



# Senate

General Assembly

February Session, 2012

**File No. 159**

Senate Bill No. 64

*Senate, March 29, 2012*

The Committee on Public Safety and Security reported through SEN. HARTLEY of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## ***AN ACT CONCERNING REGULATION OF FIREARMS.***

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

1 Section 1. Section 53-206d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) (1) No person shall carry a pistol, revolver, machine gun,  
4 shotgun, rifle or other firearm, which is loaded and from which a shot  
5 may be discharged, upon his person (A) while under the influence of  
6 intoxicating liquor or any drug, or both, or (B) while the ratio of  
7 alcohol in the blood of such person is [~~ten-hundredths~~] eight-  
8 hundredths of one per cent or more of alcohol, by weight.

9 (2) Any person who violates any provision of this subsection shall  
10 be guilty of a class B misdemeanor.

11 (b) (1) No person shall engage in hunting while under the influence  
12 of intoxicating liquor or any drug, or both, or while impaired by the  
13 consumption of intoxicating liquor. A person shall be deemed under

14 the influence when at the time of the alleged offense the person (A) is  
15 under the influence of intoxicating liquor or any drug, or both, or (B)  
16 has an elevated blood alcohol content. For the purposes of this  
17 subdivision, "elevated blood alcohol content" means (i) a ratio of  
18 alcohol in the blood of such person that is [ten-hundredths] eight-  
19 hundredths of one per cent or more of alcohol, by weight, or (ii) if such  
20 person has been convicted of a violation of this subsection, a ratio of  
21 alcohol in the blood of such person that is seven-hundredths of one per  
22 cent or more of alcohol, by weight. A person shall be deemed impaired  
23 when at the time of the alleged offense the ratio of alcohol in the blood  
24 of such person was more than seven-hundredths of one per cent of  
25 alcohol, by weight, but less than [ten-hundredths] eight-hundredths of  
26 one per cent of alcohol, by weight.

27 (2) Any person who violates any provision of this subsection shall  
28 be guilty of a class A misdemeanor.

29 (3) Enforcement officers of the Department of Energy and  
30 Environmental Protection are empowered to arrest for a violation of  
31 the provisions of this subsection.

32 Sec. 2. Subsection (e) of section 29-33 of the general statutes is  
33 repealed and the following is substituted in lieu thereof (*Effective*  
34 *October 1, 2012*):

35 (e) Upon the sale, delivery or other transfer of any pistol or revolver,  
36 the person making the purchase or to whom the same is delivered or  
37 transferred shall sign a receipt for such pistol or revolver, which shall  
38 contain the name, [and] address and date and place of birth of such  
39 person, the date of sale, the caliber, make, model and manufacturer's  
40 number and a general description of such pistol or revolver, the  
41 identification number of such person's permit to carry pistols or  
42 revolvers, issued pursuant to subsection (b) of section 29-28, permit to  
43 sell at retail pistols or revolvers, issued pursuant to subsection (a) of  
44 said section, or eligibility certificate for a pistol or revolver, issued  
45 pursuant to section 29-36f, if any, and the authorization number  
46 designated for the transfer by the Department of Emergency Services

47 and Public Protection. The person, firm or corporation selling such  
48 pistol or revolver or making delivery or transfer thereof shall give one  
49 copy of the receipt to the person making the purchase of such pistol or  
50 revolver or to whom the same is delivered or transferred, shall retain  
51 one copy of the receipt for at least five years, and shall send, by first  
52 class mail, or electronically transmit, within forty-eight hours of such  
53 sale, delivery or other transfer, one copy of the receipt to the  
54 Commissioner of Emergency Services and Public Protection and one  
55 copy of the receipt to the chief of police or, where there is no chief of  
56 police, the warden of the borough or the [first selectman] chief  
57 executive officer of the town, as the case may be, of the town in which  
58 the transferee resides.

59 Sec. 3. Subsection (b) of section 29-37a of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective*  
61 *October 1, 2012*):

62 (b) Upon the delivery of the firearm, the purchaser shall sign in  
63 triplicate a receipt for such firearm, which shall contain the name,  
64 [and] address and date and place of birth of such purchaser, the date of  
65 sale [,] and the caliber, make, model and manufacturer's number and a  
66 general description [thereof] of the firearm. Not later than twenty-four  
67 hours after such delivery, the vendor shall send by first class mail or  
68 electronically transfer one receipt to the Commissioner of Emergency  
69 Services and Public Protection and one receipt to the chief of police or,  
70 where there is no chief of police, the warden of the borough or the  
71 [first selectman,] chief executive officer of the town in which the  
72 purchaser resides, and shall retain one receipt, together with the  
73 original application, for at least five years. The waiting period specified  
74 in subsection (a) of this section during which delivery may not be  
75 made and the provisions of this subsection shall not apply to any  
76 federal marshal, parole officer or peace officer, or to the delivery at  
77 retail of (1) any firearm to a holder of a valid state permit to carry a  
78 pistol or revolver issued under the provisions of section 29-28 or a  
79 valid eligibility certificate issued under the provisions of section 29-36f,  
80 (2) any firearm to an active member of the armed forces of the United

81 States or of any reserve component thereof, (3) any firearm to a holder  
82 of a valid hunting license issued pursuant to chapter 490, or (4) antique  
83 firearms. For the purposes of this section, "antique firearm" means any  
84 firearm which was manufactured in or before 1898 and any replica of  
85 such firearm, provided such replica is not designed or redesigned for  
86 using rimfire or conventional centerfire fixed ammunition except  
87 rimfire or conventional centerfire fixed ammunition which is no longer  
88 manufactured in the United States and not readily available in the  
89 ordinary channel of commercial trade.

