



General Assembly

February Session, 2000

**Amendment**

LCO No. 4356

Offered by:

REP. TULISANO, 29<sup>th</sup> Dist.

REP. LAWLOR, 99<sup>th</sup> Dist.

To: Subst. House Bill No. 5059

File No. 440

Cal. No. 341

**"An Act Concerning Hunting Safety."**

1 After line 202, add the following:

2 "Sec. 6. Subsection (b) of section 18 of public act 99-212 is repealed  
3 and the following is substituted in lieu thereof:

4 (b) A warrant may issue only on affidavit sworn to by the  
5 complainant or complainants before the judge and establishing the  
6 grounds for issuing the warrant, which affidavit shall be part of the  
7 seizure file. In determining whether grounds for the application exist  
8 or whether there is probable cause to believe they exist, the judge shall  
9 consider: (1) Recent threats or acts of violence by such person directed  
10 toward other persons; (2) recent threats or acts of violence by such  
11 person directed toward himself or herself; and (3) recent acts of cruelty  
12 to animals as provided in subsection (b) of section 53-247 by such  
13 person. In evaluating whether such recent threats or acts of violence  
14 constitute probable cause to believe that such person poses a risk of  
15 imminent personal injury to himself or herself or to others, the judge  
16 may consider other factors including, but not limited to (A) the

17 reckless use, display or brandishing of a firearm by such person, (B) a  
18 history of the use, attempted use or threatened use of physical force by  
19 such person against other persons, (C) prior involuntary confinement  
20 of such person in a hospital for persons with psychiatric disabilities,  
21 and (D) the illegal use of controlled substances or abuse of alcohol by  
22 such person. If the judge is satisfied that the grounds for the  
23 application exist or that there is probable cause to believe that they  
24 exist, such judge shall issue a warrant naming or describing the  
25 person, place or thing to be searched. The warrant shall be directed to  
26 any police officer of a regularly organized police department or any  
27 state police officer. It shall state the grounds or probable cause for its  
28 issuance and it shall command the officer to search within a reasonable  
29 time the person, place or thing named for any and all firearms. No  
30 arrest of a person shall be made on the basis of information or evidence  
31 obtained as a result of the execution of a search warrant issued  
32 pursuant to this subsection, except that (i) an arrest may be made for  
33 the illegal possession of the firearm or firearms that are the object of  
34 the warrant, (ii) a warrant for the arrest of such person may be issued  
35 based upon independent information or evidence and upon a finding  
36 of probable cause that such person has committed or is committing an  
37 offense, (iii) an arrest may be made based upon exigent circumstances,  
38 or (iv) an arrest may be made based upon evidence in plain view. For  
39 the purposes of this subsection, an item is in plain view when it may  
40 be viewed by a nonintrusive observance of the premises. A copy of the  
41 warrant shall be given to the person named therein together with a  
42 notice informing the person that such person has the right to a hearing  
43 under this section and the right to be represented by counsel at such  
44 hearing."