



Senate

General Assembly

File No. 139

January Session, 2001

Senate Bill No. 1402

Senate, April 5, 2001

The Committee on Public Safety reported through SEN. PENN of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT.

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

1 Section 1. Section 29-28 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) No person who sells ten or more pistols or revolvers in a
4 calendar year or is a federally-licensed firearm dealer shall advertise,
5 sell, deliver, or offer or expose for sale or delivery, or have in [his] such
6 person's possession with intent to sell or deliver, any pistol or revolver
7 at retail without having a permit therefor issued as [hereinafter]
8 provided in this subsection. The chief of police or, where there is no
9 chief of police, the warden of the borough or the first selectman of the
10 town, as the case may be, may, upon the application of any person,
11 issue a permit in such form as may be prescribed by the Commissioner
12 of Public Safety for the sale at retail of pistols and revolvers within the
13 jurisdiction of the authority issuing such permit. No permit for the sale
14 at retail of any pistol or revolver shall be issued unless the applicant

15 holds a valid eligibility certificate for a pistol or revolver issued
16 pursuant to section 29-36f or a valid state permit to carry a pistol or
17 revolver issued pursuant to subsection (b) of this section and the
18 applicant submits documentation sufficient to establish that local
19 zoning requirements have been met for the location where the sale is to
20 take place except that any person selling or exchanging a pistol or
21 revolver for the enhancement of a personal collection or for a hobby or
22 who sells all or part of [his] such person's personal collection of pistols
23 or revolvers shall not be required to submit such documentation for
24 the location where the sale or exchange is to take place.

25 (b) Upon the application of any person having a bona fide residence
26 or place of business within the jurisdiction of any such authority, [or
27 upon the application of any bona fide resident of the United States
28 having a permit or license to carry any firearm issued by the authority
29 of any state or subdivision of the United States,] such chief of police,
30 warden or selectman may issue a temporary state permit to such
31 person to carry a pistol or revolver within the [jurisdiction of the
32 authority issuing the same] state, provided such authority shall find
33 that such applicant intends to make no use of any pistol or revolver
34 which such applicant may be permitted to carry [thereunder] under
35 such permit other than a lawful use and that such person is a suitable
36 person to receive such permit. No state or temporary state permit to
37 carry a pistol or revolver shall be issued under this subsection if the
38 applicant (1) has failed to successfully complete a course approved by
39 the Commissioner of Public Safety in the safety and use of pistols and
40 revolvers including, but not limited to, a safety or training course in
41 the use of pistols and revolvers available to the public offered by a law
42 enforcement agency, a private or public educational institution or a
43 firearms training school, utilizing instructors certified by the National
44 Rifle Association or the Department of Environmental Protection and a
45 safety or training course in the use of pistols or revolvers conducted by
46 an instructor certified by the state or the National Rifle Association, (2)
47 has been convicted of a felony or of a violation of subsection (c) of

48 section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96,
49 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as
50 delinquent for the commission of a serious juvenile offense, as defined
51 in section 46b-120, (4) has been discharged from custody within the
52 preceding twenty years after having been found not guilty of a crime
53 by reason of mental disease or defect pursuant to section 53a-13, (5)
54 has been confined in a hospital for persons with psychiatric
55 disabilities, as defined in section 17a-495, within the preceding twelve
56 months by order of a probate court, (6) is subject to a restraining or
57 protective order issued by a court in a case involving the use,
58 attempted use or threatened use of physical force against another
59 person, (7) is subject to a firearms seizure order issued pursuant to
60 subsection (d) of section 29-38c after notice and hearing, [or] (8) is an
61 alien illegally or unlawfully in the United States, or (9) is less than
62 twenty-one years of age. Nothing in this section shall require any
63 person who holds a valid permit to carry a pistol or revolver on
64 October 1, 1994, to participate in any additional training in the safety
65 and use of pistols and revolvers. Upon issuance of a temporary state
66 permit to the applicant, the local authority shall forward the original
67 application to the commissioner. Not later than sixty days after
68 receiving a temporary state permit, an applicant shall appear at a
69 location designated by the commissioner to receive the state permit.
70 Said commissioner may [upon application,] then issue, to any holder
71 of any [such] temporary state permit, a state permit to carry a pistol or
72 revolver within the state. [Each permit to carry any pistol or revolver
73 shall be issued in triplicate and one of the copies issued by said
74 commissioner shall be delivered to the person to whom issued, one
75 shall be delivered forthwith to the authority issuing the local permit
76 and one shall be retained by said commissioner, and the local authority
77 issuing any such permit shall forthwith deliver one of such copies to
78 the person to whom issued and one copy to said commissioner and
79 shall retain one of such copies.] Upon issuance of the state permit, the
80 commissioner shall forward a record of such permit to the local

