to engage in a call or while using a mobile electronic device. An operator of a motor vehicle who types, sends or reads a text message with a hand-held mobile telephone or mobile electronic device while operating a motor vehicle shall be in violation of this section, except that if such operator is driving a commercial motor vehicle, as defined in section 14-1, such operator shall be charged with a violation of subsection (e) of this section.

(2) An operator of a motor vehicle who holds a hand-held mobile telephone to, or in the immediate proximity of, his or her ear while operating a motor vehicle is presumed to be engaging in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call.

(3) The provisions of this subsection shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or a mobile electronic device, unless otherwise provided by law.

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(4) Subdivision (1) of this subsection shall not apply to: (A) The use of a hand-held mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital, physician's office or health clinic; an ambulance company; a fire department; or a police department, or (B) any of the following persons while in the performance of their official duties and within the scope of their employment: A peace officer, as defined in subdivision (9) of section 53a-3, as amended by this act, a firefighter or an operator of an ambulance or authorized emergency vehicle, as defined in section 14-1, or a member of the armed forces of the United States, as defined in section 27-103, while operating a military vehicle, [or a sworn motor vehicle inspector acting under the authority of section 14-8,] or (C) the use of a hand-held radio by a person with an amateur radio station license issued by the Federal Communications Commission in emergency situations for emergency purposes only, or (D) the use of a hands-free mobile telephone.

Sec. 3. Section 53a-19 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Except as provided in subsections (b) and (c) of this section, a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm.

(b) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of

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using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling, as defined in section 53a-100, or place of work and was not the initial aggressor, or if he or she is a peace officer [] or a special policeman appointed under section 29-18b, [or a motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d,] or a private person assisting such peace officer [] or special policeman [or motor vehicle inspector] at his or her direction, and acting pursuant to section 53a-22, as amended by this act, or (2) by surrendering possession of property to a person asserting a claim of right thereto, or (3) by complying with a demand that he or she abstain from performing an act which he or she is not obliged to perform.

(c) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using physical force when (1) with intent to cause physical injury or death to another person, he provokes the use of physical force by such other person, or (2) he is the initial aggressor, except that his use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person notwithstanding continues or threatens the use of physical force, or (3) the physical force involved was the product of a combat by agreement not specifically authorized by law.

Sec. 4. Section 53a-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of physical force to make an arrest or to prevent an escape from custody. A peace officer, special

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policeman appointed under section 29-18b [, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d] or authorized official of the Department of Correction or the Board of Pardons and Paroles who is effecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using the physical force prescribed in subsections (b) and (c) of this section unless such warrant is invalid and is known by such officer to be invalid.

(b) Except as provided in subsection (a) of this section, a peace officer, special policeman appointed under section 29-18b [, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d] or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using physical force upon another person when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

(c) A peace officer, special policeman appointed under section 29-18b [, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d] or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using deadly physical force upon another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such to be necessary to: (1) Defend himself or herself or a third person from the use or imminent use of deadly physical force; or (2) effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the

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infliction or threatened infliction of serious physical injury and if, where feasible, he or she has given warning of his or her intent to use deadly physical force.

(d) Except as provided in subsection (e) of this section, a person who has been directed by a peace officer, special policeman appointed under section 29-18b [, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d] or authorized official of the Department of Correction or the Board of Pardons and Paroles to assist such peace officer, special policeman [, motor vehicle inspector] or official to effect an arrest or to prevent an escape from custody is justified in using reasonable physical force when and to the extent that he or she reasonably believes such to be necessary to carry out such peace officer's, special policeman's [, motor vehicle inspector's] or official's direction.

(e) A person who has been directed to assist a peace officer, special policeman appointed under section 29-18b [, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d] or authorized official of the Department of Correction or the Board of Pardons and Paroles under circumstances specified in subsection (d) of this section may use deadly physical force to effect an arrest or to prevent an escape from custody only when: (1) He or she reasonably believes such to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or (2) he or she is directed or authorized by such peace officer, special policeman [, motor vehicle inspector] or official to use deadly physical force, unless he or she knows that the peace officer, special policeman [, motor vehicle inspector] or official himself or herself is not authorized to use deadly physical force under the circumstances.

(f) A private person acting on his or her own account is justified in using reasonable physical force upon another person when and to the

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extent that he or she reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of an arrested person whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; but he or she is not justified in using deadly physical force in such circumstances, except in defense of person as prescribed in section 53a-19, as amended by this act.

