



General Assembly

Amendment

January Session, 2015

LCO No. 8949



Offered by:

REP. TONG, 147th Dist.
SEN. COLEMAN, 2nd Dist.
REP. FRITZ, 90th Dist.

To: Subst. House Bill No. 7004

File No. 857

Cal. No. 464

**"AN ACT CONCERNING IMPLEMENTATION OF THE
RECOMMENDATIONS OF THE TASK FORCE TO STUDY SERVICE
OF RESTRAINING ORDERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 6-32 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) Each state marshal shall receive each process directed to such
6 marshal when tendered, execute it promptly and make true return
7 thereof; and shall, without any fee, give receipts when demanded for
8 all civil process delivered to such marshal to be served, specifying the
9 names of the parties, the date of the writ, the time of delivery and the
10 sum or thing in demand. If any state marshal does not duly and
11 promptly execute and return any such process or makes a false or
12 illegal return thereof, such marshal shall be liable to pay double the

13 amount of all damages to the party aggrieved.

14 (b) A state marshal shall, as soon as possible, but not later than two
15 hours after the time that service is executed for a restraining order
16 issued pursuant to section 46b-15, as amended by this act, or a civil
17 protection order issued pursuant to section 46b-16a, as amended by
18 this act, input into the Judicial Branch's Internet-based service tracking
19 system the date, time and method of service. If prior to the date of the
20 scheduled hearing concerning the restraining order or civil protection
21 order, service has not been executed, a state marshal shall input into
22 the service tracking system that service was unsuccessful.

23 ~~[(b)]~~ (c) A civil ~~[protective]~~ protection order issued pursuant to
24 section 46b-16a, as amended by this act, constitutes civil process for
25 purposes of the powers and duties of a state marshal. The cost of
26 serving a civil ~~[protective]~~ protection order issued pursuant to section
27 46b-16a, as amended by this act, shall be paid by the Judicial Branch in
28 the same manner as the cost of serving a restraining order issued
29 pursuant to section 46b-15, as amended by this act, and fees and
30 expenses associated with the serving of a civil ~~[protective]~~ protection
31 order shall be calculated in accordance with subsection (a) of section
32 52-261.

33 Sec. 2. Subsection (j) of section 6-38b of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective*
35 *October 1, 2015*):

36 (j) The commission ~~[may]~~ shall adopt ~~[such]~~ rules as it deems
37 necessary for conduct of its internal affairs, ~~[and]~~ including, but not
38 limited to, rules that provide for: (1) The provision of timely, consistent
39 and reliable access to a state marshal for persons applying for a
40 restraining order under section 46b-15, as amended by this act; (2) the
41 provision of services to persons with limited English proficiency; (3)
42 the provision of services to persons who are deaf or hearing impaired;
43 and (4) service of process that is a photographic copy, micrographic
44 copy or other electronic image of an original document that clearly and

45 accurately copies such original document. The commission shall adopt
46 regulations in accordance with the provisions of chapter 54 for the
47 application and investigation requirements for filling vacancies in the
48 position of state marshal.

49 Sec. 3. Section 46b-15 of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2015*):

51 (a) Any family or household member, as defined in section 46b-38a,
52 who has been subjected to a continuous threat of present physical pain
53 or physical injury, stalking or a pattern of threatening, including, but
54 not limited to, a pattern of threatening, as described in section 53a-62,
55 by another family or household member may make an application to
56 the Superior Court for relief under this section.

57 (b) The application form shall allow the applicant, at the applicant's
58 option, to indicate whether the respondent holds a permit to carry a
59 pistol or revolver, an eligibility certificate for a pistol or revolver, a
60 long gun eligibility certificate or an ammunition certificate or possesses
61 one or more firearms or ammunition. The application form shall also
62 allow the applicant, at the applicant's option, to indicate whether the
63 respondent is employed in a position in which an essential
64 requirement of such position is the ability to carry a firearm during the
65 course of the respondent's employment. The application shall be
66 accompanied by an affidavit made under oath which includes a brief
67 statement of the conditions from which relief is sought. Upon receipt
68 of the application the court shall order that a hearing on the
69 application be held not later than fourteen days from the date of the
70 order except that, if the application indicates the respondent is
71 employed in a position in which an essential requirement of the
72 position is the ability to carry a firearm during the course of
73 employment, the court may take this circumstance into consideration
74 in ordering a hearing on the application as soon as practicable, but not
75 later than fourteen days from the date on which the application is filed.
76 The court, in its discretion, may make such orders as it deems
77 appropriate for the protection of the applicant and such dependent

78 children or other persons as the court sees fit. In making such orders,
79 the court, in its discretion, may consider relevant court records if the
80 records are available to the public from a clerk of the Superior Court or
81 on the Judicial Branch's Internet web site. Such orders may include
82 temporary child custody or visitation rights, and such relief may
83 include, but is not limited to, an order enjoining the respondent from
84 (1) imposing any restraint upon the person or liberty of the applicant;
85 (2) threatening, harassing, assaulting, molesting, sexually assaulting or
86 attacking the applicant; or (3) entering the family dwelling or the
87 dwelling of the applicant. Such order may include provisions
88 necessary to protect any animal owned or kept by the applicant
89 including, but not limited to, an order enjoining the respondent from
90 injuring or threatening to injure such animal. If an applicant alleges an
91 immediate and present physical danger to the applicant, the court may
92 issue an ex parte order granting such relief as it deems appropriate. If a
93 postponement of a hearing on the application is requested by either
94 party and granted, the ex parte order shall not be continued except
95 upon agreement of the parties or by order of the court for good cause
96 shown. If a hearing on the application is scheduled or an ex parte order
97 is granted and the court is closed on the scheduled hearing date, the
98 hearing shall be held on the next day the court is open and any such ex
99 parte order shall remain in effect until the date of such hearing.

