

Senate, April 7, 1998. The Committee on Judiciary reported through SEN. WILLIAMS, 29th 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2 statutes is repealed and the following is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, (6) THAT A POLICE
58 OFFICER IMMEDIATELY NOTIFY SUPERVISORY PERSONNEL
59 AFTER HE ENGAGES IN PURSUIT, AND (7) THE
60 CIRCUMSTANCES WHEN, AND THE EXTENT TO WHICH, LOCAL
61 POLICE DEPARTMENTS MAY DEVIATE FROM SUCH POLICY.
62 The chief of police or Commissioner of Public
63 Safety, as the case may be, shall inform each
64 officer within his department and each officer
65 responsible for law enforcement in a municipality
66 in which there is no such department of the
67 existence of the policy of pursuit to be employed
68 by any such officer and he shall take whatever
69 measures that are necessary to assure that each
70 such officer understands the pursuit policy
71 established.

72 Sec. 2. Section 14-36e of the general
73 statutes is repealed and the following is
74 substituted in lieu thereof:

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

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

101 Sec. 3. Section 14-78 of the general statutes
102 is repealed and the following is substituted in
103 lieu thereof:

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

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

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

160 Sec. 5. The sum of _____ dollars is
161 appropriated to the Department of Public Safety,
162 for the fiscal year ending June 30, 1999, for the
163 purpose of additional training of state police
164 officers in the operation of police vehicles
165 during high-speed pursuits, including the lease or

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

168 Sec. 6. The sum of _____ dollars is
169 appropriated to the Office of Policy and
170 Management, for the fiscal year ending June 30,
171 1999, for grants to municipalities for the purpose
172 of additional training of municipal police
173 officers in the operation of police vehicles
174 during high-speed pursuits, including the lease or
175 purchase of vehicle simulators for use in such
176 training.

177 Sec. 7. The sum of _____ dollars is
178 appropriated to the Department of Higher
179 Education, for the fiscal year ending June 30,
180 1999, for the purpose of additional training of
181 members of each special police force established
182 under section 10a-142 of the general statutes in
183 the operation of vehicles by any such member
184 during high-speed pursuits, including the lease or
185 purchase of vehicle simulators for use in such
186 training.

187 Sec. 8. This act shall take effect January 1,
188 1999, except that sections 5 to 7, inclusive,
189 shall take effect July 1, 1998.

190 JUD COMMITTEE VOTE: YEA 35 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, Potential Cost (Future Years), Potential Minimal Revenue Gain, see explanation below
MUNICIPAL IMPACT	Potential Cost (Future Years), see explanation below
STATE AGENCY(S)	Department of Public Safety, Police Officer Standards and Training Council, Division of Criminal Justice, Department of Higher Education, Office of Policy and Management, Various Criminal Justice 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. It could also result in additional costs to municipal police departments in future years. 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 (POST), 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 appropriates unspecified amounts of funding for high-speed pursuit training to 1. DPS for State

police officers, 2. The Department of Higher Education for university and special police officers, and 3. The Office of Policy and Management for grants to municipalities for municipal police officers. No provisions are made for the municipal costs in future years. It should be noted that no funding is provided for POST, the State agency that provides a significant portion of training to municipal police officers.

The cost of pursuit training will depend on the type and amount of annual training that will be required in the statewide pursuit policy. Since these requirements might not be determined until shortly before January 1, 1999, the amount of funding to be provided in the bill cannot be determined at this time. Costs associated with the annual training of the 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 1999-2000).

The bill's provisions concerning enhanced criminal penalties for engaging police in pursuit would result in a minimal revenue gain and in increased pressures on the criminal justice system. Over the long term, these pressures would lead to a need for increased criminal justice resources, especially for incarceration and community supervision. In 1997, \$25,774 in revenue was collected from criminal fines for 42 offenses under this statute (CGS 14-223(b)). Although direct cost quantification is problematic, it should be noted that SHB 5021 (the revised Appropriations Act for FY 1998-99 as favorably reported by Appropriations) includes \$5.4 million to address overcrowding in the state's prisons and jails. In addition, the Public Defender Services Commission is currently under suit by the American Civil Liberties Union relating to the adequacy of funding for public defenders. Increases in criminal penalties will at some point require additional funds for criminal justice agencies in order to maintain adequate enforcement of other criminal laws.

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OLR BILL ANALYSIS

sSB 350

AN ACT CONCERNING POLICE PURSUITS

SUMMARY: This bill requires the Department of Public Safety (DPS) 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 the same date that the provision authorizing the commissioner to adopt it becomes effective). 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) makes it a class D felony to engage the police in a pursuit that results in a death or serious physical injury, with a mandatory, minimum one-year sentence for subsequent violations; (2) appropriates an unspecified amount of funds for police pursuit training; and (3) requires driving and secondary schools offering 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 failing to comply.

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) the conditions for engaging in and ending a pursuit; (2) other methods beside

pursuit for apprehending violators or stopping their vehicles; (3) the responsibility of pursuing officers and supervisors; (4) the type and amount of annual police pursuit training, including training in vehicle simulators; and (5) that an officer must 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 town's police department or other law enforcement entity be notified, outline the procedures for doing so, and specify the responsibilities of the pursuing officers and supervisory personnel of the respective towns. It must also state the circumstances under which local departments may deviate from the policy and the extent to which they may do so.

Sentencing

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. Under current law, 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 subsequent offenses, 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 makes a first offense a class A misdemeanor, which does not include the \$500 minimum fine under current law. But if the violation causes a death or serious physical injury, the penalty is a class D felony, which carries a prison term of one to five years, a fine of up to \$5,000, or both.

For subsequent offenses, the bill classifies the violation as a D felony, which does not include the \$1,000 minimum under current law. But if the violation causes a death or serious injury, the court must impose a one-year mandatory minimum sentence. The bill retains the current license revocation terms for all violations.

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 unspecified amounts to three state agencies for high-speed police pursuit training, including the lease or purchase of vehicle simulators. It appropriates funds to the DPS and the Higher Education Department for providing additional training to state police officers and special police officers, respectively. It also appropriates funds to the Office of Policy and Management for making grants to municipalities for training their officers.

BACKGROUND**Legislative History**

On March 18, the Senate took up the bill (File No. 24), adopted Senate Amendment "A," and referred it to the Judiciary Committee. The committee, acting before its deadline for final committee action, voted to approve substitute language, making the amendment ineffective.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute
Yea 21 Nay 0

Judiciary Committee

Joint Favorable Substitute
Yea 35 Nay 0