



General Assembly

January Session, 2011

Raised Bill No. 6415

LCO No. 3455

03455_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

**AN ACT CONCERNING A PERMIT TO SELL AND TO CARRY
ELECTRONIC DEFENSE WEAPONS.**

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

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) No person shall
2 advertise, sell, deliver, or offer or expose for sale or delivery, or have in
3 such person's possession with intent to sell or deliver, any electronic
4 defense weapon, as defined in section 53a-3 of the general statutes,
5 without a permit issued in accordance with this section for the sale at
6 retail of electronic defense weapons within the jurisdiction of the
7 authority issuing such permit.

8 (b) No person shall carry upon his or her person any electronic
9 defense weapon without a permit issued pursuant to this section. The
10 holder of a permit to carry an electronic defense weapon issued
11 pursuant to this section shall carry such permit upon his or her person
12 while carrying such electronic defense weapon. The provisions of this
13 subsection shall not apply to the carrying of an electronic defense
14 weapon by any: (1) Parole officer or peace officer of this state or parole
15 officer or peace officer of any other state while engaged in the pursuit
16 of official duties; (2) federal marshal or federal law enforcement agent;

17 or (3) any member of the armed forces of the United States, as defined
18 in section 27-103 of the general statutes, or of this state, as defined in
19 section 27-2 of the general statutes, when on duty or going to or from
20 duty.

21 (c) (1) An applicant for a permit to sell or carry an electronic defense
22 weapon or for the renewal of such permit shall submit an application
23 to the chief of police or, where there is no chief of police, the warden of
24 the borough or chief executive officer of the municipality, as the case
25 may be, accompanied by a fee of one hundred twenty-five dollars.

26 (2) The issuing authority shall take the fingerprints of the applicant
27 for a permit or conduct any other method of positive identification
28 required by the State Police Bureau of Identification or the Federal
29 Bureau of Investigation to conduct criminal history records checks in
30 accordance with section 29-17a of the general statutes. The applicant
31 shall pay the fee for the national criminal history records check
32 charged by the Federal Bureau of Investigation for performing such
33 check, and such fee shall be in addition to the fee paid pursuant to
34 subdivision (1) of this subsection.

35 (3) The issuing authority shall notify the Commissioner of Public
36 Safety upon the receipt of an application for a permit under this
37 section and shall subsequently send a record documenting each such
38 permit granted to the Commissioner of Public Safety for purposes of
39 verifying that such permit applicant or holder is not disqualified from
40 holding such permit pursuant to subdivision (5) of subsection (d) of
41 this section.

42 (d) The issuing authority shall not issue a permit to carry or sell an
43 electronic defense weapon under this section if the applicant (1) has
44 failed to successfully complete a course in the safety and use of
45 electronic defense weapons, approved by the local authority issuing
46 such permit, (2) has been convicted of a felony or of a violation of
47 subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-62, 53a-63,
48 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d of the general statutes, (3)

49 has been convicted as delinquent for the commission of a serious
50 juvenile offense, as defined in section 46b-120 of the general statutes,
51 (4) has been discharged from custody within the preceding twenty
52 years after having been found not guilty of a crime by reason of mental
53 disease or defect pursuant to section 53a-13 of the general statutes, (5)
54 has been confined in a hospital for persons with psychiatric
55 disabilities, as defined in section 17a-495 of the general statutes, within
56 the preceding twelve months by order of a probate court, (6) is subject
57 to a restraining or protective order issued by a court in a case
58 involving the use, attempted use or threatened use of physical force
59 against another person, (7) is subject to a firearms seizure order issued
60 pursuant to subsection (d) of section 29-38c of the general statutes after
61 notice and hearing, (8) is prohibited from shipping, transporting,
62 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is
63 an alien illegally or unlawfully in the United States, or (10) is less than
64 twenty-one years of age. The issuing authority shall retain records of
65 each application, whether approved or denied, for five years after
66 receipt of such application.

