



General Assembly

January Session, 2005

Raised Bill No. 6657

LCO No. 3369

03369_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT REQUIRING THE REGISTRATION OF THE SALES OF
FIREARMS AND THE REPORTING OF LOST OR STOLEN FIREARMS.***

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 Section 29-28 of the general statutes is repealed and the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 (*Effective January 1, 2006*):

3 (a) No person who sells ten or more [pistols or revolvers] firearms in
4 a 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 such
6 person's possession with intent to sell or deliver, any [pistol or
7 revolver] firearm at retail without having a permit therefor issued as
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] firearms
13 within the jurisdiction of the authority issuing such permit. No permit
14 for the sale at retail of any [pistol or revolver] firearm shall be issued
15 unless the applicant holds a valid eligibility certificate for a pistol or
16 revolver issued pursuant to section 29-36f or a valid state permit to

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

26 (b) Upon the application of any person having a bona fide residence
27 or place of business within the jurisdiction of any such authority, such
28 chief of police, warden or selectman may issue a temporary state
29 permit to such person to carry a pistol or revolver within the state,
30 provided such authority shall find that such applicant intends to make
31 no use of any pistol or revolver which such applicant may be
32 permitted to carry under such permit other than a lawful use and that
33 such person is a suitable person to receive such permit. No state or
34 temporary state permit to carry a pistol or revolver shall be issued
35 under this subsection if the applicant (1) has failed to successfully
36 complete a course approved by the Commissioner of Public Safety in
37 the safety and use of pistols and revolvers including, but not limited
38 to, a safety or training course in the use of pistols and revolvers
39 available to the public offered by a law enforcement agency, a private
40 or public educational institution or a firearms training school, utilizing
41 instructors certified by the National Rifle Association or the
42 Department of Environmental Protection and a safety or training
43 course in the use of pistols or revolvers conducted by an instructor
44 certified by the state or the National Rifle Association, (2) has been
45 convicted of a felony or of a violation of subsection (c) of section 21a-
46 279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
47 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for
48 the commission of a serious juvenile offense, as defined in section 46b-
49 120, (4) has been discharged from custody within the preceding twenty
50 years after having been found not guilty of a crime by reason of mental

51 disease or defect pursuant to section 53a-13, (5) has been confined in a
52 hospital for persons with psychiatric disabilities, as defined in section
53 17a-495, within the preceding twelve months by order of a probate
54 court, (6) is subject to a restraining or protective order issued by a
55 court in a case involving the use, attempted use or threatened use of
56 physical force against another person, (7) is subject to a firearms
57 seizure order issued pursuant to subsection (d) of section 29-38c after
58 notice and hearing, (8) is an alien illegally or unlawfully in the United
59 States, or (9) is less than twenty-one years of age. Nothing in this
60 section shall require any person who holds a valid permit to carry a
61 pistol or revolver on October 1, 1994, to participate in any additional
62 training in the safety and use of pistols and revolvers. Upon issuance
63 of a temporary state permit to the applicant, the local authority shall
64 forward the original application to the commissioner. Not later than
65 sixty days after receiving a temporary state permit, an applicant shall
66 appear at a location designated by the commissioner to receive the
67 state permit. Said commissioner may then issue, to any holder of any
68 temporary state permit, a state permit to carry a pistol or revolver
69 within the state. Upon issuance of the state permit, the commissioner
70 shall forward a record of such permit to the local authority issuing the
71 temporary state permit. The commissioner shall retain records of all
72 applications, whether approved or denied. The copy of the state permit
73 delivered to the permittee shall be laminated and shall contain a full-
74 face photograph of such permittee. A person holding a state permit
75 issued pursuant to this subsection shall notify the issuing authority
76 within two business days of any change of such person's address. The
77 notification shall include the old address and the new address of such
78 person.

79 (c) No issuing authority may require any sworn member of the
80 Department of Public Safety or an organized local police department to
81 furnish such sworn member's residence address in a permit
82 application. The issuing authority shall allow each such sworn
83 member who has a permit to carry a pistol or revolver issued by such
84 authority, to revise such member's application to include a business or

85 post office address in lieu of the residence address. The issuing
86 authority shall notify each such member of the right to revise such
87 application.

88 (d) Notwithstanding the provisions of sections 1-210 and 1-211, the
89 name and address of a person issued a permit to sell at retail [pistols
90 and revolvers] firearms pursuant to subsection (a) of this section or a
91 state or a temporary state permit to carry a pistol or revolver pursuant
92 to subsection (b) of this section, or a local permit to carry pistols and
93 revolvers issued by local authorities prior to October 1, 2001, shall be
94 confidential and shall not be disclosed, except (1) such information
95 may be disclosed to law enforcement officials acting in the
96 performance of their duties, (2) the issuing authority may disclose such
97 information to the extent necessary to comply with a request made
98 pursuant to section 29-33, as amended by this act, for verification that
99 such state or temporary state permit is still valid and has not been
100 suspended or revoked, and the local authority may disclose such
101 information to the extent necessary to comply with a request made
102 pursuant to section 29-33, as amended by this act, for verification that a
103 local permit is still valid and has not been suspended or revoked, and
104 (3) such information may be disclosed to the Commissioner of Mental
105 Health and Addiction Services to carry out the provisions of
106 subsection (c) of section 17a-500.

107 (e) The issuance of any permit to carry a pistol or revolver does not
108 thereby authorize the possession or carrying of a pistol or revolver in
109 any premises where the possession or carrying of a pistol or revolver is
110 otherwise prohibited by law or is prohibited by the person who owns
111 or exercises control over such premises.

112 (f) Any bona fide resident of the United States having no bona fide
113 residence or place of business within the jurisdiction of any local
114 authority in the state, but who has a permit or license to carry a pistol
115 or revolver issued by the authority of another state or subdivision of
116 the United States, may apply directly to the Commissioner of Public

117 Safety for a permit to carry a pistol or revolver in this state. All
118 provisions of subsections (b), (c), (d) and (e) of this section shall apply
119 to applications for a permit received by the commissioner under this
120 subsection.

