



STATE OF CONNECTICUT

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To: Senate Co-Chair Eric Coleman
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Senate Ranking Member John Kissel
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Honorable Members of the Judiciary Committee

From: Paul J. Knierim
Probate Court Administrator

Re: HB 6490, An Act Establishing a Procedure for Relief from Certain
Federal Firearms Prohibitions

Date: March 23, 2011

The Office of the Probate Court Administrator appreciates the opportunity to provide testimony on this bill. If the General Assembly determines that Connecticut should have a framework for relief from federal firearms prohibitions, we agree that the probate courts are an appropriate forum in which such matters would be heard. This office has worked in collaboration with representatives from the Department of Public Safety and the Judicial Branch to ensure that the procedures established under the bill are workable for the probate courts.

In 1993, Congress enacted the "Brady Handgun Violence Prevention Act," which established the national instant check system known as "NICS." Under that statute, persons who are determined to be incapacitated in conservatorship proceedings or who are involuntarily committed to a psychiatric facility are listed on the NICS database and are prohibited from purchasing firearms.

In 2008, Congress passed the National Instant Background Check System Improvement Act. The act calls upon the states to establish procedures under which individuals may seek the removal of their names from the NICS database. Federal grant money is contingent upon the implementation of such programs.

This bill would establish a procedure in the probate courts to review the petitions of persons seeking to be removed from the NCIS database. The Department of Public Safety would be a party to any such proceeding. A person may be removed from the NCIS database only if clear and convincing evidence is presented that the petitioner is not likely to act in a manner that is dangerous to public safety and that removal from the list is not contrary to the public interest.

We believe that the probate courts are the appropriate forum to handle such cases in Connecticut because the determinations in conservatorship and commitment proceedings are also within the jurisdiction of the probate courts. There can be no question that cases under the proposed procedure will give rise to challenging cases, but our courts are fully equipped to handle such sensitive matters.