



General Assembly

**Substitute Bill No. 6415**

January Session, 2011

\* \_\_\_\_\_HB06415PS\_JUD031511\_\_\_\_\_\*

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

36 (B) The issuing authority shall not take the fingerprints of, conduct  
37 such other method of positive identification on, or conduct a criminal  
38 history records check of any applicant who has a permit to carry a  
39 pistol or revolver in this state.

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

47 (d) The issuing authority shall not issue a permit to carry or sell an  
48 electronic defense weapon under this section if the applicant (1) has  
49 failed to successfully complete a course in the safety and use of  
50 electronic defense weapons, approved by the local authority issuing  
51 such permit, (2) has been convicted of a felony or of a violation of

52 subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-62, 53a-63,  
53 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d of the general statutes, (3)  
54 has been convicted as delinquent for the commission of a serious  
55 juvenile offense, as defined in section 46b-120 of the general statutes,  
56 (4) has been discharged from custody within the preceding twenty  
57 years after having been found not guilty of a crime by reason of mental  
58 disease or defect pursuant to section 53a-13 of the general statutes, (5)  
59 has been confined in a hospital for persons with psychiatric  
60 disabilities, as defined in section 17a-495 of the general statutes, within  
61 the preceding twelve months by order of a probate court, (6) is subject  
62 to a restraining or protective order issued by a court in a case  
63 involving the use, attempted use or threatened use of physical force  
64 against another person, (7) is subject to a firearms seizure order issued  
65 pursuant to subsection (d) of section 29-38c of the general statutes after  
66 notice and hearing, (8) is prohibited from shipping, transporting,  
67 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is  
68 an alien illegally or unlawfully in the United States, or (10) is less than  
69 twenty-one years of age. The issuing authority shall retain records of  
70 each application, whether approved or denied, for five years after  
71 receipt of such application.

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

77 (f) Notwithstanding the provisions of sections 1-210 and 1-211 of the  
78 general statutes, the name and address of any person issued a permit  
79 to sell at retail electronic defense weapons pursuant to subsection (a) of  
80 this section or a permit to carry an electronic defense weapon pursuant  
81 to subsection (b) of this section, shall be confidential and shall not be  
82 disclosed, except such information may be disclosed (1) to law  
83 enforcement officials acting in the performance of their duties, and (2)  
84 to the Commissioner of Mental Health and Addiction Services to carry  
85 out the provisions of subsection (c) of section 17a-500 of the general

86 statutes, as amended by this act.

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

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

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

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

115 (b) Notwithstanding the provisions of subsection (a) of this section,  
116 the Commissioner of Mental Health and Addiction Services, [in  
117 accordance with] pursuant to section 17a-499, shall maintain

118 information on commitment orders by a probate court and shall  
119 provide such information to the Commissioner of Public Safety in  
120 fulfillment of [his] the commissioner's obligations under sections 29-28  
121 to 29-38, inclusive, as amended by this act, section 1 of this act and  
122 section 53-202d, in such a manner as to report identifying information  
123 on the commitment status including, but not limited to, name, address,  
124 sex, date of birth and date of commitment, for a person who applies for  
125 or holds a permit or certificate under [said] sections 29-28 to 29-38,  
126 inclusive, as amended by this act, section 1 of this act and section 53-  
127 202d. The Commissioner of Public Safety shall maintain as confidential  
128 any such information provided [to him] and shall use such information  
129 only for purposes of fulfilling [his] the commissioner's obligations  
130 under sections 29-28 to 29-38, inclusive, as amended by this act, section  
131 1 of this act and section 53-202d, except that nothing in this section  
132 shall prohibit said commissioner from entering such information into  
133 evidence at a hearing held in accordance with section 29-32b.

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

144 (2) The Commissioner of Mental Health and Addiction Services  
145 shall report to the Commissioner of Public Safety any commitment  
146 status and identifying information for any person who is an applicant  
147 for or holder of any permit or certificate under [said] sections 29-28 to  
148 29-38, inclusive, as amended by this act, section 1 of this act and  
149 section 53-202d.

150 (3) The Commissioner of Mental Health and Addiction Services

151 shall advise the hospital for psychiatric disabilities to which a person  
152 has been committed of the status of a firearm or electronic defense  
153 weapon application, permit or certificate of such person under sections  
154 29-28 to 29-38, inclusive, as amended by this act, section 1 of this act  
155 and section 53-202d, as reported by the Commissioner of Public Safety  
156 for consideration by such hospital in any psychiatric treatment  
157 procedures.

158 (4) The Commissioner of Mental Health and Addiction Services and  
159 a hospital for psychiatric disabilities shall maintain as confidential any  
160 information provided to said commissioner or such hospital  
161 concerning the status of a firearm or electronic defense weapon  
162 application, permit or certificate under sections 29-28 to 29-38,  
163 inclusive, as amended by this act, section 1 of this act and section 53-  
164 202d, of any person.

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

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

184 is four inches or more in length, any martial arts weapon, [or electronic  
 185 defense weapon, as defined in section 53a-3,] or any other dangerous  
 186 or deadly weapon or instrument.

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

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

206 Sec. 6. (NEW) (*Effective October 1, 2011*) Not later than October 1,  
 207 2011, the Division of State Police within the Department of Public  
 208 Safety and each municipal police department in the state shall develop  
 209 a written policy or update its current policy with respect to electronic  
 210 defense weapons. The Division of State Police and each municipal  
 211 police department shall inform its police officers of such policy not  
 212 later than October 1, 2011.

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)
Sec. 6	<i>October 1, 2011</i>	New section

**PS**

*Joint Favorable Subst. C/R*

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