100 (c) If the court issues an ex parte order pursuant to subsection (b) of
101 this section and service has not been made on the respondent in
102 accordance with subsection (h) of this section, upon request of the
103 applicant, the court shall, based on the information contained in the
104 original application, extend any ex parte order for an additional period
105 not to exceed fourteen days from the originally scheduled hearing
106 date. The clerk shall prepare a new order of hearing and notice
107 containing the new hearing date, which shall be served upon the
108 respondent in accordance with the provisions of subsection (h) of this
109 section.

110 ~~[(c)]~~ (d) Any ex parte restraining order entered under subsection (b)

111 of this section in which the applicant and respondent are spouses, or
112 persons who have a dependent child or children in common and who
113 live together, may include, if no order exists, and if necessary to
114 maintain the safety and basic needs of the applicant or the dependent
115 child or children in common of the applicant and respondent, in
116 addition to any orders authorized under subsection (b) of this section,
117 any of the following: (1) An order prohibiting the respondent from (A)
118 taking any action that could result in the termination of any necessary
119 utility services or necessary services related to the family dwelling or
120 the dwelling of the applicant, (B) taking any action that could result in
121 the cancellation, change of coverage or change of beneficiary of any
122 health, automobile or homeowners insurance policy to the detriment
123 of the applicant or the dependent child or children in common of the
124 applicant and respondent, or (C) transferring, encumbering, concealing
125 or disposing of specified property owned or leased by the applicant; or
126 (2) an order providing the applicant with temporary possession of an
127 automobile, checkbook, documentation of health, automobile or
128 homeowners insurance, a document needed for purposes of proving
129 identity, a key or other necessary specified personal effects.

130 [(d)] (e) At the hearing on any application under this section, if the
131 court grants relief pursuant to subsection (b) of this section and the
132 applicant and respondent are spouses, or persons who have a
133 dependent child or children in common and who live together, and if
134 necessary to maintain the safety and basic needs of the applicant or the
135 dependent child or children in common of the applicant and
136 respondent, any orders entered by the court may include, in addition
137 to the orders authorized under subsection (b) of this section, any of the
138 following: (1) An order prohibiting the respondent from (A) taking any
139 action that could result in the termination of any necessary utility
140 services or services related to the family dwelling or the dwelling of
141 the applicant, (B) taking any action that could result in the cancellation,
142 change of coverage or change of beneficiary of any health, automobile
143 or homeowners insurance policy to the detriment of the applicant or
144 the dependent child or children in common of the applicant and

145 respondent, or (C) transferring, encumbering, concealing or disposing
146 of specified property owned or leased by the applicant; (2) an order
147 providing the applicant with temporary possession of an automobile,
148 checkbook, documentation of health, automobile or homeowners
149 insurance, a document needed for purposes of proving identity, a key
150 or other necessary specified personal effects; or (3) an order that the
151 respondent: (A) Make rent or mortgage payments on the family
152 dwelling or the dwelling of the applicant and the dependent child or
153 children in common of the applicant and respondent, (B) maintain
154 utility services or other necessary services related to the family
155 dwelling or the dwelling of the applicant and the dependent child or
156 children in common of the applicant and respondent, (C) maintain all
157 existing health, automobile or homeowners insurance coverage
158 without change in coverage or beneficiary designation, or (D) provide
159 financial support for the benefit of any dependent child or children in
160 common of the applicant and the respondent, provided the respondent
161 has a legal duty to support such child or children and the ability to
162 pay. The court shall not enter any order of financial support without
163 sufficient evidence as to the ability to pay, including, but not limited
164 to, financial affidavits. If at the hearing no order is entered under this
165 subsection or subsection [(c)] (d) of this section, no such order may be
166 entered thereafter pursuant to this section. Any order entered pursuant
167 to this subsection shall not be subject to modification and shall expire
168 one hundred twenty days after the date of issuance or upon issuance
169 of a superseding order, whichever occurs first. Any amounts not paid
170 or collected under this subsection or subsection [(c)] (d) of this section
171 may be preserved and collectible in an action for dissolution of
172 marriage, custody, paternity or support.

173 [(e)] (f) Every order of the court made in accordance with this
174 section shall contain the following language: (1) "This order may be
175 extended by the court beyond one year. In accordance with section
176 53a-107 of the Connecticut general statutes, entering or remaining in a
177 building or any other premises in violation of this order constitutes
178 criminal trespass in the first degree. This is a criminal offense

179 punishable by a term of imprisonment of not more than one year, a
180 fine of not more than two thousand dollars or both."; and (2) "In
181 accordance with section 53a-223b of the Connecticut general statutes,
182 any violation of subparagraph (A) or (B) of subdivision (2) of
183 subsection (a) of section 53a-223b constitutes criminal violation of a
184 restraining order which is punishable by a term of imprisonment of
185 not more than five years, a fine of not more than five thousand dollars,
186 or both. Additionally, any violation of subparagraph (C) or (D) of
187 subdivision (2) of subsection (a) of section 53a-223b constitutes
188 criminal violation of a restraining order which is punishable by a term
189 of imprisonment of not more than ten years, a fine of not more than ten
190 thousand dollars, or both."

191 ~~[(f)]~~ (g) No order of the court shall exceed one year, except that an
192 order may be extended by the court upon motion of the applicant for
193 such additional time as the court deems necessary. If the respondent
194 has not appeared upon the initial application, service of a motion to
195 extend an order may be made by first-class mail directed to the
196 respondent at the respondent's last-known address.

197 ~~[(g)]~~ (h) (1) The applicant shall cause notice of the hearing pursuant
198 to subsection (b) of this section and a copy of the application and the
199 applicant's affidavit and of any ex parte order issued pursuant to
200 subsection (b) of this section to be served on the respondent not less
201 than ~~[five]~~ three days before the hearing.

