



General Assembly

January Session, 2015

Amendment

LCO No. 6813



Offered by:
REP. FRITZ, 90th Dist.

To: House Bill No. 6848

File No. 753

Cal. No. 495

"AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (d) of section 29-38c of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2015*):

6 (d) (1) Not later than fourteen days after the execution of a warrant
7 under this section, the court for the geographical area where the
8 person named in the warrant resides shall hold a hearing to determine
9 whether the firearm or firearms and any ammunition seized should be
10 returned to the person named in the warrant or should continue to be
11 held by the state. At such hearing the state shall have the burden of
12 proving all material facts by clear and convincing evidence. If, after
13 such hearing, the court finds by clear and convincing evidence that the
14 person poses a risk of imminent personal injury to himself or herself or
15 to other individuals, the court may order that the firearm or firearms

16 and any ammunition seized pursuant to the warrant issued under
17 subsection (a) of this section continue to be held by the state for a
18 period not to exceed one year, otherwise the court shall order the
19 firearm or firearms and any ammunition seized to be returned to the
20 person named in the warrant.

21 (2) If the court orders the firearm or firearms and any ammunition to
22 continue to be held pursuant to this section, at least fourteen days prior to
23 the expiration of the period that any firearm or firearms and any
24 ammunition were ordered to be held, a court shall hold a hearing to
25 determine whether the firearm or firearms and any ammunition should
26 be returned to the person named in the warrant or should continue to be
27 held by the state. At such hearing, the person shall have the burden of
28 showing that he or she no longer poses a risk of imminent personal injury
29 to himself or herself or to other individuals by a preponderance of the
30 evidence. If the court finds that the person has shown by a preponderance
31 of the evidence that he or she no longer poses a risk of imminent personal
32 injury to himself or herself or to other individuals, the court shall order
33 the firearm or firearms and any ammunition to be returned to the person,
34 otherwise the court shall order that the firearm or firearms and any
35 ammunition be held for an additional period not to exceed one year.

36 (3) If the court finds that the person poses a risk of imminent
37 personal injury to himself or herself or to other individuals, the court
38 shall give notice to the Department of Mental Health and Addiction
39 Services which may take such action pursuant to chapter 319i as it
40 deems appropriate.

41 Sec. 502. Subsection (b) of section 29-37p of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2015*):

44 (b) The Commissioner of Emergency Services and Public Protection
45 shall issue a long gun eligibility certificate unless said commissioner
46 finds that the applicant: (1) Has failed to successfully complete a
47 course approved by the Commissioner of Emergency Services and

48 Public Protection in the safety and use of firearms including, but not
49 limited to, a safety or training course in the use of firearms available to
50 the public offered by a law enforcement agency, a private or public
51 educational institution or a firearms training school, utilizing
52 instructors certified by the National Rifle Association or the
53 Department of Energy and Environmental Protection and a safety or
54 training course in the use of firearms conducted by an instructor
55 certified by the state or the National Rifle Association; (2) has been
56 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
57 of subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a,
58 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has
59 been convicted as delinquent for the commission of a serious juvenile
60 offense, as defined in section 46b-120; (4) has been discharged from
61 custody within the preceding twenty years after having been found
62 not guilty of a crime by reason of mental disease or defect pursuant to
63 section 53a-13; (5) has been confined in a hospital for persons with
64 psychiatric disabilities, as defined in section 17a-495, within the
65 preceding sixty months by order of a probate court; (6) has been
66 voluntarily admitted to a hospital for persons with psychiatric
67 disabilities, as defined in section 17a-495, within the preceding six
68 months for care and treatment of a psychiatric disability and not solely
69 for being an alcohol-dependent person or a drug-dependent person as
70 those terms are defined in section 17a-680; (7) is subject to a restraining
71 or protective order issued by a court in a case involving the use,
72 attempted use or threatened use of physical force against another
73 person, including an ex parte order issued pursuant to section 46b-15,
74 as amended by this act, or 46b-16a, as amended by this act; (8) is
75 subject to a firearms seizure order issued pursuant to subsection (d) of
76 section 29-38c, as amended by this act, after notice and hearing; (9) is
77 prohibited from shipping, transporting, possessing or receiving a
78 firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or
79 unlawfully in the United States.

