



House of Representatives

General Assembly

File No. 464

February Session, 2000

Substitute House Bill No. 5901

House of Representatives, April 6, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Stress-Related Benefits For Police Officers.

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1 Subdivision (16) of section 31-275 of the general statutes is repealed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 of a
17 police officer, unless such impairment arises from such police officer's
18 use of deadly physical force or subjection to deadly physical force in
19 the line of duty, regardless of whether such police officer is physically
20 injured, provided, if such impairment arises from such police officer's
21 subjection to deadly physical force, such police officer was in a location
22 where such police officer reasonably believed himself or herself to be
23 at risk of being physically injured by another person's use of deadly
24 physical force; or

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

28 [(iv)] (C) Notwithstanding the provisions of [clause (i) of this]
29 subparagraph (B) (i) of this subdivision, "personal injury" or "injury"
30 includes injuries to employees of local or regional boards of education
31 resulting from participation in a school-sponsored activity but does not
32 include any injury incurred while going to or from such activity. As
33 used in this clause, "school-sponsored activity" means any activity
34 sponsored, recognized or authorized by a board of education and
35 includes activities conducted on or off school property and
36 "participation" means acting as a chaperone, advisor, supervisor or
37 instructor at the request of an administrator with supervisory
38 authority over the employee.

39 (D) For purposes of subparagraph (B) (ii) of this subdivision, "police
40 officer" means a member of the Division of State Police within the
41 Department of Public Safety or an organized local police department, a
42 chief inspector or inspector in the Division of Criminal Justice, a
43 special deputy sheriff, a conservation officer or special conservation

44 officer, as defined in section 26-5, an appointed constable who
45 performs criminal law enforcement duties, a special policeman
46 appointed under section 29-18, 29-18a or 29-19, an adult probation
47 officer appointed under section 54-104, an official of the Department of
48 Correction authorized by the Commissioner of Correction to make
49 arrests in a correctional institution or facility; and "in the line of duty"
50 means any action that a police officer is obligated or authorized by
51 law, rule, regulation or written condition of employment service to
52 perform, or for which the police officer is compensated by the public
53 entity such officer serves.

JUD Committee Vote: Yea 37 Nay 3 JFS

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

Affected Agencies: Department of Public Safety, Department of Correction, Workers' Compensation Commission

Municipal Impact: Potential Minimal Cost STATE MANDATE

Explanation

State and Municipal Impact:

The passage of this bill could result in additional costs to the state General Fund and could also result in minimal additional costs to the Workers' Compensation Commission (Workers' Compensation Administration Fund). It could also result in additional costs to municipalities, although they are anticipated to be minimal for most municipalities. It is a State Mandate on municipalities.

The bill allows State Police officers, municipal police officers, and specified officers of state criminal justice system agencies 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.

Costs are not anticipated to be significant 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. Since most municipalities have workers' compensation insurance, they could incur insurance premium increases that are anticipated to be minimal.

However, the costs of just one emotional stress case could be significant to the state, and to municipalities that are self-insured, because these costs would be reflected directly in their experience. As police officer mental stress claims are filed and standards for compensation are developed, the latitude exercised by Workers' Compensation Commissioners and workers' compensation insurers in awarding benefits will be a major factor in determining the costs.

It is also anticipated that there will be a minimal increase in the number of cases brought before the Workers' Compensation Commission (WCC) that would be handled by existing staff and within existing resources.

OLR Bill Analysis

sHB 5901

AN ACT CONCERNING STRESS-RELATED BENEFITS FOR POLICE OFFICERS.**SUMMARY:**

This bill makes police officers eligible for workers' compensation benefits if they are mentally or emotionally injured because they used or were subjected to deadly force in the line of duty. An officer subjected to deadly force must reasonably believe he was at risk of physical injury from its use. Under current law, mental and emotional injuries are compensable only if they arise from a physical injury.

Under the bill, a police officer acts within the line of duty when he does what he is required, authorized, or paid to do. The bill defines "police officer" as a (1) state or local police officer, (2) chief inspector or inspector in the Division of Criminal Justice, (3) special deputy sheriff, (4) conservation or special conservation officer, (5) constable who performs criminal law enforcement duties, (6) special policeman, (7) adult probation officer, or (8) Department of Correction official authorized to make arrests in correctional facilities.

EFFECTIVE DATE: October 1, 2000

BACKGROUND***Related Bill***

sHB 5695, favorably reported by the Insurance and Real Estate Committee, is almost identical to this bill. The only differences are that this bill (1) does not include in the definition of "police officers" the State Capitol Police and members of a special police force established by an institution of higher education and (2) requires an officer subjected to deadly force to show that he reasonably believe he was at risk of physical injury from its use.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 3