



General Assembly

January Session, 2015

**Governor's Bill No. 6848**

LCO No. 3952



Referred to Committee on JUDICIARY

Introduced by:

REP. SHARKEY, 88<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

***AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.***

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

1 Section 1. Section 29-36k of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) [Not later than two business days] Except as provided in  
4 subsection (b) of this section, not later than two business days after the  
5 occurrence of any event that makes a person ineligible to possess a  
6 pistol or revolver or other firearm or ammunition, such person shall (1)  
7 transfer in accordance with section 29-33 all pistols and revolvers  
8 which such person then possesses to any person eligible to possess a  
9 pistol or revolver and transfer in accordance with any applicable state  
10 and federal laws all other firearms to any person eligible to possess  
11 such other firearms by obtaining an authorization number for the sale  
12 or transfer of the firearm from the Commissioner of Emergency

13 Services and Public Protection, and submit a sale or transfer of  
14 firearms form to said commissioner within two business days, [except  
15 that a person subject to a restraining or protective order or a foreign  
16 order of protection may only transfer a pistol, revolver or other firearm  
17 or ammunition under this subdivision to a federally licensed firearms  
18 dealer pursuant to the sale of the pistol, revolver or other firearm and  
19 ammunition to the federally licensed firearms dealer,] or (2) deliver or  
20 surrender such pistols and revolvers and other firearms and  
21 ammunition to the Commissioner of Emergency Services and Public  
22 Protection, or (3) transfer such ammunition to any person eligible to  
23 possess such ammunition. The commissioner shall exercise due care in  
24 the receipt and holding of such pistols and revolvers and other  
25 firearms or ammunition. [For the purposes of this section, a "person  
26 subject to a restraining or protective order or a foreign order of  
27 protection" means a person who knows that such person is subject to  
28 (A) a restraining or protective order of a court of this state that has  
29 been issued against such person, after notice and an opportunity to be  
30 heard has been provided to such person, in a case involving the use,  
31 attempted use or threatened use of physical force against another  
32 person, or (B) a foreign order of protection, as defined in section 46b-  
33 15a, that has been issued against such person in a case involving the  
34 use, attempted use or threatened use of physical force against another  
35 person.]

36 (b) Immediately, but in no event more than twenty-four hours after  
37 notice has been provided to a person subject to a restraining or  
38 protective order or a foreign order of protection, such person shall (1)  
39 transfer any pistol, revolver or other firearm or ammunition which  
40 such person then possesses to a federally licensed firearms dealer  
41 pursuant to the sale of the pistol, revolver or other firearm and  
42 ammunition to the federally licensed firearms dealer, or (2) deliver or  
43 surrender such pistols and revolvers and other firearms and  
44 ammunition to the Commissioner of Emergency Services and Public  
45 Protection. For the purposes of this section, a "person subject to a

46 restraining or protective order or a foreign order of protection" means  
47 a person who knows that such person is subject to (A) a restraining or  
48 protective order of a court of this state that has been issued against  
49 such person, after notice has been provided to such person, in a case  
50 involving the use, attempted use or threatened use of physical force  
51 against another person, or (B) a foreign order of protection, as defined  
52 in section 46b-15a, that has been issued against such person in a case  
53 involving the use, attempted use or threatened use of physical force  
54 against another person.

55 [(b)] (c) Such person, or such person's legal representative, may, at  
56 any time up to one year after such delivery or surrender, transfer such  
57 pistols and revolvers in accordance with the provisions of section 29-33  
58 to any person eligible to possess a pistol or revolver and transfer such  
59 other firearms and ammunition, in accordance with any applicable  
60 state and federal laws, to any person eligible to possess such other  
61 firearms and ammunition, provided any person subject to a restraining  
62 or protective order or a foreign order of protection, or such person's  
63 legal representative, may only transfer such pistol, revolver or other  
64 firearm or ammunition to a federally licensed firearms dealer pursuant  
65 to the sale of the pistol, revolver or other firearm or ammunition to the  
66 federally licensed firearms dealer. Upon notification in writing by the  
67 transferee and such person, the Commissioner of Emergency Services  
68 and Public Protection shall, within ten days, deliver such pistols and  
69 revolvers or other firearms or ammunition to the transferee. If, at the  
70 end of such year, such pistols and revolvers or other firearms or  
71 ammunition have not been so transferred, the commissioner shall  
72 cause them to be destroyed.

73 [(c)] (d) Any person who fails to transfer, deliver or surrender any  
74 such pistols and revolvers and other firearms or ammunition as  
75 provided in this section shall be subject to the penalty provided for in  
76 section 53a-217, as amended by this act, or 53a-217c, as amended by  
77 this act.

