



House of Representatives

File No. 750

General Assembly

February Session, 2016

(Reprint of File No. 602)

Substitute House Bill No. 5054
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 28, 2016

AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

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

1 Section 1. Section 6-32 of the 2016 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

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

13 (b) A civil protection order constitutes civil process for purposes of
14 the powers and duties of a state marshal. The cost of serving a civil
15 protection order issued pursuant to section 46b-16a, as amended by

16 this act, shall be paid by the Judicial Branch in the same manner as the
17 cost of serving a restraining order issued pursuant to section 46b-15, as
18 amended by this act, and fees and expenses associated with the serving
19 of a civil protection order shall be calculated in accordance with
20 subsection (a) of section 52-261.

21 Sec. 2. Subsection (j) of section 6-38b of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective*
23 *October 1, 2016*):

24 (j) The commission [may] shall adopt [such] rules as it deems
25 necessary for conduct of its internal affairs, [and] including, but not
26 limited to, rules that provide for: (1) The provision of timely, consistent
27 and reliable access to a state marshal for persons applying for a
28 restraining order under section 46b-15, as amended by this act; (2) the
29 provision of services to persons with limited English proficiency; (3)
30 the provision of services to persons who are deaf or hearing impaired;
31 and (4) service of process that is a photographic copy, micrographic
32 copy or other electronic image of an original document that clearly and
33 accurately copies such original document. The commission shall adopt
34 regulations in accordance with the provisions of chapter 54 for the
35 application and investigation requirements for filling vacancies in the
36 position of state marshal.

37 Sec. 3. Section 46b-15 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

45 (b) The application form shall allow the applicant, at the applicant's
46 option, to indicate whether the respondent holds a permit to carry a
47 pistol or revolver, an eligibility certificate for a pistol or revolver, a

48 long gun eligibility certificate or an ammunition certificate or possesses
49 one or more firearms or ammunition. The application shall be
50 accompanied by an affidavit made under oath which includes a brief
51 statement of the conditions from which relief is sought. Upon receipt
52 of the application the court shall order that a hearing on the
53 application be held not later than fourteen days from the date of the
54 order except that, if the application indicates that the respondent holds
55 a permit to carry a pistol or revolver, an eligibility certificate for a
56 pistol or revolver, a long gun eligibility certificate or an ammunition
57 certificate or possesses one or more firearms or ammunition, and the
58 court orders an ex parte order, the court shall order that a hearing be
59 held on the application not later than seven days from the date on
60 which the ex parte order is issued. The court, in its discretion, may
61 make such orders as it deems appropriate for the protection of the
62 applicant and such dependent children or other persons as the court
63 sees fit. In making such orders, the court, in its discretion, may
64 consider relevant court records if the records are available to the public
65 from a clerk of the Superior Court or on the Judicial Branch's Internet
66 web site. Such orders may include temporary child custody or
67 visitation rights, and such relief may include, but is not limited to, an
68 order enjoining the respondent from (1) imposing any restraint upon
69 the person or liberty of the applicant; (2) threatening, harassing,
70 assaulting, molesting, sexually assaulting or attacking the applicant; or
71 (3) entering the family dwelling or the dwelling of the applicant. Such
72 order may include provisions necessary to protect any animal owned
73 or kept by the applicant including, but not limited to, an order
74 enjoining the respondent from injuring or threatening to injure such
75 animal. If an applicant alleges an immediate and present physical
76 danger to the applicant, the court may issue an ex parte order granting
77 such relief as it deems appropriate. If a postponement of a hearing on
78 the application is requested by either party and granted, the ex parte
79 order shall not be continued except upon agreement of the parties or
80 by order of the court for good cause shown. If a hearing on the
81 application is scheduled or an ex parte order is granted and the court is
82 closed on the scheduled hearing date, the hearing shall be held on the

83 next day the court is open and any such ex parte order shall remain in
84 effect until the date of such hearing.

85 (c) If the court issues an ex parte order pursuant to subsection (b) of
86 this section and service has not been made on the respondent in
87 conformance with subsection (h) of this section, upon request of the
88 applicant, the court shall, based on the information contained in the
89 original application, extend any ex parte order for an additional period
90 not to exceed fourteen days from the originally scheduled hearing
91 date. The clerk shall prepare a new order of hearing and notice
92 containing the new hearing date, which shall be served upon the
93 respondent in accordance with the provisions of subsection (h) of this
94 section.

95 ~~[(c)]~~ (d) Any ex parte restraining order entered under subsection (b)
96 of this section in which the applicant and respondent are spouses, or
97 persons who have a dependent child or children in common and who
98 live together, may include, if no order exists, and if necessary to
99 maintain the safety and basic needs of the applicant or the dependent
100 child or children in common of the applicant and respondent, in
101 addition to any orders authorized under subsection (b) of this section,
102 any of the following: (1) An order prohibiting the respondent from (A)
103 taking any action that could result in the termination of any necessary
104 utility services or necessary services related to the family dwelling or
105 the dwelling of the applicant, (B) taking any action that could result in
106 the cancellation, change of coverage or change of beneficiary of any
107 health, automobile or homeowners insurance policy to the detriment
108 of the applicant or the dependent child or children in common of the
109 applicant and respondent, or (C) transferring, encumbering, concealing
110 or disposing of specified property owned or leased by the applicant; or
111 (2) an order providing the applicant with temporary possession of an
112 automobile, checkbook, documentation of health, automobile or
113 homeowners insurance, a document needed for purposes of proving
114 identity, a key or other necessary specified personal effects.

115 ~~[(d)]~~ (e) At the hearing on any application under this section, if the

116 court grants relief pursuant to subsection (b) of this section and the
117 applicant and respondent are spouses, or persons who have a
118 dependent child or children in common and who live together, and if
119 necessary to maintain the safety and basic needs of the applicant or the
120 dependent child or children in common of the applicant and
121 respondent, any orders entered by the court may include, in addition
122 to the orders authorized under subsection (b) of this section, any of the
123 following: (1) An order prohibiting the respondent from (A) taking any
124 action that could result in the termination of any necessary utility
125 services or services related to the family dwelling or the dwelling of
126 the applicant, (B) taking any action that could result in the cancellation,
127 change of coverage or change of beneficiary of any health, automobile
128 or homeowners insurance policy to the detriment of the applicant or
129 the dependent child or children in common of the applicant and
130 respondent, or (C) transferring, encumbering, concealing or disposing
131 of specified property owned or leased by the applicant; (2) an order
132 providing the applicant with temporary possession of an automobile,
133 checkbook, documentation of health, automobile or homeowners
134 insurance, a document needed for purposes of proving identity, a key
135 or other necessary specified personal effects; or (3) an order that the
136 respondent: (A) Make rent or mortgage payments on the family
137 dwelling or the dwelling of the applicant and the dependent child or
138 children in common of the applicant and respondent, (B) maintain
139 utility services or other necessary services related to the family
140 dwelling or the dwelling of the applicant and the dependent child or
141 children in common of the applicant and respondent, (C) maintain all
142 existing health, automobile or homeowners insurance coverage
143 without change in coverage or beneficiary designation, or (D) provide
144 financial support for the benefit of any dependent child or children in
145 common of the applicant and the respondent, provided the respondent
146 has a legal duty to support such child or children and the ability to
147 pay. The court shall not enter any order of financial support without
148 sufficient evidence as to the ability to pay, including, but not limited
149 to, financial affidavits. If at the hearing no order is entered under this
150 subsection or subsection [(c)] (d) of this section, no such order may be

151 entered thereafter pursuant to this section. Any order entered pursuant
152 to this subsection shall not be subject to modification and shall expire
153 one hundred twenty days after the date of issuance or upon issuance
154 of a superseding order, whichever occurs first. Any amounts not paid
155 or collected under this subsection or subsection [(c)] (d) of this section
156 may be preserved and collectible in an action for dissolution of
157 marriage, custody, paternity or support.

