



STATE OF CONNECTICUT
DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES
A Healthcare Service Agency

DANNEL P. MALLOY
GOVERNOR

PATRICIA A. REHMER, MSN
COMMISSIONER

Memorandum:

TO: Judiciary Committee

FROM: Patricia Rehmer, MSN
Commissioner

DATE: March , 2011

SUBJECT: H.B. 6490 An Act Establishing a Procedure for Relief from Certain Federal Firearms Prohibitions

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee we are writing to you today to support H.B. 6490 An Act Establishing a Procedure for Relief from Certain Federal Firearms Prohibitions

H.B. 6490 creates a mechanism for individuals to petition the probate court for relief from federal firearms prohibitions in place due to various mental health adjudications. This relief program is mandated by the National Instant Criminal Background Check System Improvement Amendments Act of 2007 (NIAA) signed into law by President Bush in January 2008. Failure to comply with this provision of the NIAA prevents Connecticut state agencies from being considered for various federal grant programs, and starting this year, places our state at risk of penalties to Byrne Grant funds we are already receiving.

This bill has been carefully prepared to place the burden on the petitioner to demonstrate by clear and convincing evidence that he or she is not likely to act in a manner that is dangerous to public safety and that granting relief from the federal firearms disability is not contrary to the public interest. Unless such relief is granted, this firearms disability is considered permanent by the FBI. The NIAA only requires a program in place for relief from the federal firearms disability; it does not require states to modify their own statutes restricting access to firearms. For example, this bill would not change the provisions of section 29-28 of our statutes, in which persons who are acquitted by reason of mental disease or defect may not be issued a gun permit within 20 years of their release from custody from that insanity acquittal, and persons who are committed to hospitals for psychiatric disabilities may not be issued a gun permit for 12 months after that commitment.

DMHAS submitted a grant application in 2010 for an upgrade to its computer system required for the purpose of submitting records to the NICS Index. That application was not considered because of the absence of a relief from federal firearms disability program in our statutes. We hope to pursue further grants in the future, because we are required to participate in the NICS Index under the provisions of PA 05-283, and our present system requires a mixture of paper and electronic records with no capacity for generating reports or performing audits.

We have been in constant contact with the federal government regarding the specific language in the legislation before you and we have learned that they are asking us to make a few changes. The Department of Public Safety has those changes and will present them to you. We ask that they be incorporated into this bill.

Thank you for your time and attention to this matter.