

ENFORCEMENT OF OPEN BURNING IN CONNECTICUT

Open Burning laws of the state or municipality may be enforced by any peace officer within that peace officer's jurisdiction. Note that this will not appear in a peace officer's "ticket book" since it is not an "infraction", but a "crime" (misdemeanor), subject to fine and imprisonment.

Section 23-48 of the CGS (as amended by PA 01-150):

Any person who kindles or directs another to kindle a fire in the open air, without proper authorization from state or local authorities or any person who burns materials that are prohibited from being burned by any provision of the general statutes, regulation of the state or local ordinance, shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

Because a violation of 23-48 of the CGS has a fine or imprisonment as a penalty, it is an "offense"

Section 53a-24 Offense defined. (a) The term "offense" means any crime or violation which constitutes a breach of any law of this state or any other state, federal law or local law or ordinance of a political subdivision of this state, for which a sentence to a term of imprisonment or to a fine, or both, may be imposed, except one that defines a motor vehicle violation or is deemed to be an infraction. The term "crime" comprises felonies and misdemeanors. Every offense, which is not a "crime", is a "violation". Conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

Any "offense" subjects the person to arrest without warrant by a "Peace Officer" in that "peace officer's" jurisdiction.

Section 54-1f. Arrest without warrant. Pursuit outside precincts. (a) For purposes of this section, the respective precinct or jurisdiction of a state marshal or judicial marshal shall be wherever such marshal is required to perform duties. Peace officers, as defined in subdivision (9) of section 53a-3, in their respective precincts, shall arrest, without previous complaint and warrant, any person for any offense in their jurisdiction, when the person is taken and apprehended in the act or on the speedy information of others, provided that no constable elected pursuant to the provisions of section 9-200 shall be considered a peace officer for the purposes of this subsection, unless the town in which such constable holds office provides, by ordinance, that constables shall be considered peace officers for the purposes of this subsection.

Definition of a "Peace Officer"

(9) "Peace officer" means a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer or any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code;

Questions regarding these enforcement statutes can be sent via email to Kathleen Rankin at kathleen.rankin@ct.gov

The Connecticut General Statutes are available at <http://www.cga.ct.gov/asp/menu/Statutes.asp>