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**OLR Bill Analysis (Revised § 24 on LCMs and made editorial changes)**

**SB 1160**

***Emergency Certification***

***AN ACT CONCERNING GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY.***

**SUMMARY:**

The bill makes numerous changes in the laws governing (1) firearms, (2) mental health insurance coverage and service provision, and (3) security for K-12 public schools and institutions of higher education.

The major changes in firearm laws pertain to assault weapons, handguns (pistols and revolvers), long guns (rifles and shotguns), and large capacity magazines (LCM). The bill, among other things, expands the ban on assault weapons, bans the sale or purchase of LCMs that can hold more than 10 rounds of ammunition, mandates the establishment of a deadly weapon offender registry, bans the sale of armor-piercing bullets, adds two members to the Board of Firearms Permit Examiners, expands the circumstances in which mental health history disqualifies a person for gun permits or other gun credentials, requires anyone buying ammunition to have an ammunition certificate or other gun credential, and appropriates \$1 million to the Department of Emergency Services and Public Protection (DESPP) for FY 14 to fund the statewide firearms trafficking task force.

Among its mental health provisions, the bill creates a 20-member task force to study the provision of behavioral health services in Connecticut and report to the legislature by February 1, 2014. It also requires the Department of Mental Health and Addiction Services (DMHAS) to:

1. administer a mental health first aid training program, in

- consultation with the State Department of Education (SDE);
2. implement an assertive community treatment (ACT) program in three additional cities (programs currently operate in Manchester, Middletown, New Britain, and Norwich); and
  3. provide case management and care coordination services to up to 100 people with mental illness who are involved in the probate court system and are not receiving these services.

The bill requires the Department of Children and Families (DCF) commissioner, by January 1, 2014, to establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children.

The bill makes various changes to the process for grieving adverse determinations (e.g., claims denials) by health insurers. Among other things, it reduces the time health insurers have to (1) make initial determinations on requests for treatments for certain mental or substance use disorders and (2) review claim denials and other adverse determinations of such requests. It expands the role of and qualifications required for health care professionals who evaluate the appropriateness of adverse determinations. The bill also requires the insurance commissioner to seek input on methods the department might use to check for compliance with state and federal mental health coverage parity laws and report on these issues to the Insurance and Public Health committees.

The bill (1) creates a new council to establish new school safety infrastructure standards, (2) authorizes up to \$15 million in bonds for a new competitive grant program for school safety projects, and (3) establishes a procedure leading to new requirements under the school construction law.

It requires school districts to perform a number of new school safety activities including establishing safety and security plans and committees for each school.

The bill requires public and independent institutions of higher education to develop campus security plans, undergo safety audits, and form campus threat assessment teams.

It (1) requires mental health first aid training for school district staff, (2) gives safe school climate committees new responsibilities, (3) creates a school security consultant registry, and (4) changes the law regarding civil service testing for UConn and state university police.

It repeals an unused \$3 million bond authorization, initially created in 2007 for a school security infrastructure program.

Lastly, the bill makes numerous conforming changes.

EFFECTIVE DATE: Various, see below.

## **§ 1 – LONG GUN SALES**

The bill creates several requirements regarding the sale of long guns, except between federally licensed firearm (1) manufacturers and dealers, (2) importers and dealers, or (3) dealers.

### ***Age Restriction on Retail Sale of Long Guns***

The bill prohibits the retail sale of long guns to anyone under 18 years of age. If the long gun is a semi-automatic centerfire rifle that has or accepts a magazine with a capacity of more than five rounds, the purchaser must be at least 21. This stricter limitation does not apply to members or employees of local police departments, the DESPP, the Department of Correction (DOC), or state or U.S. military or naval members, for use in the discharge of their duties.

### ***Credential Required to Buy or Receive Long Gun***

The bill creates a new long gun eligibility certificate (see below for details). On and after April 1, 2014, the bill requires anyone, except a federal marshal, parole officer, or peace officer, buying or receiving a long gun to have a long gun eligibility certificate, handgun permit, handgun dealer permit, or handgun eligibility certificate.

### ***Sales Receipt***

The bill adds a buyer's date and place of birth to the information required on a long gun receipt. Existing law requires such receipts to also contain the (1) buyer's name and address; (2) firearm make, model, serial number, caliber, and general description; and (3) transfer date.

***Long Gun Sales By Someone Other Than Gun Dealers***

Current law does not regulate the private sale of long guns. The bill prohibits the sale or transfer of long guns by someone who is not a federally licensed gun dealer, manufacturer, or importer to someone who is not such a licensee, unless the transaction has been authorized by DESPP or specified background check requirements have been met. Specifically, the requirements are as follows:

1. The prospective transferor and transferee must comply with the documentation and authorization requirements that apply to retail sales of long guns (e.g., (a) the seller must document the transaction with DESPP, maintain copies of the record, and obtain an authorization number from DESPP; (b) the buyer must undergo a national instant criminal background check; (c) the gun cannot be loaded when transferred; and (d) DESPP must authorize or deny the sale or transfer).
2. A federally licensed firearm dealer, upon the request of the prospective transferor or transferee, must consent to initiate a national instant criminal background check system (NICS) check in accordance with the procedures set forth below, and the background check must show that the transferee is eligible to receive the gun.

It appears that option (2) is available only on and after January 1, 2014. To proceed under this option, the prospective transferor or transferee must provide the consenting dealer with the transferee's name, gender, race, date of birth, and state of residence. If necessary to verify the person's identity, he or she may also provide a unique numeric identifier (such as a Social Security number) and additional identifiers (such as height, weight, eye and hair color, and place of

birth).

The prospective transferee must present to the dealer his or her gun credential (gun eligibility certificate, handgun permit, handgun sale permit, or handgun eligibility certificate). The dealer can charge up to \$20 for initiating the background check.

The dealer must initiate the background check by contacting the NICS operations center. The dealer must immediately notify the prospective transferor or transferee of the response from the center. The sale or transfer cannot take place if the response indicates the prospective transferee is ineligible to receive the gun.

When the transaction is completed, the transferor or transferee must complete a DESPP-prescribed form containing the (1) transferor's name, address, and firearm permit or certificate number, if any; (2) transferee's name, address, date and place of birth, and firearm permit or certificate number; (3) sale or transfer date; (4) caliber, make, model, and manufacturer's number and a general description of the gun; and (5) the background check transaction number. The bill imposes similar transmission and retention requirements for the form as apply to sales of long guns by dealers.

### ***Waiting Period***

Current law contains a two-week waiting period for long gun purchases from gun dealers, with certain exceptions (e.g., if the buyer holds certain gun credentials). Under the bill, this waiting period only applies prior to April 1, 2014. The bill also makes a conforming change by adding an exception to the waiting period if the buyer has a long gun eligibility certificate. It appears that starting April 1, 2014, the bill ties delivery to the date DESPP issues an authorization number for the transaction.

### ***Penalties***

Current law does not specify a penalty for transferring a long gun at retail in violation of the law's requirements. The bill generally makes it a class D felony to violate such requirements or any of the provisions

specified above pertaining to long gun sales (whether at retail or otherwise). The bill makes it a class B felony if the person transferring the firearm knows that it is stolen or that the manufacturer's number or serial number has been altered, removed, or obliterated. In addition to these felony penalties, anyone who violates the bill's or existing law's requirements for long gun sales must forfeit any long guns found on the person.

The bill allows a court to suspend prosecution for a first time minor violation under these provisions, under the same procedures as apply to such suspensions under existing law for handgun sale violations.

EFFECTIVE DATE: Upon passage

### **§§ 2-7 — LONG GUN ELIGIBILITY CERTIFICATE**

The bill creates a new gun credential: a long gun eligibility certificate. The bill sets the minimum age for a long gun eligibility certificate at 18, whereas existing law sets a minimum age of 21 for a handgun eligibility certificate. Otherwise, the bill's provisions concerning the long gun eligibility certificate are substantially similar to the provisions for handgun eligibility certificates under existing law and the bill.

Thus, among numerous other things:

1. DESPP issues the long gun eligibility certificates;
2. the fee for an initial or renewal certificate is \$35, and the certificate is good for five years;
3. applicants are ineligible for various reasons, including convictions for a felony or specified misdemeanors or certain mental health history;
4. applicants must complete background checks;
5. anyone aggrieved by an adverse action concerning a certificate or application may appeal to the Board of Firearms Permit Examiners, following existing procedures in statutes for appeals

of issuing officials' decisions for other gun credentials; and

6. the DESPP commissioner must include information about such certificates in the database he currently maintains for sellers to verify the validity of a purchaser's gun credential.

Unlike the case with handgun eligibility certificates, the bill does not provide for temporary eligibility certificates for long guns.

As is the case for handgun eligibility certificates, a long gun eligibility certificate can be revoked upon the occurrence of any event that would have disqualified the holder from being issued the certificate. If the certificate is revoked, DESPP must notify the person in writing, and the person must deliver it to the commissioner. Failure to deliver it within five days of the notification is a class A misdemeanor.

EFFECTIVE DATE: July 1, 2013

#### **§ 9 — SALE OF CONTRABAND LONG GUNS AT AUCTION**

By law, the state may sell at public auction guns the court determines to be contraband. Existing law provides that rifles and shotguns may only be sold at such auctions to people qualified under federal law to purchase them. The bill also requires the purchaser to have a long gun eligibility certificate.

EFFECTIVE DATE: July 1, 2013

#### **§§ 8, 10-11, 57-58 — MENTAL HEALTH AND ELIGIBILITY FOR GUN CREDENTIALS**

The bill broadens the mental health provisions that disqualify a person for a gun permit or handgun eligibility certificate. The same prohibitions also apply under the bill to the long gun eligibility certificate.

Under current law, a person confined in a psychiatric hospital by probate court order within the preceding 12 months of an application is ineligible for a gun permit or eligibility certificate. The bill extends this period to 60 months.

The bill also makes ineligible any person who voluntarily admitted himself or herself to a psychiatric hospital, on or after October 1, 2013, during the preceding six months. But someone is not ineligible solely due to alcohol or drug treatment.

The bill makes conforming changes to the responsibilities of the DESPP and DMHAS commissioners and psychiatric hospitals regarding such voluntary admissions. Thus, as is currently the case regarding involuntary commitments occurring within the applicable period:

1. DMHAS must maintain information on voluntary admissions, and make that information available to the DESPP commissioner to carry out his obligations pertaining to gun credentials;
2. the DESPP commissioner must verify from DMHAS that a person applying for a gun credential was not subject to such a voluntary admission, and DMHAS must report such information to DESPP;
3. if he determines that an applicant was subject to voluntary admission, he must report the status of the person's application to DMHAS;
4. the DMHAS commissioner must obtain from DESPP the status of any such applications for anyone who has been voluntarily admitted;
5. DMHAS must advise the psychiatric hospital to which a person has been voluntarily admitted of the status of a gun application, as reported by DESPP; and
6. the DMHAS commissioner and the hospital must maintain as confidential any such information they receive on the status of permit applications.

