

Senate, April 8, 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 SHERIFFS, DEPUTY SHERIFFS AND TRIBAL POLICE OFFICERS.

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

1 Section 1. Section 1-20f of the general
2 statutes, as amended by section 2 of public act
3 97-219, is repealed and the following is
4 substituted in lieu thereof:
5 No state department, agency, board, council,
6 commission or institution may disclose, under the
7 Freedom of Information Act, the residential
8 address of (1) a federal court judge, federal
9 court magistrate, judge of the Superior Court,
10 Appellate Court or Supreme Court of the state, or
11 family support magistrate, (2) a sworn member of a
12 municipal police department or a sworn member of
13 the Division of State Police within the Department
14 of Public Safety, (3) an employee of the
15 Department of Correction, (4) an attorney-at-law
16 who represents or has represented the state in a
17 criminal prosecution, (5) an attorney-at-law who
18 is or has been employed by the Public Defender
19 Services Division, (6) an inspector employed by
20 the Division of Criminal Justice, [or] (7) a
21 firefighter, OR (8) A SPECIAL DEPUTY SHERIFF OR
22 DEPUTY SHERIFF, if such person submits a written

23 request for such nondisclosure and furnishes his
24 business address to the executive head of such
25 department, agency, board, council, commission or
26 institution. The business address of any person
27 described in this section shall be subject to
28 disclosure under section 1-19, AS AMENDED. The
29 provisions of this section shall not apply to
30 Department of Motor Vehicles records described in
31 section 14-10, AS AMENDED.

32 Sec. 2. Section 6-41 of the general statutes,
33 as amended by section 2 of public act 97-1 of the
34 July 21 special session, is repealed and the
35 following is substituted in lieu thereof:

36 (a) Each deputy and each special deputy
37 sheriff, when attending the Supreme Court,
38 Appellate Court or Superior Court shall receive
39 the following fees for each such day of
40 attendance:

41 (1) On and after July 1, 1997, each deputy
42 sheriff and special deputy sheriff shall receive
43 one hundred five dollars, except that each special
44 deputy sheriff assigned for the day as a (A)
45 supervisory court officer shall receive one
46 hundred thirty-five dollars; (B) transportation
47 court officer shall receive one hundred fifteen
48 dollars and a transportation fee of ten dollars;
49 (C) cell block officer shall receive one hundred
50 fifteen dollars; and (D) metal detector court
51 officer shall receive one hundred ten dollars.

52 (2) On and after July 1, 1998, each deputy
53 sheriff and special deputy sheriff shall receive
54 one hundred ten dollars, except that each special
55 deputy sheriff assigned for the day as a (A)
56 supervisory court officer shall receive one
57 hundred forty dollars; (B) transportation court
58 officer shall receive one hundred twenty dollars
59 and a transportation fee of ten dollars; (C) cell
60 block officer shall receive one hundred twenty
61 dollars; and (D) metal detector court officer
62 shall receive one hundred fifteen dollars.

63 (b) No deputy or special deputy sheriff shall
64 receive more than one day's fee for his attendance
65 at court in any one day, [. Each constable, when
66 attending such courts, shall receive twenty
67 dollars for each day of such attendance] EXCEPT
68 THAT FOR A SPECIAL DEPUTY SHERIFF REQUIRED TO WORK
69 AN ADDITIONAL SHIFT AT A TWENTY-FOUR-HOUR LOCK-UP,
70 SUCH SPECIAL DEPUTY SHERIFF SHALL RECEIVE THE

71 DAILY FEE FOR HIS PRIMARY ASSIGNMENT AND A SECOND
72 FEE TO BE PAID AT THE CELL BLOCK RATE FOR THE
73 ADDITIONAL SHIFT.

74 (c) In addition to the fees established by
75 subsection (a) of this section, any deputy sheriff
76 or special deputy sheriff who provides services on
77 a second or third shift at an overnight jail
78 facility shall receive a shift fee of five
79 dollars.

