



General Assembly

January Session, 2023

Raised Bill No. 6878

LCO No. 5701



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING APPEALS REGARDING GOVERNMENTAL IMMUNITY OF POLICE OFFICERS, USE OF FORCE BY A PEACE OFFICER, SEARCHES OF MOTOR VEHICLES, PURSUIT OF A SUSPECT POLICIES AND VERIFICATION OF RESIDENCE ADDRESSES OF PERSONS ON THE SEX OFFENSE REGISTRY.

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

1 Section 1. Subsection (d) of section 52-571k of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (d) (1) In any civil action brought under this section, governmental
5 immunity shall only be a defense to a claim for damages when, at the
6 time of the conduct complained of, the police officer had an objectively
7 good faith belief that such officer's conduct did not violate the law.
8 [There shall be no] A party may make an interlocutory appeal of a trial
9 court's denial of the application of the defense of governmental
10 immunity. Governmental immunity shall not be a defense in a civil
11 action brought solely for equitable relief.

12 (2) In any civil action brought under this section, the trier of fact may

13 draw an adverse inference from a police officer's deliberate failure, in
14 violation of section 29-6d, to record any event that is relevant to such
15 action.

16 Sec. 2. Section 53a-22 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2023*):

18 (a) (1) For purposes of this section, a reasonable belief that a person
19 has committed an offense means a reasonable belief in facts or
20 circumstances which if true would in law constitute an offense. If the
21 believed facts or circumstances would not in law constitute an offense,
22 an erroneous though not unreasonable belief that the law is otherwise
23 does not render justifiable the use of physical force to make an arrest or
24 to prevent an escape from custody. For purposes of this section, the
25 reasonableness of a use of force shall be evaluated from the perspective
26 of a reasonable officer in the same situation, based on the totality of the
27 circumstances known to or perceived by the officer at the time, rather
28 than with the benefit of hindsight, and that the totality of the
29 circumstances shall account for occasions when officers may be forced
30 to make quick judgments about using force.

31 (2) A peace officer or an authorized official of the Department of
32 Correction or the Board of Pardons and Paroles who is effecting an
33 arrest pursuant to a warrant or preventing an escape from custody is
34 justified in using the physical force prescribed in subsections (b), (c) and
35 (d) of this section unless such warrant is invalid and is known by such
36 officer to be invalid.

37 (b) Except as provided in subsection (a) or (d) of this section, a peace
38 officer or an authorized official of the Department of Correction or the
39 Board of Pardons and Paroles is justified in using physical force upon
40 another person when and to the extent that he or she reasonably believes
41 such use to be necessary to: (1) Effect an arrest or prevent the escape
42 from custody of a person whom he or she reasonably believes to have
43 committed an offense, unless he or she knows that the arrest or custody
44 is unauthorized; or (2) defend himself or herself or a third person from

45 the use or imminent use of physical force while effecting or attempting
46 to effect an arrest or while preventing or attempting to prevent an
47 escape.

48 (c) [(1)] Except as provided in subsection (d) of this section, a peace
49 officer or an authorized official of the Department of Correction or the
50 Board of Pardons and Paroles is justified in using deadly physical force
51 upon another person for the purposes specified in subsection (b) of this
52 section [only when his or her actions are objectively reasonable] when
53 and to the extent that he or she believes such use to be necessary under
54 the given circumstances at that time, [and] as follows:

55 [(A) He or she reasonably believes such use to be necessary to] (1) To
56 defend himself or herself or a third person from the use or imminent use
57 of deadly physical force; or

58 [(B) He] (2) When he or she [(i)] (A) has reasonably determined that
59 there are no available reasonable alternatives to the use of deadly
60 physical force, [(ii)] (B) reasonably believes that the force employed
61 creates no unreasonable risk of injury to a third party, and [(iii)] (C)
62 reasonably believes such use of force to be necessary to [(I)] (i) effect an
63 arrest of a person whom he or she reasonably believes has committed or
64 attempted to commit a felony which involved the infliction of serious
65 physical injury, and if, where feasible, he or she has given warning of
66 his or her intent to use deadly physical force, or [(II)] (ii) prevent the
67 escape from custody of a person whom he or she reasonably believes
68 has committed a felony which involved the infliction of serious physical
69 injury and who poses a significant threat of death or serious physical
70 injury to others, and if, where feasible, he or she has given warning of
71 his or her intent to use deadly physical force.