As part of this process, the bill requires psychiatric hospitals, without delay, to notify the DMHAS commissioner when a person is voluntarily admitted to the hospital for care and treatment of a

psychiatric disability, other than admission solely for alcohol or drug treatment. The hospital must at least provide the person's name, address, sex, date of birth, and date of admission. The DMHAS commissioner must maintain such identifying information on all voluntary admissions occurring on and after July 1, 2013.

EFFECTIVE DATE: the provisions changing the eligibility criteria for gun permits and eligibility certificates, and requiring psychiatric hospitals to notify DMHAS about voluntary admissions are effective October 1, 2013; the other provisions are effective July 1, 2013.

### **§§ 12-13 — TECHNICAL OR CONFORMING CHANGES**

EFFECTIVE DATE: Upon passage

### **§§ 14-17 — AMMUNITION SALES**

The bill generally bars the sale of ammunition or an ammunition magazine to anyone under age 18.

The bill creates an ammunition certificate (see below). Starting October 1, 2013, the bill generally prohibits anyone from selling ammunition or an ammunition magazine to any buyer unless he or she:

1. has a handgun permit, gun sale permit, or long gun or handgun eligibility certificate, and presents such a credential to the seller, or
2. has an ammunition certificate and presents to the seller (a) the certificate and (b) a driver's license, passport, or other valid government-issued identification that contains the person's photograph and date of birth.

The bill defines "ammunition" as a loaded cartridge, consisting of a primed case, propellant, or projectile, designed for use in any firearm. It defines "magazine" as a firearm magazine, belt, drum, feed strip, or similar device that accepts ammunition.

Anyone who violates these provisions commits a class D felony.

Under the bill, these restrictions and requirements do not apply to sales or other transfers of ammunition between federally licensed firearm (1) manufacturers and dealers, (2) importers and dealers, or (3) dealers.

***Ammunition Certificate***

Under the bill, a person must be age 18 or older to apply for an ammunition certificate. To apply, the person must request the DESPP commissioner to issue the certificate and to conduct a national criminal background check, using only the person's name and date of birth.

After conducting the background check, the commissioner must issue the certificate unless he determines, based on the results, that the person would be ineligible to be issued a long gun eligibility certificate. But if the person would be ineligible for that certificate due to certain criminal convictions, the person is ineligible for the ammunition certificate only for violations committed on or after July 1, 2013.

The certificate must be in a DESPP commissioner-prescribed form. It must contain an identification number and the certificate holder's name, address, date of birth, and signature.

The bill's provisions on several matters regarding ammunition certificates are similar to provisions in the bill and existing law for handgun and long gun eligibility certificates. This includes matters concerning fees; the requirement to report address changes; confidentiality of the person's name and address, with exceptions; and revocation of certificates.

For example, the fee for the initial and renewal certificate is \$35, and the certificate is good for five years. The bill specifies that this fee is in addition to fees for the background check.

Unlike the case with the handgun and long gun eligibility certificates, the DESPP commissioner is not required to notify ammunition certificate holders at least 90 days in advance of the date the certificate is set to expire.

EFFECTIVE DATE: the restrictions on ammunition sales are effective upon passage; the provisions creating an ammunition certificate are effective July 1, 2013.

### **§ 18-22 — ESTABLISHMENT OF DEADLY WEAPON OFFENDER REGISTRY**

By January 1, 2014, the bill requires DESPP to establish and maintain a registry of everyone (1) convicted of an offense committed with a deadly weapon or (2) found not guilty by reason of mental disease or defect for such an offense, notwithstanding any pending appeal. Under law and the bill, a deadly weapon is any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, bill, blackjack, bludgeon, or metal knuckles.

Table 1 lists the offenses the bill designates as deadly weapon offenses.

**Table 1: Deadly Weapon Offenses**

Interference with the legislative process	2-1e(c)
Possessing or carrying a handgun where prohibited by law or the person who owns or exercises control over the premises	29-28(e)
Sell or otherwise transfer handgun to ineligible person, violation of transfer procedures	29-33(a) to (e)
Failure to document handgun transfer with DESPP	29-33(e)
Sell or transfer handgun in violation of statutory transfer procedures	29-33(i)
Make false statement or give false information in connection with purchase, sale, delivery or other transfer of handgun	29-34
Illegally sell, barter, hire, lend, give, deliver, or otherwise transfer handgun to anyone under age 21	29-34
Carry a handgun without a permit	29-35(a)
Remove, deface, alter or obliterate the name of any maker or model or any maker's number or other mark of identification mark on any firearm	29-36
Failure to transfer, deliver, or surrender handguns by persons ineligible to possess them	29-36k
Violation of transfer procedures for long guns; failure to document transfer	29-37a
False statement or information in connection with sale or transfer of long gun	29-37e
Noncompliance with law governing sale, delivery, or transfer of firearms at gun show	29-37g(c)

Buys a firearm intending to transfer it to ineligible person ("strawman purchase")	29-37j
Ineligible person soliciting, employing, or assisting anyone in strawman purchasing	29-37j
Possess or use a machine gun in the perpetration or attempted perpetration of a violent crime	53-202(b)
Uses or possesses a machine for an offensive or aggressive purpose	53-202(c)
Transfer, sell or give a machine gun to a person under age 16	53-202(c)
Illegally sells, gives, distributes, transports, or imports assault weapon	53-202b
Illegally possesses assault weapon	53-202c
Failure to register machine gun	53-202 (g)
Commit a class A, B, or C felony with an assault weapon	53-202j
Commit an A, B, or C felony with firearm other than assault weapon	53-202k
Knowingly distribute, transport, import, or keep for sale armor piercing .50 caliber bullet or incendiary .50 caliber bullet	53-202l
Firearm trafficking	53-202aa
Unlawful training in use of firearms, explosives or incendiary devices or techniques capable of causing injury	53-206b
Sell, deliver, or provide firearm to another person to engage in conduct constituting an offense or under circumstances in which he should know that such other person intends to use such firearm in such conduct	53a-8(b)
Manslaughter in the 1 <sup>st</sup> degree with a firearm	53a-55a
Manslaughter in the 2 <sup>nd</sup> degree with a firearm	53a-56a
Assault in the second degree with a firearm	53a-60a
Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the 2 <sup>nd</sup> degree with a firearm	53a-60c
Sexual assault in the 3 <sup>rd</sup> degree with a firearm	53a-72b
Kidnapping in the 1 <sup>st</sup> degree with a firearm	53a-92a
Kidnapping in the 2 <sup>nd</sup> degree with a firearm	53a-94a
Burglary in the 2 <sup>nd</sup> degree with a firearm	53a-102a
Burglary in the 3 <sup>rd</sup> degree with a firearm	53a-103a
Possession of a sawed off shotgun or silencer	53a-211
Stealing a firearm	53a-212
Criminal use of a firearm or electronic defense weapon	53a-216
Criminal possession of a firearm or electronic defense weapon	53a-217
Criminally negligent storage of a firearm	53a-217a
Illegal possession of a weapon on school grounds	53a-217b
Criminal possession of a handgun	53a-217c
Second or subsequent violation of failure to report the loss or theft of a firearm	53-202g
A violation of any statute that constitutes a felony, provided the court makes a finding that, at the time of the violation, the person used a firearm, or was armed with and threatened the use of, or displayed or represented by words or conduct that the person possessed, a firearm.	

In cooperation with DOC, the Office of the Chief Court Administrator, and the Psychiatric Security Review Board, DESPP must develop appropriate forms for agencies and individuals to use to report registration information, including address changes. DESPP must enter registration information it receives into the registry and notify the local police department or state police troop having jurisdiction where a registrant lives or plans to live.

Registrants must notify DESPP when they move and DESPP must enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant previously lived and where he or she relocated. The DESPP commissioner must also ensure that the name and residence address of each registrant is available through the department's Connecticut On-Line Law Enforcement Communication Teleprocessing system. If a registrant moves to another state, DESPP may notify that state's state police agency or such other agency that maintains registry information, if known.

DESPP may suspend the registration of anyone incarcerated, under civil commitment, or living out of state. During that time, it may withdraw the registration information from access to law enforcement agencies. When the registrant is released from incarceration or civil commitment or resumes living in the state, DESPP must reinstate the registration and redistribute the registration information in accordance with the bill. Suspension of registration does not affect the expiration date of the registration.

DESPP must include in the registry the most recent photograph of each registrant taken by DESPP, DOC, a law enforcement agency, or the Judicial Department's Court Support Services Division.

### ***Name Changes***

DESPP must revise a registrant's information whenever the court notifies the commissioner that it has issued an order for the name

change of a registrant.

The DESPP commissioner must develop a protocol for notifying other state agencies, the Judicial Department, and local police departments whenever (1) a registered person changes his or her name and notifies him or (2) he determines that a registered person has changed his or her name.

### ***Confidentiality of Gun Offender Registry Information***

The registry information is not a public record for purposes of the Freedom of Information Act, and it can be disclosed only as authorized under the bill. If disclosed, any further disclosure must be as authorized by the bill.

### ***Initial Registration***

Anyone convicted, or found not guilty by reason of mental disease or defect, of a deadly weapon offense and released into the community on or after January 1, 2014, must register with DESPP within 14 calendar days after being released. Anyone in the DOC commissioner's custody must register before release as the DOC commissioner directs. The person must provide his or her name, identifying factors (such as fingerprints), criminal history record, and home and email addresses on forms and locations that the DESPP commissioner indicates. The obligation to register applies (1) whether the person lives in or out of state or (2) even if the case is on appeal. The DESPP commissioner must maintain the registration information for five years.

The bill requires the court, before accepting a plea of guilty or *nolo contendere* (no contest) from a person for a deadly weapon offense, to inform him or her of the registration consequences of the plea and determine that the person fully understands them.

A registrant who changes his or her name or address must notify the DESPP commissioner in writing of the change, without undue delay. During the registration period, registrants must complete and return any forms mailed to them to verify their home address and retake photographs if the commissioner requests this.

### ***Registration Updates***

People required to register must do so within 20 days after the anniversary of the initial registration date. They must go to the local police department or state police troop having jurisdiction where they live to verify and update the registration, as appropriate. The department or troop, as applicable, may defer the appearance to a later date for good cause. Not later than 30 calendar days before each anniversary date, DESPP must mail written notice of the requirement to the registrant and police department or troop, as applicable. Within 30 days of the anniversary date, the troop or department must notify the commissioner on DESPP-prescribed forms whether the registrant appeared. If the registrant's appearance was deferred, the form must show the new date and describe the good cause for the deferral.