80 Sec. 3. Section 6-45 of the general statutes
81 is repealed and the following is substituted in
82 lieu thereof:

83 Appointments of deputy sheriffs shall be in
84 writing, under the hand of the sheriff, and
85 recorded in the records of the superior court in
86 the county for which they are appointed. Such
87 deputy sheriffs shall continue to hold office as
88 long as the term of office of the sheriff
89 appointing them, unless sooner removed for just
90 cause after due notice and hearing, EXCEPT THAT
91 ANY DEPUTY SHERIFF WHO IS APPOINTED ON OR AFTER
92 JUNE 1, 1999, (1) WHO HAS HELD SUCH OFFICE FOR NOT
93 LESS THAN FOUR YEARS, AND (2) FOR NOT LESS THAN
94 TWO YEARS, SUCH OFFICE HAS BEEN THE PRINCIPAL
95 EMPLOYMENT OF SUCH DEPUTY SHERIFF, MAY ONLY BE
96 REMOVED FOR JUST CAUSE. IF ANY SUCH DEPUTY SHERIFF
97 WHO MEETS THE REQUIREMENTS OF SUBDIVISIONS (1) AND
98 (2) OF THIS SECTION FAILS TO BE REAPPOINTED, SUCH
99 DEPUTY SHERIFF MAY APPEAL SUCH ACTION TO THE
100 EMPLOYEES' REVIEW BOARD IN ACCORDANCE WITH SECTION
101 5-202 AND SUCH DEPUTY SHERIFF SHALL REMAIN IN
102 OFFICE PENDING THE DECISION ON SUCH APPEAL.

103 Sec. 4. Section 6-38 of the general statutes
104 is repealed and the following is substituted in
105 lieu thereof:

106 (a) The number of deputy sheriffs to be
107 appointed for Hartford County shall not exceed
108 seventy-two; for New Haven County, sixty-two; for
109 New London County, thirty-eight; for Fairfield
110 County, fifty-five; for Windham County, eighteen;
111 for Litchfield County, thirty; for Middlesex
112 County, twenty-one; for Tolland County,
113 twenty-two. In addition to such number, sheriffs
114 may appoint each other as a deputy in their
115 respective counties and on special occasions may
116 depute any proper person to execute any process.
117 No person not a citizen of this state shall be
118 appointed a deputy sheriff.

119 **(b)** IN THE APPOINTMENT OF DEPUTY SHERIFFS,
120 EACH SHERIFF SHALL MAKE A GOOD FAITH EFFORT TO
121 ENSURE THAT, TO THE EXTENT POSSIBLE, SUCH
122 APPOINTMENTS REFLECT THE GENDER AND RACIAL
123 DIVERSITY OF THE COUNTY FOR WHICH SUCH SHERIFF IS
124 ELECTED.

125 Sec. 5. (NEW) There is established a
126 Sheriffs' Advisory Council for the development of
127 professional training standards for deputy
128 sheriffs. The council shall consist of fifteen
129 members. The Governor, the speaker of the House of
130 Representatives, the president pro tempore of the
131 Senate, the minority leader of the House of
132 Representatives and the minority leader of the
133 Senate shall each appoint one high sheriff and two
134 deputy sheriffs to serve on said council. The
135 council shall develop standards for professional
136 training and a program of professional training
137 not later than ninety days after the effective
138 date of this section.

139 Sec. 6. (NEW) Each deputy sheriff shall
140 successfully complete the professional training
141 program and meet the professional standards as
142 established by the Sheriffs' Advisory Council
143 pursuant to section 5 of this act. Failure of a
144 deputy sheriff to complete such professional
145 training and meet such standards shall result in
146 the removal from office of such deputy sheriff.
147 Any deputy sheriff in office on the effective date
148 of this section shall successfully complete such
149 training and meet such standards on or before May
150 1, 1999.

151 Sec. 7. Section 52-50 of the general statutes
152 is repealed and the following is substituted in
153 lieu thereof:

154 (a) All process shall be directed to a
155 sheriff, his deputy, a constable or other proper
156 officer authorized by statute, or, subject to the
157 provisions of subsection (b) of this section, to
158 an indifferent person. A direction on the process
159 "to any proper officer" shall be sufficient to
160 direct the process to a sheriff, deputy sheriff,
161 constable or other proper officer.

