
OLR Bill Analysis

SB 897

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, in addition to the host town's police chief, when they plan to hold a gun show;
3. adds a buyer's date and place of birth to the information required on a firearm receipt;
4. eliminates the temporary handgun eligibility certificate and a 90-day certificate processing deadline, potentially lengthening the processing time;
5. replaces the first selectman with the 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, 2013

§ 1—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.

§ 5—GUN SHOW NOTIFICATIONS

The bill requires gun show promoters to notify the DESPP commissioner when they plan to hold a gun show in the state. Under current law, they are required to notify only the host town's police chief or, where there is no police chief, the first selectman or borough warden. As is required for the notice to the local official, they must notify the commissioner of the show date, time, duration, and location.

§ 2—RECEIPT FOR GUN PURCHASE

The bill adds a gun buyers place and date of birth to the information that must be provided on the gun receipt he or she signs when taking possession of a firearm.

By law, handgun sales and transfers must conform to specified procedures in law (CGS § 29-33). With certain exceptions, when anyone buys a handgun, he or she must sign a DESPP receipt for it (currently [DPS-3-C](#)). The receipt must contain, among other things, (1) his or her name and address; (2) the firearm make, model, serial number, caliber, and general description; and (3) the transfer date.

§ 4—ELIGIBILITY CERTIFICATE

Under existing law, anyone seeking to possess a handgun must present a DESPP eligibility certificate, gun permit, or gun dealer permit when acquiring the firearm. The commissioner must conduct state and national finger-print based criminal history record checks,

including Federal Bureau of Investigation (FBI) checks, to establish a person's eligibility to get the credentials. The commissioner must approve or deny an application for the eligibility certificate within 60 days of receiving the results of the FBI criminal history check.

Under current law, within 90 days of the application, he must (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 90-day processing deadline, thereby potentially extending the time that the commissioner has to act on applications beyond 90 days. For example, if an applicant submits an application on January 1 and the FBI results are not received until April 1, the commissioner does not have to act on the application until 60 days after April 1.

The bill also eliminates the temporary eligibility certificate. Additionally, it conforms the law to practice by specifying that state and national criminal history record checks be conducted in accordance with CGS § 29-17a. The check must be done following specified procedures and must include fingerprinting.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/19/2013)