



House of Representatives

General Assembly

File No. 471

January Session, 2021

House Bill No. 6455

House of Representatives, April 15, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING IMPEDING OR OBSTRUCTING THE
GENERAL ASSEMBLY AND INTERFERENCE WITH OR ASSAULT
UPON A STATE CAPITOL POLICE OFFICER.***

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

1 Section 1. Section 2-1d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) A person is guilty of [interfering with] impeding the legislative
4 process when [he: (1) Alone or in concert with others, either by force,
5 physical interference, fraud, intimidation or by means of any unlawful
6 act, with intent to do so, prevents or attempts to prevent the General
7 Assembly, either house thereof, or any committee of the General
8 Assembly or either house thereof, from meeting;

9 (2) Alone or in concert with others, with intent to do so, disturbs,
10 disrupts or interferes with, or attempts to disturb, disrupt or interfere
11 with, any session, meeting or proceeding of the General Assembly or
12 either house thereof or any committee of the General Assembly or either

13 house thereof, whether within or outside the presence of said General
14 Assembly, either house thereof or any such committee by (A) engaging
15 in violent, tumultuous or threatening behavior; or (B) using abusive or
16 obscene language or making an obscene gesture; or (C) making
17 unreasonable noise; or (D) refusing to comply with a lawful order of the
18 police or a member of the Office of State Capitol Police to disperse; or
19 (E) performing any other act which disturbs, disrupts or interferes with
20 any such session, meeting or proceeding;

21 (3) Alone or in concert with others, without legal authority, takes,
22 obtains, withholds, destroys, defaces or alters any official document or
23 record of the General Assembly, either house thereof or any committee
24 of the General Assembly, or either house thereof, which disrupts or
25 interferes with the functioning of said General Assembly or committee
26 or either house thereof;

27 (4) Alone or in concert with others, and without legal authority, takes,
28 obtains, withholds, destroys or defaces any real or personal property
29 owned or used by the General Assembly, either house thereof or any
30 committee or agency of the General Assembly or either house thereof;

31 (5) Alone or in concert with others] such person, alone or in concert
32 with others, and without legal authority or proper authorization, refuses
33 to leave any part of the chamber, galleries or offices of the General
34 Assembly or either house thereof, or the building in which such
35 chamber, galleries or any such office is located, or within or upon any
36 office or residence of any member of the General Assembly, or within or
37 upon any room or building in which a legislative hearing or meeting is
38 being conducted, upon a lawful order of the police or a member of the
39 Office of State Capitol Police to disperse, leave or move to an area he or
40 she designates. [;]

41 [(6)Alone or in concert with others, pickets inside any building in
42 which the chamber, galleries or offices of the General Assembly or either
43 house thereof is located, or in which the office or residence of any
44 member of the General Assembly is located, or in which a legislative
45 hearing or meeting is being conducted.]

46 (b) [Interference with] Impeding the legislative process [under the
47 provisions of this section] is a class A misdemeanor.

48 Sec. 2. Section 2-1e of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective October 1, 2021*):

50 (a) A person is guilty of [interfering with] obstructing the legislative
51 process when [he] such person, alone or in concert with others; [, either]

52 (1) Either by force, physical interference, [fraud,] intimidation or by
53 means of any independently unlawful act, prevents or attempts to
54 prevent any member, officer or employee of the General Assembly,
55 either house thereof or any committee or agency of the General
56 Assembly or either house thereof, from performing any of his or her
57 official functions, powers or duties; [.]

58 [(b) A person is guilty of coercing performance when he, alone or in
59 concert with others, either]

60 (2) Either by force, physical interference, intimidation or by means of
61 any unlawful act, with intent to do so, prevents or attempts to prevent
62 the General Assembly, either house thereof, or any committee or agency
63 of the General Assembly or either house thereof, from meeting;

64 (3) With intent to do so, disturbs, disrupts or interferes with, or
65 attempts to disturb, disrupt or interfere with, any session, meeting or
66 proceeding of the General Assembly or either house thereof or any
67 committee or agency of the General Assembly or either house thereof,
68 whether within or outside the presence of said General Assembly, either
69 house thereof or any such committee by (A) engaging in or using
70 violent, tumultuous or threatening behavior or language; (B) making
71 unreasonable noise; (C) refusing to comply with a lawful order of the
72 police or a member of the Office of State Capitol Police to disperse; or
73 (D) performing any other act which disturbs, disrupts or interferes with
74 any such session, meeting or proceeding;

