

The seal of the City of Derby is a circular emblem. It features a pink outer ring with the words "CITY OF DERBY" in a light blue font. Inside the ring, there are several white stars. The central part of the seal depicts a landscape with a building, possibly a school or a church, and a banner at the bottom. The banner contains the text "ESTABLISHED 1675".

DERBY BOARD OF EDUCATION

School Security Manual

Board of Education Goals

The Derby Public Schools shall ensure that each learner has the skills and knowledge to be successful in a global society.

The Derby Public Schools shall prepare each learner with skills necessary to make positive lifestyle decisions and long-term contributions to society.

The Derby Public Schools shall engage the community to become full partners in realizing the district mission and goals.

**DERBY PUBLIC SCHOOL SECURITY
DIVISION OF THE BOARD OF EDUCATION**

FIREARMS – STANDING ORDERS

SUBJECT: WEAPONS, AMMUNITION AND TRAINING

POLICY:

It is the policy of the Derby Board of Education to require that School Security Officers carry an approved firearm, holster, and magazines on their person at all times while working in their official capacity on school grounds.

PROCEDURE: FIREARMS, HOLSTER, AND AMMUNITION REQUIREMENTS

School Security Officers on duty shall carry a personally owned firearm of their own selection, subject to the following requirements.

- Must be a semi-automatic pistol from a reputable manufacturer (subject to BOE approval).
- The action is limited to with a double-action only (DAO), double/single action (DASA), or “safe action” striker firing mechanism. Single-action only pistols are not authorized.
- The trigger pull must be at least five (5) pounds set from the factory.
- The caliber must be 9mm or larger with a barrel length of at least three (3) inches. The standard magazine capacity must be a minimum of seven (7) cartridges.
- The pistol shall be carried fully loaded with a chambered cartridge. Pistols with an external hammer will be carried with the hammer in the down resting position.
- Pistols must be maintained within manufacturer’s specifications with no after factory alterations. It is the responsibility of the School Security Officer to preform periodic cleaning and maintenance on the firearm as recommended by the manufacturer.
- Pistol and magazines will be loaded with approved factory made hollow point ammunition.
- School Security Officers must carry their pistol in an exposed holster utilizing two retention mechanisms (Sarfariland rating Level III) and designated by the manufacturer for the specific pistol carried.
- Armed Security Officers shall carry a minimum of two additional, fully loaded magazines, in carriers suitable for the duty belt.

TRAINING:

- School Security Officers shall receive annual training pursuant to section 7-294x C.G.S. and shall successfully complete annual firearms training provided by a certified firearms

instructor that meets or exceeds the standards of the Police Officer Standards and Training Council or 18 USC 926C.

- All firearms training will be conducted using an approved firearm, holster, and magazine sources.
- School Security Officers who fail to attend mandatory training or fail to qualify may face revocation of the authorization to carry a firearm and may face termination.

DERBY SCHOOL SECURITY

DIVISION OF THE BOARD OF EDUCATION

USE OF FORCE – STANDING ORDERS

SUBJECT: **USE OF FORCE**

POLICY: It is the policy of the Derby Board of Education that physical force may only be used in certain justifiable circumstances to assure the safety of the officer or a third party, to restrain a third party from injuring themselves or another, or when necessary to restrain or detain another during an investigation.

While our ultimate objective in an encounter is to minimize injury to anyone, nothing in this policy requires a security officer to actually sustain physical injury before applying reasonable force to the degree necessary.

Each officer is expected to respond to all emergency situations decisively and with the highest level of good judgment and professional competence.

Regardless of the nature of the situation or legal justification an officer must remember that his/her basic responsibility is to protect the public as well as themselves.

A security officer will use all other means necessary before using force against another.

In certain circumstances, the use of force will be required without the opportunity to use an alternate means of defense.

PURPOSE: To establish policy and guidelines relating to the use of force including deadly force by School Security Officers.

SUBJECT: **USE OF FIREARMS AND DEADLY FORCE**

A Security officer may use firearms in circumstances that there is no other reasonable alternative available.

Security officers are to be aware that they will not fire their weapons unless there is legal justification to cause the death or serious physical injury of another and the substantial threat of extreme danger is present and warrants the use of deadly force. The officer must have first-hand knowledge of the facts and circumstances as they currently exist.

A security officer will not fire his/her weapon unless due consideration is given to what is beyond the intended target and the potential risk to innocent persons.

The use of deadly force is warranted when the intent is to stop a hostile and aggressive act whose continuation will likely result in the death or serious physical injury of the security officer or another person. Once the threat is eliminated, the decision to use deadly force must be reexamined.

To stop a fleeing felon when the officer has personal knowledge that the person has used, or is about to use deadly force against another person or the security officer and if allowed to continue he/she will endanger additional lives. Property should always be considered secondary and should not influence the security officer's decision to use deadly force.

Officers should not fire at a moving vehicle except as a last resort to protect life. The security officer must be aware that in general, handgun ammunition is incapable of stopping a moving vehicle. If the driver is struck, the vehicle may still continue, therefore the security officer should be prepared to take evasive action and reevaluate the situation.

A security officer should not draw, point or display his/her firearm unless circumstances dictate that the necessity to protect life may be imminent or during firearms practice in a safe and secure environment or when securing his/her firearm to be stored.

In any situation where force is used immediate medical assistance will be requested for all parties involved whenever necessary.

All use of firearms and use of force incidents must meet the requirements stated in all Connecticut State Statutes and Federal Law.

DISCHARGE OR DRAWING OF A FIREARM:

Notification to the Derby Police Department shall be made as soon as practical after a firearms related incident.

A security officer who draws or discharges his/her firearm for any reason other than approved training or storage shall make notification and file a report to the Superintendent of Schools. Notification will also be made to the Principal or lead administration of the school and security supervisor.

INVESTIGATION AND REVIEW OF FIREARMS DISCHARGES:

Investigation of all firearm discharges shall be conducted by the Derby Police Department according to their protocol and are subject to constraints set forth by Connecticut State Statutes, Federal Laws and Derby School Security.

Security officers should be aware that their firearm may be confiscated by the police department as evidence.

An internal review of the incident after the police report is complete, will be conducted by a representative of the Office of the Superintendent.

Violation of rules of the Derby School Security system, Connecticut or federal law, may result in termination of employment and may subject the security officer to civil or criminal action.

Security Officers shall be indemnified while acting as agents for the Derby School Security system and in the performance of their duty.

Representation shall also be furnished by the Town of Derby and additional psychological counseling made available.

