
OLR Bill Analysis

HB 6455

AN ACT CONCERNING IMPEDING OR OBSTRUCTING THE GENERAL ASSEMBLY AND INTERFERENCE WITH OR ASSAULT UPON A STATE CAPITOL POLICE OFFICER.

SUMMARY

This bill increases the penalties for certain actions that obstruct the legislative process and makes minor changes to the actions that constitute the offense.

Specifically, the bill (1) increases the penalty for many of the actions currently classified as interfering with the General Assembly, from a class A misdemeanor to a class D felony, and (2) removes certain activities that are currently prohibited. The bill also makes it a class C felony to obstruct the legislative process while bringing or possessing specified weapons or dangerous devices in General Assembly buildings. Under current law and the bill, violators of obstructing the legislative process with these weapons or devices must register on the deadly weapon offender registry. Failure to register is a class D felony.

The bill also explicitly includes members of the State Capitol Police in the laws on (1) interfering with an officer and (2) assaulting certain public safety personnel.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

OBSTRUCTING OR IMPEDING THE LEGISLATIVE PROCESS

Under current law, a person is guilty of interfering with the legislative process when he or she, either acting alone or with others, takes certain actions to disrupt or interfere with the General Assembly. Current law makes some of these actions class A misdemeanors and others class D felonies. The bill instead renames these crimes impeding

the legislative process and obstructing the legislative process and in doing so, (1) increases the penalties for certain actions and (2) removes various actions, as described below.

Increased Penalties for Obstructing the Legislative Process

The bill increases the penalties, from a class A misdemeanor (punishable by up to one-year imprisonment, up to a \$2,000 fine, or both) to a class D felony (punishable by up to five years imprisonment, up to a \$5,000 fine, or both) for the following actions currently designated as interfering with the General Assembly:

1. preventing or attempting to prevent the General Assembly or any committee from meeting, either by force, physical interference, intimidation, or by any unlawful act, and with intent to do so;
2. disturbing, disrupting, or interfering with, or attempting to do so, with intent to do so, any session, meeting, or proceeding of the General Assembly or any committee, whether inside or outside the General Assembly's presence, by (a) engaging in or using violent, tumultuous, or threatening behavior or language; (b) making unreasonable noise; (c) refusing to comply with a lawful order of the police or State Capitol Police to disperse; or (d) performing any other act that disturbs, disrupts, or interferes with the session, meeting, or proceeding; and
3. taking, obtaining, withholding, destroying, defacing, or altering any official document or record of the General Assembly or any committee without legal authority to do so, thus disrupting or interfering with the General Assembly's functioning.

The bill similarly increases the penalty for taking, obtaining, withholding, destroying, or defacing any property owned or used by the General Assembly or any committee without legal authority to do so. The bill (1) specifies that this provision applies to property owned and used by General Assembly members, officers, or employees and (2) adds the condition that a person must have known, or a reasonable

person would know, that the property is, or may contain, possess, or provide access to, confidential or proprietary information.

Under the bill, these actions fall under obstructing the legislative process. Obstructing the legislative process also includes the following actions that current law designates as interfering with the legislative process (and a class D felony under existing law and the bill):

1. preventing or attempting to prevent General Assembly members, officers, employees, houses, or committees from performing their official functions, powers, or duties, either by force, physical interference, intimidation, or other unlawful act; and
2. bringing specified weapons and dangerous devices into any building in which either chamber of the General Assembly is located, or in which the official office of any legislative member, officer, employee, or committee is located, or in which a committee is holding a public hearing (except as described below).

The bill also designates the current crime of coercing performance as obstructing the legislative process. As under current law, this (1) includes compelling or inducing any General Assembly member, officer, employee, or committee to perform acts against their will and (2) is a class D felony.

Increased Penalties for Obstructing the Legislative Process with a Weapon or Dangerous Device

Under the bill, a person is guilty of a class C felony (punishable by up to 10 years imprisonment, up to a \$10,000 fine, or both) if he or she is found guilty of (1) bringing specified weapons and dangerous devices into the General Assembly (as described above) and (2) obstructing the legislative process under any of the other actions described above.

Impeding the Legislative Process

The bill narrows the list of actions that are currently designated as

interfering with the legislative process (and are class A misdemeanors) to refusing to leave, upon a lawful order of the police or State Capitol Police, (1) any part of the General Assembly's chambers, galleries, or offices, or the building in which they are located; (2) a General Assembly member's office or residence; or (3) any room or building where a legislative hearing or meeting is being conducted.

Fraud

The bill eliminates fraud as an element by which someone is found guilty of interfering with the legislative process by:

1. preventing or attempting to prevent the General Assembly, either house, or any committee from meeting or performing their official functions, powers, and duties; or
2. compelling or inducing any General Assembly member, officer, employee, or committee to perform acts against their will.

Abusive or Obscene Language or Gestures

Under current law, disturbing, disrupting, or interfering with the General Assembly (as described above) includes doing so by using abusive or obscene language or making an obscene gesture. The bill eliminates this provision from this crime.

Picketing

Under current law, interfering with the legislative process includes picketing, alone or with others, in (1) General Assembly chambers, galleries, or offices; (2) the office or residence of a General Assembly member; or (3) where a legislative hearing or meeting is being conducted. The bill eliminates this provision.

EXCEPTION TO THE PROHIBITION ON BRINGING OR POSSESSING WEAPONS

Existing law creates an exception to the prohibition on bringing or possessing weapons in General Assembly buildings for specified public safety personnel (e.g., state or local police) and others (e.g., U.S. armed forces members and veterans) while performing their official duties. Under current law, the exception applies to weapons, whether

loaded or unloaded, from which a shot may be discharged, or a billy (i.e., baton). The bill expands this exception by also allowing these specified individuals to bring or possess the following weapons in General Assembly buildings while performing their official duties: switchblades, gravity knives, blackjacks or bludgeons, metal knuckles, or any other dangerous or deadly weapon or instrument, or any explosive or incendiary, or other dangerous device. Under current law, no one is permitted to bring or possess these weapons in General Assembly buildings.

STATE CAPITOL POLICE

Interference

By law, a person interferes with an officer when the person obstructs, resists, hinders, or endangers a peace officer in the performance of his or her duties. The bill specifically includes State Capitol Police members as peace officers for purposes of this crime.

By law, interfering with an officer is a class A misdemeanor, or if it causes the death or serious physical injury of another person, a class D felony.

Assaulting a Public Safety Officer

The bill specifically includes a State Capitol Police member as a peace officer under the enhanced penalty for assaulting certain public safety personnel. Under the bill, a person commits this crime by assaulting a reasonably identifiable State Capitol Police member performing his or her duties, with intent to prevent the member from performing them, by doing any of the following:

1. causing injury;
2. throwing objects capable of causing harm;
3. using tear gas, mace, or a similar harmful agent;
4. throwing paint, dye, or any other offensive substance; or
5. throwing bodily fluid, such as feces, blood, or saliva.

By law, violators are guilty of a class C felony. A person arrested for certain serious felonies must provide a blood or DNA sample before being released from custody if he or she was previously convicted of a felony and has not already provided a blood or DNA sample. The bill makes assaulting a State Capitol Police member a serious felony for this requirement.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 27 Nay 10 (03/29/2021)