202 (2) Whenever (A) an application indicates that a respondent holds a
203 permit to carry a pistol or revolver, an eligibility certificate for a pistol
204 or revolver, a long gun eligibility certificate or an ammunition
205 certificate or possesses one or more firearms or ammunition, and (B)
206 the court has issued an ex parte order pursuant to this section, the
207 proper officer responsible for executing service, prior to serving such
208 order, shall (i) provide notice to the law enforcement agency or
209 agencies for the town in which the respondent will be served
210 concerning when and where the service will take place, (ii) send, or
211 cause to be sent by facsimile or other means, a copy of the application,

212 the applicant's affidavit, the ex parte order and the notice of hearing to
213 such law enforcement agency or agencies, and (iii) request that a police
214 officer be present when service is executed by the proper officer. The
215 cost of such service shall be paid for by the Judicial Branch. Upon the
216 granting of an ex parte order, the clerk of the court shall provide two
217 copies of the order to the applicant. Upon the granting of an order after
218 notice and hearing, the clerk of the court shall provide two copies of
219 the order to the applicant and a copy to the respondent. Every order of
220 the court made in accordance with this section after notice and hearing
221 shall be accompanied by a notification that is consistent with the full
222 faith and credit provisions set forth in 18 USC 2265(a), as amended
223 from time to time. Immediately after making service on the
224 respondent, the proper officer shall (I) send or cause to be sent, by
225 facsimile or other means, a copy of the application, or the information
226 contained in such application, stating the date and time the respondent
227 was served, to the law enforcement agency or agencies for the town in
228 which the applicant resides, the town in which the applicant is
229 employed and the town in which the respondent resides, and (II) as
230 soon as possible, but not later than two hours after the time that
231 service is executed, input into the Judicial Branch's Internet-based
232 service tracking system the date, time and method of service. If, prior
233 to the date of the scheduled hearing, service has not been executed, the
234 proper officer shall input into the service tracking system that service
235 was unsuccessful. The clerk of the court shall send, by facsimile or
236 other means, a copy of any ex parte order and of any order after notice
237 and hearing, or the information contained in any such order, to the law
238 enforcement agency or agencies for the town in which the applicant
239 resides, the town in which the applicant is employed and the town in
240 which the respondent resides, within forty-eight hours of the issuance
241 of such order, and immediately to the Commissioner of Emergency
242 Services and Public Protection. If the victim is enrolled in a public or
243 private elementary or secondary school, including a technical high
244 school, or an institution of higher education, as defined in section 10a-
245 55, the clerk of the court shall, upon the request of the victim, send, by
246 facsimile or other means, a copy of such ex parte order or of any order

247 after notice and hearing, or the information contained in any such
248 order, to such school or institution of higher education, the president
249 of any institution of higher education at which the victim is enrolled
250 and the special police force established pursuant to section 10a-156b, if
251 any, at the institution of higher education at which the victim is
252 enrolled.

253 [(h)] (i) A caretaker who is providing shelter in his or her residence
254 to a person sixty years or older shall not be enjoined from the full use
255 and enjoyment of his or her home and property. The Superior Court
256 may make any other appropriate order under the provisions of this
257 section.

258 [(i)] (j) When a motion for contempt is filed for violation of a
259 restraining order, there shall be an expedited hearing. Such hearing
260 shall be held within five court days of service of the motion on the
261 respondent, provided service on the respondent is made not less than
262 twenty-four hours before the hearing. If the court finds the respondent
263 in contempt for violation of an order, the court may impose such
264 sanctions as the court deems appropriate.

265 [(j)] (k) An action under this section shall not preclude the applicant
266 from seeking any other civil or criminal relief.

267 (l) For purposes of this section, "police officer" means a state police
268 officer or a sworn member of a municipal police department, and "law
269 enforcement agency" means the Division of State Police within the
270 Department of Emergency Services and Public Protection or any
271 municipal police department.

272 Sec. 4. (NEW) (*Effective October 1, 2015*) In each superior court where
273 a restraining order issued under section 46b-15 of the general statutes,
274 as amended by this act, may be made returnable, the Chief Court
275 Administrator shall, where feasible, work to allocate space in such
276 court so as to permit a meeting between a person seeking service of the
277 notice of hearing and any order issued under section 46b-15 of the

278 general statutes, as amended by this act, and a state marshal.

279 Sec. 5. (NEW) (*Effective October 1, 2015*) (a) The Chief Court
280 Administrator shall revise and simplify the process for filing an
281 application for relief from abuse under section 46b-15 of the general
282 statutes, as amended by this act. The Chief Court Administrator shall
283 ensure that any person seeking to file an application for relief from
284 abuse is provided with a one-page, plain language explanation of how
285 to apply for relief from abuse under section 46b-15 of the general
286 statutes, as amended by this act.

287 (b) The Chief Court Administrator shall annually collect data on (1)
288 the number of restraining orders issued under section 46b-15 of the
289 general statutes, as amended by this act, and civil protection orders
290 issued under section 46b-16a of the general statutes, as amended by
291 this act; (2) the number of such orders that are not picked up by an
292 applicant from the office of the clerk at the court location which issued
293 the order; (3) the method of service of such orders in cases in which a
294 respondent is successfully served with the order; and (4) the number of
295 such orders issued that subsequently expire or are dismissed because
296 the respondent could not be served with the order.