USE OF FORCE OTHER THAN DEADLY FORCE:

The use of force other than deadly force by a security officer is permitted but only under circumstances when necessary to protect themselves or a third party, and the use of other means were unsuccessful and physical force is deemed necessary by the security officer.

The force used should not be greater than what is necessary and reasonable to prevent potential physical injury to themselves or a third party.

Security officers should use their physical presence and verbal commands whenever feasible before using physical contact of any type.

Security officers should not carry any other weapons unless approved by the Superintendent of Schools.

All use of force incidents should be reported to the principal who will notify the Superintendent of Schools where the incident occurred as soon as practical.

Emergency medical assistance should be requested in any incident where physical injury is evident.

DEFINITIONS: For the purpose of this policy, the following definitions will apply:

Deadly Force is that degree of force which can be reasonable expected to cause death or serious physical injury

Minimum Amount of Force is that degree of force that will permit officers to render the situation non-threatening, while still maintaining a high level of safety for themselves and others.

Serious Physical Injury means physical injury which creates substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ.

Physical Injury means impairment of physical condition or pain.

Reasonable Belief that which is sufficient to warrant a person of reasonable caution and prudence to believe that a situation exists.

REFERENCES:

Connecticut Statutes

53-18 Use of reasonable physical force or deadly physical force general.

53a-19 Use of physical force in defense of a person.

53a-20 Use of physical force in defense of premises.

53a-21 Use of physical force in defense of property.

53a-22f Use of physical force in making an arrest of preventing escape.

****Security Officers are obligated to observe all state and federal criminal and civil laws and restrictions set forth by the Derby Board of Education.**

Sec. 53a-18. Use of reasonable physical force or deadly physical force generally.
The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(1) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person, except a person entrusted with the care and supervision of a minor for school purposes as described in subdivision (6) of this section, may use reasonable physical force upon such minor or incompetent person when and to the extent that he reasonably believes such to be necessary to maintain discipline or to promote the welfare of such minor or incompetent person.

(2) An authorized official of a correctional institution or facility may, in order to maintain order and discipline, use such physical force as is reasonable and authorized by the rules and regulations of the Department of Correction.

(3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use reasonable physical force when and to the extent that he reasonably believes such to be necessary to maintain order, but he may use deadly physical force only when he reasonably believes such to be necessary to prevent death or serious physical injury.

(4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use reasonable physical force upon such person to the extent that he reasonably believes such to be necessary to thwart such result.

(5) A duly licensed physician or psychologist, or a person acting under his direction, may use reasonable physical force for the purpose of administering a recognized form of treatment which he reasonably believes to be adapted to promoting the physical or mental health of the patient, provided the treatment (A) is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian or other person entrusted with his care and supervision, or (B) is administered in an emergency when the physician or psychologist reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(6) A teacher or other person entrusted with the care and supervision of a minor for school purposes may use reasonable physical force upon such minor when and to the extent he reasonably believes such to be necessary to (A) protect himself or others from immediate physical injury, (B) obtain possession of a dangerous instrument or controlled substance, as defined in subdivision (9) of section 21a-240, upon or within the control of such minor, (C) protect property from physical damage or (D) restrain such minor or remove such minor to another area, to maintain order.

(1969, P.A. 828, S. 18; 1971, P.A. 871, S. 4; P.A. 73-205, S. 6; P.A. 89-186, S. 1, 2; P.A. 90-43; P.A. 92-260, S. 3.)

History: 1971 act specified that force used in Subdivs. (1), (3), (4) and (5) must be "reasonable" physical force; P.A. 73-205 deleted language specifically forbidding use of "deadly physical force" in Subdiv. (1); P.A. 89-186 added new Subdiv. (6) re the use of reasonable physical force by a teacher or other person entrusted with the care and supervision of a minor for school purposes and amended Subdiv. (1) accordingly; P.A. 90-43 applied provisions of Subdiv. (5) to psychologists; P.A. 92-260 amended Subdivs. (1), (3), (4) and (6) to make technical change by replacing "it is necessary" with "such to be necessary".

A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. Cited. 204 C. 240. Cited. 209 C. 75. Cited. 234 C. 455. Cited. 242 C. 211.

Cited. 8 CA 517; *Id.*, 667. Cited. 23 CA 615. Cited. 24 CA 195. Cited. 45 CA 390.

Cited. 43 CS 46.

Subdiv. (1):

Offense of risk of injury to a child under Sec. 53-21(a)(1) is not logically inconsistent with defense of parental justification. 294 C. 243.

Cited. 20 CA 75. Examining plain language of risk of injury statute, Sec. 53-21(a)(1), and this Subdiv., providing for the justification defense of reasonable parental discipline, there is no apparent reason to bar application of Subdiv. to a charge under Sec. 53-21(a)(1). 99 CA 713.

Subdiv. (5):

Cited. 201 C. 211.

Sec. 53a-19. Use of physical force in defense of person. (a) Except as provided in subsections (b) and (c) of this section, a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm.

(b) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling, as defined in section 53a-100, or place of work and was not the initial aggressor, or if he

or she is a peace officer, a special policeman appointed under section 29-18b, or a motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d, or a private person assisting such peace officer, special policeman or motor vehicle inspector at his or her direction, and acting pursuant to section 53a-22, or (2) by surrendering possession of property to a person asserting a claim of right thereto, or (3) by complying with a demand that he or she abstain from performing an act which he or she is not obliged to perform.

(c) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using physical force when (1) with intent to cause physical injury or death to another person, he provokes the use of physical force by such other person, or (2) he is the initial aggressor, except that his use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person notwithstanding continues or threatens the use of physical force, or (3) the physical force involved was the product of a combat by agreement not specifically authorized by law.

(1969, P.A. 828, S. 19; 1971, P.A. 871, S. 5; P.A. 92-260, S. 4; P.A. 05-180, S. 1; P.A. 06-196, S. 184; P.A. 08-150, S. 49; P.A. 10-36, S. 15.)

History: 1971 act specified that "reasonable" physical force is justified in Subsec. (a); P.A. 92-260 made technical changes; P.A. 05-180 amended Subsec. (b) to include a special policeman appointed under Sec. 29-18b within the purview of Subdiv. (1) and make technical changes for the purpose of gender neutrality; P.A. 06-196 made a technical change in Subsec. (b)(1), effective June 7, 2006; P.A. 08-150 amended Subsec. (b) to include Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d within purview of Subdiv. (1); P.A. 10-36 amended Subsec. (b) to replace "Department of Motor Vehicles inspector appointed" with "motor vehicle inspector designated" and make technical changes, effective July 1, 2010.

