



# Senate

General Assembly

**File No. 399**

February Session, 2026

Substitute Senate Bill No. 397

*Senate, April 2, 2026*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING DEMOCRACY AND GOVERNMENT ACCOUNTABILITY.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) Every person or entity,  
2 including a federal or state officer or employee who, under color of any  
3 statute, ordinance, regulation, custom or usage, of the United States or  
4 the state of Connecticut, subjects, or causes to be subjected, any citizen  
5 of this state or other person within the jurisdiction thereof to the  
6 deprivation of any rights, privileges or immunities secured by the  
7 United States Constitution, shall be liable to the party injured in an  
8 action at law or other proper proceeding for redress.

9 (b) (1) In a civil action brought pursuant to subsection (a) of this  
10 section, if the defendant is held liable, the court may award damages,  
11 including, but not limited to, nominal damages, actual damages,  
12 compensatory damages, punitive damages, injunctive relief and other  
13 appropriate equitable relief, to protect the peaceable exercise or  
14 enjoyment of the right or rights secured by the United States

15 Constitution.

16 (2) In a civil action brought pursuant to subsection (a) of this section,  
17 if the defendant is held liable, the court shall award the plaintiff  
18 reasonable attorney's fees and costs in the court's discretion.

19 (c) It is the intent of the legislature that in construing the provisions  
20 of this section, the courts shall be guided by interpretations given by  
21 federal and state courts to 42 USC 1983, as amended from time to time,  
22 except that under this section an injured person may bring a claim  
23 against a federal officer or employee. Any person named as a defendant  
24 under the provisions of this section shall be entitled to raise any  
25 applicable immunities or defenses under federal or state law, and  
26 federal officers or employees shall be immune to the same degree as an  
27 equivalent state officer or employee.

28 (d) No provision of this section shall be construed to constitute a  
29 waiver of sovereign immunity.

30 Sec. 2. Section 3-129g of the 2026 supplement to the general statutes  
31 is repealed and the following is substituted in lieu thereof (*Effective from*  
32 *passage*):

33 (a) The Attorney General may investigate, intervene in or bring a civil  
34 or administrative action in the name of the state, seeking injunctive or  
35 declaratory relief, damages, and any other relief that may be available  
36 under law, whenever any person is or has engaged in a practice or  
37 pattern of conduct, or has established a policy, that:

38 (1) Subjects, or causes to be subjected, other persons to the  
39 deprivation of any rights, privileges or immunities secured by the  
40 constitutions or laws of this state or the United States; or

41 (2) Interferes, or attempts to interfere, by threats, intimidation or  
42 coercion, with the exercise or enjoyment by other persons of any rights,  
43 privileges or immunities secured by the constitutions or laws of this  
44 state or the United States.

45 (b) In conducting any investigation under this section, the Attorney  
46 General may issue subpoenas and interrogatories, and otherwise gather  
47 information, in the same manner and to the same extent as is provided  
48 in section 35-42. No information obtained pursuant to the provisions of  
49 this subsection may be used in a criminal proceeding.

50 (c) The Attorney General may investigate, intervene in or bring a civil  
51 or administrative action in the name of the state, seeking injunctive or  
52 declaratory relief, damages and any other relief that may be available  
53 under law, whenever any person, acting under color of any statute,  
54 ordinance, regulation, custom or usage, of the United States or the state  
55 of Connecticut:

56 (1) Subjects, or causes to be subjected, other persons to the  
57 deprivation of any rights, privileges or immunities secured by the  
58 Constitution of the United States or the state Constitution; or

59 (2) Interferes, or attempts to interfere, by physical obstruction,  
60 threats, intimidation or coercion, with the exercise or enjoyment by  
61 other persons of any rights, privileges or immunities secured by the  
62 Constitution of the United States or the state Constitution.

63 [(c)] (d) If the Attorney General prevails in a civil action brought  
64 pursuant to this section, the court shall order the distribution of any  
65 award of damages to the injured person. In a matter involving the  
66 interference or attempted interference with any right protected by the  
67 [constitutions of this state or the United States] Constitution of the  
68 United States or the state Constitution, the court may also award civil  
69 penalties against each defendant in an amount not exceeding two  
70 thousand five hundred dollars for each violation, provided such  
71 violation has been established by clear and convincing evidence. Any  
72 civil penalty that is received pursuant to this subsection shall be  
73 deposited in the General Fund.

74 [(d)] (e) In lieu of bringing a civil action under this section, the  
75 Attorney General may accept an assurance of the discontinuance of any  
76 allegedly unlawful or unconstitutional practice from any person

77 engaged in such practice. Thereafter, any evidence of a violation of such  
78 assurance shall constitute prima facie proof of violation of the applicable  
79 law or right in any action commenced by the Attorney General.

80 [(e)] (f) Nothing in this section shall limit the right of a person  
81 adversely affected by a violation of chapter 814c to file a complaint with  
82 the Commission on Human Rights and Opportunities.

83 [(f)] (g) Nothing in this section shall limit the jurisdiction of the  
84 Commission on Human Rights and Opportunities under chapter 814c.

85 [(g)] (h) The Attorney General shall not bring an action under the  
86 provisions of this section during the pendency of a matter involving the  
87 same parties and the same alleged facts and circumstances before the  
88 Commission on Human Rights and Opportunities.

89 [(h)] (i) Nothing in this section shall permit the Attorney General to  
90 bring an action that would otherwise be barred under the applicable  
91 statute of limitations or repose.

92 [(i)] (j) The Attorney General shall post on the Attorney General's  
93 Internet web site information on how to properly file a complaint with  
94 the Commission on Human Rights and Opportunities. The Attorney  
95 General may, as appropriate, refer cases to the Commission on Human  
96 Rights and Opportunities.

97 [(j)] (k) Nothing in this section shall permit the Attorney General to  
98 assert any claim against a state agency or a state officer or state  
99 employee in such officer's or employee's official capacity, regarding  
100 actions or omissions of such state agency, state officer or state employee.  
101 If the Attorney General determines that a state officer or state employee  
102 is not entitled to indemnification under section 5-141d, the Attorney  
103 General may, as relates to such officer or employee, take any action  
104 authorized under this section.

105 [(k)] (l) With regard to any action brought pursuant to this section  
106 against a person for a pattern or practice of conduct in violation of  
107 section 46a-64, 46a-64c, 46a-81d or 46a-81e, or, as a result of an

108 investigation conducted pursuant to this section, of a potential violation  
109 of section 46a-64, 46a-64c, 46a-81d or 46a-81e, the Attorney General may  
110 petition the superior court for the judicial district in which the violation  
111 or alleged violation occurred for any relief available under subsection  
112 (b) of section 46a-89, in addition to any relief as described in subsection  
113 (a) or (c) of this section.

