



Senate

General Assembly

File No. 125

February Session, 2010

Senate Bill No. 168

Senate, March 25, 2010

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING WORKERS' COMPENSATION AND A POLICE OFFICER'S USE OF DEADLY FORCE ON AN ANIMAL.

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

1 Section 1. Subdivisions (16) and (17) of section 31-275 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective from passage and applicable to any claim pending on or filed on or*
4 *after said date*):

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

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

12 (i) An injury to an employee that results from the employee's

13 voluntary participation in any activity the major purpose of which is
14 social or recreational, including, but not limited to, athletic events,
15 parties and picnics, whether or not the employer pays some or all of
16 the cost of such activity;

17 (ii) A mental or emotional impairment, unless such impairment
18 arises (I) from a physical injury or occupational disease, or (II) in the
19 case of a police officer, from such police officer's use of deadly force or
20 subjection to deadly force in the line of duty, regardless of whether
21 such police officer is physically injured, provided such police officer is
22 the subject of an attempt by another person to cause such police officer
23 serious physical injury or death through the use of deadly force, and
24 such police officer reasonably believes such police officer to be the
25 subject of such an attempt, or from such police officer's interaction
26 with an animal in the line of duty, regardless of whether such police
27 officer is physically injured, provided the animal displayed behavior
28 during the interaction that resulted in the police officer reasonably
29 believing that he or she was in imminent danger of serious physical
30 injury or death from such animal. As used in this clause, "police
31 officer" means a member of the Division of State Police within the
32 Department of Public Safety, an organized local police department or a
33 municipal constabulary, and "in the line of duty" means any action that
34 a police officer is obligated or authorized by law, rule, regulation or
35 written condition of employment service to perform, or for which the
36 police officer is compensated by the public entity such officer serves;

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

40 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this
41 subdivision, "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,

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 11 \$ | FY 12 \$ |
|----------------------|-------------|-----------|-----------|
| Public Safety, Dept. | GF - Cost | Potential | Potential |

Note: GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 11 \$ | FY 12 \$ |
|--------------------|----------------------|-----------|-----------|
| All Municipalities | STATE MANDATE - Cost | Potential | Potential |

Explanation

The bill may have a potential fiscal impact on the state and municipalities because it requires the state and municipalities to cover police officers' workers' compensation claims for mental or emotional impairment resulting from an interaction with an animal, wherein, the officer reasonably believed he/she was in imminent danger of serious physical injury or death.

It is not known how many mental or emotional impairment claims are filed in a given year by municipal and state police officers. The average worker's compensation liability for a single emotional impairment claim can be as high as \$10,500¹. There are approximately 7,113 municipal police officers and 1,099² state police.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of approved claims

¹ The average claim includes 35 office visits, which can range from \$150-\$300 per visit.

² Data represents the number of filled state police positions.

filed.

Sources: *Police Officers Standards and Training Council*
Core-CT Financial Accounting System

OLR Bill Analysis**SB 168*****AN ACT CONCERNING WORKERS' COMPENSATION AND A POLICE OFFICER'S USE OF DEADLY FORCE ON AN ANIMAL.*****SUMMARY:**

This bill allows a police officer to receive mental or emotional impairment benefits under workers' compensation for an interaction with an animal whose behavior led the officer to reasonably believe that he or she was in imminent danger of serious physical injury or death. The bill does not require a physical injury to qualify for benefits. Under current law, an officer can qualify for such benefits (without a physical injury) if (1) a person used deadly force in an attempt to seriously injure or kill him or her or (2) the officer used deadly force. The bill covers state and local police acting in the line of duty.

By law, except as stated above, workers' compensation provides work-related emotional and mental impairment benefits (such as counseling or therapy) only if the impairment stems from a physical work-related illness or injury.

Under current law, workers' compensation claims must be filed within one year of the date of injury or three years of the first manifestation of an occupational disease.

EFFECTIVE DATE: Upon passage and applicable to any claim pending or filed on or after the effective date.

BACKGROUND***In the Line of Duty***

By law, "in the line of duty" means any action (1) that a police officer is obligated or authorized by law, rule, regulation, or written

condition of employment to perform or (2) for which the police officer is compensated by the public entity the officer serves.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Change of Reference

Yea 11 Nay 0 (03/04/2010)

Public Safety and Security Committee

Joint Favorable

Yea 19 Nay 1 (03/11/2010)