Failure to (1) inform the DESPP commissioner of a name or address change or (2) register and update one's status as required is a class D felony. But a person's failure to notify the commissioner without undue delay of a name or address change is subject to the penalty only if the failure continues for five business days.

### ***Registration Information***

The registration information for each registrant must include:

1. the offender's name, including any aliases or other name by which he or she has been legally known;
2. identifying information, including a physical description;
3. current home address;
4. a description of the offense and the date of the conviction; and
5. the date the offender was released from incarceration, if he or she served a prison term.

The offender must sign and date the registration.

When an offender appears to register, DESPP must photograph him

or her, arrange for him or her to be fingerprinted, and include the photograph and a complete set of fingerprints in the registry. If the offender must, by law, submit to the taking of a blood or other biological sample for DNA analysis and has not done so, the commissioner must also require a sample to be taken. DESPP may require the offender to provide documentation to verify the contents of the registration.

***Name changes***

The bill treats being on the gun offender registry the same as being on the sex offender registry with respect to court approval of name changes.

EFFECTIVE DATE: January 1, 2014

**§§ 23-24 — LARGE CAPACITY MAGAZINES**

The bill defines “large capacity magazine” as any firearm magazine, belt, drum, feed strip, or similar device that can hold, or can be readily restored or converted to accept, more than 10 rounds of ammunition. It excludes:

1. feeding devices permanently altered so that they cannot hold more than 10 rounds of ammunition,
2. .22 caliber tube ammunition feeding devices,
3. tubular magazines contained in a lever-action firearm, or
4. permanently inoperable magazines.

With exceptions, the bill makes it a class D felony to buy, distribute, import into Connecticut, keep for sale, or offer or expose for sale LCMs.

With exceptions, anyone who possesses any LCM on or after January 1, 2014 obtained before the bill’s effective date is guilty of a infraction punishable by a \$90 fine and a class D penalty for any subsequent offense; anyone who possesses a large capacity magazine

on or after January 1, 2014 that was obtained after that date is guilty of a class D felony.

***Exemptions from the Ban***

The following may possess, purchase, or import LCMs:

1. members or employees of DESPP, police departments, DOC, or the state or U.S. Armed Forces (service members) (a) for use in the discharge of their official duties or (b) when off duty;
2. employees of a NRC licensee operating a nuclear power plant in Connecticut for providing security services at the facility, or any person, firm, corporation, contractor, or subcontractor providing security at the facility; or
3. in-state manufacturers of LCM that manufacture or transport LCMs in Connecticut for sale here to exempt persons and entities above or for sale out of state.

The following may also possess LCMs:

1. gun dealers;
2. gunsmiths employed by gun dealers, who possess LCMs for servicing or repair;
3. anyone who declared possession of the magazine under the bill; or
4. executors or administrators of an estate that includes legally declared LCMs, which are disposed of as authorized by the Probate Court, if the disposition is otherwise permitted.

The bill allows transfers:

1. by bequest or intestate succession of LCMs, declared to DESPP;
2. to DESPP or a local police department; or
3. to gun dealers in compliance with the bill.

### ***Violations***

The court may order suspension of prosecution of a violation of the LCM provisions in accordance with the bill if it finds that the violation is not serious and that the violator (1) will probably not offend again, (2) has not previously been convicted of a violation of the provisions, and (3) has not previously had a prosecution for a violation suspended.

### ***Declaring Possession of LCMs***

Anyone who lawfully possesses an LCM before January 1, 2014, must apply to DESPP by January 1, 2014 to declare its possession in order to legally keep it. Servicemembers unable to apply by January 1, 2014 because of out-of-state duty have 90 days after returning to Connecticut to declare possession of such magazine. Applications must be made on such form or in such manner as DESPP prescribes.

In addition to the prescribed LCM application form, DESPP must design or amend the applications for existing gun credentials to allow an applicant to declare possession of an LCM upon these same applications. DESPP may adopt regulations to establish application procedures.

### ***Name and Address of People who Declare LCMs Confidential***

The name and address of people who declare possession of LCMs are confidential and disclosable only to (1) law enforcement agencies and U.S. probation officers carrying out their duties and (2) the DMHAS commissioner to carry out statutory provisions pertaining to gun laws.

### ***Nonresidents Who Move to Connecticut***

Anyone who moves into Connecticut in lawful possession of an LCM has 90 days to either permanently disable it, sell it to a gun dealer, or take it out of state. But servicemembers who transfer here after January 1, 2014, have 90 days after their arrival to declare possession of an LCM.

### ***Transfers to Dealers***

If an owner of an LCM transfers it to a gun dealer, the dealer must, at the time of delivery, execute a certificate of transfer.

For transfers made before January 1, 2014, the dealer must give DESPP monthly reports, on such form as the commissioner prescribes, on the number of transfers that the dealer has accepted. For transfers made on or after January 1, 2014, the dealer must send or deliver the transfer certificates to DESPP. The certificate of transfer must contain:

1. the sale or transfer date;
2. the gun dealer and transferor's name and address and their Social Security or motor vehicle operator license numbers, if applicable;
3. the gun dealer's federal firearms license number; and
4. a description of the LCM.

The gun dealer must present his or her dealer's federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer.

The DESPP commissioner must maintain a file of all certificates of transfer at his central office.

***Restrictions on Declared LCMs***

The bill limits where a person can possess an LCM that was declared. The person may possess it only:

1. at his or her residence;
2. at his or her place of business, or other property he or she owns, provided the LCM contains no more than 10 bullets;
3. on the premises of a target range of a public or private club or organization organized to practice target shooting;
4. while at a target range that holds a regulatory or business license for practicing target shooting;

5. while on the premises of a licensed shooting club;
6. while transporting the LCM between any of the above-mentioned places or to a gun dealer, provided the LCM contains no more than 10 bullets and is transported in compliance with the bill; or
7. under a valid gun permit, provided the LCM (a) is in a handgun lawfully possessed by the person before the bill's passage (April 4, 2013), (b) does not extend beyond the bottom of the pistol grip, and (c) contains no more than 10 bullets.

A violation of the provisions is a class C misdemeanor.

EFFECTIVE DATE: Upon passage

## **§§ 25-31 — ASSAULT WEAPONS**

### ***Definitions***

Current law defines an "assault weapon" as:

1. any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the user's option;
2. any of a list of named semiautomatic firearms;
3. any unlisted semi-automatic rifle or pistol that can accept a detachable magazine and has at least two of five specified features;
4. any semi-automatic shotgun that has at least two of four specified features; or
5. a part or combination of parts designed or intended to convert a firearm into an assault weapon if the parts may be rapidly assembled and are in the possession or under the control of the same person (see BACKGROUND for certain exemptions).

***Rifles.*** The bill expands the banned weapons to include the following semiautomatic centerfire rifles, or copies or duplicates with

the capability of any such rifles, that were in production before or on the effective date of the bill: AK 47; AK 74, AKM, AKS-74U, ARM, MAADI AK 47, MAK90, MISR, NHM90, NHM91, Norinco 56, 56S, 84S and 86S, Poly Technologies AKS and AK47, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47 and Vector Arms AK-47; AR-10; AR-15; Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, Bushmaster MOE Rifles; Colt Match Target Rifles; Armalite M15; Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles; DPMS Tactical Rifles; Smith and Wesson M&P15 Rifles; Rock River Arms LAR-15; Doublestar AR Rifles; Barrett REC7; Beretta Storm; Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles; Hi-Point Carbine Rifles; HK-PSG-1; Kel-Tec Sub-2000, SU Rifles, and RFB; Remington Tactical Rifle Model 7615; SAR-8, SAR-4800 and SR9; SLG 95; SLR 95 or 96; TNW M230 and M2HB; Vector Arms UZI, Galil and Galil Sporter; Daewoo AR 100 and AR 110C; Fabrique Nationale/FN 308 Match and L1A1 Sporter; HK USC; IZHMAASH Saiga AK; SIG Sauer 551-A1, 556, 516, 716 and M400 Rifles; Valmet M62S, M71S and M78S; Wilkinson Arms Linda Carbine; and Barrett M107A1.

The bill also bans any semiautomatic, centerfire rifle, regardless of the date produced, that can accept a detachable magazine that has at least one of the following features:

1. a folding or telescoping stock;
2. any grip of the weapon, including a pistol grip, thumbhole stock, or other stock that would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing;
3. a forward pistol grip;
4. a flash suppressor; or
5. a grenade launcher or flare launcher.

It also bans semiautomatic, centerfire rifles that have (1) a fixed magazine and can accept more than 10 rounds of ammunition or (2) an overall length of less than 30 inches.

**Pistols.** The bill bans the following specified semiautomatic pistols, or copies or duplicates thereof with the capability of any such pistols, that were in production prior to or on the effective date of this section: Centurion 39 AK, Draco AK-47, HCR AK-47, IO Inc. Hellpup AK-47, Mini-Draco AK-47 and Yugo Krebs Krink; American Spirit AR-15, Bushmaster Carbon 15, Doublestar Corporation AR, DPMS AR-15, Olympic Arms AR-15 and Rock River Arms LAR 15; Calico Liberty III and III Tactical Pistols; Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols; Intratec TEC-DC9 and AB-10; Colefire Magnum; German Sport 522 PK and Chiappa Firearms Mfour-22; DSA SA58 PKP FAL; I.O. Inc. PPS-43C; Kel-Tec PLR-16 Pistol; Sig Sauer P516 and P556 pistols; and Thompson TA5 pistols.

The bill also bans any semiautomatic pistol that can accept a detachable magazine and has at least one of the following features:

1. the ability to accept a detachable ammunition magazine that attaches at some location outside the pistol grip;
2. a threaded barrel capable of accepting a flash suppressor, forward pistol grip, or silencer;
3. a shroud attached to, or partially or completely encircling, the barrel and that permits the shooter to fire the firearm without being burned, except a slide that encloses the barrel; or
4. a second hand grip.

The bill also bans any semiautomatic pistol with a fixed magazine that can accept more than 10 rounds of ammunition.

**Shotguns.** The bill bans the following shotguns or copies or duplicates with the capability of any such shotguns that were in production before or on April 4, 2013: all IZHMAISH Saiga 12 shotguns.

The bill also bans semiautomatic shotguns that have both of the following features:

1. a folding or telescoping stock and
2. any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing.

It also bans any (1) semiautomatic shotgun that can accept a detachable magazine and (2) shotgun with a revolving cylinder.

***Parts Considered an Assault Weapon in Some Circumstances***

The bill also bans a part or combination of parts (1) designed or intended to convert firearms into assault weapons or (2) from which such an assault weapon may be assembled if possessed by, or in the possession or under the control of, the same person.

***Prohibitions and Exemptions from Ban***

The bill generally bans the sale, acquisition, or possession of the newly added weapons under similar conditions to the ban on assault weapons under existing law. By law, illegal possession of an assault weapon is a class D felony, with a mandatory minimum one-year prison term. Illegally transferring or carrying an assault weapon is a class C felony, with a two-year mandatory minimum prison term or, in the case of transfers to people under age 18, an additional six-year mandatory minimum. The ban on sales and transfers is effective upon passage.