78 Sec. 2. Section 53a-217 of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective October 1, 2015*):

80 (a) A person is guilty of criminal possession of a firearm,  
81 ammunition or an electronic defense weapon when such person  
82 possesses a firearm, ammunition or an electronic defense weapon and  
83 (1) has been convicted of a felony committed prior to, on or after  
84 October 1, 2013, or of a violation of subsection (c) of section 21a-279 or  
85 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,  
86 53a-178 or 53a-181d committed on or after October 1, 2013, (2) has been  
87 convicted as delinquent for the commission of a serious juvenile  
88 offense, as defined in section 46b-120, (3) has been discharged from  
89 custody within the preceding twenty years after having been found  
90 not guilty of a crime by reason of mental disease or defect pursuant to  
91 section 53a-13, (4) knows that such person is subject to (A) a  
92 restraining or protective order of a court of this state that has been  
93 issued against such person, after notice [and an opportunity to be  
94 heard] has been provided to such person, in a case involving the use,  
95 attempted use or threatened use of physical force against another  
96 person, or (B) a foreign order of protection, as defined in section 46b-  
97 15a, that has been issued against such person in a case involving the  
98 use, attempted use or threatened use of physical force against another  
99 person, (5) (A) has been confined on or after October 1, 2013, in a  
100 hospital for persons with psychiatric disabilities, as defined in section  
101 17a-495, within the preceding sixty months by order of a probate court,  
102 or with respect to any person who holds a valid permit or certificate  
103 that was issued or renewed under the provisions of section 29-28 or 29-  
104 36f in effect prior to October 1, 2013, such person has been confined in  
105 such hospital within the preceding twelve months, or (B) has been  
106 voluntarily admitted on or after October 1, 2013, to a hospital for  
107 persons with psychiatric disabilities, as defined in section 17a-495,  
108 within the preceding six months for care and treatment of a psychiatric  
109 disability and not solely for being an alcohol-dependent person or a  
110 drug-dependent person as those terms are defined in section 17a-680,

111 (6) knows that such person is subject to a firearms seizure order issued  
112 pursuant to subsection (d) of section 29-38c after notice and an  
113 opportunity to be heard has been provided to such person, or (7) is  
114 prohibited from shipping, transporting, possessing or receiving a  
115 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,  
116 "convicted" means having a judgment of conviction entered by a court  
117 of competent jurisdiction, "ammunition" means a loaded cartridge,  
118 consisting of a primed case, propellant or projectile, designed for use  
119 in any firearm, and a motor vehicle violation for which a sentence to a  
120 term of imprisonment of more than one year may be imposed shall be  
121 deemed an unclassified felony.

122 (b) Criminal possession of a firearm, ammunition or an electronic  
123 defense weapon is a class C felony, for which two years of the sentence  
124 imposed may not be suspended or reduced by the court, and five  
125 thousand dollars of the fine imposed may not be remitted or reduced  
126 by the court unless the court states on the record its reasons for  
127 remitting or reducing such fine.

128 Sec. 3. Section 53a-217c of the general statutes is repealed and the  
129 following is substituted in lieu thereof (*Effective October 1, 2015*):

130 (a) A person is guilty of criminal possession of a pistol or revolver  
131 when such person possesses a pistol or revolver, as defined in section  
132 29-27, and (1) has been convicted of a felony committed prior to, on or  
133 after October 1, 2013, or of a violation of subsection (c) of section 21a-  
134 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,  
135 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2)  
136 has been convicted as delinquent for the commission of a serious  
137 juvenile offense, as defined in section 46b-120, (3) has been discharged  
138 from custody within the preceding twenty years after having been  
139 found not guilty of a crime by reason of mental disease or defect  
140 pursuant to section 53a-13, (4) (A) has been confined prior to October  
141 1, 2013, in a hospital for persons with psychiatric disabilities, as  
142 defined in section 17a-495, within the preceding twelve months by

143 order of a probate court, or has been confined on or after October 1,  
144 2013, in a hospital for persons with psychiatric disabilities, as defined  
145 in section 17a-495, within the preceding sixty months by order of a  
146 probate court, or, with respect to any person who holds a valid permit  
147 or certificate that was issued or renewed under the provisions of  
148 section 29-28 or 29-36f in effect prior to October 1, 2013, such person  
149 has been confined in such hospital within the preceding twelve  
150 months, or (B) has been voluntarily admitted on or after October 1,  
151 2013, to a hospital for persons with psychiatric disabilities, as defined  
152 in section 17a-495, within the preceding six months for care and  
153 treatment of a psychiatric disability and not solely for being an alcohol-  
154 dependent person or a drug-dependent person as those terms are  
155 defined in section 17a-680, (5) knows that such person is subject to (A)  
156 a restraining or protective order of a court of this state that has been  
157 issued against such person, after notice [and an opportunity to be  
158 heard] has been provided to such person, in a case involving the use,  
159 attempted use or threatened use of physical force against another  
160 person, or (B) a foreign order of protection, as defined in section 46b-  
161 15a, that has been issued against such person in a case involving the  
162 use, attempted use or threatened use of physical force against another  
163 person, (6) knows that such person is subject to a firearms seizure  
164 order issued pursuant to subsection (d) of section 29-38c after notice  
165 and an opportunity to be heard has been provided to such person, (7)  
166 is prohibited from shipping, transporting, possessing or receiving a  
167 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or  
168 unlawfully in the United States. For the purposes of this section,  
169 "convicted" means having a judgment of conviction entered by a court  
170 of competent jurisdiction.

171 (b) Criminal possession of a pistol or revolver is a class C felony, for  
172 which two years of the sentence imposed may not be suspended or  
173 reduced by the court, and five thousand dollars of the fine imposed  
174 may not be remitted or reduced by the court unless the court states on  
175 the record its reasons for remitting or reducing such fine.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	29-36k
Sec. 2	<i>October 1, 2015</i>	53a-217
Sec. 3	<i>October 1, 2015</i>	53a-217c

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*