297 Sec. 6. Section 29-36k of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2015*):

299 (a) [Not later than two business days] Except as provided in
300 subsection (b) of this section, not later than two business days after the
301 occurrence of any event that makes a person ineligible to possess a
302 pistol or revolver or other firearm or ammunition, such person shall (1)
303 transfer in accordance with section 29-33 all pistols and revolvers
304 which such person then possesses to any person eligible to possess a
305 pistol or revolver and transfer in accordance with any applicable state
306 and federal laws all other firearms to any person eligible to possess
307 such other firearms by obtaining an authorization number for the sale
308 or transfer of the firearm from the Commissioner of Emergency
309 Services and Public Protection, and submit a sale or transfer of

310 firearms form to said commissioner within two business days, [except
311 that a person subject to a restraining or protective order or a foreign
312 order of protection may only transfer a pistol, revolver or other firearm
313 or ammunition under this subdivision to a federally licensed firearms
314 dealer pursuant to the sale of the pistol, revolver or other firearm and
315 ammunition to the federally licensed firearms dealer,] or (2) deliver or
316 surrender such pistols and revolvers and other firearms and
317 ammunition to the Commissioner of Emergency Services and Public
318 Protection, or (3) transfer such ammunition to any person eligible to
319 possess such ammunition. The commissioner shall exercise due care in
320 the receipt and holding of such pistols and revolvers and other
321 firearms or ammunition. [For the purposes of this section, a "person
322 subject to a restraining or protective order or a foreign order of
323 protection" means a person who knows that such person is subject to
324 (A) a restraining or protective order of a court of this state that has
325 been issued against such person, after notice and an opportunity to be
326 heard has been provided to such person, in a case involving the use,
327 attempted use or threatened use of physical force against another
328 person, or (B) a foreign order of protection, as defined in section 46b-
329 15a, that has been issued against such person in a case involving the
330 use, attempted use or threatened use of physical force against another
331 person.]

332 (b) Immediately, but in no event more than twenty-four hours after
333 notice has been provided to a person subject to a restraining or
334 protective order or a foreign order of protection, such person shall (1)
335 transfer any pistol, revolver or other firearm or ammunition which
336 such person then possesses to a federally licensed firearms dealer
337 pursuant to the sale of the pistol, revolver or other firearm or
338 ammunition to the federally licensed firearms dealer, or (2) deliver or
339 surrender such pistols and revolvers and other firearms and
340 ammunition to the Commissioner of Emergency Services and Public
341 Protection. For the purposes of this section, a "person subject to a
342 restraining or protective order or a foreign order of protection" means
343 a person who knows that such person is subject to (A) a restraining or

344 protective order of a court of this state that has been issued against
345 such person, after notice has been provided to such person, in a case
346 involving the use, attempted use or threatened use of physical force
347 against another person, or (B) a foreign order of protection, as defined
348 in section 46b-15a, that has been issued against such person in a case
349 involving the use, attempted use or threatened use of physical force
350 against another person.

351 [(b)] (c) Such person, or such person's legal representative, may, at
352 any time up to one year after such delivery or surrender, transfer such
353 pistols and revolvers in accordance with the provisions of section 29-33
354 to any person eligible to possess a pistol or revolver and transfer such
355 other firearms and ammunition, in accordance with any applicable
356 state and federal laws, to any person eligible to possess such other
357 firearms and ammunition, provided any person subject to a restraining
358 or protective order or a foreign order of protection, or such person's
359 legal representative, may only transfer such pistol, revolver or other
360 firearm or ammunition to a federally licensed firearms dealer pursuant
361 to the sale of the pistol, revolver or other firearm or ammunition to the
362 federally licensed firearms dealer. Upon notification in writing by the
363 transferee and such person, the Commissioner of Emergency Services
364 and Public Protection shall, within ten days, deliver such pistols and
365 revolvers [or] and other firearms [or] and ammunition to the
366 transferee. If, at the end of such year, such pistols and revolvers [or]
367 and other firearms [or] and ammunition have not been so transferred,
368 the commissioner shall cause them to be destroyed.

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

374 Sec. 7. Subsection (b) of section 29-28 of the general statutes is
375 repealed and the following is substituted in lieu thereof (*Effective*
376 *October 1, 2015*):

377 (b) Upon the application of any person having a bona fide
378 permanent residence within the jurisdiction of any such authority,
379 such chief of police, warden or selectman may issue a temporary state
380 permit to such person to carry a pistol or revolver within the state,
381 provided such authority shall find that such applicant intends to make
382 no use of any pistol or revolver which such applicant may be
383 permitted to carry under such permit other than a lawful use and that
384 such person is a suitable person to receive such permit. No state or
385 temporary state permit to carry a pistol or revolver shall be issued
386 under this subsection if the applicant (1) has failed to successfully
387 complete a course approved by the Commissioner of Emergency
388 Services and Public Protection in the safety and use of pistols and
389 revolvers including, but not limited to, a safety or training course in
390 the use of pistols and revolvers available to the public offered by a law
391 enforcement agency, a private or public educational institution or a
392 firearms training school, utilizing instructors certified by the National
393 Rifle Association or the Department of Energy and Environmental
394 Protection and a safety or training course in the use of pistols or
395 revolvers conducted by an instructor certified by the state or the
396 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
397 on or after October 1, 1994, a violation of subsection (c) of section 21a-
398 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
399 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for
400 the commission of a serious juvenile offense, as defined in section 46b-
401 120, (4) has been discharged from custody within the preceding twenty
402 years after having been found not guilty of a crime by reason of mental
403 disease or defect pursuant to section 53a-13, (5) (A) has been confined
404 in a hospital for persons with psychiatric disabilities, as defined in
405 section 17a-495, within the preceding sixty months by order of a
406 probate court, or (B) has been voluntarily admitted on or after October
407 1, 2013, to a hospital for persons with psychiatric disabilities, as
408 defined in section 17a-495, within the preceding six months for care
409 and treatment of a psychiatric disability and not solely for being an
410 alcohol-dependent person or a drug-dependent person as those terms
411 are defined in section 17a-680, (6) is subject to a restraining or

