

**PA13-300**

HB6674

House	3597-3618	22
Judiciary	3719-3721, 3841-3845	8
Senate	5434, 5438-5439	3
		<b>33</b>

**H - 1160**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 11  
3446 - 3814**

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members please return to the chamber immediately?

SPEAKER SHARKEY:

Have all of the members voted? Have all of the members voted? Members please check the machine to makes sure your vote is properly cast.

If all of the members have voted, the machine will be locked and the Clerk will take a tally.

Clerk, please announce the tally.

THE CLERK:

Bill Number	5514
Total Number Voting	140
Necessary for Passage	71
Those voting Yea	103
Those voting Nay	37
Those absent and not voting	10

SPEAKER SHARKEY:

The bill is passed.

Will the Clerk please call Calendar 509.

THE CLERK:

Yes, Mr. Speaker, on page 31 on today's Calendar.

Calendar Number 509, favorable report of joint standing committee on Judiciary, Substitute House Bill 6674, AN ACT CONCERNING THE PENALTY FOR INTERFERING WITH AN OFFICER.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. FOX (146th):

Thank you, Mr. Speaker.

What this bill does, which passed out of the Judiciary Committee unanimously, is it addresses the situation where an individual is fleeing from an officer and that attempt to flee results in the death or serious physical injury of an officer.

It came to our attention from one of our police departments that a police officer was nearly killed when chasing a wanted suspect, and what came about through the subsequent court case was that the prosecutor and the judge were equally frustrated in that they were limited to the misdemeanor penalty that they could impose when they felt that the penalty

should be somewhat higher.

Well, what this does is make it a D felony to cause death or serious physical injury to an officer when engaged in that type of situation, and I would urge passage.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill that's before us?

Representative Rebimbas, the distinguished ranking member of the Judiciary Committee. You have the floor, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, a few questions to the proponent of the bill?

SPEAKER SHARKEY:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, I believe the description of the bill was that this provided a new type of class violation.

Through you, prior to this legislation, what was

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the violation for interfering with an officer?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, it was a Class A misdemeanor, and I should point out that it will remain a Class A misdemeanor unless death or serious physical injury is caused.

Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, do we have any legislation on the books that would have allowed for an additional charge in light of the fact that if there was a death or serious physical injury without the bill that's before us today.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

Through you, I can represent that I did specifically speak with the prosecutor who handled the case that I explained and he was frustrated in that he could have attempted to try an additional charge but he didn't know for sure if that would be a good faith basis for that. In discussing this with him, as well as other officials, this would be something that would alleviate that concern that a prosecutor would have and this would be a charge that they clearly put in place in this type of situation.

I should point out that there is a penalty for when one engages in a chase that involves a motor vehicle and in that if death or serious physical injury is caused there, that is currently a Class C felony so there is some history behind chases and the penalties and having serious penalties that would be incurred.

It's just that in this type of situation, it was not on the books at the time.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, what exactly is the

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penalties associated with a Class D felony?

Through you.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

It would be up to five years in prison.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I believe through testimony was provided that a Class C felony would be provided or could be the charge or conviction when there is a pursuit of a motor vehicle. What is the penalty for a Class C felony so that we can compare it to a Class D felony?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

That would be up to ten years.

SPEAKER SHARKEY:

Representative Rebimbas.

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REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And through you, does the proponent of the bill know why it is we're making a differentiation between a Class C felony with a motor vehicle versus a Class D felony without a motor vehicle?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And through you, I think an argument can be made that an automobile chase is inherently dangerous, inherently reckless, that would justify the higher penalty.

As I stated earlier, this is currently a misdemeanor so, currently, if you engage an officer -- or an officer pursues you and you engage in a chase that does not involve a motor vehicle, the penalty is only a misdemeanor. So in bringing this up to the felony level, it is something that would certainly make it a much stricter action that could be penalized.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, seeing that this would not apply to someone in pursuit with a motor vehicle who exactly would this new legislation apply as a Class D felony, potentially.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

An individual who engages an officer in a chase that does not involve a motor vehicle where that officer sustains either death or a serious physical injury.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, just so we can understand for legislative intent regarding the application of this bill, if the person who's being pursued causes serious physical injury and it's

something that they actively do, therefore, let's say picking up a stone from a street floor and throwing it at an officer and it causes serious physical injury, would that person be charged with a Class D felony versus if that person is being pursued, runs into a private party's residential backyard and there is an empty in-ground pool and the officer falls into the empty in-ground pool and causes serious physical injury to the officer, how would this bill apply in that scenario?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, every fact pattern depends on the facts and circumstances that surround that specific case. The example given that involved the perpetrator throwing a stone or some sort of rock, I think that would be, perhaps, more serious than just interfering with an officer. I think it would be something more serious than that.