114 (m) With regard to any action brought pursuant to subsection (c) of  
115 this section, the Attorney General may petition the superior court for the  
116 judicial district in which the violation or alleged violation occurred for  
117 any relief available under this section. Upon filing of the complaint, the  
118 court may order any declaratory or temporary injunctive relief required  
119 to make the complainant whole. The court shall order a hearing to be  
120 had upon such complaint not more than five days after the date of filing  
121 the complaint and the Attorney General shall cause notice to be given to  
122 any interested party of the time and place for the hearing upon such  
123 complaint. A continuance of the hearing may be granted upon consent  
124 of the parties. The court shall, on the day fixed for such hearing and  
125 without unnecessary delay, proceed to hear the parties. The court may  
126 order, amend or continue any declaratory or temporary injunctive relief.

127 Sec. 3. Section 51-277a of the 2026 supplement to the general statutes  
128 is repealed and the following is substituted in lieu thereof (*Effective from*  
129 *passage*):

130 (a) (1) As used in this section:

131 (A) "Peace officer" means a member of the Division of State Police  
132 within the Department of Emergency Services and Public Protection or  
133 an organized local police department, a chief inspector or inspector in  
134 the Division of Criminal Justice, a state marshal while exercising  
135 authority granted under any provision of the general statutes, a judicial  
136 marshal in the performance of the duties of a judicial marshal, a  
137 conservation officer or special conservation officer, as defined in section  
138 26-5, a constable who performs criminal law enforcement duties, a  
139 special policeman appointed under section 29-18, 29-18a, 29-18b or 29-  
140 19, an adult probation officer, an official of the Department of Correction

141 authorized by the Commissioner of Correction to make arrests in a  
142 correctional institution or facility, any investigator in the investigations  
143 unit of the office of the State Treasurer, an inspector of motor vehicles in  
144 the Department of Motor Vehicles, who is certified under the provisions  
145 of sections 7-294a to 7-294e, inclusive, any federal law enforcement  
146 officer as defined under 18 USC 115(c)(1) and 34 USC 50301(5), or a  
147 member of a law enforcement unit of the Mashantucket Pequot Tribe or  
148 the Mohegan Tribe of Indians of Connecticut created and governed by  
149 a memorandum of agreement under section 47-65c who is certified as a  
150 police officer by the Police Officer Standards and Training Council  
151 pursuant to sections 7-294a to 7-294e, inclusive;

152 (B) "Deadly physical force" has the same meaning as provided in  
153 section 53a-3; and

154 (C) "Electronic defense weapon" has the same meaning as provided  
155 in section 53a-3.

156 [(a) (1)] (2) Whenever a peace officer, in the performance of such  
157 officer's duties, uses physical force upon another person and such  
158 person dies as a result thereof or uses deadly physical force [, as defined  
159 in section 53a-3,] upon another person, the Division of Criminal Justice  
160 shall cause an investigation to be made and the Inspector General shall  
161 have the responsibility of determining whether the use of physical force  
162 by the peace officer was justifiable under section 53a-22, as amended by  
163 this act. The use of an electronic defense weapon [, as defined in section  
164 53a-3,] by a peace officer shall not be considered deadly physical force  
165 for purposes of this section.

166 [(2)] (3) (A) Except as provided under subdivision [(1)] (2) of this  
167 subsection, whenever a person dies in the custody of a peace officer or  
168 law enforcement agency, the Inspector General shall investigate and  
169 determine whether physical force was used by a peace officer upon the  
170 deceased person, and if so, whether the use of physical force by the  
171 peace officer was justifiable under section 53a-22, as amended by this  
172 act. If the Inspector General determines the deceased person may have  
173 died as a result of criminal action not involving the use of force by a

174 peace officer, the Inspector General shall refer such case to the Chief  
175 State's Attorney or a state's attorney for potential prosecution.

176 (B) Except as provided under subdivision [(1)] (2) of this subsection  
177 or subparagraph (A) of this subdivision, [(2) of this subsection,]  
178 whenever a person dies in the custody of the Commissioner of  
179 Correction, the Inspector General shall investigate and determine  
180 whether the deceased person may have died as a result of criminal  
181 action, and, if so, refer such case to the Chief State's Attorney or a state's  
182 attorney for potential prosecution.

183 [(3)] (4) Whenever a person who (A) is a next of kin of a deceased  
184 person, (B) is not notified of such deceased person's death as required  
185 pursuant to section 7-294mm and no other person who is a next of kin  
186 of the deceased person was so notified, and (C) requests of the Office of  
187 the Inspector General an investigation of the lack of notification or  
188 timely notification of such death, the Inspector General shall investigate  
189 and determine whether there was any malfeasance on the part of a peace  
190 officer, except for a federal law enforcement officer, or a supervisor of  
191 the peace officer, except for a federal law enforcement officer, in the  
192 failure to provide such notification or timely notification, and if so, may  
193 make recommendations to the Police Officer Standards and Training  
194 Council established under section 7-294b concerning censure,  
195 suspension, renewal, cancelation or revocation of the peace officer's or  
196 supervisor's certification, provided any such recommendation may be  
197 made to said council only in a case where such failure is found to be  
198 intentional or made with reckless indifference. If there is no finding that  
199 such failure was intentional or made with reckless indifference, a  
200 recommendation may be made to the officer's or supervisor's employing  
201 agency for any further disciplinary action as so determined by such  
202 employing agency.

203 [(4)] (5) (A) The Inspector General shall request the appropriate law  
204 enforcement agency to provide such assistance as is necessary to  
205 investigate and make a determination under subdivision [(1), (2) or (3)]  
206 (2), (3) or (4) of this subsection.

207        (B) The Division of Criminal Justice and the Inspector General shall  
208 have the unrestricted right to access the scene and collect evidence  
209 whenever a peace officer, in the performance of such officer's duties,  
210 uses physical force upon another person and such person dies as a result  
211 thereof or uses deadly physical force, or a person dies in the custody of  
212 a peace officer or law enforcement agency, regardless of whether such  
213 incident involved only peace officers employed by the federal  
214 government and did not involve any peace officer employed by the state  
215 or a municipality.

216        (C) If any person restricts the Division of Criminal Justice or the  
217 Inspector General's right to access the scene and collect evidence as set  
218 forth in subparagraph (B) of this subdivision, the Division of Criminal  
219 Justice or the Inspector General may bring an action in the Superior  
220 Court for injunctive relief against any person who has committed the  
221 violation. Upon filing of the complaint, the court may order any  
222 declaratory or temporary injunctive relief required to make the  
223 complainant whole. The court shall order a hearing to be had upon such  
224 complaint not more than five days after the date of filing the complaint  
225 and the Division of Criminal Justice or the Inspector General shall cause  
226 notice to be given to any interested party of the time and place for the  
227 hearing upon such complaint. A continuance of the hearing date may be  
228 granted upon consent of the parties. The court shall, on the day fixed for  
229 such hearing and without unnecessary delay, proceed to hear the  
230 parties. The court may order, amend or continue any declaratory or  
231 temporary injunctive relief.