158 [(e)] (f) Every order of the court made in accordance with this
159 section shall contain the following language: (1) "This order may be
160 extended by the court beyond one year. In accordance with section
161 53a-107 of the Connecticut general statutes, entering or remaining in a
162 building or any other premises in violation of this order constitutes
163 criminal trespass in the first degree. This is a criminal offense
164 punishable by a term of imprisonment of not more than one year, a
165 fine of not more than two thousand dollars or both."; and (2) "In
166 accordance with section 53a-223b of the Connecticut general statutes,
167 any violation of subparagraph (A) or (B) of subdivision (2) of
168 subsection (a) of section 53a-223b constitutes criminal violation of a
169 restraining order which is punishable by a term of imprisonment of
170 not more than five years, a fine of not more than five thousand dollars,
171 or both. Additionally, any violation of subparagraph (C) or (D) of
172 subdivision (2) of subsection (a) of section 53a-223b constitutes
173 criminal violation of a restraining order which is punishable by a term
174 of imprisonment of not more than ten years, a fine of not more than ten
175 thousand dollars, or both."

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

182 [(g)] (h) (1) The applicant shall cause notice of the hearing pursuant
183 to subsection (b) of this section and a copy of the application and the

184 applicant's affidavit and of any ex parte order issued pursuant to
185 subsection (b) of this section to be served on the respondent not less
186 than [five] three days before the hearing. The cost of such service shall
187 be paid for by the Judicial Branch.

188 (2) When (A) an application indicates that a respondent holds a
189 permit to carry a pistol or revolver, an eligibility certificate for a pistol
190 or revolver, a long gun eligibility certificate or an ammunition
191 certificate or possesses one or more firearms or ammunition, and (B)
192 the court has issued an ex parte order pursuant to this section, the
193 proper officer responsible for executing service shall, whenever
194 possible, provide in hand service and, prior to serving such order, shall
195 (i) provide notice to the law enforcement agency for the town in which
196 the respondent will be served concerning when and where the service
197 will take place, and (ii) send, or cause to be sent by facsimile or other
198 means, a copy of the application, the applicant's affidavit, the ex parte
199 order and the notice of hearing to such law enforcement agency, and
200 (iii) request that a police officer from the law enforcement agency for
201 the town in which the respondent will be served be present when
202 service is executed by the proper officer. Upon receiving a request
203 from a proper officer under the provisions of this subdivision, the law
204 enforcement agency for the town in which the respondent will be
205 served may designate a police officer to be present when service is
206 executed by the proper officer.

207 (3) Upon the granting of an ex parte order, the clerk of the court
208 shall provide two copies of the order to the applicant. Upon the
209 granting of an order after notice and hearing, the clerk of the court
210 shall provide two copies of the order to the applicant and a copy to the
211 respondent. Every order of the court made in accordance with this
212 section after notice and hearing shall be accompanied by a notification
213 that is consistent with the full faith and credit provisions set forth in 18
214 USC 2265(a), as amended from time to time. Immediately after making
215 service on the respondent, the proper officer shall (A) send or cause to
216 be sent, by facsimile or other means, a copy of the application, or the
217 information contained in such application, stating the date and time

218 the respondent was served, to the law enforcement agency or agencies
219 for the town in which the applicant resides, the town in which the
220 applicant is employed and the town in which the respondent resides,
221 and (B) as soon as possible, but not later than two hours after the time
222 that service is executed, input into the Judicial Branch's Internet-based
223 service tracking system the date, time and method of service. If, prior
224 to the date of the scheduled hearing, service has not been executed, the
225 proper officer shall input into such service tracking system that service
226 was unsuccessful. The clerk of the court shall send, by facsimile or
227 other means, a copy of any ex parte order and of any order after notice
228 and hearing, or the information contained in any such order, to the law
229 enforcement agency or agencies for the town in which the applicant
230 resides, the town in which the applicant is employed and the town in
231 which the respondent resides, within forty-eight hours of the issuance
232 of such order. If the victim is enrolled in a public or private elementary
233 or secondary school, including a technical high school, or an institution
234 of higher education, as defined in section 10a-55, the clerk of the court
235 shall, upon the request of the victim, send, by facsimile or other means,
236 a copy of such ex parte order or of any order after notice and hearing,
237 or the information contained in any such order, to such school or
238 institution of higher education, the president of any institution of
239 higher education at which the victim is enrolled and the special police
240 force established pursuant to section 10a-156b, if any, at the institution
241 of higher education at which the victim is enrolled.

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

247 [(i)] (j) When a motion for contempt is filed for violation of a
248 restraining order, there shall be an expedited hearing. Such hearing
249 shall be held within five court days of service of the motion on the
250 respondent, provided service on the respondent is made not less than
251 twenty-four hours before the hearing. If the court finds the respondent

252 in contempt for violation of an order, the court may impose such
253 sanctions as the court deems appropriate.

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

256 (l) For purposes of this section, "police officer" means a state police
257 officer or a sworn member of a municipal police department and "law
258 enforcement agency" means the Division of State Police within the
259 Department of Emergency Services and Public Protection or any
260 municipal police department.

261 Sec. 4. (NEW) (*Effective October 1, 2016*) In each Superior Court
262 where a restraining order issued under section 46b-15 of the general
263 statutes, as amended by this act, may be made returnable, the Chief
264 Court Administrator shall, where feasible, work to allocate space in
265 such court so as to permit a meeting between a person seeking service
266 of the notice of hearing and any order issued under section 46b-15 of
267 the general statutes, as amended by this act, and a proper officer.

268 Sec. 5. (NEW) (*Effective October 1, 2016*) (a) The Chief Court
269 Administrator shall revise and simplify the process for filing an
270 application for relief under section 46b-15 of the general statutes, as
271 amended by this act. The Chief Court Administrator shall ensure that
272 any person seeking to file an application for relief is provided with a
273 one-page, plain language explanation of how to apply for relief under
274 section 46b-15 of the general statutes, as amended by this act. The
275 Chief Court Administrator shall develop and make available to the
276 public educational materials concerning the warrant process set forth
277 in section 29-38c of the general statutes relating to a person who poses
278 a risk of imminent personal injury to himself or herself or to other
279 individuals.

280 (b) The Chief Court Administrator shall annually collect data on (1)
281 the number of restraining orders issued under section 46b-15 of the
282 general statutes, as amended by this act, and civil protection orders
283 issued under section 46b-16a of the general statutes, as amended by

284 this act; (2) the number of such orders that are not picked up by an
285 applicant from the office of the clerk at the court location which issued
286 the order; (3) the method of service of such orders in cases in which a
287 respondent is successfully served with the order; (4) the number of
288 requests for a police officer to be present at the time service of an order
289 pursuant to subsection (h) of section 46b-15 of the general statutes, as
290 amended by this act; and (5) the number of such orders issued that
291 subsequently expire or are dismissed because the respondent could not
292 be served with the order.

