



General Assembly

**Amendment**

February Session, 2018

LCO No. 5718



Offered by:

SEN. WITKOS, 8<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. House Bill No. 5290

File No. 425

Cal. No. 379

**"AN ACT CONCERNING THE OFFICE OF HEALTH STRATEGY."**

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    |