81 authority issuing the temporary state permit. The commissioner shall
82 retain records of all applications, whether approved or denied. The
83 copy of the state permit delivered to the permittee shall be laminated
84 and shall contain a full-face photograph of such permittee. A person
85 holding a state permit issued pursuant to this subsection shall notify
86 the issuing authority within two business days of any change of such
87 person's address. The notification shall include the old address and the
88 new address of such person.

89 (c) No issuing authority may require any sworn member of the
90 Department of Public Safety or an organized local police department to
91 furnish [his] such sworn member's residence address in a permit
92 application. The issuing authority shall allow each such sworn
93 member who has a permit to carry a pistol or revolver [on May 26,
94 1992,] issued by such authority, to revise [his] such member's
95 application to include [his] a business or post office address in lieu of
96 [his] the residence address. The issuing authority shall notify each such
97 member of [his] the right to revise such application.

98 (d) Notwithstanding the provisions of sections 1-210 and 1-211, the
99 name and address of a person issued a permit to sell at retail pistols
100 and revolvers pursuant to subsection (a) of this section or a state
101 permit to carry [pistols and revolvers] a pistol or revolver pursuant to
102 subsection (b) of this section, shall be confidential and shall not be
103 disclosed, except (1) such information may be disclosed to law
104 enforcement officials acting in the performance of their duties, (2) [an]
105 the issuing authority may disclose such information to the extent
106 necessary to comply with a request made pursuant to section 29-33 for
107 verification that such state permit is still valid and has not been
108 suspended or revoked, and (3) such information may be disclosed to
109 the Commissioner of Mental Health and Addiction Services to carry
110 out the provisions of subsection (c) of section 17a-500.

111 (e) The issuance of [a] any permit to carry a pistol or revolver [under

112 subsection (b) of this section] does not thereby authorize the
113 possession or carrying of a pistol or revolver in any premises where
114 the possession or carrying of a pistol or revolver is otherwise
115 prohibited by law or is prohibited by the person who owns or exercises
116 control over such premises.

117 (f) Any bona fide resident of the United States having no bona fide
118 residence or place of business within the jurisdiction of any local
119 authority in the state, but who has a permit or license to carry a pistol
120 or revolver issued by the authority of another state or subdivision of
121 the United States, may apply directly to the Commissioner of Public
122 Safety for a permit to carry a pistol or revolver in this state. All
123 provisions of subsections (b), (c), (d) and (e) of this section shall apply
124 to applications for a permit received by the commissioner under this
125 subsection.

126 Sec. 2. Section 29-28a of the general statutes is repealed and the
127 following is substituted in lieu thereof:

128 (a) Requests for temporary state permits under section 29-28, as
129 amended by this act, shall be submitted to the [issuing authority] chief
130 of police, or, where there is no chief of police, to the warden of the
131 borough or the first selectman of the town, as the case may be, on
132 application forms prescribed by the Commissioner of Public Safety.
133 Upon written request by any person for a temporary state permit not
134 on a prescribed application form, or upon request by any person for
135 such application form, the [issuing] local authority shall supply such
136 forms. When any such request is made in person at the office of the
137 [issuing] local authority, the local authority shall supply such
138 application form immediately. When any such request is made in any
139 other manner, the local authority shall supply such application form
140 not later than one week after receiving such request. If such
141 application form is not supplied within the time [limited] limits
142 required by this section, the request therefor shall constitute a

143 sufficient application. If any [issuing] local authority fails to supply an
144 application form upon the request of any person, such person may
145 request an application form from the Commissioner of Public Safety or
146 any barracks of the Division of State Police, and the time limits and
147 procedures set forth in this section for handling requests for such
148 forms shall be applicable.