75 (4) Without legal authority, takes, obtains, withholds, destroys,
76 defaces or alters any official document or record of the General

77 Assembly, either house thereof or any committee or agency of the
78 General Assembly, which disrupts or interferes with the functioning of
79 said General Assembly or committee or agency of the General Assembly
80 or either house thereof;

81 (5) Without legal authority, takes, obtains, withholds, destroys or
82 defaces any property owned or used by a member, officer or employee
83 of the General Assembly, either house thereof or any committee or
84 agency of the General Assembly or either house thereof if such person
85 knew or a reasonable person would know that such property is, or may
86 contain, possess or provide access to confidential or proprietary
87 information;

88 (6) Either by force, physical interference, [fraud,] intimidation or by
89 means of any unlawful act, compels or induces any member, officer or
90 employee of the General Assembly, either house thereof or any
91 committee or agency of the General Assembly or either house thereof to
92 perform any acts as a member, officer or employee against his or her
93 will; [.] or

94 [(c) Notwithstanding the provisions of sections 29-35 and 53-206, (1)
95 a person, other than a state or local police officer, a member of the Office
96 of State Capitol Police or a police officer of any other state or of the
97 federal government, who is carrying out official duties in this state, or
98 any person summoned by any such officer to assist in making arrests or
99 preserving the peace while he is actually engaged in assisting such
100 officer, while such officer is in the performance of his official duties or
101 any member of the armed forces of the United States, as defined in
102 section 27-103, or of the state, as defined in section 27-2, in the
103 performance of official duties, or any veteran, as defined in section 27-
104 103, performing in uniform as a member of an official ceremonial unit,
105 is guilty of interfering with the legislative process when he, alone or in
106 concert with others, brings]

107 (7) Brings into, or possesses within, any building in which the
108 chamber of either house of the General Assembly is located or in which
109 the official office of any member, officer or employee of the General

110 Assembly or the office of any committee of the General Assembly or
111 either house thereof is located or any building in which a committee of
112 the General Assembly is holding a public hearing, any weapon, whether
113 loaded or unloaded, from which a shot may be discharged, or a billy, [;
114 and (2) any person is guilty of interfering with the legislative process
115 when such person, alone or in concert with others, brings into, or
116 possesses within, any such building, a] switchblade, gravity knife,
117 blackjack [] or bludgeon, metal knuckles or any other dangerous or
118 deadly weapon or instrument, or any explosive or incendiary or other
119 dangerous device. The provisions of this subdivision shall not apply to
120 any state or local police officer, member of the Office of State Capitol
121 Police or police officer of any other state or of the federal government,
122 who is carrying out official duties in this state, or any person summoned
123 by any such officer to assist in making arrests or preserving the peace
124 while he or she is actually engaged in assisting such officer, while such
125 officer is in the performance of his or her official duties or any member
126 of the armed forces of the United States, as defined in section 27-103, or
127 of the state, as defined in section 27-2, in the performance of official
128 duties, or any veteran, as defined in section 27-103, performing in
129 uniform as a member of an official ceremonial unit.

130 [(d) The violation of any provision of this section]

131 (b) Obstructing the legislative process is a class D felony, except that
132 any person found guilty under subdivision (1), (2), (3), (4), (5) or (6) of
133 subsection (a) of this section and subdivision (7) of said subsection (a)
134 for the same offense or for an offense based on the same act shall be
135 guilty of a class C felony.

136 Sec. 3. Section 53a-167a of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2021*):

138 (a) A person is guilty of interfering with an officer when such person
139 obstructs, resists, hinders or endangers any peace officer, including a
140 member of the Office of the State Capitol police, special policeman
141 appointed under section 29-18b or firefighter in the performance of such
142 peace officer's, special policeman's or firefighter's duties.

143 (b) Interfering with an officer is a class A misdemeanor, except that,
144 if such violation causes the death or serious physical injury of another
145 person, such person shall be guilty of a class D felony.