412 protective order issued by a court in a case involving the use,
413 attempted use or threatened use of physical force against another
414 person, including an ex parte order issued pursuant to section 46b-15,
415 as amended by this act, or 46b-16a, as amended by this act, (7) is
416 subject to a firearms seizure order issued pursuant to subsection (d) of
417 section 29-38c after notice and hearing, (8) is prohibited from shipping,
418 transporting, possessing or receiving a firearm pursuant to 18 USC
419 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or
420 (10) is less than twenty-one years of age. Nothing in this section shall
421 require any person who holds a valid permit to carry a pistol or
422 revolver on October 1, 1994, to participate in any additional training in
423 the safety and use of pistols and revolvers. No person may apply for a
424 temporary state permit to carry a pistol or revolver more than once
425 within any twelve-month period, and no temporary state permit to
426 carry a pistol or revolver shall be issued to any person who has
427 applied for such permit more than once within the preceding twelve
428 months. Any person who applies for a temporary state permit to carry
429 a pistol or revolver shall indicate in writing on the application, under
430 penalty of false statement in such manner as the issuing authority
431 prescribes, that such person has not applied for a temporary state
432 permit to carry a pistol or revolver within the past twelve months.
433 Upon issuance of a temporary state permit to carry a pistol or revolver
434 to the applicant, the local authority shall forward the original
435 application to the commissioner. Not later than sixty days after
436 receiving a temporary state permit, an applicant shall appear at a
437 location designated by the commissioner to receive the state permit.
438 The commissioner may then issue, to any holder of any temporary
439 state permit, a state permit to carry a pistol or revolver within the state.
440 Upon issuance of the state permit, the commissioner shall make
441 available to the permit holder a copy of the law regarding the permit
442 holder's responsibility to report the loss or theft of a firearm and the
443 penalties associated with the failure to comply with such law. Upon
444 issuance of the state permit, the commissioner shall forward a record
445 of such permit to the local authority issuing the temporary state
446 permit. The commissioner shall retain records of all applications,

447 whether approved or denied. The copy of the state permit delivered to
448 the permittee shall be laminated and shall contain a full-face
449 photograph of such permittee. A person holding a state permit issued
450 pursuant to this subsection shall notify the issuing authority within
451 two business days of any change of such person's address. The
452 notification shall include the old address and the new address of such
453 person.

454 Sec. 8. Subsection (b) of section 29-36f of the general statutes is
455 repealed and the following is substituted in lieu thereof (*Effective*
456 *October 1, 2015*):

457 (b) The Commissioner of Emergency Services and Public Protection
458 shall issue an eligibility certificate unless said commissioner finds that
459 the applicant: (1) Has failed to successfully complete a course
460 approved by the Commissioner of Emergency Services and Public
461 Protection in the safety and use of pistols and revolvers including, but
462 not limited to, a safety or training course in the use of pistols and
463 revolvers available to the public offered by a law enforcement agency,
464 a private or public educational institution or a firearms training school,
465 utilizing instructors certified by the National Rifle Association or the
466 Department of Energy and Environmental Protection and a safety or
467 training course in the use of pistols or revolvers conducted by an
468 instructor certified by the state or the National Rifle Association; (2)
469 has been convicted of a felony or of a violation of subsection (c) of
470 section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-
471 96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as
472 delinquent for the commission of a serious juvenile offense, as defined
473 in section 46b-120; (4) has been discharged from custody within the
474 preceding twenty years after having been found not guilty of a crime
475 by reason of mental disease or defect pursuant to section 53a-13; (5) (A)
476 has been confined in a hospital for persons with psychiatric
477 disabilities, as defined in section 17a-495, within the preceding sixty
478 months by order of a probate court; or (B) has been voluntarily
479 admitted on or after October 1, 2013, to a hospital for persons with

480 psychiatric disabilities, as defined in section 17a-495, within the
481 preceding six months for care and treatment of a psychiatric disability
482 and not solely for being an alcohol-dependent person or a drug-
483 dependent person as those terms are defined in section 17a-680; [] (6)
484 is subject to a restraining or protective order issued by a court in a case
485 involving the use, attempted use or threatened use of physical force
486 against another person, including an ex parte order issued pursuant to
487 section 46b-15, as amended by this act, or 46b-16a, as amended by this
488 act; (7) is subject to a firearms seizure order issued pursuant to
489 subsection (d) of section 29-38c after notice and hearing; (8) is
490 prohibited from shipping, transporting, possessing or receiving a
491 firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or
492 unlawfully in the United States.

493 Sec. 9. Subsection (b) of section 29-37p of the general statutes is
494 repealed and the following is substituted in lieu thereof (*Effective*
495 *October 1, 2015*):

496 (b) The Commissioner of Emergency Services and Public Protection
497 shall issue a long gun eligibility certificate unless said commissioner
498 finds that the applicant: (1) Has failed to successfully complete a
499 course approved by the Commissioner of Emergency Services and
500 Public Protection in the safety and use of firearms including, but not
501 limited to, a safety or training course in the use of firearms available to
502 the public offered by a law enforcement agency, a private or public
503 educational institution or a firearms training school, utilizing
504 instructors certified by the National Rifle Association or the
505 Department of Energy and Environmental Protection and a safety or
506 training course in the use of firearms conducted by an instructor
507 certified by the state or the National Rifle Association; (2) has been
508 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
509 of subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a,
510 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has
511 been convicted as delinquent for the commission of a serious juvenile
512 offense, as defined in section 46b-120; (4) has been discharged from