***Legal Possession.*** Under the bill, anyone who legally possessed one of the newly banned weapons on the day before the bill's effective date and who is eligible for a certificate of possession may continue to do so by applying to DESPP for this certificate by January 1, 2014 and otherwise complying with the bill. A member of the U.S. Military or Navy who is unable to apply by January 1, 2014 because he or she is out of state on official duty has 90 days after returning to Connecticut

to apply for a certificate. The certificate must contain a description of the firearm that identifies it uniquely, including all identification marks; the owner's full name, address, date of birth and thumbprint; and any other information DESPP deems appropriate.

Beginning on its effective date, the bill prohibits anyone with a certificate of possession for any of the newly added assault weapons from (1) selling or transferring the weapon in Connecticut to anyone except a licensed gun dealer or (2) otherwise transferring the weapon except by (a) bequest or intestate succession or (b) prior arrangement to DESPP or a local police department. Anyone who inherits an assault weapon for which a certificate was issued has 90 days to apply for a certificate or sell the weapon to a gun dealer, permanently disable it, or take it out of state.

Anyone who moves into Connecticut in lawful possession of an assault weapon has 90 days to make it permanently inoperable, sell it to a gun dealer, or take it out of state. But servicemembers transferred to Connecticut in lawful possession of an assault weapon may apply to DESPP for a certificate within 90 days of arriving here.

Under the law and bill, anyone who possesses an assault weapon for which a certificate has been issued may possess it only at specified locations, such as his or her home or business place, at a licensed shooting club, or at a target range that holds a license for practicing target shooting.

Anyone who obtained a certificate of possession for an existing assault weapon before April 4, 2013 for a weapon the bill defines as an assault weapon is deemed to have obtained a certificate of possession for such assault weapon and must not be required to obtain a separate certificate.

### ***Exemptions***

The bill contains exemptions for the newly added weapons as current law contains with regard to assault weapons. It allows the sale of assault weapons to DOC, DESPP, police departments, and

Connecticut's and the U.S. military or naval forces for use in their official duties, as well as for off-duty use. It also allows possession by members or employees of these entities for use in the discharge of their official duties. It additionally allows sales to and possession by (a) employees of a Nuclear Regulatory Commission (NRC) licensee operating a nuclear power plant in Connecticut for the purpose of providing security or (b) any person, firm, corporation, contractor, or subcontractor providing security at the plant.

It further specifies that it does not prohibit possession or use of assault weapons by sworn members of these agencies when on duty and within the scope of their duties.

As is the case with assault weapons for which a certificate of possession is issued under existing law, the bill allows the newly added weapons to be possessed or received, under defined circumstances, by:

1. executors or administrators of an estate that includes an assault weapon for which a certificate has been issued,
2. gun dealers, and
3. gunsmiths.

Similarly, it allows for:

1. individuals to arrange to relinquish a weapon to a police department or DESPP;
2. temporary transfers or possession for certain out-of-state events; and
3. the weapons to be transported to or from a shooting competition or exhibition, display, or educational project about firearms sponsored, conducted by, approved, or under the auspices of a law enforcement agency or a national or state-recognized entity that fosters proficiency in firearms use or promotes firearms education.

EFFECTIVE DATE: Upon passage

**§ 32 — ARMOR PIERCING AMMUNITION BANNED**

Current law does not regulate ammunition except for banning armor-piercing .50 caliber bullets or incendiary .50 caliber bullets. Currently possession of such ammunition is a class D felony.

The bill expands the definition of what constitutes banned armor-piercing bullets and makes their possession a class D felony.

Under current law, an “armor-piercing .50 caliber bullet” is a .50 caliber bullet designed, held out by the manufacturer or distributor as, or generally recognized as having a specialized capability to penetrate armor or bulletproof glass, including bullets designated as “M2 Armor-Piercing” or “AP,” “M8 Armor-Piercing Incendiary” or “API,” “M20 Armor-Piercing Incendiary Tracer” or “APIT,” “M903 Caliber .50 Saboted Light Armor Penetrator” or “SLAP,” or “M962 Saboted Light Armor Penetrator Tracer” or “SLAPT.”

The bill broadens the definition of “armor-piercing bullet” to include any bullet that can be fired from a handgun that:

1. has projectiles or projectile cores constructed entirely, excluding the presence of traces of other substances, from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium;
2. is (a) fully jacketed with a jacket weight of more than 25% of the total weight of the projectile, (b) larger than .22 caliber, and (c) designed and intended for use in a firearm; and
3. does not have projectiles whose cores are composed of soft material such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, or any other projectiles or projectile cores that the U.S. attorney general finds to be primarily intended to be used for sporting purposes or industrial purposes or that constitutes “armor piercing ammunition” as defined in federal law.

Armor-piercing bullet does not include shotgun shells.

The bill makes it a class D felony to knowingly transport or carry a firearm loaded with an armor piercing bullet or incendiary .50 caliber bullet. It exempts from the provisions the same entities and people exempt from the ban under current law:

1. DESPP, police departments, DOC or the state or U.S. military forces for use in the discharge of their official duties;
2. any executor or administrator of an estate that includes such ammunition that is disposed of as authorized by the Probate Court; and
3. the transfer by bequest or intestate succession of such ammunition.

EFFECTIVE DATE: October 1, 2013

### **§ 33 — AMMUNITION SEIZURE**

Current law allows any two police officers (or a state's attorney), under limited circumstances, to get warrants and seize guns from anyone who poses an imminent risk of injuring himself or herself, or someone else. The bill conforms the law to current practice by allowing them to seize ammunition as well. It makes conforming and minor related changes, specifying that the procedures relating to seizure and returned firearms apply to ammunition as well.

EFFECTIVE DATE: October 1, 2013

### **§ 34 — AMMUNITION TRANSFERS BY INELIGIBLE PEOPLE**

Under current law, not later than two business days after the occurrence of any event that makes a person ineligible to possess handguns, the person must transfer the handguns to an eligible person, or surrender them to the DESPP commissioner. The bill applies the same standards to ammunition and makes conforming changes.

EFFECTIVE DATE: October 1, 2013

**§ 35 — TRANSFER PROTOCOL**

The bill requires the DESPP commissioner, chief state’s attorney, and the Police Chiefs Association to develop a protocol for the transfer of ammunition by people ineligible to possess it.

EFFECTIVE DATE: October 1, 2013

**§ 36 — RESTRAINING ORDER FORM**

The bill requires the application for civil restraining orders to include a space for an alleged victim of domestic violence to indicate whether the alleged domestic violence offender possesses ammunition. It already must have a space to indicate gun ownership.

EFFECTIVE DATE: October 1, 2013

**§37— DOMESTIC VIOLENCE INVESTIGATIONS**

The bill allows police to seize ammunition under the same circumstances as guns when investigating domestic violence crimes.

EFFECTIVE DATE: October 1, 2013

**§ 38 — DOMESTIC VIOLENCE UNITS**

The bill requires these units to inform the court if a domestic violence victim indicates that a defendant possesses ammunition, as is currently required for firearms.

EFFECTIVE DATE: October 1, 2013

**§ 39 — DISPOSAL OF CONTRABAND**

The bill requires ammunition that a court adjudges to be contraband or a nuisance turned over to the State Police for destruction or sold at public auction. Firearms are already required to be turned over.

EFFECTIVE DATE: October 1, 2013

**§ 40 — STATEWIDE TRAFFICKING TASKFORCE**

The bill requires the Statewide Firearms Trafficking Task Force Policy Board to deposit the receipts from the sale of seized ammunition in the General Fund, as it must currently do for receipts from sales from firearms.

EFFECTIVE DATE: October 1, 2013

**§ 41 — IDENTIFYING AND TRACING SEIZED AND RECOVERED FIREARMS**

The bill requires the police to return any stolen ammunition seized or recovered with a stolen gun to its rightful owner.

EFFECTIVE DATE: October 1, 2013

**§§ 42-43, 46-50, & 52-53 — INCREASED CRIMINAL PENALTIES FOR GUN TRAFFICKING AND OTHER GUN-RELATED OFFENSES**

The bill increases penalties for a number of firearm-related crimes. Table 2 displays these crimes, their current classification, and their classification under the bill. The penalties for the different crime classifications are in the Table on Penalties (see BACKGROUND).

**Table 2: Increased Penalties for Firearm-Related Crimes**

<b>Bill §</b>	<b>Crime (CGS §)</b>	<b>Current Penalty</b>	<b>Penalty Under the Bill</b>
42	Trafficking in firearms (53-202aa)	Class C felony if transfer less than five firearms  Class B felony if transfer five or more firearms	Class B felony  Mandatory minimum: <ul style="list-style-type: none"> <li>• Three-year prison term</li> <li>• \$10,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
43	Stealing a firearm (53a-212)	Class D felony	Class C felony  Mandatory minimum: <ul style="list-style-type: none"> <li>• Two-year prison term</li> </ul>

			<ul style="list-style-type: none"> <li>\$5,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
46	Failing to surrender a revoked permit (29-32)	Class C misdemeanor	Class A misdemeanor
47	Transferring a pistol or revolver to a prohibited person or violating transfer procedures (29-33)	Class D felony	<p>Class C felony</p> <p>Mandatory minimum:</p> <ul style="list-style-type: none"> <li>Two-year prison term</li> <li>\$5,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
47	Transferring a pistol or revolver to a prohibited person or violating transfer procedures, knowing the transferred weapon is stolen or has an altered identification mark (29-33)	Class B felony	<p>Class B felony</p> <p>Mandatory minimum:</p> <ul style="list-style-type: none"> <li>three-year prison term</li> <li>\$10,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
48	Making a false statement related to a pistol or revolver transfer (29-34(a))	Class D felony	<p>Class C felony</p> <p>Mandatory minimum:</p> <ul style="list-style-type: none"> <li>Two-year prison term</li> <li>\$5,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
48	Transferring a pistol or revolver to someone under age 21 except for target or shooting range use (29-34(b))	<p>Class D felony</p> <p>One-year mandatory minimum prison sentence</p>	<p>Class C felony</p> <p>Mandatory minimum:</p> <ul style="list-style-type: none"> <li>Two-year prison term</li> <li>\$5,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
49	Altering firearm identification mark, number, or name (29-36)	Up to five years in prison, a fine or up to \$1,000, or both	<p>Class C felony</p> <p>Mandatory minimum:</p> <ul style="list-style-type: none"> <li>Two-year prison term</li> <li>\$5,000 fine unless the court states on the record why it</li> </ul>

			remits or reduces the fine
50	Failing to report loss or theft of firearm (2 <sup>nd</sup> or subsequent offense)(53-202g)	Class D felony	Class C felony
50	Intentionally failing to report loss or theft of firearm (53-202g)	Class C felony	Class B felony
52	Failing to surrender revoked eligibility certificate (29-36i)	Class C misdemeanor	Class A misdemeanor
53	Buying a firearm intending to transfer it to an ineligible person (straw man transactions)(29-37j(a))	Up to five years in prison, fine of up to \$1,000, or both	Class C felony Mandatory minimum: <ul style="list-style-type: none"> <li>• Two-year prison term</li> <li>• \$5,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
53	Ineligible person soliciting a firearm through a straw man (29-37j(b))	Class B misdemeanor	Class D felony Mandatory minimum: <ul style="list-style-type: none"> <li>• One-year prison term</li> <li>• \$3,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul> (see below for additional penalties)
53	Ineligible person obtaining a firearm from a straw man (29-37j(b))	No current penalty; see immediately below	Class C felony Mandatory minimum: <ul style="list-style-type: none"> <li>• Two-year prison term</li> <li>• \$5,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
53	Ineligible person soliciting through a straw man involving transfer of more than one firearm (29-37j(b))	Class A misdemeanor	Penalty eliminated (see crime immediately above)