146 Sec. 4. Section 53a-167c of the general statutes is repealed and the
147 following is substituted in lieu thereof (*Effective October 1, 2021*):

148 (a) A person is guilty of assault of public safety, emergency medical,
149 public transit or health care personnel when, with intent to prevent a
150 reasonably identifiable peace officer, including a member of the Office
151 of the State Capitol Police, special policeman appointed under section
152 29-18b, firefighter or employee of an emergency medical service
153 organization, as defined in section 53a-3, emergency room physician or
154 nurse, health care employee as defined in section 19a-490q, employee of
155 the Department of Correction, member or employee of the Board of
156 Pardons and Paroles, probation officer, employee of the Judicial Branch
157 assigned to provide pretrial secure detention and programming services
158 to juveniles accused of the commission of a delinquent act, liquor control
159 agent, state or municipal animal control officer, security officer,
160 employee of the Department of Children and Families assigned to
161 provide direct services to children and youths in the care or custody of
162 the department, employee of a municipal police department assigned to
163 provide security at the police department's lockup and holding facility,
164 active individual member of a volunteer canine search and rescue team,
165 as defined in section 5-249, or public transit employee from performing
166 his or her duties, and while such peace officer, special policeman,
167 firefighter, employee, physician, nurse, health care employee, member,
168 liquor control agent, animal control officer, security officer, probation
169 officer or active individual member is acting in the performance of his
170 or her duties, (1) such person causes physical injury to such peace
171 officer, special policeman, firefighter, employee, physician, nurse,
172 member, liquor control agent, animal control officer, security officer,
173 probation officer or active individual member, or (2) such person throws
174 or hurls, or causes to be thrown or hurled, any rock, bottle, can or other
175 article, object or missile of any kind capable of causing physical harm,
176 damage or injury, at such peace officer, special policeman, firefighter,

177 employee, physician, nurse, member, liquor control agent, animal
178 control officer, security officer, probation officer or active individual
179 member, or (3) such person uses or causes to be used any mace, tear gas
180 or any like or similar deleterious agent against such peace officer, special
181 policeman, firefighter, employee, physician, nurse, member, liquor
182 control agent, animal control officer, security officer, probation officer
183 or active individual member, or (4) such person throws or hurls, or
184 causes to be thrown or hurled, any paint, dye or other like or similar
185 staining, discoloring or coloring agent or any type of offensive or
186 noxious liquid, agent or substance at such peace officer, special
187 policeman, firefighter, employee, physician, nurse, member, liquor
188 control agent, animal control officer, security officer, probation officer
189 or active individual member, or (5) such person throws or hurls, or
190 causes to be thrown or hurled, any bodily fluid including, but not
191 limited to, urine, feces, blood or saliva at such peace officer, special
192 policeman, firefighter, employee, physician, nurse, member, liquor
193 control agent, animal control officer, security officer, probation officer
194 or active individual member. For the purposes of this section, "public
195 transit employee" means a person employed by the state, a political
196 subdivision of the state, a transit district formed under chapter 103a or
197 a person with whom the Commissioner of Transportation has
198 contracted in accordance with section 13b-34 to provide transportation
199 services who operates a vehicle or vessel providing public ferry service
200 or fixed route bus service or performs duties directly related to the
201 operation of such vehicle or vessel, or who, as part of the provision of
202 public rail service, is a train operator, conductor, inspector, signal
203 person or station agent and "security officer" has the same meaning as
204 provided in section 29-152u.

205 (b) Assault of public safety, emergency medical, public transit or
206 health care personnel is a class C felony. If any person who is confined
207 in an institution or facility of the Department of Correction is sentenced
208 to a term of imprisonment for assault of an employee of the Department
209 of Correction under this section, such term shall run consecutively to the
210 term for which the person was serving at the time of the assault.

211 (c) In any prosecution under this section involving assault of a health
 212 care employee, as defined in section 19a-490q, it shall be an affirmative
 213 defense that the defendant is a person with a disability as described in
 214 subdivision (13), (15) or (20) of section 46a-51 and the defendant's
 215 conduct was a clear and direct manifestation of the disability, except
 216 that for the purposes of this subsection, "mental disability", as defined
 217 in subdivision (20) of section 46a-51, does not include any abnormality
 218 manifested only by repeated criminal or antisocial conduct.

