



Senate

General Assembly

February Session, 2016

File No. 254

Senate Bill No. 20

Senate, March 29, 2016

The Committee on Public Safety and Security reported through SEN. LARSON of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING CARRYING A FIREARM WHILE INTOXICATED OR UNDER THE INFLUENCE OF ALCOHOL.

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

1 Section 1. Section 53-206d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) (1) No person shall carry a pistol, revolver, machine gun,
4 shotgun, rifle or other firearm, which is loaded and from which a shot
5 may be discharged, upon his person (A) while under the influence of
6 intoxicating liquor or any drug, or both, or (B) while the ratio of
7 alcohol in the blood of such person is [ten-hundredths] eight-
8 hundredths of one per cent or more of alcohol, by weight.

9 (2) Any person who violates any provision of this subsection shall
10 be guilty of a class B misdemeanor.

11 (b) (1) No person shall engage in hunting while under the influence
12 of intoxicating liquor or any drug, or both, [, or while impaired by the

13 consumption of intoxicating liquor.] A person shall be deemed under
 14 the influence when at the time of the alleged offense the person (A) is
 15 under the influence of intoxicating liquor or any drug, or both, or (B)
 16 has an elevated blood alcohol content. For the purposes of this
 17 subdivision, "elevated blood alcohol content" means (i) a ratio of
 18 alcohol in the blood of such person that is [ten-hundredths] eight-
 19 hundredths of one per cent or more of alcohol, by weight, or (ii) if such
 20 person [has been convicted of a violation of this subsection, a ratio of
 21 alcohol in the blood of such person that is seven-hundredths of one per
 22 cent or more of alcohol, by weight. A person shall be deemed impaired
 23 when at the time of the alleged offense the ratio of alcohol in the blood
 24 of such person was more than seven-hundredths of one per cent of
 25 alcohol, by weight, but less than ten-hundredths of one per cent of
 26 alcohol, by weight] is under twenty-one years of age, a ratio of alcohol
 27 in the blood of such person that is two-hundredths of one per cent or
 28 more of alcohol, by weight.

29 (2) Any person who violates any provision of this subsection shall
 30 be guilty of a class A misdemeanor.

31 (3) Enforcement officers of the Department of Energy and
 32 Environmental Protection are empowered to arrest for a violation of
 33 the provisions of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	53-206d

PS *Joint Favorable*

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 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill lowers the blood alcohol content allowable while carrying a loaded firearm and results in a potential revenue gain from criminal fines by increasing the number of potential violators. In FY 15, 93 charges resulted in one conviction with a fine of \$350 and all other cases received a plea bargain or were dismissed.

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**SB 20*****AN ACT CONCERNING CARRYING A FIREARM WHILE INTOXICATED OR UNDER THE INFLUENCE OF ALCOHOL.*****SUMMARY:**

This bill lowers, from .10% to .08%, the blood alcohol content (BAC) level that triggers a presumptive violation of the law's prohibition on carrying a loaded firearm while under the influence of alcohol or drugs. It thereby conforms this provision to the BAC level that triggers a presumptive violation of state and federal driving under the influence (DUI) laws.

The bill also makes three changes pertaining to hunting while under the influence of alcohol or drugs or while impaired by alcohol. First, it eliminates the offense of hunting while impaired by alcohol, which under current law is hunting with a BAC of more than .07% but under .10%. Second, it lowers, from .10% to .08%, the BAC level that triggers a presumptive violation of the law's prohibition on hunting while under the influence. In doing so, the bill increases from .07% to .08% the BAC level that triggers a presumptive violation by someone previously convicted of hunting under the influence. Third, the bill sets a new and lower BAC threshold of .02% for anyone under age 21. This conforms this provision to the BAC level that triggers a presumptive violation of the state DUI law for drivers under age 21 (CGS § 14-227g).

By law, carrying a firearm while under the influence is a class B misdemeanor, punishable by a prison term of up to six months, a fine of up to \$ 1,000, or both. Hunting while under the influence is a class A misdemeanor, punishable by a prison term of up to one year, a fine of up to \$ 2,000, or both. The energy and environmental protection

commissioner may indefinitely suspend the hunting license of a person convicted of hunting while intoxicated (CGS § 53a-217e (h)).

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 25 Nay 0 (03/10/2016)