293 Sec. 6. Subsection (d) of section 46b-16a of the general statutes is
294 repealed and the following is substituted in lieu thereof (*Effective*
295 *October 1, 2016*):

296 (d) The applicant shall cause notice of the hearing pursuant to
297 subsection (b) of this section and a copy of the application and the
298 applicant's affidavit and of any ex parte order issued pursuant to
299 subsection (b) of this section to be served by a proper officer on the
300 respondent not less than five days before the hearing. The cost of such
301 service shall be paid for by the Judicial Branch. Upon the granting of
302 an ex parte order, the clerk of the court shall provide two copies of the
303 order to the applicant. Upon the granting of an order after notice and
304 hearing, the clerk of the court shall provide two copies of the order to
305 the applicant and a copy to the respondent. Every order of the court
306 made in accordance with this section after notice and hearing shall be
307 accompanied by a notification that is consistent with the full faith and
308 credit provisions set forth in 18 USC 2265(a), as amended from time to
309 time. Immediately after making service on the respondent, the proper
310 officer shall (1) send or cause to be sent, by facsimile or other means, a
311 copy of the application, or the information contained in such
312 application, stating the date and time the respondent was served, to
313 the law enforcement agency or agencies for the town in which the
314 applicant resides, the town in which the applicant is employed and the
315 town in which the respondent resides, and (2) as soon as possible, but
316 not later than two hours after the time that service is executed, input
317 into the Judicial Branch's Internet-based service tracking system the

318 date, time and method of service. If, prior to the date of the scheduled
319 hearing, service has not been executed, the proper officer shall input
320 into such service tracking system that service was unsuccessful. The
321 clerk of the court shall send, by facsimile or other means, a copy of any
322 ex parte order and of any order after notice and hearing, or the
323 information contained in any such order, to the law enforcement
324 agency or agencies for the town in which the applicant resides, the
325 town in which the applicant is employed and the town in which the
326 respondent resides, not later than forty-eight hours after the issuance
327 of such order, and immediately to the Commissioner of Emergency
328 Services and Public Protection. If the applicant is enrolled in a public
329 or private elementary or secondary school, including a technical high
330 school, or an institution of higher education, as defined in section 10a-
331 55, the clerk of the court shall, upon the request of the applicant, send,
332 by facsimile or other means, a copy of such ex parte order or of any
333 order after notice and hearing, or the information contained in any
334 such order, to such school or institution of higher education, the
335 president of any institution of higher education at which the applicant
336 is enrolled and the special police force established pursuant to section
337 10a-142, if any, at the institution of higher education at which the
338 applicant is enrolled.

339 Sec. 7. Section 29-36k of the general statutes is repealed and the
340 following is substituted in lieu thereof (*Effective October 1, 2016*):

341 (a) [Not later than two business days] Except as provided in
342 subsection (b) of this section, not later than two business days after the
343 occurrence of any event that makes a person ineligible to possess a
344 pistol or revolver or other firearm or ammunition, such person shall (1)
345 transfer in accordance with section 29-33 all pistols and revolvers
346 which such person then possesses to any person eligible to possess a
347 pistol or revolver and transfer in accordance with any applicable state
348 and federal laws all other firearms to any person eligible to possess
349 such other firearms by obtaining an authorization number for the sale
350 or transfer of the firearm from the Commissioner of Emergency
351 Services and Public Protection, and submit a sale or transfer of

352 firearms form to said commissioner within two business days, [except
353 that a person subject to a restraining or protective order or a foreign
354 order of protection may only transfer a pistol, revolver or other firearm
355 or ammunition under this subdivision to a federally licensed firearms
356 dealer pursuant to the sale of the pistol, revolver or other firearm and
357 ammunition to the federally licensed firearms dealer,] or (2) deliver or
358 surrender such pistols and revolvers and other firearms and
359 ammunition to the Commissioner of Emergency Services and Public
360 Protection, provided a local police department may accept such pistols,
361 revolvers, other firearms and ammunition on behalf of said
362 commissioner, or (3) transfer such ammunition to any person eligible
363 to possess such ammunition. The commissioner and a local police
364 department shall exercise due care in the receipt and holding of such
365 pistols and revolvers and other firearms or ammunition. [For the
366 purposes of this section, a "person subject to a restraining or protective
367 order or a foreign order of protection" means a person who knows that
368 such person is subject to (A) a restraining or protective order of a court
369 of this state that has been issued against such person, after notice and
370 an opportunity to be heard has been provided to such person, in a case
371 involving the use, attempted use or threatened use of physical force
372 against another person, or (B) a foreign order of protection, as defined
373 in section 46b-15a, that has been issued against such person in a case
374 involving the use, attempted use or threatened use of physical force
375 against another person.]

376 (b) Immediately, but in no event more than twenty-four hours after
377 notice has been provided to a person subject to a restraining or
378 protective order or a foreign order of protection, such person shall (1)
379 transfer any pistol, revolver or other firearm or ammunition which
380 such person then possesses to a federally licensed firearms dealer
381 pursuant to the sale of the pistol, revolver or other firearm or
382 ammunition to the federally licensed firearms dealer, or (2) deliver or
383 surrender such pistols and revolvers and other firearms and
384 ammunition to the Commissioner of Emergency Services and Public
385 Protection, provided a local police department may accept such pistols,

386 revolvers, other firearms and ammunition on behalf of said
387 commissioner. For the purposes of this section, a "person subject to a
388 restraining or protective order or a foreign order of protection" means
389 a person who knows that such person is subject to (A) a restraining or
390 protective order of a court of this state that has been issued against
391 such person, after notice has been provided to such person, in a case
392 involving the use, attempted use or threatened use of physical force
393 against another person, or (B) a foreign order of protection, as defined
394 in section 46b-15a, that has been issued against such person in a case
395 involving the use, attempted use or threatened use of physical force
396 against another person.

397 (c) (1) A person subject to a restraining order or protective order or a
398 foreign order of protection or an order of protection issued under
399 section 46b-16a, as amended by this act, who has delivered or
400 surrendered any pistol, revolver, or other firearm or ammunition to
401 the Commissioner of Emergency Services and Public Protection or a
402 local police department, may request the return of such pistol,
403 revolver, or other firearm or ammunition, upon (A) the expiration of
404 the restraining order or protective order or a foreign order of
405 protection or an order of protection issued under section 46b-16a, as
406 amended by this act, or (B) the issuance of a subsequent court order
407 that rescinds the restraining order or protective order or a foreign
408 order of protection or an order of protection issued under section 46b-
409 16a, as amended by this act.

410 (2) When making such request, the person described in subdivision
411 (1) of this subsection shall provide notification of (A) the expiration of
412 the restraining order or protective order or a foreign order of
413 protection or an order of protection issued under section 46b-16a, as
414 amended by this act, or (B) the issuance of a subsequent court order
415 that rescinds the restraining order or protective order or a foreign
416 order of protection or an order of protection issued under section 46b-
417 16a, as amended by this act, to the Commissioner of Emergency
418 Services and Public Protection or a local police department.

419 (3) Not later than five business days after the date on which a
420 person has made a request pursuant to subdivision (1) of this
421 subsection, the commissioner or a local police department shall review
422 the request and make available for retrieval any pistol, revolver, or
423 other firearm or ammunition to such person provided the
424 commissioner or a local police department confirms: (A) (i) The
425 expiration of the restraining order or protective order or a foreign
426 order of protection or an order of protection issued under section 46b-
427 16a, as amended by this act, or (ii) the issuance of a subsequent court
428 order that rescinds the restraining order or protective order or a
429 foreign order of protection or an order of protection issued under
430 section 46b-16a, as amended by this act, (B) that such person is not
431 otherwise disqualified from possessing such pistol, revolver, or other
432 firearm or ammunition, and (C) that such person was legally entitled
433 to possess such pistol, revolver, or other firearm or ammunition at the
434 time of delivery or surrender to the commissioner or a local police
435 department.