121 (g) A permit for the sale at retail of pistols or revolvers valid on the
122 effective date of this section shall, on said date, be deemed to be a
123 permit for the sale at retail of firearms and shall authorize the holder
124 thereof to sell at retail firearms in accordance with applicable law.

125 Sec. 2. Section 29-30 of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective January 1, 2006*):

127 (a) The fee for each permit originally issued under the provisions of
128 subsection (a) of section 29-28, as amended by this act, for the sale at
129 retail of [pistols and revolvers] firearms shall be one hundred ten
130 dollars and for each renewal thereof shall be one hundred ten dollars.
131 The fee for each state permit originally issued under the provisions of
132 subsection (b) of section 29-28, as amended by this act, for the carrying
133 of pistols and revolvers shall be [seventy] eighty dollars plus sufficient
134 funds as required to be transmitted to the Federal Bureau of
135 Investigation to cover the cost of a national criminal history records
136 check. The local authority shall forward sufficient funds for the
137 national criminal history records check to the commissioner no later
138 than five business days after receipt by the local authority of the
139 application for the temporary state permit. Thirty-five dollars shall be
140 retained by the local authority. Upon approval by the local authority of
141 the application for a temporary state permit, [thirty-five] forty-five
142 dollars shall be sent to the commissioner. The fee to renew each state
143 permit originally issued under the provisions of subsection (b) of
144 section 29-28, as amended by this act, shall be [thirty-five] forty-five
145 dollars. Upon deposit of such fees in the General Fund, ten dollars of
146 each fee shall be credited within thirty days to the appropriation for
147 the Department of Public Safety to a separate nonlapsing account for
148 the purposes of the issuance of permits under subsections (a) and (b) of

149 section 29-28, as amended by this act, and five dollars of each fee shall
150 be credited within thirty days to the appropriation for the Department
151 of Public Safety to a separate nonlapsing account for the purposes of
152 hiring personnel to ensure the staffing necessary to implement the
153 provisions of this section and sections 29-28, 29-31, 29-33, 29-34, 29-36h,
154 29-36k, 29-36l, 29-36n, 29-37, 29-38b, 53a-217c and 53a-217, as amended
155 by this act, and allow the issuance of authorization numbers pursuant
156 to section 29-36l, as amended by this act, seven days a week and the
157 opening of two district offices for the issuance and renewal of permits
158 pursuant to subsection (b) of section 29-28, as amended by this act.

159 (b) (1) A local permit originally issued before October 1, 2001,
160 whether for the sale at retail of pistols and revolvers or for the carrying
161 of pistols and revolvers, shall expire five years after the date it becomes
162 effective and each renewal thereof shall expire five years after the
163 expiration date of the permit being renewed. On and after October 1,
164 2001, no local permit for the carrying of pistols and revolvers shall be
165 renewed.

166 (2) On and after the effective date of this section, if a permit for the
167 sale at retail of pistols and revolvers originally issued before the
168 effective date of this section is renewed, it shall be renewed as a permit
169 for the sale at retail of firearms as provided in subsection (a) of section
170 29-28, as amended by this act.

171 (c) A state permit originally issued [under the provisions] pursuant
172 to subsection (b) of section 29-28, as amended by this act, for the
173 carrying of pistols and revolvers shall expire five years after the date
174 such permit becomes effective and each renewal thereof shall expire
175 five years after the expiration date of the state permit being renewed
176 and such renewal shall not be contingent on the renewal or issuance of
177 a local permit. A temporary state permit issued pursuant to subsection
178 (b) of section 29-28, as amended by this act, for the carrying of pistols
179 and revolvers shall expire sixty days after the date it becomes effective,
180 and may not be renewed.

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

185 (e) No fee or portion thereof paid under the provisions of this
186 section for issuance or renewal of a state permit shall be refundable
187 except if such permit for which the fee or portion thereof was paid was
188 not issued or renewed. The portion of the fee expended on the national
189 criminal history records check for any such permit that was not issued
190 or renewed shall not be refunded.

191 (f) The issuing authority shall send a notice of the expiration of a
192 state permit to carry a pistol or revolver, issued pursuant to subsection
193 (b) of section 29-28, as amended by this act, to the holder of such
194 permit, by first class mail, not less than ninety days before such
195 expiration, and shall enclose with such notice a form for the renewal of
196 [said] such state permit. A state permit to carry a pistol or revolver,
197 issued pursuant to subsection (b) of section 29-28, as amended by this
198 act, shall be valid for a period of ninety days after the expiration date,
199 except this provision shall not apply to any state permit to carry a
200 pistol or revolver which has been revoked or for which revocation is
201 pending, pursuant to section 29-32.

202 Sec. 3. Section 29-31 of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective January 1, 2006*):

204 No sale of any [pistol or revolver] firearm at retail shall be made
205 except in the room, store or place described in the permit for the sale at
206 retail of [pistols and revolvers] firearms issued pursuant to subsection
207 (a) of section 29-28, as amended by this act, and such permit or a copy
208 thereof certified by the authority issuing the same shall be exposed to
209 view within the room, store or place where [pistols or revolvers]
210 firearms are sold or offered or exposed for sale. [, and no sale or
211 delivery of any pistol or revolver shall be made unless the purchaser or
212 person to whom the same is to be delivered is personally known to the

213 vendor of such pistol or revolver or the person making delivery
214 thereof or unless the person making such purchase or to whom
215 delivery thereof is to be made provides evidence of his identity. The
216 vendor of any pistol or revolver shall keep a record of each pistol or
217 revolver sold in a book kept for that purpose, which record shall be in
218 such form as is prescribed by the Commissioner of Public Safety and
219 shall include the date of the sale, the caliber, make, model and
220 manufacturer's number of such pistol or revolver and the name,
221 address and occupation of the purchaser thereof, and shall be signed
222 by the purchaser and by the person making the sale, each in the
223 presence of the other, and shall be preserved by the vendor of such
224 pistol or revolver for at least six years.]

