
OLR Bill Analysis

SB 380

AN ACT CONCERNING MENTAL HEALTH CARE AND WELLNESS TRAINING AND SUICIDE PREVENTION FOR POLICE OFFICERS.

SUMMARY

This bill contains various provisions related to police officers who seek mental health care services. Specifically, it:

1. generally prohibits a law enforcement unit from firing, disciplining, or discriminating against an officer solely because the officer seeks mental health services or surrenders his or her firearm during the period when the officer seeks such services;
2. requires a law enforcement unit to ask such an officer to submit to a mental health evaluation before returning a surrendered firearm to the officer; and
3. requires the Department of Emergency Protection and Public Protection (DESPP) and municipalities with police departments to develop a list of licensed mental health care providers in the state and post it on their respective websites.

The bill also allows a police officer who is voluntarily admitted to a psychiatric hospital to have his or her firearm returned upon discharge, if the officer complies with the bill's provisions. Under current law, someone who is voluntarily admitted to a psychiatric hospital is generally ineligible to possess a firearm for six months after discharge.

EFFECTIVE DATE: October 1, 2019, except that the provision on the list of mental health care providers takes effect upon passage.

§ 1 — LAW ENFORCEMENT OFFICERS SEEKING MENTAL HEALTH SERVICES

Disciplinary Action and Discrimination Prohibited

The bill generally prohibits a law enforcement unit from discharging, disciplining, discriminating against, or otherwise penalizing a police officer it employs solely because the officer:

1. seeks or receives mental health care services or
2. surrenders his or her firearm, ammunition, or electronic defense weapon (the bill does not define these terms) used to perform official duties while the officer receives mental health care services.

The bill exempts from the prohibition a police officer who (1) seeks or receives mental health care services to avoid disciplinary action by the law enforcement unit or (2) refuses to submit to a mental health examination (see below).

Required Mental Health Examination

Before returning a surrendered firearm, ammunition, or electronic defense weapon to a police officer, the bill requires the law enforcement unit to ask the officer to submit to an examination by a licensed mental health care provider, psychiatrist, or psychologist, using the list of such providers published by DESPP and municipalities (see § 2 below).

Under the bill, the law enforcement unit must pay for the examination, which must be performed to determine whether the police officer is ready to report for official duty.

Civil Action

The bill prohibits anyone from bringing a civil action against a law enforcement unit for damages resulting from a police officer's use of a personal firearm (1) during the time period the officer surrendered the firearm he or she uses to perform official duties (i.e., professional firearm) or (2) for six months after the officer surrenders the professional firearm, whichever is longer.

§ 2 — LIST OF MENTAL HEALTH CARE PROVIDERS

By October 1, 2019, the bill requires the DESPP commissioner, Police Officer Standards and Training Council, and representatives from labor organizations representing Connecticut police officers to develop and maintain a list of licensed mental health care providers, psychiatrists, or psychologists in the state. The commissioner must publish the list on the DESPP website.

The bill also requires by this date, municipalities with police departments, along with labor organizations representing their police officers, to develop the same list of licensed mental health care providers and post it on the municipality's website.

§§ 3 & 4 — RETURNING FIREARM AFTER DISCHARGE FROM PSYCHIATRIC HOSPITAL

The bill allows a police officer who is voluntarily admitted to a psychiatric hospital to have his or her firearm, ammunition, handgun, or electronic defense weapon returned upon discharge if the officer completes the mental health examination under the bill.

Under current law, someone who is voluntarily admitted to a psychiatric hospital is generally ineligible to possess any of the above listed weapons for six months after discharge. A person who does so is guilty of a class C felony, punishable by up to 10 years in prison and up to a \$10,000 fine. By law, there is a mandatory (1) two-year minimum sentence and (2) \$5,000 fine unless the court states on the record why it remits or reduces it.

COMMITTEE ACTION

Public Health Committee

Joint Favorable
Yea 21 Nay 0 (03/22/2019)