



General Assembly

February Session, 2016

Governor's Bill No. 5054

LCO No. 532



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:

REP. SHARKEY, 88th Dist.

REP. ARESIMOWICZ, 30th Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

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2 is repealed and the following is substituted in lieu thereof (*Effective*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22 repealed and the following is substituted in lieu thereof (*Effective*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 (1) 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, and (2) is employed in a position
50 in which an essential requirement of such position is the ability to
51 carry a firearm during the course of the respondent's employment. The
52 application shall be accompanied by an affidavit made under oath
53 which includes a brief statement of the conditions from which relief is
54 sought. Upon receipt of the application the court shall order that a
55 hearing on the application be held not later than fourteen days from
56 the date of the order except that, if the application indicates the
57 respondent is employed in a position in which an essential
58 requirement of the position is the ability to carry a firearm during the
59 course of employment, the court may take this circumstance into
60 consideration in ordering a hearing on the application as soon as
61 practicable, but not later than fourteen days from the date on which
62 the application is filed. The court, in its discretion, may make such
63 orders as it deems appropriate for the protection of the applicant and
64 such dependent children or other persons as the court sees fit. In
65 making such orders, the court, in its discretion, may consider relevant
66 court records if the records are available to the public from a clerk of
67 the Superior Court or on the Judicial Branch's Internet web site. Such
68 orders may include temporary child custody or visitation rights, and
69 such relief may include, but is not limited to, an order enjoining the
70 respondent from [(1)] (A) imposing any restraint upon the person or
71 liberty of the applicant; [(2)] (B) threatening, harassing, assaulting,
72 molesting, sexually assaulting or attacking the applicant; or [(3)] (C)
73 entering the family dwelling or the dwelling of the applicant. Such
74 order may include provisions necessary to protect any animal owned
75 or kept by the applicant including, but not limited to, an order
76 enjoining the respondent from injuring or threatening to injure such

77 animal. If an applicant alleges an immediate and present physical
78 danger to the applicant, the court may issue an ex parte order granting
79 such relief as it deems appropriate. If a postponement of a hearing on
80 the application is requested by either party and granted, the ex parte
81 order shall not be continued except upon agreement of the parties or
82 by order of the court for good cause shown. If a hearing on the
83 application is scheduled or an ex parte order is granted and the court is
84 closed on the scheduled hearing date, the hearing shall be held on the
85 next day the court is open and any such ex parte order shall remain in
86 effect until the date of such hearing.

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

97 ~~[(c)]~~ (d) Any ex parte restraining order entered under subsection (b)
98 of this section in which the applicant and respondent are spouses, or
99 persons who have a dependent child or children in common and who
100 live together, may include, if no order exists, and if necessary to
101 maintain the safety and basic needs of the applicant or the dependent
102 child or children in common of the applicant and respondent, in
103 addition to any orders authorized under subsection (b) of this section,
104 any of the following: (1) An order prohibiting the respondent from (A)
105 taking any action that could result in the termination of any necessary
106 utility services or necessary services related to the family dwelling or
107 the dwelling of the applicant, (B) taking any action that could result in
108 the cancellation, change of coverage or change of beneficiary of any
109 health, automobile or homeowners insurance policy to the detriment

110 of the applicant or the dependent child or children in common of the
111 applicant and respondent, or (C) transferring, encumbering, concealing
112 or disposing of specified property owned or leased by the applicant; or
113 (2) an order providing the applicant with temporary possession of an
114 automobile, checkbook, documentation of health, automobile or
115 homeowners insurance, a document needed for purposes of proving
116 identity, a key or other necessary specified personal effects.