149 (b) The [issuing] local authority shall, not later than eight weeks
150 after a sufficient application for a temporary state permit has been
151 made, inform the applicant that [his] such applicant's request for a
152 temporary state permit has been approved or denied. The local
153 authority shall forward a copy of the application indicating approval
154 or denial of the temporary state permit to the Commissioner of Public
155 Safety. If the local authority has denied the application for a temporary
156 state permit, no state permit may be issued. The commissioner shall,
157 not later than eight weeks after receiving an application indicating
158 approval from the local authority, inform the applicant in writing that
159 the applicant's application for a state permit has been approved or
160 denied, or that the results of the national criminal history records
161 check have not been received. If grounds for denial become known
162 after a temporary state permit has been obtained, the temporary state
163 permit shall be immediately revoked pursuant to section 29-32, as
164 amended by this act.

165 Sec. 3. Section 29-29 of the general statutes is repealed and the
166 following is substituted in lieu thereof:

167 (a) No temporary state permit for carrying any pistol or revolver
168 shall be issued under the provisions of section 29-28, as amended by
169 this act, unless the applicant for the same gives to the [issuing] local
170 authority, upon its request, full information concerning [his] the
171 applicant's criminal record, and such [issuing] local authority shall
172 thereupon take a full description of such applicant and make an
173 investigation concerning [his] the applicant's suitability to carry any

174 such weapons. The [issuing] local authority shall take the fingerprints
175 of such applicant unless the [issuing] local authority determines that
176 the fingerprints of such applicant have been previously taken and [his]
177 the applicant's identity established, and such applicant presents
178 identification that the [issuing] local authority verifies as valid. The
179 [issuing] local authority shall record the date the fingerprints were
180 taken in the applicant's file and, within five business days of such date,
181 shall forward such fingerprints to the Commissioner of Public Safety,
182 who shall forward them to the Federal Bureau of Investigation for a
183 national criminal history records check. The [issuing] local authority
184 may, in [his] its discretion, issue [such] a temporary state permit before
185 a [report from said bureau] national criminal history records check
186 relative to such applicant's record has been received. Upon receipt of
187 [such report, the issuing authority] the results of such national criminal
188 history records check, the commissioner shall send a copy of the
189 results of such national criminal history records check to the local
190 authority, which shall inform the applicant and render a decision on
191 the application within one week of the receipt of [the report] such
192 results. If such [report has] results have not been received within eight
193 weeks after a sufficient application for a permit has been made, the
194 [issuing] local authority shall inform the applicant of such delay, in
195 writing. No temporary state permit shall be issued if the [issuing] local
196 authority has reason to believe the applicant has ever been convicted
197 of a felony, or that any other condition exists for which the issuance of
198 a permit for possession of a pistol or revolver is prohibited under state
199 or federal law.

200 (b) The commissioner may investigate any applicant for a state
201 permit and shall investigate each applicant for renewal of a state
202 permit to ensure that such applicant is eligible under state law for such
203 permit or for renewal of such permit and is eligible under federal law
204 to possess a pistol or revolver.

205 (c) No state permit may be issued unless either the local authority or

206 the commissioner has received the results of the national criminal
207 history records check.

