



General Assembly

January Session, 2001

Amendment

LCO No. 7616

Offered by:

SEN. JEPSEN, 27th Dist.

SEN. PENN, 23rd Dist.

SEN. NICKERSON, 36th Dist.

To: Subst. Senate Bill No. 1379

File No. 166

Cal. No. 180

"AN ACT CREATING A FIREARMS EVIDENCE DATABANK."

1 In line 1, before "(NEW)" insert "Section 1."

2 After line 74, insert the following:

3 "Sec. 2. Section 29-28 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

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

14 of Public Safety for the sale at retail of pistols and revolvers within the
15 jurisdiction of the authority issuing such permit. No permit for the sale
16 at retail of any pistol or revolver shall be issued unless the applicant
17 holds a valid eligibility certificate for a pistol or revolver issued
18 pursuant to section 29-36f or a valid state permit to carry a pistol or
19 revolver issued pursuant to subsection (b) of this section and the
20 applicant submits documentation sufficient to establish that local
21 zoning requirements have been met for the location where the sale is to
22 take place except that any person selling or exchanging a pistol or
23 revolver for the enhancement of a personal collection or for a hobby or
24 who sells all or part of [his] such person's personal collection of pistols
25 or revolvers shall not be required to submit such documentation for
26 the location where the sale or exchange is to take place.

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

48 an instructor certified by the state or the National Rifle Association, (2)
49 has been convicted of a felony or of a violation of subsection (c) of
50 section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96,
51 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as
52 delinquent for the commission of a serious juvenile offense, as defined
53 in section 46b-120, (4) has been discharged from custody within the
54 preceding twenty years after having been found not guilty of a crime
55 by reason of mental disease or defect pursuant to section 53a-13, (5)
56 has been confined in a hospital for persons with psychiatric
57 disabilities, as defined in section 17a-495, within the preceding twelve
58 months by order of a probate court, (6) is subject to a restraining or
59 protective order issued by a court in a case involving the use,
60 attempted use or threatened use of physical force against another
61 person, (7) is subject to a firearms seizure order issued pursuant to
62 subsection (d) of section 29-38c after notice and hearing, [or] (8) is an
63 alien illegally or unlawfully in the United States, or (9) is less than
64 twenty-one years of age. Nothing in this section shall require any
65 person who holds a valid permit to carry a pistol or revolver on
66 October 1, 1994, to participate in any additional training in the safety
67 and use of pistols and revolvers. Upon issuance of a temporary state
68 permit to the applicant, the local authority shall forward the original
69 application to the commissioner. Not later than sixty days after
70 receiving a temporary state permit, an applicant shall appear at a
71 location designated by the commissioner to receive the state permit.
72 Said commissioner may [, upon application,] then issue, to any holder
73 of any [such] temporary state permit, a state permit to carry a pistol or
74 revolver within the state. [Each permit to carry any pistol or revolver
75 shall be issued in triplicate and one of the copies issued by said
76 commissioner shall be delivered to the person to whom issued, one
77 shall be delivered forthwith to the authority issuing the local permit
78 and one shall be retained by said commissioner, and the local authority
79 issuing any such permit shall forthwith deliver one of such copies to
80 the person to whom issued and one copy to said commissioner and
81 shall retain one of such copies.] Upon issuance of the state permit, the
82 commissioner shall forward a record of such permit to the local

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

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

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

114 (e) The issuance of [a] any permit to carry a pistol or revolver [under
115 subsection (b) of this section] does not thereby authorize the

116 possession or carrying of a pistol or revolver in any premises where
117 the possession or carrying of a pistol or revolver is otherwise
118 prohibited by law or is prohibited by the person who owns or exercises
119 control over such premises.

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

129 Sec. 3. Section 29-28a of the general statutes is repealed and the
130 following is substituted in lieu thereof:

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

149 any barracks of the Division of State Police, and the time limits and
150 procedures set forth in this section for handling requests for such
151 forms shall be applicable.

