

Senate, March 12, 1998. The Committee on Public Safety reported through SEN. PENN, 23rd DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING POLICE PURSUITS.

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

1 Section 1. Section 14-283a of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 (a) As used in this section, "POLICE OFFICER"
5 MEANS A SWORN MEMBER OF AN ORGANIZED LOCAL POLICE
6 DEPARTMENT, AN APPOINTED CONSTABLE WHO PERFORMS
7 CRIMINAL LAW ENFORCEMENT DUTIES, A SPECIAL
8 POLICEMAN APPOINTED UNDER SECTION 10a-142 OR ANY
9 MEMBER OF A LAW ENFORCEMENT UNIT WHO PERFORMS
10 POLICE DUTIES AND "pursuit" refers to an attempt
11 by a police officer in an authorized emergency
12 vehicle to apprehend [one or more occupants] ANY
13 OCCUPANT of another moving motor vehicle, when the
14 driver of the fleeing vehicle is attempting to
15 avoid apprehension by maintaining or increasing
16 his speed or by ignoring the police officer's
17 attempt to stop him.

18 (b) [Each police department in a municipality
19 with an organized police department shall adopt a
20 policy for handling pursuits and the Commissioner
21 of Public Safety shall adopt such a policy for the
22 officers responsible for law enforcement in
23 municipalities in which there is no organized

24 police department, and for all other state police
25 officers. Such policy shall specify which driving,
26 support and other police tactics may be employed
27 in the case of a pursuit.] NOT LATER THAN JANUARY
28 1, 1999, THE COMMISSIONER OF PUBLIC SAFETY, IN
29 CONJUNCTION WITH THE CHIEF STATE'S ATTORNEY, THE
30 POLICE OFFICER STANDARDS AND TRAINING COUNCIL AND
31 THE CONNECTICUT POLICE CHIEFS ASSOCIATION, SHALL
32 ADOPT A UNIFORM, STATE-WIDE POLICY FOR HANDLING
33 PURSUITS BY POLICE OFFICERS. SUCH POLICY SHALL
34 SPECIFY (1) THE CONDITIONS UNDER WHICH A POLICE
35 OFFICER MAY ENGAGE IN A PURSUIT AND DISCONTINUE
36 SUCH A PURSUIT, (2) ALTERNATIVE MEASURES TO BE
37 EMPLOYED BY ANY SUCH POLICE OFFICER IN ORDER TO
38 APPREHEND ANY OCCUPANT OF THE FLEEING MOTOR
39 VEHICLE OR TO IMPEDE THE MOVEMENT OF SUCH MOTOR
40 VEHICLE, (3) THE COORDINATION AND RESPONSIBILITY,
41 INCLUDING CONTROL OVER THE PURSUIT, OF SUPERVISORY
42 PERSONNEL AND THE POLICE OFFICER ENGAGED IN SUCH
43 PURSUIT, (4) IN THE CASE OF A PURSUIT THAT MAY
44 PROCEED AND CONTINUE INTO ANOTHER MUNICIPALITY,
45 (A) THE REQUIREMENT TO NOTIFY AND THE PROCEDURES
46 TO BE USED TO NOTIFY THE POLICE DEPARTMENT IN SUCH
47 OTHER MUNICIPALITY OR, IF THERE IS NO ORGANIZED
48 POLICE DEPARTMENT IN SUCH OTHER MUNICIPALITY, THE
49 OFFICERS RESPONSIBLE FOR LAW ENFORCEMENT IN SUCH
50 OTHER MUNICIPALITY, THAT THERE IS A PURSUIT IN
51 PROGRESS AND (B) THE COORDINATION AND
52 RESPONSIBILITY OF SUPERVISORY PERSONNEL IN EACH
53 SUCH MUNICIPALITY AND THE POLICE OFFICER ENGAGED
54 IN PURSUIT, (5) THE TYPE AND AMOUNT OF ANNUAL
55 TRAINING IN PURSUITS, INCLUDING, BUT NOT LIMITED
56 TO, TRAINING IN VEHICLE SIMULATORS, EACH SUCH
57 POLICE OFFICER SHALL UNDERGO, AND (6) THAT A
58 POLICE OFFICER IMMEDIATELY NOTIFY SUPERVISORY
59 PERSONNEL AFTER HE ENGAGES IN PURSUIT. The chief
60 of police or Commissioner of Public Safety, as the
61 case may be, shall inform each officer within his
62 department and each officer responsible for law
63 enforcement in a municipality in which there is no
64 such department of the existence of the policy of
65 pursuit to be employed by any such officer and he
66 shall take whatever measures that are necessary to
67 assure that each such officer understands the
68 pursuit policy established.

69 Sec. 2. Section 14-36e of the general
70 statutes is repealed and the following is
71 substituted in lieu thereof:

72 (a) The Department of Motor Vehicles shall
73 prepare for use in all high and other secondary
74 schools a course of study of motor vehicle
75 operation and highway safety.