53	Straw man violations when offender had felony conviction in past five years (29-37j(c))	Class D felony	Class B felony  Mandatory minimum:  <ul style="list-style-type: none"> <li>• three-year prison term</li> <li>• \$10,000 fine unless the court states on the record why it remits or reduces the fine</li> </ul>
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### **§§ 44-45 — POSSESSION CRIMES**

By law, separate crimes punish criminal possession of a (1) firearm or electronic defense weapon and (2) pistol or revolver. The bill expands each of these crimes and increases their penalties so that they punish illegal possession of all of these weapons under very similar circumstances and with the same penalties. The bill also punishes possessing ammunition under the same circumstances and with the same penalties.

#### ***Criminal Possession of Firearms, Ammunition, or Electronic Defense Weapons***

The bill increases the penalty for criminal possession of a firearm or electronic defense weapon, expands the circumstances when someone commits this crime, and punishes someone who possesses ammunition under the same circumstances.

Under current law, a person commits this crime when he or she possesses the weapon and (1) has a prior felony conviction or conviction for a serious juvenile offense, (2) knows he or she is the subject of a restraining or protective order in certain cases or a firearms seizure order after notice and a hearing opportunity, or (3) is prohibited by federal law from having or transporting a firearm. The bill makes it illegal for these same people to possess ammunition.

The bill also punishes someone who possesses a firearm, ammunition, or an electronic defense weapon when he or she has been:

1. convicted of certain misdemeanors committed on or after October 1, 2013;
2. discharged from custody within the past 20 years after being found not guilty of a crime due to mental disease or defect;
3. confined on or after October 1, 2013 in a hospital for people with psychiatric disabilities under a probate court order within the past (a) 60 months or (b) 12 months if the person has a valid permit or certificate in effect before October 1, 2013; or
4. beginning October 1, 2013, voluntarily admitted to a hospital for people with psychiatric disabilities within the past six months for care and treatment of a psychiatric disability and not solely for being an alcohol- or drug-dependent person.

The misdemeanor convictions the bill applies to are for:

1. a first offense of possessing a controlled substance other than a narcotic, a hallucinogen, or between .5 and four ounces of marijuana (an unclassified misdemeanor for a first offense punishable by up to one year in prison, up to a \$1,000 fine, or both);
2. the following class A misdemeanors: criminally negligent homicide; 3<sup>rd</sup> degree assault; 3<sup>rd</sup> degree assault of an elderly, blind, disabled, pregnant, or intellectually disabled person; 2<sup>nd</sup> degree threatening; 1<sup>st</sup> degree reckless endangerment; 2<sup>nd</sup> degree unlawful restraint; 1<sup>st</sup> degree riot; inciting to riot; and 2<sup>nd</sup> degree stalking; and
3. the class B misdemeanor of 2<sup>nd</sup> degree riot.

The bill defines ammunition as a loaded cartridge consisting of a primed case, propellant, or projectile designed for use in a firearm.

**Penalties.** The bill increases the penalty for this crime from a class D to a class C felony. The law already imposes a two-year mandatory minimum sentence. The bill also imposes a mandatory minimum

\$5,000 fine unless the court states on the record why it remits or reduces the fine.

***Criminal Possession of a Handgun***

The bill increases the penalty for criminal possession of a pistol or revolver and expands the circumstances when someone commits this crime.

Under current law, a person commits this crime when he or she possesses the weapon and:

1. was previously convicted of a felony or one of the misdemeanors described above,
2. has a prior conviction for a serious juvenile offense,
3. has been discharged from custody within the past 20 years after being found not guilty of a crime due to mental disease or defect,
4. has been confined in a hospital for people with psychiatric disabilities under a probate court order within the past 12 months,
5. knows he or she is the subject of a restraining or protective order in certain cases or a firearms seizure order after notice and a hearing opportunity, or
6. is prohibited by federal law from having or transporting a firearm.

The bill:

1. on or after October 1, 2013, expands the look-back period for confinements under probate court orders from 12 to 60 months unless the person has a valid permit or certificate in effect before October 1, 2013, and
2. punishes someone who possesses a pistol or revolver when he or she has been voluntarily admitted, on or after October 1, 2013, to

a hospital for people with psychiatric disabilities within the past six months for care and treatment of a psychiatric disability and not solely for being an alcohol- or drug-dependent person.

**Penalties.** The bill increases the penalty for this crime from a class D to a class C felony and imposes a mandatory minimum (1) two-year prison sentence and (2) \$5,000 fine unless the court states on the record why it remits or reduces the fine.

EFFECTIVE DATE: October 1, 2013

### **§ 51 — INFORMATION DISCLOSURES FOR LONG GUN AND AMMUNITION TRANSFERS**

The bill makes a conforming change to allow DESPP to disclose the name and address of someone issued an eligibility certificate to the extent necessary to comply with the bill's provisions on long gun and ammunition transfers. The law already gives DESPP this authority for handgun sales.

EFFECTIVE DATE: July 1, 2013

### **§§ 54-56 — SAFE STORAGE REQUIREMENTS**

The bill expands the firearm safe storage laws in two ways. It imposes safe storage requirements on people who store their loaded firearms on their premises if they know or should know that a resident of the premises (1) is ineligible to possess firearms under state or federal law or (2) poses a risk of imminent personal injury to himself, herself, or others. The current ban applies to storing loaded firearms on their premises if they know or reasonably should know that a minor (someone under age 16) is likely to gain access to them without the minor's parent's or guardian's permission. As under the current law, the firearm must be locked up or in a location that a reasonable person considers to be secure, or the person carries it on his or her person or close enough so that he or she can readily retrieve it.

As under current law pertaining to minors, a person is strictly liable for damages if an ineligible or at-risk person gains access to the inappropriately stored firearm and uses it to injure or kill himself,

herself, or someone else.

As under current law pertaining to minors, a person is guilty of criminally negligent storage of a firearm if the ineligible or at-risk person obtains the firearm and kills or injures someone with it. It is also a class D felony unless the minor obtained the firearm from unlawful entry.

EFFECTIVE DATE: October 1, 2013

**§§ 57-58 — GUN PERMIT APPLICATION**

The bill generally requires someone applying for a gun permit to be a permanent resident of the town to which he or she applies. Current law does not specify that the residence must be permanent, and also allows such applications by someone who is not a resident, but who maintains a place of business in the town. By law, a gun permit is issued under a two-part process, with a local official issuing a temporary state permit, after which the State Police issues the five-year state permit (assuming the requirements are met).

As under existing law, the bill continues to allow someone without a permanent residence in Connecticut to apply directly to DESPP for a gun permit if the person has a handgun permit or license to carry issued by another state.

The bill prohibits anyone from applying for a temporary state gun permit more than once in any 12-month period, and prohibits such a permit from being issued to someone who has previously applied within the previous 12 months. The bill requires anyone who applies for a temporary permit to indicate on the application, under penalty of false statement in the manner the issuing authority prescribes, that the person has not applied for a temporary state permit within the past 12 months.

EFFECTIVE DATE: October 1, 2013

**§ 59 — RISK REDUCTION EARNED CREDITS AND PAROLE FOR VIOLENT OFFENDERS**

The bill prohibits inmates convicted of violent crimes from using risk reduction earned credits (RREC) that they earn to become eligible for parole sooner than they otherwise could. Thus, it requires inmates convicted of violent crimes to continue to serve 85% of their sentences before being eligible for parole, regardless of any credits they receive. As under current law, the credits still reduce the inmate's maximum prison sentence.

Under current law, inmates convicted of any crimes except the following can earned RREC:

1. murder (CGS § 53a-54a),
2. capital felony (CGS § 53a-54b),
3. felony murder (CGS § 53a-54c),
4. arson murder (CGS § 53a-54d),
5. 1<sup>st</sup> degree aggravated sexual assault (CGS § 53a-70a), or
6. home invasion (CGS § 53a-100aa).

The DOC commissioner can award RREC of up to five days per month for an inmate for (1) adhering to his or her offender accountability plan, (2) participating in eligible programs and activities, and (3) good conduct and obeying institutional rules as designated by the commissioner (but good conduct and obedience alone is not enough to earn credits). Credits cannot reduce a mandatory minimum sentence. An inmate can lose all or some of his or her credits. For inmates who earn RREC, the credits reduce the inmate's maximum prison sentence and the inmate's parole eligibility is based on his or her sentence as reduced by the credits.

EFFECTIVE DATE: July 1, 2013

#### **§ 60 — BOARD OF FIREARM PERMIT EXAMINERS MEMBERSHIP**

The bill increases the Board of Firearms Permit Examiners membership, from seven to nine, by adding one retired Superior Court

judge, appointed by the chief court administrator, and a DMHAS nominee, appointed by the governor. The rest of the members, as under current law, are appointed by the governor from nominations from the emergency services and public protection and energy and environmental protection commissioners; Connecticut State Association of Chiefs of Police; Connecticut State Rifle and Revolver Association, Inc.; and Ye Connecticut Gun Guild, Inc. The governor also appoints two public members.

EFFECTIVE DATE: July 1, 2013

**§ 61 — BOARD OF FIREARM PERMIT EXAMINERS CONTINUANCES**

The bill allows the board to grant one continuance, for good cause, to an official whose action on a gun permit or gun eligibility certificate is being appealed. If granted, the appeal is continued until the next scheduled board meeting. Under current law, an issuing authority's failure or refusal to provide a written statement to the board explaining the reasons for his or her adverse decision at least 10 days before the hearing is automatic cause for the board to grant relief to an appellant.