Cited. 166 C. 226. A defendant is entitled to a theory of defense instruction as a matter of law where evidence under this section is before jury. 178 C. 704. Cited. 182 C. 66. Duty of retreat where aggressor is co-occupant of dwelling discussed. 185 C. 372. Cited. 188 C. 237; *Id.*, 653. Cited. 194 C. 376. Cited. 196 C. 519. Cited. 198 C. 454. Cited. 199 C. 383. Cited. 200 C. 743. Cited. 203 C. 466. Cited. 204 C. 240. Cited. 206 C. 621. Cited. 207 C. 191. Cited. 209 C. 34; *Id.*, 75; *Id.*, 322. Determined failure to instruct jury that defense of self-defense was applicable to lesser included offense was harmless error and reversed judgment of appellate court in *State v. Hall*. 17 CA 502. 213 C. 579. Cited. *Id.*, 593. Cited. 219 C. 295. Cited. 220 C. 602. Cited. 226 C. 917. Cited. 227 C. 518. Cited. 228 C. 335; *Id.*, 851. Cited. 231 C. 484. Cited. 232 C. 537. Cited. 233 C. 1; *Id.*, 517. Cited. 234 C. 381. Cited. 235 C. 274. Cited. 242 C. 211. Subjective-objective test under section applies only to defendant: subjectively, defendant must believe that the use of deadly force is necessary, and objectively, that belief must be reasonable. 264 C. 723.

Cited. 1 CA 609. Cited. 5 CA 590. Cited. 7 CA 223; *Id.*, 457. Cited. 8 CA 667. Cited.

10 CA 643. Cited. 13 CA 139. Cited. 15 CA 34. Cited. 16 CA 264. Cited. 17 CA 200: Id., 326; Id., 502; judgment reversed, see 213 C. 579. Cited. 19 CA 576; Id., 609. Cited. 20 CA 430. Cited. 23 CA 28; Id., 615. Cited. 24 CA 195; Id., 541; Id., 586; Id., 624. Cited. 25 CA 456. Cited. 27 CA 49. Cited. 28 CA 469; Id., 833; judgment reversed, see 227 C. 518. Cited. 29 CA 262. Cited. 30 CA 95; judgment reversed, see 228 C. 147; Id., 406; judgment reversed, see 228 C. 335. Cited. 31 CA 58; Id., 140. Cited. 32 CA 687. Cited. 33 CA 616; Id., 782. Cited. 34 CA 58; judgment reversed, see 232 C. 537; Id., 368; see also 233 C. 517. Cited. 36 CA 506. Cited. 39 CA 563. Cited. 40 CA 189; Id., 805. Cited. 41 CA 255; Id., 584. Cited. 42 CA 348. Cited. 43 CA 488. Cited. 44 CA 62. Cited. 45 CA 390. Cited. 46 CA 216. Sufficiency of jury instructions re duty to retreat discussed. 48 CA 755. Statute construed to apply to person who also is usually lodged in those premises at night. 54 CA 26. First person to use physical force is not necessarily the initial aggressor. Initial aggressor is the person who acts first in a manner that creates reasonable belief in another person's mind that physical force is about to be used upon that other person. 99 CA 736.

Cited. 34 CS 612. Use of deadly force not justified when attack by assailants on third person had stopped and assailants were leaving. 35 CS 570. Cited. 38 CS 619. Cited. 43 CS 46.

Subsec. (a):

Cited. 186 C. 654. Cited. 187 C. 199. Cited. 225 C. 916. Not only must defendant's belief in the type of threat facing him have been reasonable, but the degree of force used in response must be evaluated for reasonableness as well. 256 C. 193. Under the subjective-objective test, state must disprove beyond a reasonable doubt that defendant subjectively held an objectively reasonable belief that use of deadly force was necessary to defend himself or others. 292 C. 656.

Cited. 3 CA 289. Cited. 5 CA 338. Cited. 22 CA 521. Cited. 25 CA 456. Cited. 29 CA 754. Cited. 31 CA 385. The subjective-objective inquiry into defendant's belief regarding the necessary degree of force requires jury to make two separate affirmative determinations in order for defendant's claim of self-defense to succeed. 68 CA 19. In the case of self-defense, eyewitness testimony of prior specific acts of violence perpetrated on defendant by his or her victim are admissible to show defendant's state of mind at the time of the killing. Id., 828. State proved beyond a reasonable doubt that the defendant was not justified in using deadly physical force. 75 CA 80. Where a particular jury instruction, when viewed in isolation, could have been construed as dictating a purely objective standard, it was held that the charge as a whole, adequately instructed jury as to both the subjective and objective aspects of the test involved in a self-defense analysis. Id., 500. Trial court improperly instructed jury on defendant's claim of self-defense by removing from its consideration the disputed factual issue of whether defendant used nondeadly force in self-defense. New trial ordered. 97 CA 679.

Subsec. (b):

Cited. 186 C. 654. Cited. 229 C. 916, see also 35 CA 520. Defendant's knowledge of ability to retreat is measured according to the subjective standard of defendant's actual knowledge. Defendant accused of felony murder may not rely on a claim of self-defense. 254 C. 184. Subdiv. (1) allows state to rebut self-defense claim by showing that defendant could have retreated safely before using deadly force; it does not follow that defendant is statutorily or constitutionally entitled to use evidence of retreat after using deadly force to bolster self-defense claim without permitting jury to consider other possible reasons for the flight. 279 C. 414. Unlike the subjective-objective test in Subsec. (a), the duty to retreat under 2003 revision imposes only a subjective requirement that retreat in complete safety be available and that defendant know of it. 292 C. 656.

Subdiv. (1) cited. 31 CA 385. Cited. 34 CA 610. Cited. 40 CA 624. Cited. 43 CA 488. Cited. 44 CA 62. Retreat exception applies to a dwelling, not to a superior right to being outside the dwelling. 47 CA 91.

Subsec. (c):

Subdiv. (2) cited. 221 C. 58. Subdiv. (3) cited. *Id.* Subdiv. (2): Person who first uses physical force is not necessarily the initial aggressor under this section. Judgment of appellate court in *State v. Jimenez*, 30 CA 406, reversed. 228 C. 335. There was no occasion for trial court to instruct the jury on initial aggressor doctrine under Subdiv. (2) when the state did not claim that defendant was the initial aggressor. 246 C. 268. Subdiv. (2): Language of Subdiv. is plain and unambiguous and provides that initial aggressor is justified in using physical force only if he withdraws and certain other conditions are satisfied, and Subdiv. does not provide, or suggest, that initial aggressor who uses nondeadly force is justified in using deadly force to repel victim's unlawful escalation of force to the deadly level. 292 C. 734.

