



House of Representatives

General Assembly

File No. 401

January Session, 2019

House Bill No. 6376

House of Representatives, April 4, 2019

The Committee on Public Safety and Security reported through REP. VERRENGIA of the 20th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING MOTOR VEHICLE INSPECTORS AS PEACE OFFICERS.

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

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2 repealed and the following is substituted in lieu thereof (*Effective*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

4 (9) "Peace officer" means a member of the Division of State Police
5 within the Department of Emergency Services and Public Protection or
6 an organized local police department, a chief inspector or inspector in
7 the Division of Criminal Justice, a state marshal while exercising
8 authority granted under any provision of the general statutes, a
9 judicial marshal in the performance of the duties of a judicial marshal,
10 a conservation officer or special conservation officer, as defined in
11 section 26-5, a constable who performs criminal law enforcement
12 duties, a special policeman appointed under section 29-18, 29-18a or
13 29-19, an adult probation officer, an official of the Department of

14 Correction authorized by the Commissioner of Correction to make
15 arrests in a correctional institution or facility, any investigator in the
16 investigations unit of the office of the State Treasurer, an inspector of
17 motor vehicles in the Department of Motor Vehicles, who is certified
18 under the provisions of sections 7-294a to 7-294e, inclusive, a United
19 States marshal or deputy marshal, any special agent of the federal
20 government authorized to enforce the provisions of Title 21 of the
21 United States Code, or a member of a law enforcement unit of the
22 Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of
23 Connecticut created and governed by a memorandum of agreement
24 under section 47-65c who is certified as a police officer by the Police
25 Officer Standards and Training Council pursuant to sections 7-294a to
26 7-294e, inclusive;

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28 repealed and the following is substituted in lieu thereof (*Effective*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

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

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

46 (3) The provisions of this subsection shall not be construed as

47 authorizing the seizure or forfeiture of a hand-held mobile telephone
48 or a mobile electronic device, unless otherwise provided by law.

49 (4) Subdivision (1) of this subsection shall not apply to: (A) The use
50 of a hand-held mobile telephone for the sole purpose of
51 communicating with any of the following regarding an emergency
52 situation: An emergency response operator; a hospital, physician's
53 office or health clinic; an ambulance company; a fire department; or a
54 police department, or (B) any of the following persons while in the
55 performance of their official duties and within the scope of their
56 employment: A peace officer, as defined in subdivision (9) of section
57 53a-3, as amended by this act, a firefighter or an operator of an
58 ambulance or authorized emergency vehicle, as defined in section 14-1,
59 or a member of the armed forces of the United States, as defined in
60 section 27-103, while operating a military vehicle, [or a sworn motor
61 vehicle inspector acting under the authority of section 14-8,] or (C) the
62 use of a hand-held radio by a person with an amateur radio station
63 license issued by the Federal Communications Commission in
64 emergency situations for emergency purposes only, or (D) the use of a
65 hands-free mobile telephone.

66 Sec. 3. Section 29-35 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2019*):

68 (a) No person shall carry any pistol or revolver upon his or her
69 person, except when such person is within the dwelling house or place
70 of business of such person, without a permit to carry the same issued
71 as provided in section 29-28. The provisions of this subsection shall not
72 apply to the carrying of any pistol or revolver by any parole officer or
73 peace officer of this state, [or any Department of Motor Vehicles
74 inspector appointed under section 14-8 and certified pursuant to
75 section 7-294d,] or parole officer or peace officer of any other state
76 while engaged in the pursuit of official duties, or federal marshal or
77 federal law enforcement agent, or to any member of the armed forces
78 of the United States, as defined in section 27-103, or of the state, as
79 defined in section 27-2, when on duty or going to or from duty, or to