80 Sec. 503. Subsection (b) of section 29-28 of the general statutes is
81 repealed and the following is substituted in lieu thereof (*Effective*

82 *October 1, 2015*):

83 (b) Upon the application of any person having a bona fide
84 permanent residence within the jurisdiction of any such authority,
85 such chief of police, warden or selectman may issue a temporary state
86 permit to such person to carry a pistol or revolver within the state,
87 provided such authority shall find that such applicant intends to make
88 no use of any pistol or revolver which such applicant may be
89 permitted to carry under such permit other than a lawful use and that
90 such person is a suitable person to receive such permit. No state or
91 temporary state permit to carry a pistol or revolver shall be issued
92 under this subsection if the applicant (1) has failed to successfully
93 complete a course approved by the Commissioner of Emergency
94 Services and Public Protection in the safety and use of pistols and
95 revolvers including, but not limited to, a safety or training course in
96 the use of pistols and revolvers available to the public offered by a law
97 enforcement agency, a private or public educational institution or a
98 firearms training school, utilizing instructors certified by the National
99 Rifle Association or the Department of Energy and Environmental
100 Protection and a safety or training course in the use of pistols or
101 revolvers conducted by an instructor certified by the state or the
102 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
103 on or after October 1, 1994, a violation of subsection (c) of section 21a-
104 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
105 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for
106 the commission of a serious juvenile offense, as defined in section 46b-
107 120, (4) has been discharged from custody within the preceding twenty
108 years after having been found not guilty of a crime by reason of mental
109 disease or defect pursuant to section 53a-13, (5) (A) has been confined
110 in a hospital for persons with psychiatric disabilities, as defined in
111 section 17a-495, within the preceding sixty months by order of a
112 probate court, or (B) has been voluntarily admitted on or after October
113 1, 2013, to a hospital for persons with psychiatric disabilities, as
114 defined in section 17a-495, within the preceding six months for care
115 and treatment of a psychiatric disability and not solely for being an

116 alcohol-dependent person or a drug-dependent person as those terms
117 are defined in section 17a-680, (6) is subject to a restraining or
118 protective order issued by a court in a case involving the use,
119 attempted use or threatened use of physical force against another
120 person, including an ex parte order issued pursuant to section 46b-15,
121 as amended by this act, or 46b-16a, as amended by this act, (7) is
122 subject to a firearms seizure order issued pursuant to subsection (d) of
123 section 29-38c, as amended by this act, after notice and hearing, (8) is
124 prohibited from shipping, transporting, possessing or receiving a
125 firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or
126 unlawfully in the United States, or (10) is less than twenty-one years of
127 age. Nothing in this section shall require any person who holds a valid
128 permit to carry a pistol or revolver on October 1, 1994, to participate in
129 any additional training in the safety and use of pistols and revolvers.
130 No person may apply for a temporary state permit to carry a pistol or
131 revolver more than once within any twelve-month period, and no
132 temporary state permit to carry a pistol or revolver shall be issued to
133 any person who has applied for such permit more than once within the
134 preceding twelve months. Any person who applies for a temporary
135 state permit to carry a pistol or revolver shall indicate in writing on the
136 application, under penalty of false statement in such manner as the
137 issuing authority prescribes, that such person has not applied for a
138 temporary state permit to carry a pistol or revolver within the past
139 twelve months. Upon issuance of a temporary state permit to carry a
140 pistol or revolver to the applicant, the local authority shall forward the
141 original application to the commissioner. Not later than sixty days
142 after receiving a temporary state permit, an applicant shall appear at a
143 location designated by the commissioner to receive the state permit.
144 The commissioner may then issue, to any holder of any temporary
145 state permit, a state permit to carry a pistol or revolver within the state.
146 Upon issuance of the state permit, the commissioner shall make
147 available to the permit holder a copy of the law regarding the permit
148 holder's responsibility to report the loss or theft of a firearm and the
149 penalties associated with the failure to comply with such law. Upon
150 issuance of the state permit, the commissioner shall forward a record

151 of such permit to the local authority issuing the temporary state
152 permit. The commissioner shall retain records of all applications,
153 whether approved or denied. The copy of the state permit delivered to
154 the permittee shall be laminated and shall contain a full-face
155 photograph of such permittee. A person holding a state permit issued
156 pursuant to this subsection shall notify the issuing authority within
157 two business days of any change of such person's address. The
158 notification shall include the old address and the new address of such
159 person.