72 [(2) For purposes of evaluating whether actions of a peace officer or
73 an authorized official of the Department of Correction or the Board of
74 Pardons and Paroles are reasonable under subdivision (1) of this
75 subsection, factors to be considered include, but are not limited to,
76 whether (A) the person upon whom deadly physical force was used

77 possessed or appeared to possess a deadly weapon, (B) the peace officer
78 or an authorized official of the Department of Correction or the Board
79 of Pardons and Paroles engaged in reasonable deescalation measures
80 prior to using deadly physical force, and (C) any unreasonable conduct
81 of the peace officer or an authorized official of the Department of
82 Correction or the Board of Pardons and Paroles led to an increased risk
83 of an occurrence of the situation that precipitated the use of such force.]

84 (d) A peace officer or an authorized official of the Department of
85 Correction or the Board of Pardons and Paroles is justified in using a
86 chokehold or other method of restraint applied to the neck area or that
87 otherwise impedes the ability to breathe or restricts blood circulation to
88 the brain of another person for the purposes specified in subsection (b)
89 of this section only when he or she reasonably believes such use to be
90 necessary to defend himself or herself from the use or imminent use of
91 deadly physical force.

92 (e) Except as provided in subsection (f) of this section, a person who
93 has been directed by a peace officer or an authorized official of the
94 Department of Correction or the Board of Pardons and Paroles to assist
95 such peace officer or official to effect an arrest or to prevent an escape
96 from custody is justified in using reasonable physical force when and to
97 the extent that he or she reasonably believes such to be necessary to
98 carry out such peace officer's or official's direction.

99 (f) A person who has been directed to assist a peace officer or an
100 authorized official of the Department of Correction or the Board of
101 Pardons and Paroles under circumstances specified in subsection (e) of
102 this section may use deadly physical force to effect an arrest or to
103 prevent an escape from custody only when: (1) He or she reasonably
104 believes such use to be necessary to defend himself or herself or a third
105 person from what he or she reasonably believes to be the use or
106 imminent use of deadly physical force; or (2) he or she is directed or
107 authorized by such peace officer or official to use deadly physical force,
108 unless he or she knows that the peace officer or official himself or herself
109 is not authorized to use deadly physical force under the circumstances.

110 (g) A private person acting on his or her own account is justified in
111 using reasonable physical force upon another person when and to the
112 extent that he or she reasonably believes such use to be necessary to
113 effect an arrest or to prevent the escape from custody of an arrested
114 person whom he or she reasonably believes to have committed an
115 offense and who in fact has committed such offense; but he or she is not
116 justified in using deadly physical force in such circumstances, except in
117 defense of person as prescribed in section 53a-19.

118 (h) In determining whether use of force by a peace officer who is a
119 police officer, as defined in subsection (a) of section 29-6d, is justified
120 pursuant to this section, the trier of fact may draw an unfavorable
121 inference from a police officer's deliberate failure in violation of section
122 29-6d to record such use of physical force.

123 Sec. 3. Section 54-33o of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective October 1, 2023*):

125 (a) (1) No law enforcement official may ask an operator of a motor
126 vehicle to conduct a search of a motor vehicle or the contents of the
127 motor vehicle that is stopped by a law enforcement official solely for a
128 motor vehicle violation, except as provided in subdivision (2) of this
129 subsection.

130 (2) Any search by a law enforcement official of a motor vehicle or the
131 contents of the motor vehicle that is stopped by a law enforcement
132 official solely for a motor vehicle violation shall be (A) based on
133 probable cause, (B) solicited consent by the operator of the vehicle if the
134 official has reasonable and articulable suspicion that weapons,
135 contraband or other evidence of a crime is contained within the motor
136 vehicle, provided such official complies with the provisions provided in
137 subdivision (3) of this subsection, or [(B)] (C) after having received the
138 unsolicited consent to such search from the operator of the motor
139 vehicle in written form or recorded by body-worn recording equipment
140 or a dashboard camera, each as defined in section 29-6d.