With respect to if an officer is chasing a suspect and falls into a swimming pool and drowns, then the individual who caused that pursuit could

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potentially be then be charged with the felony.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I'd like to thank the proponent for his responses regarding the bill, and it's my understanding, once again, that any prosecutor in analyzing the appropriate facts and circumstances around the situation would have an additional, then, piece of legislation in order to charge the perpetrator with.

So I do rise in support of the bill, and I do want to note that for purposes of the Judiciary Committee did pass this bill out unanimously.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further on the bills before us?

Representative Vicino of the 35th.

No, thank you, sir.

Representative Cafero of the 142nd.

REP. CAFERO (142nd):

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Thank you, Mr. Speaker.

Mr. Speaker, a couple of questions, through you,  
to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Representative Fox, when you brought out the  
bill, you indicated that the purpose of the bill was  
to enhance the penalty for someone who interferes with  
an officer if, in fact, that interference results in  
serious physical injury of that officer; is that  
correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker. I refer Representative  
Fox to line 10 wherein it says "if such violation

causes the death or serious physical injury of another person." So, needless to say, the language does not seem to be only for police officers but for any other person; is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, given the fact pattern you had initially described, given some of the hypotheticals that were talked about between yourself and Representative Rebimbas, how would this work with another person. In other words, if a individual is interfering with a police officer -- is there a fact pattern you could think of that would cause the serious injury or death of another person other than that police officer?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I can try a hypothetical. I mean if an individual is interfering with an officer and there is a subsequent chase of that individual and either the individual, perhaps, runs into somebody or takes some step that causes death or serious physical injury to a bystander, this could also apply; or if the officer were to, in pursuit, somehow run into somebody inadvertently that would cause injury to a third person. If it were a serious physical injury, then the individual who caused the chase could be charged with the felony.

SPEAKER SHARKEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I guess I would ask the question is to what is the -- when this bill was formulated, what was the intent? It seems to me the intent was to protect police officers in their line of duty -- and firefighters when someone was trying to interfere with them and it caused that person serious injury. Was it also the intent to include all other persons within

this bill?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes, it can include -- the examples that are given and the ones that most come to mind would involve when a police officer suffers an injury, but it certainly could happen that an innocent bystander, an innocent third party, could also be injured; and if that were the case, then the person who causes the chase could be -- this bill could apply to them, as well.

SPEAKER SHARKEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I assume at that point it would be a matter of causation that if this third person who is not the police officer was injured, the issue would become was that person injured as a result of another person interfering with a police officer or firefighter. How do you envision that being proved?

Through you, Mr. Speaker.

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SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, if it is determined that the individual was interfering with the police officer and, as a result of that interference, a third party was injured, then this could potentially be charged.

I should also point out that if a third party is injured by this individual, there might be other charges, as well, that could apply depending upon the circumstances.

SPEAKER SHARKEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I guess my concern with the bill is that I certainly understand and would vote in support for the interference of a police officer or firefighter resulting in their injury. I think that deserves a heightened penalty.

I think when we get into the area of another person, it becomes a little more tenuous and that is my concern with the bill. I could think of a whole

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bunch of hypotheticals wherein someone who has interfered with the police officer on the scene, there might be injury or, God forbid, death to another person. The causation between the two would be more tenuous than it would if it were the actual police officer or firefighter whose -- who the person interfered with. And I think that is my concern as to the way the bill is written.

I don't know if the good gentleman has any comment on that. If not, I will conclude my questions.

Thank you.

SPEAKER SHARKEY:

I'll take that as a question.

Representative Fox, would you care to respond?

REP. FOX (146th):

Thank you, Mr. Speaker.

I do appreciate the comments. I do recognize that a number of the examples that we've talked about would include an injury to a police officer or firefighter. But there are situations where an innocent third party could also be injured and if that were the case and if it was either death or serious injury, then this bill could apply. As I stated, if

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it were death, for example, other charges, I could envision them applying, as well.

SPEAKER SHARKEY:

Thank you, Representative Fox, for that reply to Representative Cafero's question.

Representative O'Neill of the 69th District, you have the floor, sir.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker.

