



General Assembly

February Session, 2020

Raised Bill No. 460

LCO No. 2936



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING USE OF FORCE BY A PEACE OFFICER.

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

1 Section 1. Section 53a-22 of the 2020 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2020*):

4 (a) For purposes of this section, a reasonable belief that a person has
5 committed an offense means a reasonable belief in facts or
6 circumstances which if true would in law constitute an offense. If the
7 believed facts or circumstances would not in law constitute an offense,
8 an erroneous though not unreasonable belief that the law is otherwise
9 does not render justifiable the use of physical force to make an arrest or
10 to prevent an escape from custody. A peace officer, special policeman
11 appointed under section 29-18b or authorized official of the Department
12 of Correction or the Board of Pardons and Paroles who is effecting an
13 arrest pursuant to a warrant or preventing an escape from custody is
14 justified in using the physical force prescribed in subsections (b) and (c)
15 of this section unless such warrant is invalid and is known by such
16 officer to be invalid.

17 (b) Except as provided in subsection (a) of this section, a peace officer,
18 special policeman appointed under section 29-18b or authorized official
19 of the Department of Correction or the Board of Pardons and Paroles is
20 justified in using physical force upon another person when and to the
21 extent that he or she reasonably believes such to be necessary to: (1)
22 Effect an arrest or prevent the escape from custody of a person whom
23 he or she reasonably believes to have committed an offense, unless he
24 or she knows that the arrest or custody is unauthorized; or (2) defend
25 himself or herself or a third person from the use or imminent use of
26 physical force while effecting or attempting to effect an arrest or while
27 preventing or attempting to prevent an escape.

28 (c) A peace officer, special policeman appointed under section 29-18b
29 or authorized official of the Department of Correction or the Board of
30 Pardons and Paroles is justified in using deadly physical force upon
31 another person for the purposes specified in subsection (b) of this
32 section only when he or she reasonably believes such to be necessary
33 given the totality of the circumstances to: (1) Defend himself or herself
34 or a third person from the use or imminent use of deadly physical force;
35 or (2) (A) effect an arrest of a person whom he or she reasonably believes
36 has committed or attempted to commit a felony which involved the
37 infliction or threatened infliction of serious physical injury, or (B)
38 prevent the escape from custody of a person whom he or she reasonably
39 believes has committed a felony which involved the infliction or
40 threatened infliction of serious physical injury and if, where feasible
41 under this subdivision, he or she has given warning of his or her intent
42 to use deadly physical force.

43 (d) Except as provided in subsection (e) of this section, a person who
44 has been directed by a peace officer, special policeman appointed under
45 section 29-18b or authorized official of the Department of Correction or
46 the Board of Pardons and Paroles to assist such peace officer, special
47 policeman or official to effect an arrest or to prevent an escape from
48 custody is justified in using reasonable physical force when and to the
49 extent that he or she reasonably believes such to be necessary to carry
50 out such peace officer's, special policeman's or official's direction.

51 (e) A person who has been directed to assist a peace officer, special
52 policeman appointed under section 29-18b or authorized official of the
53 Department of Correction or the Board of Pardons and Paroles under
54 circumstances specified in subsection (d) of this section may use deadly
55 physical force to effect an arrest or to prevent an escape from custody
56 only when: (1) He or she reasonably believes such to be necessary to
57 defend himself or herself or a third person from what he or she
58 reasonably believes to be the use or imminent use of deadly physical
59 force; or (2) he or she is directed or authorized by such peace officer,
60 special policeman or official to use deadly physical force, unless he or
61 she knows that the peace officer, special policeman or official himself or
62 herself is not authorized to use deadly physical force under the
63 circumstances.

64 (f) A private person acting on his or her own account is justified in
65 using reasonable physical force upon another person when and to the
66 extent that he or she reasonably believes such to be necessary to effect
67 an arrest or to prevent the escape from custody of an arrested person
68 whom he or she reasonably believes to have committed an offense and
69 who in fact has committed such offense; but he or she is not justified in
70 using deadly physical force in such circumstances, except in defense of
71 person as prescribed in section 53a-19.

72 (g) For purposes of this section, "totality of the circumstances" means
73 all facts known to the actor, including the conduct of the actor and the
74 subject leading up to the use of deadly physical force, including whether
75 the actor gave warning of his or her intent to use deadly physical force.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2020	53a-22

Statement of Purpose:

To provide that use of deadly physical force upon another person by a peace officer may be reasonably believed to be necessary only upon consideration of the totality of the circumstances in order to defend himself, herself or another person or effect an arrest or prevent the

escape from custody of a person who the officer reasonably believes to have committed or attempted to commit a felony involving serious injury.

[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.]