141 (3) Any law enforcement official who solicits consent of an operator

142 of a motor vehicle to search such vehicle shall, whether or not the
143 consent is granted, complete a police report documenting the reasonable
144 and articulable suspicion for the solicitation of consent, or the facts and
145 circumstances that support the search being reasonably necessary to
146 further an ongoing law enforcement investigation. Such report shall be
147 completed not later than forty-eight hours after such solicitation of
148 consent.

149 (b) No law enforcement official may ask an operator of a motor
150 vehicle to provide any documentation or identification other than an
151 operator's license, motor vehicle registration, insurance identity card or
152 other documentation or identification directly related to the stop, when
153 the motor vehicle has been stopped solely for a motor vehicle violation,
154 unless there exists probable cause to believe that a felony or
155 misdemeanor offense has been committed or the operator has failed to
156 produce a valid operator's license.

157 Sec. 4. Section 14-283a of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective from passage*):

159 (a) As used in this section, "police officer" and "law enforcement unit"
160 have the same meanings as provided in section 7-294a, and "pursuit"
161 means an attempt by a police officer in an authorized emergency vehicle
162 to apprehend any occupant of another moving motor vehicle, when the
163 driver of the fleeing motor vehicle is attempting to avoid apprehension
164 by maintaining or increasing the speed of such vehicle or by ignoring
165 the police officer's attempt to stop such vehicle.

166 (b) (1) The Commissioner of Emergency Services and Public
167 Protection, in conjunction with the Chief State's Attorney, the Police
168 Officer Standards and Training Council, the Connecticut Police Chiefs
169 Association and the Connecticut Coalition of Police and Correctional
170 Officers, shall adopt, in accordance with the provisions of chapter 54, a
171 uniform, state-wide policy for handling pursuits by police officers. Such
172 policy shall specify: (A) The conditions under which a police officer may
173 engage in a pursuit and discontinue a pursuit, including, but not limited

174 to, a pursuit of a person suspected of larceny of a motor vehicle or
175 catalytic converter or trafficking in persons, (B) alternative measures to
176 be employed by any such police officer in order to apprehend any
177 occupant of the fleeing motor vehicle or to impede the movement of
178 such motor vehicle, (C) the coordination and responsibility, including
179 control over the pursuit, of supervisory personnel and the police officer
180 engaged in such pursuit, (D) in the case of a pursuit that may proceed
181 and continue into another municipality, (i) the requirement to notify
182 and the procedures to be used to notify the police department in such
183 other municipality or, if there is no organized police department in such
184 other municipality, the officers responsible for law enforcement in such
185 other municipality, that there is a pursuit in progress, and (ii) the
186 coordination and responsibility of supervisory personnel in each such
187 municipality and the police officer engaged in such pursuit, (E) the type
188 and amount of training in pursuits, that each police officer shall
189 undergo, which may include training in vehicle simulators, if vehicle
190 simulator training is determined to be necessary, and (F) that a police
191 officer immediately notify supervisory personnel or the officer in charge
192 after the police officer begins a pursuit. The chief of police or
193 Commissioner of Emergency Services and Public Protection, as the case
194 may be, shall inform each officer within such chief's or said
195 commissioner's department and each officer responsible for law
196 enforcement in a municipality in which there is no such department of
197 the existence of the policy of pursuit to be employed by any such officer
198 and shall take whatever measures that are necessary to assure that each
199 such officer understands the pursuit policy established.

200 (2) Not later than January 1, [2021] 2024, and at least once during each
201 five-year period thereafter, the Commissioner of Emergency Services
202 and Public Protection, in conjunction with the Chief State's Attorney, the
203 Police Officer Standards and Training Council, the Connecticut Police
204 Chiefs Association and the Connecticut Coalition of Police and
205 Correctional Officers, shall adopt regulations in accordance with the
206 provisions of chapter 54, to update such policy adopted pursuant to
207 subdivision (1) of this subsection.