225 Sec. 4. Section 29-33 of the general statutes is repealed and the
226 following is substituted in lieu thereof (*Effective January 1, 2006*):

227 (a) No person, firm or corporation shall sell, deliver or otherwise
228 transfer any [pistol or revolver] firearm to any person who is
229 prohibited from possessing a [pistol or revolver] firearm as provided
230 in section 53a-217c, as amended by this act.

231 (b) On and after October 1, 1995, no person may purchase or receive
232 any pistol or revolver unless such person holds a valid permit to carry
233 a pistol or revolver issued pursuant to subsection (b) of section 29-28,
234 as amended by this act, a valid permit to sell at retail a pistol or
235 revolver or, on and after the effective date of this section, a valid
236 permit to sell at retail firearms issued pursuant to subsection (a) of
237 section 29-28, as amended by this act, or a valid eligibility certificate for
238 a pistol or revolver issued pursuant to section 29-36f or is a federal
239 marshal, parole officer or peace officer.

240 (c) No person, firm or corporation shall sell, deliver or otherwise
241 transfer any [pistol or revolver] firearm except upon written
242 application on a form prescribed and furnished by the Commissioner
243 of Public Safety. Such person, firm or corporation shall [insure] ensure
244 that all questions on the application are answered properly prior to

245 releasing the [pistol or revolver] firearm and shall retain the
246 application, which shall be attached to the federal sale or transfer
247 document, for at least twenty years or until such vendor goes out of
248 business. Such application shall be available for inspection during
249 normal business hours by law enforcement officials. No sale, delivery
250 or other transfer of any [pistol or revolver] firearm shall be made
251 unless the person making the purchase or to whom the same is
252 delivered or transferred is personally known to the person selling such
253 [pistol or revolver] firearm or making delivery or transfer thereof or
254 provides evidence of [his] such person's identity in the form of a motor
255 vehicle operator's license, identity card issued pursuant to section 1-1h
256 or valid passport. No sale, delivery or other transfer of any [pistol or
257 revolver] firearm shall be made until the person, firm or corporation
258 making such transfer obtains an authorization number from the
259 Commissioner of Public Safety pursuant to section 29-36l, as amended
260 by this act. Said commissioner shall perform the [national instant
261 criminal] state and national criminal background check and make a
262 reasonable effort to determine whether there is any reason that would
263 prohibit such applicant from possessing a [pistol or revolver] firearm
264 as provided in section 53a-217c, as amended by this act. If the
265 commissioner determines the existence of such a reason, the
266 commissioner shall deny the sale and no [pistol or revolver] firearm
267 shall be sold, delivered or otherwise transferred by such person, firm
268 or corporation to such applicant.

269 (d) No person, firm or corporation shall sell, deliver or otherwise
270 transfer any [pistol or revolver] firearm, other than at wholesale,
271 unless such [pistol or revolver] firearm is equipped with a reusable
272 trigger lock, gun lock or gun locking device appropriate for such
273 [pistol or revolver] firearm, which lock or device shall be constructed
274 of material sufficiently strong to prevent it from being easily disabled
275 and have a locking mechanism accessible by key or by electronic or
276 other mechanical accessory specific to such lock or device to prevent
277 unauthorized removal. No [pistol or revolver] firearm shall be loaded
278 or contain therein any gunpowder or other explosive or any bullet, ball

279 or shell when such [pistol or revolver] firearm is sold, delivered or
280 otherwise transferred.

281 (e) Upon the sale, delivery or other transfer of any [pistol or
282 revolver] firearm, the person making the purchase or to whom the
283 same is delivered or transferred shall sign a receipt for such [pistol or
284 revolver] firearm which shall contain the name and address of such
285 person, the date of sale, the caliber, make, model and manufacturer's
286 number and a general description of such [pistol or revolver] firearm,
287 the authorization number designated for the transfer by the
288 Department of Public Safety and, in the case of the sale, delivery or
289 other transfer of a pistol or revolver, the identification number of such
290 person's permit to carry pistols or revolvers, issued pursuant to
291 subsection (b) of section 29-28, as amended by this act, permit to sell at
292 retail [pistols or revolvers] firearms, issued pursuant to subsection (a)
293 of said section, as amended by this act, or eligibility certificate for a
294 pistol or revolver, issued pursuant to section 29-36f, if any. [, and the
295 authorization number designated for the transfer by the Department of
296 Public Safety.] The person, firm or corporation selling such [pistol or
297 revolver] firearm or making delivery or transfer thereof shall give one
298 copy of the receipt to the person making the purchase of such [pistol or
299 revolver] firearm or to whom the same is delivered or transferred,
300 shall retain one copy of the receipt for at least five years, and shall
301 send, by first class mail, or electronically transmit, within forty-eight
302 hours of such sale, delivery or other transfer, one copy of the receipt to
303 the Commissioner of Public Safety and one copy of the receipt to the
304 chief of police or, where there is no chief of police, the warden of the
305 borough or the first selectman of the town, as the case may be, of the
306 town in which the transferee resides.

307 (f) No sale, delivery or other transfer of any firearm, other than a
308 pistol or revolver, shall be made until the expiration of two weeks from
309 the date of the application. The provisions of this subsection shall not
310 apply to any federal marshal, parole officer or peace officer, or to the
311 delivery of (1) any firearm, other than a pistol or revolver, to a holder

312 of a valid state permit to carry a pistol or revolver issued pursuant to
313 subsection (b) of section 29-28, as amended by this act, or a valid
314 eligibility certificate issued pursuant to section 29-36f, (2) any firearm,
315 other than a pistol or revolver, to an active member of the armed forces
316 of the United States or of any reserve component thereof, or (3) any
317 firearm, other than a pistol or revolver, to a holder of a valid hunting
318 license issued pursuant to chapter 490.