162 (b) Process shall not be directed to an
163 indifferent person unless more defendants than one
164 are named in the process and are described to
165 reside in different counties in the state, or
166 unless, in case of a writ of attachment, the

167 plaintiff or one of the plaintiffs, or his or
168 their agent or attorney, makes oath before the
169 authority signing the writ that the affiant truly
170 believes the plaintiff is in danger of losing his
171 debt or demand unless an indifferent person is
172 deputed for the immediate service of [the] THAT
173 SPECIFIC writ or other process. The authority
174 signing the writ shall certify on the writ that he
175 administered the oath and insert in the writ the
176 name of the person to whom it is directed, but he
177 need not insert the reason for such direction. Any
178 process directed to an indifferent person by
179 reason of such an affidavit shall be abatable on
180 proof that the party making the affidavit did not
181 have reasonable grounds, at the time of making it,
182 for believing the statements in the affidavit to
183 be true.

184 (c) Service of motions for modification,
185 motions for contempt and wage withholdings in any
186 matter involving a beneficiary of care or
187 assistance from the state and in other IV-D child
188 support cases may be made by any investigator
189 employed by the Commissioner of Administrative
190 Services or the Commissioner of Social Services.

191 (d) Service of motions for modification,
192 motions for contempt and wage withholdings in any
193 matter involving child support including, but not
194 limited to, petitions for support authorized under
195 sections 17b-748 and 46b-215, AS AMENDED, and
196 those matters involving a beneficiary of care or
197 assistance from the state may be made by a support
198 enforcement officer or support services
199 investigator of the Superior Court.

200 (e) Borough bailiffs may, within their
201 respective boroughs, execute all legal process
202 which sheriffs or constables may execute.

203 Sec. 8. (NEW) For purposes of sections 29-14,
204 53-206b, 53-206c, 53-247, 53a-19, 53a-22, 53a-23,
205 53a-111, 53a-167a, 53a-167b and 53a-167c of the
206 general statutes, as amended by this act, "tribal
207 police officer" means a law enforcement officer of
208 a federally recognized Indian tribe who is
209 certified by the Police Officer Standards and
210 Training Council in accordance with section 7-294d
211 of the general statutes.

212 Sec. 9. Section 53a-167a of the general
213 statutes is repealed and the following is
214 substituted in lieu thereof:

215 (a) A person is guilty of interfering with an
216 officer when he obstructs, resists, hinders or
217 endangers any peace officer, TRIBAL POLICE OFFICER
218 or fireman in the performance of his duties.

219 (b) Interfering with an officer is a class A
220 misdemeanor.

221 Sec. 10. Section 53a-167b of the general
222 statutes is repealed and the following is
223 substituted in lieu thereof:

224 (a) A person is guilty of failure to assist a
225 peace officer, TRIBAL POLICE OFFICER or fireman
226 when, commanded by a peace officer, TRIBAL POLICE
227 OFFICER or fireman authorized to command
228 assistance, he refuses to assist such PEACE
229 officer, TRIBAL POLICE OFFICER or fireman in the
230 execution of his duties.

231 (b) Failure to assist a peace officer, TRIBAL
232 POLICE OFFICER or fireman is a class A
233 misdemeanor.