I guess the previous dialogue has prompted a couple of thoughts and questions in my own mind. What if the person who was seriously injured was an accomplice of the person who was trying to avoid pursuit. For example, in a car crash situation, in trying to avoid the police, there was a passenger in the car who was an accomplice of the individual. Would that then ramp up the charge from the misdemeanor to the felony?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as I previously stated, the penalty for a chase with a motor vehicle is

already a Class C felony, and I do believe that even if it's an accomplice, if it causes the death or serious physical injury of somebody that the person who causes the chase, in all likelihood, the driver of the vehicle that is being pursued, could be charged with that heightened penalty. But that would not be the situation in this case, which does not necessarily deal with motor vehicles.

SPEAKER SHARKEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I apologize for using a bad hypothetical. Let's assume that it was the example that was given, I believe, in the Judiciary Committee's report where a police officer was chasing someone and fell off of a bridge onto a highway. If the person who did the falling was an accomplice who was caused to fall off of the bridge under those circumstances, would that bump the penalty up?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

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Through you, Mr. Speaker, I believe they could assuming they were the initial step of interfering with an officer were met.

Through you.

SPEAKER SHARKEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I'm not entirely clear because it seems like the charge is dependent on starting the chase in the first place, not necessarily being the physical cause of the person who gets injured to become injured.

So if the person who starts the chase is being pursued by a police officer and the police officer bumps into someone and they fall off of the bridge, would that be a thing that would cause the enhanced penalty?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yeah, I do believe it could if that individual suffered either death or serious physical injury.

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SPEAKER SHARKEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I thank the gentleman for his answers.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Nothing further.

SPEAKER SHARKEY:

Representative O'Neill, you've completed?

Thank you.

Will you remark? Will you remark further on the  
bills before us?

Representative Candelaria of the 95th.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker.

Mr. Speaker, I just have a quick question to the  
proponent of the bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CANDELARIA (95th):

Can you please define to me what is considered a  
serious physical injury since it's not specified

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specifically in the bill.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you.

Through you, Mr. Speaker, it is defined in section 53a-3 of the General Statutes, Number 4. It means physical injury which creates a substantial risk of death or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Candelaria.

REP. CANDELARIA (95th):

That answers my question.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further? Would you care to remark further on the bill that is before us?

If not, staff and guests to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting roll. Will members please return to the chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Members please check the board to make sure that your vote is properly cast.

If all members have voted, the machine will be locked and the Clerk will take a tally.

Clerk, please announce the tally.

THE CLERK:

Bill Number 6674	
Total Number Voting	142
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	8

SPEAKER SHARKEY:

The bill has passed.

Will the Clerk please call Calendar 339.

THE CLERK:

Yes, on page 16, Mr. Speaker, Calendar 339, favorable report of the joint standing committee on

HB 6490

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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**VETO  
SESSION**

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SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, Calendar page 15, Calendar 695, House Bill Number 5289, if that might also be added to our Consent Calendar?

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, Calendar page 5, Calendar 485, House Bill Number 6602, I'd like to move to place that item on our Consent Calendar, as well.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

And, Mr. President, Calendar page 8, Calendar 606, House Bill Number 6674, I move to place this item on our Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, Calendar Page 15, Calendar 696, House Bill Number 6658, I move to place this item also on our Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, if the clerk would now call -- would now list the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar before taking up additional items.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 2 -- sorry -- House Bill 6672, and then on page 2, Calendar 423, House Bill 5907.

On page 4, Calendar 464, House Bill 5601; Calendar 465, House Bill 6630.

On page 5: 485, House Bill 6602; Calendar 503, House Bill 6635.

On page 6: Calendar 19, House Bill 5903; Calendar 522, House Bill 5598.

On page 7: Calendar 570, House Bill 6486; Calendar 571, House Bill 6492.

On page 8: Calendar 601, House Bill 6490; Calendar 606, House Bill 6674.

On page 10, Calendar 644, House Bill 6363.

On page 12, Calendar 668, House Bill 6362; and Calendar 672, House Bill 548.

On page 15: Calendar 695, House Bill 5289; Calendar 696, House Bill 6658.

On page 16: Calendar 704, House Bill 6692; 705, House Bill 6703.

On page 17: Calendar 706, House Bill 6651.

And on page 21: Calendar 431, Senate Resolution Number 15.

HB 5480

THE CHAIR:

Mr. Clerk, please announce the pendency of a roll call vote, the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the chamber. Immediate roll call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

Have all members have voted? If all members have voted, please check the board to make sure your vote is accurately recorded.