EFFECTIVE DATE: July 1, 2013

**§ 62 — DESPP APPROPRIATION**

The bill requires the DESPP commissioner to study the feasibility and cost of establishing and maintaining a system to electronically submit, access, and transfer to DESPP information required for gun sales, delivery, or transfers, including the information required to determine eligibility for gun credentials. The system must permit electronic access to the state database for checking a person's eligibility to get gun credentials or guns. It must permit retail sellers to directly initiate NICS background checks on firearm purchasers.

The system may permit the electronic submission of other documents and forms related to firearms permitting, including applications (1) to renew gun permits, eligibility certificates, or long gun eligibility certificates; (2) for a certificate of possession for an

assault weapon; and (3) to declare possession of LCMs.

The commissioner must submit a report to the legislature by January 1, 2014, on the study results, including recommendations to develop and implement it.

EFFECTIVE DATE: Upon passage

**§ 63 — APPROPRIATIONS**

The bill appropriates \$1 million to DESPP for FY 14 to fund the statewide firearms trafficking task force.

EFFECTIVE DATE: July 1, 2013

**§§ 64-65 — MENTAL HEALTH FIRST AID TRAINING**

The bill requires the State Board of Education, within available appropriations and material, to help and encourage school boards to include mental health first aid training as part of their in-service training programs for certified teachers, administrators, and other pupil personnel.

The bill also requires the SDE commissioner to consider whether to require mental health first aid training as part of teacher education programs leading to professional certification. By January 1, 2014, he must report his recommendation on this matter to the Appropriations, Education, and Public Health committees.

(See § 90 for more provisions on mental health first aid.)

EFFECTIVE DATE: Upon passage

**§ 66 — BEHAVIORAL HEALTH SERVICES TASK FORCE**

The bill creates a 20-member task force to study the provision of behavioral health services in Connecticut, with particular focus on providing such service to 16- to 25-year-olds.

The task force must analyze and make recommendations in the following areas:

1. improving behavioral health screening, early intervention, and treatment;
2. closing gaps in private insurance coverage;
3. improving behavioral health case management services;
4. addressing the insufficient number of certain behavioral health providers, including child psychiatrists and providers offering specialized services;
5. improving the delivery system for behavioral health services;
6. improving payment models for behavioral health services;
7. creating a central clearinghouse to inform the public about behavioral health services;
8. providing intensive, individualized, in-school behavioral health intervention services for students exhibiting violent tendencies;
9. requiring the SDE to provide technical assistance to school districts concerning behavioral intervention specialists in public and private schools and for preschool programs;
10. using assisted outpatient behavioral health services and involuntary outpatient commitment as treatment options;
11. conducting behavioral health screenings of public school children;
12. requiring disclosure of communications by mental health professionals about people who present a clear and present danger to the health or safety of themselves or others; and
13. reducing the stigma of mental illness as a barrier to people receiving appropriate mental health services.

The task force members include seven government officials and 13 appointed members; all 20 are voting members. The government

officials include the Healthcare Advocate; the child advocate; and DCF, DMHAS, public health (DPH), SDE, and insurance commissioners, or the commissioners' designees.

Under the bill, the six legislative leaders each have two appointments to the task force, and the governor has one. The appointed members' required qualifications are described in Table 3.

**Table 3: Behavioral Health Services Task Force Appointed Members**

<b><i>Appointing Authority</i></b>	<b><i>Qualifications</i></b>
Senate president pro tempore	One child psychiatrist  One primary care provider
House speaker	One pediatrician whose practice focuses on adolescents  One representative of a school-based health center
Senate majority leader	One probate judge  One parent with a child who has used behavioral health services
House majority leader	One school psychologist  One representative of a community health center
Senate minority leader	One representative of a health insurer  One representative of a hospital that offers behavioral health services
House minority leader	One representative of an organization that offers behavioral health case management services  One (1) consumer of behavioral health services or (2) representative of an organization that advocates for consumers of such services
Governor	One representative of an institution of higher education

The bill requires task force appointments to be made within 30 days

of the bill's passage. Vacancies are filled by the appointing authority.

Under the bill, the Senate president pro tempore and House speaker must each appoint one task force chairperson from among the members. The chairpersons must schedule and hold the first meeting of the task force within 60 days of the bill's passage. The task force must meet at least monthly until February 1, 2014, and upon the call of the chairs or a request of the majority of the members. Task force members serve without compensation, except for necessary expenses incurred performing their duties.

A majority of the members constitutes a quorum, and a majority vote of a quorum is required for an official action of the task force. The chairpersons break any ties (the bill does not specify how a tie would be broken if the chairpersons disagree).

Under the bill, the administrative staff of the Public Health Committee will serve as the task force administrative staff. The bill allows the task force to seek funding from any state, federal, or private source, and enter into contracts, to carry out its duties.

By February 1, 2014, the task force must report on its findings and recommendations to the governor; Senate president pro tempore; House speaker; Senate and House minority leaders; and the Appropriations, Education, Human Services, Insurance and Real Estate, and Public Health committees. The task force must also provide additional information not contained in the report to legislators upon their request. The task force terminates on July 1, 2014.

EFFECTIVE DATE: Upon passage

## **§ 67 — ASSERTIVE COMMUNITY TREATMENT**

The bill requires the DMHAS commissioner to implement an ACT program in three cities that, on June 30, 2013, do not have such a program. The program must use a person-centered, recovery-based approach that provides people diagnosed with a severe and persistent mental illness, including those released from commitment, (1) assertive outreach, (2) mental health and peer support services, (3) vocational

assistance, (4) education concerning family issues, and (5) information to develop wellness skills. Services must be provided by mobile, multi-disciplinary teams in community settings.

DMHAS currently operates four ACT teams in Manchester, Middletown, New Britain, and Norwich.

EFFECTIVE DATE: July 1, 2013

**§ 68 — PROBATE COURT-RELATED CASE MANAGEMENT AND CARE COORDINATION SERVICES**

The bill requires the DMHAS commissioner to provide case management and care coordination services to up to 100 people with mental illness who are involved in the probate court system and who, on June 30, 2013, are not receiving these services.

EFFECTIVE DATE: July 1, 2013

**§ 69 — REGIONAL BEHAVIORAL HEALTH CONSULTATION SYSTEM FOR PEDIATRICIANS**

The bill requires the DCF commissioner, by January 1, 2014, to establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children. The program must provide these primary care providers with:

1. timely access to a consultation team that includes a child psychiatrist, social worker, and care coordinator;
2. patient care coordination and transitional services for behavioral health care; and
3. training and education on patient access to behavioral health services.

The bill requires the DCF commissioner to submit a program plan by October 1, 2013 to the Appropriations, Children, Human Services, and Public Health committees.

It also allows the commissioner to contract for services and adopt regulations to administer the program.

EFFECTIVE DATE: Upon passage

**§§ 71 & 73(C) — REQUEST FOR MENTAL OR SUBSTANCE USE DISORDER SERVICES**

***Benefit Determination***

By law, the amount of time a carrier has to make a benefit determination depends on whether or not it is an urgent request. In general, carriers must make a determination within 15 calendar days for non-urgent requests but within 72 hours for urgent requests.

The bill treats as urgent requests those for a service or treatment for (1) substance use disorder or co-occurring mental disorder and (2) inpatient services, partial hospitalization, residential treatment, or intensive outpatient services needed to keep a covered person from requiring an inpatient setting in connection with a mental disorder.

It requires the carrier to make its determination as soon as possible, but no more than 24 hours after it receives a request for service or treatment for these disorders. If the request is to extend a course of treatment beyond the initial period or number of treatments, the request must be made at least 24 hours before the initial authorization runs out. The 24-hour deadline for the carrier does not apply if the covered person or his or her representative fails to provide the information the carrier needs to make its determination.

EFFECTIVE DATE: October 1, 2013

***Expedited Reviews (§§ 74(d) & 76(i))***

By classifying requests for these services and treatments as urgent, the bill entitles the covered person to an expedited review of an adverse determination. Under current law, the carrier or independent review organization must notify the covered person and his or her representative of its decision regarding an expedited review within 72 hours of receiving a grievance. The bill requires that carriers make their decision for expedited reviews of requests for services and

treatment for the mental and substance use disorders within 24 hours.

EFFECTIVE DATE: October 1, 2013

***Clinical Review Criteria in Utilization Review (§ 72(a))***

By law, each carrier must contract with health care professionals to administer its utilization review program. Utilization review uses formal techniques to monitor the use of health care services or evaluate their medical necessity, appropriateness, efficacy, or efficiency.

Under current law, each program must use documented clinical review criteria based on sound clinical evidence. The bill requires that, for any utilization review or benefit determination for treating a substance use disorder, the default criteria are those in the most recent edition of the American Society of Addiction Medicine's Patient Placement Criteria. For any utilization review or benefit determination for treating a mental disorder in a child or adolescent, the default criteria are the most recent guidelines in the American Academy of Child and Adolescent Psychiatry's Child and Adolescent Service Intensity Instrument. For any utilization review or benefit determination for treating a mental disorder in an adult, the default criteria are the most recent (1) guidelines of the American Psychiatric Association or (2) standards and guidelines of the Association of Ambulatory Behavioral Healthcare.

In each case, the carrier can use other criteria that it demonstrates are consistent with the default criteria. But if the carrier does this, it must create and maintain a document on an easily accessible location on its website that:

1. compares each aspect of its criteria with the default criteria and
2. provides citations to (a) peer-reviewed medical literature generally recognized by the relevant medical community or (b) professional society guidelines that justify each deviation from the default criteria.

EFFECTIVE DATE: October 1, 2013

## **§§ 70 & 72-75 — ADVERSE DETERMINATIONS**

### ***Initial Adverse Determination Notices (§ 73(e))***

By law, each carrier must promptly notify a covered person and, if applicable, his or her authorized representative, of an adverse determination. The bill additionally requires the notice to list, upon request, any clinical review criteria (including professional criteria) and medical or scientific evidence used to reach a denial.

By law, the notice must describe the carrier's internal grievance procedures. Under current law, this description must state that the covered person or his or her representative can submit written comments, documents, records, and other material regarding the request for the individuals conducting the review. The bill instead requires the notice to include a statement that, if the covered person or his or her representative chooses to grieve an adverse determination, that:

1. such appeals sometimes succeed;
2. the covered person or his or her representative may benefit from free assistance from the department's consumer affairs division or the Office of Healthcare Advocate (OHA), which can help with a grievance;
3. the covered person or representative is entitled and encouraged to submit supporting documentation for the carrier to consider during the review of an adverse determination, including their narratives and letters and treatment notes from the covered person's health care professional; and
4. the covered person or representative has the right to ask his or her health care professional for these letters and treatment notes.

By law, if an adverse determination is based on a carrier's internal rule or other similar criterion, the notice must provide the criterion and related information. The bill additionally requires the notice to provide the links to the criterion on the carrier's web site. If the adverse

determination involves treating a substance use or a mental disorder, the bill requires the notice to also include a link to the carrier's applicable clinical review criteria, as described above, on its website.