90 Sec. 4. Section 29-36g of the general statutes is repealed and the  
91 following is substituted in lieu thereof (*Effective October 1, 2012*):

92 (a) Requests for eligibility certificates under section 29-36f shall be  
93 submitted to the Commissioner of Emergency Services and Public  
94 Protection on application forms prescribed by the commissioner. No  
95 eligibility certificate for a pistol or revolver shall be issued under the  
96 provisions of said section unless the applicant for such certificate gives  
97 to the Commissioner of Emergency Services and Public Protection,  
98 upon the commissioner's request, full information concerning the  
99 applicant's criminal record and relevant information concerning the  
100 applicant's mental health history. The commissioner shall require each  
101 applicant to submit to state and national criminal history records  
102 checks in accordance with section 29-17a. The commissioner shall take  
103 a full description of such applicant. The commissioner shall take the  
104 fingerprints of such applicant or conduct any other method of positive  
105 identification required by the State Police Bureau of Identification or  
106 the Federal Bureau of Investigation. The commissioner shall record the  
107 date the fingerprints were taken in the applicant's file and shall  
108 conduct criminal history records checks in accordance with section 29-  
109 17a.

110 (b) The commissioner shall, [within] not later than sixty days [of]  
111 after receipt of the national criminal history records check from the  
112 Federal Bureau of Investigation, either approve the application and  
113 issue the eligibility certificate or deny the application and notify the

114 applicant of the reason for such denial in writing.

115 [(b) (1) With respect to any application for an eligibility certificate  
116 filed with the Commissioner of Emergency Services and Public  
117 Protection on or before July 1, 1995, the commissioner shall, not later  
118 than October 1, 1995, (A) approve the application and issue the  
119 eligibility certificate, (B) issue a temporary eligibility certificate, or (C)  
120 deny the application and notify the applicant of the reason for such  
121 denial in writing.

122 (2) With respect to any application for an eligibility certificate filed  
123 with the Commissioner of Emergency Services and Public Protection  
124 after July 1, 1995, the commissioner shall, within ninety days, (A)  
125 approve the application and issue the eligibility certificate, (B) issue a  
126 temporary eligibility certificate, or (C) deny the application and notify  
127 the applicant of the reason for such denial in writing.

128 (3) A temporary certificate issued under this subsection shall be  
129 valid until such time as the commissioner either approves or denies the  
130 application.]

131 (c) An eligibility certificate for a pistol or revolver shall be of such  
132 form and content as the commissioner may prescribe, shall be signed  
133 by the certificate holder and shall contain an identification number, the  
134 name, address, place and date of birth, height, weight and eye color of  
135 the certificate holder and a full-face photograph of the certificate  
136 holder.

137 (d) A person holding an eligibility certificate issued by the  
138 commissioner shall notify the commissioner [within] not later than two  
139 business days [of] after any change of [his] such person's address. The  
140 notification shall include [his] both the old address and [his] the new  
141 address of such person.

142 (e) Notwithstanding the provisions of sections 1-210 and 1-211, the  
143 name and address of a person issued an eligibility certificate for a  
144 pistol or revolver under the provisions of section 29-36f shall be

145 confidential and shall not be disclosed, except (1) such information  
146 may be disclosed to law enforcement officials acting in the  
147 performance of their duties, (2) the Commissioner of Emergency  
148 Services and Public Protection may disclose such information to the  
149 extent necessary to comply with a request made pursuant to section  
150 29-33, as amended by this act, for verification that such certificate is  
151 still valid and has not been suspended or revoked, and (3) such  
152 information may be disclosed to the Commissioner of Mental Health  
153 and Addiction Services to carry out the provisions of subsection (c) of  
154 section 17a-500.

155 (f) An eligibility certificate for a pistol or revolver shall not  
156 authorize the holder thereof to carry a pistol or revolver upon his  
157 person in circumstances for which a permit to carry a pistol or revolver  
158 issued pursuant to subsection (b) of section 29-28 is required under  
159 section 29-35.

160 Sec. 5. Section 29-37g of the general statutes is repealed and the  
161 following is substituted in lieu thereof (*Effective October 1, 2012*):

162 (a) For the purposes of this section, (1) "gun show" means any event  
163 (A) at which fifty or more firearms are offered or exhibited for sale,  
164 transfer or exchange to the public, and (B) at which two or more  
165 persons are exhibiting one or more firearms for sale, transfer or  
166 exchange to the public; and (2) "gun show promoter" means any  
167 person who organizes, plans, promotes or operates a gun show.