67 (e) A person holding a permit issued pursuant to this section shall
68 notify the issuing authority not later than two business days after any
69 change of such person's address. The notification shall include the old
70 address and the new address of such person. Such permit shall be
71 valid for a period of five years and may be renewable.

72 (f) Notwithstanding the provisions of sections 1-210 and 1-211 of the
73 general statutes, the name and address of any person issued a permit
74 to sell at retail electronic defense weapons pursuant to subsection (a) of
75 this section or a permit to carry an electronic defense weapon pursuant
76 to subsection (b) of this section, shall be confidential and shall not be
77 disclosed, except such information may be disclosed to law
78 enforcement officials acting in the performance of their duties, and
79 such information may be disclosed to the Commissioner of Mental
80 Health and Addiction Services to carry out the provisions of
81 subsection (c) of section 17a-500 of the general statutes, as amended by

82 this act.

83 (g) The issuance of any permit to carry an electronic defense
84 weapon does not thereby authorize the possession or carrying of an
85 electronic defense weapon in any premises where the possession or
86 carrying of a weapon is otherwise prohibited by law or is prohibited
87 by the person who owns or exercises control over such premises.

88 Sec. 2. (NEW) (*Effective October 1, 2011*) The issuing authority may
89 revoke for cause a permit to sell or to carry an electronic defense
90 weapon issued in accordance with section 1 of this act and shall revoke
91 any such permit upon the holder's conviction of a felony or violation
92 specified in subsection (d) of section 1 of this act or upon the
93 occurrence of any event that would have disqualified the holder from
94 being issued the permit pursuant to section 1 of this act.

95 Sec. 3. Section 17a-500 of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective October 1, 2011*):

97 (a) Each court of probate shall keep a record of the cases relating to
98 persons with psychiatric disabilities coming before it under sections
99 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to
100 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576,
101 inclusive, and 17a-615 to 17a-618, inclusive, and the disposition of
102 them. [It] Each such court shall also keep on file the original
103 application and certificate of physicians required by said sections, or a
104 microfilm duplicate of such records in accordance with regulations
105 issued by the Probate Court Administrator. All records maintained in
106 the courts of probate under the provisions of said sections shall be
107 sealed and available only to the respondent or his or her counsel
108 unless the Court of Probate, after a hearing held with notice to the
109 respondent, determines such records should be disclosed for cause
110 shown.

111 (b) Notwithstanding the provisions of subsection (a) of this section,
112 the Commissioner of Mental Health and Addiction Services, [in

113 accordance with] pursuant to section 17a-499, shall maintain
114 information on commitment orders by a probate court and shall
115 provide such information to the Commissioner of Public Safety in
116 fulfillment of [his] the commissioner's obligations under sections 29-28
117 to 29-38, inclusive, as amended by this act, section 1 of this act and
118 section 53-202d, in such a manner as to report identifying information
119 on the commitment status including, but not limited to, name, address,
120 sex, date of birth and date of commitment, for a person who applies for
121 or holds a permit or certificate under [said] sections 29-28 to 29-38,
122 inclusive, as amended by this act, section 1 of this act and section 53-
123 202d. The Commissioner of Public Safety shall maintain as confidential
124 any such information provided [to him] and shall use such information
125 only for purposes of fulfilling [his] the commissioner's obligations
126 under sections 29-28 to 29-38, inclusive, as amended by this act, section
127 1 of this act and section 53-202d, except that nothing in this section
128 shall prohibit said commissioner from entering such information into
129 evidence at a hearing held in accordance with section 29-32b.

130 (c) (1) The Commissioner of Mental Health and Addiction Services
131 shall obtain from the Commissioner of Public Safety the status of any
132 firearm application, permit or certificate under sections 29-28 to 29-38,
133 inclusive, as amended by this act, and section 53-202d, or electronic
134 defense weapon application or permit under section 1 of this act, of
135 each person who is the subject of an order of commitment pursuant to
136 section 17a-499, in such a manner so as to only receive a report on the
137 electronic defense weapon application or permit, firearm application,
138 permit or certificate status of the person with respect to whom the
139 [inquiry is] commissioner made such inquiry.