436 [(b)] (d) Such person, or such person's legal representative, may, at
437 any time up to one year after such delivery or surrender, transfer such
438 pistols and revolvers in accordance with the provisions of section 29-33
439 to any person eligible to possess a pistol or revolver and transfer such
440 other firearms and ammunition, in accordance with any applicable
441 state and federal laws, to any person eligible to possess such other
442 firearms and ammunition, provided any person subject to a restraining
443 or protective order or a foreign order of protection, or such person's
444 legal representative, may only transfer such pistol, revolver or other
445 firearm or ammunition to a federally licensed firearms dealer pursuant
446 to the sale of the pistol, revolver or other firearm or ammunition to the
447 federally licensed firearms dealer. Upon notification in writing by the
448 transferee and such person, the Commissioner of Emergency Services
449 and Public Protection or a local police department as the case may be,
450 shall, within ten days, deliver such pistols and revolvers [or] and other
451 firearms [or] and ammunition to the transferee. If, at the end of such
452 year, such pistols and revolvers [or] and other firearms [or] and

453 ammunition have not been so transferred, the commissioner or a local
454 police department as the case may be, shall cause them to be
455 destroyed.

456 [(c)] (e) Any person who fails to transfer, deliver or surrender any
457 such pistols and revolvers and other firearms or ammunition as
458 provided in this section shall be subject to the penalty provided for in
459 section 53a-217, as amended by this act, or 53a-217c, as amended by
460 this act.

461 Sec. 8. Subsection (b) of section 29-28 of the 2016 supplement to the
462 general statutes is repealed and the following is substituted in lieu
463 thereof (*Effective October 1, 2016*):

464 (b) Upon the application of any person having a bona fide
465 permanent residence within the jurisdiction of any such authority,
466 such chief of police, warden or selectman may issue a temporary state
467 permit to such person to carry a pistol or revolver within the state,
468 provided such authority shall find that such applicant intends to make
469 no use of any pistol or revolver which such applicant may be
470 permitted to carry under such permit other than a lawful use and that
471 such person is a suitable person to receive such permit. No state or
472 temporary state permit to carry a pistol or revolver shall be issued
473 under this subsection if the applicant (1) has failed to successfully
474 complete a course approved by the Commissioner of Emergency
475 Services and Public Protection in the safety and use of pistols and
476 revolvers including, but not limited to, a safety or training course in
477 the use of pistols and revolvers available to the public offered by a law
478 enforcement agency, a private or public educational institution or a
479 firearms training school, utilizing instructors certified by the National
480 Rifle Association or the Department of Energy and Environmental
481 Protection and a safety or training course in the use of pistols or
482 revolvers conducted by an instructor certified by the state or the
483 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
484 on or after October 1, 1994, a violation of section 21a-279 or section 53a-
485 58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or

486 53a-181d, (3) has been convicted as delinquent for the commission of a
487 serious juvenile offense, as defined in section 46b-120, (4) has been
488 discharged from custody within the preceding twenty years after
489 having been found not guilty of a crime by reason of mental disease or
490 defect pursuant to section 53a-13, (5) (A) has been confined in a
491 hospital for persons with psychiatric disabilities, as defined in section
492 17a-495, within the preceding sixty months by order of a probate court,
493 or (B) has been voluntarily admitted on or after October 1, 2013, to a
494 hospital for persons with psychiatric disabilities, as defined in section
495 17a-495, within the preceding six months for care and treatment of a
496 psychiatric disability and not solely for being an alcohol-dependent
497 person or a drug-dependent person as those terms are defined in
498 section 17a-680, (6) is subject to a restraining or protective order issued
499 by a court in a case involving the use, attempted use or threatened use
500 of physical force against another person, including an ex parte order
501 issued pursuant to section 46b-15, as amended by this act, or 46b-16a,
502 as amended by this act, (7) is subject to a firearms seizure order issued
503 pursuant to subsection (d) of section 29-38c after notice and hearing,
504 (8) is prohibited from shipping, transporting, possessing or receiving a
505 firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or
506 unlawfully in the United States, or (10) is less than twenty-one years of
507 age. Nothing in this section shall require any person who holds a valid
508 permit to carry a pistol or revolver on October 1, 1994, to participate in
509 any additional training in the safety and use of pistols and revolvers.
510 No person may apply for a temporary state permit to carry a pistol or
511 revolver more than once within any twelve-month period, and no
512 temporary state permit to carry a pistol or revolver shall be issued to
513 any person who has applied for such permit more than once within the
514 preceding twelve months. Any person who applies for a temporary
515 state permit to carry a pistol or revolver shall indicate in writing on the
516 application, under penalty of false statement in such manner as the
517 issuing authority prescribes, that such person has not applied for a
518 temporary state permit to carry a pistol or revolver within the past
519 twelve months. Upon issuance of a temporary state permit to carry a
520 pistol or revolver to the applicant, the local authority shall forward the

521 original application to the commissioner. Not later than sixty days
522 after receiving a temporary state permit, an applicant shall appear at a
523 location designated by the commissioner to receive the state permit.
524 The commissioner may then issue, to any holder of any temporary
525 state permit, a state permit to carry a pistol or revolver within the state.
526 Upon issuance of the state permit, the commissioner shall make
527 available to the permit holder a copy of the law regarding the permit
528 holder's responsibility to report the loss or theft of a firearm and the
529 penalties associated with the failure to comply with such law. Upon
530 issuance of the state permit, the commissioner shall forward a record
531 of such permit to the local authority issuing the temporary state
532 permit. The commissioner shall retain records of all applications,
533 whether approved or denied. The copy of the state permit delivered to
534 the permittee shall be laminated and shall contain a full-face
535 photograph of such permittee. A person holding a state permit issued
536 pursuant to this subsection shall notify the issuing authority within
537 two business days of any change of such person's address. The
538 notification shall include the old address and the new address of such
539 person.

540 Sec. 9. Subsection (b) of section 29-36f of the 2016 supplement to the
541 general statutes is repealed and the following is substituted in lieu
542 thereof (*Effective October 1, 2016*):

543 (b) The Commissioner of Emergency Services and Public Protection
544 shall issue an eligibility certificate unless said commissioner finds that
545 the applicant: (1) Has failed to successfully complete a course
546 approved by the Commissioner of Emergency Services and Public
547 Protection in the safety and use of pistols and revolvers including, but
548 not limited to, a safety or training course in the use of pistols and
549 revolvers available to the public offered by a law enforcement agency,
550 a private or public educational institution or a firearms training school,
551 utilizing instructors certified by the National Rifle Association or the
552 Department of Energy and Environmental Protection and a safety or
553 training course in the use of pistols or revolvers conducted by an
554 instructor certified by the state or the National Rifle Association; (2)

555 has been convicted of a felony or of a violation of section 21a-279 or
556 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,
557 53a-178 or 53a-181d; (3) has been convicted as delinquent for the
558 commission of a serious juvenile offense, as defined in section 46b-120;
559 (4) has been discharged from custody within the preceding twenty
560 years after having been found not guilty of a crime by reason of mental
561 disease or defect pursuant to section 53a-13; (5) (A) has been confined
562 in a hospital for persons with psychiatric disabilities, as defined in
563 section 17a-495, within the preceding sixty months by order of a
564 probate court; or (B) has been voluntarily admitted on or after October
565 1, 2013, to a hospital for persons with psychiatric disabilities, as
566 defined in section 17a-495, within the preceding six months for care
567 and treatment of a psychiatric disability and not solely for being an
568 alcohol-dependent person or a drug-dependent person as those terms
569 are defined in section 17a-680; [] (6) is subject to a restraining or
570 protective order issued by a court in a case involving the use,
571 attempted use or threatened use of physical force against another
572 person, including an ex parte order issued pursuant to section 46b-15,
573 as amended by this act, or section 46b-16a, as amended by this act; (7)
574 is subject to a firearms seizure order issued pursuant to subsection (d)
575 of section 29-38c after notice and hearing; (8) is prohibited from
576 shipping, transporting, possessing or receiving a firearm pursuant to
577 18 USC 922(g)(4); or (9) is an alien illegally or unlawfully in the United
578 States.