Subdiv. (1): Provocation element carries with it requirement that actor act with specific intent to elicit use of physical force by another. 19 CA 609. Subdiv. (2) cited. *Id.* Cited. 22 CA 521. Subdiv. (2) cited. 35 CA 699. Jury could have reasonably concluded from evidence presented that defendant was not justified in using deadly force against the victim because he was the initial aggressor. 75 CA 80.

Cited. 41 CS 525.

Sec. 53a-20. Use of physical force in defense of premises. A person in possession or control of premises, or a person who is licensed or privileged to be in or upon such premises, is justified in using reasonable physical force upon another person when and to the extent that he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of a criminal trespass by such other person in or upon such premises; but he may use deadly physical force under such circumstances only (1) in defense of a person as prescribed in section 53a-19, or (2) when he reasonably believes such to be necessary to prevent an attempt by the trespasser to commit arson or any crime of violence, or (3) to the extent that he reasonably believes such to be necessary to prevent or terminate an unlawful entry by force into his dwelling as defined

in section 53a-100, or place of work, and for the sole purpose of such prevention or termination.

(1969, P.A. 828, S. 20; 1971, P.A. 871, S. 6; P.A. 73-639, S. 2; P.A. 92-260, S. 5.)

History: 1971 act specified use of "reasonable" physical force; P.A. 73-639 allowed use of deadly physical force when necessary to prevent crime of violence and deleted language allowing use of deadly physical force "not earlier in time" than necessary to prevent or terminate unlawful entry in dwelling or workplace by force; P.A. 92-260 made technical changes by replacing "believes it is necessary" and "believes it necessary" with "believes such to be necessary".

A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. Cited. 199 C. 383. Cited. 203 C. 466. Cited. 204 C. 240. Cited. 209 C. 75. Cited. 242 C. 211. Defendant's due process right to fair trial was violated when trial court failed to explicitly instruct jury that state bore burden of disproving defendant's defense of premises theory. 294 C. 399.

Cited. 2 CA 617. Cited. 8 CA 667. Cited. 23 CA 615. Cited. 24 CA 195. Cited. 45 CA 390.

Common-law right referred to; unnecessary to decide whether Sec. 53a-23 creates an exception. 34 CS 531. Cited. 43 CS 46.

Sec. 53a-21. Use of physical force in defense of property. A person is justified in using reasonable physical force upon another person when and to the extent that he reasonably believes such to be necessary to prevent an attempt by such other person to commit larceny or criminal mischief involving property, or when and to the extent he reasonably believes such to be necessary to regain property which he reasonably believes to have been acquired by larceny within a reasonable time prior to the use of such force; but he may use deadly physical force under such circumstances only in defense of person as prescribed in section 53a-19.

(1969, P.A. 828, S. 21; 1971, P.A. 871, S. 7; P.A. 92-260, S. 6.)

History: 1971 act specified use of "reasonable" physical force; P.A. 92-260 made technical changes by replacing "believes it necessary" with "believes such to be necessary".

A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. An act injurious to the physical well-being of a child is prohibited; the statute is not unconstitutionally vague. 192 C. 37. Cited. 204 C. 240. Cited. 209 C. 75. Cited. 226 C. 601.

Cited. 2 CA 617. Cited. 8 CA 667. Cited. 16 CA 455. Cited. 19 CA 445. Cited. 23 CA 615. Cited. 24 CA 195. Cited. 29 CA 283; judgment reversed, see 228 C. 795. Cited.

31 CA 58. Cited. 32 CA 687. Cited. 34 CA 368; see also 233 C. 517. Cited. 45 CA 390. Privilege to enter another's home to retrieve goods does not exist when defendant voluntarily gave his property to the victim. 116 CA 112.

Cited. 34 CS 612.

Sec. 53a-22. Use of physical force in making arrest or preventing escape. (a) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of physical force to make an arrest or to prevent an escape from custody. A peace officer, special policeman appointed under section 29-18b, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d or authorized official of the Department of Correction or the Board of Pardons and Paroles who is effecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using the physical force prescribed in subsections (b) and (c) of this section unless such warrant is invalid and is known by such officer to be invalid.

(b) Except as provided in subsection (a) of this section, a peace officer, special policeman appointed under section 29-18b, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using physical force upon another person when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

(c) A peace officer, special policeman appointed under section 29-18b, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using deadly physical force upon another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such to be necessary to: (1) Defend himself or herself or a third person from the use or imminent use of deadly physical force; or (2) effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible, he or she has given warning of his or her intent to use deadly physical force.

(d) Except as provided in subsection (e) of this section, a person who has been directed by a peace officer, special policeman appointed under section 29-18b, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d or authorized official of the Department of Correction or the Board of Pardons and

Paroles to assist such peace officer, special policeman, motor vehicle inspector or official to effect an arrest or to prevent an escape from custody is justified in using reasonable physical force when and to the extent that he or she reasonably believes such to be necessary to carry out such peace officer's, special policeman's, motor vehicle inspector's or official's direction.

(e) A person who has been directed to assist a peace officer, special policeman appointed under section 29-18b, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d or authorized official of the Department of Correction or the Board of Pardons and Paroles under circumstances specified in subsection (d) of this section may use deadly physical force to effect an arrest or to prevent an escape from custody only when: (1) He or she reasonably believes such to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or (2) he or she is directed or authorized by such peace officer, special policeman, motor vehicle inspector or official to use deadly physical force, unless he or she knows that the peace officer, special policeman, motor vehicle inspector or official himself or herself is not authorized to use deadly physical force under the circumstances.

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

(1969, P.A. 828, S. 23; 1971, P.A. 826; 871, S. 8; P.A. 86-231; 86-403, S. 87, 132; P.A. 92-260, S. 7; May Sp. Sess. P.A. 94-6, S. 23, 28; P.A. 04-257, S. 119; P.A. 05-108, S. 6; 05-180, S. 2; P.A. 08-150, S. 50; P.A. 10-36, S. 16.)