Sec. 5. Section 53a-23 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

A person is not justified in using physical force to resist an arrest by a reasonably identifiable peace officer [,] or special policeman appointed under section 29-18b, [,] or motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d,] whether such arrest is legal or illegal.

Sec. 6. Section 53a-167a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) A person is guilty of interfering with an officer when such person obstructs, resists, hinders or endangers any peace officer, special policeman appointed under section 29-18b [,] motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d] or firefighter in the performance of such peace officer's, special policeman's [,] motor vehicle inspector's] or firefighter's duties.

(b) Interfering with an officer is a class A misdemeanor, except that, if such violation causes the death or serious physical injury of another person, such person shall be guilty of a class D felony.

Sec. 7. Section 53a-167b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) A person is guilty of failure to assist a peace officer, special policeman [,] motor vehicle inspector] or firefighter when, commanded

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by a peace officer, special policeman appointed under section 29-18b [, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d] or firefighter authorized to command assistance, such person refuses to assist such peace officer, special policeman [, motor vehicle inspector] or firefighter in the execution of such peace officer's, special policeman's [, motor vehicle inspector's] or firefighter's duties.

(b) Failure to assist a peace officer, special policeman [, motor vehicle inspector] or firefighter is a class A misdemeanor.

Sec. 8. Subsection (a) of section 53a-167c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) A person is guilty of assault of public safety, emergency medical, public transit or health care personnel when, with intent to prevent a reasonably identifiable peace officer, special policeman appointed under section 29-18b, [motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d,] firefighter or employee of an emergency medical service organization, as defined in section 53a-3, as amended by this act, emergency room physician or nurse, health care employee as defined in section 19a-490q, employee of the Department of Correction, member or employee of the Board of Pardons and Paroles, probation officer, employee of the Judicial Branch assigned to provide pretrial secure detention and programming services to juveniles accused of the commission of a delinquent act, liquor control agent, state or municipal animal control officer, security officer, employee of the Department of Children and Families assigned to provide direct services to children and youths in the care or custody of the department, employee of a municipal police department assigned to provide security at the police department's lockup and holding facility, active individual member of a volunteer canine search and rescue team, as defined in section 5-249, or public

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transit employee from performing his or her duties, and while such peace officer, special policeman, [motor vehicle inspector,] firefighter, employee, physician, nurse, health care employee, member, liquor control agent, animal control officer, security officer, probation officer or active individual member is acting in the performance of his or her duties, (1) such person causes physical injury to such peace officer, special policeman, [motor vehicle inspector,] firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member, or (2) such person throws or hurls, or causes to be thrown or hurled, any rock, bottle, can or other article, object or missile of any kind capable of causing physical harm, damage or injury, at such peace officer, special policeman, [motor vehicle inspector,] firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member, or (3) such person uses or causes to be used any mace, tear gas or any like or similar deleterious agent against such peace officer, special policeman, [motor vehicle inspector,] firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member, or (4) such person throws or hurls, or causes to be thrown or hurled, any paint, dye or other like or similar staining, discoloring or coloring agent or any type of offensive or noxious liquid, agent or substance at such peace officer, special policeman, [motor vehicle inspector,] firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member, or (5) such person throws or hurls, or causes to be thrown or hurled, any bodily fluid including, but not limited to, urine, feces, blood or saliva at such peace officer, special policeman, [motor vehicle inspector,] firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member. For the purposes of this section, "public transit employee" means a person employed by the state, a political

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subdivision of the state, a transit district formed under chapter 103a or a person with whom the Commissioner of Transportation has contracted in accordance with section 13b-34 to provide transportation services who operates a vehicle or vessel providing public ferry service or fixed route bus service or performs duties directly related to the operation of such vehicle or vessel, or who, as part of the provision of public rail service, is a train operator, conductor, inspector, signal person or station agent and "security officer" has the same meaning as provided in section 29-152u.

Sec. 9. Section 53a-217b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) A person is guilty of possession of a weapon on school grounds when, knowing that such person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in section 53a-3, as amended by this act, (1) in or on the real property comprising a public or private elementary or secondary school, or (2) at a school-sponsored activity as defined in subsection (h) of section 10-233a.

(b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity, (2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a peace officer, as defined in subdivision (9) of section 53a-3, as amended by this act, while engaged in the performance of such peace officer's official duties, or (4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education,], or (5) by a motor vehicle inspector, designated under

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section 14-8 and certified pursuant to section 7-294d, while engaged in the performance of such motor vehicle inspector's official duties.]

(c) Possession of a weapon on school grounds is a class D felony.

Approved July 1, 2019