319 [(f)] (g) The provisions of this section shall not apply to antique
320 [pistols or revolvers] firearms. An antique [pistol or revolver] firearm,
321 for the purposes of this section, means any [pistol or revolver] firearm
322 which was manufactured in or before 1898 and any replica of such
323 [pistol or revolver] firearm provided such replica is not designed or
324 redesigned for using rimfire or conventional centerfire fixed
325 ammunition except rimfire or conventional centerfire fixed
326 ammunition which is no longer manufactured in the United States and
327 not readily available in the ordinary channel of commercial trade.

328 [(g)] (h) The provisions of this section shall not apply to the sale,
329 delivery or transfer of [pistols or revolvers] firearms between (1) a
330 federally-licensed firearm manufacturer and a federally-licensed
331 firearm dealer, (2) a federally-licensed firearm importer and a
332 federally-licensed firearm dealer, or (3) federally-licensed firearm
333 dealers.

334 [(h)] (i) If the court finds that a violation of this section is not of a
335 serious nature and that the person charged with such violation (1) will
336 probably not offend in the future, (2) has not previously been
337 convicted of a violation of this section, and (3) has not previously had a
338 prosecution under this section suspended pursuant to this subsection,
339 it may order suspension of prosecution. The court shall not order
340 suspension of prosecution unless the accused person has
341 acknowledged that he or she understands the consequences of the
342 suspension of prosecution. Any person for whom prosecution is
343 suspended shall agree to the tolling of any statute of limitations with

344 respect to such violation and to a waiver of [his] such person's right to
345 a speedy trial. Such person shall appear in court and shall be released
346 to the custody of the Court Support Services Division for such period,
347 not exceeding two years, and under such conditions as the court shall
348 order. If the person refuses to accept, or, having accepted, violates such
349 conditions, the court shall terminate the suspension of prosecution and
350 the case shall be brought to trial. If such person satisfactorily completes
351 [his] such person's period of probation, [he] such person may apply for
352 dismissal of the charges against [him] such person and the court, on
353 finding such satisfactory completion, shall dismiss such charges. If the
354 person does not apply for dismissal of the charges against [him] such
355 person after satisfactorily completing [his] such person's period of
356 probation, the court, upon receipt of a report submitted by the Court
357 Support Services Division that the person satisfactorily completed [his]
358 such person's period of probation, may on its own motion make a
359 finding of such satisfactory completion and dismiss such charges.
360 Upon dismissal, all records of such charges shall be erased pursuant to
361 section 54-142a. An order of the court denying a motion to dismiss the
362 charges against a person who has completed [his] such person's period
363 of probation or terminating the participation of a defendant in such
364 program shall be a final judgment for purposes of appeal.

365 [(i)] (j) Any person who violates any provision of this section shall
366 be guilty of a class D felony, except that any person who sells, delivers
367 or otherwise transfers a [pistol or revolver] firearm in violation of the
368 provisions of this section, knowing that such [pistol or revolver]
369 firearm is stolen or that the manufacturer's number or other mark of
370 identification on such [pistol or revolver] firearm has been altered,
371 removed or obliterated, shall be guilty of a class B felony, and any
372 [pistol or revolver] firearm found in the possession of any person in
373 violation of any provision of this section shall be forfeited.

374 Sec. 5. Section 29-34 of the general statutes is repealed and the
375 following is substituted in lieu thereof (*Effective January 1, 2006*):

376 (a) No person shall make any false statement or give any false
377 information connected with any purchase, sale, delivery or other
378 transfer of any [pistol or revolver] firearm. Any person violating any
379 provision of this subsection shall be guilty of a class D felony.

380 (b) No person shall sell, barter, hire, lend, give, deliver or otherwise
381 transfer to any person under the age of twenty-one years any pistol or
382 revolver, except that a pistol or revolver may be temporarily
383 transferred to any person only for the use by such person in target
384 shooting or on a firing or shooting range, provided such use is
385 otherwise permitted by law and is under the immediate supervision of
386 a person eligible to possess a pistol or revolver. Any person violating
387 any provision of this subsection shall be guilty of a class D felony for
388 which one year of the sentence imposed may not be suspended or
389 reduced by the court.

390 (c) Any [pistol or revolver] firearm found in the possession of any
391 person in violation of any provision of this section shall be forfeited.

392 Sec. 6. Section 29-36h of the general statutes is repealed and the
393 following is substituted in lieu thereof (*Effective January 1, 2006*):

394 (a) The fee for each eligibility certificate for a pistol or revolver
395 originally issued under the provisions of section 29-36f shall be [thirty-
396 five] forty-five dollars and for each renewal thereof [thirty-five] forty-
397 five dollars, which fees shall be paid to the Commissioner of Public
398 Safety. Upon deposit of such fees in the General Fund, [the fees] forty
399 dollars of each fee shall be credited within thirty days to the
400 appropriation to the Department of Public Safety to a separate
401 nonlapsing account for the purposes of the issuance of eligibility
402 certificates under said section and five dollars of each fee shall be
403 credited within thirty days to the appropriation to the Department of
404 Public Safety to a separate nonlapsing account for the purposes of
405 hiring personnel to ensure the staffing necessary to implement the
406 provisions of this section and sections 29-28, 29-30, 29-31, 29-33, 29-34,
407 29-36k, 29-36l, 29-36n, 29-37, 29-38b, 53a-217c and 53a-217, as amended

408 by this act, and allow the issuance of authorization numbers pursuant
409 to section 29-36l, as amended by this act, seven days a week and the
410 opening of two district offices for the issuance and renewal of permits
411 pursuant to subsection (b) of section 29-28, as amended by this act.