History: 1971 acts applied provisions of Subsecs. (a) to (f) to authorized officials of department of correction and specified authority to use physical force to prevent escape from custody in Subsec. (a) and deleted former Subsec. (g) which had allowed peace officers employed in correctional facilities to use force to prevent a prisoner's escape and specified use of "reasonable" physical force; P.A. 86-231 amended Subsec. (c)(2) to add provision that the felony involve the infliction or threatened infliction of serious physical injury and that the officer or official give a warning if feasible of his intent to use deadly physical force; P.A. 86-403 made technical change in Subsec. (b); P.A. 92-260 made technical changes by replacing "believes it necessary", "believes that such is necessary" and "believes it is necessary" with "believes such to be necessary"; May Sp. Sess. P.A. 94-6 amended Subsecs. (a) to (e), inclusive, to add authorized officials of the Board of Parole, effective July 1, 1994; P.A. 04-257 amended Subsecs. (a) to (e), inclusive, to delete references to an authorized official of the Board of Parole, effective June 14, 2004; P.A. 05-108 amended Subsecs. (a) to (e), inclusive, to restore references to an authorized official of the Board of Pardons and Paroles, effective June 7, 2005; P.A. 05-180

amended Subsecs. (a) to (e), inclusive, to include a special policeman appointed under Sec. 29-18b within the purview of said Subsecs. and made technical changes for the purpose of gender neutrality throughout; P.A. 08-150 amended Subsecs. (a) to (e) to include Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d within purview of said Subsecs.; P.A. 10-36 amended Subsecs. (a) to (e) to replace "Department of Motor Vehicles inspector appointed" with "motor vehicle inspector designated" and make technical changes, effective July 1, 2010.

See Sec. 53a-23 re unjustified use of force to resist arrest.

A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. Cited. 204 C. 240. Cited. 209 C. 75.

Cited. 8 CA 667. Cited. 23 CA 615. Cited. 24 CA 195. Cited. 45 CA 390.

Cited. 43 CS 46.

Subsec. (f):

Does not require person making the arrest to have been present at the time the felony was committed for defense of citizen's arrest to apply. 63 CA 228.

Defendant's firing of warning shot at fleeing assailants constituted use of deadly force proscribed by statute. To permit persons to fire warning shots would frustrate purpose of statute to limit use of guns to emergency situations to protect persons from death or great bodily harm. 35 CS 570. Cited. 39 CS 392.

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Sec. 53a-23. Use of physical force to resist arrest not justified. A person is not justified in using physical force to resist an arrest by a reasonably identifiable peace officer, special policeman appointed under section 29-18b or motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d, whether such arrest is legal or illegal.

(1969, P.A. 828, S. 22; 1971, P.A. 871, S. 9; P.A. 05-180, S. 3; P.A. 08-150, S. 51; P.A. 10-36, S. 17.)

History: 1971 act deleted definition of peace officer, but see Sec. 53a-3; P.A. 05-180 included a special policeman appointed under Sec. 29-18b within purview of section; P.A. 08-150 included Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d within purview of section; P.A. 10-36 replaced "Department of Motor Vehicles inspector appointed" with "motor vehicle inspector

designated" and made technical changes, effective July 1, 2010.

Cited. 170 C. 99. A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. Cited. 191 C. 433. Cited. 204 C. 240. Cited. 209 C. 75. Cited. 221 C. 788. Trial court's instructions pertaining to statute virtually eliminated state's burden of proving that the police officers were acting in the performance of their duties and had effect of depriving defendant of a defense to the charges against him, in violation of his due process rights. 261 C. 553.

Cited. 1 CA 709. Cited. 5 CA 616. Cited. 8 CA 153; Id., 667. Cited. 21 CA 326. Cited. 23 CA 615. Cited. 24 CA 195; Id., 473; judgment reversed in part, see 221 C. 788. Cited. 27 CA 49. Cited. 40 CA 601. Cited. 45 CA 390. Under this section, illegality of an arrest is not a defense to charges under Sec. 53a-167c. Statute was intended to require an arrestee to submit to an arrest, even though he believes, and may ultimately establish, that the arrest was without probable cause or was otherwise unlawful. It was not intended to require an arrestee to submit to egregiously unlawful conduct-such as an unprovoked assault-by the police in the course of an arrest, whether the arrest was legal or illegal. 79 CA 667.

Section restricts common-law right to resist illegal arrest; not applicable to prosecution under Sec. 53a-167a; unnecessary to decide whether this section creates exception to Sec. 53a-20 or common-law right to defend premises. 34 CS 531. Cited. 38 CS 364; Id., 400.

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Sec. 53a-3. Definitions. Except where different meanings are expressly specified, the following terms have the following meanings when used in this title:

- (1) "Person" means a human being, and, where appropriate, a public or private corporation, a limited liability company, an unincorporated association, a partnership, a government or a governmental instrumentality;
- (2) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property;
- (3) "Physical injury" means impairment of physical condition or pain;
- (4) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ;
- (5) "Deadly physical force" means physical force which can be reasonably expected to cause death or serious physical injury;

(6) "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. The definition of "deadly weapon" in this subdivision shall be deemed not to apply to section 29-38 or 53-206;

(7) "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is in the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer;

(8) "Vehicle" means a "motor vehicle" as defined in section 14-1, a snowmobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail;

(9) "Peace officer" means a member of the Division of State Police within the Department of Public Safety 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;

(10) "Firefighter" means any agent of a municipality whose duty it is to protect life and property therein as a member of a duly constituted fire department whether professional or volunteer;

(11) A person acts "intentionally" with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct;

(12) A person acts "knowingly" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists;

(13) A person acts "recklessly" with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the

situation;

(14) A person acts with "criminal negligence" with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation;

(15) "Machine gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a submachine gun;

(16) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger;

(17) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

(18) "Pistol" or "revolver" means any firearm having a barrel less than twelve inches;

(19) "Firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged;

(20) "Electronic defense weapon" means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device;

(21) "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star;

(22) "Employee of an emergency medical service organization" means an ambulance driver, emergency medical technician or paramedic as defined in section 19a-175;

(23) "Railroad property" means all tangible property owned, leased or operated by a railroad carrier including, but not limited to, a right-of-way, track, roadbed, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal or any other structure or appurtenance or equipment owned, leased or used in the operation of a railroad carrier including a train, locomotive, engine, railroad car, signals or safety device or work equipment or rolling stock.

