OLR Bill Analysis
SB 883

AN ACT CONCERNING THE THREATENING OF CHILD PROTECTIVE SERVICES WORKERS.

SUMMARY

This bill establishes an enhanced penalty for 2nd degree threatening when the threats are directed at a child protective services worker and related to the worker’s official duties. Under the bill, child protective services workers are (1) Department of Children and Families (DCF) social workers, supervisors, managers, case workers, case aides, and investigators, and (2) providers contracted with DCF to provide social work, case work, or investigative services to, or on behalf of, the department.

By law, a person commits 2nd degree threatening when he or she (1) by physical threat, intentionally places or attempts to place the worker in fear of imminent serious physical injury or (2) threatens to commit a violent crime with the intent to terrorize the worker or in reckless disregard of the risk of causing such terror.

Currently, 2nd degree threatening is generally a class A misdemeanor, punishable by up to one year in prison, up to a $2,000 fine, or both. But it is a class D felony, punishable by up to five years in prison, up to a $5,000 fine, or both, if the person threatened is in the building or on the grounds of a house of worship, religiously affiliated community center, preschool, school, or institution of higher education, or day care center. Under the bill, it is also a class D felony if the person being threatened is a child protective services worker and the threat is related to his or her official duties.

The bill also specifies that 1st degree threatening is a class D felony when the threatening is directed at a child protective services worker in relation to the worker’s official duties. (By law, unchanged by the
bill, 1<sup>st</sup> degree threatening is a class D felony). A person commits 1<sup>st</sup> degree threatening when he or she:

1. (a) threatens to commit a crime involving the use of a hazardous substance with the intent to terrorize the worker, to cause evacuation of a building, place of assembly, or public transportation facility, or otherwise cause serious public inconvenience or (b) threatens to commit such a crime in reckless disregard of the risk of causing terror, evacuation, or inconvenience or

2. commits 2<sup>nd</sup> degree threatening while using or armed with and threatening the use of, or displaying or representing by the person’s words or conduct that he or she possesses, a pistol, revolver, shotgun, rifle, machine gun, or other firearm.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

<em>Serious Physical Injury</em>

By law, serious physical injury is one that creates a substantial risk of death or causes serious (1) disfigurement, (2) impairment of health, or (3) loss or impairment of the function of any bodily organ (CGS § 53a-3).

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 14 Nay 0 (03/07/2019)