208 Sec. 4. Section 29-30 of the general statutes is repealed and the
209 following is substituted in lieu thereof:

210 (a) The fee for each permit originally issued under the provisions of
211 subsection (a) of section 29-28, as amended by this act, for the sale at
212 retail of pistols and revolvers shall be one hundred dollars and for
213 each renewal thereof one hundred dollars. The fee for each state
214 permit originally issued under the provisions of subsection (b) of
215 section 29-28, as amended by this act, for the carrying of pistols and
216 revolvers shall be [thirty-five dollars and for each renewal thereof
217 thirty-five dollars. Such fees shall be paid to the authority issuing the
218 same and by such authority to the municipality wherein issued or the
219 state, as the case may be] seventy dollars plus sufficient funds as
220 required to be transmitted to the Federal Bureau of Investigation to
221 cover the cost of a national criminal history records check. The local
222 authority shall forward sufficient funds for the national criminal
223 history records check to the commissioner no later than five business
224 days after receipt by the local authority of the application for the
225 temporary state permit. Thirty-five dollars shall be retained by the
226 local authority. Upon approval by the local authority of the application
227 for a temporary state permit, thirty-five dollars shall be sent to the
228 commissioner. The fee to renew each state permit originally issued
229 under the provisions of subsection (b) of section 29-28, as amended by
230 this act, shall be thirty-five dollars. Upon deposit of such fees in the
231 General Fund, ten dollars of each fee shall be credited within thirty
232 days to the appropriation for the Department of Public Safety to a
233 separate nonlapsing account for the purposes of the issuance of
234 permits under subsections (a) and (b) of section 29-28, as amended by
235 this act.

236 (b) A local permit originally issued [under the provisions of section

237 29-28] before the effective date of this act, whether for the sale at retail
238 of pistols and revolvers or for the carrying of pistols and revolvers,
239 shall expire five years after the date it becomes effective and each
240 renewal thereof shall expire five years after the expiration date of the
241 permit being renewed. On and after the effective date of this act, no
242 such local permit shall be renewed.

243 (c) A state permit originally issued under the provisions of section
244 29-28, as amended by this act, for the carrying of pistols and revolvers
245 shall expire five years after the date [it] such permit becomes effective
246 and each renewal thereof shall expire five years after the expiration
247 date of the state permit being renewed and such renewal shall not be
248 contingent on the renewal or issuance of a local permit. A temporary
249 state permit issued for the carrying of pistols and revolvers shall expire
250 sixty days after the date it becomes effective, and may not be renewed.

251 (d) The renewal fee required pursuant to subsection (a) of this
252 section shall apply for each renewal which is requested not earlier than
253 thirty-one days before, and not later than thirty-one days after, the
254 expiration date of the state permit being renewed.

255 (e) No fee or portion thereof paid under the provisions of this
256 section for issuance or renewal of a state permit shall be refundable
257 except if [the] such permit for which the fee or portion thereof was
258 paid was not issued or renewed. The portion of the fee expended on
259 the national criminal history records check for any such permit that
260 was not issued or renewed shall not be refunded.

261 (f) The issuing authority shall send a notice of the expiration of a
262 state permit to carry a pistol or revolver, issued pursuant to section 29-
263 28, as amended by this act, to the holder of such permit, by first class
264 mail, not less than ninety days before such expiration, and shall
265 enclose [therein] with such notice a form for the renewal of said state
266 permit. A state permit to carry a pistol or revolver, issued pursuant to
267 section 29-28, as amended by this act, shall be valid for a period of

268 ninety days [from] after the expiration date, except this provision shall
269 not apply to any state permit to carry a pistol or revolver which has
270 been revoked or for which revocation is pending, pursuant to section
271 29-32, as amended by this act.

272 Sec. 5. Section 29-31 of the general statutes is repealed and the
273 following is substituted in lieu thereof:

274 No sale of any pistol or revolver shall be made except in the room,
275 store or place described in the permit for the sale of pistols and
276 revolvers, and such permit or a copy thereof certified by the authority
277 issuing the same shall be exposed to view within the room, store or
278 place where pistols or revolvers are sold or offered or exposed for sale,
279 and no sale or delivery of any pistol or revolver shall be made unless
280 the purchaser or person to whom the same is to be delivered is
281 personally known to the vendor of such pistol or revolver or the
282 person making delivery thereof or unless the person making such
283 purchase or to whom delivery thereof is to be made provides evidence
284 of [his] such person's identity. [The vendor of any pistol or revolver
285 shall keep a record of each pistol or revolver sold in a book kept for
286 that purpose, which record shall be in such form as is prescribed by the
287 Commissioner of Public Safety and shall include the date of the sale,
288 the caliber, make, model and manufacturer's number of such pistol or
289 revolver and the name, address and occupation of the purchaser
290 thereof, and shall be signed by the purchaser and by the person
291 making the sale, each in the presence of the other, and shall be
292 preserved by the vendor of such pistol or revolver for at least six
293 years.]