117 [(d)] (e) At the hearing on any application under this section, if the
118 court grants relief pursuant to subsection (b) of this section and the
119 applicant and respondent are spouses, or persons who have a
120 dependent child or children in common and who live together, and if
121 necessary to maintain the safety and basic needs of the applicant or the
122 dependent child or children in common of the applicant and
123 respondent, any orders entered by the court may include, in addition
124 to the orders authorized under subsection (b) of this section, any of the
125 following: (1) An order prohibiting the respondent from (A) taking any
126 action that could result in the termination of any necessary utility
127 services or services related to the family dwelling or the dwelling of
128 the applicant, (B) taking any action that could result in the cancellation,
129 change of coverage or change of beneficiary of any health, automobile
130 or homeowners insurance policy to the detriment of the applicant or
131 the dependent child or children in common of the applicant and
132 respondent, or (C) transferring, encumbering, concealing or disposing
133 of specified property owned or leased by the applicant; (2) an order
134 providing the applicant with temporary possession of an automobile,
135 checkbook, documentation of health, automobile or homeowners
136 insurance, a document needed for purposes of proving identity, a key
137 or other necessary specified personal effects; or (3) an order that the
138 respondent: (A) Make rent or mortgage payments on the family
139 dwelling or the dwelling of the applicant and the dependent child or
140 children in common of the applicant and respondent, (B) maintain
141 utility services or other necessary services related to the family
142 dwelling or the dwelling of the applicant and the dependent child or

143 children in common of the applicant and respondent, (C) maintain all
144 existing health, automobile or homeowners insurance coverage
145 without change in coverage or beneficiary designation, or (D) provide
146 financial support for the benefit of any dependent child or children in
147 common of the applicant and the respondent, provided the respondent
148 has a legal duty to support such child or children and the ability to
149 pay. The court shall not enter any order of financial support without
150 sufficient evidence as to the ability to pay, including, but not limited
151 to, financial affidavits. If at the hearing no order is entered under this
152 subsection or subsection [(c)] (d) of this section, no such order may be
153 entered thereafter pursuant to this section. Any order entered pursuant
154 to this subsection shall not be subject to modification and shall expire
155 one hundred twenty days after the date of issuance or upon issuance
156 of a superseding order, whichever occurs first. Any amounts not paid
157 or collected under this subsection or subsection [(c)] (d) of this section
158 may be preserved and collectible in an action for dissolution of
159 marriage, custody, paternity or support.

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

176 of imprisonment of not more than ten years, a fine of not more than ten
177 thousand dollars, or both."

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

184 [(g)] (h) (1) The applicant shall cause notice of the hearing pursuant
185 to subsection (b) of this section and a copy of the application and the
186 applicant's affidavit and of any ex parte order issued pursuant to
187 subsection (b) of this section to be served on the respondent not less
188 than [five] three days before the hearing. The cost of such service shall
189 be paid for by the Judicial Branch.

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

204 (3) Upon the granting of an ex parte order, the clerk of the court
205 shall provide two copies of the order to the applicant. Upon the
206 granting of an order after notice and hearing, the clerk of the court

207 shall provide two copies of the order to the applicant and a copy to the
208 respondent. Every order of the court made in accordance with this
209 section after notice and hearing shall be accompanied by a notification
210 that is consistent with the full faith and credit provisions set forth in 18
211 USC 2265(a), as amended from time to time. Immediately after making
212 service on the respondent, the proper officer shall (A) send or cause to
213 be sent, by facsimile or other means, a copy of the application, or the
214 information contained in such application, stating the date and time
215 the respondent was served, to the law enforcement agency or agencies
216 for the town in which the applicant resides, the town in which the
217 applicant is employed and the town in which the respondent resides,
218 and (B) as soon as possible, but not later than two hours after the time
219 that service is executed, input into the Judicial Branch's Internet-based
220 service tracking system the date, time and method of service. If, prior
221 to the date of the scheduled hearing, service has not been executed, the
222 proper officer shall input into such service tracking system that service
223 was unsuccessful. The clerk of the court shall send, by facsimile or
224 other means, a copy of any ex parte order and of any order after notice
225 and hearing, or the information contained in any such order, to the law
226 enforcement agency or agencies for the town in which the applicant
227 resides, the town in which the applicant is employed and the town in
228 which the respondent resides, within forty-eight hours of the issuance
229 of such order. If the victim is enrolled in a public or private elementary
230 or secondary school, including a technical high school, or an institution
231 of higher education, as defined in section 10a-55, the clerk of the court
232 shall, upon the request of the victim, send, by facsimile or other means,
233 a copy of such ex parte order or of any order after notice and hearing,
234 or the information contained in any such order, to such school or
235 institution of higher education, the president of any institution of
236 higher education at which the victim is enrolled and the special police
237 force established pursuant to section 10a-156b, if any, at the institution
238 of higher education at which the victim is enrolled.

