



General Assembly

Amendment

February Session, 2018

LCO No. 5712



Offered by:

SEN. WITKOS, 8th Dist.

SEN. FASANO, 34th Dist.

To: Senate Bill No. 402

File No. 423

Cal. No. 248

"AN ACT CONCERNING TRUTH IN ADVERTISING BY MEDICAL DOCTORS AND DOCTORS OF OSTEOPATHIC MEDICINE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2018*) (a) No law enforcement
4 unit, as defined in section 7-294a of the general statutes, shall
5 discharge, discipline, discriminate against or otherwise penalize a
6 police officer, as defined in said section, who is employed by such law
7 enforcement unit solely because the police officer seeks or receives
8 mental health care services or surrenders his or her firearm,
9 ammunition or electronic defense weapon used in the performance of
10 the police officer's official duties to such law enforcement unit during
11 the time the police officer receives mental health care services. The
12 provisions of this subsection shall not be applicable to a police officer
13 who (1) seeks or receives mental health care services to avoid
14 disciplinary action by such law enforcement unit, or (2) refuses to
15 submit himself or herself to an examination as provided in subsection

16 (b) of this section.

17 (b) Prior to returning a surrendered firearm, ammunition or
18 electronic defense weapon used in the performance of the police
19 officer's official duties to a police officer, such law enforcement unit
20 shall request the police officer to submit himself or herself to an
21 examination by a licensed mental health care provider, psychiatrist or
22 psychologist from the list published pursuant to subsection (a) of
23 section 2 of this act if the police officer is employed by the state or
24 subsection (b) of section 2 of this act if the police officer is employed by
25 a municipal police department, as the case may be. The examination
26 shall be performed to determine whether the police officer is ready to
27 report for official duty and shall be paid for by such law enforcement
28 unit.

29 (c) No civil action may be brought against a law enforcement unit
30 for damages arising from actions taken by a police officer using his or
31 her personal firearm during the time period the police officer does not
32 possess his or her firearm used in the performance of the police
33 officer's official duties or for a period of six months after the police
34 officer surrenders his or her firearm used in the performance of the
35 police officer's official duties to the law enforcement unit, whichever is
36 longer.

37 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,
38 2018, the Commissioner of Emergency Services and Public Protection,
39 the Police Officer Standards and Training Council established under
40 section 7-294b of the general statutes and representatives from labor
41 organizations representing police officers in this state shall develop
42 and maintain a list of licensed mental health care providers,
43 psychiatrists or psychologists in the state. Such list shall be published
44 on the Department of Emergency Services and Public Protection's
45 Internet web site.

46 (b) Not later than October 1, 2018, each municipality with a police
47 department, the municipal police department and representatives from

48 labor organizations representing the municipality's police officers shall
49 develop and maintain a list of licensed mental health care providers,
50 psychiatrists or psychologists in the state. Such list shall be published
51 on the municipality's Internet web site.

52 Sec. 3. Section 53a-217 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective October 1, 2018*):

54 (a) A person is guilty of criminal possession of a firearm,
55 ammunition or an electronic defense weapon when such person
56 possesses a firearm, ammunition or an electronic defense weapon and
57 (1) has been convicted of a felony committed prior to, on or after
58 October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61, 53a-
59 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d
60 committed on or after October 1, 2013, (2) has been convicted as
61 delinquent for the commission of a serious juvenile offense, as defined
62 in section 46b-120, (3) has been discharged from custody within the
63 preceding twenty years after having been found not guilty of a crime
64 by reason of mental disease or defect pursuant to section 53a-13, (4)
65 knows that such person is subject to (A) a restraining or protective
66 order of a court of this state that has been issued against such person,
67 after notice has been provided to such person, in a case involving the
68 use, attempted use or threatened use of physical force against another
69 person, or (B) a foreign order of protection, as defined in section 46b-
70 15a, that has been issued against such person in a case involving the
71 use, attempted use or threatened use of physical force against another
72 person, (5) (A) has been confined on or after October 1, 2013, in a
73 hospital for persons with psychiatric disabilities, as defined in section
74 17a-495, within the preceding sixty months by order of a probate court,
75 or with respect to any person who holds a valid permit or certificate
76 that was issued or renewed under the provisions of section 29-28 or 29-
77 36f in effect prior to October 1, 2013, such person has been confined in
78 such hospital within the preceding twelve months, or (B) has been
79 voluntarily admitted on or after October 1, 2013, to a hospital for
80 persons with psychiatric disabilities, as defined in section 17a-495,
81 within the preceding six months for care and treatment of a psychiatric