294 Sec. 6. Section 29-32 of the general statutes is repealed and the
295 following is substituted in lieu thereof:

296 (a) For the purposes of this section, "conviction" means the entry of a
297 judgment of conviction by any court of competent jurisdiction.

298 (b) Any state permit or temporary state permit for the carrying of
299 any pistol or revolver may be revoked by the [authority issuing the
300 same] Commissioner of Public Safety for cause and shall be revoked by
301 [the authority issuing the same] said commissioner upon conviction of
302 the holder of such permit of a felony or of any misdemeanor specified
303 in subsection (b) of section 29-28, as amended by this act, or upon the
304 occurrence of any event which would have disqualified the holder
305 from being issued the state permit or temporary state permit pursuant
306 to subsection (b) of section 29-28, as amended by this act. [For the
307 purposes of this section, "conviction" means the entry of a judgment of
308 conviction by any court of competent jurisdiction.] Upon the
309 revocation of any state permit or temporary state permit, the person
310 whose state permit or temporary state permit is revoked shall be
311 notified in writing and such state permit or temporary state permit
312 shall be forthwith delivered to the [authority issuing the same. Upon
313 the revocation of any local permit, the authority issuing the same shall
314 forthwith notify the Commissioner of Public Safety and, upon the
315 revocation of any permit issued by said commissioner, he shall
316 forthwith notify the authority issuing such local permit, if any, which
317 the records of said commissioner show as having issued a currently
318 valid permit to the holder of the revoked state permit] commissioner.
319 Any law enforcement authority shall confiscate and immediately
320 forward to the commissioner any state permit or temporary state
321 permit that is illegally possessed by any person. The commissioner
322 may revoke the state permit or temporary state permit based upon the
323 commissioner's own investigation or upon the request of any law
324 enforcement agency. Any person who fails to surrender [such] any
325 permit within five days of notification in writing of revocation thereof
326 shall be guilty of a class C misdemeanor.

327 (c) Any local permit for the carrying of a pistol or revolver issued
328 prior to the effective date of this act may be revoked by the authority
329 issuing the same for cause, and shall be revoked by the authority
330 issuing the same upon conviction of the holder of such permit of a

331 felony or of any misdemeanor specified in subsection (b) of section 29-
332 28, as amended by this act, or upon the occurrence of any event which
333 would have disqualified the holder from being issued such local
334 permit. Upon the revocation of any local permit, the person whose
335 local permit is revoked shall be notified in writing and such permit
336 shall be forthwith delivered to the authority issuing the same. Upon
337 the revocation of any local permit, the authority issuing the same shall
338 forthwith notify the commissioner. Upon the revocation of any permit
339 issued by the commissioner, the commissioner shall forthwith notify
340 any local authority which the records of the commissioner show as
341 having issued a currently valid local permit to the holder of the permit
342 revoked by the commissioner. Any person who fails to surrender such
343 permit within five days of notification in writing or revocation thereof
344 shall be guilty of a class C misdemeanor.

345 Sec. 7. Section 29-35 of the general statutes is repealed and the
346 following is substituted in lieu thereof:

347 (a) No person shall carry any pistol or revolver upon one's person,
348 except when such person is within the dwelling house or place of
349 business of such person, without a permit to carry the same issued as
350 provided in section 29-28, as amended by this act. The provisions of
351 this subsection shall not apply to the carrying of any pistol or revolver
352 by any parole officer or peace officer of this state, or parole officer or
353 peace officer of any other state while engaged in the pursuit of official
354 duties, or federal marshal or federal law enforcement agent, or to any
355 member of the armed forces of the United States, as defined by section
356 27-103, or of this state, as defined by section 27-2, when on duty or
357 going to or from duty, or to any member of any military organization
358 when on parade or when going to or from any place of assembly, or to
359 the transportation of pistols or revolvers as merchandise, or to any
360 person transporting any pistol or revolver while contained in the
361 package in which it was originally wrapped at the time of sale and
362 while transporting the same from the place of sale to the purchaser's