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

168 Sec. 4. Section 29-29 of the general statutes is repealed and the
169 following is substituted in lieu thereof:

170 (a) No temporary state permit for carrying any pistol or revolver
171 shall be issued under the provisions of section 29-28, as amended by
172 this act, unless the applicant for the same gives to the [issuing] local
173 authority, upon its request, full information concerning [his] the
174 applicant's criminal record, and such [issuing] local authority shall
175 thereupon take a full description of such applicant and make an
176 investigation concerning [his] the applicant's suitability to carry any
177 such weapons. The [issuing] local authority shall take the fingerprints
178 of such applicant unless the [issuing] local authority determines that
179 the fingerprints of such applicant have been previously taken and [his]
180 the applicant's identity established, and such applicant presents
181 identification that the [issuing] local authority verifies as valid. The

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

203 (b) The commissioner may investigate any applicant for a state
204 permit and shall investigate each applicant for renewal of a state
205 permit to ensure that such applicant is eligible under state law for such
206 permit or for renewal of such permit.

207 (c) No state permit may be issued unless either the local authority or
208 the commissioner has received the results of the national criminal
209 history records check.

210 Sec. 5. Section 29-30 of the general statutes is repealed and the
211 following is substituted in lieu thereof:

212 (a) The fee for each permit originally issued under the provisions of
213 subsection (a) of section 29-28, as amended by this act, for the sale at

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

238 (b) A local permit originally issued [under the provisions of section
239 29-28] before the effective date of this act, whether for the sale at retail
240 of pistols and revolvers or for the carrying of pistols and revolvers,
241 shall expire five years after the date it becomes effective and each
242 renewal thereof shall expire five years after the expiration date of the
243 permit being renewed. On and after the effective date of this act, no
244 such local permit shall be renewed.

245 (c) A state permit originally issued under the provisions of section
246 29-28, as amended by this act, for the carrying of pistols and revolvers
247 shall expire five years after the date [it] such permit becomes effective

248 and each renewal thereof shall expire five years after the expiration
249 date of the state permit being renewed and such renewal shall not be
250 contingent on the renewal or issuance of a local permit. A temporary
251 state permit issued for the carrying of pistols and revolvers shall expire
252 sixty days after the date it becomes effective, and may not be renewed.

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

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

263 (f) The issuing authority shall send a notice of the expiration of a
264 state permit to carry a pistol or revolver, issued pursuant to section 29-
265 28, as amended by this act, to the holder of such permit, by first class
266 mail, not less than ninety days before such expiration, and shall
267 enclose [therein] with such notice a form for the renewal of said state
268 permit. A state permit to carry a pistol or revolver, issued pursuant to
269 section 29-28, as amended by this act, shall be valid for a period of
270 ninety days [from] after the expiration date, except this provision shall
271 not apply to any state permit to carry a pistol or revolver which has
272 been revoked or for which revocation is pending, pursuant to section
273 29-32, as amended by this act.

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

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

278 (b) Any state permit or temporary state permit for the carrying of

279 any pistol or revolver may be revoked by the [authority issuing the
280 same] Commissioner of Public Safety for cause and shall be revoked by
281 [the authority issuing the same] said commissioner upon conviction of
282 the holder of such permit of a felony or of any misdemeanor specified
283 in subsection (b) of section 29-28, as amended by this act, or upon the
284 occurrence of any event which would have disqualified the holder
285 from being issued the state permit or temporary state permit pursuant
286 to subsection (b) of section 29-28, as amended by this act. [For the
287 purposes of this section, "conviction" means the entry of a judgment of
288 conviction by any court of competent jurisdiction.] Upon the
289 revocation of any state permit or temporary state permit, the person
290 whose state permit or temporary state permit is revoked shall be
291 notified in writing and such state permit or temporary state permit
292 shall be forthwith delivered to the [authority issuing the same. Upon
293 the revocation of any local permit, the authority issuing the same shall
294 forthwith notify the Commissioner of Public Safety and, upon the
295 revocation of any permit issued by said commissioner, he shall
296 forthwith notify the authority issuing such local permit, if any, which
297 the records of said commissioner show as having issued a currently
298 valid permit to the holder of the revoked state permit] commissioner.
299 Any law enforcement authority shall confiscate and immediately
300 forward to the commissioner any state permit or temporary state
301 permit that is illegally possessed by any person. The commissioner
302 may revoke the state permit or temporary state permit based upon the
303 commissioner's own investigation or upon the request of any law
304 enforcement agency. Any person who fails to surrender [such] any
305 permit within five days of notification in writing of revocation thereof
306 shall be guilty of a class C misdemeanor.

