



General Assembly

Amendment

February Session, 2022

LCO No. 5001



Offered by:

REP. CANDELORA V., 86 th Dist.	REP. ZUPKUS, 89 th Dist.
REP. O'DEA, 125 th Dist.	REP. DEVLIN, 134 th Dist.
REP. REBIMBAS, 70 th Dist.	REP. FISHBEIN, 90 th Dist.
REP. PERILLO J., 113 th Dist.	

To: Subst. House Bill No. 5420

File No. 339

Cal. No. 251

"AN ACT CONCERNING MENTAL HEALTH NEEDS OF AND SERVICES FOR POLICE OFFICERS, CERTAIN REQUIREMENTS REGARDING POLICE TRAINING AND CERTAIN REPORTS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (d) of section 52-571k of the 2022 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2022*):

6 (d) (1) In any civil action brought under this section, governmental
7 immunity shall [only] be a defense to a claim for damages, [when]
8 unless, at the time of the conduct complained of, the police officer [had
9 an objectively good faith belief that such officer's conduct did not violate
10 the law. There shall be no] deprived any person or class of persons of
11 the protections, privileges and immunities guaranteed under article first
12 of the Constitution of this state. A party may make an interlocutory

13 appeal of a trial court's denial of the application of the defense of
14 governmental immunity. Governmental immunity shall not be a
15 defense in a civil action brought solely for equitable relief.

16 (2) In any civil action brought under this section, the trier of fact may
17 draw an adverse inference from a police officer's deliberate failure, in
18 violation of section 29-6d, to record any event that is relevant to such
19 action.

20 Sec. 502. Subsection (b) of section 14-283a of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective October*
22 *1, 2022*):

23 (b) (1) The Commissioner of Emergency Services and Public
24 Protection, in conjunction with the Chief State's Attorney, the Police
25 Officer Standards and Training Council, the Connecticut Police Chiefs
26 Association and the Connecticut Coalition of Police and Correctional
27 Officers, shall adopt, in accordance with the provisions of chapter 54, a
28 uniform, state-wide policy for handling pursuits by police officers. Such
29 policy shall specify: (A) The conditions under which a police officer may
30 engage in a pursuit and discontinue a pursuit, (B) alternative measures
31 to be employed by any such police officer in order to apprehend any
32 occupant of the fleeing motor vehicle or to impede the movement of
33 such motor vehicle, including permitting the use of stop sticks or a
34 similar tire-deflation device without requiring the officer to obtain prior
35 authorization for such use for the purpose of preventing a crime or
36 reckless driving, (C) the coordination and responsibility, including
37 control over the pursuit, of supervisory personnel and the police officer
38 engaged in such pursuit, (D) in the case of a pursuit that may proceed
39 and continue into another municipality, (i) the requirement to notify
40 and the procedures to be used to notify the police department in such
41 other municipality or, if there is no organized police department in such
42 other municipality, the officers responsible for law enforcement in such
43 other municipality, that there is a pursuit in progress, and (ii) the
44 coordination and responsibility of supervisory personnel in each such
45 municipality and the police officer engaged in such pursuit, (E) the type

46 and amount of training in pursuits, that each police officer shall
47 undergo, which may include training in vehicle simulators, if vehicle
48 simulator training is determined to be necessary, and (F) that a police
49 officer immediately notify supervisory personnel or the officer in charge
50 after the police officer begins a pursuit. The chief of police or
51 Commissioner of Emergency Services and Public Protection, as the case
52 may be, shall inform each officer within such chief's or said
53 commissioner's department and each officer responsible for law
54 enforcement in a municipality in which there is no such department of
55 the existence of the policy of pursuit to be employed by any such officer
56 and shall take whatever measures that are necessary to assure that each
57 such officer understands the pursuit policy established.

58 (2) Not later than January 1, 2021, and at least once during each five-
59 year period thereafter, the Commissioner of Emergency Services and
60 Public Protection, in conjunction with the Chief State's Attorney, the
61 Police Officer Standards and Training Council, the Connecticut Police
62 Chiefs Association and the Connecticut Coalition of Police and
63 Correctional Officers, shall adopt regulations in accordance with the
64 provisions of chapter 54, to update such policy adopted pursuant to
65 subdivision (1) of this subsection.