234 Sec. 11. Section 53a-167c of the general
235 statutes is repealed and the following is
236 substituted in lieu thereof:

237 (a) A person is guilty of assault of a peace
238 officer, TRIBAL POLICE OFFICER, fireman, employee
239 of an emergency medical service organization,
240 emergency room physician or nurse, employee of the
241 Department of Correction, employee or member of
242 the Board of Parole or probation officer when,
243 with intent to prevent a reasonably identifiable
244 peace officer, TRIBAL POLICE OFFICER, fireman or
245 employee of an emergency medical service
246 organization, as defined in section 53a-3,
247 emergency room physician or nurse, employee of the
248 Department of Correction, employee or member of
249 the Board of Parole or probation officer from
250 performing his duty, and while such peace officer,
251 TRIBAL POLICE OFFICER, fireman, employee,
252 physician, nurse, member or probation officer is
253 acting in the performance of his duties, (1) he
254 causes physical injury to such peace officer,
255 TRIBAL POLICE OFFICER, fireman, employee,
256 physician, nurse, member or probation officer, or
257 (2) he throws or hurls, or causes to be thrown or
258 hurled, any rock, bottle, can or other article,
259 object or missile of any kind capable of causing
260 physical harm, damage or injury, at such peace
261 officer, TRIBAL POLICE OFFICER, fireman, employee,
262 physician, nurse, member or probation officer, or

263 (3) he uses or causes to be used any mace, tear
264 gas or any like or similar deleterious agent
265 against such peace officer, TRIBAL POLICE OFFICER,
266 fireman, employee, physician, nurse, member or
267 probation officer, or (4) he throws, hurls, or
268 causes to be thrown or hurled, any paint, dye or
269 other like or similar staining, discoloring or
270 coloring agent or any type of offensive or noxious
271 liquid, agent or substance at such peace officer,
272 TRIBAL POLICE OFFICER, fireman, employee,
273 physician, nurse, member or probation officer.

274 (b) Assault of a peace officer, TRIBAL POLICE
275 OFFICER, fireman, employee of an emergency medical
276 service organization, emergency room physician or
277 nurse, employee of the Department of Correction,
278 employee or member of the Board of Parole or
279 probation officer is a class C felony. If any
280 person who is confined in an institution or
281 facility of the Department of Correction is
282 sentenced to a term of imprisonment for assault of
283 an employee of the Department of Correction under
284 this section, such term shall run consecutively to
285 the term for which the person was serving at the
286 time of the assault.

287 Sec. 12. Section 53a-111 of the general
288 statutes is repealed and the following is
289 substituted in lieu thereof:

290 (a) A person is guilty of arson in the first
291 degree when, with intent to destroy or damage a
292 building, as defined in section 53a-100, he starts
293 a fire or causes an explosion, and (1) the
294 building is inhabited or occupied or the person
295 has reason to believe the building may be
296 inhabited or occupied; or (2) any other person is
297 injured, either directly or indirectly; or (3)
298 such fire or explosion was caused for the purpose
299 of collecting insurance proceeds for the resultant
300 loss; or (4) at the scene of such fire or
301 explosion a peace officer, TRIBAL POLICE OFFICER
302 or firefighter is subjected to a substantial risk
303 of bodily injury.

304 (b) Arson in the first degree is a class A
305 felony.

306 Sec. 13. Section 53a-23 of the general
307 statutes is repealed and the following is
308 substituted in lieu thereof:

309 A person is not justified in using physical
310 force to resist an arrest by a reasonably

311 identifiable peace officer OR TRIBAL POLICE
312 OFFICER, whether such arrest is legal or illegal.

313 Sec. 14. Section 53a-22 of the general
314 statutes is repealed and the following is
315 substituted in lieu thereof:

316 (a) For purposes of this section, a
317 reasonable belief that a person has committed an
318 offense means a reasonable belief in facts or
319 circumstances which if true would in law
320 constitute an offense. If the believed facts or
321 circumstances would not in law constitute a
322 offense, an erroneous though not unreasonable
323 belief that the law is otherwise does not render
324 justifiable the use of physical force to make an
325 arrest or to prevent an escape from custody. A
326 peace officer, A TRIBAL POLICE OFFICER or an
327 authorized official of the Department of
328 Correction or the Board of Parole who is effecting
329 an arrest pursuant to a warrant or preventing an
330 escape from custody is justified in using the
331 physical force prescribed in subsections (b) and
332 (c) of this section unless such warrant is invalid
333 and is known by such officer to be invalid.