76 (b) Each local and regional board of
77 education may provide a course of instruction in
78 motor vehicle operation and highway safety on a
79 secondary school level, which course (1) shall
80 consist of not less than thirty clock hours of
81 classroom instruction offered during or after
82 school hours as said board of education, in its
83 discretion, may provide, INCLUDING INSTRUCTION OF
84 NOT LESS THAN FIFTEEN MINUTES CONCERNING THE
85 RESPONSIBILITIES OF AN OPERATOR OF A MOTOR VEHICLE
86 UNDER SUBSECTION (b) OF SECTION 14-223, AS AMENDED
87 BY THIS ACT, AND THE PENALTY FOR A VIOLATION OF
88 THE PROVISIONS OF SAID SUBSECTION, and (2) may
89 include behind-the-wheel instruction of not less
90 than six clock hours. Said course shall be open to
91 enrolment by any person between the ages of
92 sixteen and eighteen, inclusive, who is a resident
93 of the town or school district or whose parent,
94 parents or legal guardian owns property taxable in
95 such town or school district. Any such board of
96 education may contract for such behind-the-wheel
97 instruction with a licensed drivers' school.

98 Sec. 3. Section 14-78 of the general statutes
99 is repealed and the following is substituted in
100 lieu thereof:

101 The commissioner may make regulations for the
102 conduct of drivers' schools, including
103 requirements as to the inspection of the vehicles
104 used by the drivers' schools in the conduct of
105 their business, instructional standards and
106 procedure INCLUDING INSTRUCTION OF NOT LESS THAN
107 FIFTEEN MINUTES CONCERNING THE RESPONSIBILITIES OF
108 AN OPERATOR OF A MOTOR VEHICLE UNDER SUBSECTION
109 (b) OF SECTION 14-223, AS AMENDED BY THIS ACT, AND
110 THE PENALTY FOR A VIOLATION OF THE PROVISIONS OF
111 SAID SUBSECTION, the posting of rates charged for
112 instruction, and the general form in which records
113 shall be kept concerning persons under instruction
114 and those who have completed their course of
115 instruction.

116 Sec. 4. Subsection (b) of section 14-223 of
117 the general statutes is repealed and the following
118 is substituted in lieu thereof:

119 (b) No person, when signalled to stop by an
120 officer in a police vehicle using an audible
121 signal device or flashing or revolving lights,
122 shall increase his speed in an attempt to escape
123 or elude such police officer. Any person who
124 violates this subsection (1) shall be fined not
125 less than five hundred dollars nor more than two
126 thousand dollars or imprisoned not more than one
127 year or both, EXCEPT THAT, IF SUCH VIOLATION
128 CAUSES THE DEATH OR SERIOUS PHYSICAL INJURY, AS
129 DEFINED IN SECTION 53a-3, OF ANOTHER PERSON, SUCH
130 PERSON SHALL BE SENTENCED TO A TERM OF
131 IMPRISONMENT OF FIVE YEARS WHICH MAY NOT BE
132 SUSPENDED OR REDUCED BY THE COURT and (2) shall
133 have his motor vehicle operator's license
134 suspended for one year for the first offense,
135 except that the Commissioner of Motor Vehicles
136 may, after a hearing, as provided for in
137 subsection (k) of section 14-111, and upon a
138 showing of compelling mitigating circumstances,
139 reinstate his license before the expiration of
140 such one-year period. For any subsequent offense
141 he shall be fined not less than one thousand
142 dollars nor more than five thousand dollars or
143 imprisoned not less than one year nor more than
144 five years or both, and shall have his motor
145 vehicle operator's license suspended for not less
146 than eighteen months nor more than two years,
147 except that said commissioner may, after a
148 hearing, as provided for in subsection (k) of
149 section 14-111, and upon a showing of compelling
150 mitigating circumstances, reinstate his license
151 before such period.

152 Sec. 5. The sum of _____ dollars is
153 appropriated to the Department of Public Safety,
154 for the fiscal year ending June 30, 1999, for the
155 purpose of additional training of state police
156 officers in the operation of police vehicles
157 during high-speed pursuits, including the lease or
158 purchase of vehicle simulators for use in such
159 training.

160 Sec. 6. The sum of _____ dollars is
161 appropriated to the Office of Policy and
162 Management, for the fiscal year ending June 30,
163 1999, for grants to municipalities for the purpose
164 of additional training of municipal police
165 officers in the operation of police vehicles
166 during high-speed pursuits, including the lease or

167 purchase of vehicle simulators for use in such
168 training.

169 Sec. 7. The sum of ____ dollars is
170 appropriated to the Department of Higher
171 Education, for the fiscal year ending June 30,
172 1999, for the purpose of additional training of
173 members of each special police force established
174 under section 10a-142 of the general statutes in
175 the operation of vehicles by any such member
176 during high-speed pursuits, including the lease or
177 purchase of vehicle simulators for use in such
178 training.

179 Sec. 8. This act shall take effect January 1,
180 1999, except that sections 5 to 7, inclusive,
181 shall take effect July 1, 1998.

