



General Assembly

Substitute Bill No. 1133

January Session, 2005

* _____SB01133PS_JUD031705_____*

AN ACT REVISING STATUTES RELATIVE TO FIREARMS.

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

1 Section 1. Subsection (d) of section 29-36l of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (d) (1) The Department of Public Safety shall be the point of contact
5 for initiating a background check through the National Instant
6 Criminal Background Check System (NICS), established under section
7 103 of the Brady Handgun Violence Prevention Act, on individuals
8 purchasing firearms.

9 (2) The Department of Public Safety, Department of Mental Health
10 and Addiction Services and the Judicial Department shall enter into a
11 memorandum of understanding with the National Instant Criminal
12 Background Check System division of the Federal Bureau of
13 Investigation for the purpose of effectuating the implementation of
14 such system in the state. The Department of Public Safety shall report
15 the name, date of birth and physical description of any person denied a
16 permit or eligibility certificate under the provisions of sections 29-28 to
17 29-38, inclusive, as amended by this act, or denied possession of a
18 firearm pursuant to 18 USC 922(g)(4) to the National Instant Criminal
19 Background Check System Index, Denied Persons Files.

20 Sec. 2. Subsection (a) of section 53a-217 of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective*
22 *October 1, 2005*):

23 (a) A person is guilty of criminal possession of a firearm or
24 electronic defense weapon when such person possesses a firearm or
25 electronic defense weapon and (1) has been convicted of a felony, (2)
26 has been convicted as delinquent for the commission of a serious
27 juvenile offense, as defined in section 46b-120, (3) knows that such
28 person is subject to a restraining or protective order of a court of this
29 state or to a foreign order of protection, as defined in section 46b-15a,
30 that has been issued against such person, after notice and an
31 opportunity to be heard has been provided to such person, in a case
32 involving the use, attempted use or threatened use of physical force
33 against another person, [or] (4) knows that such person is subject to a
34 firearms seizure order issued pursuant to subsection (d) of section 29-
35 38c after notice and an opportunity to be heard has been provided to
36 such person, (5) is prohibited from shipping, transporting, possessing
37 or receiving a firearm pursuant to 18 USC 922(g)(4), or (6) has been
38 denied a permit or eligibility certificate under the provisions of
39 sections 29-28 to 29-38, inclusive, as amended by this act, or a
40 certificate of possession of an assault weapon under section 53-202d.
41 For the purposes of this section, "convicted" means having a judgment
42 of conviction entered by a court of competent jurisdiction.

43 Sec. 3. Subsection (a) of section 53a-217c of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*
45 *October 1, 2005*):

46 (a) A person is guilty of criminal possession of a pistol or revolver
47 when such person possesses a pistol or revolver, as defined in section
48 29-27, and (1) has been convicted of a felony or of a violation of
49 subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-
50 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (2) has been
51 convicted as delinquent for the commission of a serious juvenile
52 offense, as defined in section 46b-120, (3) has been discharged from

53 custody within the preceding twenty years after having been found
54 not guilty of a crime by reason of mental disease or defect pursuant to
55 section 53a-13, (4) has been confined in a hospital for persons with
56 psychiatric disabilities, as defined in section 17a-495, within the
57 preceding twelve months by order of a probate court, (5) knows that
58 such person is subject to a restraining or protective order of a court of
59 this state or to a foreign order of protection, as defined in section 46b-
60 15a, that has been issued against such person, after notice and an
61 opportunity to be heard has been provided to such person, in a case
62 involving the use, attempted use or threatened use of physical force
63 against another person, (6) knows that such person is subject to a
64 firearms seizure order issued pursuant to subsection (d) of section 29-
65 38c after notice and an opportunity to be heard has been provided to
66 such person, [or] (7) is prohibited from shipping, transporting,
67 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (8) has
68 been denied a permit or eligibility certificate under the provisions of
69 sections 29-28 to 29-38, inclusive, as amended by this act, or a
70 certificate of possession of an assault weapon under section 53-202d, or
71 [(7)] (9) is an alien illegally or unlawfully in the United States. For the
72 purposes of this section, "convicted" means having a judgment of
73 conviction entered by a court of competent jurisdiction.

74 Sec. 4. Subsection (b) of section 29-28 of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective*
76 *October 1, 2005*):

77 (b) Upon the application of any person having a bona fide residence
78 or place of business within the jurisdiction of any such authority, such
79 chief of police, warden or selectman may issue a temporary state
80 permit to such person to carry a pistol or revolver within the state,
81 provided such authority shall find that such applicant intends to make
82 no use of any pistol or revolver which such applicant may be
83 permitted to carry under such permit other than a lawful use and that
84 such person is a suitable person to receive such permit. No state or
85 temporary state permit to carry a pistol or revolver shall be issued
86 under this subsection if the applicant (1) has failed to successfully

87 complete a course approved by the Commissioner of Public Safety in
88 the safety and use of pistols and revolvers including, but not limited
89 to, a safety or training course in the use of pistols and revolvers
90 available to the public offered by a law enforcement agency, a private
91 or public educational institution or a firearms training school, utilizing
92 instructors certified by the National Rifle Association or the
93 Department of Environmental Protection and a safety or training
94 course in the use of pistols or revolvers conducted by an instructor
95 certified by the state or the National Rifle Association, (2) has been
96 convicted of a felony or of a violation of subsection (c) of section 21a-
97 279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
98 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for
99 the commission of a serious juvenile offense, as defined in section 46b-
100 120, (4) has been discharged from custody within the preceding twenty
101 years after having been found not guilty of a crime by reason of mental
102 disease or defect pursuant to section 53a-13, (5) has been confined in a
103 hospital for persons with psychiatric disabilities, as defined in section
104 17a-495, within the preceding twelve months by order of a probate
105 court, (6) is subject to a restraining or protective order issued by a
106 court in a case involving the use, attempted use or threatened use of
107 physical force against another person, (7) is subject to a firearms
108 seizure order issued pursuant to subsection (d) of section 29-38c after
109 notice and hearing, (8) is prohibited from shipping, transporting,
110 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is
111 an alien illegally or unlawfully in the United States, or [(9)] (10) is less
112 than twenty-one years of age. Nothing in this section shall require any
113 person who holds a valid permit to carry a pistol or revolver on
114 October 1, 1994, to participate in any additional training in the safety
115 and use of pistols and revolvers. Upon issuance of a temporary state
116 permit to the applicant, the local authority shall forward the original
117 application to the commissioner. Not later than sixty days after
118 receiving a temporary state permit, an applicant shall appear at a
119 location designated by the commissioner to receive the state permit.
120 Said commissioner may then issue, to any holder of any temporary
121 state permit, a state permit to carry a pistol or revolver within the state.

122 Upon issuance of the state permit, the commissioner shall forward a
123 record of such permit to the local authority issuing the temporary state
124 permit. The commissioner shall retain records of all applications,
125 whether approved or denied. The copy of the state permit delivered to
126 the permittee shall be laminated and shall contain a full-face
127 photograph of such permittee. A person holding a state permit issued
128 pursuant to this subsection shall notify the issuing authority within
129 two business days of any change of such person's address. The
130 notification shall include the old address and the new address of such
131 person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	29-361(d)
Sec. 2	<i>October 1, 2005</i>	53a-217(a)
Sec. 3	<i>October 1, 2005</i>	53a-217c(a)
Sec. 4	<i>October 1, 2005</i>	29-28(b)

PS

Joint Favorable Subst. C/R

JUD