232        [(5)] (6) Whenever a peace officer, in the performance of such officer's  
233 duties, uses physical force or deadly physical force upon another person  
234 and such person dies as a result thereof, the Inspector General shall  
235 complete a preliminary status report that shall include, but need not be  
236 limited to, (A) the name of the deceased person, (B) the gender, race,  
237 ethnicity and age of the deceased person, (C) the date, time and location  
238 of the injury causing such death, (D) the law enforcement agency  
239 involved, (E) the status on the toxicology report, if available, and (F) the  
240 death certificate, if available. The Inspector General shall complete the

241 report and submit a copy of such report not later than five business days  
242 after the cause of the death is available to the Chief State's Attorney and,  
243 in accordance with the provisions of section 11-4a, to the joint standing  
244 committees of the General Assembly having cognizance of matters  
245 relating to the judiciary and public safety.

246 (b) Upon the conclusion of the investigation of an incident described  
247 in subdivision [(1) or] (2) or (3) of subsection (a) of this section, the  
248 Inspector General shall file a report with the Chief State's Attorney  
249 which shall contain the following: (1) The circumstances of the incident,  
250 (2) a determination of whether the use of physical force by the peace  
251 officer was justifiable under section 53a-22, as amended by this act, and  
252 (3) any recommended future action to be taken by the Office of the  
253 Inspector General as a result of the incident. The Chief State's Attorney  
254 shall provide a copy of the report to the chief executive officer of the  
255 municipality in which the incident occurred and to the Commissioner  
256 of Emergency Services and Public Protection or the chief of police of  
257 such municipality, as the case may be, and shall make such report  
258 available to the public on the Division of Criminal Justice's Internet web  
259 site not later than forty-eight hours after the copies are provided to the  
260 chief executive officer and the commissioner or chief of police.

261 (c) The Office of the Inspector General shall prosecute any case in  
262 which the Inspector General determines that (1) the use of force by a  
263 peace officer was not justifiable under section 53a-22, as amended by  
264 this act, or (2) there was a failure to intervene in such incident or to  
265 report any such incident, as required under subsection (a) of section 7-  
266 282e or section 18-81nn.

267 Sec. 4. Section 53a-22 of the 2026 supplement to the general statutes  
268 is repealed and the following is substituted in lieu thereof (*Effective from*  
269 *passage*):

270 (a) (1) For purposes of this section: [ a] (A) A reasonable belief that a  
271 person has committed an offense means a reasonable belief in facts or  
272 circumstances which if true would in law constitute an offense. If the  
273 believed facts or circumstances would not in law constitute an offense,

274 an erroneous though not unreasonable belief that the law is otherwise  
275 does not render justifiable the use of physical force to make an arrest or  
276 to prevent an escape from custody; and (B) notwithstanding the  
277 provisions of subdivision (9) of section 53a-3, "peace officer" has the  
278 same meaning as provided in section 51-277a, as amended by this act.

279 (2) A peace officer or an authorized official of the Department of  
280 Correction or the Board of Pardons and Paroles who is effecting an  
281 arrest pursuant to a warrant or preventing an escape from custody is  
282 justified in using the physical force prescribed in subsections (b), (c) and  
283 (d) of this section unless such warrant is invalid and is known by such  
284 officer to be invalid.

285 (b) Except as provided in subsection (a) or (d) of this section, a peace  
286 officer or an authorized official of the Department of Correction or the  
287 Board of Pardons and Paroles is justified in using physical force upon  
288 another person when and to the extent that he or she reasonably believes  
289 such use to be necessary to: (1) Effect an arrest or prevent the escape  
290 from custody of a person whom he or she reasonably believes to have  
291 committed an offense, unless he or she knows that the arrest or custody  
292 is unauthorized; or (2) defend himself or herself or a third person from  
293 the use or imminent use of physical force while effecting or attempting  
294 to effect an arrest or while preventing or attempting to prevent an  
295 escape.

296 (c) (1) Except as provided in subsection (d) of this section, a peace  
297 officer or an authorized official of the Department of Correction or the  
298 Board of Pardons and Paroles is justified in using deadly physical force  
299 upon another person for the purposes specified in subsection (b) of this  
300 section only when his or her actions are objectively reasonable under the  
301 given circumstances at that time, and:

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

305 (B) He or she (i) has reasonably determined that there are no available

306 reasonable alternatives to the use of deadly physical force, (ii)  
307 reasonably believes that the force employed creates no unreasonable  
308 risk of injury to a third party, and (iii) reasonably believes such use of  
309 force to be necessary to (I) effect an arrest of a person whom he or she  
310 reasonably believes has committed or attempted to commit a felony  
311 which involved the infliction of serious physical injury, and if, where  
312 feasible, he or she has given warning of his or her intent to use deadly  
313 physical force, or (II) prevent the escape from custody of a person whom  
314 he or she reasonably believes has committed a felony which involved  
315 the infliction of serious physical injury and who poses a significant  
316 threat of death or serious physical injury to others, and if, where feasible,  
317 he or she has given warning of his or her intent to use deadly physical  
318 force.

319 (2) For purposes of evaluating whether actions of a peace officer or  
320 an authorized official of the Department of Correction or the Board of  
321 Pardons and Paroles are reasonable under subdivision (1) of this  
322 subsection, factors to be considered include, but are not limited to,  
323 whether (A) the person upon whom deadly physical force was used  
324 possessed or appeared to possess a deadly weapon, (B) the peace officer  
325 or an authorized official of the Department of Correction or the Board  
326 of Pardons and Paroles engaged in reasonable deescalation measures  
327 prior to using deadly physical force, and (C) any unreasonable conduct  
328 of the peace officer or an authorized official of the Department of  
329 Correction or the Board of Pardons and Paroles led to an increased risk  
330 of an occurrence of the situation that precipitated the use of such force.

331 (d) A peace officer or an authorized official of the Department of  
332 Correction or the Board of Pardons and Paroles is justified in using a  
333 chokehold or other method of restraint applied to the neck area or that  
334 otherwise impedes the ability to breathe or restricts blood circulation to  
335 the brain of another person for the purposes specified in subsection (b)  
336 of this section only when he or she reasonably believes such use to be  
337 necessary to defend himself or herself or a third person from the use or  
338 imminent use of deadly physical force.

339 (e) Except as provided in subsection (f) of this section, a person who  
340 has been directed by a peace officer or an authorized official of the  
341 Department of Correction or the Board of Pardons and Paroles to assist  
342 such peace officer or official to effect an arrest or to prevent an escape  
343 from custody is justified in using reasonable physical force when and to  
344 the extent that he or she reasonably believes such to be necessary to  
345 carry out such peace officer's or official's direction.

346 (f) A person who has been directed to assist a peace officer or an  
347 authorized official of the Department of Correction or the Board of  
348 Pardons and Paroles under circumstances specified in subsection (e) of  
349 this section may use deadly physical force to effect an arrest or to  
350 prevent an escape from custody only when: (1) He or she reasonably  
351 believes such use to be necessary to defend himself or herself or a third  
352 person from what he or she reasonably believes to be the use or  
353 imminent use of deadly physical force; or (2) he or she is directed or  
354 authorized by such peace officer or official to use deadly physical force,  
355 unless he or she knows that the peace officer or official himself or herself  
356 is not authorized to use deadly physical force under the circumstances.

