



Senate

General Assembly

File No. 590

January Session, 2019

Senate Bill No. 380

Senate, April 10, 2019

The Committee on Public Health reported through SEN. DAUGHERTY ABRAMS of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) No law enforcement
2 unit, as defined in section 7-294a of the general statutes, shall
3 discharge, discipline, discriminate against or otherwise penalize a
4 police officer, as defined in said section, who is employed by such law
5 enforcement unit solely because the police officer seeks or receives
6 mental health care services or surrenders his or her firearm,
7 ammunition or electronic defense weapon used in the performance of
8 the police officer's official duties to such law enforcement unit during
9 the time period in which the police officer receives mental health care
10 services. The provisions of this subsection shall not be applicable to a
11 police officer who (1) seeks or receives mental health care services to
12 avoid disciplinary action by such law enforcement unit, or (2) refuses
13 to submit himself or herself to an examination pursuant to subsection
14 (b) of this section.

15 (b) Prior to returning a surrendered firearm, ammunition or

16 electronic defense weapon used in the performance of the police
17 officer's official duties to a police officer, such law enforcement unit
18 shall request that the police officer submit himself or herself to an
19 examination by a licensed mental health care provider, psychiatrist or
20 psychologist from the list published pursuant to (1) subsection (a) of
21 section 2 of this act if the police officer is employed by the state, or (2)
22 subsection (b) of section 2 of this act if the police officer is employed by
23 a municipal police department. The examination shall be performed to
24 determine whether the police officer is ready to report for official duty
25 and shall be paid for by such law enforcement unit.

26 (c) No civil action may be brought against a law enforcement unit
27 for damages arising from a police officer's use of his or her personal
28 firearm (1) during the time period in which the police officer has
29 surrendered the firearm he or she uses in the performance of his or her
30 official duties, or (2) for a period of six months after the police officer
31 surrenders the firearm he or she uses in the performance of his or her
32 official duties, whichever is longer.

33 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,
34 2019, the Commissioner of Emergency Services and Public Protection,
35 the Police Officer Standards and Training Council established under
36 section 7-294b of the general statutes and representatives from labor
37 organizations representing police officers in the state shall develop and
38 maintain a list of licensed mental health care providers, psychiatrists or
39 psychologists in the state. The commissioner shall publish such list on
40 the Department of Emergency Services and Public Protection's Internet
41 web site.

42 (b) Not later than October 1, 2019, for each municipality with a
43 police department, the municipal police department and
44 representatives from labor organizations representing the
45 municipality's police officers shall develop and maintain a list of
46 licensed mental health care providers, psychiatrists or psychologists in
47 the state. The municipality shall publish such list on its Internet web
48 site.

49 Sec. 3. Subsection (a) of section 53a-217 of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective*
51 *October 1, 2019*):

52 (a) A person is guilty of criminal possession of a firearm,
53 ammunition or an electronic defense weapon when such person
54 possesses a firearm, ammunition or an electronic defense weapon and
55 (1) has been convicted of a felony committed prior to, on or after
56 October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61, 53a-
57 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d
58 committed on or after October 1, 2013, (2) has been convicted as
59 delinquent for the commission of a serious juvenile offense, as defined
60 in section 46b-120, (3) has been discharged from custody within the
61 preceding twenty years after having been found not guilty of a crime
62 by reason of mental disease or defect pursuant to section 53a-13, (4)
63 knows that such person is subject to (A) a restraining or protective
64 order of a court of this state that has been issued against such person,
65 after notice has been provided to such person, in a case involving the
66 use, attempted use or threatened use of physical force against another
67 person, or (B) a foreign order of protection, as defined in section 46b-
68 15a, that has been issued against such person in a case involving the
69 use, attempted use or threatened use of physical force against another
70 person, (5) (A) has been confined on or after October 1, 2013, in a
71 hospital for persons with psychiatric disabilities, as defined in section
72 17a-495, within the preceding sixty months by order of a probate court,
73 or with respect to any person who holds a valid permit or certificate
74 that was issued or renewed under the provisions of section 29-28 or 29-
75 36f in effect prior to October 1, 2013, such person has been confined in
76 such hospital within the preceding twelve months, or (B) has been
77 voluntarily admitted on or after October 1, 2013, to a hospital for
78 persons with psychiatric disabilities, as defined in section 17a-495,
79 within the preceding six months for care and treatment of a psychiatric
80 disability and not (i) solely for being an alcohol-dependent person or a
81 drug-dependent person as those terms are defined in section 17a-680,
82 or (ii) when such person is a police officer who has been voluntarily
83 admitted and had the firearm, ammunition or electronic defense

84 weapon returned to him or her pursuant to section 1 of this act, (6)
85 knows that such person is subject to a firearms seizure order issued
86 pursuant to subsection (d) of section 29-38c after notice and an
87 opportunity to be heard has been provided to such person, or (7) is
88 prohibited from shipping, transporting, possessing or receiving a
89 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,
90 "convicted" means having a judgment of conviction entered by a court
91 of competent jurisdiction, "ammunition" means a loaded cartridge,
92 consisting of a primed case, propellant or projectile, designed for use
93 in any firearm, and a motor vehicle violation for which a sentence to a
94 term of imprisonment of more than one year may be imposed shall be
95 deemed an unclassified felony.

96 Sec. 4. Subsection (a) of section 53a-217c of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective*
98 *October 1, 2019*):

99 (a) A person is guilty of criminal possession of a pistol or revolver
100 when such person possesses a pistol or revolver, as defined in section
101 29-27, and (1) has been convicted of a felony committed prior to, on or
102 after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-
103 61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
104 181d committed on or after October 1, 1994, (2) has been convicted as
105 delinquent for the commission of a serious juvenile offense, as defined
106 in section 46b-120, (3) has been discharged from custody within the
107 preceding twenty years after having been found not guilty of a crime
108 by reason of mental disease or defect pursuant to section 53a-13, (4) (A)
109 has been confined prior to October 1, 2013, in a hospital for persons
110 with psychiatric disabilities, as defined in section 17a-495, within the
111 preceding twelve months by order of a probate court, or has been
112 confined on or after October 1, 2013, in a hospital for persons with
113 psychiatric disabilities, as defined in section 17a-495, within the
114 preceding sixty months by order of a probate court, or, with respect to
115 any person who holds a valid permit or certificate that was issued or
116 renewed under the provisions of section 29-28 or 29-36f in effect prior
117 to October 1, 2013, such person has been confined in such hospital

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2019</i>	53a-217(a)
Sec. 4	<i>October 1, 2019</i>	53a-217c(a)

PH *Joint Favorable*

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 20 \$	FY 21 \$
Department of Emergency Services and Public Protection	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Cost	See Below	See Below

Explanation

There is a cost to the Department of Emergency Services and Public Protection (DESPP) and municipalities resulting from the bill, which permits law enforcement departments to request a psychiatric examination be performed on an officer prior to them returning to duty. This requirement may result in additional overtime costs to law enforcement units if officers that are subject to such examinations are not deemed fit for duty. For context, DESPP spends approximately \$400 per day, per officer on overtime wages and fringe benefits.

The bill also requires DESPP and municipalities, in consultation with labor organizations, to develop a list of qualified medical professionals that may be used for such examinations, and may be sought for treatment by officers. This has no fiscal impact, as it is expected that DESPP can compile such a list within existing staffing and resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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)