



General Assembly

Substitute Bill No. 5692

February Session, 2002

AN ACT CONCERNING FIREARMS AND FAMILY VIOLENCE.

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

1 Section 1. Subsection (a) of section 46b-38b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (a) Whenever a peace officer determines upon speedy information
5 that a family violence crime, as defined in subdivision (3) of section
6 46b-38a, except a family violence crime involving a dating relationship,
7 has been committed within such officer's jurisdiction, such officer shall
8 arrest the person or persons suspected of its commission and charge
9 such person or persons with the appropriate crime. The decision to
10 arrest and charge shall not (1) be dependent on the specific consent of
11 the victim, (2) consider the relationship of the parties, or (3) be based
12 solely on a request by the victim. Whenever a peace officer [makes an
13 arrest under this subsection] determines that a family violence crime
14 has been committed, such officer may seize any firearm at the location
15 where the crime is alleged to have been committed that is in the
16 possession of any [such] person arrested for the commission of such
17 crime or suspected of its commission or that is in plain view. Not later
18 than [forty-eight hours] seven days after any such seizure, the law
19 enforcement agency shall return such firearm in its original condition
20 to the rightful owner thereof unless such person is ineligible to possess
21 such firearm or unless otherwise ordered by the court.

22 Sec. 2. Section 29-36n of the general statutes, as amended by section
23 14 of public act 01-130, is repealed and the following is substituted in
24 lieu thereof (*Effective October 1, 2002*):

25 (a) The Commissioner of Public Safety, in conjunction with the Chief
26 State's Attorney and the Connecticut Police Chiefs Association, shall
27 develop a protocol to ensure that persons who become ineligible to
28 possess a pistol or revolver have, in accordance with section 29-36k,
29 transferred such pistol or revolver to a person eligible to possess such
30 pistol or revolver or have delivered or surrendered such pistol or
31 revolver to said commissioner.

32 (b) The Commissioner of Public Safety, in conjunction with the
33 Chief State's Attorney and the Connecticut Police Chiefs Association,
34 shall update the protocol developed pursuant to subsection (a) of this
35 section to reflect the provisions of [this act] public act 01-130 and shall
36 include in such protocol specific instructions for the transfer of pistols
37 and revolvers when the assistance of more than one law enforcement
38 agency is necessary to effect the requirements of section 29-36k.

39 Sec. 3. Subsection (b) of section 29-37 of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2002*):

42 (b) Any person violating any provision of subsection (a) of section
43 29-35, as amended, may be fined not more than [one] ten thousand
44 dollars and shall be imprisoned not less than one year nor more than
45 [five] ten years, and, in the absence of any mitigating circumstances as
46 determined by the court, [one year] five years of the sentence imposed
47 may not be suspended or reduced by the court. The court shall
48 specifically state the mitigating circumstances, or the absence thereof,
49 in writing for the record. Any pistol or revolver found in the
50 possession of any person in violation of any provision of subsection (a)
51 of section 29-35, as amended, shall be forfeited.

This act shall take effect as follows:

Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

JUD *Joint Favorable Subst.*

PS *Joint Favorable*