334 (b) Except as provided in subsection (a) of
335 this section, a peace officer, A TRIBAL POLICE
336 OFFICER or AN authorized official of the
337 Department of Correction or the Board of Parole is
338 justified in using physical force upon another
339 person when and to the extent that he reasonably
340 believes such to be necessary to: (1) Effect an
341 arrest or prevent the escape from custody of a
342 person whom he reasonably believes to have
343 committed an offense, unless he knows that the
344 arrest or custody is unauthorized; or (2) defend
345 himself or a third person from the use or imminent
346 use of physical force while effecting or
347 attempting to effect an arrest or while preventing
348 or attempting to prevent an escape.

349 (c) A peace officer, A TRIBAL POLICE OFFICER
350 or AN authorized official of the Department of
351 Correction or the Board of Parole is justified in
352 using deadly physical force upon another person
353 for the purposes specified in subsection (b) of
354 this section only when he reasonably believes such
355 to be necessary to: (1) Defend himself or a third
356 person from the use or imminent use of deadly
357 physical force; or (2) effect an arrest or prevent
358 the escape from custody of a person whom he

359 reasonably believes has committed or attempted to
360 commit a felony which involved the infliction or
361 threatened infliction of serious physical injury
362 and if, where feasible, he has given warning of
363 his intent to use deadly physical force.

364 (d) Except as provided in subsection (e) of
365 this section, a person who has been directed by a
366 peace officer, A TRIBAL POLICE OFFICER or AN
367 authorized official of the Department of
368 Correction or the Board of Parole to assist such
369 peace officer, TRIBAL POLICE OFFICER or official
370 to effect an arrest or to prevent an escape from
371 custody is justified in using reasonable physical
372 force when and to the extent that he reasonably
373 believes such to be necessary to carry out such
374 peace officer's, TRIBAL POLICE OFFICER'S or
375 official's direction.

376 (e) A person who has been directed to assist
377 a peace officer, A TRIBAL POLICE OFFICER or AN
378 authorized official of the Department of
379 Correction or the Board of Parole under
380 circumstances specified in subsection (d) of this
381 section may use deadly physical force to effect an
382 arrest or to prevent an escape from custody only
383 when: (1) He reasonably believes such to be
384 necessary to defend himself or a third person from
385 what he reasonably believes to be the use or
386 imminent use of deadly physical force; or (2) he
387 is directed or authorized by such peace officer,
388 TRIBAL POLICE OFFICER or official to use deadly
389 physical force, unless he knows that the peace
390 officer, TRIBAL POLICE OFFICER or official himself
391 is not authorized to use deadly physical force
392 under the circumstances.

393 (f) A private person acting on his own
394 account is justified in using reasonable physical
395 force upon another person when and to the extent
396 that he reasonably believes such to be necessary
397 to effect an arrest or to prevent the escape from
398 custody of an arrested person whom he reasonably
399 believes to have committed an offense and who in
400 fact has committed such offense; but he is not
401 justified in using deadly physical force in such
402 circumstances, except in defense of person as
403 prescribed in section 53a-19, AS AMENDED BY THIS
404 ACT.

405 Sec. 15. Section 53a-19 of the general

406 statutes is repealed and the following is
407 substituted in lieu thereof:

408 (a) Except as provided in subsections (b) and
409 (c) of this section, a person is justified in
410 using reasonable physical force upon another
411 person to defend himself or a third person from
412 what he reasonably believes to be the use or
413 imminent use of physical force, and he may use
414 such degree of force which he reasonably believes
415 to be necessary for such purpose; except that
416 deadly physical force may not be used unless the
417 actor reasonably believes that such other person
418 is (1) using or about to use deadly physical
419 force, or (2) inflicting or about to inflict great
420 bodily harm.

