



General Assembly

Amendment

February Session, 2012

LCO No. 3667

SB0006403667SR0

Offered by:
SEN. FASANO, 34th Dist.

To: Senate Bill No. 64

File No. 159

Cal. No. 167

"AN ACT CONCERNING REGULATION OF FIREARMS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 29-32b of the 2012 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2012*):

6 (a) There shall be established a Board of Firearms Permit Examiners,
7 within the Office of Governmental Accountability established under
8 section 1-300, to be comprised of seven members appointed by the
9 Governor to serve during his term and until their successors are
10 appointed and qualify. With the exception of public members, the
11 members shall be appointed from nominees of the Commissioner of
12 Emergency Services and Public Protection, the Connecticut State
13 Association of Chiefs of Police, the Commissioner of Energy and
14 Environmental Protection, The Connecticut State Rifle and Revolver
15 Association, Inc., and Ye Connecticut Gun Guild, Inc., and each of said

16 organizations shall be entitled to representation on the board. At least
17 one member of the board shall be a lawyer licensed to practice in this
18 state, who shall act as chairman of the board during the hearing of
19 appeals brought under this section.

20 (b) Any person aggrieved by any refusal to issue or renew a permit
21 or certificate under the provisions of section 29-28 or 29-36f, or by any
22 limitation or revocation of a permit or certificate issued under any of
23 said sections, or by a refusal or failure of any issuing authority to
24 furnish an application as provided in section 29-28a, may, within
25 ninety days after receipt of notice of such refusal, limitation or
26 revocation, or refusal or failure to supply an application as provided in
27 section 29-28a, and without prejudice to any other course of action
28 open to such person in law or in equity, appeal to the board. On such
29 appeal the board shall inquire into and determine the facts, de novo,
30 and unless it finds that such a refusal, limitation or revocation, or such
31 refusal or failure to supply an application, as the case may be, would
32 be for just and proper cause, it shall order such permit or certificate to
33 be issued, renewed or restored, or the limitation removed or modified,
34 as the case may be. If the refusal was for failure to document
35 compliance with local zoning requirements, under subsection (a) of
36 section 29-28, the board shall not issue a permit.

37 (c) Any person aggrieved by the action of an issuing authority may
38 file with the board a clear and concise statement of the facts on which
39 he relies for relief, and shall state the relief sought by the appellant.
40 The receipt by the board of the appellant's statement shall initiate the
41 appeals process, and no appeal may be rejected for mere lack of
42 formality. The board shall, within ten days next following receipt of
43 the appeal, set a time and place at which the appeal shall be heard. The
44 board, while such appeal is pending, may request such additional
45 information from the appellant and from the issuing authority as it
46 deems reasonably necessary to conduct a fair and impartial hearing,
47 and shall require of the issuing authority from whose decision or
48 action the appeal is being sought a statement in writing setting forth

49 the reasons for such failure, refusal, revocation or limitation. Failure or
50 refusal of the issuing authority to furnish such written statement, or to
51 supply the appellant with an application, at least ten days prior to the
52 hearing shall be cause for the board to grant the relief sought,
53 forthwith and without further hearing.

54 (d) The board shall hold hearings at such times and places as it in its
55 discretion reasonably determines to be required, but not less than once
56 every [ninety] sixty days, and shall give reasonable notice of the time
57 and place of the hearing to the appellant and to the issuing authority.
58 The board shall have the power to compel attendance at its sessions.

59 (e) All appeals hearings shall be conducted in an informal manner,
60 but otherwise according to the rules of evidence, and all witnesses
61 shall be sworn by the chairman. The board shall cause a verbatim
62 transcript of the hearing to be kept in such manner as it may
63 determine, and shall furnish such transcript to any party appealing its
64 decision as hereinafter set forth. The statements of witnesses made
65 under oath shall be privileged. Decisions of the board shall be by
66 majority vote and shall be communicated in writing to the appellant
67 and to the issuing authority within twenty days after the rendering of
68 the decision. If any issuing authority neglects or refuses to comply
69 with a decision of the board within ten days after notice of the board's
70 decision has been given to such issuing authority, the board shall
71 apply to the Superior Court for a writ of mandamus to enforce the
72 board's decision.

73 (f) Whenever a person who has transferred, delivered or
74 surrendered a firearm in accordance with section 29-36k on account of
75 an issuing authority's refusal to renew a permit or certificate under the
76 provisions of section 29-28 or 29-36f, or an issuing authority's
77 revocation of a permit or certificate issued under any of said sections,
78 appeals to the board under this section, the board shall place such
79 appeal on the agenda of the next scheduled hearing of the board. If the
80 board fails to render a decision on such appeal at that hearing, such
81 firearm shall be returned to such person.

82 [(f)] (g) Any person aggrieved by the decision of the board may
83 appeal therefrom in accordance with the provisions of section 4-183.

84 [(g)] (h) The board shall serve without compensation, but its
85 members shall be entitled to reasonable subsistence and travel
86 allowances in the performance of their duties."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2012</i>	29-32b