579 Sec. 10. Subsection (b) of section 29-37p of the 2016 supplement to
580 the general statutes is repealed and the following is substituted in lieu
581 thereof (*Effective October 1, 2016*):

582 (b) The Commissioner of Emergency Services and Public Protection
583 shall issue a long gun eligibility certificate unless said commissioner
584 finds that the applicant: (1) Has failed to successfully complete a
585 course approved by the Commissioner of Emergency Services and
586 Public Protection in the safety and use of firearms including, but not
587 limited to, a safety or training course in the use of firearms available to
588 the public offered by a law enforcement agency, a private or public

589 educational institution or a firearms training school, utilizing
590 instructors certified by the National Rifle Association or the
591 Department of Energy and Environmental Protection and a safety or
592 training course in the use of firearms conducted by an instructor
593 certified by the state or the National Rifle Association; (2) has been
594 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
595 of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63,
596 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as
597 delinquent for the commission of a serious juvenile offense, as defined
598 in section 46b-120; (4) has been discharged from custody within the
599 preceding twenty years after having been found not guilty of a crime
600 by reason of mental disease or defect pursuant to section 53a-13; (5)
601 has been confined in a hospital for persons with psychiatric
602 disabilities, as defined in section 17a-495, within the preceding sixty
603 months by order of a probate court; (6) has been voluntarily admitted
604 to a hospital for persons with psychiatric disabilities, as defined in
605 section 17a-495, within the preceding six months for care and
606 treatment of a psychiatric disability and not solely for being an alcohol-
607 dependent person or a drug-dependent person as those terms are
608 defined in section 17a-680; (7) is subject to a restraining or protective
609 order issued by a court in a case involving the use, attempted use or
610 threatened use of physical force against another person, including an
611 ex parte order issued pursuant to section 46b-15, as amended by this
612 act, or 46b-16a, as amended by this act; (8) is subject to a firearms
613 seizure order issued pursuant to subsection (d) of section 29-38c after
614 notice and hearing; (9) is prohibited from shipping, transporting,
615 possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (10)
616 is an alien illegally or unlawfully in the United States.

617 Sec. 11. Section 29-32 of the general statutes is repealed and the
618 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

621 (b) Any state permit or temporary state permit for the carrying of

622 any pistol or revolver may be revoked by the Commissioner of
623 Emergency Services and Public Protection for cause and shall be
624 revoked by said commissioner upon conviction of the holder of such
625 permit of a felony or of any misdemeanor specified in subsection (b) of
626 section 29-28, as amended by this act, or upon the occurrence of any
627 event which would have disqualified the holder from being issued the
628 state permit or temporary state permit pursuant to subsection (b) of
629 section 29-28, as amended by this act. Upon the revocation of any state
630 permit or temporary state permit, the person whose state permit or
631 temporary state permit is revoked shall be notified in writing and such
632 state permit or temporary state permit shall be forthwith delivered to
633 the commissioner. Any law enforcement authority shall confiscate and
634 immediately forward to the commissioner any state permit or
635 temporary state permit that is illegally possessed by any person. The
636 commissioner may revoke the state permit or temporary state permit
637 based upon the commissioner's own investigation or upon the request
638 of any law enforcement agency. Any person who fails to surrender any
639 permit within five days of notification in writing of revocation thereof
640 shall be guilty of a class A misdemeanor.

641 (c) Any local permit for the carrying of a pistol or revolver issued
642 prior to October 1, 2001, may be revoked by the authority issuing the
643 same for cause, and shall be revoked by the authority issuing the same
644 upon conviction of the holder of such permit of a felony or of any
645 misdemeanor specified in subsection (b) of section 29-28, as amended
646 by this act, or upon the occurrence of any event which would have
647 disqualified the holder from being issued such local permit. Upon the
648 revocation of any local permit, the person whose local permit is
649 revoked shall be notified in writing and such permit shall be forthwith
650 delivered to the authority issuing the same. Upon the revocation of
651 any local permit, the authority issuing the same shall forthwith notify
652 the commissioner. Upon the revocation of any permit issued by the
653 commissioner, the commissioner shall forthwith notify any local
654 authority which the records of the commissioner show as having
655 issued a currently valid local permit to the holder of the permit

656 revoked by the commissioner. Any person who fails to surrender such
657 permit within five days of notification in writing or revocation thereof
658 shall be guilty of a class A misdemeanor.

659 (d) If a state permit or temporary state permit for the carrying of any
660 pistol or revolver is revoked because the person holding such permit is
661 subject to an ex parte order issued pursuant to section 46b-15, as
662 amended by this act, or 46b-16a, as amended by this act, upon
663 expiration of such order, such person may notify the Department of
664 Emergency Services and Public Protection that such order has expired.
665 Upon verification of such expiration and provided such person is not
666 otherwise disqualified from holding such permit pursuant to
667 subsection (b) of section 29-28, as amended by this act, the department
668 shall reinstate such permit.

669 Sec. 12. Section 29-36i of the general statutes is repealed and the
670 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

676 (b) Upon the revocation of any eligibility certificate, the person
677 whose eligibility certificate is revoked shall be notified in writing and
678 such certificate shall be forthwith delivered to the Commissioner of
679 Emergency Services and Public Protection. Any person who fails to
680 surrender such certificate within five days of notification in writing of
681 revocation thereof shall be guilty of a class A misdemeanor.

682 (c) If an eligibility certificate for a pistol or revolver is revoked
683 because the person holding such certificate is subject to an ex parte
684 order issued pursuant to section 46b-15, as amended by this act, or
685 46b-16a, as amended by this act, upon expiration of such order, such
686 person may notify the Department of Emergency Services and Public
687 Protection that such order has expired. Upon verification of such

688 expiration and provided such person is not otherwise disqualified
689 from holding such certificate pursuant to section 29-36f, as amended
690 by this act, the department shall reinstate such certificate.

691 Sec. 13. Section 29-37s of the general statutes is repealed and the
692 following is substituted in lieu thereof (*Effective October 1, 2016*):

693 (a) A long gun eligibility certificate shall be revoked by the
694 Commissioner of Emergency Services and Public Protection upon the
695 occurrence of any event which would have disqualified the holder
696 from being issued the certificate pursuant to section 29-37p, as
697 amended by this act.

698 (b) Upon the revocation of any long gun eligibility certificate, the
699 person whose certificate is revoked shall be notified, in writing, and
700 such certificate shall be forthwith delivered to the Commissioner of
701 Emergency Services and Public Protection. Any person who fails to
702 surrender such certificate within five days of notification, in writing, of
703 revocation thereof shall be guilty of a class A misdemeanor.

704 (c) If a long gun eligibility certificate is revoked because the person
705 holding such certificate is subject to an ex parte order issued pursuant
706 to section 46b-15, as amended by this act, or 46b-16a, as amended by
707 this act, upon expiration of such order, such person may notify the
708 Department of Emergency Services and Public Protection that such
709 order has expired. Upon verification of such expiration and provided
710 such person is not otherwise disqualified from holding such certificate
711 pursuant to section 29-37p, as amended by this act, the department
712 shall reinstate such certificate.

713 Sec. 14. Section 29-38p of the general statutes is repealed and the
714 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

719 (b) Upon the revocation of any ammunition certificate, the person
720 whose certificate is revoked shall be notified, in writing, and such
721 certificate shall be forthwith delivered to the Commissioner of
722 Emergency Services and Public Protection. Any person who fails to
723 surrender such certificate within five days of notification, in writing, of
724 revocation thereof shall be guilty of a class A misdemeanor.