421 (b) Notwithstanding the provisions of
422 subsection (a) of this section, a person is not
423 justified in using deadly physical force upon
424 another person if he knows that he can avoid the
425 necessity of using such force with complete safety
426 (1) by retreating, except that the actor shall not
427 be required to retreat if he is in his dwelling,
428 as defined in section 53a-100, or place of work
429 and was not the initial aggressor, or if he is a
430 peace officer OR A TRIBAL POLICE OFFICER or a
431 private person assisting such peace officer OR
432 TRIBAL POLICE OFFICER at [his] THEIR direction,
433 and acting pursuant to section 53a-22, AS AMENDED
434 BY THIS ACT, or (2) by surrendering possession of
435 property to a person asserting a claim of right
436 thereto, or (3) by complying with a demand that he
437 abstain from performing an act which he is not
438 obliged to perform.

439 (c) Notwithstanding the provisions of
440 subsection (a) of this section, a person is not
441 justified in using physical force when (1) with
442 intent to cause physical injury or death to
443 another person, he provokes the use of physical
444 force by such other person, or (2) he is the
445 initial aggressor, except that his use of physical
446 force upon another person under such circumstances
447 is justifiable if he withdraws from the encounter
448 and effectively communicates to such other person
449 his intent to do so, but such other person
450 notwithstanding continues or threatens the use of
451 physical force, or (3) the physical force involved
452 was the product of a combat by agreement not
453 specifically authorized by law.

454 Sec. 16. Subsection (d) of section 53-206b of
455 the general statutes is repealed and the following
456 is substituted in lieu thereof:

457 (d) Nothing in this section shall make
458 unlawful any act of any peace officer, as defined
459 in section 53a-3, OR ANY TRIBAL POLICE OFFICER,
460 performed in the lawful discharge of his official
461 duties.

462 Sec. 17. Subsection (d) of section 53-206c of
463 the general statutes is repealed and the following
464 is substituted in lieu thereof:

465 (d) No person shall draw, exhibit or brandish
466 a facsimile of a firearm or simulate a firearm in
467 the presence of a peace officer, TRIBAL POLICE
468 OFFICER, firefighter, emergency medical technician
469 or paramedic engaged in the performance of his
470 duties knowing or having reason to know that such
471 peace officer, TRIBAL POLICE OFFICER, firefighter,
472 emergency medical technician or paramedic is
473 engaged in the performance of his duties, with
474 intent to impede such person in the performance of
475 such duties.

476 Sec. 18. Section 29-14 of the general
477 statutes is repealed and the following is
478 substituted in lieu thereof:

479 Said bureau shall, on the receipt of any such
480 identification card, immediately cause the files
481 to be examined and shall promptly return to the
482 police department, [or] peace officer OR TRIBAL
483 POLICE OFFICER submitting such identification card
484 a true transcript of the record of previous crimes
485 committed by the person described on each such
486 identification card, and said bureau shall assist
487 police and prosecuting officials in the
488 preparation and distribution of circulars relative
489 to fugitives when so requested. When an arrest is
490 made by an officer of a police department, [or]
491 other peace officer OR TRIBAL POLICE OFFICER who
492 is not equipped with necessary paraphernalia or
493 skilled in the art of taking fingerprints and
494 proper descriptions of criminals, he may call on
495 the State Police Bureau of Identification or on
496 the nearest state police station for assistance
497 and any officer or officers so called shall render
498 such assistance immediately.

499 Sec. 19. Subsection (d) of section 53-247 of
500 the general statutes is repealed and the following
501 is substituted in lieu thereof:

502 (d) Any person who intentionally kills any
503 animal while such animal is in the performance of
504 its duties under the supervision of a peace
505 officer, as defined in section 53a-3, OR A TRIBAL
506 POLICE OFFICER, shall be fined not more than five
507 thousand dollars or imprisoned not more than five
508 years or both.

509 Sec. 20. This act shall take effect from its
510 passage, except that sections 8 to 19, inclusive,
511 shall take effect October 1, 1998.

512 JUD COMMITTEE VOTE: YEA 32 NAY 7 JFS

* * * * *

"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."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER sSB 263

STATE IMPACT	Potential Cost, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	County Sheriffs, Department of Administrative Services (Employees' Review Board), Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

STATE IMPACT: The bill's provisions concerning the payment of an additional per diem for a second shift worked by a special deputy sheriff would conform statute to current practice and would not result in a fiscal impact. The county sheriffs currently staff lock-ups in New Haven and Hartford.