357 (g) A private person acting on his or her own account is justified in  
358 using reasonable physical force upon another person when and to the  
359 extent that he or she reasonably believes such use to be necessary to  
360 effect an arrest or to prevent the escape from custody of an arrested  
361 person whom he or she reasonably believes to have committed an  
362 offense and who in fact has committed such offense; but he or she is not  
363 justified in using deadly physical force in such circumstances, except in  
364 defense of person as prescribed in section 53a-19.

365 (h) In determining whether use of force by a peace officer who is a  
366 police officer, as defined in subsection (a) of section 29-6d, is justified  
367 pursuant to this section, the trier of fact may draw an unfavorable  
368 inference from a police officer's deliberate failure in violation of section  
369 29-6d to record such use of physical force.

370 Sec. 5. (NEW) (*Effective from passage*) (a) As used in this section: (1)  
371 "Peace officer" has the same meaning as provided in section 51-277a of

372 the general statutes, as amended by this act; and (2) "facial covering"  
373 means any opaque mask, garment, helmet, headgear or other item that  
374 conceals or obscures the facial identity of an individual, including, but  
375 not limited to, a balaclava, tactical mask, gator, ski mask and any similar  
376 type of facial covering or face-shielding item.

377 (b) A peace officer, while carrying out the enforcement of laws of this  
378 state, any other state or the United States, shall not wear any facial  
379 covering or personal disguise while interacting with the public in the  
380 performance of such officer's duties, except for (1) a medical grade facial  
381 covering that is designed to protect the health and safety of the peace  
382 officer, provided protecting the health and safety of the officer does not  
383 include protecting the identity of the peace officer, (2) any facial  
384 covering designed to prevent the transmission of airborne diseases, (3)  
385 any facial covering designed to protect against exposure to smoke  
386 during a fire-involved situation, (4) any facial covering necessary to  
387 perform duties during a water rescue operation, (5) any facial covering  
388 related to protection against exposure to biological or chemical agents  
389 during an incident where such agents may be present, (6) any facial  
390 covering protecting against freezing temperatures, provided such facial  
391 covering is worn during an activity not requiring oral communication  
392 with the public or a person sought to be placed in custody, or (7) any  
393 facial covering necessary to perform duties during an active undercover  
394 operation or assignment which have been authorized to be worn by  
395 supervising personnel or court order. Notwithstanding the provisions  
396 of this subsection, a peace officer assigned to a bomb squad, motorcycle  
397 unit or specialized weapons and tactics team is permitted to utilize gear  
398 necessary to protect such officer's face and head from physical harm  
399 while performing the duties associated with such assignment.

400 (c) In accordance with the provisions of section 7-294ii of the general  
401 statutes, a peace officer, while carrying out the enforcement of laws of  
402 this state, any other state or the United States, shall be clearly identified  
403 by such officer's badge and name tag on the officer's uniform, unless (1)  
404 such officer is performing duties during an active undercover  
405 assignment authorized by supervising personnel, (2) compliance is

406 excused pursuant to the model policy adopted pursuant to section 7-  
407 294ii of the general statutes, or (3) compliance is excused pursuant to a  
408 court order.

409 (d) Any peace officer who violates the provisions of subsection (b) or  
410 (c) of this section shall be guilty of a class D misdemeanor.

411 (e) Notwithstanding any other law, any peace officer who is found to  
412 have committed an intentional tort of assault, battery, false  
413 imprisonment, false arrest, abuse of process or malicious prosecution  
414 pursuant to state law or 28 USC 2680(h), while wearing a facial covering  
415 or personal disguise in a knowing and wilful violation of this section,  
416 shall not be entitled to assert any privilege or immunity for such officer's  
417 tortious conduct against a claim of civil liability.

418 Sec. 6. (NEW) (*Effective from passage*) No armed military force from  
419 another state, territory or district is permitted to enter the state of  
420 Connecticut for the purpose of engaging in military duty within this  
421 state without the express written permission of the Governor of this  
422 state, unless such force has been called into active service of the United  
423 States and is acting under authority of the President of the United States.

424 Sec. 7. (NEW) (*Effective from passage*) (a) As used in this section:

425 (1) "Protected area" means any of the following buildings or locations,  
426 including the grounds of such buildings or locations and any garages or  
427 parking lots utilized in the operation of such buildings or locations,  
428 irrespective of whether such garages or parking lots are contiguous to  
429 the buildings or locations:

430 (A) A school, including, but not limited to, a preschool, primary or  
431 secondary school, vocational school or college or university;

432 (B) A medical or mental health facility, including, but not limited to,  
433 a hospital, doctor's office, health clinic, vaccination or testing site, urgent  
434 care center, site that serves pregnant individuals or community health  
435 center;

436 (C) A place of worship or religious study, whether in a structure  
437 dedicated to activities of faith or a temporary facility or location where  
438 such activities take place;

439 (D) A place where children gather, including, but not limited to, a  
440 playground, recreation center, child care center, before or after-school  
441 care center, foster care facility, group home for children or school bus  
442 stop;

443 (E) A social services establishment, including, but not limited to, a  
444 crisis center, domestic violence shelter, victims services center, child  
445 advocacy center, supervised visitation center, family justice center,  
446 community-based organization, facility that serves disabled persons,  
447 homeless shelter, drug or alcohol counseling and treatment facility, or  
448 food bank, pantry or other establishment distributing food or other  
449 essentials of life to people in need;

450 (F) A place where disaster or emergency response and relief is  
451 provided, including, but not limited to, such places along evacuation  
452 routes, where shelter or emergency supplies, food or water are being  
453 distributed, or registration for disaster-related assistance or family  
454 reunification is underway;

455 (G) A place where a funeral, graveside ceremony, rosary, wedding or  
456 other religious or civil ceremonies or observances occur; or

457 (H) A place where there is an ongoing parade, demonstration or rally.

458 (2) "State facility" means any building, or part thereof, owned, leased,  
459 occupied, controlled by or used for business by an office or agency of  
460 the Executive Department, either directly or indirectly, including, but  
461 not limited to, entities providing direct services on behalf of offices or  
462 agencies, but not including state-owned property leased to a federal  
463 entity. "State facility" includes the grounds of such facility and any  
464 garages or parking lots utilized in the operation of such facility,  
465 irrespective of whether such garages or parking lots are contiguous to  
466 the facility.

467 (3) "Municipal facility" means any building or part thereof, owned,  
468 leased, occupied, controlled by or used for business by a municipal  
469 government, either directly or indirectly, including, but not limited to,  
470 entities providing direct services on behalf of a municipal government.  
471 "Municipal facility" includes the grounds of such facility and any  
472 garages or parking lots utilized in the operation of such facility,  
473 irrespective of whether such garages or parking lots are contiguous to  
474 the facility.

475 (b) No peace officer, as defined in section 51-277a of the general  
476 statutes, as amended by this act, shall detain, arrest or otherwise take an  
477 individual in a protected area, state facility or municipal facility into  
478 custody on the basis of a civil offense, unless (1) such peace officer is  
479 acting in the peace officer's official capacity, and (2) the individual to be  
480 detained, arrested or otherwise taken into custody is the subject of a  
481 judicial warrant.

482 (c) (1) Any individual aggrieved by a violation of this section may  
483 bring a civil action for equitable relief or damages in the Superior Court.  
484 A civil action brought for damages may be triable by jury.