725 (c) If an ammunition certificate is revoked because the person
726 holding such certificate is subject to an ex parte order issued pursuant
727 to section 46b-15, as amended by this act, or 46b-16a, as amended by
728 this act, upon expiration of such order, such person may notify the
729 Department of Emergency Services and Public Protection that such
730 order has expired. Upon verification of such expiration and provided
731 such person is not otherwise disqualified from holding such certificate
732 pursuant to section 29-38n the department shall reinstate such
733 certificate.

734 Sec. 15. Section 53a-217 of the 2016 supplement to the general
735 statutes is repealed and the following is substituted in lieu thereof
736 (*Effective October 1, 2016*):

737 (a) A person is guilty of criminal possession of a firearm,
738 ammunition or an electronic defense weapon when such person
739 possesses a firearm, ammunition or an electronic defense weapon and
740 (1) has been convicted of a felony committed prior to, on or after
741 October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61, 53a-
742 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d
743 committed on or after October 1, 2013, (2) has been convicted as
744 delinquent for the commission of a serious juvenile offense, as defined
745 in section 46b-120, (3) has been discharged from custody within the
746 preceding twenty years after having been found not guilty of a crime
747 by reason of mental disease or defect pursuant to section 53a-13, (4)
748 knows that such person is subject to (A) a restraining or protective
749 order of a court of this state that has been issued against such person,
750 after notice [and an opportunity to be heard] has been provided to
751 such person, in a case involving the use, attempted use or threatened

752 use of physical force against another person, or (B) a foreign order of
753 protection, as defined in section 46b-15a, that has been issued against
754 such person in a case involving the use, attempted use or threatened
755 use of physical force against another person, (5) (A) has been confined
756 on or after October 1, 2013, in a hospital for persons with psychiatric
757 disabilities, as defined in section 17a-495, within the preceding sixty
758 months by order of a probate court, or with respect to any person who
759 holds a valid permit or certificate that was issued or renewed under
760 the provisions of section 29-28, as amended by this act, or 29-36f, as
761 amended by this act, in effect prior to October 1, 2013, such person has
762 been confined in such hospital within the preceding twelve months, or
763 (B) has been voluntarily admitted on or after October 1, 2013, to a
764 hospital for persons with psychiatric disabilities, as defined in section
765 17a-495, within the preceding six months for care and treatment of a
766 psychiatric disability and not solely for being an alcohol-dependent
767 person or a drug-dependent person as those terms are defined in
768 section 17a-680, (6) knows that such person is subject to a firearms
769 seizure order issued pursuant to subsection (d) of section 29-38c after
770 notice and an opportunity to be heard has been provided to such
771 person, or (7) is prohibited from shipping, transporting, possessing or
772 receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of
773 this section, "convicted" means having a judgment of conviction
774 entered by a court of competent jurisdiction, "ammunition" means a
775 loaded cartridge, consisting of a primed case, propellant or projectile,
776 designed for use in any firearm, and a motor vehicle violation for
777 which a sentence to a term of imprisonment of more than one year
778 may be imposed shall be deemed an unclassified felony.

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

785 Sec. 16. Section 53a-217c of the 2016 supplement to the general

786 statutes is repealed and the following is substituted in lieu thereof
787 (*Effective October 1, 2016*):

788 (a) A person is guilty of criminal possession of a pistol or revolver
789 when such person possesses a pistol or revolver, as defined in section
790 29-27, and (1) has been convicted of a felony committed prior to, on or
791 after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-
792 61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
793 181d committed on or after October 1, 1994, (2) has been convicted as
794 delinquent for the commission of a serious juvenile offense, as defined
795 in section 46b-120, (3) has been discharged from custody within the
796 preceding twenty years after having been found not guilty of a crime
797 by reason of mental disease or defect pursuant to section 53a-13, (4) (A)
798 has been confined prior to October 1, 2013, in a hospital for persons
799 with psychiatric disabilities, as defined in section 17a-495, within the
800 preceding twelve months by order of a probate court, or has been
801 confined on or after October 1, 2013, in a hospital for persons with
802 psychiatric disabilities, as defined in section 17a-495, within the
803 preceding sixty months by order of a probate court, or, with respect to
804 any person who holds a valid permit or certificate that was issued or
805 renewed under the provisions of section 29-28, as amended by this act,
806 or 29-36f, as amended by this act, in effect prior to October 1, 2013,
807 such person has been confined in such hospital within the preceding
808 twelve months, or (B) has been voluntarily admitted on or after
809 October 1, 2013, to a hospital for persons with psychiatric disabilities,
810 as defined in section 17a-495, within the preceding six months for care
811 and treatment of a psychiatric disability and not solely for being an
812 alcohol-dependent person or a drug-dependent person as those terms
813 are defined in section 17a-680, (5) knows that such person is subject to
814 (A) a restraining or protective order of a court of this state that has
815 been issued against such person, after notice [and an opportunity to be
816 heard] has been provided to such person, in a case involving the use,
817 attempted use or threatened use of physical force against another
818 person, or (B) a foreign order of protection, as defined in section 46b-
819 15a, that has been issued against such person in a case involving the

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

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

834 Sec. 17. Subsection (b) of section 29-36n of the general statutes is
835 repealed and the following is substituted in lieu thereof (*Effective*
836 *October 1, 2016*):

837 (b) The Commissioner of Emergency Services and Public Protection,
838 in conjunction with the Chief State's Attorney and the Connecticut
839 Police Chiefs Association, shall update the protocol developed
840 pursuant to subsection (a) of this section to reflect the provisions of
841 sections 29-7h, 29-28, as amended by this act, 29-28a, 29-29, 29-30, 29-
842 32, as amended by this act, and 29-35, subsections (b) and [(g)] (h) of
843 section 46b-15, as amended by this act, subsections (c) and (d) of
844 section 46b-38c and sections 53-202a, 53-202l, 53-202m and 53a-217, as
845 amended by this act, and shall include in such protocol specific
846 instructions for the transfer, delivery or surrender of pistols and
847 revolvers and other firearms and ammunition when the assistance of
848 more than one law enforcement agency is necessary to effect the
849 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, 2016</i>	6-32
Sec. 2	<i>October 1, 2016</i>	6-38b(j)
Sec. 3	<i>October 1, 2016</i>	46b-15
Sec. 4	<i>October 1, 2016</i>	New section
Sec. 5	<i>October 1, 2016</i>	New section
Sec. 6	<i>October 1, 2016</i>	46b-16a(d)
Sec. 7	<i>October 1, 2016</i>	29-36k
Sec. 8	<i>October 1, 2016</i>	29-28(b)
Sec. 9	<i>October 1, 2016</i>	29-36f(b)
Sec. 10	<i>October 1, 2016</i>	29-37p(b)
Sec. 11	<i>October 1, 2016</i>	29-32
Sec. 12	<i>October 1, 2016</i>	29-36i
Sec. 13	<i>October 1, 2016</i>	29-37s
Sec. 14	<i>October 1, 2016</i>	29-38p
Sec. 15	<i>October 1, 2016</i>	53a-217
Sec. 16	<i>October 1, 2016</i>	53a-217c
Sec. 17	<i>October 1, 2016</i>	29-36n(b)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Department of Emergency Services and Public Protection	GF - Potential Cost	See Below	See Below
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Municipal Police Departments	Potential Cost	See Below	See Below

Explanation

The bill results in the impact described below.

Section 3 requires state marshals executing service for temporary restraining orders where the respondent holds a firearm to request the presence of a police officer, which can be a municipal police officer or a member of the state police. The law enforcement agency of the town may designate a police officer to be present when service is executed by the state marshal. To the extent that local police or state police incur administrative or mileage expenses, the bill results in a potential cost to the Department of Emergency Services and Public Protection (DESPP) and municipalities.