(1969, P.A. 828, S. 3; 1971, P.A. 871, S. 1; 1972, P.A. 188, S. 3; P.A. 73-295; 73-639, S. 1; P.A. 74-180; 74-186, S. 8, 129; P.A. 75-283; 75-380, S. 1; P.A. 76-111, S. 9; P.A. 77-604, S. 38, 84; 77-614, S. 486, 610; P.A. 80-308; 80-394, S. 8, 13; P.A. 85-602, S. 3, 4; P.A. 86-280, S. 2; 86-287, S. 2; P.A. 90-157, S. 1; P.A. 91-171, S. 1; May 25 Sp. Sess. P.A. 94-1, S. 98, 130; P.A. 95-79, S. 182, 189; 95-277, S. 13, 19; P.A. 96-243, S. 7, 16; P.A. 00-99, S. 5, 154; 00-149, S. 1; P.A. 01-84, S. 9, 26; P.A. 02-132, S. 29; P.A. 07-123, S. 6.)

History: 1971 act included snowmobiles in definition of "vehicle" and added definitions of "peace officer" and "fireman"; 1972 act redefined "peace officer" to include special policemen appointed under Sec. 29-18; P.A. 73-295 added reference to special policemen appointed under Sec. 29-18a in definition of "peace officer"; P.A. 73-639 specified that weapons "whether loaded or unloaded" are deadly weapons; P.A. 74-180 amended definition of "deadly weapon" to specify its inapplicability to Secs. 29-38 and 53-206; P.A. 74-186 replaced county detectives with detectives in division of criminal justice in definition of "peace officer", county government having been abolished; P.A. 75-283 included special policemen appointed under Sec. 29-19 in definition of "peace officer"; P.A. 75-380 added Subdivs. (15) to (19) defining "machine gun", "rifle", "shotgun", "pistol" or "revolver" and "firearm"; P.A. 76-111 substituted chief inspectors and inspectors for detectives in definition of "peace officer"; P.A. 77-604 made technical grammatical correction in Subdiv. (9); P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979, amending Subdiv. (9) accordingly; P.A. 80-308 included adult probation officers appointed under Sec. 54-104 in definition of "peace officer"; P.A. 80-394 included special deputy sheriffs in definition of "peace officer"; P.A. 85-602 redefined "peace officer" to include investigators in the investigations unit of the state treasurer's office; P.A. 86-280 defined "martial arts weapon"; P.A. 86-287 reiterated definition of "martial arts weapon" and defined "electronic defense weapon"; P.A. 90-157 added Subdiv. (22) defining "employee of an emergency medical service organization"; P.A. 91-171 included special agents of the federal government authorized to enforce the provisions of Title 21 of the United States Code in definition of "peace officer"; May 25 Sp. Sess. P.A. 94-1 amended Subdiv. (9) by making technical change, effective July 1, 1994; P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995; P.A. 95-277 redefined "peace officer", to include investigators in the office of the State Treasurer rather than Workers' Compensation Commission investigators, effective June 29, 1995; P.A. 96-243 amended Subdiv. (7) to include certain dogs in the definition of "dangerous instrument", effective June 6, 1996; P.A. 00-99 amended Subdiv. (9) by deleting reference to sheriff, deputy sheriff and special deputy sheriff and adding provision re state marshal exercising statutory authority and judicial marshal in performance of duties, effective December 1, 2000; P.A. 00-149 added Subdiv. (23) defining "railroad property"; P.A. 01-84 amended Subdiv. (10) to replace "Fireman" with "Firefighter", effective July 1, 2001; P.A. 02-132 amended Subdiv. (9) by deleting provision re appointment under Sec. 54-104; P.A. 07-123 redefined "electronic defense weapon" in Subdiv. (20) to include "a stun gun or other conductive energy device".

Court correctly charged jury on definition of dangerous instrument. 173 C. 91. Subdiv. (3) compared to Subdiv. (4). 175 C. 204. Cited. 182 C. 501. Cited. 197 C. 574. Cited. 201 C. 505. Cited. 211 C. 258. Offense of carrying a dangerous weapon is not constitutionally overbroad in violation of the first and fourteenth amendments to the United States Constitution. 287 C. 237. Defendant's threatened use of a table leg to inflict serious bodily injury against victim, in the event that victim continued to bother him, constitutes a violation of this section and Sec. 53-206 if the threat is found to be a true threat not protected by the first amendment to the United States Constitution. Id. Evidence re use of pepper spray causing temporary blindness, chemical conjunctivitis and chemical burns constituted sufficient evidence of "serious physical injury" and "dangerous instrument" under section. 292 C. 533.

Cited. 9 CA 686. Cited. 11 CA 665. Cited. 12 CA 221. Cited. 14 CA 10. Earlier jury instruction in earlier related case defining assault as the reduced ability to act as one would have otherwise acted did not prejudice jury. 71 CA 190.

Subdiv. (1):

"Human being" construed for purposes of murder statute in accordance with long-standing common-law principle that the term includes a fetus that has been born alive. 296 C. 622.

Cited. 17 CA 326. Cited. 25 CA 586; judgment reversed. see 223 C. 492.

Cited. 40 CS 498.

Subdiv. (2):

Cited. 12 CA 225. Cited. 14 CA 67.

Subdiv. (3):

Cited. 171 C. 276. Cited. 197 C. 602.

Cited. 3 CA 353. Cited. 5 CA 612. Cited. 10 CA 330. Cited. 14 CA 586. Cited. 17 CA 226; Id., 391. Cited. 26 CA 641. Cited. 28 CA 581; judgment reversed. see 226 C. 601; Id., 612. Cited. 37 CA 733. Cited. 41 CA 255; Id., 565. Cited. 43 CA 76. Cited. 45 CA 591.

Cited. 39 CS 494. Cited. 43 CS 46.

Subdiv. (4):

Cited. 172 C. 275. Cited. 173 C. 389. Cited. 174 C. 604. Cited. 181 C. 406. Cited. 182 C. 66. Cited. 186 C. 654. Cited. 189 C. 303. Cited. 197 C. 602. Cited. 202 C. 463. Cited. 211 C. 441. Cited. 213 C. 593. Cited. 225 C. 450. Cited. 231 C. 115. Cited. 237 C.

748.

Cited. 5 CA 590; Id., 612. Cited. 6 CA 667. Cited. 8 CA 496. Cited. 10 CA 330; Id., 462. Cited. 11 CA 499. Cited. 14 CA 657. Cited. 15 CA 531. Cited. 16 CA 346. Cited. 17 CA 226. Cited. 19 CA 654; Id., 674. Cited. 21 CA 688. Cited. 23 CA 502. Cited. 25 CA 734. Cited. 26 CA 641. Cited. 28 CA 81; Id., 402; Id., 581; judgment reversed, see 226 C. 601; Id., 612. Cited. 29 CA 679. Cited. 30 CA 232. Cited. 33 CA 782. Cited. 34 CA 261. Cited. 38 CA 20. Cited. 39 CA 18; judgment reversed, see 237 C. 748. Cited. 41 CA 565. Cited. 42 CA 307. Cited. 45 CA 270; Id., 591. "Disfigurement" defined as that which impairs or injures beauty, symmetry or appearance of a person or which renders unsightly, misshapen or imperfect or deforms in some manner. 82 CA 684. Victim's testimony and medical records re injury that required surgical treatment, left victim with impairment to the use of her dominant hand and left victim's hand visibly scarred was sufficient to establish proof of serious physical injury. 116 CA 196. The jury reasonably could have concluded that scars constituted serious physical injury because they negatively affected the appearance of skin on face and abdomen. 118 CA 831.