80 any member of any military organization when on parade or when
81 going to or from any place of assembly, or to the transportation of
82 pistols or revolvers as merchandise, or to any person transporting any
83 pistol or revolver while contained in the package in which it was
84 originally wrapped at the time of sale and while transporting the same
85 from the place of sale to the purchaser's residence or place of business,
86 or to any person removing such person's household goods or effects
87 from one place to another, or to any person while transporting any
88 such pistol or revolver from such person's place of residence or
89 business to a place or individual where or by whom such pistol or
90 revolver is to be repaired or while returning to such person's place of
91 residence or business after the same has been repaired, or to any
92 person transporting a pistol or revolver in or through the state for the
93 purpose of taking part in competitions, taking part in formal pistol or
94 revolver training, repairing such pistol or revolver or attending any
95 meeting or exhibition of an organized collectors' group if such person
96 is a bona fide resident of the United States and is permitted to possess
97 and carry a pistol or revolver in the state or subdivision of the United
98 States in which such person resides, or to any person transporting a
99 pistol or revolver to and from a testing range at the request of the
100 issuing authority, or to any person transporting an antique pistol or
101 revolver, as defined in section 29-33. For the purposes of this
102 subsection, "formal pistol or revolver training" means pistol or
103 revolver training at a locally approved or permitted firing range or
104 training facility, and "transporting a pistol or revolver" means
105 transporting a pistol or revolver that is unloaded and, if such pistol or
106 revolver is being transported in a motor vehicle, is not readily
107 accessible or directly accessible from the passenger compartment of the
108 vehicle or, if such pistol or revolver is being transported in a motor
109 vehicle that does not have a compartment separate from the passenger
110 compartment, such pistol or revolver shall be contained in a locked
111 container other than the glove compartment or console. Nothing in this
112 section shall be construed to prohibit the carrying of a pistol or
113 revolver during formal pistol or revolver training or repair.

114 (b) The holder of a permit issued pursuant to section 29-28 shall

115 carry such permit upon one's person while carrying such pistol or
116 revolver. Such holder shall present his or her permit upon the request
117 of a law enforcement officer who has reasonable suspicion of a crime
118 for purposes of verification of the validity of the permit or
119 identification of the holder, provided such holder is carrying a pistol or
120 revolver that is observed by such law enforcement officer.

121 Sec. 4. Section 53a-19 of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

132 (b) Notwithstanding the provisions of subsection (a) of this section,
133 a person is not justified in using deadly physical force upon another
134 person if he or she knows that he or she can avoid the necessity of
135 using such force with complete safety (1) by retreating, except that the
136 actor shall not be required to retreat if he or she is in his or her
137 dwelling, as defined in section 53a-100, or place of work and was not
138 the initial aggressor, or if he or she is a peace officer [,] or a special
139 policeman appointed under section 29-18b, [or a motor vehicle
140 inspector designated under section 14-8 and certified pursuant to
141 section 7-294d,] or a private person assisting such peace officer [,] or
142 special policeman [or motor vehicle inspector] at his or her direction,
143 and acting pursuant to section 53a-22, as amended by this act, or (2) by
144 surrendering possession of property to a person asserting a claim of
145 right thereto, or (3) by complying with a demand that he or she abstain
146 from performing an act which he or she is not obliged to perform.

147 (c) Notwithstanding the provisions of subsection (a) of this section,

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

157 Sec. 5. Section 53a-22 of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective October 1, 2019*):

159 (a) For purposes of this section, a reasonable belief that a person has
160 committed an offense means a reasonable belief in facts or
161 circumstances which if true would in law constitute an offense. If the
162 believed facts or circumstances would not in law constitute an offense,
163 an erroneous though not unreasonable belief that the law is otherwise
164 does not render justifiable the use of physical force to make an arrest
165 or to prevent an escape from custody. A peace officer, special
166 policeman appointed under section 29-18b [, motor vehicle inspector
167 designated under section 14-8 and certified pursuant to section 7-294d]
168 or authorized official of the Department of Correction or the Board of
169 Pardons and Paroles who is effecting an arrest pursuant to a warrant
170 or preventing an escape from custody is justified in using the physical
171 force prescribed in subsections (b) and (c) of this section unless such
172 warrant is invalid and is known by such officer to be invalid.