If all members have recorded, the machine will be closed and the clerk will announce the tally.

THE CLERK:

The second Consent Calendar

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I just wanted to review and have we adopted Senate Agendas 3 and 4?

THE CHAIR:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 11  
3486 - 3845**

**2013**

SENATOR COLEMAN: Mr. Crenshaw, what was the length of your marriage?

CHARLES R. CRENSHAW: Twenty-four years, 10 months, seven days.

SENATOR COLEMAN: And did anybody ever try to explain why you ended up with a lifetime alimony obligation?

CHARLES R. CRENSHAW: I was -- well I was told that particularly in the State of Connecticut if you're married in excess of 20 years the judge would typically issue lifetime alimony. So even going into this I was told that you're going to get lifetime alimony.

SENATOR COLEMAN: Okay.

CHARLES R. CRENSHAW: And that's when I said so I get a life sentence.

SENATOR COLEMAN: Any other members have questions?

If not, thank you for patience. Thank you for your testimony.

CHARLES R. CRENSHAW: Okay thank you for letting me speak.

SENATOR COLEMAN: Gregg Marchand.

GREGG MARCHAND: Good evening to the Judiciary Committee.

SENATOR COLEMAN: Good evening.

GREGG MARCHAND: I'm Gregg Marchand from Willimantic and I oppose H.B. No. 6674, a raised ACT CONCERNING ENGAGING AN OFFICER IN PURSUIT. The reason I appro -- oppose this because there are

certain criteria where an immediate stop is not possible.

Such as if a person, whether it's an older gentleman or a pretty young lady or anybody in between all of a sudden is being followed by what seems to be a police cruiser. The first thought is pull over. But it's nighttime and the driver is skeptical thinking is this really a pol -- the police behind me?

So for safety sake the driver wants to pull over but in a public place. If this is what -- if this is what was to happen, the driver will be charged with engaging an officer in pursuit. This being the case all police cruisers must have video cameras. This camera will show and prove accountability of the driver and the officer.

Even though the driver does pull over, the officer should get on the intercom and identify himself and then tell the driver to go to the nearest public property such as a 24-hour gas station, et cetera.

We all know police are here to protect and serve not to scare and instigate the situation. Besides police do have a strenuous job and some may be on drugs therefore no one knows how a routine stop may turn out. After all police are not randomly drug tested, therefore, a reaction from an officer during a pull over may not be properly done on the grounds of the officer may be on drugs or the anabolic steroid.

And a roadblock scenario to me is ridiculous on the grounds of the roadblock is unconstitutional. In the first place it reminds me of Nazi Germany days where the

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JUDICIARY COMMITTEE

April 5, 2013

10:00 A.M.

Gestapo will yell halt netz sehen dein papiere,  
in English stop let me see your papers.

Lawmakers are responsible to represent us as  
Connecticut citizens yet you pass laws that are  
violating our civil liberties. I would think  
any aspect of a new law that tramples our civil  
liberties and/or any part of our U.S.  
Constitution would be -- automatically be  
denied on the grounds of the idea being  
unconstitutional. I tell you something stinks  
in Connecticut and it's fascist ideas that  
become law.

Thank you.

SENATOR COLEMAN: Thank you.

Are there questions for Mr. Martouch --  
Marchand?

Thank you for your patience.

GREGG MARCHAND: Thanks, have a nice night.

SENATOR COLEMAN: You have a nice night and a nice  
weekend.

GREGG MARCHAND: Thanks.

SENATOR COLEMAN: Nancy Pannel. Henry Martocchio.

HENRY J. MARTOCCHIO: Good day, Senator Coleman.  
Thank you for having me on your mind when you  
said Martocchio earlier. Representatives, I  
appreciate you guys spending the day here and  
really taking great interest in what's going on  
in our family court systems today.

HB 6682  
HB 6688  
HB 6690  
(SB 1155)

Not wanting to stay the whole day because I do  
have a nine year old autistic son at home

CCDLA  
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FOUNDED IN 1988

Connecticut Criminal Defense  
Lawyers Association  
P O Box 1766  
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[www.ccdla.com](http://www.ccdla.com)

April 5, 2013

Hon Eric D. Coleman, Co-Chair  
Hon. Gerald M. Fox, Co-Chair  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106

Re: Raised Bill 6674

Dear Chairmen Coleman and Fox.