The creation of a professional training program for deputy sheriffs could result in a cost of \$300,000 (for a ten day program for 262 sheriffs) for the payment of per diem fees and administrative costs. Currently, deputy sheriffs obtain income through the service of process and do not receive compensation from the state, although when serving in the capacity of a special deputy sheriff in courthouses they receive the current base per diem rate of \$105. The extent to which the state would be responsible for paying these costs is uncertain since deputy sheriffs are not considered state employees.

Including tribal police officers among the criminal statutes that make it a crime to interfere with, fail to assist, or assault peace officers would result 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. 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. The extent to which tribal police officers are involved with these offenses is not known. There are currently; 91 individuals incarcerated for interfering with a police officer or fireman; none incarcerated for failing to assist a peace officer or fireman; and 132 individuals incarcerated for assaulting various individuals under CGS 53a-167c (with such offenses as their primary charge).

The bill also allows the County Sheriffs to appeal personnel decisions to the Employees' Review Board. This would result in additional costs to the Department of Administrative Services (DAS) Employees' Review Board that cannot be determined at this time. Expenditures for the Board are currently about \$64,000 per year, up from an average of less than \$8,000 prior to 1997. This could increase costs to the Board, which does not have the resources to absorb additional costs. This would result in the need to transfer funds from other programs in DAS, or for a deficiency appropriation. Potential costs are indeterminate.

* * * * *

OLR BILL ANALYSIS

sSB 263

AN ACT CONCERNING SHERIFFS, DEPUTY SHERIFFS AND TRIBAL POLICE OFFICERS

SUMMARY: This bill makes deputy sheriffs appointed after the next high sheriff election and meeting certain requirements subject to removal from office only for cause. It creates a Sheriffs' Advisory Council to develop training standards and a training program and requires all deputy sheriff's to complete it. The

bill requires each high sheriff to attempt to reflect his county's racial and gender diversity in appointing deputy sheriffs and requires an oath before the issuing authority for each writ served by an indifferent person.

The bill prohibits disclosing the residential addresses of deputy and special deputy sheriffs who ask for confidentiality. It requires that special deputies who must work a second shift at a 24-hour lockup be paid the cell block rate (\$120 per day).

The bill makes law enforcement officers of federally recognized Indian tribes who have been certified by the Police Officer Standards and Training Council peace officers for purposes of several criminal and law enforcement laws. These include statutes concerning the use of deadly physical force, interfering with or failure to assist an officer, assault on an officer, use of facsimile firearms, training with explosives, killing a police animal, and use of the state police Bureau of Identification.

EFFECTIVE DATE: Upon passage, except the tribal police officer provisions take effect October 1, 1998.

FURTHER EXPLANATION

Deputy Sheriff Just-Cause Termination

The bill prohibits removing from office or failing to reappoint without just cause any deputy sheriff appointed after June 30, 1999 who (1) has been in office for at least four years and (2) has made the office his principal source of employment for at least two years. Any such deputy sheriff who is not reappointed can appeal to the Employees' Review Board and must remain in office pending its decision.

Currently deputy sheriffs hold office for as long as the term of office of the sheriff who appointed them, unless they are removed earlier for just cause. Sheriffs are elected to four year terms at the same election as for other statewide offices and take office on June 1, thus this provision of the bill does not apply to current deputy sheriffs but will apply to those appointed by the high sheriffs elected this fall.

Sheriffs' Advisory Council

The bill establishes a Sheriffs' Advisory Council to develop standards for professional training and a training program for deputy sheriffs within 90 days of the bill's passage. The 15-member council consists of one high sheriff and two deputy sheriffs appointed by each of the following five officials: the governor, the House speaker, the Senate president pro tempore, and the minority leaders of the House and Senate.

Deputy Sheriff Training

The bill requires each deputy sheriff to successfully complete the training program and meet the standards. Failure to do so results in removal from office. Any deputy sheriff in office when the bill passes must successfully complete the training and meet the standards by May 1, 1999.