513 custody within the preceding twenty years after having been found
514 not guilty of a crime by reason of mental disease or defect pursuant to
515 section 53a-13; (5) has been confined in a hospital for persons with
516 psychiatric disabilities, as defined in section 17a-495, within the
517 preceding sixty months by order of a probate court; (6) has been
518 voluntarily admitted to a hospital for persons with psychiatric
519 disabilities, as defined in section 17a-495, within the preceding six
520 months for care and treatment of a psychiatric disability and not solely
521 for being an alcohol-dependent person or a drug-dependent person as
522 those terms are defined in section 17a-680; (7) is subject to a restraining
523 or protective order issued by a court in a case involving the use,
524 attempted use or threatened use of physical force against another
525 person, including an ex parte order issued pursuant to section 46b-15,
526 as amended by this act, or 46b-16a, as amended by this act; (8) is
527 subject to a firearms seizure order issued pursuant to subsection (d) of
528 section 29-38c after notice and hearing; (9) is prohibited from shipping,
529 transporting, possessing or receiving a firearm pursuant to 18 USC
530 922(g)(4); or (10) is an alien illegally or unlawfully in the United States.

531 Sec. 10. Section 29-32 of the general statutes is repealed and the
532 following is substituted in lieu thereof (*Effective October 1, 2015*):

533 (a) For the purposes of this section, "conviction" means the entry of a
534 judgment of conviction by any court of competent jurisdiction.

535 (b) Any state permit or temporary state permit for the carrying of
536 any pistol or revolver may be revoked by the Commissioner of
537 Emergency Services and Public Protection for cause and shall be
538 revoked by said commissioner upon conviction of the holder of such
539 permit of a felony or of any misdemeanor specified in subsection (b) of
540 section 29-28, as amended by this act, or upon the occurrence of any
541 event which would have disqualified the holder from being issued the
542 state permit or temporary state permit pursuant to subsection (b) of
543 section 29-28, as amended by this act. Upon the revocation of any state
544 permit or temporary state permit, the person whose state permit or
545 temporary state permit is revoked shall be notified in writing and such

546 state permit or temporary state permit shall be forthwith delivered to
547 the commissioner. Any law enforcement authority shall confiscate and
548 immediately forward to the commissioner any state permit or
549 temporary state permit that is illegally possessed by any person. The
550 commissioner may revoke the state permit or temporary state permit
551 based upon the commissioner's own investigation or upon the request
552 of any law enforcement agency. Any person who fails to surrender any
553 permit within five days of notification in writing of revocation thereof
554 shall be guilty of a class A misdemeanor.

555 (c) Any local permit for the carrying of a pistol or revolver issued
556 prior to October 1, 2001, may be revoked by the authority issuing the
557 same for cause, and shall be revoked by the authority issuing the same
558 upon conviction of the holder of such permit of a felony or of any
559 misdemeanor specified in subsection (b) of section 29-28, as amended
560 by this act, or upon the occurrence of any event which would have
561 disqualified the holder from being issued such local permit. Upon the
562 revocation of any local permit, the person whose local permit is
563 revoked shall be notified in writing and such permit shall be forthwith
564 delivered to the authority issuing the same. Upon the revocation of
565 any local permit, the authority issuing the same shall forthwith notify
566 the commissioner. Upon the revocation of any permit issued by the
567 commissioner, the commissioner shall forthwith notify any local
568 authority which the records of the commissioner show as having
569 issued a currently valid local permit to the holder of the permit
570 revoked by the commissioner. Any person who fails to surrender such
571 permit within five days of notification in writing or revocation thereof
572 shall be guilty of a class A misdemeanor.

573 (d) If a state permit or temporary state permit for the carrying of any
574 pistol or revolver is revoked because the person holding such permit is
575 subject to an ex parte order issued pursuant to section 46b-15, as
576 amended by this act, or 46b-16a, as amended by this act, upon
577 expiration of such order, such person may notify the Department of
578 Emergency Services and Public Protection that such order has expired.

579 Upon verification of such expiration and provided such person is not
580 otherwise disqualified from holding such permit pursuant to
581 subsection (b) of section 29-28, as amended by this act, the department
582 shall reinstate such permit.

583 Sec. 11. Section 29-36i of the general statutes is repealed and the
584 following is substituted in lieu thereof (*Effective October 1, 2015*):

585 (a) Any eligibility certificate for a pistol or revolver shall be revoked
586 by the Commissioner of Emergency Services and Public Protection
587 upon the occurrence of any event which would have disqualified the
588 holder from being issued the certificate pursuant to section 29-36f, as
589 amended by this act.

590 (b) Upon the revocation of any eligibility certificate, the person
591 whose eligibility certificate is revoked shall be notified in writing and
592 such certificate shall be forthwith delivered to the Commissioner of
593 Emergency Services and Public Protection. Any person who fails to
594 surrender such certificate within five days of notification in writing of
595 revocation thereof shall be guilty of a class A misdemeanor.

596 (c) If an eligibility certificate for a pistol or revolver is revoked
597 because the person holding such certificate is subject to an ex parte
598 order issued pursuant to section 46b-15, as amended by this act, or
599 46b-16a, as amended by this act, upon expiration of such order, such
600 person may notify the Department of Emergency Services and Public
601 Protection that such order has expired. Upon verification of such
602 expiration and provided such person is not otherwise disqualified
603 from holding such certificate pursuant to section 29-36f, as amended
604 by this act, the department shall reinstate such certificate.

605 Sec. 12. Section 29-37s of the general statutes is repealed and the
606 following is substituted in lieu thereof (*Effective October 1, 2015*):

607 (a) A long gun eligibility certificate shall be revoked by the
608 Commissioner of Emergency Services and Public Protection upon the
609 occurrence of any event which would have disqualified the holder

610 from being issued the certificate pursuant to section 29-37p, as
611 amended by this act.