66 Sec. 503. Section 54-33o of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2022*):

68 (a) (1) No law enforcement official may ask an operator of a motor
69 vehicle to conduct a search of a motor vehicle or the contents of the
70 motor vehicle that is stopped by a law enforcement official solely for a
71 motor vehicle violation, except as provided in subdivision (2) of this
72 subsection.

73 (2) Any search by a law enforcement official of a motor vehicle or the
74 contents of the motor vehicle that is stopped by a law enforcement
75 official solely for a motor vehicle violation shall be (A) based on
76 probable cause, (B) solicited consent by the operator of the vehicle if the
77 official has reasonable and articulable suspicion that weapons,

78 contraband or other evidence of a crime is contained within the motor
79 vehicle, provided such official complies with the provisions provided in
80 subdivision (3) of this subsection, or [(B)] (C) after having received the
81 unsolicited consent to such search from the operator of the motor
82 vehicle in written form or recorded by body-worn recording equipment
83 or a dashboard camera, each as defined in section 29-6d.

84 (3) Any law enforcement official who solicits consent of an operator
85 of a motor vehicle to search such vehicle shall, whether or not the
86 consent is granted, complete a police report documenting the reasonable
87 and articulable suspicion for the solicitation of consent, or the facts and
88 circumstances that support the search being reasonably necessary to
89 further an ongoing law enforcement investigation. Such report shall be
90 completed not later than forty-eight hours after such solicitation of
91 consent.

92 (b) No law enforcement official may ask an operator of a motor
93 vehicle to provide any documentation or identification other than an
94 operator's license, motor vehicle registration, insurance identity card or
95 other documentation or identification directly related to the stop, when
96 the motor vehicle has been stopped solely for a motor vehicle violation,
97 unless there exists probable cause to believe that a felony or
98 misdemeanor offense has been committed or the operator has failed to
99 produce a valid operator's license.

100 Sec. 504. Subsection (a) of section 7-282e of the 2022 supplement to
101 the general statutes is repealed and the following is substituted in lieu
102 thereof (*Effective October 1, 2022*):

103 (a) (1) Any police officer, as defined in section 7-294a, who while
104 acting in such officer's law enforcement capacity, witnesses another
105 police officer use what the witnessing officer objectively knows to be
106 unreasonable, excessive or illegal use of force, shall intervene and
107 attempt to stop such other police officer from using such force. Any such
108 police officer who fails to intervene in such an incident may be
109 prosecuted and punished for the same acts in accordance with the

110 provisions of section 53a-8 as the police officer who used unreasonable,
 111 excessive or illegal force. The provisions of this subdivision do not apply
 112 to any witnessing officer who is operating in an undercover capacity at
 113 the time he or she witnesses another officer use unreasonable, excessive
 114 or illegal force.

115 (2) Any police officer who witnesses another police officer use what
 116 the witnessing officer objectively knows to be unreasonable, excessive
 117 or illegal use of force [or is otherwise aware of such use of force] by
 118 another police officer shall report, as soon as is practicable, such use of
 119 force to the law enforcement unit, as defined in section 7-294a, that
 120 employs the police officer who used such force. Any police officer
 121 required to report such an incident who fails to do so may be prosecuted
 122 and punished in accordance with the provisions of sections 53a-165 to
 123 53a-167, inclusive.

124 (3) No law enforcement unit employing a police officer who
 125 intervenes in an incident pursuant to subdivision (1) of this subsection
 126 or reports an incident pursuant to subdivision (2) of this subsection may
 127 take any retaliatory personnel action or discriminate against such officer
 128 because such police officer made such report and such intervening or
 129 reporting police officer shall be protected by the provisions of section 4-
 130 61dd or section 31-51m, as applicable."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2022	52-571k(d)
Sec. 502	October 1, 2022	14-283a(b)
Sec. 503	October 1, 2022	54-33o
Sec. 504	October 1, 2022	7-282e(a)