



House of Representatives

File No. 1021

General Assembly

January Session, 2019

(Reprint of File No. 401)

House Bill No. 6376
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2019

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2 repealed and the following is substituted in lieu thereof (*Effective*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28 repealed and the following is substituted in lieu thereof (*Effective*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 53a-19 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

77 (b) Notwithstanding the provisions of subsection (a) of this section,
78 a person is not justified in using deadly physical force upon another
79 person if he or she knows that he or she can avoid the necessity of
80 using such force with complete safety (1) by retreating, except that the
81 actor shall not be required to retreat if he or she is in his or her

82 dwelling, as defined in section 53a-100, or place of work and was not
83 the initial aggressor, or if he or she is a peace officer [,] or a special
84 policeman appointed under section 29-18b, [or a motor vehicle
85 inspector designated under section 14-8 and certified pursuant to
86 section 7-294d,] or a private person assisting such peace officer [,] or
87 special policeman [or motor vehicle inspector] at his or her direction,
88 and acting pursuant to section 53a-22, as amended by this act, or (2) by
89 surrendering possession of property to a person asserting a claim of
90 right thereto, or (3) by complying with a demand that he or she abstain
91 from performing an act which he or she is not obliged to perform.

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

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

104 (a) For purposes of this section, a reasonable belief that a person has
105 committed an offense means a reasonable belief in facts or
106 circumstances which if true would in law constitute an offense. If the
107 believed facts or circumstances would not in law constitute an offense,
108 an erroneous though not unreasonable belief that the law is otherwise
109 does not render justifiable the use of physical force to make an arrest
110 or to prevent an escape from custody. A peace officer, special
111 policeman appointed under section 29-18b [, motor vehicle inspector
112 designated under section 14-8 and certified pursuant to section 7-294d]
113 or authorized official of the Department of Correction or the Board of
114 Pardons and Paroles who is effecting an arrest pursuant to a warrant

115 or preventing an escape from custody is justified in using the physical
116 force prescribed in subsections (b) and (c) of this section unless such
117 warrant is invalid and is known by such officer to be invalid.

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

131 (c) A peace officer, special policeman appointed under section 29-
132 18b [, motor vehicle inspector designated under section 14-8 and
133 certified pursuant to section 7-294d] or authorized official of the
134 Department of Correction or the Board of Pardons and Paroles is
135 justified in using deadly physical force upon another person for the
136 purposes specified in subsection (b) of this section only when he or she
137 reasonably believes such to be necessary to: (1) Defend himself or
138 herself or a third person from the use or imminent use of deadly
139 physical force; or (2) effect an arrest or prevent the escape from
140 custody of a person whom he or she reasonably believes has
141 committed or attempted to commit a felony which involved the
142 infliction or threatened infliction of serious physical injury and if,
143 where feasible, he or she has given warning of his or her intent to use
144 deadly physical force.

145 (d) Except as provided in subsection (e) of this section, a person who
146 has been directed by a peace officer, special policeman appointed
147 under section 29-18b [, motor vehicle inspector designated under

148 section 14-8 and certified pursuant to section 7-294d] or authorized
149 official of the Department of Correction or the Board of Pardons and
150 Paroles to assist such peace officer, special policeman [, motor vehicle
151 inspector] or official to effect an arrest or to prevent an escape from
152 custody is justified in using reasonable physical force when and to the
153 extent that he or she reasonably believes such to be necessary to carry
154 out such peace officer's, special policeman's [, motor vehicle
155 inspector's] or official's direction.

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

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

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

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

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

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

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

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

199 (a) A person is guilty of failure to assist a peace officer, special
200 policeman [, motor vehicle inspector] or firefighter when, commanded
201 by a peace officer, special policeman appointed under section 29-18b [,
202 motor vehicle inspector designated under section 14-8 and certified
203 pursuant to section 7-294d] or firefighter authorized to command
204 assistance, such person refuses to assist such peace officer, special
205 policeman [, motor vehicle inspector] or firefighter in the execution of
206 such peace officer's, special policeman's [, motor vehicle inspector's] or
207 firefighter's duties.

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

210 Sec. 8. Subsection (a) of section 53a-167c of the general statutes is

211 repealed and the following is substituted in lieu thereof (*Effective*
212 *October 1, 2019*):