Gender and Racial Diversity

The bill requires each high sheriff, in his appointment of deputy sheriffs, to make a good faith effort to ensure that, to the extent possible, the deputy sheriffs reflect the gender and racial diversity of his county.

Residential Address Disclosure

The bill adds deputy and special deputy sheriffs to the list of officials and employees whose home addresses may not be disclosed under the Freedom of Information law by any state department, board, council, or commission. This list already includes federal court judges and magistrates, state judges and family support magistrates, state and local police, firefighters, correctional employees, past and present state prosecutors and public defenders, and Criminal Justice inspectors. To prevent disclosure the person must submit a written request for nondisclosure and give a business address to the disclosing agency's executive head. This nondisclosure provision does not apply to Department of Motor Vehicles records which are governed by a different statute.

Special Deputy and Constable Pay

The law sets fees for deputy and special deputy sheriffs assigned to court and prisoner transportation and supervision duties and generally prohibits them from receiving more than one day's fee for attendance in court on any one day. This bill makes a special exception for special deputies that are required to work an additional shift at a 24-hour lockup. They must be paid the fee for their regular assignment plus the cell block rate, which is currently \$120, for the additional shift.

The bill also deletes a \$20 per day fee which is to be paid to constables when they attend court.

Service by an Indifferent Officer

Generally, civil process must be directed to a sheriff, deputy sheriff, constable, or other proper officer for service. It can be served by an indifferent person if there are multiple defendants living in different counties or, in the case of an attachment of property, if the plaintiff asserts under oath that he is in danger of losing his debt unless the indifferent person is not sent immediately to serve the writ.

This bill specifies that in the latter case the plaintiff must make such an affidavit for each specific writ or process that is to be served by the indifferent person.

Tribal Police Officer

For purposes of a specific list of statutes the bill defines a "tribal police officer" as a law enforcement official of a federally recognized Indian tribe who has been certified by the Police Officer Standards and Training Council, which certifies municipal police and certain other law enforcement officers who have satisfactorily completed minimum basic training programs. The effect of this change is to treat tribal police officers like other peace officers for purposes of the listed statutes.

The peace officer provisions covered by the bill are:

1. the crimes of interfering with or failure to assist a peace officer, assault on a police officer, and first degree arson (when a peace

officer is endangered by the fire or explosion);

2. the statutes prohibiting people from using physical force to resist arrest by a peace officer and authorizing a peace officer to use physical force, and in some circumstances deadly physical force, to make an arrest, prevent an escape from custody, or defend himself or a third party;
3. exemptions from restriction on training people with firearms and explosives for unlawful purposes;
4. prohibitions on brandishing facsimile firearms in the presence of peace officers and killing animals working under the supervision of peace officers; and
5. access by peace officers to information in the State Police Bureau of Identification and assistance from them in taking fingerprints and proper descriptions.

BACKGROUND

Deputy and Special Deputy Sheriffs

Deputy sheriffs have the same power to serve civil process as sheriffs and are responsible for their performance in executing such service. Special deputy sheriffs perform courthouse security and prisoner transportation functions.

Employees' Review Board

The board is the highest level of administrative appeal of personnel grievances by classified, permanent state employees not covered by collective bargaining agreements, a group consisting mainly of executive branch managers and confidential employees.

It has seven members appointed by the governor. At least one member must be an attorney with labor or administrative law experience, and all of the members must have substantial current experience as impartial arbitrators of labor-management disputes. Members serve

a maximum of two four-year terms and are paid by the day.

Municipal Police Training Council

The law gives the council power to require training for and certify police officers, which it defines as municipal police, appointed constables with criminal law enforcement duties, certain special policemen, and members of any law enforcement unit who perform police duties. It further specifies that the training and certification requirements apply to "any person who performs police functions," defined as anyone who, in the course of official duties, carries a firearm and exercises arrest powers or engages in the prevention, detection, or investigation of crime.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 32 Nay 7