412 (b) An eligibility certificate originally issued under the provisions of
413 section 29-36f, shall expire five years after the date it becomes effective
414 and each renewal thereof shall expire five years after the expiration
415 date of the certificate being renewed.

416 (c) The renewal fee shall apply for each renewal which is requested
417 not earlier than thirty-one days before, and not later than thirty-one
418 days after, the expiration date of the certificate being renewed.

419 (d) No fee or portion thereof paid under the provisions of this
420 section for issuance or renewal of an eligibility certificate shall be
421 refundable except if the eligibility certificate for which the fee or
422 portion thereof was paid was not issued or renewed.

423 (e) The Commissioner of Public Safety shall send a notice of the
424 expiration of an eligibility certificate issued pursuant to section 29-36f,
425 to the holder of such certificate, by first class mail, at the address of
426 such person as shown by the records of the commissioner, not less
427 than ninety days before such expiration, and shall enclose therein a
428 form for the renewal of [said] such certificate. An eligibility certificate
429 issued pursuant to said section, shall be valid for a period of ninety
430 days from the expiration date, except this provision shall not apply to
431 any certificate which has been revoked or for which revocation is
432 pending, pursuant to section 29-36i.

433 Sec. 7. Section 29-36k of the general statutes is repealed and the
434 following is substituted in lieu thereof (*Effective January 1, 2006*):

435 (a) Not later than two business days after the occurrence of any
436 event that makes a person ineligible to possess a [pistol or revolver or
437 other] firearm, such person shall (1) transfer in accordance with section

438 29-33, as amended by this act, all [pistols and revolvers] firearms
439 which such person then possesses to any person eligible to possess a
440 [pistol or revolver and transfer in accordance with any applicable state
441 and federal laws all other firearms to any person eligible to possess
442 such other firearms by obtaining an authorization number for the sale
443 or transfer of the firearm from the Commissioner of Public Safety, and
444 submit a sale or transfer of firearms form to said commissioner within
445 two business days] firearm, or (2) deliver or surrender such [pistols
446 and revolvers and other] firearms to the Commissioner of Public
447 Safety. The commissioner shall exercise due care in the receipt and
448 holding of such [pistols and revolvers and other] firearms.

449 (b) Such person, or such person's legal representative, may, at any
450 time up to one year after such delivery or surrender, transfer such
451 [pistols and revolvers] firearms in accordance with the provisions of
452 section 29-33, as amended by this act, to any person eligible to possess
453 a [pistol or revolver and transfer such other firearms in accordance
454 with any applicable state and federal laws to any person eligible to
455 possess such other firearms] firearm. Upon notification in writing by
456 the transferee and such person, the Commissioner of Public Safety
457 shall within ten days deliver such [pistols and revolvers or other]
458 firearms to the transferee. If, at the end of such year, such [pistols and
459 revolvers or other] firearms have not been so transferred, the
460 commissioner shall cause them to be destroyed.

461 (c) Any person who fails to transfer or surrender any such [pistols
462 and revolvers and other] firearms as provided in this section shall be
463 subject to the penalty provided for in section [53a-217 or] 53a-217c, as
464 amended by this act.

465 Sec. 8. Section 29-36l of the general statutes is repealed and the
466 following is substituted in lieu thereof (*Effective January 1, 2006*):

467 (a) The Commissioner of Public Safety shall establish a state
468 database [within one year of October 1, 1994,] that any person, firm or
469 corporation who sells or otherwise transfers [pistols or revolvers]

470 firearms may access, by telephone or other electronic means in
471 addition to the telephone, for information to be supplied immediately,
472 on whether a permit to carry a pistol or revolver, issued pursuant to
473 subsection (b) of section 29-28, as amended by this act, a permit to sell
474 at retail a [pistol or revolver] firearm, issued pursuant to subsection (a)
475 of section 29-28, as amended by this act, or an eligibility certificate for a
476 pistol or revolver, issued pursuant to section 29-36f, is valid and has
477 not been revoked or suspended.

478 (b) Upon establishment of the database, the commissioner shall
479 notify each person, firm or corporation holding a permit to sell at retail
480 [pistols or revolvers] firearms issued pursuant to subsection (a) of
481 section 29-28, as amended by this act, of the existence and purpose of
482 the system and the means to be used to access the database.

483 (c) The Department of Public Safety shall establish days and hours
484 during which the telephone number or other electronic means shall be
485 operational for purposes of responding to inquiries, taking into
486 consideration the normal business hours of retail firearm businesses.

487 (d) The Department of Public Safety shall be the point of contact for
488 initiating a background check through the National Instant Criminal
489 Background Check System (NICS), established under [section] Section
490 103 of the Brady Handgun Violence Prevention Act, on individuals
491 purchasing firearms.

492 (e) Any person, firm or corporation that contacts the Department of
493 Public Safety to access the database established under this section and
494 determine if a person is eligible to receive or possess a firearm shall not
495 be held civilly liable for the sale or transfer of a firearm to a person
496 whose receipt or possession of such firearm is unlawful or for refusing
497 to sell or transfer a firearm to a person who may lawfully receive or
498 possess such firearm if such person, firm or corporation relied, in good
499 faith, on the information provided to such person, firm or corporation
500 by said department, unless the conduct of such person, firm or
501 corporation was unreasonable or reckless.

