



House of Representatives

General Assembly

File No. 220

February Session, 2000

Substitute House Bill No. 5695

House of Representatives, March 23, 2000

The Committee on Insurance and Real Estate reported through REP. AMANN of the 118th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Expanding The Definition Of "Personal Injury" In The Workers' Compensation Act.

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

1 Subdivision (16) of section 31-275 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (16) (A) "Personal injury" or "injury" includes, in addition to
4 accidental injury which may be definitely located as to the time when
5 and the place where the accident occurred, an injury to an employee
6 [which] that is causally connected with [his] the employee's
7 employment and is the direct result of repetitive trauma or repetitive
8 acts incident to such employment, and occupational disease.

9 (B) "Personal injury" or "injury" shall not be construed to include:

10 (i) An injury to an employee [which] that results from [his] the
11 employee's voluntary participation in any activity the major purpose

12 of which is social or recreational, including, but not limited to, athletic
13 events, parties and picnics, whether or not the employer pays some or
14 all of the cost of such activity;

15 (ii) A mental or emotional impairment, unless such impairment
16 arises from a physical injury or occupational disease [;] or, in the case
17 of a police officer, unless such impairment arises from such police
18 officer's use of deadly force or subjection to deadly force in the line of
19 duty, regardless of whether such police officer is physically injured. As
20 used in this clause, "police officer" means a member of the Division of
21 State Police within the Department of Public Safety or an organized
22 local police department, a chief inspector or inspector in the Division
23 of Criminal Justice, a special deputy sheriff, a conservation officer or
24 special conservation officer, as defined in section 26-5, an appointed
25 constable who performs criminal law enforcement duties, a special
26 policeman appointed under section 29-18, 29-18a or 29-19, an adult
27 probation officer appointed under section 54-104, an official of the
28 Department of Correction authorized by the Commissioner of
29 Correction to make arrests in a correctional institution or facility, a
30 member of the Office of State Capitol Police, and a member of a special
31 police force established under section 10a-55 or a person providing
32 security services for a public institution of higher education; and "in
33 the line of duty" means any action that a police officer is obligated or
34 authorized by law, rule, regulation or written condition of
35 employment service to perform, or for which the police officer is
36 compensated by the public entity such officer serves; or

37 (iii) A mental or emotional impairment [which] that results from a
38 personnel action, including, but not limited to, a transfer, promotion,
39 demotion or termination; or

40 (iv) Notwithstanding the provisions of clause (i) of this
41 subparagraph, "personal injury" or "injury" includes injuries to
42 employees of local or regional boards of education resulting from

43 participation in a school-sponsored activity but does not include any
44 injury incurred while going to or from such activity. As used in this
45 clause, "school-sponsored activity" means any activity sponsored,
46 recognized or authorized by a board of education and includes
47 activities conducted on or off school property and "participation"
48 means acting as a chaperone, advisor, supervisor or instructor at the
49 request of an administrator with supervisory authority over the
50 employee.

Statement of Legislative Commissioners:

In subparagraph (B) (ii) a provision concerning any person appointed under section 29-18 as a special policeman for the State Capitol building and grounds was deleted as duplicative because all special policemen appointed under section 29-18 are included within the new language, and "any" was changed to "a" for consistency.

INS Committee Vote: Yea 18 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost (General Fund and Workers' Compensation Administration Fund)

Affected Agencies: Workers' Compensation Commission, Various State Agencies

Municipal Impact: Minimal Cost

Explanation

State and Municipal Impact:

The passage of this bill would result in minimal additional costs to the state and municipalities. The bill allows State Police officers, conservation officers, specified officers of state criminal justice system agencies, and specified officers of municipal police departments to collect workers' compensation benefits for mental or emotional injuries resulting from the officer's use of, or subjection to, deadly force in the course of employment, regardless of whether such police officer is physically injured.

Costs are anticipated to be minimal in the aggregate. There are relatively few cases involving the killing of police officers or killings by police officers in Connecticut. According to State Police Uniform Crime Reports, from 1993 through 1998, no police officers were killed by a felony act. Police in Connecticut killed an average of 3 persons each year. Most municipalities are insured for their workers'

compensation costs. The increase in premiums is anticipated to be minimal. Costs could be more significant for self-insured municipalities and the state because their costs would be reflected directly in their experience. It is also anticipated that there will be a small increase in the number of cases brought before the Workers' Compensation Commission that would result in minimal costs that could be absorbed within current appropriations.

OLR Bill Analysis

sHB 5695

AN ACT EXPANDING THE DEFINITION OF "PERSONAL INJURY" IN THE WORKERS' COMPENSATION ACT.

SUMMARY:

This bill makes a police officer that incurs a mental or emotional injury from his use of or subjection to deadly force in the line of duty eligible for workers' compensation benefits. By law, mental and emotional injuries are compensable only if they arise from a physical injury.

The bill defines "in the line of duty" to mean any action that a police officer is obligated or authorized by law, rule, regulation, or written condition of employment service to perform, or for which the officer is compensated by the public entity he serves.

It defines "police officer" as a (1) member of the Division of State Police within the Department of Public Safety or an organized local police department, (2) chief inspector or inspector in the Division of Criminal Justice, (3) special deputy sheriff, (4) conservation or special conservation officer, (5) appointed constable who performs criminal law enforcement duties, (6) special appointed policeman, (7) appointed adult probation officer, (8) Department of Corrections official authorized to make arrest in correction's facilities, (9) member of the State Capitol Police, or (10) member of a special police force established by an institution of higher education or person providing security services for a public institution of higher education.

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Report

Yea 18 Nay 0