140 (2) The Commissioner of Mental Health and Addiction Services
141 shall report to the Commissioner of Public Safety any commitment
142 status and identifying information for any person who is an applicant
143 for or holder of any permit or certificate under [said] sections 29-28 to
144 29-38, inclusive, as amended by this act, section 1 of this act and
145 section 53-202d.

146 (3) The Commissioner of Mental Health and Addiction Services
147 shall advise the hospital for psychiatric disabilities to which a person
148 has been committed of the status of a firearm or electronic defense
149 weapon application, permit or certificate of such person under sections
150 29-28 to 29-38, inclusive, as amended by this act, section 1 of this act
151 and section 53-202d, as reported by the Commissioner of Public Safety
152 for consideration by such hospital in any psychiatric treatment
153 procedures.

154 (4) The Commissioner of Mental Health and Addiction Services and
155 a hospital for psychiatric disabilities shall maintain as confidential any
156 information provided to said commissioner or such hospital
157 concerning the status of a firearm or electronic defense weapon
158 application, permit or certificate under sections 29-28 to 29-38,
159 inclusive, as amended by this act, section 1 of this act and section 53-
160 202d, of any person.

161 Sec. 4. Subsection (a) of section 29-38 of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective*
163 *October 1, 2011*):

164 (a) Any person who knowingly has, in any vehicle owned, operated
165 or occupied by such person, any weapon for which a proper permit
166 has not been issued as provided in section 1 of this act, any pistol or
167 revolver for which a proper permit has not been issued as provided in
168 section 29-28 or any machine gun which has not been registered as
169 required by section 53-202, shall be fined not more than one thousand
170 dollars or imprisoned not more than five years or both, and the
171 presence of any such weapon, pistol or revolver, or machine gun in
172 any vehicle shall be prima facie evidence of a violation of this section
173 by the owner, operator and each occupant thereof. The word
174 "weapon", as used in this section, means any BB. gun, any blackjack,
175 any metal or brass knuckles, any police baton or nightstick, any dirk
176 knife or switch knife, any knife having an automatic spring release
177 device by which a blade is released from the handle, having a blade of

178 over one and one-half inches in length, any stiletto, any knife the
 179 edged portion of the blade of which is four inches or more in length,
 180 any martial arts weapon or electronic defense weapon, as defined in
 181 section 53a-3, or any other dangerous or deadly weapon or instrument.

182 Sec. 5. Subsection (a) of section 53-206 of the general statutes is
 183 repealed and the following is substituted in lieu thereof (*Effective*
 184 *October 1, 2011*):

185 (a) Any person who carries upon his or her person any BB. gun,
 186 blackjack, metal or brass knuckles, or any dirk knife, or any switch
 187 knife, or any knife having an automatic spring release device by which
 188 a blade is released from the handle, having a blade of over one and
 189 one-half inches in length, or stiletto, or any knife the edged portion of
 190 the blade of which is four inches or more in length, any police baton or
 191 nightstick, or any martial arts weapon, [or electronic defense weapon,
 192 as defined in section 53a-3,] or any other dangerous or deadly weapon
 193 or instrument, shall be fined not more than five hundred dollars or
 194 imprisoned not more than three years, or both. Whenever any person
 195 is found guilty of a violation of this section, any weapon or other
 196 instrument within the provisions of this section, found upon the body
 197 of such person, shall be forfeited to the municipality [wherein] in
 198 which such person was apprehended, [notwithstanding any failure of]
 199 even if the judgment of conviction [to] does not expressly impose such
 200 forfeiture.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	17a-500
Sec. 4	<i>October 1, 2011</i>	29-38(a)
Sec. 5	<i>October 1, 2011</i>	53-206(a)

Statement of Purpose:

To allow the carrying of an electronic defense weapon pursuant to a permit to carry and to require a permit for the sale of electronic defense weapons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]