502 (f) Any person, firm or corporation that sells, delivers or otherwise
503 transfers any firearm pursuant to section 29-33, as amended by this act,
504 [or 29-37a,] shall contact the Department of Public Safety to access the
505 database established under this section and receive an authorization
506 number for such sale, delivery or transfer. The provisions of this
507 subsection shall not apply to: (1) Any sale, delivery or transfer of an
508 antique firearm manufactured in or before 1898, including any firearm
509 with a matchlock, flintlock, percussion cap or similar type of ignition
510 system manufactured in or before 1898; (2) any sale, delivery or
511 transfer of any replica of any firearm described in subdivision (1) of
512 this subsection if such replica uses rimfire or conventional centerfire
513 fixed ammunition which is no longer manufactured in the United
514 States and which is not readily available in the ordinary channels of
515 commercial trade; (3) transactions between persons who are licensed
516 as firearms importers or collectors, manufacturers or dealers pursuant
517 to 18 USC 921 et seq.; (4) the transfer of firearms to and from
518 gunsmiths for purposes of repair only; and (5) any sale, delivery or
519 transfer of any firearm to any agency of the United States, the state of
520 Connecticut or any local government.

521 Sec. 9. Section 29-36n of the general statutes is repealed and the
522 following is substituted in lieu thereof (*Effective January 1, 2006*):

523 (a) The Commissioner of Public Safety, in conjunction with the Chief
524 State's Attorney and the Connecticut Police Chiefs Association, shall
525 develop a protocol to ensure that persons who become ineligible to
526 possess a [pistol or revolver] firearm have, in accordance with section
527 29-36k, as amended by this act, transferred such [pistol or revolver]
528 firearm to a person eligible to possess such [pistol or revolver] firearm
529 or have delivered or surrendered such [pistol or revolver] firearm to
530 said commissioner.

531 (b) The Commissioner of Public Safety, in conjunction with the
532 Chief State's Attorney and the Connecticut Police Chiefs Association,
533 shall update the protocol developed pursuant to subsection (a) of this

534 section to reflect the provisions of sections [29-7h, 29-28, 29-28a, 29-29,
535 29-30, 29-32 and 29-35, subsections (b) and (e) of section 46b-15,
536 subsections (c) and (d) of section 46b-38c and sections 53-202a, 53-202l,
537 53-202m and 53a-217] 29-28, 29-31, 29-33, 29-34, 29-36k and 53a-217c, as
538 amended by this act, and shall include in such protocol specific
539 instructions for the transfer of [pistols and revolvers] firearms when
540 the assistance of more than one law enforcement agency is necessary to
541 effect the requirements of section 29-36k, as amended by this act.

542 Sec. 10. Section 29-37 of the general statutes is repealed and the
543 following is substituted in lieu thereof (*Effective January 1, 2006*):

544 (a) Any person violating any provision of section 29-28, as amended
545 by this act, or 29-31, as amended by this act, shall be fined not more
546 than five hundred dollars or imprisoned not more than three years or
547 both, and any [pistol or revolver] firearm found in the possession of
548 any person in violation of any of said provisions shall be forfeited.

549 (b) Any person violating any provision of subsection (a) of section
550 29-35 may be fined not more than one thousand dollars and shall be
551 imprisoned not less than one year nor more than five years, and, in the
552 absence of any mitigating circumstances as determined by the court,
553 one year of the sentence imposed may not be suspended or reduced by
554 the court. The court shall specifically state the mitigating
555 circumstances, or the absence thereof, in writing for the record. Any
556 pistol or revolver found in the possession of any person in violation of
557 any provision of subsection (a) of section 29-35 shall be forfeited.

558 (c) Any person violating any provision of subsection (b) of section
559 29-35 shall have committed an infraction and shall be fined thirty-five
560 dollars.

561 Sec. 11. Section 29-38b of the general statutes is repealed and the
562 following is substituted in lieu thereof (*Effective January 1, 2006*):

563 (a) The Commissioner of Public Safety, in fulfilling [his] the

564 commissioner's obligations under sections 29-28 to 29-38, inclusive, as
565 amended by this act, and section 53-202d, shall verify that any person
566 who, on or after October 1, 1998, applies for or seeks renewal of a
567 permit to sell at retail a [pistol or revolver] firearm, a permit to carry a
568 pistol or revolver, an eligibility certificate for a pistol or revolver or a
569 certificate of possession for an assault weapon has not been confined in
570 a hospital for persons with psychiatric disabilities, as defined in section
571 17a-495, within the preceding twelve months by order of a probate
572 court, by making an inquiry to the Department of Mental Health and
573 Addiction Services in such a manner so as to only receive a report on
574 the commitment status of the person with respect to whom the inquiry
575 is made including identifying information in accordance with the
576 provisions of subsection (b) of section 17a-500.

577 (b) If the Commissioner of Public Safety determines pursuant to
578 subsection (a) of this section that a person has been confined in a
579 hospital for persons with psychiatric disabilities, as defined in section
580 17a-495, within the preceding twelve months by order of a probate
581 court, said commissioner shall report the status of such person's
582 application for or renewal of a permit to sell at retail a [pistol or
583 revolver] firearm, a permit to carry a pistol or revolver, an eligibility
584 certificate for a pistol or revolver or a certificate of possession for an
585 assault weapon to the Commissioner of Mental Health and Addiction
586 Services for the purpose of fulfilling [his] the responsibilities of the
587 Commissioner of Mental Health and Addiction Services under
588 subsection (c) of section 17a-500.

589 Sec. 12. Section 53a-217c of the general statutes is repealed and the
590 following is substituted in lieu thereof (*Effective January 1, 2006*):

591 (a) A person is guilty of criminal possession of a [pistol or revolver]
592 firearm when such person possesses a [pistol or revolver, as defined in
593 section 29-27] firearm, and (1) has been convicted of a felony or of a
594 violation of subsection (c) of section 21a-279 or section 53a-58, 53a-61,
595 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d,

596 (2) has been convicted as delinquent for the commission of a serious
597 juvenile offense, as defined in section 46b-120, (3) has been discharged
598 from custody within the preceding twenty years after having been
599 found not guilty of a crime by reason of mental disease or defect
600 pursuant to section 53a-13, (4) has been confined in a hospital for
601 persons with psychiatric disabilities, as defined in section 17a-495,
602 within the preceding twelve months by order of a probate court, (5)
603 knows that such person is subject to a restraining or protective order of
604 a court of this state or to a foreign order of protection, as defined in
605 section 46b-15a, that has been issued against such person, after notice
606 and an opportunity to be heard has been provided to such person, in a
607 case involving the use, attempted use or threatened use of physical
608 force against another person, (6) knows that such person is subject to a
609 firearms seizure order issued pursuant to subsection (d) of section 29-
610 38c after notice and an opportunity to be heard has been provided to
611 such person, or (7) is an alien illegally or unlawfully in the United
612 States. For the purposes of this section, "convicted" means having a
613 judgment of conviction entered by a court of competent jurisdiction.