173 (b) Except as provided in subsection (a) of this section, a peace
174 officer, special policeman appointed under section 29-18b [, motor
175 vehicle inspector designated under section 14-8 and certified pursuant
176 to section 7-294d] or authorized official of the Department of
177 Correction or the Board of Pardons and Paroles is justified in using
178 physical force upon another person when and to the extent that he or
179 she reasonably believes such to be necessary to: (1) Effect an arrest or
180 prevent the escape from custody of a person whom he or she

181 reasonably believes to have committed an offense, unless he or she
182 knows that the arrest or custody is unauthorized; or (2) defend himself
183 or herself or a third person from the use or imminent use of physical
184 force while effecting or attempting to effect an arrest or while
185 preventing or attempting to prevent an escape.

186 (c) A peace officer, special policeman appointed under section 29-
187 18b [, motor vehicle inspector designated under section 14-8 and
188 certified pursuant to section 7-294d] or authorized official of the
189 Department of Correction or the Board of Pardons and Paroles is
190 justified in using deadly physical force upon another person for the
191 purposes specified in subsection (b) of this section only when he or she
192 reasonably believes such to be necessary to: (1) Defend himself or
193 herself or a third person from the use or imminent use of deadly
194 physical force; or (2) effect an arrest or prevent the escape from
195 custody of a person whom he or she reasonably believes has
196 committed or attempted to commit a felony which involved the
197 infliction or threatened infliction of serious physical injury and if,
198 where feasible, he or she has given warning of his or her intent to use
199 deadly physical force.

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

211 (e) A person who has been directed to assist a peace officer, special
212 policeman appointed under section 29-18b [, motor vehicle inspector
213 designated under section 14-8 and certified pursuant to section 7-294d]

214 or authorized official of the Department of Correction or the Board of
215 Pardons and Paroles under circumstances specified in subsection (d) of
216 this section may use deadly physical force to effect an arrest or to
217 prevent an escape from custody only when: (1) He or she reasonably
218 believes such to be necessary to defend himself or herself or a third
219 person from what he or she reasonably believes to be the use or
220 imminent use of deadly physical force; or (2) he or she is directed or
221 authorized by such peace officer, special policeman [, motor vehicle
222 inspector] or official to use deadly physical force, unless he or she
223 knows that the peace officer, special policeman [, motor vehicle
224 inspector] or official himself or herself is not authorized to use deadly
225 physical force under the circumstances.

226 (f) A private person acting on his or her own account is justified in
227 using reasonable physical force upon another person when and to the
228 extent that he or she reasonably believes such to be necessary to effect
229 an arrest or to prevent the escape from custody of an arrested person
230 whom he or she reasonably believes to have committed an offense and
231 who in fact has committed such offense; but he or she is not justified in
232 using deadly physical force in such circumstances, except in defense of
233 person as prescribed in section 53a-19, as amended by this act.

234 Sec. 6. Section 53a-23 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective October 1, 2019*):

236 A person is not justified in using physical force to resist an arrest by
237 a reasonably identifiable peace officer [] or special policeman
238 appointed under section 29-18b₂ [or motor vehicle inspector designated
239 under section 14-8 and certified pursuant to section 7-294d,] whether
240 such arrest is legal or illegal.

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

243 (a) A person is guilty of interfering with an officer when such
244 person obstructs, resists, hinders or endangers any peace officer,
245 special policeman appointed under section 29-18b [, motor vehicle

246 inspector designated under section 14-8 and certified pursuant to
247 section 7-294d] or firefighter in the performance of such peace officer's,
248 special policeman's [, motor vehicle inspector's] or firefighter's duties.

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

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

254 (a) A person is guilty of failure to assist a peace officer, special
255 policeman [, motor vehicle inspector] or firefighter when, commanded
256 by a peace officer, special policeman appointed under section 29-18b [,
257 motor vehicle inspector designated under section 14-8 and certified
258 pursuant to section 7-294d] or firefighter authorized to command
259 assistance, such person refuses to assist such peace officer, special
260 policeman [, motor vehicle inspector] or firefighter in the execution of
261 such peace officer's, special policeman's [, motor vehicle inspector's] or
262 firefighter's duties.

