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 Subdivision (9) of section 53a-3 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):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 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 Subsection (b) of section 14-296aa of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):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.
(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 29-35 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) No person shall carry any pistol or revolver upon his or her person, except when such person is within the dwelling house or place of business of such person, without a permit to carry the same issued as provided in section 29-28. The provisions of this subsection shall not apply to the carrying of any pistol or revolver by any parole officer or peace officer of this state, [or any Department of Motor Vehicles inspector appointed under section 14-8 and certified pursuant to section 7-294d,] or parole officer or peace officer of any other state while engaged in the pursuit of official duties, or federal marshal or federal law enforcement agent, or to any member of the armed forces of the United States, as defined in section 27-103, or of the state, as defined in section 27-2, when on duty or going to or from duty, or to any member of any military organization when on parade or when going to or from any place of assembly, or to the transportation of
pistols or revolvers as merchandise, or to any person transporting any
pistol or revolver while contained in the package in which it was
originally wrapped at the time of sale and while transporting the same
from the place of sale to the purchaser's residence or place of business,
or to any person removing such person's household goods or effects
from one place to another, or to any person while transporting any
such pistol or revolver from such person's place of residence or
business to a place or individual where or by whom such pistol or
revolver is to be repaired or while returning to such person's place of
residence or business after the same has been repaired, or to any
person transporting a pistol or revolver in or through the state for the
purpose of taking part in competitions, taking part in formal pistol or
revolver training, repairing such pistol or revolver or attending any
meeting or exhibition of an organized collectors' group if such person
is a bona fide resident of the United States and is permitted to possess
and carry a pistol or revolver in the state or subdivision of the United
States in which such person resides, or to any person transporting a
pistol or revolver to and from a testing range at the request of the
issuing authority, or to any person transporting an antique pistol or
revolver, as defined in section 29-33. For the purposes of this
subsection, "formal pistol or revolver training" means pistol or
revolver training at a locally approved or permitted firing range or
training facility, and "transporting a pistol or revolver" means
transporting a pistol or revolver that is unloaded and, if such pistol or
revolver is being transported in a motor vehicle, is not readily
accessible or directly accessible from the passenger compartment of the
vehicle or, if such pistol or revolver is being transported in a motor
vehicle that does not have a compartment separate from the passenger
compartment, such pistol or revolver shall be contained in a locked
container other than the glove compartment or console. Nothing in this
section shall be construed to prohibit the carrying of a pistol or
revolver during formal pistol or revolver training or repair.

(b) The holder of a permit issued pursuant to section 29-28 shall
carry such permit upon one's person while carrying such pistol or
revolver. Such holder shall present his or her permit upon the request of a law enforcement officer who has reasonable suspicion of a crime for purposes of verification of the validity of the permit or identification of the holder, provided such holder is carrying a pistol or revolver that is observed by such law enforcement officer.

Sec. 4. 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 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 [J] 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 [J] 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,
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Sec. 5. 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 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
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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 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
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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 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 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. 6. 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, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d, whether such arrest is legal or illegal.

Sec. 7. 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. 8. 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 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. 9. 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 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
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. 10. 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
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.

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**Statement of Purpose:**
To redefine "peace officer" to include a motor vehicle inspector who is
certified as a police officer and make conforming changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline,
except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is
not underlined.]
Co-Sponsors:  REP. PAVALOCK-D'AMATO, 77th Dist.; REP. VAIL, 52nd Dist.

H.B. 6376