208 (c) No police officer engaged in a pursuit shall discharge any firearm
209 into or at a fleeing motor vehicle, unless such officer has a reasonable
210 belief that there is an imminent threat of death to such officer or another
211 person posed by the fleeing motor vehicle or an occupant of such motor
212 vehicle.

213 (d) No police officer shall intentionally position his or her body in
214 front of a fleeing motor vehicle, unless such action is a tactic approved
215 by the law enforcement unit that employs such police officer.

216 (e) If a pursuit enters the jurisdiction of a law enforcement unit other
217 than that of the unit which initiated the pursuit, the law enforcement
218 unit that initiated the pursuit shall immediately notify the law
219 enforcement unit that has jurisdiction over such area of such pursuit.

220 (f) (1) Not later than December 1, 2018, the Police Officer Standards
221 and Training Council, established under section 7-294b, shall develop
222 and promulgate a standardized form for (A) reporting pursuits by
223 police officers pursuant to subdivision (2) of this subsection, and (B)
224 submitting annual reports pursuant to subdivision (3) of this subsection.

225 (2) On and after January 1, 2019, the chief of police or the
226 Commissioner of Emergency Services and Public Protection, as the case
227 may be, shall require each police officer who engages in a pursuit to
228 report such pursuit on the standardized form developed and
229 promulgated under subdivision (1) of this subsection.

230 (3) Not later than January 31, 2020, and annually thereafter, each chief
231 of police and the Commissioner of Emergency Services and Public
232 Protection shall submit an annual report to the Police Officer Standards
233 and Training Council regarding pursuits by police officers on the
234 standardized form developed and promulgated under subdivision (1)
235 of this subsection.

236 (4) Not later than April 30, 2020, and annually thereafter, the Police
237 Officer Standards and Training Council shall compile, analyze and
238 summarize the annual reports and submit, in accordance with section

239 11-4a, a consolidated report regarding police pursuits and any
240 recommendations for legislation to the joint standing committee of the
241 General Assembly having cognizance of matters relating to public safety
242 and security. The council may partner with an institution of higher
243 education in this state or a professional police organization to prepare
244 or to assist in the preparation of the consolidated report.

245 Sec. 5. Section 54-257 of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective October 1, 2023*):

247 (a) The Department of Emergency Services and Public Protection
248 shall, not later than January 1, 1999, establish and maintain a registry of
249 all persons required to register under sections 54-251, 54-252, 54-253 and
250 54-254. The department shall, in cooperation with the Office of the Chief
251 Court Administrator, the Department of Correction and the Psychiatric
252 Security Review Board, develop appropriate forms for use by agencies
253 and individuals to report registration information, including changes of
254 residence address. Upon receipt of registration information, the
255 department shall enter the information into the registry and notify the
256 local police department or state police troop having jurisdiction where
257 the registrant resides or plans to reside. If a registrant notifies the
258 Department of Emergency Services and Public Protection that such
259 registrant is employed at, carries on a vocation at or is a student at a
260 trade or professional institution or institution of higher learning in this
261 state, the department shall notify the law enforcement agency with
262 jurisdiction over such institution. If a registrant reports a residence in
263 another state, the department shall notify the state police agency of that
264 state or such other agency in that state that maintains registry
265 information, if known. The department shall also transmit all
266 registration information, conviction data, photographic images and
267 fingerprints to the Federal Bureau of Investigation in such form as said
268 bureau shall require for inclusion in a national registry.

269 (b) The Department of Emergency Services and Public Protection
270 may suspend the registration of any person registered under section 54-
271 251, 54-252, 54-253 or 54-254 while such person is incarcerated, under

272 civil commitment or residing outside this state. During the period that
273 such registration is under suspension, the department is not required to
274 verify the residence address of the registrant pursuant to subsection (c)
275 of this section and may withdraw the registration information from
276 public access. Upon the release of the registrant from incarceration or
277 civil commitment or resumption of residency in this state by the
278 registrant, the department shall reinstate the registration, redistribute
279 the registration information in accordance with subsection (a) of this
280 section and resume verifying the residence address of the registrant in
281 accordance with subsection (c) of this section. Suspension of registration
282 shall not affect the date of expiration of the registration obligation of the
283 registrant under section 54-251, 54-252 or 54-253.