219 Sec. 5. Subdivision (8) of subsection (a) of section 54-280 of the general
 220 statutes is repealed and the following is substituted in lieu thereof
 221 (*Effective October 1, 2021*):

222 (8) "Offense committed with a deadly weapon" or "offense" means:
 223 (A) A violation of [subsection (c)] subdivision (7) of subsection (a) of
 224 section 2-1e, as amended by this act, subsection (e) of section 29-28,
 225 subsections (a) to (e), inclusive, or (i) of section 29-33, section 29-34,
 226 subsection (a) of section 29-35, section 29-36, 29-36k, 29-37a or 29-37e,
 227 subsection (c) of section 29-37g, section 29-37j, subsection (b), (c) or (g)
 228 of section 53-202, section 53-202b, 53-202c, 53-202j, 53-202k, 53-202l, 53-
 229 202aa or 53-206b, subsection (b) of section 53a-8, section 53a-55a, 53a-
 230 56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a, 53a-102a, 53a-103a, 53a-
 231 211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-217b or 53a-217c, or a
 232 second or subsequent violation of section 53-202g; or (B) a violation of
 233 any section of the general statutes which constitutes a felony, as defined
 234 in section 53a-25, provided the court makes a finding that, at the time of
 235 the offense, the offender used a deadly weapon, or was armed with and
 236 threatened the use of or displayed or represented by words or conduct
 237 that the offender possessed a deadly weapon;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	2-1d
Sec. 2	<i>October 1, 2021</i>	2-1e
Sec. 3	<i>October 1, 2021</i>	53a-167a
Sec. 4	<i>October 1, 2021</i>	53a-167c

Sec. 5	<i>October 1, 2021</i>	54-280(a)(8)
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the 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 chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Judicial Dept.; Correction, Dept.	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the penalty for obstructing the legislative process in certain circumstances and includes the Capitol Police in the definition of a peace officer for certain offenses resulting in a potential cost for incarceration or probation and a potential revenue gain from fines to the extent violations occur. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200¹ while the average marginal cost for supervision in the community is less than \$700² each year.

The Out Years

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**HB 6455*****AN ACT CONCERNING IMPEDING OR OBSTRUCTING THE GENERAL ASSEMBLY AND INTERFERENCE WITH OR ASSAULT UPON A STATE CAPITOL POLICE OFFICER.*****SUMMARY**

This bill increases the penalties for certain actions that obstruct the legislative process and makes minor changes to the actions that constitute the offense.

Specifically, the bill (1) increases the penalty for many of the actions currently classified as interfering with the General Assembly, from a class A misdemeanor to a class D felony, and (2) removes certain activities that are currently prohibited. The bill also makes it a class C felony to obstruct the legislative process while bringing or possessing specified weapons or dangerous devices in General Assembly buildings. Under current law and the bill, violators of obstructing the legislative process with these weapons or devices must register on the deadly weapon offender registry. Failure to register is a class D felony.

The bill also explicitly includes members of the State Capitol Police in the laws on (1) interfering with an officer and (2) assaulting certain public safety personnel.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

OBSTRUCTING OR IMPEDING THE LEGISLATIVE PROCESS

Under current law, a person is guilty of interfering with the legislative process when he or she, either acting alone or with others, takes certain actions to disrupt or interfere with the General Assembly. Current law makes some of these actions class A misdemeanors and

others class D felonies. The bill instead renames these crimes impeding the legislative process and obstructing the legislative process and in doing so, (1) increases the penalties for certain actions and (2) removes various actions, as described below.

Increased Penalties for Obstructing the Legislative Process

The bill increases the penalties, from a class A misdemeanor (punishable by up to one-year imprisonment, up to a \$2,000 fine, or both) to a class D felony (punishable by up to five years imprisonment, up to a \$5,000 fine, or both) for the following actions currently designated as interfering with the General Assembly:

1. preventing or attempting to prevent the General Assembly or any committee from meeting, either by force, physical interference, intimidation, or by any unlawful act, and with intent to do so;
2. disturbing, disrupting, or interfering with, or attempting to do so, with intent to do so, any session, meeting, or proceeding of the General Assembly or any committee, whether inside or outside the General Assembly's presence, by (a) engaging in or using violent, tumultuous, or threatening behavior or language; (b) making unreasonable noise; (c) refusing to comply with a lawful order of the police or State Capitol Police to disperse; or (d) performing any other act that disturbs, disrupts, or interferes with the session, meeting, or proceeding; and
3. taking, obtaining, withholding, destroying, defacing, or altering any official document or record of the General Assembly or any committee without legal authority to do so, thus disrupting or interfering with the General Assembly's functioning.

The bill similarly increases the penalty for taking, obtaining, withholding, destroying, or defacing any property owned or used by the General Assembly or any committee without legal authority to do so. The bill (1) specifies that this provision applies to property owned and used by General Assembly members, officers, or employees and (2) adds the condition that a person must have known, or a reasonable

person would know, that the property is, or may contain, possess, or provide access to, confidential or proprietary information.