363 residence or place of business, or to any person removing such
364 person's household goods or effects from one place to another, or to
365 any person while transporting any such pistol or revolver from such
366 person's place of residence or business to a place or individual where
367 or by whom such pistol or revolver is to be repaired or while returning
368 to such person's place of residence or business after the same has been
369 repaired, or to any person transporting a pistol or revolver in or
370 through the state for the purpose of taking part in competitions, taking
371 part in formal pistol or revolver training, repairing such pistol or
372 revolver or attending any meeting or exhibition of an organized
373 collectors' group if such person is a bona fide resident of the United
374 States and is permitted to possess and carry a pistol or revolver in the
375 state or subdivision of the United States in which such person resides,
376 or to any person transporting a pistol or revolver to and from a testing
377 range at the request of the issuing authority, or to any person
378 transporting an antique pistol or revolver, as defined in section 29-33.
379 For the purposes of this subsection, "formal pistol or revolver training"
380 means pistol or revolver training at a locally approved or permitted
381 firing range or training facility, and "transporting a pistol or revolver"
382 means transporting a pistol or revolver that is unloaded and, if such
383 pistol or revolver is being transported in a motor vehicle, is not readily
384 accessible or directly accessible from the passenger compartment of the
385 vehicle or, if such pistol or revolver is being transported in a motor
386 vehicle that does not have a [passenger compartment, is] compartment
387 separate from the passenger compartment, such pistol or revolver shall
388 be contained in a locked container other than the glove compartment
389 or console. Nothing in this section shall be construed to prohibit the
390 carrying of a pistol or revolver during formal pistol or revolver
391 training or repair.

392 (b) The holder of a permit issued pursuant to section 29-28, as
393 amended by this act, shall carry such permit upon one's person while
394 carrying such pistol or revolver.

PS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Public Safety

Municipal Impact: None

Explanation**State and Municipal Impact:**

The passage of this bill would result in no fiscal impact to the state or municipalities. The bill creates a single gun permit system by eliminating the local handgun carrying permit and prohibiting local permit renewals after October 1, 2001, and by requiring anyone wanting to carry a handgun to obtain a state permit from the Department of Public Safety (DPS). The bill increases the state handgun permit fee from \$35 to \$70, plus enough for a national criminal history record check. It gives \$35 of the fee to DPS and \$35 to the permit applicant's municipality, the same amount both currently get for the permits they issue. This makes the impact revenue neutral for both the state and municipalities. The bill also makes several minor and technical changes that have no fiscal impact.

OLR Bill Analysis

SB 1402

AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT.**SUMMARY:**

This bill creates a single gun permit system by (1) eliminating the local gun carrying permit – prohibiting renewals after October 1, 2001 – and (2) requiring anyone wanting to carry handguns to get the five-year state permit, which the Department of Public Safety (DPS) currently issues. Under current law, the local permit is a prerequisite for the state permit. The bill creates a locally issued temporary state permit, which is valid statewide, as a prerequisite for the five-year state permit.

The bill prohibits officials from issuing the temporary state permit to anyone they believe is prohibited by state or federal law from getting a gun permit. While maintaining the ban on issuing the five-year permits to people ineligible under state law, the bill also appears to prohibit issuing such permits to people ineligible to possess handguns under federal law (see COMMENT). By law, which this bill does not change, people applying for eligibility certificates to acquire handguns must meet criteria in state law only.

The bill increases the state gun permit fee from \$35 to \$70. It gives \$35 to DPS and \$35 to the local officials, the same amount they now get for the permits they issue. It requires permit applicants to pay for the required Federal Bureau of Investigation (FBI) criminal background check (currently \$24). Currently, the permit-issuing authority pays for this investigation.

The bill conforms the law to practice by explicitly requiring people to be at least age 21 to get a gun permit (the same age for getting an eligibility certificate to obtain handguns).

The bill requires law enforcement authorities to confiscate illegal gun

permits and send them immediately to the DPS commissioner, who may revoke them on his own investigation or at the authorities' request.

The bill makes the name and address of the local gun permit holder publicly disclosable. It appears to make this information on the temporary state permit holder publicly disclosable as well. Under current law, the information is disclosable under very limited circumstances.

The bill prohibits renewal of the local permit required to sell handguns at retail.