CCDLA is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA opposes Raised Bill 6674, An Act Concerning Engaging an Officer in Pursuit. While CCDLA appreciates the objective underlying 6674, to punish as a D felony the improper conduct of an individual who leads police on a non-motor vehicle chase that results in serious injury or death of another person, 6674 is not necessary to punish such conduct since there are existing statutes that do so. Moreover, 6674 is dangerously broad because it does not require the police stop to be supported by a reasonable articulable suspicion of criminal conduct, it criminalizes the perfectly lawful refusal of a citizen not to engage in a consensual stop, it does not require the officer to be acting within the scope of his or her duties, and it does not require that the person be acting with intent to interfere with or thwart the officer in the performance of his/her duties

A person who causes the harm contemplated by RB 6674 could be prosecuted under CGS Sec. 53a-167c, assault of a public safety officer, or under CGS Sec. 14-223, failing to stop when signaled or disobeying the direction of an officer. A person is guilty of assault of public safety officer when, with intent to prevent a reasonably identifiable peace officer acting in the performance of his or her duties, from carrying out such duties, the person causes physical injury to the peace officer. A violation of 53a-167c is a C felony. It is a question of fact for a jury or judge (in a bench trial) whether a person such as Frank Douglas (whose case is referenced in the attached article), by engaging in pursuit and fleeing from the officer, caused (or proximately caused) the officer's injuries. The fact that Mr. Douglas' case resulted in a plea agreement to

misdemeanor charges does not mean that conduct similar to his could not be prosecuted as felony conduct under 53a-167c. Similarly, such conduct is prosecutable under 14-223 as a C felony if the failure to stop causes death or serious physical injury to another person. Again, it is a question of fact whether the violation was the cause of the victim's death or injury.

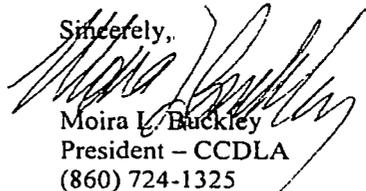
Finally, Raised Bill 6674 is broad and ambiguous. It contains no requirements similar to those found in the interfering with a peace officer and assault on a peace officer statutes that the officer must be acting in the performance of his/her duties, and that the person be acting with an intent to frustrate the officer's performance of his/her duties.

As written, 6674 criminalizes a pedestrian for not stopping at the command of a police officer who is acting outside of the scope of his duties, abusing his position of authority, or stopping someone when he does not have a reasonable articulable suspicion that the person has, or is about to, engage(d) in criminal conduct. An officer who wishes to stop a citizen for personal reasons would be entitled to do so under this bill, and if the citizen refused the command, he/she could be charged with a misdemeanor. A person walking down a dark street at night who is commanded to stop by a police officer but wishes to walk to a well-lighted or public place before stopping, could also be charged with a misdemeanor.

Finally, it is unclear what the bill intends by its definition of "person". If the intent is to prosecute someone similar to Mr. Douglas, applying the bill to *any person other than* the operator of the vehicle (Mr. Douglas) does not accomplish that objective and creates a dragnet effect that includes innocent pedestrians.

Please contact me if you have any questions regarding our position on this bill. Thank you.

Sincerely,



Moira L. Buckley  
President - CCDLA  
(860) 724-1325



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No added prison time in police chase

Updated 12:43 pm, Wednesday, February 6, 2013

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Frank Douglas, of 43 Lincoln Ave., Norwalk, was arrested Thursday morning, May 17, 2012 and charged with second-degree robbery, engaging police in pursuit, interfering with police and cruelty to animals. Police say Douglas was trying to get away from Stamford police officer Troy Strauser when Strauser fell 20 feet from a bridge abutment and was critically injured. Photo: Contributed Photo



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Staff Report

STAMFORD -- After nine months in jail, the man who in May 2012 led a Stamford police officer on a chase into Norwalk -- during which the officer fell 20 feet onto Interstate 95 and was seriously injured, was released Wednesday.

At a hearing at State Superior Court in Stamford on Wednesday, Frank Douglas, 30, of Norwalk, pleaded guilty to misdemeanor counts of interfering with an officer, engaging police in pursuit and cruelty to animals and was sentenced to time already served.

Douglas, who was being chased by police because his car looked like one involved in an early-morning robbery on May 17, 2012, had his original charges.

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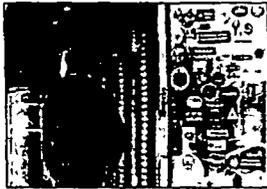
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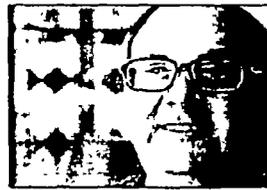




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including assault on a police officer and reckless endangerment, dropped because some elements of the offenses did not fit facts of the case, Assistant State's Attorney David Applegate said.