EFFECTIVE DATE: October 1, 2013

***Conference Regarding Adverse Determination (§ 73(a)(3))***

The bill allows a carrier to offer a covered person's health care professional an opportunity to confer with a clinical peer of the carrier under certain circumstances. This provision applies

1. after a covered person or his or her representative or health care professional is notified of an initial adverse determination of a concurrent or prospective utilization review or of a benefit request that was based, at least in part, on medical necessity and
2. if the covered person, representative, or health care professional has not already filed a grievance of the initial adverse determination.

The conference is not considered a grievance of the initial adverse determination.

EFFECTIVE DATE: October 1, 2013

***Reviews (§ 75 (d))***

By law, the covered person or his or her representative can grieve an adverse determination. Under the bill, if the decision in a review of a case that is not based on medical necessity upholds the adverse determination, the notice of the decision must include a statement disclosing:

1. the covered person's right to contact the insurance commissioner's office or OHA at any time;
2. that the covered person may benefit from free assistance from the department's consumer affairs division or OHA, which can help him or her file a grievance; and

3. the contact information for the offices.

EFFECTIVE DATE: October 1, 2013

***Continuing Treatment While Determination Is Appealed (§ 73 (b)(1)(B))***

Under the bill, if a non-urgent request is a concurrent review request, as defined by federal law (i.e., one that takes place when the service is being requested), the treatment must be continued without liability to the covered person during the review or any grievance filed by a covered person or his or her representative of an adverse determination or a final adverse determination of the concurrent review. Existing law has a similar requirement in the case of urgent requests.

EFFECTIVE DATE: October 1, 2013

***Clinical Peers (§§ 70, 72, & 74)***

By law, carriers must contract with clinical peers to evaluate the clinical appropriateness of adverse determinations. The bill additionally requires that clinical peers be used to review all adverse determinations based at least in part on medical necessity.

The bill requires that carriers contract with clinical peers to conduct utilization reviews, rather than requiring them to contract with health care professionals to oversee the determinations in these reviews. It requires the clinical peers to participate in various stages of the review process.

The bill requires certain clinical peers to have additional qualifications. Under current law, clinical peers are health care professionals who hold a non-restricted license in any state in the same or similar specialty as typically manages the medical condition, procedure, or treatment under review.

For a review or benefit determination concerning a substance use or mental disorder in a child or adolescent, the clinical peer must (1) hold a national board certification in child and adolescent psychiatry or

child and adolescent psychology and (2) have training or clinical experience in treating child and adolescent substance use or mental disorder, as applicable.

For a review or benefit determination concerning substance use disorder or mental disorder in an adult, the clinical peer must (1) hold a national board certification in psychiatry or psychology, and (2) have training or clinical experience in the treatment of adult substance use or mental disorders, as applicable.

The bill requires that each carrier have procedures to ensure that the appropriate or required clinical peers are designated to conduct utilization reviews and makes conforming changes.

EFFECTIVE DATE: October 1, 2013

#### **§ 77 — OFFICE OF THE HEALTH CARE ADVOCATE**

The bill applies the requirement that employers post a notice concerning the services OHA provides to (1) self-insured employers and (2) all employers that provide health care benefits to their employees. By law, employers that provide health insurance to their employees must post such notices.

EFFECTIVE DATE: October 1, 2013

#### **§ 78 — CONSUMER REPORT CARD**

By law, the insurance commissioner must prepare an annual consumer report card that, among other things, addresses managed care organizations and mental health services. The bill requires the commissioner to annually analyze this data for the accuracy of, trends in, and statistically significant differences in, the data among the health care centers and health insurers included in the report card. It allows him to investigate such differences to determine whether he should take further action.

EFFECTIVE DATE: October 1, 2013

#### **§ 79 — MENTAL HEALTH PARITY AND COMPLIANCE CHECKS**

### **Information Gathering**

The bill requires the insurance commissioner, by September 15, 2013, to seek input from stakeholders on methods the department might use to check for compliance with state and federal mental health parity laws by health insurance companies and other entities under its jurisdiction. The stakeholders must at least include the Healthcare Advocate, health insurance companies, health care professionals, and behavioral health advocacy groups. The department also must post notice of the request for input on its web site and provide for a written public comment period of 30 days following the posting. The posting must include the date the public comment period closes and information on how to submit comments to the department.

EFFECTIVE DATE: Upon passage

### **Report**

By January 1, 2014, the insurance commissioner must issue a report and provide an educational presentation to the Insurance and Real Estate and Public Health committees. The report and presentation must:

1. cover the methodology the department is using to check for compliance with the interim or final regulations or guidance, whichever is in effect, published by the U. S. Department of Health and Human Services relating to the compliance and oversight requirements of federal law on mental health parity;
2. cover the methodology the department is using to check for compliance with state law on mental health parity; and
3. detail the department's regulatory and educational approaches relating to the financing of mental health services in this state.

In addition, the report must describe and address any public comments the department received.

By February 1, 2014, the Insurance and Public Health committees must hold a joint public hearing on the report.

EFFECTIVE DATE: Upon passage

## **§ 80 — SCHOOL SAFETY INFRASTRUCTURE COUNCIL**

### ***Council Duties***

The bill creates the School Safety Infrastructure Council (SSIC) that must develop school safety infrastructure standards for (1) the existing school construction projects program and (2) a new school security infrastructure competitive grant program the bill creates.

The new standards must be submitted to the DESPP and education commissioners, the School Building Projects Advisory Council, and Public Safety and Education committees by January 1, 2014 and annually every year after. The bill does not explicitly require any body to approve the standards once SSIC issues them.

The standards must conform to industry standards for school building infrastructure and, at a minimum, include:

1. school building and classroom entryways, such as, reinforcement of entryways, ballistic (bullet-resistant) glass, solid core doors, double-door access, computer-controlled electronic locks, remote locks on all entrances and exits, and buzzer systems;
2. use of cameras throughout the school building and at all entrances and exits, including the use of closed-circuit television monitoring;
3. penetration resistant vestibules; and
4. other security infrastructure improvements and devices as they become industry standards.

### ***Council Membership***

The bill creates the eight member council with the following membership:

1. the construction services commissioner, or his designee;

2. the DESPP commissioner, or his designee;
3. the education commissioner, or his designee;
4. one Senate president pro tempore appointee, who must be a person with expertise in building security, preferably school building security;
5. one House speaker appointee, who must be a licensed professional structural engineer;
6. one Senate majority leader appointee, who must be a certified public school administrator;
7. one House majority leader appointee, who must be a firefighter, emergency medical technician, or paramedic;
8. one Senate minority leader appointee, who must be a school resource officer (police officer assigned to a school); and
9. one House minority leader appointee, who must be a certified public school teacher.

The construction services commissioner chairs the council. The administrative staff of the Department of Construction Services (DCS) serves as its staff.

EFFECTIVE DATE: Upon passage

### **§§ 81 & 82 — SCHOOL CONSTRUCTION PROJECTS AND THE NEW SCHOOL SAFETY STANDARDS**

Under current school construction project law, a school district can receive state reimbursement for the eligible parts of a school construction project if its application meets certain criteria. The bill requires DCS, on and after July 1, 2014, to review each local school construction grant application for compliance with the SSIC-developed school safety infrastructure standards. It gives DCS the authority to disapprove any application that does not comply with these new school safety standards starting on or after July 1, 2014.

EFFECTIVE DATE: July 1, 2013

**§ 83 – SCHOOL BUILDING PROJECTS ADVISORY COUNCIL**

By law, the School Building Projects Advisory Council must develop model blueprints for new school building projects. The bill expands that requirement so that the blueprints are for school building projects that comply with industry standards for school buildings and the new school safety infrastructure standards the SSIC must develop.

EFFECTIVE DATE: Upon passage

**§§ 84-85 — COMPETITIVE SCHOOL SECURITY INFRASTRUCTURE GRANTS**

The bill establishes a competitive state grant program to improve security infrastructure in schools and authorizes up to \$15 million in state bonds for the program. The grant program is jointly administered by DESPP, DCS, and SDE, and funding is available for FYs 13, 14, and 15.

The program will reimburse towns for certain expenses for (1) the development or improvement of security infrastructure, based on the security assessment the bill requires, and (2) (a) school personnel training in the operation and maintenance of the new or improved security structure or (b) the purchase of portable entrance security devices, including metal detector wands, screening machines, and related training.

Eligible infrastructure includes the installation of surveillance cameras, penetration resistant vestibules, ballistic glass, solid core doors, double-door access, computer-controlled electronic locks, entry door buzzer systems, scan card systems, panic alarms or other systems.

***Application Process***

Local or regional boards of education can apply to DESPP for funds on behalf of their town or member towns beginning the day the bill becomes law. The DESPP commissioner prescribes the application process time and related details. Boards of education can apply before

and after SSIC develops standards. Before the date SSIC makes its initial submission of infrastructure standards under the bill, the DESPP commissioner, in consultation with the construction services and education commissioners, determines which expenses are eligible for reimbursement. After the SSIC submits its new infrastructure standards, decisions to approve or deny applications and which expenses are eligible for reimbursement must meet the most recent SSIC standards as provided for in the bill.

The grants reimburse school districts for 20% to 80% of the eligible expenses for such security measures incurred after the bill's effective date. The reimbursement percentage is based on the district's wealth.

To receive a grant, a district must show that it (1) has conducted a uniform security assessment of its school entrances and any security infrastructure, (2) has an emergency plan at its schools developed with applicable state and local first-responders, and (3) periodically practices the plan. The security assessment must be carried out under the supervision of the district's local law enforcement agency and use the Safe Schools Facilities Check List published by the National Clearinghouse for Educational Facilities (see BACKGROUND).

If there is not enough money to reimburse every district for its full percentage, the DESPP commissioner, in consultation with the DCS and education commissioners, must give first priority to applicants with schools they determine most need entrance security, based on the required security assessments. From among those applicants, they must give first priority to schools that have no entrance security infrastructure and second priority to schools located in priority school districts.

EFFECTIVE DATE: Upon passage

## **§ 86 — SCHOOL SAFETY AND SECURITY STANDARDS**

The bill requires DESPP to develop school safety and security plan standards by January 1, 2014, in consultation with SDE. The standards must follow an all-hazards approach to public school emergencies, and

DESPP must make them available to local officials, including local and regional boards of education. At a minimum, these standards must include:

1. requirements that local and regional school boards conduct security and vulnerability assessments of their schools every two years, develop a school safety and security plan for each school based upon the assessment results, and give DESPP annual fire and crisis response drill reports;
2. requirements that local officials, including the chief executive officer of the municipality, superintendent of schools, law enforcement, fire, public health, emergency management, and emergency medical services, participate in school security and safety plan development;
3. requirements that local law enforcement and other local public safety officials evaluate fire and crisis response drills;
4. guidelines for command center organization structure, based on the federal National Incident Management System, as well as command center responsibilities;
5. guidelines for crisis management and various emergency management procedures;
6. requirements that each school establish a school security and safety committee;
7. requirements that each school's safe school climate committee collect, evaluate, and report information about disturbing or threatening behavior, which is distinct from bullying, to the district safe school climate coordinator and the school security and safety committee; and
8. guidelines for providing school safety and security plan orientation, as well as violence prevention training, to each school employee.