Finally, the bill makes it clear that when a handgun is being carried in a vehicle that does not have a compartment separate from the passenger compartment, the gun must be kept in a locked container other than the glove compartment or console.

EFFECTIVE DATE: October 1, 2001

GUN PERMIT SYSTEM

Under current law, anyone wanting to carry handguns must first get a local permit from his police chief, or if there is none, his borough warden or first selectman. The local permit allows him to carry the gun only in the town. If he wants to carry the gun elsewhere in the state, he must get a DPS permit. Both permits are valid for five years, but as long as the state permit remains valid, the local permit does not have to be renewed.

The bill establishes a two-step, one-permit system—terminating local permit renewals on October 1, 2001 and requiring anyone wanting to carry handguns to get the DPS five-year state permit. It uses the same officials and maintains many of the elements of the current system. Under the bill, the local official issues a nonrenewable temporary state permit, which is a prerequisite for the five-year state permit and is valid for 60 days. DPS issues the five-year permit. The temporary state permit, unlike the current local permit, is valid statewide.

PERMIT APPLICATION PROCEDURES

Temporary State Permit

The bill requires Connecticut residents to apply for gun permits to the local official now issuing local permits. The local official may issue a temporary state permit after following the same process for issuing local permits currently.

As with current applicants for state or local permits, the temporary state permit applicant must complete an application, providing information on himself and his criminal record, and submit to fingerprinting unless the official is satisfied it was done already. The official must determine that the applicant wants to get guns for lawful purposes and investigate his suitability to carry them.

The bill conforms the law to local permit-issuing practice by requiring the official, within, five business days of taking the fingerprints, to send them to DPS for forwarding to the FBI with a request for a national criminal history background check. Current law requires the official to send the fingerprints directly to the FBI. DPS must send the applicant a copy of the FBI response.

In a process paralleling that for local permits, the bill (1) gives the official eight weeks to approve or deny the application and, if he does not get the response in eight weeks, he must inform the applicant in writing; (2) requires him to issue or deny the application within one week after he gets the FBI response; and (3) allows him to issue the permit before getting the response. When he issues the permit, he must send the original application to the commissioner. He must also send him (at some unspecified time) a copy showing whether he denied or approved the permit request.

Five-Year State Permit

The bill allows the commissioner to issue the five-year state permit to a person holding a temporary state permit. Within 60 days after getting the temporary permit, the applicant must go to a location the commissioner designates for the five-year state permit. The commissioner has eight weeks from the time he gets the application from the local official indicating approval or denial of the temporary

permit to inform the applicant if his permit application has been denied or that the FBI response has not been received.

The bill allows, rather than requires, the commissioner to investigate first-time permit applicants, and it conforms the law to practice by requiring him also to investigate people renewing permits. It eliminates current law's description of the nature of this investigation.

The bill also eliminates DPS' discretion to issue the five-year state permit before getting the FBI response, and it bars DPS from issuing the five-year permit to an applicant denied a temporary permit.

Permit-Issuing Criteria

As is currently the case with state and local permits, the local official cannot issue a temporary state permit to anyone who fails to meet the criteria in law (see BACKGROUND). If the official chooses to issue a permit before he receives the FBI background check, he cannot issue one to anyone whom he believes is a convicted felon or is otherwise barred from getting a permit to possess handguns under state or federal law. Under current law, the prohibition applies only to convicted felons.

Permit-Revocation Criteria

The bill allows the commissioner to revoke the temporary state permit for cause, upon conviction for a felony or specified misdemeanors, or upon the occurrence of any event that would have disqualified the applicant from getting the permit under state law. These are the same grounds on which he can now revoke the five-year permit. If grounds for denial become known after an applicant gets a permit, DPS must revoke it immediately following the bill's procedures.

Upon revocation, the permittee must surrender his permit to the commissioner within five days of notification in writing. As under current law, failure to surrender a permit is a class C misdemeanor.

OUT-OF-STATE RESIDENTS

Out-of-state residents licensed or permitted to carry guns in another

state must apply directly to the commissioner and are subject to the provisions governing resident applicants. It appears that DPS acts as the local official with regard to these applicants; in this case, DPS must conduct the investigations and issue temporary permits.