160 Sec. 504. Subsection (b) of section 29-36f of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective*
162 *October 1, 2015*):

163 (b) The Commissioner of Emergency Services and Public Protection
164 shall issue an eligibility certificate unless said commissioner finds that
165 the applicant: (1) Has failed to successfully complete a course
166 approved by the Commissioner of Emergency Services and Public
167 Protection in the safety and use of pistols and revolvers including, but
168 not limited to, a safety or training course in the use of pistols and
169 revolvers available to the public offered by a law enforcement agency,
170 a private or public educational institution or a firearms training school,
171 utilizing instructors certified by the National Rifle Association or the
172 Department of Energy and Environmental Protection and a safety or
173 training course in the use of pistols or revolvers conducted by an
174 instructor certified by the state or the National Rifle Association; (2)
175 has been convicted of a felony or of a violation of subsection (c) of
176 section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-
177 96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as
178 delinquent for the commission of a serious juvenile offense, as defined
179 in section 46b-120; (4) has been discharged from custody within the
180 preceding twenty years after having been found not guilty of a crime
181 by reason of mental disease or defect pursuant to section 53a-13; (5) (A)
182 has been confined in a hospital for persons with psychiatric
183 disabilities, as defined in section 17a-495, within the preceding sixty

184 months by order of a probate court; or (B) has been voluntarily
185 admitted on or after October 1, 2013, to a hospital for persons with
186 psychiatric disabilities, as defined in section 17a-495, within the
187 preceding six months for care and treatment of a psychiatric disability
188 and not solely for being an alcohol-dependent person or a drug-
189 dependent person as those terms are defined in section 17a-680; [] (6)
190 is subject to a restraining or protective order issued by a court in a case
191 involving the use, attempted use or threatened use of physical force
192 against another person, including an ex parte order issued pursuant to
193 section 46b-15, as amended by this act, or 46b-16a, as amended by this
194 act; (7) is subject to a firearms seizure order issued pursuant to
195 subsection (d) of section 29-38c, as amended by this act, after notice
196 and hearing; (8) is prohibited from shipping, transporting, possessing
197 or receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien
198 illegally or unlawfully in the United States.

199 Sec. 505. Subsection (b) of section 29-32b of the general statutes is
200 repealed and the following is substituted in lieu thereof (*Effective*
201 *October 1, 2015*):

202 (b) Any person aggrieved by any refusal to issue or renew a permit
203 or certificate under the provisions of section 29-28, as amended by this
204 act, 29-36f, as amended by this act, 29-37p, as amended by this act, or
205 29-38n, or by any limitation or revocation of a permit or certificate
206 issued under any of said sections, or by a refusal or failure of any
207 issuing authority to furnish an application as provided in section 29-
208 28a, may, within ninety days after receipt of notice of such refusal,
209 limitation or revocation, or refusal or failure to supply an application
210 as provided in section 29-28a, and without prejudice to any other
211 course of action open to such person in law or in equity, appeal to the
212 board. On such appeal the board shall inquire into and determine the
213 facts, de novo, and unless it finds that such a refusal, limitation or
214 revocation, or such refusal or failure to supply an application, as the
215 case may be, would be for just and proper cause, it shall order such
216 permit or certificate to be issued, renewed or restored, or the limitation

217 removed or modified, as the case may be. If the refusal was for failure
218 to document compliance with local zoning requirements, under
219 subsection (a) of section 29-28, or if the local authority refused to issue
220 a permit pursuant to subdivision (b) of section 29-28, as amended by
221 this act, because the applicant is subject to a restraining or protective
222 order issued by a court in a case involving the use, attempted use or
223 threatened use of physical force against another person, including an
224 ex parte order issued pursuant to section 46b-15, as amended by this
225 act, or 46b-16a, as amended by this act, the board shall not issue a
226 permit.

227 Sec. 506. Subsection (g) of section 46b-15 of the general statutes is
228 repealed and the following is substituted in lieu thereof (*Effective*
229 *October 1, 2015*):

230 (g) The applicant shall cause notice of the hearing pursuant to
231 subsection (b) of this section and a copy of the application and the
232 applicant's affidavit and of any ex parte order issued pursuant to
233 subsection (b) of this section to be served on the respondent not less
234 than five days before the hearing. The cost of such service shall be paid
235 for by the Judicial Branch. Upon the granting of an ex parte order, the
236 clerk of the court shall provide two copies of the order to the applicant.
237 Upon the granting of an order after notice and hearing, the clerk of the
238 court shall provide two copies of the order to the applicant and a copy
239 to the respondent. Every order of the court made in accordance with
240 this section after notice and hearing shall be accompanied by a
241 notification that is consistent with the full faith and credit provisions
242 set forth in 18 USC 2265(a), as amended from time to time.
243 Immediately after making service on the respondent, the proper officer
244 shall send or cause to be sent, by facsimile or other means, a copy of
245 the application, or the information contained in such application,
246 stating the date and time the respondent was served, to the law
247 enforcement agency or agencies for the town in which the applicant
248 resides, the town in which the applicant is employed and the town in
249 which the respondent resides. The clerk of the court shall send, by