213 (a) A person is guilty of assault of public safety, emergency medical,
214 public transit or health care personnel when, with intent to prevent a
215 reasonably identifiable peace officer, special policeman appointed
216 under section 29-18b, [motor vehicle inspector designated under
217 section 14-8 and certified pursuant to section 7-294d,] firefighter or
218 employee of an emergency medical service organization, as defined in
219 section 53a-3, as amended by this act, emergency room physician or
220 nurse, health care employee as defined in section 19a-490q, employee
221 of the Department of Correction, member or employee of the Board of
222 Pardons and Paroles, probation officer, employee of the Judicial
223 Branch assigned to provide pretrial secure detention and
224 programming services to juveniles accused of the commission of a
225 delinquent act, liquor control agent, state or municipal animal control
226 officer, security officer, employee of the Department of Children and
227 Families assigned to provide direct services to children and youths in
228 the care or custody of the department, employee of a municipal police
229 department assigned to provide security at the police department's
230 lockup and holding facility, active individual member of a volunteer
231 canine search and rescue team, as defined in section 5-249, or public
232 transit employee from performing his or her duties, and while such
233 peace officer, special policeman, [motor vehicle inspector,] firefighter,
234 employee, physician, nurse, health care employee, member, liquor
235 control agent, animal control officer, security officer, probation officer
236 or active individual member is acting in the performance of his or her
237 duties, (1) such person causes physical injury to such peace officer,
238 special policeman, [motor vehicle inspector,] firefighter, employee,
239 physician, nurse, member, liquor control agent, animal control officer,
240 security officer, probation officer or active individual member, or (2)
241 such person throws or hurls, or causes to be thrown or hurled, any
242 rock, bottle, can or other article, object or missile of any kind capable of
243 causing physical harm, damage or injury, at such peace officer, special
244 policeman, [motor vehicle inspector,] firefighter, employee, physician,

245 nurse, member, liquor control agent, animal control officer, security
246 officer, probation officer or active individual member, or (3) such
247 person uses or causes to be used any mace, tear gas or any like or
248 similar deleterious agent against such peace officer, special policeman,
249 [motor vehicle inspector,] firefighter, employee, physician, nurse,
250 member, liquor control agent, animal control officer, security officer,
251 probation officer or active individual member, or (4) such person
252 throws or hurls, or causes to be thrown or hurled, any paint, dye or
253 other like or similar staining, discoloring or coloring agent or any type
254 of offensive or noxious liquid, agent or substance at such peace officer,
255 special policeman, [motor vehicle inspector,] firefighter, employee,
256 physician, nurse, member, liquor control agent, animal control officer,
257 security officer, probation officer or active individual member, or (5)
258 such person throws or hurls, or causes to be thrown or hurled, any
259 bodily fluid including, but not limited to, urine, feces, blood or saliva
260 at such peace officer, special policeman, [motor vehicle inspector,]
261 firefighter, employee, physician, nurse, member, liquor control agent,
262 animal control officer, security officer, probation officer or active
263 individual member. For the purposes of this section, "public transit
264 employee" means a person employed by the state, a political
265 subdivision of the state, a transit district formed under chapter 103a or
266 a person with whom the Commissioner of Transportation has
267 contracted in accordance with section 13b-34 to provide transportation
268 services who operates a vehicle or vessel providing public ferry service
269 or fixed route bus service or performs duties directly related to the
270 operation of such vehicle or vessel, or who, as part of the provision of
271 public rail service, is a train operator, conductor, inspector, signal
272 person or station agent and "security officer" has the same meaning as
273 provided in section 29-152u.

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

276 (a) A person is guilty of possession of a weapon on school grounds
277 when, knowing that such person is not licensed or privileged to do so,
278 such person possesses a firearm or deadly weapon, as defined in

279 section 53a-3, as amended by this act, (1) in or on the real property
 280 comprising a public or private elementary or secondary school, or (2)
 281 at a school-sponsored activity as defined in subsection (h) of section
 282 10-233a.

283 (b) The provisions of subsection (a) of this section shall not apply to
 284 the otherwise lawful possession of a firearm (1) by a person for use in a
 285 program approved by school officials in or on such school property or
 286 at such school-sponsored activity, (2) by a person in accordance with
 287 an agreement entered into between school officials and such person or
 288 such person's employer, (3) by a peace officer, as defined in
 289 subdivision (9) of section 53a-3, as amended by this act, while engaged
 290 in the performance of such peace officer's official duties, or (4) by a
 291 person while traversing such school property for the purpose of
 292 gaining access to public or private lands open to hunting or for other
 293 lawful purposes, provided such firearm is not loaded and the entry on
 294 such school property is permitted by the local or regional board of
 295 education. [or (5) by a motor vehicle inspector, designated under
 296 section 14-8 and certified pursuant to section 7-294d, while engaged in
 297 the performance of such motor vehicle inspector's official duties.]

298 (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	October 1, 2019	53a-3(9)
Sec. 2	October 1, 2019	14-296aa(b)
Sec. 3	October 1, 2019	53a-19
Sec. 4	October 1, 2019	53a-22
Sec. 5	October 1, 2019	53a-23
Sec. 6	October 1, 2019	53a-167a
Sec. 7	October 1, 2019	53a-167b
Sec. 8	October 1, 2019	53a-167c(a)
Sec. 9	October 1, 2019	53a-217b

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.

House "A" 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 Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6376 (as amended by House "A")******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 also makes minor, technical, and conforming changes.

*House Amendment "A" makes a conforming change by removing a provision that does not explicitly reference the bill's definition of peace officer.

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)