614 (b) Criminal possession of a [pistol or revolver] firearm is a class D
615 felony.

616 Sec. 13. Section 53a-217 of the general statutes is repealed and the
617 following is substituted in lieu thereof (*Effective January 1, 2006*):

618 (a) A person is guilty of criminal possession of [a firearm or] an
619 electronic defense weapon when such person possesses [a firearm or]
620 an electronic defense weapon and (1) has been convicted of a felony,
621 (2) has been convicted as delinquent for the commission of a serious
622 juvenile offense, as defined in section 46b-120, (3) knows that such
623 person is subject to a restraining or protective order of a court of this
624 state or to a foreign order of protection, as defined in section 46b-15a,
625 that has been issued against such person, after notice and an
626 opportunity to be heard has been provided to such person, in a case
627 involving the use, attempted use or threatened use of physical force

628 against another person, or (4) knows that such person is subject to a
629 firearms seizure order issued pursuant to subsection (d) of section 29-
630 38c after notice and an opportunity to be heard has been provided to
631 such person. For the purposes of this section, "convicted" means
632 having a judgment of conviction entered by a court of competent
633 jurisdiction.

634 (b) Criminal possession of [a firearm or] an electronic defense
635 weapon is a class D felony. [, for which two years of the sentence
636 imposed may not be suspended or reduced by the court.]

637 Sec. 14. (NEW) (*Effective January 1, 2006*) (a) Any person who
638 possesses a firearm, as defined in section 53a-3 of the general statutes,
639 that is stolen from such person or that such person loses shall report
640 such theft or loss to the organized local police department for the town
641 in which the theft or loss occurred or, if such town does not have an
642 organized local police department, to the state police troop having
643 jurisdiction for such town, not later than twenty-four hours after such
644 person knew or should have known of such theft or loss. Such
645 department or troop shall forthwith forward a copy of such report to
646 the Commissioner of Public Safety.

647 (b) Any person who fails to make a report required by subsection (a)
648 of this section within the prescribed time period shall be guilty of a
649 class A misdemeanor for the first offense and a class D felony for any
650 subsequent offense.

651 Sec. 15. Subsection (b) of section 53-202b of the general statutes is
652 repealed and the following is substituted in lieu thereof (*Effective*
653 *January 1, 2006*):

654 (b) The provisions of subsection (a) of this section shall not apply to:

655 (1) The sale of assault weapons to the Department of Public Safety,
656 police departments, the Department of Correction or the military or
657 naval forces of this state or of the United States for use in the discharge

658 of their official duties;

659 (2) A person who is the executor or administrator of an estate that
660 includes an assault weapon for which a certificate of possession has
661 been issued under section 53-202d which is disposed of as authorized
662 by the Probate Court, if the disposition is otherwise permitted by
663 sections [29-37j and] 53-202a to 53-202k, inclusive, as amended by this
664 act; [, and subsection (h) of section 53a-46a;]

665 (3) The transfer by bequest or intestate succession of an assault
666 weapon for which a certificate of possession has been issued under
667 section 53-202d.

668 Sec. 16. Section 53-202c of the general statutes is repealed and the
669 following is substituted in lieu thereof (*Effective January 1, 2006*):

670 (a) Except as provided in section 53-202e, any person who, within
671 this state, possesses any assault weapon, except as provided in sections
672 [29-37j,] 53-202a to 53-202k, inclusive, as amended by this act, and 53-
673 202o, [and subsection (h) of section 53a-46a,] shall be guilty of a class D
674 felony and shall be sentenced to a term of imprisonment of which one
675 year may not be suspended or reduced; except that a first-time
676 violation of this subsection shall be a class A misdemeanor if (1) the
677 person presents proof that [he] such person lawfully possessed the
678 assault weapon prior to October 1, 1993, and (2) the person has
679 otherwise possessed the firearm in compliance with subsection (d) of
680 section 53-202d.

681 (b) The provisions of subsection (a) of this section shall not apply to
682 the possession of assault weapons by members or employees of the
683 Department of Public Safety, police departments, the Department of
684 Correction or the military or naval forces of this state or of the United
685 States for use in the discharge of their official duties; nor shall anything
686 in sections [29-37j and] 53-202a to 53-202k, inclusive, as amended by
687 this act, [and subsection (h) of section 53a-46a] prohibit the possession
688 or use of assault weapons by sworn members of these agencies when

689 on duty and the use is within the scope of their duties.

690 (c) The provisions of subsection (a) of this section shall not apply to
691 the possession of an assault weapon by any person prior to July 1,
692 1994, if all of the following are applicable:

693 (1) The person is eligible under sections [29-37j and] 53-202a to 53-
694 202k, inclusive, as amended by this act, [and subsection (h) of section
695 53a-46a] to apply for a certificate of possession for the assault weapon
696 by July 1, 1994;

697 (2) The person lawfully possessed the assault weapon prior to
698 October 1, 1993; and

699 (3) The person is otherwise in compliance with sections [29-37j and]
700 53-202a to 53-202k, inclusive, as amended by this act. [, and subsection
701 (h) of section 53a-46a.]