168 (b) Not later than thirty days before commencement of a gun show,  
169 the gun show promoter shall notify the Commissioner of Emergency  
170 Services and Public Protection and the chief of police or, where there is  
171 no chief of police, the warden of the borough or the [first selectman]  
172 chief executive officer of the town in which the gun show is to take  
173 place of the date, time, duration and location of the gun show.

174 (c) No person, firm or corporation shall sell, deliver or otherwise  
175 transfer a firearm at a gun show until such person, firm or corporation  
176 has complied with the provisions of section 29-36l.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2012</i>	53-206d
Sec. 2	<i>October 1, 2012</i>	29-33(e)
Sec. 3	<i>October 1, 2012</i>	29-37a(b)
Sec. 4	<i>October 1, 2012</i>	29-36g
Sec. 5	<i>October 1, 2012</i>	29-37g

**PS**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

There is no state or municipal fiscal impact associated with lowering the blood alcohol content from .10 to .08 for carrying a firearm or hunting under the influence. While it is possible that the lower legal blood alcohol content could result in increased violations, there have been no fines and fees associated with violations of this statute since 2001.

Additionally, there is no fiscal impact associated with changes to information required on the receipt for handgun delivery or requiring gun show organizers to notify the Department of Emergency Services and Public Protection of gun shows.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

*Sources: Judicial Department Offenses and Revenue Database*

**OLR Bill Analysis****SB 64*****AN ACT CONCERNING REGULATION OF FIREARMS.*****SUMMARY:**

This bill:

1. lowers, from .10 to .08, the blood alcohol content (BAC) level triggering presumptive violation of the law's prohibition on hunting, or carrying a loaded firearm, while intoxicated;
2. requires gun show promoters to notify the Department of Emergency Services and Public Protection (DESPP) commissioner when they plan to hold a gun show;
3. adds a buyer's date and place of birth to the required information on a handgun (pistol or revolver) receipt;
4. eliminates the (a) 90-day deadline within which the DESPP commissioner must process applications for an eligibility certificate to possess handguns and (b) temporary eligibility certificate;
5. replaces the first selectman with chief executive officer for purposes of certain statutes pertaining to firearm transactions, thereby conforming the law to practice in towns that do not have a first selectman; and
6. makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2012

**HUNTING OR CARRYING A FIREARM WHILE DRUNK**

The bill lowers, from .10 to .08, the presumptive BAC level for the

offenses of (1) carrying a loaded firearm while intoxicated and (2) hunting while intoxicated, thereby conforming these provisions to laws establishing .08 as the presumptive BAC level for operating motor vehicles under the influence. Under existing law, carrying a loaded firearm while intoxicated is a class B misdemeanor, punishable by a prison term of up to six months, a fine of up to \$1,000, or both. Hunting while intoxicated is a class A misdemeanor, punishable by a prison term of up to one year, a fine of up to \$ 2,000, or both. By law, a person can also be convicted of these crimes on evidence of intoxication other than BAC level.

### **GUN SHOW NOTIFICATIONS**

Current law requires gun show promoters, at least 30 days before putting on a gun show, to notify the host town's police chief or, where there is no police chief, the first selectman or borough warden of the show date, time, duration, and location. The bill requires them to notify the DESPP commissioner as well.

### **RECEIPT FOR GUN PURCHASE**

By law, handgun sales and transfers must conform to specified procedures in law (CGS § 29-33). When anyone buys a handgun, he or she must sign a receipt (DPS-3-C) for it. The receipt must contain his or her name and address and the (1) make, model, serial number, and caliber, and general description of the firearm; (2) transfer date and authorization number; and (3) identification number of eligibility certificate or permit to carry or sell handguns. The bill requires the receipt to contain the buyer's date and place of birth as well.

### **ELIGIBILITY CERTIFICATE**

Under existing law, anyone wanting to possess a handgun must obtain a DESPP eligibility certificate or gun permit. Under current law, the commissioner has three options with regard to an application for an eligibility certificate. He has 90 days to (1) issue the certificate, (2) issue a temporary certificate, or (3) deny the application and notify the applicant of the reason in writing. The bill eliminates the temporary certificate and the 90-day deadline for acting on applications. Under

another provision, which the bill does not change, the commissioner must approve or deny an application not later than 60 days after he receives the results of the national criminal history check, required for all applicants. This potentially extends the time that the commissioner has to act on applications beyond 90 days.

## **BACKGROUND**

### ***Related Bills***

SB 196 (File 33), requires gun dealers to (1) keep their handgun sale records in a form prescribed by federal law, rather than by the DESPP commissioner, and (2) make the records available for inspection at the request of any sworn state police officer or investigator on the State-wide Firearms Trafficking Task Force.

HB 5245, reported favorably by the Public Safety and Security Committee on March 15, specifies information and documents that an applicant for a temporary permit to carry handguns must submit to the local permit-issuing authority.

HB 5246, reported favorably by the Public Safety and Security Committee on March 15, allows a gun dealer to conduct handgun transactions at gun shows under his or her gun dealer permit, thereby generally conforming state law to federal law.

## **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/15/2012)