



General Assembly

Substitute Bill No. 6457

January Session, 2009

* _____ HB06457PS_JUD030909 _____ *

**AN ACT CONCERNING THE REGULATION OF FIREARMS AND THE
LICENSING OF BAIL ENFORCEMENT AGENTS, PROFESSIONAL
BONDSMEN AND SURETY BAIL BOND AGENTS.**

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

1 Section 1. Section 29-152m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) No professional bondsman licensed under chapter 533, surety
4 bail bond agent licensed under chapter 700f or bail enforcement agent
5 licensed under sections 29-152f to 29-152i, inclusive, shall carry a
6 pistol, revolver or other firearm while engaging in the business of a
7 professional bondsman, surety bail bond agent or bail enforcement
8 agent, as the case may be, or while traveling to or from such business
9 unless such bondsman or agent obtains a special permit from the
10 Commissioner of Public Safety in accordance with the provisions of
11 subsection (b) of this section. The permit required under this section
12 shall be in addition to the permit requirement imposed under section
13 29-28.

14 (b) The Commissioner of Public Safety may grant to any
15 professional bondsman licensed under chapter 533, surety bail bond
16 agent licensed under chapter 700f or bail enforcement agent licensed
17 under sections 29-152f to 29-152i, inclusive, a permit to carry a pistol or
18 revolver or other firearm while engaging in the business of

19 professional bondsman, surety bail bond agent or bail enforcement
20 agent, as the case may be, or while traveling to or from such business,
21 provided that such bondsman or agent has proven to the satisfaction of
22 the commissioner that such bondsman or agent has successfully
23 completed a course, approved by the commissioner, of training in the
24 safety and use of firearms. [The commissioner shall adopt regulations
25 in accordance with the provisions of chapter 54 concerning the
26 approval of schools, institutions or organizations offering such
27 courses, requirements for instructors and the required number of
28 hours and content of such courses.]

29 (c) Application for a permit issued pursuant to this section shall be
30 made on forms provided by the commissioner and shall be
31 accompanied by a thirty-one-dollar fee. Such permit shall have an
32 expiration date that coincides with that of the state permit to carry a
33 pistol or revolver issued pursuant to section 29-28. A permit issued
34 pursuant to this section shall be renewable every five years with a
35 renewal fee of thirty-one dollars. Each such bondsman or agent shall
36 successfully complete a firearms safety refresher course approved by
37 the commissioner each year as a condition of such renewal.

38 (d) The commissioner shall send, by first class mail, a notice of
39 expiration of the bail enforcement agent firearms permit issued
40 pursuant to this section, together with a notice of expiration of the
41 permit to carry a pistol or revolver issued pursuant to section 29-28, in
42 one combined form. The commissioner shall send such combined
43 notice to the holder of the permits not later than ninety days before the
44 date of the expiration of both permits, and shall enclose a form for
45 renewal of the permits. A bail enforcement agent firearms permit
46 issued pursuant to this section shall be valid for a period of ninety
47 days after the expiration date, except this provision shall not apply if
48 the permit to carry a pistol or revolver has been revoked or revocation
49 is pending pursuant to section 29-32, in which case the bail
50 enforcement agent firearms permit shall also be revoked.

51 (e) The commissioner shall adopt regulations in accordance with the

52 provisions of chapter 54 concerning the approval of schools,
53 institutions or organizations offering such courses, requirements for
54 instructors and the required number of hours and content of such
55 courses.

56 Sec. 2. Section 53-206c of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective October 1, 2009*):

58 (a) For the purposes of this section:

59 (1) "Facsimile of a firearm" means (A) any nonfunctional imitation of
60 an original firearm which was manufactured, designed and produced
61 since 1898, or (B) any nonfunctional representation of a firearm other
62 than an imitation of an original firearm, provided such representation
63 could reasonably be perceived to be a real firearm. Such term does not
64 include any look-a-like, nonfiring, collector replica of an antique
65 firearm developed prior to 1898, or traditional BB. or pellet-firing air
66 gun that expels a metallic or paint-contained projectile through the
67 force of air pressure.

68 (2) "Firearm" means firearm as defined in section 53a-3.

69 (b) No person shall give, offer for sale or sell any facsimile of a
70 firearm. The provisions of this subsection shall not apply to any
71 facsimile of a firearm, which, because of its distinct color, exaggerated
72 size or other design feature, cannot reasonably be perceived to be a
73 real firearm.