485 (2) In any action pursuant to this section, the court may grant a  
486 plaintiff such legal and equitable relief which it deems appropriate,  
487 including, but not limited to, temporary or permanent injunctive relief,  
488 punitive damages, attorney's fees and court costs.

489 Sec. 8. Section 7-294d of the general statutes is amended by adding  
490 subsection (i) as follows (*Effective from passage*):

491 (NEW) (i) (1) As used in this subsection, "comparative certification"  
492 means the certification of a candidate for a police officer position, who  
493 has served as a police officer in another state or in a law enforcement  
494 unit within the state that is not subject to the provisions of the general  
495 statutes and the regulations of Connecticut state agencies applicable to  
496 the Police Officer Standards and Training Council.

497 (2) A candidate for comparative certification to a position as a police

498 officer in any law enforcement unit within the state shall satisfactorily  
499 meet all entry level requirements of the council. The candidate shall also  
500 complete a police basic training program approved by the council.

501 (3) The council may grant a full or partial waiver of the police basic  
502 training requirement, specifying the elements of the program, if any, the  
503 candidate will be required to satisfactorily complete. A request for  
504 waiver of the requirement of police basic training shall be forwarded to  
505 the council, in writing, by the chief of police of the law enforcement unit  
506 seeking to employ such police officer, giving all pertinent information.  
507 If the request for a waiver originates from a municipality or agency for  
508 which there is no chief of police, or concerns the position of chief of  
509 police, the request shall be made by the candidate's appointing  
510 authority.

511 (4) In determining whether to waive all or a portion of the required  
512 police basic training program, the council shall evaluate in comparison  
513 to current standards the quality and extent of the candidate's (A)  
514 previous basic training and certification as a police officer; (B) formal,  
515 professional and in-service training and education in law enforcement  
516 and criminal justice; (C) length of service and field experience as a police  
517 officer; and (D) length of absence from employment with a law  
518 enforcement unit.

519 (5) The council may waive those portions of the police basic training  
520 program for which a candidate demonstrates (A) the satisfactory  
521 completion of a substantially equivalent training or educational  
522 program in another state or jurisdiction, (B) a length of service with field  
523 experience sufficient to establish a practical mastery of the required  
524 skills, or (C) a satisfactory combination of both.

525 (6) The council may not waive any portion of the required basic  
526 training program for any candidate, even if the candidate previously  
527 held certification from another state, local or federal law enforcement  
528 agency, if such certification did not require the completion of a  
529 substantially equivalent training or educational program, including a  
530 minimum of four hundred eighty hours of training.

531 Sec. 9. Section 52-571j of the general statutes is repealed and the  
532 following is substituted in lieu thereof (*Effective from passage*):

533 (a) For the purposes of this section, "peace officer" has the same  
534 meaning as provided in section [53a-3] 51-277a, as amended by this act,  
535 except "peace officer" does not include [a special agent of the federal  
536 government or] a member of a law enforcement unit of the  
537 Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of  
538 Connecticut.

539 (b) An employer of a peace officer who interferes with any person  
540 taking a photographic or digital still or video image of such peace officer  
541 or another peace officer acting in the performance of such peace officer's  
542 duties shall be liable to such person in an action at law, suit in equity or  
543 other proper proceeding for redress.

544 (c) An employer of a peace officer shall not be liable under subsection  
545 (b) of this section if the peace officer had reasonable grounds to believe  
546 that the peace officer was interfering with the taking of such image in  
547 order to (1) lawfully enforce a criminal law of this state, a federal  
548 criminal law or a municipal ordinance, whichever is applicable, (2)  
549 protect the public safety, (3) preserve the integrity of a crime scene or  
550 criminal investigation, (4) safeguard the privacy interests of any person,  
551 including a victim of a crime, or (5) lawfully enforce court rules and  
552 policies of the Judicial Branch with respect to taking a photograph,  
553 videotaping or otherwise recording an image in facilities of the Judicial  
554 Branch.

555 (d) Notwithstanding any other law, any peace officer who is found to  
556 have committed an intentional tort of assault, battery, false  
557 imprisonment, false arrest, abuse of process or malicious prosecution,  
558 pursuant to state law or 28 USC 2680(h), while interfering with any  
559 person taking a photographic or digital still or video image of such  
560 peace officer or another peace officer acting in the performance of such  
561 peace officer's duties, shall not be entitled to assert any privilege or  
562 immunity for their tortious conduct against a claim of civil liability.

563 Sec. 10. (NEW) (*Effective from passage*) In any prosecution for an  
564 offense, no federal officer, employee or agent shall have immunity for  
565 any action taken under color of federal law, unless such officer's,  
566 employee's or agent's action was: (1) Authorized by federal law; and (2)  
567 necessary and proper to execute such officer's, employee's or agent's  
568 official duties as a federal officer, employee or agent.

569 Sec. 11. Section 7-291c of the general statutes is repealed and the  
570 following is substituted in lieu thereof (*Effective from passage*):

571 (a) No law enforcement unit, as defined in section 7-294a, shall hire  
572 any person as a police officer, as defined in said section 7-294a, who was  
573 previously employed as a [police] peace officer, as defined in section 51-  
574 277a, as amended by this act, by such unit or in any other jurisdiction  
575 and who (1) was dismissed for malfeasance or other serious misconduct  
576 calling into question such person's fitness to serve as a [police] peace  
577 officer; or (2) resigned or retired from such officer's position while under  
578 investigation for such malfeasance or other serious misconduct.

579 (b) Any law enforcement unit that has knowledge that any former  
580 police officer of such unit who (1) (A) was dismissed for malfeasance or  
581 other serious misconduct, or (B) resigned or retired from such officer's  
582 position while under investigation for such malfeasance or other serious  
583 misconduct; and (2) is an applicant for the position of police officer with  
584 any other law enforcement unit, shall inform such other unit and the  
585 Police Officer Standards and Training Council established under section  
586 7-294b of such dismissal, resignation or retirement.

587 (c) The provisions of this section shall not apply to any [police] peace  
588 officer who is exonerated of each allegation against such officer of such  
589 malfeasance or other serious misconduct.

590 (d) For purposes of this section, (1) "malfeasance" means the  
591 commonly approved usage of "malfeasance"; and (2) "serious  
592 misconduct" means improper or illegal actions taken by a [police] peace  
593 officer in connection with such officer's official duties that could result  
594 in a miscarriage of justice or discrimination, including, but not limited

595 to, (A) a conviction of a felony, (B) fabrication of evidence, (C) repeated  
596 use of excessive force, (D) acceptance of a bribe, or (E) the commission  
597 of fraud.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	3-129g
Sec. 3	<i>from passage</i>	51-277a
Sec. 4	<i>from passage</i>	53a-22
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	7-294d(i)
Sec. 9	<i>from passage</i>	52-571j
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	7-291c

**Statement of Legislative Commissioners:**

In Sec. 3. "deadly force" was changed to "deadly physical force" for accuracy.

