



General Assembly

January Session, 2015

***Raised Bill No. 6962***

LCO No. 4660



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING FIREARM SAFETY.***

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

1 Section 1. Section 29-37i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 No person shall store or keep any [loaded] firearm on any premises  
4 under such person's control if such person knows or reasonably should  
5 know that [(1) a minor] another person is likely to gain access to the  
6 firearm, [without the permission of the parent or guardian of the  
7 minor, (2) a resident of the premises is ineligible to possess a firearm  
8 under state or federal law, or (3) a resident of the premises poses a risk  
9 of imminent personal injury to himself or herself or to other  
10 individuals,] unless such person [(A)] storing or keeping the firearm  
11 (1) keeps the firearm in a securely locked box or other container or in a  
12 location which a reasonable person would believe to be secure, or [(B)]  
13 (2) carries the firearm on his or her person or within such close  
14 proximity thereto that such person can readily retrieve and use the  
15 firearm as if such person carried the firearm on his or her person. [For  
16 the purposes of this section, "minor" means any person under the age

17 of sixteen years.]

18 Sec. 2. Section 52-571g of the general statutes is repealed and the  
19 following is substituted in lieu thereof (*Effective October 1, 2015*):

20 Any person whose act or omission constitutes a violation of section  
21 29-37i, as amended by this act, shall be strictly liable for damages when  
22 [a minor or, a resident of the premises who is ineligible to possess a  
23 firearm under state or federal law or who poses a risk of imminent  
24 personal injury to himself or herself or to other individuals,] another  
25 person obtains [a] the firearm, as defined in section 53a-3, and causes  
26 the injury or death of [such minor, resident] himself or herself or any  
27 other person with such firearm. [For the purposes of this section,  
28 "minor" means any person under the age of sixteen years.]

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 Section 53a-217a of the general statutes is repealed and the  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

31 (a) A person is guilty of criminally negligent storage of a firearm  
32 when such person violates the provisions of section 29-37i, as amended  
33 by this act, and [a minor or, a resident of the premises who is ineligible  
34 to possess a firearm under state or federal law or who poses a risk of  
35 imminent personal injury to himself or herself or to other individuals,]  
36 another person obtains the firearm and causes the injury or death of  
37 [such minor, resident or any other person. For the purposes of this  
38 section, "minor" means any person under the age of sixteen years]  
39 himself or herself or any other person with such firearm.

40 (b) The provisions of this section shall not apply if [the minor] a  
41 person obtains the firearm as a result of an unlawful entry to any  
42 premises by any person.

43 (c) Criminally negligent storage of a firearm is a class D felony.

44 Sec. 4. Subsection (d) of section 29-38c of the general statutes is  
45 repealed and the following is substituted in lieu thereof (*Effective*

46 *October 1, 2015):*

47 (d) (1) Not later than fourteen days after the execution of a warrant  
48 under this section, the court for the geographical area where the  
49 person named in the warrant resides shall hold a hearing to determine  
50 whether the firearm or firearms and any ammunition seized should be  
51 returned to the person named in the warrant or should continue to be  
52 held by the state. At such hearing the state shall have the burden of  
53 proving all material facts by clear and convincing evidence. If, after  
54 such hearing, the court finds by clear and convincing evidence that the  
55 person poses a risk of imminent personal injury to himself or herself or  
56 to other individuals, the court may order that the firearm or firearms  
57 and any ammunition seized pursuant to the warrant issued under  
58 subsection (a) of this section continue to be held by the state for a  
59 period not to exceed one year, otherwise the court shall order the  
60 firearm or firearms and any ammunition seized to be returned to the  
61 person named in the warrant.

62 (2) If the court orders the firearm or firearms and any ammunition to  
63 continue to be held pursuant to this section, at least fourteen days prior to  
64 the expiration of the period that any firearm or firearms and any  
65 ammunition were ordered to be held, a court shall hold a hearing to  
66 determine whether the firearm or firearms and any ammunition should  
67 be returned to the person named in the warrant or should continue to be  
68 held by the state. At such hearing, the person shall have the burden of  
69 showing that he or she no longer poses a risk of imminent personal injury  
70 to himself or herself or to other individuals by a preponderance of the  
71 evidence. If the court finds that the person has shown by a preponderance  
72 of the evidence that he or she no longer poses a risk of imminent personal  
73 injury to himself or herself or to other individuals, the court shall order  
74 that the firearm or firearms and any ammunition to be returned to the  
75 person, otherwise the court shall order that the firearm or firearms and  
76 any ammunition be held for an additional period not to exceed one year.

77 (3) If the court finds that the person poses a risk of imminent  
78 personal injury to himself or herself or to other individuals, the court

79 shall give notice to the Department of Mental Health and Addiction  
80 Services which may take such action pursuant to chapter 319i as it  
81 deems appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	29-37i
Sec. 2	<i>October 1, 2015</i>	52-571g
Sec. 3	<i>October 1, 2015</i>	53a-217a
Sec. 4	<i>October 1, 2015</i>	29-38c(d)

***Statement of Purpose:***

To amend provisions concerning the safe storage of firearms and associated liability and penalties to be applicable to the storage of unloaded firearms and to extend liability to any person, rather than just minors or residents ineligible to possess a firearm, and to provide for additional oversight by the court governing the return of firearms or ammunition seized from a person considered to present a risk of imminent physical danger to himself or herself or another.

*[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.]*