284 (c) Except as provided in subsection (b) of this section, the
285 Department of Emergency Services and Public Protection shall verify
286 the residence address of each registrant by mailing a nonforwardable
287 verification form to the registrant at the registrant's last reported
288 residence address. Such form shall require the registrant to sign a
289 statement that the registrant continues to reside at the registrant's last
290 reported residence address and return the form by mail by a date which
291 is ten days after the date such form was mailed to the registrant. The
292 form shall contain a statement that failure to return the form or
293 providing false information is a violation of section 54-251, 54-252, 54-
294 253 or 54-254, as the case may be. In the case of a registrant who resides
295 (1) in a town in which mail delivery is effectuated by one or more post
296 offices located in one or more different towns, or (2) at a residence
297 address for which there is no residential mail delivery, the local police
298 department or the state police troop having jurisdiction where the
299 registrant resides shall verify in person such registrant's residence
300 address. Each person required to register under section 54-251, 54-252,
301 54-253 or 54-254 shall have such person's residence address verified in
302 such manner every ninety days after such person's initial registration
303 date. In the event that a registrant fails to return the residence address
304 verification form, the Department of Emergency Services and Public
305 Protection shall notify the local police department or the state police

306 troop having jurisdiction over the registrant's last reported residence
307 address, and that agency shall apply for a warrant to be issued for the
308 registrant's arrest under section 54-251, 54-252, 54-253 or 54-254, as the
309 case may be. The Department of Emergency Services and Public
310 Protection shall not verify the address of registrants whose last reported
311 residence address was outside this state.

312 (d) The Department of Emergency Services and Public Protection
313 shall include in the registry the most recent photographic image of each
314 registrant taken by the department, the Department of Correction, a law
315 enforcement agency or the Court Support Services Division of the
316 Judicial Department and shall retake the photographic image of each
317 registrant at least once every five years.

318 (e) Whenever the Commissioner of Emergency Services and Public
319 Protection receives notice from a superior court pursuant to section 52-
320 11 or a probate court pursuant to section 45a-99 that such court has
321 ordered the change of name of a person, and the department determines
322 that such person is listed in the registry, the department shall revise such
323 person's registration information accordingly.

324 (f) The Commissioner of Emergency Services and Public Protection
325 shall develop a protocol for the notification of other state agencies, the
326 Judicial Department and local police departments whenever a person
327 listed in the registry changes such person's name and notifies the
328 commissioner of the new name pursuant to section 54-251, 54-252, 54-
329 253 or 54-254 or whenever the commissioner determines pursuant to
330 subsection (e) of this section that a person listed in the registry has
331 changed such person's name.

332 Sec. 6. Subsection (a) of section 54-258 of the general statutes is
333 repealed and the following is substituted in lieu thereof (*Effective October*
334 *1, 2023*):

335 (a) (1) Notwithstanding any other provision of the general statutes,
336 except subdivisions (3), (4) and (5) of this subsection, the registry
337 maintained by the Department of Emergency Services and Public

338 Protection shall be a public record and shall be accessible to the public
339 during normal business hours. The Department of Emergency Services
340 and Public Protection shall make registry information available to the
341 public through the Internet. Not less than once per calendar quarter, the
342 Department of Emergency Services and Public Protection shall issue
343 notices to all print and electronic media in the state regarding the
344 availability and means of accessing the registry. Each local police
345 department and each state police troop shall keep a record of all
346 registration information transmitted to it by the Department of
347 Emergency Services and Public Protection, and shall make such
348 information accessible to the public during normal business hours.

349 (2) (A) Any state agency, the Judicial Department, any state police
350 troop or any local police department may, at its discretion, notify any
351 government agency, private organization or individual of registration
352 information when such agency, said department, such troop or such
353 local police department, as the case may be, believes such notification is
354 necessary to protect the public or any individual in any jurisdiction from
355 any person who is subject to registration under section 54-251, 54-252,
356 54-253 or 54-254.