**JUD**      *Joint Favorable Subst.*

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 27 \$	FY 28 \$
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

Sections 1 and 2 create a new cause of action and allow the Office of the Attorney General (OAG) to bring a civil or administrative action for certain violations of a person's constitutional rights resulting in no fiscal impact to the state. The OAG has the resources and expertise to meet the requirements of the bill. The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources.

Sections 3 and 4, which allow the Division of Criminal Justice (DCJ) and the Office of Inspector General (OIG) to access certain evidence and scenes of investigation, is not anticipated to result in a fiscal impact as DCJ and OIG have the capacity and expertise to conduct these investigations.

Section 5 (1) prohibits peace officers from wearing a facial covering or personal disguise in certain circumstances and (2) requires peace officers to be clearly identified by their badge and name tag. Violations of these provisions is a class D Misdemeanor, resulting in a potential cost to the Judicial Department for probation and a potential revenue

gain to the General Fund from fines. On average, the marginal cost for supervision in the community is less than \$600<sup>1</sup> each year for adults and \$450 each year for juveniles.

**Section 6**, which prohibits an armed military force from another state, territory, or district from entering Connecticut for military duty here without the Governor's permission, results in no fiscal impact to the state.

**Section 7**, which prohibits peace officers, from detaining, arresting, or taking someone into custody based on a civil offense in certain locations unless the officer (1) is acting in his or her official capacity and (2) has a judicial warrant for the individual, results in no fiscal impact to the state or municipalities.

**Section 8** makes changes to the Police Officer Standards and Training Council (POST-C) comparative certification process and does not have a fiscal impact because POST-C has the existing expertise to implement these changes.

**Section 9**, which expands liability for certain actions to apply to the employers of all federal law enforcement officers, does not result in a fiscal impact to the state.

**Section 10**, which limits prosecutorial immunity for federal officers and employees, results in no fiscal impact to the state.

**Section 11**, which prohibits law enforcement units from hiring peace officers who (1) were dismissed for malfeasance or serious misconduct calling into question the fitness to serve as an officer or (2) resigned or retired during an investigation for this conduct, results in no fiscal impact to the state or municipalities.

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<sup>1</sup> 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 Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenses and fines imposed under section 5.

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**OLR Bill Analysis****sSB 397****AN ACT CONCERNING DEMOCRACY AND GOVERNMENT ACCOUNTABILITY.**

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Prohibits peace officers taking someone into custody on the basis of a civil offense in a state or municipal facility or certain other locations such as schools, hospitals, and houses of worship (“protected areas”) without a judicial warrant for the person

### § 8 — POST COMPARATIVE CERTIFICATIONS

Codifies POST regulations on getting a comparative certification to work as a police officer in Connecticut

### § 9 — OFFICER INTERFERENCE WITH PHOTO OR VIDEO TAKING

Makes federal law enforcement agencies liable when their officers interfere with someone taking a photo, digital still, or video of them or another officer performing their duties; makes an immunity defense unavailable in a civil liability action for an intentional tort committed while interfering with the taking of the photo, digital still, or video

### § 10 — PROSECUTORIAL IMMUNITY FOR FEDERAL ACTIONS

Limits the circumstances under which a federal officer, employee, or agent has immunity when prosecuted for an offense based on an action taken under color of law

### § 11 — POLICE OFFICER HIRING PROHIBITION

Extends to all peace officers the current prohibition on hiring police officers who (1) were dismissed for malfeasance or serious misconduct or (2) resigned or retired during an investigation for this conduct

## BACKGROUND

### **SUMMARY**

This bill makes various changes to laws related to civil rights and law enforcement activity, as shown in the section-by-section analysis below. It also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

### **§§ 1 & 2 — ACTIONS FOR CIVIL RIGHTS VIOLATIONS**

*Creates an individual cause of action, including against a federal or state officer or employee, for alleged civil rights violations; expands the attorney general’s authority to bring actions based on alleged civil rights violations*

#### ***Individual Cause of Action***

**Scope of Action.** The bill creates a cause of action (in court or another proper proceeding) against an individual or entity, including a federal or state officer or employee, that deprives or causes a Connecticut citizen or someone within the state's jurisdiction to be deprived of a U.S. Constitutionally-protected right, privilege, or immunity. This can occur by taking actions under color of United States or Connecticut statute, regulation, ordinance, custom, or usage.

The bill states that it is the legislature's intent that courts, when considering this action, must be guided by other courts' interpretations of the law that allows individuals to sue state or local government officials for federal constitutional rights violations (42 U.S.C. § 1983).

**Defenses.** The bill (1) allows the defendant in a civil action to raise any applicable immunities, including sovereign immunity, given by state or federal law and (2) immunizes federal officers and employees to the same extent the law does for equivalent state officers or employees (such as personal immunity from civil liability for damage caused when discharging duties or within the scope of employment unless an action was wanton, reckless, or malicious).

**Damages.** The bill allows the court to award damages, including nominal, actual, compensatory, or punitive damages, injunctive relief, or other equitable relief. It specifies that the purpose of the damage award is to protect peaceable exercise or enjoyment of rights given by the U.S. Constitution.

The bill requires the court to award the plaintiff reasonable attorney's fees and costs in amounts at its discretion.

#### **Attorney General Authority to Bring an Action**

**Practice, Pattern of Conduct, Policy.** Existing law gives the state attorney general the authority to investigate, intervene in, and bring civil or administrative actions on behalf of the state when there is a practice or pattern of conduct that:

1. deprives persons of any rights, privileges, or immunities secured

by the U.S. or Connecticut constitutions or laws or

2. interferes by threats, intimidation, or coercion, with another persons' exercise or enjoyment of any rights, privileges, or immunities secured by the U.S. or Connecticut constitutions or laws.

The bill broadens the attorney general's authority to take these actions on behalf of the state by also allowing him to do so when any one has established a policy that deprives or interferes with another person's civil rights in the ways described above.

**Actions Under Color of Law or Custom.** The bill also expands the attorney general's authority to investigate, intervene in, or bring an action by allowing him to do so when someone acts under the appearance of authority from a United States or Connecticut statute, regulation, ordinance, custom, or usage ("color of law") in a way that:

1. deprives another person of any rights, privileges, or immunities secured by the U.S. or Connecticut constitutions or
2. interferes by physical obstruction, threats, intimidation, or coercion, with another person's exercise or enjoyment of any rights, privileges, or immunities secured by the U.S. or Connecticut constitutions.

**Court Process.** For the bill's new actions based on acts done under the appearance of authority, the attorney general may bring the action in the Superior Court for the judicial district where the violation or alleged violation occurred. The bill requires the court to have a hearing on the complaint within five days after its filing, and the attorney general to notify the interested parties of its time and location. The court may order declaratory relief (a statement of rights) or a temporary injunction once the complaint is filed. After the hearing, it may order, amend, or continue the relief or injunction.