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

265 Sec. 9. Subsection (a) of section 53a-167c of the general statutes is
266 repealed and the following is substituted in lieu thereof (*Effective*
267 *October 1, 2019*):

268 (a) A person is guilty of assault of public safety, emergency medical,
269 public transit or health care personnel when, with intent to prevent a
270 reasonably identifiable peace officer, special policeman appointed
271 under section 29-18b, [motor vehicle inspector designated under
272 section 14-8 and certified pursuant to section 7-294d,] firefighter or
273 employee of an emergency medical service organization, as defined in
274 section 53a-3, as amended by this act, emergency room physician or
275 nurse, health care employee as defined in section 19a-490q, employee
276 of the Department of Correction, member or employee of the Board of

277 Pardons and Paroles, probation officer, employee of the Judicial
278 Branch assigned to provide pretrial secure detention and
279 programming services to juveniles accused of the commission of a
280 delinquent act, liquor control agent, state or municipal animal control
281 officer, security officer, employee of the Department of Children and
282 Families assigned to provide direct services to children and youths in
283 the care or custody of the department, employee of a municipal police
284 department assigned to provide security at the police department's
285 lockup and holding facility, active individual member of a volunteer
286 canine search and rescue team, as defined in section 5-249, or public
287 transit employee from performing his or her duties, and while such
288 peace officer, special policeman, [motor vehicle inspector,] firefighter,
289 employee, physician, nurse, health care employee, member, liquor
290 control agent, animal control officer, security officer, probation officer
291 or active individual member is acting in the performance of his or her
292 duties, (1) such person causes physical injury to such peace officer,
293 special policeman, [motor vehicle inspector,] firefighter, employee,
294 physician, nurse, member, liquor control agent, animal control officer,
295 security officer, probation officer or active individual member, or (2)
296 such person throws or hurls, or causes to be thrown or hurled, any
297 rock, bottle, can or other article, object or missile of any kind capable of
298 causing physical harm, damage or injury, at such peace officer, special
299 policeman, [motor vehicle inspector,] firefighter, employee, physician,
300 nurse, member, liquor control agent, animal control officer, security
301 officer, probation officer or active individual member, or (3) such
302 person uses or causes to be used any mace, tear gas or any like or
303 similar deleterious agent against such peace officer, special policeman,
304 [motor vehicle inspector,] firefighter, employee, physician, nurse,
305 member, liquor control agent, animal control officer, security officer,
306 probation officer or active individual member, or (4) such person
307 throws or hurls, or causes to be thrown or hurled, any paint, dye or
308 other like or similar staining, discoloring or coloring agent or any type
309 of offensive or noxious liquid, agent or substance at such peace officer,
310 special policeman, [motor vehicle inspector,] firefighter, employee,
311 physician, nurse, member, liquor control agent, animal control officer,

312 security officer, probation officer or active individual member, or (5)
313 such person throws or hurls, or causes to be thrown or hurled, any
314 bodily fluid including, but not limited to, urine, feces, blood or saliva
315 at such peace officer, special policeman, [motor vehicle inspector,]
316 firefighter, employee, physician, nurse, member, liquor control agent,
317 animal control officer, security officer, probation officer or active
318 individual member. For the purposes of this section, "public transit
319 employee" means a person employed by the state, a political
320 subdivision of the state, a transit district formed under chapter 103a or
321 a person with whom the Commissioner of Transportation has
322 contracted in accordance with section 13b-34 to provide transportation
323 services who operates a vehicle or vessel providing public ferry service
324 or fixed route bus service or performs duties directly related to the
325 operation of such vehicle or vessel, or who, as part of the provision of
326 public rail service, is a train operator, conductor, inspector, signal
327 person or station agent and "security officer" has the same meaning as
328 provided in section 29-152u.

