



General Assembly

Amendment

January Session, 2015

LCO No. 9068



Offered by:
SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 1105 File No. 924 Cal. No. 432

(As Amended by Senante Amendment Schedule "A")

"AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES, AND CONCERNING THE PSYCHIATRIC SECURITY REVIEW BOARD, DOMESTIC VIOLENCE, CONDOMINIUM ASSOCIATIONS, DEPOSITIONS OF PERSONS LIVING OUT-OF-STATE."

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

3 "Section 1. Subsection (b) of section 46b-15 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2015*):

6 (b) The application form shall allow the applicant, at the applicant's
7 option, to indicate whether or not the respondent holds a permit to
8 carry a pistol or revolver, an eligibility certificate for a pistol or
9 revolver, a long gun eligibility certificate or an ammunition certificate
10 or possesses one or more firearms or ammunition. The application

11 form shall also allow the applicant, at the applicant's option, to state
12 whether or not he or she has probable cause to believe that a family or
13 household member poses a risk of imminent personal injury to the
14 applicant, in which case, the court shall notify the office of the state's
15 attorney for the judicial district in which the application was filed to
16 commence proceedings pursuant to section 29-38c. The application
17 shall be accompanied by an affidavit made under oath which includes
18 a brief statement of the conditions from which relief is sought. Upon
19 receipt of the application the court shall order that a hearing on the
20 application be held not later than fourteen days from the date of the
21 order provided nothing in this section shall preclude a hearing held in
22 accordance with section 29-38c. The court, in its discretion, may make
23 such orders as it deems appropriate for the protection of the applicant
24 and such dependent children or other persons as the court sees fit. In
25 making such orders, the court, in its discretion, may consider relevant
26 court records if the records are available to the public from a clerk of
27 the Superior Court or on the Judicial Branch's Internet web site. Such
28 orders may include temporary child custody or visitation rights, and
29 such relief may include, but is not limited to, an order enjoining the
30 respondent from (1) imposing any restraint upon the person or liberty
31 of the applicant; (2) threatening, harassing, assaulting, molesting,
32 sexually assaulting or attacking the applicant; or (3) entering the family
33 dwelling or the dwelling of the applicant. Such order may include
34 provisions necessary to protect any animal owned or kept by the
35 applicant including, but not limited to, an order enjoining the
36 respondent from injuring or threatening to injure such animal. If an
37 applicant alleges an immediate and present physical danger to the
38 applicant, the court may issue an ex parte order granting such relief as
39 it deems appropriate. If a postponement of a hearing on the
40 application is requested by either party and granted, the ex parte order
41 shall not be continued except upon agreement of the parties or by
42 order of the court for good cause shown. If a hearing on the application
43 is scheduled or an ex parte order is granted and the court is closed on
44 the scheduled hearing date, the hearing shall be held on the next day
45 the court is open and any such ex parte order shall remain in effect

46 until the date of such hearing.

47 Sec. 2. Subsection (b) of section 29-36k of the general statutes is
48 repealed and the following is substituted in lieu thereof (*Effective*
49 *October 1, 2015*):

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

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

72 (d) Not later than fourteen days after the execution of a warrant
73 under this section, the court for the geographical area where the
74 person named in the warrant resides shall hold a hearing to determine
75 whether the firearm or firearms and any ammunition seized should be
76 returned to the person named in the warrant or should continue to be
77 held by the state. At such hearing the state shall have the burden of

78 proving all material facts by clear and convincing evidence. If, after
 79 such hearing, the court finds by clear and convincing evidence that the
 80 person poses a risk of imminent personal injury to himself or herself or
 81 to other individuals, the court may order that the firearm or firearms
 82 and any ammunition seized pursuant to the warrant issued under
 83 subsection (a) of this section continue to be held by the state for a
 84 period not to exceed [one year] two years, otherwise the court shall
 85 order the firearm or firearms and any ammunition seized to be
 86 returned to the person named in the warrant. If the court finds that the
 87 person poses a risk of imminent personal injury to himself or herself or
 88 to other individuals, the court shall give notice to the Department of
 89 Mental Health and Addiction Services which may take such action
 90 pursuant to chapter 319i as it deems appropriate."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	46b-15(b)
Sec. 2	October 1, 2015	29-36k(b)
Sec. 3	October 1, 2015	29-38c(d)