182 STATEMENT OF LEGISLATIVE COMMISSIONERS:
183 Subdivision designators were added in sections
184 2(b) and 4(b) for clarity.

185 PS COMMITTEE VOTE: YEA 21 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sSB 350

STATE IMPACT	Potential Significant Cost, see explanation below
MUNICIPAL IMPACT	None, see explanation below
STATE AGENCY(S)	Department of Public Safety, Police Officers Standards and Training Council, Division of Criminal Justice, Various State Agencies

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The passage of this bill would result in additional costs to the State that could be significant. The bill requires the Commissioner of the Department of Public Safety (DPS) to adopt a uniform, statewide police pursuit policy in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, and the Connecticut Police Chiefs' Association. The policy must be adopted by January 1, 1999. It is anticipated that DPS and the other State agencies involved would incur minimal, absorbable costs in developing the uniform, statewide police pursuit policy.

The bill imposes a mandatory, minimum 5-year prison term on anyone who engages the police in a pursuit that results in a death or serious physical injury. This would result in additional costs to judicial branch agencies, the Division of Criminal Justice and the Department of Correction that cannot be determined at this time. The mandatory, minimum requirement is expected to result in more cases being tried and in persons being incarcerated for longer periods of time.

The bill also appropriates unspecified amounts of funding for high-speed pursuit training for State, university, and municipal police officers. The State would fund the municipal costs under this bill. The cost of this training will depend on the type and amount of annual training that will be required in the statewide pursuit policy. Since these requirements may not be determined until shortly before January 1, 1999, the amount of funding to be included in the bill cannot be determined at this time. Costs associated with the annual training of over 975 State police officers and over 6,500 university and local police officers could be significant. Failure to provide funding in the bill would probably result in actual training not beginning until July 1, 1999 (FY '00).

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OLR BILL ANALYSIS

sSB 350

AN ACT CONCERNING POLICE PURSUITS

SUMMARY: This bill requires the public safety commissioner to adopt a uniform, statewide police pursuit policy in conjunction with the chief state's attorney, the Police Officer Standards and Training Council, and the Connecticut Police Chiefs' Association. The policy must be adopted by January 1, 1999. (But the provision granting authority to adopt it is not effective until that same date.) Under current law, each town must adopt its own policy and the State Police must adopt one for itself and towns without organized police departments.

The bill (1) imposes a mandatory, minimum five-year prison term on anyone who engages the police in a pursuit that results in a death or serious physical injury (see COMMENT), (2) appropriates an unspecified amount of funding for police pursuit training, and (3) requires driving and secondary school driving courses to include at least 15 minutes instruction on the responsibilities of drivers to stop when signalled to do so by police officers and the penalties for violation.

EFFECTIVE DATE: January 1, 1999, except that the

appropriations provisions are effective July 1, 1998.

FURTHER EXPLANATION

Definition

The bill defines police officers as sworn members of a local police department; appointed constables who perform criminal law enforcement duties; special policemen appointed for the Connecticut State University system, UConn, and UConn Health Center; and members of a law enforcement unit who perform police duties.

Pursuit Policy

The policy must specify (1) conditions for engaging in and ending a pursuit; (2) methods beside pursuit for apprehending violators or stopping their vehicles; (3) responsibility of pursuing officers and supervisors; (4) type and amount of annual police pursuit training, including training in vehicle simulators; and (5) that an officer immediately notify supervisory personnel after he engages in a pursuit. When a pursuit may or does cross into another town, the policy must require that the police department or other law enforcement entity in the town be notified and outline notification procedures. The policy must also indicate the responsibility of the pursuing officers and supervisory personnel in each town.

Mandatory Sentence

By law, it is a violation to increase a vehicle's speed in an attempt to escape apprehension by a police officer in a vehicle using an audible signal device or flashing or revolving lights. The penalty for a first offense is a fine of \$500 to \$2,000, imprisonment for up to one year, or both, and license suspension for one year. For any subsequent offense, the penalty is a fine of \$1,000 to \$5,000, one to five years imprisonment, or both, and license suspension for 18 months to two years. The bill imposes a mandatory, minimum five-year prison term if the violation results in a death or serious physical injury but it is not clear if the mandatory penalty applies only to first time offenses or includes subsequent offenses. By law, a serious physical injury creates a substantial risk of death or

causes disfigurement, serious health impairment, or serious loss or impairment of the function of a bodily organ.

Funding for Pursuit Training

The bill appropriates an unspecified amount of funding for high-speed police pursuit training, including the lease or purchase of vehicle simulators for the training. It provides the funding through grants to the Department of Public Safety, Office of Policy and Management, and Department of Higher Education, for state and local police officers and university and health center special police forces.

COMMENT

Mandatory Imprisonment

The law has two penalty provisions, one for first offenses and the other for subsequent offenses. The bill's mandatory penalty is included in the penalty provision for a first time offense but not for subsequent offenses. Thus, it is not clear whether the mandatory penalty applies to subsequent offenses.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute
Yea 21 Nay 0