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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.