Under the bill, these actions fall under obstructing the legislative process. Obstructing the legislative process also includes the following actions that current law designates as interfering with the legislative process (and a class D felony under existing law and the bill):

1. preventing or attempting to prevent General Assembly members, officers, employees, houses, or committees from performing their official functions, powers, or duties, either by force, physical interference, intimidation, or other unlawful act; and
2. bringing specified weapons and dangerous devices into any building in which either chamber of the General Assembly is located, or in which the official office of any legislative member, officer, employee, or committee is located, or in which a committee is holding a public hearing (except as described below).

The bill also designates the current crime of coercing performance as obstructing the legislative process. As under current law, this (1) includes compelling or inducing any General Assembly member, officer, employee, or committee to perform acts against their will and (2) is a class D felony.

Increased Penalties for Obstructing the Legislative Process with a Weapon or Dangerous Device

Under the bill, a person is guilty of a class C felony (punishable by up to 10 years imprisonment, up to a \$10,000 fine, or both) if he or she is found guilty of (1) bringing specified weapons and dangerous devices into the General Assembly (as described above) and (2) obstructing the legislative process under any of the other actions described above.

Impeding the Legislative Process

The bill narrows the list of actions that are currently designated as

interfering with the legislative process (and are class A misdemeanors) to refusing to leave, upon a lawful order of the police or State Capitol Police, (1) any part of the General Assembly's chambers, galleries, or offices, or the building in which they are located; (2) a General Assembly member's office or residence; or (3) any room or building where a legislative hearing or meeting is being conducted.

Fraud

The bill eliminates fraud as an element by which someone is found guilty of interfering with the legislative process by:

1. preventing or attempting to prevent the General Assembly, either house, or any committee from meeting or performing their official functions, powers, and duties; or
2. compelling or inducing any General Assembly member, officer, employee, or committee to perform acts against their will.

Abusive or Obscene Language or Gestures

Under current law, disturbing, disrupting, or interfering with the General Assembly (as described above) includes doing so by using abusive or obscene language or making an obscene gesture. The bill eliminates this provision from this crime.

Picketing

Under current law, interfering with the legislative process includes picketing, alone or with others, in (1) General Assembly chambers, galleries, or offices; (2) the office or residence of a General Assembly member; or (3) where a legislative hearing or meeting is being conducted. The bill eliminates this provision.

EXCEPTION TO THE PROHIBITION ON BRINGING OR POSSESSING WEAPONS

Existing law creates an exception to the prohibition on bringing or possessing weapons in General Assembly buildings for specified public safety personnel (e.g., state or local police) and others (e.g., U.S. armed forces members and veterans) while performing their official duties.

Under current law, the exception applies to weapons, whether loaded or unloaded, from which a shot may be discharged, or a billy (i.e., baton). The bill expands this exception by also allowing these specified individuals to bring or possess the following weapons in General Assembly buildings while performing their official duties: switchblades, gravity knives, blackjacks or bludgeons, metal knuckles, or any other dangerous or deadly weapon or instrument, or any explosive or incendiary, or other dangerous device. Under current law, no one is permitted to bring or possess these weapons in General Assembly buildings.

STATE CAPITOL POLICE

Interference

By law, a person interferes with an officer when the person obstructs, resists, hinders, or endangers a peace officer in the performance of his or her duties. The bill specifically includes State Capitol Police members as peace officers for purposes of this crime.

By law, interfering with an officer is a class A misdemeanor, or if it causes the death or serious physical injury of another person, a class D felony.

Assaulting a Public Safety Officer

The bill specifically includes a State Capitol Police member as a peace officer under the enhanced penalty for assaulting certain public safety personnel. Under the bill, a person commits this crime by assaulting a reasonably identifiable State Capitol Police member performing his or her duties, with intent to prevent the member from performing them, by doing any of the following:

1. causing injury;
2. throwing objects capable of causing harm;
3. using tear gas, mace, or a similar harmful agent;
4. throwing paint, dye, or any other offensive substance; or

- 5. throwing bodily fluid, such as feces, blood, or saliva.

By law, violators are guilty of a class C felony. A person arrested for certain serious felonies must provide a blood or DNA sample before being released from custody if he or she was previously convicted of a felony and has not already provided a blood or DNA sample. The bill makes assaulting a State Capitol Police member a serious felony for this requirement.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 27 Nay 10 (03/29/2021)