## §§ 3 & 4 — USE OF FORCE INVESTIGATIONS

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*Expands the circumstances under which there is an investigation of a peace officer's use of physical force that results in the person's death or the death of a person in a peace officer's custody, by also requiring an investigation under these circumstances when the officer is any federal law enforcement officer; requires that the investigators have unrestricted access to the scene and to collect evidence in this use of force investigation*

By law, the Division of Criminal Justice (DCJ) must investigate whenever a peace officer, while performing his or her duties, uses physical force on someone that causes that person's death or uses deadly force (a type of physical force) on another person. The inspector general is responsible for determining if the use of force was justifiable. Similarly, the law requires the inspector general to investigate any death that happened while the person was in the custody of peace officers or law enforcement agencies to determine if physical force was used on the person and if it was justifiable. The law requires the inspector general to prosecute cases involving unjustifiable use of force by peace officers.

### ***Broadened Authority to Include Federal Officers***

The bill expands the above investigatory and prosecutorial authority by applying it to the actions of any federal law enforcement officer. It does this by including a broader definition of "peace officer" within this investigatory statute than what currently applies (see *Background – Peace Officer*).

Under current law, this investigatory authority over federal officers is limited to marshals and deputy marshals and narcotics agents. The bill instead applies it to "federal law enforcement officers," as defined under two federal laws. Specifically, they include any:

1. officer, agent, or employee who the law or a government agency authorizes to prevent, detect, investigate, or prosecute a federal crime (or supervise these actions) (18 U.S.C. § 115(c)(1)) or
2. employee, including an Amtrak or Federal Reserve law enforcement officer, authorized by law to make arrests or apprehensions and by the employing agency to carry firearms, who mainly (a) prevents, detects, investigates, prosecutes, or assists in the incarceration of someone who violates the law (or supervises these actions) or (b) protects government officials

against personal safety threats (34 U.S.C. § 50301(5)).

Correspondingly, the bill applies this broader definition of “peace officer” to the existing law that sets the standards for determining if use of physical force is justifiable.

### ***Access to Evidence***

As part of these use of force investigations, existing law requires the inspector general to ask the appropriate law enforcement agency for any help needed to investigate and determine use of force. The bill specifies that (1) the DCJ and the inspector general must have unrestricted access to the scene and to collect evidence as part of these investigations and (2) this right to access applies even if the only peace officers involved in the incident were federal government employees.

The bill allows DCJ or the inspector general to seek injunctive relief in Superior Court against anyone who restricts their access to the scene and to collect evidence.

Under the bill, the court may order declaratory relief (a statement of rights) or a temporary injunction once the DCJ’s or inspector general’s complaint is filed. The court must have a hearing on the complaint within five days after its filing, and the complainant (DCJ or the inspector general) must notify the interested parties of the hearing’s time and location. The court may then order, amend, or continue any declaratory relief or temporary injunction.

### ***Background — Peace Officer***

Current law designates the following people as peace officers for purposes of the state’s Penal Code and associated statutes: state and local police, DCJ inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who have criminal law enforcement duties, appointed special police officers, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer’s Office, certified Department of Motor Vehicles inspectors, U.S. marshals

and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

## **§ 5 — PROHIBITED FACIAL COVERINGS**

*Prohibits, subject to several exceptions, peace officers from wearing a facial covering or personal disguise when interacting with the public and performing law enforcement duties; makes a violation a class D misdemeanor*

### ***Prohibited Wearing***

The bill prohibits, subject to several exceptions, peace officers engaged in law enforcement activities from wearing a facial covering or personal disguise when interacting with the public and performing their duties. Peace officers include federal law enforcement officers, as is the case for use of force investigations under the bill (see §§ 3 & 4 above).

A violation of the ban on the use of facial covering and personal disguise is a class D misdemeanor, punishable by a fine of up to \$250, up to 30 days in prison, or both. Additionally, an officer who intentionally assaults, batters, falsely imprisons or arrests, abuses process, or maliciously prosecutes someone (under state or federal law), while knowingly and willfully violating the ban, is unable to use a privilege or immunity defense against a civil liability claim about the officer's actions.

Under the bill, a "facial covering" is an item that conceals or obscures an officer's facial identity, such as opaque masks, garments, helmets, or headgear. Specific examples include balaclavas, tactical masks, gators, and ski masks. "Personal disguise" is undefined.

### ***Exempted Coverings and Uses***

The bill allows peace officers to use a medical grade facial covering designed to protect their health and safety but specifies that this does not include protecting an officer's identity. It also allows them to use facial coverings designed to (1) prevent airborne disease transmission or (2) protect against smoke exposure during a fire. Other exempt facial coverings are those:

1. needed for a water rescue operation,
2. that protect against biological or chemical agent exposure during an incident where there may be an agent,
3. that protect against freezing temperatures during an activity that does not require communicating orally with the public or someone that will be placed in custody, or
4. needed for an active undercover operation or other assignment for which supervising personnel or a court order allow them to be worn.

The bill also allows officers working on a bomb squad, motorcycle unit, or specialized weapons and tactics team to use gear necessary to protect their face and head from physical harm.

#### **§ 5 — BADGE AND NAME TAG IDENTIFICATION**

*Generally requires peace officers to be clearly identified by their badge and name tag when enforcing laws and makes a violation a class D misdemeanor*

The bill generally requires peace officers (as the bill defines for purposes of use of force investigations, see §§ 3 & 4 above) to be clearly identified by their badge and name tag. The badge and tag must be (1) on the officer's uniform whenever the officer is enforcing any state or federal law and (2) worn following existing badge and name tag requirements for police officers.

By law, police officers must already affix and prominently display their badge and name tag on their uniform's outermost garment, unless exempt under the Department of Emergency Services and Public Protection's (DESPP's) model policy on badges and name tags, such as for undercover assignments. The bill similarly exempts a peace officer from the badge and name tag requirement when (1) the officer is working an active undercover assignment or (2) a court order or DESPP's model policy excuses it.

A violation of the ban is a class D misdemeanor, which is punishable by a fine of up to \$250, up to 30 days in prison, or both.

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**§ 6 — ARMED MILITARY FORCES ENTERING CONNECTICUT**

*Generally prohibits armed military forces from other states, territories, or districts from coming to Connecticut for military duty*

The bill generally prohibits an armed military force from another state, territory, or district from entering Connecticut for military duty here. To enter the state, the bill requires the military force to have (1) express written permission from this state's governor or (2) been called into active service of the United States and to be acting under presidential authority.

**§ 7 — TAKING INTO CUSTODY IN STATE OR MUNICIPAL FACILITIES OR PROTECTED AREAS**

*Prohibits peace officers taking someone into custody on the basis of a civil offense in a state or municipal facility or certain other locations such as schools, hospitals, and houses of worship ("protected areas") without a judicial warrant for the person*

The bill prohibits peace officers, from detaining, arresting, or taking someone into custody based on a civil offense in certain locations unless the officer (1) is acting in his or her official capacity and (2) has a judicial warrant for the person. Officers subject to the prohibition are those covered by the bill's expanded definition of "peace officer" for use of force investigations, which includes broader applicability to federal law enforcement (see §§ 3 & 4 above).

Under the bill, someone aggrieved by a violation of the ban may bring a civil action in Superior Court, and an action seeking damages is triable by jury. The bill allows the court to award a plaintiff appropriate legal and equitable relief, such as a temporary or permanent injunction, punitive damages, and attorney's fees and costs.