PERMIT FEES

Under current law, the fee for both the local and state gun permit is \$35. The bill eliminates the local fee and increases the state fee to \$70, plus enough money for the FBI background check (see BACKGROUND). It gives \$35 of the fee to DPS and \$35 to the local official issuing the temporary state permit. In the case of nonresidents who must apply directly to DPS, it appears the entire \$70 goes to DPS. The bill retains the \$35 fee for permit renewals.

The local authority must send the fingerprints and the money for the background check to the commissioner within five business days of getting an application. He must send \$35 to DPS when he approves the application. The bill retains the \$35 fee for permit renewals.

The bill makes any portion of the fee used for the national background check nonrefundable. Under current law, the entire fee is refundable if the permit is not issued or renewed.

CONFIDENTIALITY OF GUN PERMIT INFORMATION

The bill makes the name and address of existing local gun permit holders publicly disclosable. Under current law, this information is disclosable only to (1) law enforcement officials performing their duties, (2) the extent necessary to comply with a request to verify permit validity, and (3) the Mental Health and Addiction Services commissioner under specified circumstances. The bill maintains these restrictions for state permit holders but appears to make the name and address of the temporary state permit holder publicly disclosable.

NOTIFICATION REQUIREMENTS FOR EXPIRED PERMITS

The bill eliminates a requirement for the local official to notify anyone with a local permit at least 90 days before its expiration. It eliminates the additional 90-day grace period for such permits.

GUN DEALER RECORD RETENTION REQUIREMENTS

The bill eliminates a requirement for handgun retail dealers to record and maintain for at least six years in a book and in a prescribed format the sale date, caliber, make, model, and manufacturer's number of every gun they sell along with the buyer's name, address, and signature.

BACKGROUND***People Who Cannot Get a Permit Under State Law***

Under state law, a person cannot get a permit to carry handgun if he

1. has failed to complete successfully a DPS-approved handgun safety and use course;
2. has been convicted of a serious juvenile offense;
3. has been discharged from custody within the last 20 years after having been found not guilty of a crime by reason of mental disease or defect;
4. has been confined in a psychiatric hospital in the last 12 months by order of probate court;
5. is subject to a restraining or protective order issued by a court in a case involving the use, attempted use, or threatened use of physical force against someone else;
6. is subject to a gun seizure order issued after notice and hearing;
7. is an illegal alien; or
8. has been convicted of a felony or other specified mostly violent misdemeanors.

People Who Cannot Possess Guns Under Federal Law

Federal law prohibits people from possessing guns on some of the same grounds that state law prohibits them from getting gun permits. The following are not covered in state law:

1. fugitives from justice,
2. anyone who uses illegally or is addicted to any controlled substance,
3. anyone adjudicated mentally defective or committed to a mental institution,
4. anyone dishonorably discharged from the armed forces,
5. anyone who has renounced his citizenship, or
6. anyone ever convicted of a misdemeanor crime of domestic violence.

FBI Fee for Background Checks

When the FBI instituted its \$24 charge for criminal background checks, some towns required applicants to pay this fee. The Superior Court for the Judicial District of Hartford-New Britain ruled that towns were exceeding their authority by requiring applicants to make these payments. The court said it was “clear that the recent change in FBI policy which now requires local police to pay for fingerprint checks was not envisioned when the current gun laws were enacted. Nonetheless action by the General Assembly – not unilateral action by a town or city – is required to change the gun permit fee structure and application process” (*Town of Farmington, et al vs. Board of Firearms Permit Examiners*, CV 95-0550258S, Judicial District of Hartford – New Britain, Feb. 13, 1996).

COMMENT

Compliance with Federal Law

Section 3 of the bill requires the public safety commissioner to investigate applicants to ensure their eligibility under *both* state and

federal law to possess handguns. Presumably, if ineligible, the commissioner cannot issue the permit. The section also prohibits issuing temporary state permits if the applicant is barred by state or federal law from getting a gun permit. Section 1 (b), which lists the eligibility criteria for getting a permit does not explicitly require the applicant to meet federal standards, and Section 6, which outlines revocation standards, does not require revocation for people not complying with federal law. Also, no federal law requires a permit for possessing handguns.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report

Yea 22 Nay 0