74 (c) Except in self defense, no person shall carry, draw, exhibit or
75 brandish a facsimile of a firearm or simulate a firearm in a threatening
76 manner, with intent to frighten, vex or harass another person.

77 (d) No person shall draw, exhibit or brandish a facsimile of a
78 firearm or simulate a firearm in the presence of a peace officer,
79 firefighter, emergency medical technician or paramedic engaged in the
80 performance of his duties knowing or having reason to know that such
81 peace officer, firefighter, emergency medical technician or paramedic

82 is engaged in the performance of his duties, with intent to impede such
83 person in the performance of such duties.

84 (e) The provisions of this section shall not apply to any person
85 participating in a state-certified qualified production, as defined in
86 section 12-217jj.

87 ~~[(e)]~~ (f) Any person who violates any provision of this section shall
88 be guilty of a class B misdemeanor.

89 Sec. 3. Section 53-206d of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2009*):

91 (a) (1) No person shall carry a pistol, revolver, machine gun,
92 shotgun, rifle or other firearm, which is loaded and from which a shot
93 may be discharged, upon his person (A) while under the influence of
94 intoxicating liquor or any drug, or both, or (B) while the ratio of
95 alcohol in the blood of such person is ~~[ten-hundredths]~~ eight-
96 hundredths of one per cent or more of alcohol, by weight.

97 (2) Any person who violates any provision of this subsection shall
98 be guilty of a class B misdemeanor.

99 (b) (1) No person shall engage in hunting while under the influence
100 of intoxicating liquor or any drug, or both, or while impaired by the
101 consumption of intoxicating liquor. A person shall be deemed under
102 the influence when at the time of the alleged offense the person (A) is
103 under the influence of intoxicating liquor or any drug, or both, or (B)
104 has an elevated blood alcohol content. For the purposes of this
105 subdivision, "elevated blood alcohol content" means (i) a ratio of
106 alcohol in the blood of such person that is ~~[ten-hundredths]~~ eight-
107 hundredths of one per cent or more of alcohol, by weight, or (ii) if such
108 person has been convicted of a violation of this subsection, a ratio of
109 alcohol in the blood of such person that is seven-hundredths of one per
110 cent or more of alcohol, by weight. A person shall be deemed impaired
111 when at the time of the alleged offense the ratio of alcohol in the blood
112 of such person was more than seven-hundredths of one per cent of

113 alcohol, by weight, but less than [ten-hundredths] eight-hundredths of
114 one per cent of alcohol, by weight.

115 (2) Any person who violates any provision of this subsection shall
116 be guilty of a class A misdemeanor.

117 (3) Enforcement officers of the Department of Environmental
118 Protection are empowered to arrest for a violation of the provisions of
119 this subsection.

120 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) (1) On and after October
121 1, 2009, no person may be an instructor for the course in the criminal
122 justice system required pursuant to section 29-152f of the general
123 statutes or the course in the safety and use of firearms required
124 pursuant to subsection (b) of section 29-152m of the general statutes, as
125 amended by this act, without the approval of the commissioner.
126 Application for such approval shall be submitted on a form prescribed
127 by the commissioner. Such application shall be made under oath and
128 shall contain the following: (A) The applicant's name, address, and
129 date and place of birth; (B) the applicant's employment for the five
130 years prior to the date of application; (C) the applicant's education or
131 training in the subject matter of the courses required by section 29-
132 152f of the general statutes or subsection (b) of section 29-152m of the
133 general statutes, as amended by this act, as applicable; (D) any
134 convictions for violations of the law; and (E) such other information as
135 the commissioner may require by any regulation adopted pursuant to
136 this section to investigate the character, competency and integrity of
137 the applicant.

138 (2) No person shall be approved as an instructor who (A) has been
139 convicted of a felony or any misdemeanor pursuant to section 21a-279,
140 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-
141 176, 53a-178 or 53a-181d of the general statutes, (B) has been denied a
142 license as a professional bondsman, surety bail bond agent or bail
143 enforcement agent, or (C) has had said license revoked or suspended.

144 (3) If a course conducted by an instructor pursuant to section 29-

145 152f of the general statutes or subsection (b) of section 29-152m of the
146 general statutes, as amended by this act, is approved by the
147 commissioner on or before September 30, 2009, the instructor of such
148 course shall have until April 1, 2010, to apply for approval as an
149 instructor in accordance with subdivision (1) of this subsection.