329 Sec. 10. Section 53a-217b of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective October 1, 2019*):

331 (a) A person is guilty of possession of a weapon on school grounds
332 when, knowing that such person is not licensed or privileged to do so,
333 such person possesses a firearm or deadly weapon, as defined in
334 section 53a-3, as amended by this act, (1) in or on the real property
335 comprising a public or private elementary or secondary school, or (2)
336 at a school-sponsored activity as defined in subsection (h) of section
337 10-233a.

338 (b) The provisions of subsection (a) of this section shall not apply to
339 the otherwise lawful possession of a firearm (1) by a person for use in a
340 program approved by school officials in or on such school property or
341 at such school-sponsored activity, (2) by a person in accordance with
342 an agreement entered into between school officials and such person or
343 such person's employer, (3) by a peace officer, as defined in
344 subdivision (9) of section 53a-3, as amended by this act, while engaged

345 in the performance of such peace officer's official duties, or (4) by a
 346 person while traversing such school property for the purpose of
 347 gaining access to public or private lands open to hunting or for other
 348 lawful purposes, provided such firearm is not loaded and the entry on
 349 such school property is permitted by the local or regional board of
 350 education. [or (5) by a motor vehicle inspector, designated under
 351 section 14-8 and certified pursuant to section 7-294d, while engaged in
 352 the performance of such motor vehicle inspector's official duties.]

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	53a-3(9)
Sec. 2	<i>October 1, 2019</i>	14-296aa(b)
Sec. 3	<i>October 1, 2019</i>	29-35
Sec. 4	<i>October 1, 2019</i>	53a-19
Sec. 5	<i>October 1, 2019</i>	53a-22
Sec. 6	<i>October 1, 2019</i>	53a-23
Sec. 7	<i>October 1, 2019</i>	53a-167a
Sec. 8	<i>October 1, 2019</i>	53a-167b
Sec. 9	<i>October 1, 2019</i>	53a-167c(a)
Sec. 10	<i>October 1, 2019</i>	53a-217b

PS *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:** None**Municipal Impact:** None**Explanation**

The bill includes motor vehicle inspectors under the statutory definition of peace officer and does not result in a fiscal impact as it clarifies the role and duties of a motor vehicle inspector.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 6376*****AN ACT CONCERNING MOTOR VEHICLE INSPECTORS AS PEACE OFFICERS.*****SUMMARY**

This bill expands a statutory definition of peace officer (see BACKGROUND) to include motor vehicle inspectors in the Department of Motor Vehicles who have received Police Officer Standards and Training Council (POST) certification. Under current law, motor vehicle inspectors have many, but not all, of the powers and protections afforded to these peace officers (e.g., both may, in certain circumstances, use physical force to arrest or prevent the escape of a person they reasonably believe committed an offense (CGS § 53a-22(b)).

By law, motor vehicle inspectors have, when on duty, the same authority to enforce motor vehicle laws as police have in their respective jurisdictions, including making arrests or issuing citations for violations (CGS § 14-8(a)). Under the bill, POST-certified motor vehicle inspectors, as peace officers, are specifically allowed to, among other things:

1. be considered peace officers for purposes of the state's Blue Alert system, which can be used to apprehend anyone suspected of killing or seriously injuring a peace officer or locate any officer who is missing (CGS § 29-1k);
2. obtain a motor vehicle's event data recorder pursuant to a search warrant, which the law generally limits to the vehicle's owner (CGS § 14-164aa); and
3. be considered peace officers subjected to a substantial risk of

bodily injury at the scene of first degree arson (CGS § 53a-111).

The bill eliminates the exemption that allows POST-certified motor vehicle inspectors to carry a pistol or revolver in the course of their official duties without a handgun permit. The same law exempts peace officers, but does not explicitly reference the bill's definition of peace officer, which includes POST-certified motor vehicle inspectors.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Peace Officers

By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 22 Nay 2 (03/19/2019)