
OLR Bill Analysis

sSB 91

AN ACT ENHANCING THE INVESTIGATIVE AUTHORITY OF THE INSPECTOR GENERAL AND ESTABLISHING PROTECTED AREAS.

SUMMARY

This bill expands the circumstances under which there is an investigation into a peace officer's use of physical force on someone resulting in the person's death or the death of a person in a peace officer's custody. It does this by including when the use of force is done by, or the person is in custody of, any federal law enforcement officer. Existing law requires the inspector general to prosecute any case in which he finds the use of force was not justifiable.

Absent any exigent circumstances, the bill also prohibits a federal law enforcement authority's representative from taking someone into custody on the basis of a civil offense in a state or municipal facility or in certain other locations such as schools, hospitals, and houses of worship ("protected areas") without documentation that the person is subject to a judicial warrant, was convicted of certain crimes, or is a possible match in a terrorist database. It makes a violation of this prohibition 2nd degree breach of peace, which is a class B misdemeanor, punishable by up to six months in prison, a fine of up to \$1,000, or both.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the prohibition on taking someone into custody in certain locations is effective July 1, 2026.

USE OF FORCE INVESTIGATIONS

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 the person's death or uses deadly physical force on another person. The inspector general must decide if the use of force was justifiable. Similarly, the law requires the inspector

general to investigate any death that happens while someone was in the custody of peace officers or law enforcement agencies to determine whether physical force was used on the deceased person and if it was justifiable. The law requires the inspector general to prosecute cases involving unjustifiable use of force by peace officers.

The bill expands this 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).

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.

TAKING INTO CUSTODY IN STATE OR MUNICIPAL FACILITIES OR PROTECTED AREAS

The bill generally prohibits federal law enforcement authority representatives from detaining, arresting, or taking someone into custody based on a civil offense in a state or municipal facility or in a “protected area” unless the representative (1) is acting in his or her

official capacity and (2) has documentation showing that the person is exempt from the state's civil detainer law protections. Specifically, the documentation must show that the person to be detained, arrested, or taken into custody is the subject of a judicial warrant, has been convicted of specified crimes, or is a possible match in a terrorist database (see BACKGROUND).

Under the bill, the federal law enforcement authority representative must give documentation showing the warrant, crime, or database identification to a person assigned to review these documents by the operating authority for the facility or protected area. The bill requires this designated person to then review the documentation promptly, and only if the information in the documentation is determined to be true may the detention, arrest, or custodial action proceed.

Exempt from the custody-related prohibition are enforcement actions that occur under exigent circumstances, which the bill designates as the following:

1. an enforcement action involving a national security threat or that involves immediate pursuit ("hot pursuit") of someone who is a public safety threat;
2. imminent risk of (a) death, violence, or physical harm or (b) the destruction of evidence that is material to a criminal case; or
3. a situation enforcement action where there is no safe alternative location.

Locations Where Custody is Generally Prohibited

State or Municipal Facility. 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 in 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 place where the activities happen;
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, or places to register for disaster-related assistance or reunite 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, bus stops, or group homes for children; and
8. places of ongoing parades, demonstrations, or rallies.

BACKGROUND

Civil Detainer Law Exemptions

Among other things, the state's civil immigration detainer law generally prohibits law enforcement officers and certain other professionals from (1) arresting or detaining a person under a civil immigration detainer or (2) giving a federal immigration authority access to interview a person in law enforcement agency custody (CGS § 54-192h, as amended by PA 25-29).

But this protection does not apply to those (1) subject to a judicial warrant or specified order; (2) identified as a possible match in the federal Terrorist Screening Database or a similar database; or (3) convicted of a class A or B felony or one of the following 13 crimes, regardless of the felony classification involved:

1. injury or risk of injury to, impairing morals of, or selling children under age 16;
2. 2nd degree manslaughter with a firearm;
3. 1st degree strangulation or suffocation;
4. 2nd or 3rd degree sexual assault or 3rd degree sexual assault with a firearm;
5. enticing a minor;
6. 2nd degree burglary with a firearm;
7. 2nd or 3rd degree possessing child sexual abuse material;
8. commercial sexual exploitation of a minor;
9. 1st degree violation of conditions of release; or
10. criminal violation of a protective order.

Peace Officer

Current law designates the following individuals 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)).

Related Bills

sSB 397, favorably reported by the Judiciary Committee, also (1) broadens the investigatory authority over peace officers' use of force incidents by extending it to more federal law enforcement officers and (2) restricts taking people into custody for a civil offense in state or municipal facilities or protected areas.

sSB 463, § 1, and sHB 5533, § 1, favorably reported by the Government Administration and Elections Committee, generally prohibit state and federal officers and agents from searching, detaining, or arresting people within 250 feet of an election site.

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)