

# STATE OF CONNECTICUT



## DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE COMMISSIONER

*Colonel Danny R. Stebbins  
Acting Commissioner*

*Lieutenant Edwin S. Henion  
Chief of Staff*

February 22, 2011

Rep. Stephen Dargan, Co-Chairman  
Sen. Joan Hartley, Co-Chairman  
Public Safety and Security Committee  
Legislative Office Building  
Hartford, CT 06106

### **HB 5488 AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR FIREFIGHTER APPLICATIONS**

**The Department of Public Safety opposes this bill.**

This proposed bill would provide that the organized police department of any city, town or borough may perform the criminal history records check required for any person applying to be a firefighter using the National Instant Criminal Background Check System (NICS).

The National Instant Criminal Background Check System (NICS) is a federal database that was created by what is popularly known as the Brady Bill. It requires a name and date of birth check for persons attempting to purchase a handgun or long gun. The NICS data base contains names of persons ineligible to purchase a gun because of a number of reasons that would be 'disqualifiers' including felony convictions or mental disability. Most importantly, for the purposes of this bill, it can only be used for the purposes designated under federal law: that is for checking eligibility of a person wishing to buy a gun. Using it for any other purpose is a felony.

There are a number of existing statutes that require criminal history background checks for non-criminal justice purposes. They typically involve suitability of a person seeking a job where they will be in contact with children, the elderly or some vulnerable population. They require fingerprint based checks and all of them require that they must be conducted in accordance with the provisions of CGS section 29-17a. There is a reason for that. The Federal Bureau of Investigation requires any state that wishes to access its criminal justice base for non-criminal justice purposes to adopt into law a statute meeting its procedural requirements.

In Connecticut, that statute is CGS 29-17a. The statute states that the background check shall be requested from the State Police Bureau of Identification. The Federal Bureau of Investigations requires each state to have a single repository for these criminal history background checks. The Department of Public Safety is designated as the single state repository in Connecticut. In addition to the legal requirements of these checks coming through the Department of Public Safety, it should also be pointed out that there is a special designated communication line, known as a T line that runs between DPS and the FBI for these purposes.

The Department of Public Safety makes every effort to carry out its statutory duties in regard to conducting these background checks with resources available.

It is not legal to use NICS for background checks and FBI fingerprint based checks must be conducted pursuant to CGS 29-17a and through the Department of Public Safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Colonel Danny R. Stebbins". The signature is fluid and cursive, with a large initial "D" and "S".

Colonel Danny R. Stebbins  
ACTING COMMISSIONER