307 (c) Any local permit for the carrying of a pistol or revolver issued
308 prior to the effective date of this act may be revoked by the authority
309 issuing the same for cause, and shall be revoked by the authority
310 issuing the same upon conviction of the holder of such permit of a
311 felony or of any misdemeanor specified in subsection (b) of section 29-
312 28, as amended by this act, or upon the occurrence of any event which

313 would have disqualified the holder from being issued such local
314 permit. Upon the revocation of any local permit, the person whose
315 local permit is revoked shall be notified in writing and such permit
316 shall be forthwith delivered to the authority issuing the same. Upon
317 the revocation of any local permit, the authority issuing the same shall
318 forthwith notify the commissioner. Upon the revocation of any permit
319 issued by the commissioner, the commissioner shall forthwith notify
320 any local authority which the records of the commissioner show as
321 having issued a currently valid local permit to the holder of the permit
322 revoked by the commissioner. Any person who fails to surrender such
323 permit within five days of notification in writing or revocation thereof
324 shall be guilty of a class C misdemeanor.

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

327 (a) No person shall carry any pistol or revolver upon one's person,
328 except when such person is within the dwelling house or place of
329 business of such person, without a permit to carry the same issued as
330 provided in section 29-28, as amended by this act. The provisions of
331 this subsection shall not apply to the carrying of any pistol or revolver
332 by any parole officer or peace officer of this state, or parole officer or
333 peace officer of any other state while engaged in the pursuit of official
334 duties, or federal marshal or federal law enforcement agent, or to any
335 member of the armed forces of the United States, as defined by section
336 27-103, or of this state, as defined by section 27-2, when on duty or
337 going to or from duty, or to any member of any military organization
338 when on parade or when going to or from any place of assembly, or to
339 the transportation of pistols or revolvers as merchandise, or to any
340 person transporting any pistol or revolver while contained in the
341 package in which it was originally wrapped at the time of sale and
342 while transporting the same from the place of sale to the purchaser's
343 residence or place of business, or to any person removing such
344 person's household goods or effects from one place to another, or to
345 any person while transporting any such pistol or revolver from such
346 person's place of residence or business to a place or individual where

347 or by whom such pistol or revolver is to be repaired or while returning
348 to such person's place of residence or business after the same has been
349 repaired, or to any person transporting a pistol or revolver in or
350 through the state for the purpose of taking part in competitions, taking
351 part in formal pistol or revolver training, repairing such pistol or
352 revolver or attending any meeting or exhibition of an organized
353 collectors' group if such person is a bona fide resident of the United
354 States and is permitted to possess and carry a pistol or revolver in the
355 state or subdivision of the United States in which such person resides,
356 or to any person transporting a pistol or revolver to and from a testing
357 range at the request of the issuing authority, or to any person
358 transporting an antique pistol or revolver, as defined in section 29-33.
359 For the purposes of this subsection, "formal pistol or revolver training"
360 means pistol or revolver training at a locally approved or permitted
361 firing range or training facility, and "transporting a pistol or revolver"
362 means transporting a pistol or revolver that is unloaded and, if such
363 pistol or revolver is being transported in a motor vehicle, is not readily
364 accessible or directly accessible from the passenger compartment of the
365 vehicle or, if such pistol or revolver is being transported in a motor
366 vehicle that does not have a [passenger compartment, is] compartment
367 separate from the passenger compartment, such pistol or revolver shall
368 be contained in a locked container other than the glove compartment
369 or console. Nothing in this section shall be construed to prohibit the
370 carrying of a pistol or revolver during formal pistol or revolver
371 training or repair.

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