Cited. 39 CS 494.

Subdiv. (5):

Cited. 186 C. 654. Cited. 188 C. 653. Cited. 213 C. 593.

Cited. 8 CA 667. Cited. 16 CA 346. Cited. 25 CA 734. Cited. 30 CA 406; judgment reversed, see 228 C. 335. Cited 31 CA 58.

Cited. 35 CS 570.

Subdiv. (6):

Cited. 169 C. 683. Cited. 171 C. 277. Cited. 175 C. 569. Cited. 177 C. 379. Cited. 179 C. 576. Cited. 182 C. 262; Id., 533. Cited. 185 C. 473. Cited. 189 C. 268. Cited. 190 C. 822. Cited. 195 C. 567; Id., 651; Id., 668. Cited. 197 C. 507. Cited. 203 C. 506. If a weapon from which a shot may be discharged is designed for violence and is capable of inflicting death or serious physical injury, it is a deadly weapon regardless of whether the shot is discharged by gunpowder. 278 C. 113.

Cited. 7 CA 445. Cited. 19 CA 111; judgment reversed, see 215 C. 538. Cited. 21 CA 299. Cited. 25 CA 104. Cited. 29 CA 679. Cited. 31 CA 614. Cited. 33 CA 468. Cited. 39 CA 579. Cited. 45 CA 591. Trial court did not invade jury's fact-finding province when it ruled as a matter of law that BB gun in evidence was a deadly weapon under Subdiv. in this case. 110 CA 263.

Subdiv. (7):

Cited. 169 C. 683. Cited. 171 C. 277. Tire iron used to break into apartment is not a

dangerous instrument per se. Potential for injury considered only in conjunction with circumstances of actual or threatened use. 177 C. 140. Cited. 182 C. 533. Cited. 190 C. 822. Cited. 195 C. 668. Cited. 202 C. 629. Cited. 218 C. 432.

Cited. 5 CA 40. Cited. 6 CA 667. Cited. 7 CA 27; Id., 445. Cited. 10 CA 330. Cited. 14 CA 586; Id., 657. Cited. 15 CA 586. Cited. 17 CA 226. Cited. 21 CA 299. Cited. 25 CA 171. Cited. 28 CA 612. Cited. 29 CA 262; Id., 679. Cited. 33 CA 468. Cited. 38 CA 868. Cited. 45 CA 270. Jury reasonably could have found that defendant's "feet and footwear" were a "dangerous instrument" in the manner in which they were used because of defendant's above average size, the age and delicate health of the elderly victim, the continual kicking of such victim in the area of several vital organs and the force of the kicks which was intensified by the weight of the footwear. 74 CA 545. Dangerous instrument as defined in Subsec. is "any instrument, article or substance which, under the circumstances in which it is used ... or threatened to be used, is capable of causing death or serious physical injury". 81 CA 367. Evidence was sufficient to prove that a knife or similar instrument was used thereby constituting a dangerous instrument. 98 CA 13.

Cited. 39 CS 494.

Subdiv. (9):

Cited. 231 C. 545.

Cited. 37 CA 338.

Subdiv. (10):

Cited erroneously as Sec. 53a-2(10). 226 C. 514.

Subdiv. (11):

Cited. 171 C. 271. Cited. 178 C. 448. Cited. 180 C. 382. Cited. 182 C. 449. Cited. 184 C. 121. Cited. 186 C. 414; Id., 555; Id., 574; Id., 654. Cited. 188 C. 515. Cited. 189 C. 383. Cited. 190 C. 219. Cited. 194 C. 258; Id., 376. Cited. 195 C. 166. Cited. 198 C. 92. Cited. 199 C. 1. Cited. 201 C. 489. Cited. 202 C. 520; Id., 629. Cited. 204 C. 1. Cited. 209 C. 290. Cited. 214 C. 77. Cited. 216 C. 585. Cited. 219 C. 16; Id., 363; Id., 489. Cited. 220 C. 285. Cited. 223 C. 595; Id., 674. Cited. 225 C. 55; Id., 114. Cited. 227 C. 456. Cited. 228 C. 62; Id., 118; Id., 281. Cited. 229 C. 328. Cited. 231 C. 115. Cited. 233 C. 215. Cited. 235 C. 274; Id., 477. Cited. 236 C. 189. Cited. 237 C. 748. Cited. 238 C. 253.

Cited. 5 CA 599. Cited. 7 CA 180. Cited. 9 CA 111; Id., 373. Cited. 11 CA 24. Cited. 16 CA 455. Cited. 19 CA 674. Cited. 24 CA 598. Cited. 27 CA 103. Cited. 28 CA 81. Cited. 34 CA 223. Cited. 35 CA 51. Cited. 36 CA 417. Cited. 39 CA 18; judgment reversed. see 237 C. 748. Cited. 40 CA 643. Cited. 41 CA 361. Cited. 45 CA 297. Provision dealing with intent to engage in proscribed conduct is irrelevant to a murder

prosecution pursuant to Sec. 53a-54a. 48 CA 677. Meaning of acting "intentionally". 51 CA 345. Portion of the definition of "intent" relating to intent to engage in proscribed conduct is not relevant to charge of assault in the second degree. 70 CA 855. State sufficiently proved defendant had conscious objective to cause victim's face to be scarred where defendant butted victim's face with his head, bit her face, struck her on the head with a hairdryer, kicked her and attempted to choke her, resulting in scars to victim's face. 74 CA 633. Although court improperly instructed jury on entire definition re attempted murder and kidnapping charge, it properly instructed that jury had to find that defendant intended to cause the death of another or intended to abduct and restrain another. 97 CA 837. Definition embraces both specific intent to cause a result and general intent to engage in proscribed conduct, and it is improper for court to refer in its instruction to entire definitional language, including the intent to engage in conduct, when the charge relates to a crime requiring only the intent to cause a specific result. 99 CA 230. Although court instructed jury regarding intent by using the full statutory definition including portion relating to general intent crimes, it was not reasonably possible that jury was misled by court's instructions because court gave numerous proper instructions regarding proper intent required for crime of attempt to commit assault in the first degree. 107 CA 517.

