



General Assembly

January Session, 2019

**Committee Bill No. 5154**

LCO No. 3661



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***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 the police officer receives mental health care services. The  
10 provisions of this subsection shall not be applicable to a police officer  
11 who (1) seeks or receives mental health care services to avoid  
12 disciplinary action by such law enforcement unit, or (2) refuses to  
13 submit himself or herself to an examination as provided in subsection  
14 (b) of this section.

15 (b) Prior to returning to a police officer his or her surrendered  
16 firearm, ammunition or electronic defense weapon used in the

17 performance of the police officer's official duties, such law enforcement  
18 unit shall request the police officer to submit himself or herself to an  
19 examination by a licensed clinical social worker, master social worker,  
20 professional counselor, psychiatrist or psychologist who is on the list  
21 published (1) under subsection (a) of section 2 of this act if the police  
22 officer is employed by the state, or (2) under subsection (b) of section 2  
23 of this act if the police officer is employed by a municipal police  
24 department. The examination shall be performed to determine  
25 whether the police officer is ready to report for official duty and shall  
26 be paid for by such law enforcement unit.

27 (c) No civil action may be brought against a law enforcement unit  
28 for damages arising from acts or omissions of a police officer with  
29 respect to the police officer's use of his or her personal firearm during  
30 the time period the police officer has surrendered to the law  
31 enforcement unit his or her firearm, ammunition or electronic defense  
32 weapon used in the performance of the police officer's official duties or  
33 for a period of six months from the date the police officer surrendered  
34 to the law enforcement unit his or her firearm, ammunition or  
35 electronic defense weapon used in the performance of the officer's  
36 official duties, whichever is longer.

37 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,  
38 2019, 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 state police officers in this state shall  
42 develop and maintain a list of licensed clinical social workers, master  
43 social workers, professional counselors, psychiatrists or psychologists  
44 in this state. Such list shall be published on the Department of  
45 Emergency Services and Public Protection's Internet web site.

46 (b) Not later than October 1, 2019, each municipal police department  
47 and representatives from labor organizations representing the  
48 municipality's police officers shall develop and maintain a list of  
49 licensed clinical social workers, master social workers, professional

50 counselors, psychiatrists or psychologists in this state. Such list shall be  
51 published 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, 2019*):

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] unless the person (i) was voluntarily admitted

83 solely for being an alcohol-dependent person or a drug-dependent  
84 person as those terms are defined in section 17a-680, or (ii) is a police  
85 officer who was voluntarily admitted and had his or her firearm,  
86 ammunition or electronic defense weapon used in the performance of  
87 the police officer's official duties returned in accordance with section 1  
88 of this act. (6) knows that such person is subject to a firearms seizure  
89 order issued pursuant to subsection (d) of section 29-38c after notice  
90 and an opportunity to be heard has been provided to such person, or  
91 (7) is prohibited from shipping, transporting, possessing or receiving a  
92 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,  
93 "convicted" means having a judgment of conviction entered by a court  
94 of competent jurisdiction, "ammunition" means a loaded cartridge,  
95 consisting of a primed case, propellant or projectile, designed for use  
96 in any firearm, and a motor vehicle violation for which a sentence to a  
97 term of imprisonment of more than one year may be imposed shall be  
98 deemed an unclassified felony.

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

105 Sec. 4. Section 53a-217c of the general statutes is repealed and the  
106 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

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

151 (b) Criminal possession of a pistol or revolver is a class C felony, for  
152 which two years of the sentence imposed may not be suspended or  
153 reduced by the court, and five thousand dollars of the fine imposed  
154 may not be remitted or reduced by the court unless the court states on  
155 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, 2019</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2019</i>	53a-217
Sec. 4	<i>October 1, 2019</i>	53a-217c

**PS**      *Joint Favorable*