Section 4 requires the chief court administrator to ensure that there is enough office space for a meeting between a state marshal and a restraining order applicant. The bill does not define office space.

Currently, state marshals meet with applicants in the Court Service Centers, found in most courthouses. To the extent that this area of the courthouse is sufficient to meet this provision of the bill, this section does not result in a fiscal impact.

Sections 7, 15 and 16 expand the crime of criminal possession of a firearm, ammunition, electronic defense weapon, pistol, or revolver, which carries with it a mandatory minimum two year sentence. There are currently 288 offenders incarcerated for criminal possession. In FY 15, there were a total of 872 violations, of which 415 resulted in conviction or plea bargain. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

Criminal possession also carries with it a mandatory fine of \$5,000, which the court can reduce if it finds sufficient reason. In FY 14, a total of \$5,985 in fine revenue was collected. To the extent that the expanded offenses result in additional fines collected, the bill also results in a potential revenue gain.

Sections 1, 2, 5, 6, 8-14 and 17 make various changes that do not result in a fiscal impact.

House "A" strikes the underlying bill and results in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**sHB 5054 (as amended by House "A")******AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.*****SUMMARY:**

This bill makes changes in various laws that relate to orders of protection (see BACKGROUND), service of process, and firearms and ammunition possession.

With regard to the service of civil restraining orders, among other things, the bill:

1. revises the civil restraining order application form to allow an applicant to indicate whether the respondent (accused) has a firearm eligibility or ammunition certificate;
2. reduces, from five to three, the number of days before a hearing date that process must be served;
3. requires a proper officer (i.e., person authorized to serve process), in certain circumstances, to request that a state or municipal police officer be present when service is executed; and
4. continues an ex parte order (i.e., an order issued without a hearing) beyond the initial hearing date under certain circumstances.

The bill also requires state marshals and other proper officers to enter specific service-related information in the Judicial Branch's Internet-based service tracking system (see BACKGROUND).

The bill requires the chief court administrator to (1) revise and

simplify the restraining order application process; (2) allocate space in the court, where feasible, for meetings between state marshals and restraining order applicants; (3) annually collect civil restraining and protection order data, and (4) develop and make available to the public education material on risk warrants.

It requires, rather than allows, the state marshal commission to adopt rules to conduct its internal affairs.

The bill extends certain firearms and ammunition prohibitions to a person subject to an *ex parte* civil restraining or protection order issued in a case involving physical force. It expressly prohibits the Department of Emergency Services and Public Protection (DESPP) commissioner from issuing a gun permit or firearms eligibility certificate to anyone subject to such an order. It also requires the commissioner, upon the request of a person who was subject to such an order and verification of the order's expiration, to reinstate any gun or ammunition credential revoked as a result of such an order, if the person is otherwise eligible for the credential.

The bill makes a person ineligible to possess firearms or ammunition upon receipt of legal notice that he or she is subject to an *ex parte* order and makes it a class C felony for such a person to violate the firearms or ammunition transfer, delivery, or surrender requirements, as is already the case for anyone subject to any other order of protection.

The bill also shortens, from two business days to 24 hours, the deadline by which a person who becomes subject to any type of order of protection in a case involving physical force must transfer, deliver, or surrender his or her firearms and ammunition. It requires this same transfer by people subject to an *ex parte* order with the same 24-hour deadline. It (1) gives people required to surrender their firearms or ammunition to law enforcement the option to surrender them to a municipal police department, instead of just the DESPP commissioner; (2) requires the DESPP commissioner to update the existing protocol to

allow for such a surrender; (3) requires DESPP and law enforcement agencies, under certain circumstances, to return firearms and ammunition when an ex parte order expires; and (4) provides for the request and return of firearms and ammunition when an order expires or is rescinded.

It also makes technical and conforming changes.

*House Amendment "A" (1) removes the underlying bill's requirement that a restraining order application allow the applicant to indicate whether the respondent's job requires the ability to carry firearm, (2) reduces, from 14 days to seven days, the time within which a hearing must be held if a court issues an ex parte order, (3) requires that an ex parte order be served in hand whenever possible and allows the law enforcement agency to designate a police officer to be present when service is executed, (4) requires the chief court administrator to develop and make available educational material on risk warrants, and (5) establishes requirements for DESPP or the local police to return firearms and ammunition when an order expires or is rescinded.

EFFECTIVE DATE: October 1, 2016

§ 3 — CIVIL RESTRAINING ORDERS

Application

Under current law, a civil restraining order application form must allow an applicant to indicate whether the respondent holds a gun permit or possesses firearms or ammunition. Under the bill, the form must also allow the applicant to indicate whether the respondent has a handgun or long gun eligibility certificate or an ammunition certificate.

Initial Hearing Date

Under current law, the court must hold a hearing within 14 days after receipt of a restraining order application. Under the bill, the court must order a hearing within seven days after the issuance of an ex parte order if an application indicates that the respondent holds a

gun permit, possesses firearms or ammunition, or has a handgun or long gun eligibility certificate or an ammunition certificate.

The bill reduces, from five to three, the number of days before a hearing date by which a respondent must be served notice of a hearing, the application and accompanying affidavits, and any ex parte order.

Ex Parte Order Extension

Under current law, an ex parte order is generally in effect until the hearing date. The bill requires the court to continue an ex parte order for up to 14 days from the original hearing date if the (1) respondent has not been served by the date of the hearing and (2) applicant requests the extension. The court must do so based on the information in the original application.

Under the bill, the court must prepare a new hearing and notice order containing the new hearing date. The respondent must be served with the new hearing and notice order at least three days before the new hearing date.

Service of Process

If the court issues an ex parte order on an application that indicates that the respondent (1) holds a gun permit, a handgun or long gun eligibility certificate, or an ammunition certificate or (2) possesses ammunition or one or more firearms, the bill requires the proper officer, whenever possible, to provide in hand service and, prior to serving such order, to:

1. notify the law enforcement agency for the town in which the respondent will be served of the time and place of service;
2. send, or cause to be sent by fax or other means, a copy of the application, applicant's affidavit, ex parte order, and hearing notice to such law enforcement agency; and
3. request that a police officer from the appropriate law

enforcement agency be present when service is executed.

Upon receipt of such a request, the bill allows the law enforcement agency to designate a police officer to be present when the proper officer serves process.

Under the bill, "law enforcement agency" means the State Police or any municipal police department.

§§ 3 & 6 — SERVICE TRACKING

The bill requires state marshals and other proper officers, as soon as possible but no more than two hours after serving a civil restraining or protection order, to enter the date, time, and method of service into the Judicial Branch's Internet-based service tracking system. If the respondent was not served before the date of the scheduled hearing, the officer must indicate in the system that service was unsuccessful.

§ 6 — COPY OF ORDER TO DESPP

Existing law requires the court to send, by fax or other means, a copy of any civil restraining or protection order (including ex parte orders) or the information in the order, within 48 hours of issuance, to the law enforcement agency or agencies for the towns where the applicant and respondent reside and where the applicant works. Under the bill, the court must also send such a copy or information to the DESPP commissioner immediately after issuing a civil protection order.

§§ 4 & 5 — COURT SPACE, APPLICATION PROCESS, AND EDUCATIONAL MATERIAL

Civil Restraining Order

The bill requires the chief court administrator, where feasible, to allocate space for a meeting between state marshals and restraining order applicants in each Superior Court to which the service of a restraining order may be returned.

The bill also requires the chief court administrator to revise and simplify the process for filing a civil restraining order application.

Under the bill, the chief court administrator must ensure that anyone seeking to apply for relief from abuse is given a one-page, plain language explanation of how to apply for a restraining order. By law, a person must be a family or household member to seek relief under a civil restraining order. A non-household or non-family member may only apply for a civil protection order.

