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## **OLR Bill Analysis**

### **sSB 710**

#### ***AN ACT CONCERNING PERMITS FOR GUN SHOWS.***

#### **SUMMARY:**

This bill establishes a \$200, five-year local long gun permit for federal firearm licensees (gun dealers) and anyone who sells more than 10 long guns (rifles or shotguns) at retail in a calendar year. Among other things, it requires permittees to document sales, maintain sale records for police inspection, and sell firearms only to people they know personally or who present evidence of their identity. The bill authorizes the commissioner to adopt implementing regulations governing the permit.

The bill replaces the current 30-day gun show notification requirement with a \$200 gun show permit, which the promoter must apply for at least 60 days before a show. The permit-issuing official must determine whether the promoter is suitable to promote gun shows. The permit is valid only for the show for which it issued.

The bill also makes some technical changes.

EFFECTIVE DATE: October 1, 2013

#### **PERMIT TO SELL LONG GUNS**

Under federal law, gun dealers must have a federal license to sell firearms. With minor exceptions, if they sell handguns, state law requires them to have a local permit as well, as must anyone who sells more than 10 handguns at retail in any calendar year. The permit is issued by the police chief (or where there is no police chief, the borough warden or first selectman).

The bill requires gun dealers and anyone who sells 10 or more long guns in any calendar year at retail to have a permit to sell long guns. (It

appears that this permit would be in addition to the permit to sell handguns, where applicable.) The permit is issued by the same local officials specified above. It may be in such form as may be prescribed by the emergency services and public protection (DESPP) commissioner for selling long guns in the official's jurisdiction.

To get the permit, the applicant must hold a valid eligibility certificate or gun permit and submit documentation to establish that local zoning requirements have been met for the location where the sales are to take place. The bill exempts from the zoning and documentation requirement anyone (1) selling or exchanging long guns for a hobby or to enhance a personal collection or (2) selling his or her personal collection.

Anyone aggrieved by an adverse action on a long gun permit or permit application may appeal to the Board of Firearms Permit Examiners, following existing procedures in statutes for appeals.

***Name and Address of Permit Holder Confidential***

Under the bill, the name and address of anyone issued a permit to sell long guns are confidential and may be disclosed only to (1) law enforcement officials, including U.S. Probation officers performing their duties and (2) the Department of Mental Health and Addiction Services (DMHAS) commissioner to carry out specified statutory duties pertaining to gun laws.

***Sale Restrictions***

The bill requires anyone issued a permit to sell long guns to:

1. sell them only in the room, store, or place described in the permit;
2. keep the certified permit or a copy of it exposed to view in the room, store, or place;
3. know the buyer or get proof of his or her identity;
4. record all sales in a book kept for that purpose, in such form as

prescribed by federal law; and

5. make the book available for inspection at the request of any state or local police officer or investigator assigned to the statewide firearms trafficking task force.

These same restrictions already apply to the sale of handguns under existing law.

### ***Probate Court Commitment Records***

As is currently the case for other gun credentials, the bill requires the DMHAS commissioner to make information on commitment orders and status available to the DESPP commissioner to carry out his obligations pertaining to a long gun sale permit. DESPP prescribes the permit application and must verify that anyone who applies to get or renew a permit has not been confined within the preceding 12 months in a psychiatric hospital by probate court order. If the DESPP commissioner determines that the person has been confined in a psychiatric hospital in the previous 12 months, he must report the status of the person's permit application to DMHAS. It requires the DMHAS commissioner to advise the psychiatric hospital to which a person has been committed of the status of a permit application, as reported by DESPP. The DMHAS commissioner and the hospital must keep confidential any such information they receive on the status of permit applications.

### ***Violations***

A violation of the provisions of the long gun sale permit is punishable by a fine of up to \$500, imprisonment for up to three years, or both, and any long gun found in the person's possession must be forfeited.

### ***Sale of Firearms at Public Auction***

Existing law authorizes the State Police to dispose of contraband firearms by selling them at public auction. Current law limits the sale of long guns at such auctions to people qualified under federal law to purchase such long guns. The bill allows sales to people with a permit

to sell long guns. The legal effect of this is unclear because these people would presumably be qualified to purchase long guns under federal law.

### **PERMIT FOR GUN SHOW**

Under current law, anyone putting on a gun show must give 30 days notice to the police chief in the town where the show is to take place of its date, time, duration, and location. If there is no police chief, the notice goes to the borough warden or first selectman. Instead of the notification, the bill requires the promoter to get a gun show permit. The promoter must submit the permit application at least 60 days before the show to the applicable official, giving the proposed location, date, time and duration of the show and any other information the official deems necessary to determine the promoter's suitability to be a gun show promoter.

If the official deems the applicant is suitable, he or she may issue the permit, which is valid only for the show for which it is issued. If the official deems the applicant unsuitable, he or she must notify him or her in writing not later than 30 days after getting the application. The bill contains no appeal process for someone deemed not suitable.

The \$200 application fee is not refundable unless the permit was denied.

### **BACKGROUND**

#### ***Procedures Governing Long Gun Sales at Retail***

The law outlines procedures that retailers must follow when selling long guns at retail. With some exceptions, current law prohibits a dealer from selling or transferring a long gun to anyone until (1) two weeks after the application date and (2) the State Police has provided an authorization number for the sale or transfer. Also:

1. upon delivery of the firearm, the person must sign a receipt for it (currently Form DPS-3-C);
2. within 24 hours of the delivery, the dealer must transfer one copy of the receipt to the DESPP commissioner and one to the

police chief (or borough warden or first selectman, where applicable) in the town where the buyer or transferee resides; and

3. the dealer must maintain one copy of the receipt together with the original application for five years.

The law exempts from all these provisions (except the authorization number requirement): (1) transactions with federal marshals and parole and peace officers; (2) anyone who holds a valid eligibility certificate, handgun permit, or hunting license; (3) U.S. Armed Forces members or Reservists, and (4) anyone acquiring antique firearms (CGS § 29-37a).

***Related Bills***

HB 506, reported favorably by the Public Safety and Security Committee, (1) subjects private or second-hand sales and transfers of long guns to the same degree of regulation as sales and transfers by gun dealers and (2) makes related changes.

SB 897, reported favorably by the Public Safety and Security Committee, (1) requires gun show promoters to notify the DESPP commissioner when they plan to hold a gun show and (2) makes other miscellaneous changes.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/19/2013)