***Prohibited Custody Locations***

***State or Municipal Facilities.*** State or municipal facilities are buildings owned, leased, occupied, controlled, or used for business by an executive department office or agency or municipal government and entities that provide direct services on their behalf. This includes the grounds and garages or parking lots that are used as part of the facilities' operation, regardless of whether they are contiguous (in contact with one another), but not state-owned property leased to a federal entity.

**Protected Areas.** The bill's protection from being taken into custody in certain areas applies to the following buildings or locations, including their grounds and garages or parking lots that are used as part of their operation, regardless of whether they are contiguous:

1. schools, ranging from preschools to colleges or universities;
2. medical or mental health facilities, such as hospitals, doctors' offices, vaccination or testing sites, or community health centers;
3. places of worship or religious study, either in a structure dedicated to faith activities or a temporary facility or other location where the activities occur;
4. social services establishments, such as crisis centers, shelters, supervised visitation or family justice centers, victim services centers, food banks or pantries, or substance counseling and treatment facilities;
5. places for disaster or emergency response and relief, including supply distribution sites, to register for disaster-related assistance, or to be reunited with family;
6. places where religious or civil ceremonies or observances occur, such as for funerals, graveside services, or weddings;
7. places where children gather, such as playgrounds, recreation or child care centers, school bus stops, or group homes for children; and
8. places with ongoing parades, demonstrations, or rallies.

## § 8 — POST COMPARATIVE CERTIFICATIONS

*Codifies POST regulations on getting a comparative certification to work as a police officer in Connecticut*

The bill codifies Police Officer Standards and Training Council (POST) regulations on certifying candidates for police officer positions who served that role in another state or in a law enforcement unit in

Connecticut that is not subject to POST's authority (a "comparative certification").

Like existing regulations, the bill generally requires candidates for this certification to (1) satisfactorily meet POST's entry level requirements and (2) complete a POST-approved basic training program.

The bill allows POST to waive the basic training program requirement or parts of it, but POST must specify which parts the candidate must complete. However, beyond the regulations, the bill prohibits POST from waiving any part of the program for a candidate whose prior certification did not require completing a substantially equivalent training or education program, including at least 480 training hours.

Under the bill and existing regulations, a waiver request must be made in writing by the (1) chief of police of the law enforcement unit seeking to hire the officer or (2) hiring candidate's appointing authority if there is no chief of police or it involves hiring a chief.

POST must evaluate a waiver request by comparing to current standards the quality and extent of (1) previous police officer basic training and certification; (2) formal, professional, and in-service training and education in law enforcement and criminal justice; (3) length of service and field experience; and (4) length of absence from employment with a law enforcement unit.

The waivable parts of the training are those for which the candidate has (1) satisfactorily completed a substantially equivalent training or educational program, (2) sufficient field experience to have practical mastery of the required skills, or (3) a satisfactory combination of the two.

## **§ 9 — OFFICER INTERFERENCE WITH PHOTO OR VIDEO TAKING**

*Makes federal law enforcement agencies liable when their officers interfere with someone taking a photo, digital still, or video of them or another officer performing their duties;*

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*makes an immunity defense unavailable in a civil liability action for an intentional tort committed while interfering with the taking of the photo, digital still, or video*

Current law makes a peace officer's employer liable if the officer interferes with someone taking a photo or digital still or video image of the officer or another officer performing his or her duties, subject to several exceptions. But it exempts federal government special agents and specified tribes' law enforcement unit members.

The bill generally applies its expanded definition of peace officer for inspector general use of force investigations (see §§ 3 & 4 above) to this provision, making the liability apply to the employers of all federal law enforcement officers, but keeping the exemption for tribal law enforcement.

Existing law exempts an employer from liability under certain specified circumstances, including when the officer had reasonable grounds to believe that the interference was to lawfully enforce a state criminal law or municipal ordinance. The bill, conforming with its liability expansion to federal agencies, broadens the exemption to include lawful enforcement of a federal criminal law.

Additionally, if a peace officer intentionally assaults, batters, falsely imprisons or arrests, abuses process, or maliciously prosecutes (either under state or federal law) someone while interfering with someone taking a photo, digital still, or video of him- or herself or another officer, the officer is unable to use a privilege or immunity defense against a civil tort liability claim about the actions.

## **§ 10 — PROSECUTORIAL IMMUNITY FOR FEDERAL ACTIONS**

*Limits the circumstances under which a federal officer, employee, or agent has immunity when prosecuted for an offense based on an action taken under color of law*

The bill limits circumstances under which a federal officer, employee, or agent has immunity when prosecuted for an offense based on an action taken under color of law (the appearance of authority from federal law). Specifically, the immunity applies when the action was authorized by federal law and was necessary and proper to execute official duties.

## § 11 — POLICE OFFICER HIRING PROHIBITION

*Extends to all peace officers the current prohibition on hiring police officers who (1) were dismissed for malfeasance or serious misconduct or (2) resigned or retired during an investigation for this conduct*

The bill broadens the prohibition on a law enforcement unit (generally state or local police) from hiring a police officer who was previously employed by the unit or in another jurisdiction and (1) was dismissed for malfeasance or serious misconduct calling into question their fitness to serve as an officer or (2) resigned or retired during an investigation for this conduct.

It does this by replacing the term “police officer” with “peace officer” and in doing so applies the hiring prohibition to hiring peace officers. Under the bill, as is the case for the inspector general’s expanded investigative authority, peace officers include all federal law enforcement officers and other state employees like state or judicial marshals and certain correctional employees (see §§ 3 & 4 above). Currently, the prohibition covers hiring sworn members of organized local police departments, appointed constables with criminal law enforcement duties, special policemen appointed for state property or utility or transportation companies or to investigate public assistance fraud, and any member of a law enforcement unit who performs police duties.

As under existing law, the hiring prohibition does not apply to an officer exonerated of all malfeasance or serious misconduct allegations.

For purposes of the law and the bill, (1) “malfeasance” has its common meaning (wrongdoing), and (2) “serious misconduct” is an officer’s improper or illegal actions connected with official duties that could cause a miscarriage of justice or discrimination, such as a felony conviction, evidence fabrication, repeated use of excessive force, bribe acceptance, or fraud.

### **BACKGROUND**

#### ***Related Bills***

sSB 91, favorably reported by the Judiciary Committee, also (1) gives

the inspector general the investigatory authority over physical force incidents involving federal law enforcement officers and (2) restricts taking people into custody based on a civil offense in state or municipal facilities and protected areas.

sSB 463, §§ 1 & 8, and sHB 5533, §§ 1 & 8, favorably reported by the Government Administration and Elections Committee, among other things, (1) generally prohibit state and federal officers and agents from searching, detaining, or arresting people within 250 feet of an election site and (2) expand the state attorney general’s authority to investigate and bring actions for certain violations of civil rights, under state or federal law or constitutions, to include when someone has a policy that violates them.

HB 5428, favorably reported by the Judiciary Committee, among other things, limits the inspector general’s investigations of in custody deaths to those that occur in a peace officer’s or law enforcement agency’s physical custody.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 30 Nay 11 (03/23/2026)