150 (b) Upon being satisfied, after investigation, that the applicant is a
151 suitable person to receive approval as an instructor and that the
152 applicant satisfies the requirements of subsection (a) of this section, the
153 Commissioner of Public Safety may issue an approval to such
154 applicant to do business in this state as an approved instructor. The fee
155 for such approval shall be twenty dollars. The term for such approval
156 shall not exceed two years. Not later than two business days after any
157 change of address, any person approved as an instructor under this
158 section shall notify the commissioner of such change and such
159 notification shall include both the old and new addresses.

160 (c) Each person approved as an instructor under this section may
161 apply for renewal of such approval on a form provided by the
162 Commissioner of Public Safety that provides for the disclosure of such
163 information as said commissioner requires to determine whether such
164 instructor's suitability to continue as an instructor has changed since
165 the issuance of the prior approval. The fee for such renewal shall be
166 twenty dollars.

167 (d) The commissioner may adopt regulations, in accordance with
168 the provisions of chapter 54 of the general statutes, to implement the
169 provisions of this section.

170 (e) Any person that violates any provision of this section shall be
171 fined seventy-five dollars for each offense. Each distinct violation of
172 this section shall be a separate offense and, in the case of a continuing
173 violation, each day thereof shall be deemed a separate offense.

174 Sec. 5. (NEW) (*Effective October 1, 2009*) The Commissioner of Public
175 Safety may suspend, revoke or refuse to renew the approval of any
176 instructor pursuant to section 4 of this act, provided notice shall have

177 been given to the instructor to appear before the commissioner to show
178 cause why the approval should not be suspended, revoked or refused
179 renewal, upon a finding by the commissioner that the instructor: (1)
180 Has violated any of the terms or provisions of section 4 of this act; (2)
181 has practiced fraud, deceit or misrepresentation; (3) has made a
182 material misstatement in the application for issuance or renewal of
183 such approval; (4) has demonstrated incompetence or
184 untrustworthiness in the conduct of the instructor's courses; (5) has
185 been convicted of a felony, a misdemeanor specified in section 29-152f
186 of the general statutes, or other crime affecting the instructor's honesty,
187 integrity or moral fitness; or (6) is unsuitable. Any party aggrieved by
188 an order of the commissioner under this section may appeal therefrom
189 in accordance with the provisions of section 4-183 of the general
190 statutes, except venue for such appeal shall be in the judicial district of
191 Hartford.

192 Sec. 6. Subsection (b) of section 51-164n of the general statutes is
193 repealed and the following is substituted in lieu thereof (*Effective*
194 *October 1, 2009*):

195 (b) Notwithstanding any provision of the general statutes, any
196 person who is alleged to have committed (1) a violation under the
197 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
198 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
199 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
200 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
201 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
202 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
203 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
204 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
205 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
206 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
207 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
208 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
209 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
210 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,

211 14-153 or 14-163b, a first violation as specified in subsection (f) of
212 section 14-164i, section 14-219 as specified in subsection (e) of said
213 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
214 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
215 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
216 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
217 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
218 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
219 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
220 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
221 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
222 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
223 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
224 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
225 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
226 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-
227 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
228 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
229 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
230 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
231 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-
232 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-
233 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)
234 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,
235 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
236 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449,
237 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-
238 65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54,
239 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131,
240 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294,
241 28-13, 29-6a, 29-109, 29-143o, 29-143z, section 4 of this act, 29-156a,
242 subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y, 29-
243 161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-
244 48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
245 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,

246 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of
 247 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
 248 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
 249 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
 250 section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk,
 251 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252,
 252 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344
 253 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a
 254 violation of any regulation adopted in accordance with the provisions
 255 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
 256 regulation or bylaw of any town, city or borough, except violations of
 257 building codes and the health code, for which the penalty exceeds
 258 ninety dollars but does not exceed two hundred fifty dollars, unless
 259 such town, city or borough has established a payment and hearing
 260 procedure for such violation pursuant to section 7-152c, shall follow
 261 the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	29-152m
Sec. 2	<i>October 1, 2009</i>	53-206c
Sec. 3	<i>October 1, 2009</i>	53-206d
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	51-164n(b)

PS

Joint Favorable Subst. C/R

JUD