Douglas was given a suspended 27-month prison sentence, three years of probation and 300 hours of community service.

On May 17, Officer Tim Strauser was on patrol when he heard an alert for a white BMW sought in a robbery, Applegate said.

Strauser saw Douglas' car near West Avenue and tried to stop it, but it fled onto the highway, headed for Norwalk. After spike strips flattened some of the car's tires, Douglas crashed at Exit 14, got out of his car and fled with Strauser close behind, Applegate said.

While trying to run Douglas down, Strauser fell off a 20-foot-tall bridge embankment onto the highway.

Douglas then doubled back, running over six highway lanes and hid in a wooded area on the south side of I-95 before being apprehended.

Strauser was critically wounded, suffering from severe head and internal injuries. He spent the next week in surgery. Titanium was used to put his arm together, his nose had to be rebuilt and it took months for him to eat normally again.

Applegate said the plea agreement with Douglas was a fair disposition.

"I don't think this was a slap on the wrist at all. It was a real sentence here," he said of the nine months Douglas spent in jail.

Applegate said while Strauser was satisfied with the agreement, he was also troubled that no laws applied to his situation. Applegate said assault on a police officer and reckless endangerment laws don't cover officers who are injured while chasing someone.

"What really shocked officer Strauser was that if he had died that night chasing the defendant into the woods, the only charge that he would face was interfering," he said.

At the end of Wednesday's hearing, Judge Richard Comerford, whose son is in the Stamford Police Department, called for changes in state law that would hold a person being chased by police responsible for any injuries to officers.

"These people do our bidding every day. Fine young men and women out there on the streets and we take them for granted, all of us take them for granted," Comerford said. "... absolutely outrageous, the law should be changed."

Douglas' attorney, Darnell Crosland, said his client, who was on parole at the time and driving with a suspended license, ran because he was worried he may be arrested.



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**Testimony of Michael Alevy, Senior Assistant Public Defender**  
**Office of Chief Public Defender**

**JUDICIARY COMMITTEE PUBLIC HEARING – APRIL 5, 2013**

**RAISED BILL NO. 6674**  
***AN ACT CONCERNING ENGAGING AN OFFICER IN PURSUIT***

***Raised Bill 6674, An Act Concerning Engaging an Officer in Pursuit*** creates a new crime when any person, other than the operator of a motor vehicle, fails to promptly come to a full stop when signaled by any peace officer. Persons subject to the new law would apparently include only pedestrians and bicyclists. The Office of Chief Public Defender has concerns regarding the effect of this proposed bill as currently drafted.

This stated purpose of the bill is to create a new offense that “corresponds” to C.G.S. §14-223, ***FAILING TO STOP WHEN SIGNALLED OR DISOBEYING DIRECTION OF OFFICER. INCREASING SPEED IN ATTEMPT TO ESCAPE OR ELUDE OFFICER.*** As drafted, ***RAISED BILL 6647*** fails to achieve this result.

Currently, C.G.S. §14-223 imposes penalties for two forms of prohibited conduct regarding the operation of a motor vehicle. Subsection (a) prohibits the failure of the vehicle’s operator to bring the vehicle to a full stop upon the signal of a police officer. A violation of subsection (a) constitutes an infraction and is punishable by a fifty dollar fine. Subsection (b) of the statute prohibits the aggravated conduct of ignoring the officer’s signal, and increasing the speed of the vehicle in an attempt to escape or elude the officer. A violation of subsection (b) is punishable as a class A misdemeanor, except that if the violation causes serious physical injury or death it is punishable as a class C felony.

Despite the title of the raised bill and its stated purpose, it contains no language that prohibits conduct that would rise to the level of engaging an officer in pursuit or evading or eluding as found in C.G.S. §14-223. The actual language in the bill only criminalizes the conduct of a person on foot or a bicycle and who is not the operator of a motor vehicle, who as in subsection (a) of C.G.S. §14-223, fails to stop in compliance with an officer’s signal. That conduct is not a crime, but rather, is a violation punishable only by a \$50 fine.

The Office of Chief Public Defender recognizes the legitimate concerns that underlie this bill. We respectfully suggest that as written, this bill fails to accomplish what its proponents seek to achieve. For this reason, we urge the Committee to take no action on this bill.