250 facsimile or other means, a copy of any ex parte order and of any order
251 after notice and hearing, or the information contained in any such
252 order, to the law enforcement agency or agencies for the town in which
253 the applicant resides, the town in which the applicant is employed and
254 the town in which the respondent resides, within forty-eight hours of
255 the issuance of such order, and immediately to the Commissioner of
256 Emergency Services and Public Protection and each local authority that
257 issues a permit or certificate pursuant to section 29-28, as amended by
258 this act, 29-36f, as amended by this act, 29-37p, as amended by this act,
259 or 29-38n. If the victim is enrolled in a public or private elementary or
260 secondary school, including a technical high school, or an institution of
261 higher education, as defined in section 10a-55, the clerk of the court
262 shall, upon the request of the victim, send, by facsimile or other means,
263 a copy of such ex parte order or of any order after notice and hearing,
264 or the information contained in any such order, to such school or
265 institution of higher education, the president of any institution of
266 higher education at which the victim is enrolled and the special police
267 force established pursuant to section 10a-156b, if any, at the institution
268 of higher education at which the victim is enrolled.

269 Sec. 507. Subsection (d) of section 46b-16a of the general statutes is
270 repealed and the following is substituted in lieu thereof (*Effective*
271 *October 1, 2015*):

272 (d) The applicant shall cause notice of the hearing pursuant to
273 subsection (b) of this section and a copy of the application and the
274 applicant's affidavit and of any ex parte order issued pursuant to
275 subsection (b) of this section to be served by a proper officer on the
276 respondent not less than five days before the hearing. The cost of such
277 service shall be paid for by the Judicial Branch. Upon the granting of
278 an ex parte order, the clerk of the court shall provide two copies of the
279 order to the applicant. Upon the granting of an order after notice and
280 hearing, the clerk of the court shall provide two copies of the order to
281 the applicant and a copy to the respondent. Every order of the court
282 made in accordance with this section after notice and hearing shall be

283 accompanied by a notification that is consistent with the full faith and
 284 credit provisions set forth in 18 USC 2265(a), as amended from time to
 285 time. Immediately after making service on the respondent, the proper
 286 officer shall send or cause to be sent, by facsimile or other means, a
 287 copy of the application, or the information contained in such
 288 application, stating the date and time the respondent was served, to
 289 the law enforcement agency or agencies for the town in which the
 290 applicant resides, the town in which the applicant is employed and the
 291 town in which the respondent resides. The clerk of the court shall
 292 send, by facsimile or other means, a copy of any ex parte order and of
 293 any order after notice and hearing, or the information contained in any
 294 such order, to the law enforcement agency or agencies for the town in
 295 which the applicant resides, the town in which the applicant is
 296 employed and the town in which the respondent resides, not later than
 297 forty-eight hours after the issuance of such order, and immediately to
 298 the Commissioner of Emergency Services and Public Protection and
 299 each local authority that issues a permit or certificate pursuant to
 300 section 29-28, as amended by this act, 29-36f, as amended by this act,
 301 29-37p, as amended by this act, or 29-38n. If the applicant is enrolled in
 302 a public or private elementary or secondary school, including a
 303 technical high school, or an institution of higher education, as defined
 304 in section 10a-55, the clerk of the court shall, upon the request of the
 305 applicant, send, by facsimile or other means, a copy of such ex parte
 306 order or of any order after notice and hearing, or the information
 307 contained in any such order, to such school or institution of higher
 308 education, the president of any institution of higher education at
 309 which the applicant is enrolled and the special police force established
 310 pursuant to section 10a-142, if any, at the institution of higher
 311 education at which the applicant is enrolled."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2015	29-38c(d)
Sec. 502	October 1, 2015	29-37p(b)
Sec. 503	October 1, 2015	29-28(b)

Sec. 504	<i>October 1, 2015</i>	29-36f(b)
Sec. 505	<i>October 1, 2015</i>	29-32b(b)
Sec. 506	<i>October 1, 2015</i>	46b-15(g)
Sec. 507	<i>October 1, 2015</i>	46b-16a(d)