702 (d) The provisions of subsection (a) of this section shall not apply to
703 a person who is the executor or administrator of an estate that includes
704 an assault weapon for which a certificate of possession has been issued
705 under section 53-202d, if the assault weapon is possessed at a place set
706 forth in subdivision (1) of subsection (d) of section 53-202d or as
707 authorized by the Probate Court.

708 Sec. 17. Subsections (c) and (d) of section 53-202f of the general
709 statutes are repealed and the following is substituted in lieu thereof
710 (*Effective January 1, 2006*):

711 (c) (1) Any licensed gun dealer, as defined in subsection (d) of this
712 section, may take possession of any assault weapon for the purposes of
713 servicing or repair from any person to whom has been issued a
714 certificate of possession for such weapon pursuant to sections [29-37j
715 and] 53-202a to 53-202k, inclusive, as amended by this act. [, and
716 subsection (h) of section 53a-46a.]

717 (2) Any licensed gun dealer may transfer possession of any assault

718 weapon received pursuant to subdivision (1) of this subsection, to a
719 gunsmith for purposes of accomplishing service or repair of the same.
720 Transfers are permissible only to the following persons:

721 (A) A gunsmith who is in the dealer's employ;

722 (B) A gunsmith with whom the dealer has contracted for
723 gunsmithing services, provided the gunsmith receiving the assault
724 weapon holds a dealer's license issued pursuant to Chapter 44,
725 commencing with Section 921, of Title 18 of the United States Code and
726 the regulations issued pursuant thereto.

727 (d) The term "licensed gun dealer", as used in sections [29-37j and]
728 53-202a to 53-202k, inclusive, as amended by this act, [and subsection
729 (h) of section 53a-46a] means a person who has a federal firearms
730 license and a permit to sell at retail firearms issued pursuant to section
731 29-28, as amended by this act.

732 Sec. 18. Section 53-202i of the general statutes is repealed and the
733 following is substituted in lieu thereof (*Effective January 1, 2006*):

734 Nothing in sections [29-37j and] 53-202a to 53-202k, inclusive, as
735 amended by this act, [and subsection (h) of section 53a-46a] shall be
736 construed to prohibit any person, firm or corporation engaged in the
737 business of manufacturing assault weapons in this state from
738 manufacturing or transporting assault weapons in this state for sale
739 within this state in accordance with subdivision (1) of subsection (b) of
740 section 53-202b, as amended by this act, or for sale outside this state.

741 Sec. 19. Subsection (d) of section 53-202l of the general statutes is
742 repealed and the following is substituted in lieu thereof (*Effective*
743 *January 1, 2006*):

744 (d) If the court finds that a violation of this section is not of a serious
745 nature and that the person charged with such violation (1) will
746 probably not offend in the future, (2) has not previously been
747 convicted of a violation of this section, and (3) has not previously had a

748 prosecution under this section suspended pursuant to this subsection,
749 it may order suspension of prosecution in accordance with the
750 provisions of subsection [(h)] (i) of section 29-33, as amended by this
751 act.

752 Sec. 20. Section 54-66a of the general statutes is repealed and the
753 following is substituted in lieu thereof (*Effective January 1, 2006*):

754 Any bail bond posted in any criminal proceeding in this state shall
755 be automatically terminated and released whenever the defendant: (1)
756 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
757 granted admission to the pretrial alcohol education system pursuant to
758 section 54-56g; (3) is granted admission to the pretrial family violence
759 education program pursuant to section 46b-38c; (4) is granted
760 admission to the community service labor program pursuant to section
761 53a-39c; (5) is granted admission to the pretrial drug education
762 program pursuant to section 54-56i; (6) has the complaint or
763 information filed against such defendant dismissed; (7) is acquitted; (8)
764 is sentenced by the court; (9) is granted admission to the pretrial school
765 violence prevention program pursuant to section 54-56j; or (10) is
766 charged with a violation of section 29-33, as amended by this act, and
767 prosecution has been suspended pursuant to subsection [(h)] (i) of said
768 section. [29-33.]

769 Sec. 21. Sections 29-37a, 29-37e, 29-37j and 53-202g of the general
770 statutes are repealed. (*Effective January 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2006</i>	29-28
Sec. 2	<i>January 1, 2006</i>	29-30
Sec. 3	<i>January 1, 2006</i>	29-31
Sec. 4	<i>January 1, 2006</i>	29-33
Sec. 5	<i>January 1, 2006</i>	29-34
Sec. 6	<i>January 1, 2006</i>	29-36h
Sec. 7	<i>January 1, 2006</i>	29-36k

Sec. 8	<i>January 1, 2006</i>	29-36l
Sec. 9	<i>January 1, 2006</i>	29-36n
Sec. 10	<i>January 1, 2006</i>	29-37
Sec. 11	<i>January 1, 2006</i>	29-38b
Sec. 12	<i>January 1, 2006</i>	53a-217c
Sec. 13	<i>January 1, 2006</i>	53a-217
Sec. 14	<i>January 1, 2006</i>	New section
Sec. 15	<i>January 1, 2006</i>	53-202b(b)
Sec. 16	<i>January 1, 2006</i>	53-202c
Sec. 17	<i>January 1, 2006</i>	53-202f(c) and (d)
Sec. 18	<i>January 1, 2006</i>	53-202i
Sec. 19	<i>January 1, 2006</i>	53-202l(d)
Sec. 20	<i>January 1, 2006</i>	54-66a
Sec. 21	<i>January 1, 2006</i>	29-37a, 29-37e, 29-37j and 53-202g repealed

Statement of Purpose:

To require any person selling ten or more firearms annually to obtain a permit to sell firearms, require any person who sells or transfers a firearm to obtain an authorization number from the Department of Public Safety, require the reporting of lost or stolen firearms, increase the fees for certain firearm permits and prohibit the possession of any firearm by a person who has been convicted of certain serious misdemeanors or been involuntarily confined within the preceding twelve months in a hospital for persons with psychiatric disabilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]