Subdiv. (12):

Cited. 182 C. 449. Cited. 203 C. 682. Cited. 223 C. 595. Cited. 235 C. 477.

Cited. 5 CA 599. Cited. 11 CA 24. Cited. 13 CA 288. Cited. 16 CA 455. Cited. 40 CA 643.

Subdiv. (13):

Cited. 171 C. 271. Cited. 180 C. 382. Cited. 182 C. 66; Id., 449. Cited. 184 C. 400. Cited. 185 C. 63. Cited. 186 C. 265. Cited. 187 C. 6. Cited. 193 C. 632. Cited. 195 C. 232. Cited. 198 C. 92; Id., 454. Cited. 199 C. 1. Cited. 202 C. 629. Cited. 212 C. 593. Cited. 213 C. 579. Cited. 214 C. 57. Cited. 216 C. 585. Cited. 219 C. 16. Cited. 222 C. 444. Cited. 225 C. 55. Cited. 226 C. 20. Cited. 228 C. 147. Cited. 231 C. 115. Cited. 233 C. 174.

Cited. 5 CA 40; Id., 571. Cited. 7 CA 180. Cited. 11 CA 24; Id., 173. Cited. 17 CA 502; judgment reversed, see 213 C. 579. Cited. 19 CA 674. Cited. 26 CA 331; Id., 448. Cited. 27 CA 73; Id., 322. Cited. 30 CA 95; judgment reversed, see 228 C. 147. Cited. 34 CA 807. Cited. 35 CA 51. Cited. 41 CA 333.

Statute applies an objective yardstick to measure the nature and degree of the risk and a subjective yardstick to measure the defendant's awareness of the risk. 35 CS 570. Cited. 37 CS 661. Cited. 38 CS 619.

Subdiv. (14):

Cited. 171 C. 112. Cited. 176 C. 451. Cited. 180 C. 382. Cited. 182 C. 449. Cited. 187 C. 6. Cited. 195 C. 232. Cited. 201 C. 174. Cited. 202 C. 520; Id., 629. Cited. 204 C. 410; Id., 429. Cited. 212 C. 593. Cited. 213 C. 579. Cited. 214 C. 57. Cited. 222 C. 444. Cited. 226 C. 20. Cited. 228 C. 147. Cited. 231 C. 115. Cited. 238 C. 253. Cited. 242 C. 211.

Cited. 5 CA 40. Cited. 11 CA 473; Id., 499. Cited. 17 CA 502; judgment reversed, see 213 C. 579. Cited. 23 CA 720. Cited. 26 CA 448. Cited. 29 CA 825. Cited. 30 CA 95; judgment reversed, see 228 C. 147.

Cited. 35 CS 519.

Subdiv. (15):

Cited. 8 CA 545.

Subdiv. (16):

Cited. 8 CA 545.

Subdiv. (17):

Cited. 8 CA 545.

Subdiv. (18):

Cited. 195 C. 651. Cited. 196 C. 395. Cited. 197 C. 507. Cited. 205 C. 370. Cited. 231 C. 235.

Cited. 7 CA 726. Cited. 8 CA 545. Cited. 9 CA 169; judgment reversed, see 205 C. 370; Id., 330. Cited. 19 CA 48; Id., 111. Cited. 36 CA 805. Cited. 37 CA 672. Cited. 39 CA 502.

Subdiv. (19):

Cited. 175 C. 569. Cited. 190 C. 715. Cited. 196 C. 395. "Firearm" includes BB. gun: legislature could have restricted the term "firearm" to guns that use gunpowder to discharge their shots, and the fact that legislature elected not to do so is strong evidence that it did not intend to limit the term in that manner. 294 C. 151.

Cited. 3 CA 289. Cited. 8 CA 545. Cited. 19 CA 48; Id., 111. Cited. 21 CA 299. Cited. 34 CA 751; judgment reversed, see 233 C. 211. Cited. 38 CA 481. Cited. 39 CA 82; Id., 502. Cited. 45 CA 591.

Replica antique pistol that propelled via gunpowder a shot that mortally wounded

defendant's spouse constituted a pistol, revolver or other weapon from which a shot could be discharged, as defined by Subsec. 49 CS 248.

Sec. 10-244a. Employment of persons to provide security services in a public school while in possession of a firearm. (a) For the school year commencing July 1, 2013, and each school year thereafter, no municipality or local or regional board of education may employ or enter into an agreement, as described in subdivision (2) of subsection (b) of section 53a-217b, with any person, other than a sworn member of an organized local police department or a retired police officer as provided in subsection (b) of this section, to provide security services in a public school if such person will possess a firearm, as defined in section 53a-3, while in the performance of his or her duties.

(b) A municipality or a local or regional board of education may employ or enter into an agreement with a retired police officer to provide security services in a public school if such retired police officer is a qualified retired law enforcement officer, as defined in 18 USC 926C, as amended from time to time. Such retired police officer shall receive annual training pursuant to section 7-294x and shall successfully complete annual firearms training provided by a certified firearms instructor that meets or exceeds the standards of the Police Officer Standards and Training Council or 18 USC 926C, as amended from time to time. Such retired police officer shall not be subject to the licensing requirements of part II of chapter 534.

(c) For the purposes of subsection (b) of this section, "retired police officer" means (1) a sworn member of an organized local police department who was certified by the Police Officer Standards and Training Council and retired or separated in good standing from such department or a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection who retired or separated in good standing from said division, (2) a sworn federal law enforcement agent who retired or separated in good standing from such federal law enforcement service and who meets or exceeds the standards of the Police Officer Standards and Training Council for certification in this state, or (3) a sworn officer of an organized police department in another state who was certified under standards that meet or exceed the standards of the Police Officer Standards and Training Council for certification in this state and who retired or separated in good standing from such department.

(P.A. 13-188, S. 1; P.A. 14-212, S. 19; 14-217, S. 254.)

History: P.A. 13-188 effective June 25, 2013; P.A. 14-212 amended Subsec. (c) to redefine "retired police officer" by designating existing language as Subdiv. (1), adding Subdiv. (2) re sworn federal law enforcement agent and adding Subdiv. (3) re sworn officer of an organized police department in another state, effective July 1, 2014; P.A. 14-217 made identical changes as P.A. 14-212, effective July 1, 2014.