357 (B) (i) Whenever a registrant is released into the community, or
358 whenever a registrant changes such registrant's residence address and
359 notifies the Department of Emergency Services and Public Protection of
360 such change pursuant to section 54-251, 54-252, 54-253 or 54-254, the
361 Department of Emergency Services and Public Protection shall, by
362 electronic mail, notify the superintendent of schools for the school
363 district in which the registrant resides, or plans to reside, of such release
364 or new residence address, and provide such superintendent with the
365 same registry information for such registrant that the department makes
366 available to the public through the Internet under subdivision (1) of this
367 subsection.

368 (ii) Whenever a registrant is released into the community, or
369 whenever a registrant changes such registrant's residence address and
370 notifies the Department of Emergency Services and Public Protection of

371 such change pursuant to section 54-251, 54-252, 54-253 or 54-254, the
372 Department of Emergency Services and Public Protection shall, by
373 electronic mail, notify the chief executive officer of the municipality in
374 which the registrant resides, or plans to reside, of such release or new
375 residence address, and provide such chief executive officer with the
376 same registry information for such registrant that the department makes
377 available to the public through the Internet under subdivision (1) of this
378 subsection.

379 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this
380 subsection, state agencies, the Judicial Department, state police troops
381 and local police departments shall not disclose the identity of any victim
382 of a crime committed by a registrant or treatment information provided
383 to the registry pursuant to sections 54-102g and 54-250 to 54-258a,
384 inclusive, except to government agencies for bona fide law enforcement
385 or security purposes.

386 (4) Notwithstanding the provisions of subdivisions (1) and (2) of this
387 subsection, registration information the dissemination of which has
388 been restricted by court order pursuant to section 54-255 and which is
389 not otherwise subject to disclosure, shall not be a public record and shall
390 be released only for law enforcement purposes until such restriction is
391 removed by the court pursuant to said section.

392 (5) Notwithstanding the provisions of subdivisions (1) and (2) of this
393 subsection, a registrant's electronic mail address, instant message
394 address or other similar Internet communication identifier shall not be
395 a public record, except that the Department of Emergency Services and
396 Public Protection may release such identifier for law enforcement or
397 security purposes in accordance with regulations adopted by the
398 department. The department shall adopt regulations in accordance with
399 chapter 54 to specify the circumstances under which and the persons to
400 whom such identifiers may be released including, but not limited to,
401 providers of electronic communication service or remote computing
402 service, as those terms are defined in section 54-260b, and operators of
403 Internet web sites, and the procedure therefor.

404 (6) When any registrant completes the registrant's term of registration
 405 or is otherwise released from the obligation to register under section 54-
 406 251, 54-252, 54-253 or 54-254, the Department of Emergency Services and
 407 Public Protection shall notify any state police troop or local police
 408 department having jurisdiction over the registrant's last reported
 409 residence address that the person is no longer a registrant, and the
 410 Department of Emergency Services and Public Protection, state police
 411 troop and local police department shall remove the registrant's name
 412 and information from the registry.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	52-571k(d)
Sec. 2	<i>October 1, 2023</i>	53a-22
Sec. 3	<i>October 1, 2023</i>	54-33o
Sec. 4	<i>from passage</i>	14-283a
Sec. 5	<i>October 1, 2023</i>	54-257
Sec. 6	<i>October 1, 2023</i>	54-258(a)

Statement of Purpose:

To (1) allow a police officer to make an interlocutory appeal of a trial court's denial of an application of the defense of governmental immunity, (2) employ a reasonable officer standard for determinations of whether use of force is justified, (3) restore a police officer's ability to request consent to search a motor vehicle under certain circumstances, (4) cause a revision of the model police pursuit policy to include provisions concerning pursuit of a person suspected of larceny of a motor vehicle or a catalytic converter or trafficking in persons, and (5) ensure that a person registered on the sex offense registry has registered his or her actual residence address.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]