612 (b) Upon the revocation of any long gun eligibility certificate, the
613 person whose certificate is revoked shall be notified, in writing, and
614 such certificate shall be forthwith delivered to the Commissioner of
615 Emergency Services and Public Protection. Any person who fails to
616 surrender such certificate within five days of notification, in writing, of
617 revocation thereof shall be guilty of a class A misdemeanor.

618 (c) If a long gun eligibility certificate is revoked because the person
619 holding such certificate is subject to an ex parte order issued pursuant
620 to section 46b-15, as amended by this act, or 46b-16a, as amended by
621 this act, upon expiration of such order, such person may notify the
622 Department of Emergency Services and Public Protection that such
623 order has expired. Upon verification of such expiration and provided
624 such person is not otherwise disqualified from holding such certificate
625 pursuant to section 29-37p, as amended by this act, the department
626 shall reinstate such certificate.

627 Sec. 13. Section 29-38p of the general statutes is repealed and the
628 following is substituted in lieu thereof (*Effective October 1, 2015*):

629 (a) An ammunition certificate shall be revoked by the Commissioner
630 of Emergency Services and Public Protection upon the occurrence of
631 any event which would have disqualified the holder from being issued
632 the certificate pursuant to section 29-38n.

633 (b) Upon the revocation of any ammunition certificate, the person
634 whose certificate is revoked shall be notified, in writing, and such
635 certificate shall be forthwith delivered to the Commissioner of
636 Emergency Services and Public Protection. Any person who fails to
637 surrender such certificate within five days of notification, in writing, of
638 revocation thereof shall be guilty of a class A misdemeanor.

639 (c) If an ammunition certificate is revoked because the person
640 holding such certificate is subject to an ex parte order issued pursuant

641 to section 46b-15, as amended by this act, or 46b-16a, as amended by
642 this act, upon expiration of such order, such person may notify the
643 Department of Emergency Services and Public Protection that such
644 order has expired. Upon verification of such expiration and provided
645 such person is not otherwise disqualified from holding such certificate
646 pursuant to section 29-38n, the department shall reinstate such
647 certificate.

648 Sec. 14. Subsection (d) of section 46b-16a of the general statutes is
649 repealed and the following is substituted in lieu thereof (*Effective*
650 *October 1, 2015*):

651 (d) The applicant shall cause notice of the hearing pursuant to
652 subsection (b) of this section and a copy of the application and the
653 applicant's affidavit and of any ex parte order issued pursuant to
654 subsection (b) of this section to be served by a proper officer on the
655 respondent not less than five days before the hearing. The cost of such
656 service shall be paid for by the Judicial Branch. Upon the granting of
657 an ex parte order, the clerk of the court shall provide two copies of the
658 order to the applicant. Upon the granting of an order after notice and
659 hearing, the clerk of the court shall provide two copies of the order to
660 the applicant and a copy to the respondent. Every order of the court
661 made in accordance with this section after notice and hearing shall be
662 accompanied by a notification that is consistent with the full faith and
663 credit provisions set forth in 18 USC 2265(a), as amended from time to
664 time. Immediately after making service on the respondent, the proper
665 officer shall send or cause to be sent, by facsimile or other means, a
666 copy of the application, or the information contained in such
667 application, stating the date and time the respondent was served, to
668 the law enforcement agency or agencies for the town in which the
669 applicant resides, the town in which the applicant is employed and the
670 town in which the respondent resides. The clerk of the court shall
671 send, by facsimile or other means, a copy of any ex parte order and of
672 any order after notice and hearing, or the information contained in any
673 such order, to the law enforcement agency or agencies for the town in

674 which the applicant resides, the town in which the applicant is
675 employed and the town in which the respondent resides, not later than
676 forty-eight hours after the issuance of such order, and immediately to
677 the Commissioner of Emergency Services and Public Protection. If the
678 applicant is enrolled in a public or private elementary or secondary
679 school, including a technical high school, or an institution of higher
680 education, as defined in section 10a-55, the clerk of the court shall,
681 upon the request of the applicant, send, by facsimile or other means, a
682 copy of such ex parte order or of any order after notice and hearing, or
683 the information contained in any such order, to such school or
684 institution of higher education, the president of any institution of
685 higher education at which the applicant is enrolled and the special
686 police force established pursuant to section 10a-142, if any, at the
687 institution of higher education at which the applicant is enrolled.

688 Sec. 15. Section 53a-217 of the general statutes is repealed and the
689 following is substituted in lieu thereof (*Effective October 1, 2015*):

690 (a) A person is guilty of criminal possession of a firearm,
691 ammunition or an electronic defense weapon when such person
692 possesses a firearm, ammunition or an electronic defense weapon and
693 (1) has been convicted of a felony committed prior to, on or after
694 October 1, 2013, or of a violation of subsection (c) of section 21a-279 or
695 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,
696 53a-178 or 53a-181d committed on or after October 1, 2013, (2) has been
697 convicted as delinquent for the commission of a serious juvenile
698 offense, as defined in section 46b-120, (3) has been discharged from
699 custody within the preceding twenty years after having been found
700 not guilty of a crime by reason of mental disease or defect pursuant to
701 section 53a-13, (4) knows that such person is subject to (A) a
702 restraining or protective order of a court of this state that has been
703 issued against such person, after notice [and an opportunity to be
704 heard] has been provided to such person, in a case involving the use,
705 attempted use or threatened use of physical force against another
706 person, or (B) a foreign order of protection, as defined in section 46b-

