

House of Representatives, April 8, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING ASSAULT OF EMPLOYEES OF THE DIVISION OF JUVENILE DETENTION SERVICES AND THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

1 Section 53a-167c of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) A person is guilty of assault of a peace
5 officer, fireman, employee of an emergency medical
6 service organization, emergency room physician or
7 nurse, employee of the Department of Correction,
8 employee or member of the Board of Parole, [or]
9 probation officer, EMPLOYEE OF THE DIVISION OF
10 JUVENILE DETENTION SERVICES OF THE JUDICIAL
11 DEPARTMENT OR EMPLOYEE OF THE DEPARTMENT OF
12 CHILDREN AND FAMILIES when, with intent to prevent
13 a reasonably identifiable peace officer, fireman
14 or employee of an emergency medical service
15 organization, as defined in section 53a-3,
16 emergency room physician or nurse, employee of the
17 Department of Correction, employee or member of
18 the Board of Parole, [or] probation officer,
19 EMPLOYEE OF THE DIVISION OF JUVENILE DETENTION
20 SERVICES OF THE JUDICIAL DEPARTMENT OR EMPLOYEE OF
21 THE DEPARTMENT OF CHILDREN AND FAMILIES from

22 performing his duty, and while such peace officer,
23 fireman, employee, physician, nurse, member or
24 probation officer is acting in the performance of
25 his duties, (1) he causes physical injury to such
26 peace officer, fireman, employee, physician,
27 nurse, member or probation officer or (2) he
28 throws or hurls, or causes to be thrown or hurled,
29 any rock, bottle, can or other article, object or
30 missile of any kind capable of causing physical
31 harm, damage or injury, at such peace officer,
32 fireman, employee, physician, nurse, member or
33 probation officer or (3) he uses or causes to be
34 used any mace, tear gas or any like or similar
35 deleterious agent against such peace officer,
36 fireman, employee, physician, nurse, member or
37 probation officer or (4) he throws, hurls, or
38 causes to be thrown or hurled, any paint, dye or
39 other like or similar staining, discoloring or
40 coloring agent or any type of offensive or noxious
41 liquid, agent or substance at such peace officer,
42 fireman, employee, physician, nurse, member or
43 probation officer.

44 (b) Assault of a peace officer, fireman,
45 employee of an emergency medical service
46 organization, emergency room physician or nurse,
47 employee of the Department of Correction, employee
48 or member of the Board of Parole, [or] probation
49 officer, EMPLOYEE OF THE DIVISION OF JUVENILE
50 DETENTION SERVICES OF THE JUDICIAL DEPARTMENT OR
51 EMPLOYEE OF THE DEPARTMENT OF CHILDREN AND
52 FAMILIES is a class C felony. If any person who is
53 confined in an institution or facility of the
54 Department of Correction is sentenced to a term of
55 imprisonment for assault of an employee of the
56 Department of Correction under this section, such
57 term shall run consecutively to the term for which
58 the person was serving at the time of the assault.

59 JUD COMMITTEE VOTE: YEA 37 NAY 0 JF

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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 HB 5476

STATE IMPACT Potential Cost, see explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

The bill's provisions concerning additional criminal penalties 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. In 1997, the Judicial Department recorded 8 offenses and \$3,560 in revenue from fines under the current law that is affected by the bill. On 12/31/97, there were 134 individuals incarcerated with a violation of CGS 53a-167c as their primary charge.

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

HB 5476

AN ACT CONCERNING ASSAULT OF EMPLOYEES OF THE DIVISION OF JUVENILE DETENTION SERVICES AND THE DEPARTMENT OF CHILDREN AND FAMILIES

SUMMARY: This bill makes it a class C felony for anyone to assault a reasonably identified Judicial Department juvenile detention or Department of Children and Families employee performing his duties in order to keep him from doing so.

Under the bill, assault means: (1) physically injuring someone; (2) throwing potentially damaging objects at him; and (3) using tear gas, mace, or similar agents against him; or (4) throwing paint, dye, or any other offensive substance at him.

A class C felony is punishable by a fine of up to \$10,000, imprisonment for one to 10 years, or both.

EFFECTIVE DATE: October 1, 1998

BACKGROUND**Other People Covered by the Law**

The law already subjects people who assault peace officers, firefighters, emergency medical organization employees, emergency room physicians and nurses, Department of Correction employees, members and employees of the Board of Parole, and probation officers under the same circumstances to the same penalty.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 37 Nay 0