Civil Restraining and Civil Protection Orders

Under the bill, the chief court administrator must also collect data annually on the:

1. number of restraining and protection orders issued,
2. number of these orders that applicants did not pick up from the court,
3. method used when service of these orders was successful,
4. number of requests for a police officer to be present when service of process for restraining orders are executed, and
5. number of orders that expired or were dismissed because the respondent could not be served.

The bill also requires the chief court administrator to develop educational materials on the risk warrant process relating to someone who poses a risk of imminent personal injury to himself, herself, or others. The chief court administrator must make this educational material available to the public. (A risk warrant is a warrant to search a specific person, place, or thing to seize any firearms and ammunitions.)

§ 2 — STATE MARSHAL COMMISSION RULES

The bill requires, rather than allows, the state marshal commission to adopt rules it deems necessary to conduct its internal affairs. Under the bill, this includes rules that provide for:

1. timely, consistent, and reliable access to a state marshal for civil

restraining order applicants (but not for civil protection order applicants),

2. services to people with limited English proficiency or who are deaf or hearing impaired, and
3. service of process using a clear and accurate copy of the original document.

§ 7 — ELIGIBILITY TO POSSESS FIREARMS AND AMMUNITION

Under existing law, a person is ineligible to possess firearms and ammunition when the court issues a civil restraining or protection order against him or her after notice and a hearing in a case involving the use, attempted use, or threatened use of physical force against another person.

Under the bill, in the same type of case, if the court issues an ex parte order, the respondent becomes ineligible to possess firearms and ammunition when he or she receives notice of the order.

§§ 7, 15 & 16 — TRANSFER, DELIVERY, OR SURRENDER OF FIREARMS AND AMMUNITION

Time Frame to Transfer, Deliver, or Surrender (§ 7)

The bill shortens the deadline by which a person must transfer, deliver, or surrender his or her firearms and ammunition if he or she becomes ineligible to possess them as a result of becoming subject to a civil restraining order, civil protection order, criminal protective order, or foreign order of protection involving force. It extends these requirements to ex parte orders (i.e., those issued without a prior hearing).

Under current law, the deadline is within two business days after the person becomes ineligible. Under the bill, the deadline is within 24 hours of becoming ineligible.

Delivery or Surrender to Police Department (§ 7)

The bill gives people who must surrender their firearms or

ammunition the option of surrendering them to a municipal police department on the DESPP commissioner's behalf, instead of just to the DESPP commissioner. It requires the police department, as is currently the case for the DESPP commissioner, to exercise due care when receiving and holding the weapons.

For anyone subject to such an order, the bill removes the existing option of transferring ammunition to any other eligible person.

Under existing law, a person or his or her legal representative may, up to one year after delivering or surrendering his or her firearms or ammunition to DESPP, ask the commissioner to transfer them to an eligible person. The commissioner must do so within 10 days of receiving the request (except in a case involving a protection order, in which weapons may only be transferred to a federally licensed dealer pursuant to a sale). The bill makes a conforming change by allowing the person or legal representative to request the police department to make such a transfer.

By law, the commissioner must destroy any firearms or ammunition that have not been transferred by the end of one year. Under the bill, this also applies to police departments to which weapons are delivered or surrendered.

Return of Firearms and Ammunition (§ 7)

Under the bill, a person subject to a restraining order, protective order, foreign order of protection, or civil protection order who has delivered or surrendered any pistol, revolver, or other firearm or ammunition to the DESPP commissioner or a local police department, may request the return of the firearm or ammunition when such an order expires or is rescinded. The person making the request must provide notification of the order's expiration or rescission to the DESPP commissioner or the local police department.

Within five business days after receiving the request, the bill requires the DESPP commissioner or the local police department to

review the request and make any firearm or ammunition available for retrieval if the commissioner or the local police department confirms that the order expired or was rescinded and that the person (1) is not otherwise disqualified from possessing the firearm or ammunition and (2) was legally entitled to possess such firearm or ammunition at the time of delivery or surrender to the commissioner or local police department.

Violation (§§ 7, 15 & 16)

Currently, a person subject to an order of protection who violates the firearms and ammunition transfer, delivery, or surrender requirement is guilty of criminal possession of a firearm or ammunition as applicable. The bill extends these penalties to people who commit such violations while subject to an ex parte order.

By law, criminal possession of a firearm or ammunition is a class C felony, punishable by up to 10 years in prison with a two-year mandatory minimum.

§§ 8-14 — ISSUE, REVOCATION, AND REINSTATEMENT OF GUN AND AMMUNITION CREDENTIALS

The bill expressly states that the DESPP commissioner must not issue a gun permit, handgun eligibility certificate, or long gun eligibility certificate to anyone subject to an ex parte order issued in a case involving the use, attempted use, or threatened use of physical force against another person. By law, the commissioner may revoke a permit or certificate for any event that would have disqualified the holder from being issued such a credential.

Under the bill, DESPP must reinstate a gun or ammunition credential it revoked based on an ex parte order, if the order expires and the respondent, who is not otherwise disqualified, notifies DESPP and it verifies the expiration.

§ 17 — PROTOCOL FOR GUN AND AMMUNITION TRANSFER, DELIVERY, OR SURRENDER

The law requires the DESPP commissioner, in conjunction with the

chief state's attorney and the Connecticut Police Chiefs Association, to develop a protocol to ensure that people who become ineligible to possess firearms transfer, deliver, or surrender them as appropriate. The bill requires the commissioner to update the protocol to appropriately apply to the bill's provisions.

BACKGROUND

Orders of Protection

Civil Restraining Order. A family or household member may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member (CGS § 46b-15).

Civil Protection Order. A victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for the restraining order described above (CGS § 46b-16a).

Criminal Protective Orders. Courts may independently issue, on behalf of a victim, a (1) protective order after a person is arrested for certain crimes or (2) standing criminal protective order after a person is convicted of certain crimes. The statutes governing these orders do not require a victim to apply for the order (CGS §§ 54-1k and 53a-40e).

Foreign Order of Protection. A foreign order of protection is an injunctive or other court order issued by: another state; the District of Columbia; a U. S. commonwealth, territory, or possession; or an Indian tribe in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection from (1) violence, threatening acts, or harassment or (2) contact, communication with, or physical proximity to, another person (CGS § 46b-15a and 18 USC § 2266(5)).

Judicial Branch's Service Tracking System

The Judicial Branch's Protective Order Registry's tracking component enables state marshals to record the service of process in civil restraining order cases. This component uses an around-the-clock, toll-free voice recognition system that marshals can access by

cell phone, and the system updates state and national protection order files and faxes a notice of service to corresponding police departments, as soon as service information is recorded.

Related Bills

sSB 429, reported favorably by the Judiciary Committee, revises the civil restraining order application form to allow an applicant to indicate whether the respondent has a firearm eligibility or ammunition certificate. It allows such an applicant to request that a police officer, rather than a state marshal or other proper officer, serve process on the respondent.

sHB 5597, reported favorably by the Judiciary Committee, revises the civil restraining order application form to allow the applicant to state whether the accused has a firearm eligibility or ammunition certificate. The application form must also allow the applicant to state whether he or she has probable cause to believe that the accused poses a risk of imminent personal injury to the applicant. If this is the case, the bill requires the court to notify the office of the state's attorney for the judicial district in which the application was filed, to begin a risk warrant proceeding (i.e., a warrant to search a specific person, place, or thing to seize any firearms and ammunitions).

sHB 5623, reported favorably by the Judiciary Committee, contains identical provisions to this bill related to orders of protection, service of process, and firearms and ammunition possession.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 23 Nay 17 (03/28/2016)