707 15a, that has been issued against such person in a case involving the
708 use, attempted use or threatened use of physical force against another
709 person, (5) (A) has been confined on or after October 1, 2013, in a
710 hospital for persons with psychiatric disabilities, as defined in section
711 17a-495, within the preceding sixty months by order of a probate court,
712 or with respect to any person who holds a valid permit or certificate
713 that was issued or renewed under the provisions of section 29-28, as
714 amended by this act, or 29-36f, as amended by this act, in effect prior to
715 October 1, 2013, such person has been confined in such hospital within
716 the preceding twelve months, or (B) has been voluntarily admitted on
717 or after October 1, 2013, to a hospital for persons with psychiatric
718 disabilities, as defined in section 17a-495, within the preceding six
719 months for care and treatment of a psychiatric disability and not solely
720 for being an alcohol-dependent person or a drug-dependent person as
721 those terms are defined in section 17a-680, (6) knows that such person
722 is subject to a firearms seizure order issued pursuant to subsection (d)
723 of section 29-38c after notice and an opportunity to be heard has been
724 provided to such person, or (7) is prohibited from shipping,
725 transporting, possessing or receiving a firearm pursuant to 18 USC
726 922(g)(4). For the purposes of this section, "convicted" means having a
727 judgment of conviction entered by a court of competent jurisdiction,
728 "ammunition" means a loaded cartridge, consisting of a primed case,
729 propellant or projectile, designed for use in any firearm, and a motor
730 vehicle violation for which a sentence to a term of imprisonment of
731 more than one year may be imposed shall be deemed an unclassified
732 felony.

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

739 Sec. 16. Section 53a-217c of the general statutes is repealed and the

740 following is substituted in lieu thereof (*Effective October 1, 2015*):

741 (a) A person is guilty of criminal possession of a pistol or revolver
742 when such person possesses a pistol or revolver, as defined in section
743 29-27, and (1) has been convicted of a felony committed prior to, on or
744 after October 1, 2013, or of a violation of subsection (c) of section 21a-
745 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
746 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2)
747 has been convicted as delinquent for the commission of a serious
748 juvenile offense, as defined in section 46b-120, (3) has been discharged
749 from custody within the preceding twenty years after having been
750 found not guilty of a crime by reason of mental disease or defect
751 pursuant to section 53a-13, (4) (A) has been confined prior to October
752 1, 2013, in a hospital for persons with psychiatric disabilities, as
753 defined in section 17a-495, within the preceding twelve months by
754 order of a probate court, or has been confined on or after October 1,
755 2013, in a hospital for persons with psychiatric disabilities, as defined
756 in section 17a-495, within the preceding sixty months by order of a
757 probate court, or, with respect to any person who holds a valid permit
758 or certificate that was issued or renewed under the provisions of
759 section 29-28, as amended by this act, or 29-36f, as amended by this act,
760 in effect prior to October 1, 2013, such person has been confined in
761 such hospital within the preceding twelve months, or (B) has been
762 voluntarily admitted on or after October 1, 2013, to a hospital for
763 persons with psychiatric disabilities, as defined in section 17a-495,
764 within the preceding six months for care and treatment of a psychiatric
765 disability and not solely for being an alcohol-dependent person or a
766 drug-dependent person as those terms are defined in section 17a-680,
767 (5) knows that such person is subject to (A) a restraining or protective
768 order of a court of this state that has been issued against such person,
769 after notice [and an opportunity to be heard] has been provided to
770 such person, in a case involving the use, attempted use or threatened
771 use of physical force against another person, or (B) a foreign order of
772 protection, as defined in section 46b-15a, that has been issued against
773 such person in a case involving the use, attempted use or threatened

774 use of physical force against another person, (6) knows that such
775 person is subject to a firearms seizure order issued pursuant to
776 subsection (d) of section 29-38c after notice and an opportunity to be
777 heard has been provided to such person, (7) is prohibited from
778 shipping, transporting, possessing or receiving a firearm pursuant to
779 18 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United
780 States. For the purposes of this section, "convicted" means having a
781 judgment of conviction entered by a court of competent jurisdiction.

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

787 Sec. 17. Subsection (b) of section 29-36n of the general statutes is
788 repealed and the following is substituted in lieu thereof (*Effective*
789 *October 1, 2015*):

790 (b) The Commissioner of Emergency Services and Public Protection,
791 in conjunction with the Chief State's Attorney and the Connecticut
792 Police Chiefs Association, shall update the protocol developed
793 pursuant to subsection (a) of this section to reflect the provisions of
794 sections 29-7h, 29-28, as amended by this act, 29-28a, 29-29, 29-30, 29-
795 32, as amended by this act, and 29-35, subsections (b) and [(g)] (h) of
796 section 46b-15, as amended by this act, subsections (c) and (d) of
797 section 46b-38c and sections 53-202a, 53-202l, 53-202m and 53a-217, as
798 amended by this act, and shall include in such protocol specific
799 instructions for the transfer, delivery or surrender of pistols and
800 revolvers and other firearms and ammunition when the assistance of
801 more than one law enforcement agency is necessary to effect the
802 requirements of section 29-36k, as amended by this act."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2015</i>	6-32
Sec. 2	<i>October 1, 2015</i>	6-38b(j)
Sec. 3	<i>October 1, 2015</i>	46b-15
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	29-36k
Sec. 7	<i>October 1, 2015</i>	29-28(b)
Sec. 8	<i>October 1, 2015</i>	29-36f(b)
Sec. 9	<i>October 1, 2015</i>	29-37p(b)
Sec. 10	<i>October 1, 2015</i>	29-32
Sec. 11	<i>October 1, 2015</i>	29-36i
Sec. 12	<i>October 1, 2015</i>	29-37s
Sec. 13	<i>October 1, 2015</i>	29-38p
Sec. 14	<i>October 1, 2015</i>	46b-16a(d)
Sec. 15	<i>October 1, 2015</i>	53a-217
Sec. 16	<i>October 1, 2015</i>	53a-217c
Sec. 17	<i>October 1, 2015</i>	29-36n(b)