82 disability and not (i) solely for being an alcohol-dependent person or a
83 drug-dependent person as those terms are defined in section 17a-680,
84 or (ii) a police officer who has been voluntarily admitted and had the
85 firearm, ammunition or electronic defense weapon returned in
86 accordance with section 1 of this act, (6) knows that such person is
87 subject to a firearms seizure order issued pursuant to subsection (d) of
88 section 29-38c after notice and an opportunity to be heard has been
89 provided to such person, or (7) is prohibited from shipping,
90 transporting, possessing or receiving a firearm pursuant to 18 USC
91 922(g)(4). For the purposes of this section, "convicted" means having a
92 judgment of conviction entered by a court of competent jurisdiction,
93 "ammunition" means a loaded cartridge, consisting of a primed case,
94 propellant or projectile, designed for use in any firearm, and a motor
95 vehicle violation for which a sentence to a term of imprisonment of
96 more than one year may be imposed shall be deemed an unclassified
97 felony.

98 (b) Criminal possession of a firearm, ammunition or an electronic
99 defense weapon is a class C felony, for which two years of the sentence
100 imposed may not be suspended or reduced by the court, and five
101 thousand dollars of the fine imposed may not be remitted or reduced
102 by the court unless the court states on the record its reasons for
103 remitting or reducing such fine.

104 Sec. 4. Section 53a-217c of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective October 1, 2018*):

106 (a) A person is guilty of criminal possession of a pistol or revolver
107 when such person possesses a pistol or revolver, as defined in section
108 29-27, and (1) has been convicted of a felony committed prior to, on or
109 after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-
110 61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
111 181d committed on or after October 1, 1994, (2) has been convicted as
112 delinquent for the commission of a serious juvenile offense, as defined
113 in section 46b-120, (3) has been discharged from custody within the
114 preceding twenty years after having been found not guilty of a crime

115 by reason of mental disease or defect pursuant to section 53a-13, (4) (A)
116 has been confined prior to October 1, 2013, in a hospital for persons
117 with psychiatric disabilities, as defined in section 17a-495, within the
118 preceding twelve months by order of a probate court, or has been
119 confined on or after October 1, 2013, in a hospital for persons with
120 psychiatric disabilities, as defined in section 17a-495, within the
121 preceding sixty months by order of a probate court, or, with respect to
122 any person who holds a valid permit or certificate that was issued or
123 renewed under the provisions of section 29-28 or 29-36f in effect prior
124 to October 1, 2013, such person has been confined in such hospital
125 within the preceding twelve months, or (B) has been voluntarily
126 admitted on or after October 1, 2013, to a hospital for persons with
127 psychiatric disabilities, as defined in section 17a-495, within the
128 preceding six months for care and treatment of a psychiatric disability
129 and not (i) solely for being an alcohol-dependent person or a drug-
130 dependent person as those terms are defined in section 17a-680, or (ii)
131 a police officer who has been voluntarily admitted and had the pistol
132 or revolver returned in accordance with section 1 of this act, (5) knows
133 that such person is subject to (A) a restraining or protective order of a
134 court of this state that has been issued against such person, after notice
135 has been provided to such person, in a case involving the use,
136 attempted use or threatened use of physical force against another
137 person, or (B) a foreign order of protection, as defined in section 46b-
138 15a, that has been issued against such person in a case involving the
139 use, attempted use or threatened use of physical force against another
140 person, (6) knows that such person is subject to a firearms seizure
141 order issued pursuant to subsection (d) of section 29-38c after notice
142 and an opportunity to be heard has been provided to such person, (7)
143 is prohibited from shipping, transporting, possessing or receiving a
144 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
145 unlawfully in the United States. For the purposes of this section,
146 "convicted" means having a judgment of conviction entered by a court
147 of competent jurisdiction.

148 (b) Criminal possession of a pistol or revolver is a class C felony, for

149 which two years of the sentence imposed may not be suspended or
150 reduced by the court, and five thousand dollars of the fine imposed
151 may not be remitted or reduced by the court unless the court states on
152 the record its reasons for remitting or reducing such fine."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2018</i>	53a-217
Sec. 4	<i>October 1, 2018</i>	53a-217c