

WORKING DRAFT

Proposed Substitute Bill No. 6462

January Session, 2021

LCO No. 4609

AN ACT CONCERNING USE OF FORCE BY A PEACE OFFICER.

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

1 Section 1. (*Effective March 31, 2021*) Section 29 of public act 20-1 of the
2 July special session shall take effect January 1, 2022.

3 Sec. 2. Subsection (c) of section 53a-22 of the general statutes, as
4 amended by section 29 of public act 20-1 of the July special session, is
5 repealed and the following is substituted in lieu thereof (*Effective January*
6 *1, 2022*):

7 (c) (1) Except as provided in subsection (d) of this section, a peace
8 officer, special policeman appointed under section 29-18b or authorized
9 official of the Department of Correction or the Board of Pardons and
10 Paroles is justified in using deadly physical force upon another person
11 for the purposes specified in subsection (b) of this section only when his
12 or her actions are objectively reasonable under the given circumstances
13 at that time, and:

14 (A) He or she reasonably believes such use to be necessary to defend
15 himself or herself or a third person from the use or imminent use of
16 deadly physical force; or

17 (B) He or she (i) has [exhausted the] reasonably determined that there
18 are no available reasonable alternatives to the use of deadly physical

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19 force, (ii) reasonably believes that the force employed creates no
20 [substantial] unreasonable risk of injury to a third party, and (iii)
21 reasonably believes such use of force to be necessary to (I) effect an
22 arrest of a person whom he or she reasonably believes has committed or
23 attempted to commit a felony which involved the infliction of serious
24 physical injury, and if, where feasible, he or she has given warning of
25 his or her intent to use deadly physical force, or (II) prevent the escape
26 from custody of a person whom he or she reasonably believes has
27 committed a felony which involved the infliction of serious physical
28 injury and who poses a significant threat of death or serious physical
29 injury to others, and if, where feasible, [under this subdivision,] he or
30 she has given warning of his or her intent to use deadly physical force.

31 (2) For purposes of evaluating whether actions of a peace officer,
32 special policeman appointed under section 29-18b or authorized official
33 of the Department of Correction or the Board of Pardons and Paroles are
34 reasonable under subdivision (1) of this subsection, factors to be
35 considered include, but are not limited to, whether (A) the person upon
36 whom deadly physical force was used possessed or appeared to possess
37 a deadly weapon, (B) the peace officer, special policeman appointed
38 under section 29-18b or authorized official of the Department of
39 Correction or the Board of Pardons and Paroles engaged in reasonable
40 deescalation measures prior to using deadly physical force, and (C) any
41 unreasonable conduct of the peace officer, special policeman appointed
42 under section 29-18b or authorized official of the Department of
43 Correction or the Board of Pardons and Paroles led to an increased risk
44 of an occurrence of the situation that precipitated the use of such force.

Commented [MD1]: 53a-00-0022--K;(c);(c);;;

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>March 31, 2021</i>	New section
Sec. 2	<i>January 1, 2022</i>	53a-22(c)