

File No. 570

(Reprint of File No. 443)

House Bill No. 5476  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
April 17, 1998

AN ACT CONCERNING ASSAULT OF CERTAIN EMPLOYEES  
OF THE JUDICIAL BRANCH 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2 repealed and the following is substituted in lieu  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 JUDICIAL BRANCH  
10 ASSIGNED TO PROVIDE PRETRIAL SECURE DETENTION AND  
11 PROGRAMMING SERVICES TO JUVENILES ACCUSED OF THE  
12 COMMISSION OF A DELINQUENT ACT OR EMPLOYEE OF THE  
13 DEPARTMENT OF CHILDREN AND FAMILIES PERFORMING  
14 DUTIES AT LONG LANE SCHOOL when, with intent to  
15 prevent a reasonably identifiable peace officer,  
16 fireman or employee of an emergency medical  
17 service organization, as defined in section 53a-3,  
18 emergency room physician or nurse, employee of the  
19 Department of Correction, employee or member of  
20 the Board of Parole, [or] probation officer,

21 EMPLOYEE OF THE JUDICIAL BRANCH ASSIGNED TO  
22 PROVIDE PRETRIAL SECURE DETENTION AND PROGRAMMING  
23 SERVICES TO JUVENILES ACCUSED OF THE COMMISSION OF  
24 A DELINQUENT ACT OR EMPLOYEE OF THE DEPARTMENT OF  
25 CHILDREN AND FAMILIES PERFORMING DUTIES AT LONG  
26 LANE SCHOOL from performing his [duty] OR HER  
27 DUTIES, and while such peace officer, fireman,  
28 employee, physician, nurse, member or probation  
29 officer is acting in the performance of his OR HER  
30 duties, (1) [he] SUCH PERSON causes physical  
31 injury to such peace officer, fireman, employee,  
32 physician, nurse, member or probation officer or  
33 (2) [he] SUCH PERSON throws or hurls, or causes to  
34 be thrown or hurled, any rock, bottle, can or  
35 other article, object or missile of any kind  
36 capable of causing physical harm, damage or  
37 injury, at such peace officer, fireman, employee,  
38 physician, nurse, member or probation officer or  
39 (3) [he] SUCH PERSON uses or causes to be used any  
40 mace, tear gas or any like or similar deleterious  
41 agent against such peace officer, fireman,  
42 employee, physician, nurse, member or probation  
43 officer or (4) [he] SUCH PERSON throws, hurls, or  
44 causes to be thrown or hurled, any paint, dye or  
45 other like or similar staining, discoloring or  
46 coloring agent or any type of offensive or noxious  
47 liquid, agent or substance at such peace officer,  
48 fireman, employee, physician, nurse, member or  
49 probation officer.

50 (b) Assault of a peace officer, fireman,  
51 employee of an emergency medical service  
52 organization, emergency room physician or nurse,  
53 employee of the Department of Correction, employee  
54 or member of the Board of Parole, [or] probation  
55 officer, EMPLOYEE OF THE JUDICIAL BRANCH ASSIGNED  
56 TO PROVIDE PRETRIAL SECURE DETENTION AND  
57 PROGRAMMING SERVICES TO JUVENILES ACCUSED OF THE  
58 COMMISSION OF A DELINQUENT ACT OR EMPLOYEE OF THE  
59 DEPARTMENT OF CHILDREN AND FAMILIES PERFORMING  
60 DUTIES AT LONG LANE SCHOOL is a class C felony. If  
61 any person who is confined in an institution or  
62 facility of the Department of Correction is  
63 sentenced to a term of imprisonment for assault of  
64 an employee of the Department of Correction under  
65 this section, such term shall run consecutively to  
66 the term for which the person was serving at the  
67 time of the assault.

\* \* \* \* \*

"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 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.

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.

House "A" made technical changes and did not result in a fiscal impact.

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**OLR AMENDED BILL ANALYSIS**

HB 5476 (as amended by House "A")\*

**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 employee assigned to provide secure juvenile detention or a Department of Children and Families (DCF) employee working at Long Lane School. The assault must be on an 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; (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.

\*House Amendment "A" limits the scope of the bill with regard to DCF employees to those working at Long Lane and removes a reference to the "Division of Juvenile Detention Services."

EFFECTIVE DATE: October 1, 1998

**BACKGROUND****Facilities Covered**

Long Lane School is DCF's secure facility for holding delinquent children who have been committed to the department by the juvenile court. The Judicial Department operates three secure juvenile detention facilities for children who need to be held prior to their juvenile court appearance.

**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