DESPP must annually report its standards and recommendations for legislation to the Public Safety and Education committees beginning January 1, 2014.

EFFECTIVE DATE: Upon passage

**§ 87 — SCHOOL SAFETY AND SECURITY PLANS AND COMMITTEES**

The bill requires local and regional boards of education to annually do the following, beginning in the 2014-15 school year:

1. develop and implement a school security and safety plan for each school within their school district, based upon standards issued by DESPP;
2. review, update, and submit school safety and security plans to DESPP; and
3. establish a school security and safety committee at each school to assist in developing and administering the school's safety and security plan.

Membership of the school security and safety committee must consist of:

1. a local police officer,
2. a local first responder,
3. a teacher employed at the school,
4. an administrator employed at the school,
5. a mental health professional (guidance counselor, school social worker, school psychologist, school nurse, or child mental health specialist),
6. a parent or guardian of an enrolled student, and
7. any other person the governing board of education finds

necessary.

Parents or guardians who serve on this committee must not have access to information about disturbing or threatening student behavior reported to the committee, since it may compromise student confidentiality.

EFFECTIVE DATE: Upon passage

### **§ 88 — SAFE SCHOOL CLIMATE COMMITTEES**

The bill expands the responsibilities of the safe school climate committees. These committees, primarily tasked with duties related to bullying prevention, are required by law in each school serving grades kindergarten through 12. This bill requires the committees to collect, evaluate, and report information about disturbing or threatening student behavior, even if it falls outside the definition of bullying. Parents or guardians who serve on the committees must not participate in this new duty, since it may compromise student confidentiality.

EFFECTIVE DATE: Upon passage

### **§ 89 — REPORT ON SCHOOL DISTRICT EFFORTS TO PREVENT BULLYING**

This bill increases the frequency and the recipients of SDE's report that analyzes public school districts' bullying prevention efforts. This report tracks the number of bullying incidents in the state, describes responsive actions taken by districts, and offers recommendations for additional activities or funding to prevent bullying and improve school climates. SDE must submit this report every year, rather than biennially, and must add to the list of required recipients the House speaker, Senate president pro tempore, and majority and minority leaders of the House and Senate.

EFFECTIVE DATE: Upon passage

### **§ 90 — MENTAL HEALTH FIRST AID TRAINING**

The bill requires the DMHAS commissioner, in consultation with

the education commissioner, to administer a mental health first aid training program. Participants must include all district safe school climate coordinators and may include teachers, nurses, counselors, and other employees at the discretion of each local or regional board of education.

DHMAS must provide training for individuals appointed to serve as district safe school climate coordinators for the 2014-15 school year and these individuals must successfully complete the training. For the 2015-16 school year, only district safe school climate coordinators who did not successfully complete the training or serve in the prior school year must successfully complete the training. No individual must successfully complete the training more than once.

Training must teach participants how to (1) recognize signs of mental disorders in children and adults, and (2) connect them with professionals who could provide suitable mental health services. The commissioners administering this training may seek funding from the federal or state government, as well as from private donors.

(For additional mental health provisions, see § § 64 and 65.)

EFFECTIVE DATE: Upon passage

### **§ 91 — SCHOOL SECURITY CONSULTANT REGISTRY**

The bill requires DESPP to establish and maintain a registry of school security consultants doing business in the state. DESPP must update the registry annually, publish it on the DESPP website, and furnish it to the public upon request. The registry must contain (1) the consultants' names, (2) their employers, and (3) other information that the DESPP commissioner may require.

EFFECTIVE DATE: Upon passage

### **§ 92 — HIGHER EDUCATION SECURITY PROTOCOL PLANS AND THREAT ASSESSMENT TEAMS**

#### ***Security Protocol Plans***

The bill requires UConn and all its campuses, all state colleges in the

Connecticut State University System (CSUS), all regional community-technical colleges, and all Connecticut independent institutions of higher education to do the following:

1. by October 1, 2013, give an up-to-date security protocol plan to DESPP, which by law must outline how faculty and staff should identify and respond to students at risk for harm to themselves or others; and
2. by July 1, 2015, and every two years afterward, review and revise its security protocol plan with chiefs of police or campus security and submit revisions to DESPP by August 1 of the effected year.

### ***Threat Assessment Teams***

The bill also requires all of the above colleges to establish trained threat assessment teams on each campus by January 1, 2014.

The institution president must choose team membership in consultation with the campus chief of police or head of security. A membership model must include at least one member from its special police force or campus security personnel, administration, faculty, and senior and mid-level staff. The chief of police or head of security for each campus must ensure that each member is capable of (1) executing the security protocol plan, and (2) receiving training in identifying at-risk people and safety threats.

EFFECTIVE DATE: Upon passage

### **§ 93 — HIGHER EDUCATION POLICE FORCES**

By law, UConn and all its campuses, and the four colleges in CSUS are authorized to establish their own police forces, who can be armed and have the authority to make arrests. These officers are state employees. The bill excludes these positions from certain aspects of the State Personnel Act that address civil service qualifying exams. The bill gives the respective governing bodies for UConn and the CSUS the authority to determine:

1. the preliminary requirements, including educational qualifications, for members of the special police forces for UConn and the state colleges, respectively, and
2. the timeline for filling vacancies on the respective police forces, including when an exam for a vacant position will be offered and how soon after the exam an appointment to a vacant position can be made.

If an exam is unnecessary due to a sufficient candidate list the administrative services commissioner provides under state civil service law, the governing body of UConn or CSUS must make an appointment from that candidate list.

EFFECTIVE DATE: Upon passage

#### **§ 94 — SPECIAL POLICE FORCE EFFICACY STUDY AND COORDINATED SECURITY PLAN**

##### ***Special Police Force Efficacy Study***

The bill requires the Board of Regents for Higher Education (BOR), in consultation with DESPP, to evaluate whether the establishment of a special police force for each regional and technical community college would be effective. By January 1, 2014, the BOR president must deliver the results to the Higher Education and Employment Advancement Committee.

##### ***Coordinated Security Plan***

The bill also requires BOR to develop a coordinated security plan for CSUS and the regional community-technical college system. By January 1, 2014, the BOR president must report on the plan to the Higher Education and Employment Advancement Committee.

EFFECTIVE DATE: Upon passage

#### **§ 95 — CERTIFICATION REQUIREMENTS FOR ARMED HIGHER EDUCATION SECURITY**

The bill requires all armed campus security personnel to be certified by the Police Officer Standards and Training (POST) Council (see

BACKGROUND).

EFFECTIVE DATE: Upon passage

**§ 96 — CAMPUS SAFETY AND SECURITY AUDITS**

The bill requires DESPP, by December 1, 2014, to perform or require an audit of the following campuses to determine their safety and security characteristics: UConn and all its campuses, all state colleges in CSUS, all regional community-technical colleges, and all Connecticut independent institutions of higher education.

The bill also requires DESPP to base any recommendations for campus security upgrades on the audit's findings and align them with the campus's security protocol plan. DESPP must report the audit results to the Higher Education and Employment Advancement Committee by January 1, 2015.

EFFECTIVE DATE: Upon passage

**§ 97 — TERMINOLOGY CHANGE**

The bill renames "independent college or university" under current law as "independent institution of higher education." Its definition still refers to non-profit institutions established in Connecticut that have (1) degree-granting authority in the state, (2) a home campus within the state, (3) no function in the state system of public higher education, and (4) a primary function other than religious vocation preparation.

EFFECTIVE DATE: Upon passage

**§§ 98 & 99 — BOND AUTHORIZATION REPEALER**

The bill repeals a \$3 million bond authorization, initially created in 2007 for a school security infrastructure program and reduced in 2010 as part of a bond cancellation. The bill repeals the remaining \$3 million in bond authorizations. Statutory language for how schools could apply for, and how the education commissioner could distribute, these funds was never included in the original act (PA 07-7, June Special Session, § 13 (j)(6)).

EFFECTIVE DATE: Upon passage

## **BACKGROUND**

### ***Assault Weapons***

Under existing law, certain assault weapons defined by criteria, rather than specific name, are exempt from the state transfer restrictions and registration requirements if they were legally manufactured before September 13, 1994 (CGS § 53-202m).

The law also allows possession of certain specified assault weapon models under certain circumstances. A person may possess an Auto-Ordnance Thompson type, Avtomat Kalashnikov AK-47 type, MAC-10, MAC-11, or MAC11 Carbine type assault weapon if (1) it was obtained in good faith on or after October 1, 1993 and before May 8, 2002, (2) the possessor is not prohibited from possessing the weapon under any other law, and (3) the possessor notified DESPP before October 1, 2003 that he or she possessed the specific weapon (CGS § 53-202N).

### ***Table on Penalties***

Table 4 shows the penalties for the different crime classifications in Connecticut.

**Table 4: Penalties by Crime Classification**

<b><i>Felony</i></b>	<b><i>Prison Term</i></b>	<b><i>Fine</i></b>
Class A felony (murder with special circumstances)	Life without the possibility of release	Up to \$20,000
Class A felony (murder)	25 to 60 years	Up to \$20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony (1st degree manslaughter with a firearm)	Five to 40 years	Up to \$15,000
Class B felony	One to 20 years	Up to \$15,000
Class C felony	One to 10 years	Up to \$10,000
Class D felony	One to 5 years	Up to \$5,000
Class A misdemeanor	Up to one year	Up to \$2,000

Class B misdemeanor	Up to six months	Up to \$1,000
Class C misdemeanor	Up to three months	Up to \$500
Class D misdemeanor	Up to 30 days	Up to \$250

***National Clearinghouse on Educational Facilities (§ 84)***

The clearinghouse was created by the U.S. Department of Education and is funded by the department and overseen by its Office of Safe and Drug-Free Schools. It provides information on planning, designing, funding, building, improving, and maintaining safe, healthy, high-performance schools. The clearinghouse's Safe Schools Facilities Check List allows schools to assess the safety of their buildings and grounds.

***POST Authority and Regulations (§ 95)***

POST establishes minimum qualifications for municipal police officers and enforces professional standards for certifying and decertifying them. Its entry level requirements for police officers include personal interviews, fingerprint examination, background investigation, psychological examination, criminal history record check, controlled substance screen, and physical fitness and medical tests (Conn. Agencies Reg. § 7-294e-16).