239 [(h)] (i) A caretaker who is providing shelter in his or her residence

240 to a person sixty years or older shall not be enjoined from the full use
241 and enjoyment of his or her home and property. The Superior Court
242 may make any other appropriate order under the provisions of this
243 section.

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

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

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

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

265 Sec. 5. (NEW) (*Effective October 1, 2016*) (a) The Chief Court
266 Administrator shall revise and simplify the process for filing an
267 application for relief from abuse under section 46b-15 of the general
268 statutes, as amended by this act. The Chief Court Administrator shall
269 ensure that any person seeking to file an application for relief from
270 abuse is provided with a one-page, plain language explanation of how

271 to apply for relief from abuse under section 46b-15 of the general
272 statutes, as amended by this act.

273 (b) The Chief Court Administrator shall annually collect data on (1)
274 the number of restraining orders issued under section 46b-15 of the
275 general statutes, as amended by this act, and civil protection orders
276 issued under section 46b-16a of the general statutes, as amended by
277 this act; (2) the number of such orders that are not picked up by an
278 applicant from the office of the clerk at the court location which issued
279 the order; (3) the method of service of such orders in cases in which a
280 respondent is successfully served with the order; (4) the number of
281 requests for a police officer to be present at the time service of an order
282 pursuant to subsection (h) of section 46b-15 of the general statutes, as
283 amended by this act; and (5) the number of such orders issued that
284 subsequently expire or are dismissed because the respondent could not
285 be served with the order.

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

289 (d) The applicant shall cause notice of the hearing pursuant to
290 subsection (b) of this section and a copy of the application and the
291 applicant's affidavit and of any ex parte order issued pursuant to
292 subsection (b) of this section to be served by a proper officer on the
293 respondent not less than five days before the hearing. The cost of such
294 service shall be paid for by the Judicial Branch. Upon the granting of
295 an ex parte order, the clerk of the court shall provide two copies of the
296 order to the applicant. Upon the granting of an order after notice and
297 hearing, the clerk of the court shall provide two copies of the order to
298 the applicant and a copy to the respondent. Every order of the court
299 made in accordance with this section after notice and hearing shall be
300 accompanied by a notification that is consistent with the full faith and
301 credit provisions set forth in 18 USC 2265(a), as amended from time to
302 time. Immediately after making service on the respondent, the proper

303 officer shall (1) send or cause to be sent, by facsimile or other means, a
304 copy of the application, or the information contained in such
305 application, stating the date and time the respondent was served, to
306 the law enforcement agency or agencies for the town in which the
307 applicant resides, the town in which the applicant is employed and the
308 town in which the respondent resides, and (2) as soon as possible, but
309 not later than two hours after the time that service is executed, input
310 into the Judicial Branch's Internet-based service tracking system the
311 date, time and method of service. If, prior to the date of the scheduled
312 hearing, service has not been executed, the proper officer shall input
313 into such service tracking system that service was unsuccessful. The
314 clerk of the court shall send, by facsimile or other means, a copy of any
315 ex parte order and of any order after notice and hearing, or the
316 information contained in any such order, to the law enforcement
317 agency or agencies for the town in which the applicant resides, the
318 town in which the applicant is employed and the town in which the
319 respondent resides, not later than forty-eight hours after the issuance
320 of such order, and immediately to the Commissioner of Emergency
321 Services and Public Protection. If the applicant is enrolled in a public
322 or private elementary or secondary school, including a technical high
323 school, or an institution of higher education, as defined in section 10a-
324 55, the clerk of the court shall, upon the request of the applicant, send,
325 by facsimile or other means, a copy of such ex parte order or of any
326 order after notice and hearing, or the information contained in any
327 such order, to such school or institution of higher education, the
328 president of any institution of higher education at which the applicant
329 is enrolled and the special police force established pursuant to section
330 10a-142, if any, at the institution of higher education at which the
331 applicant is enrolled.

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

334 (a) [Not later than two business days] Except as provided in
335 subsection (b) of this section, not later than two business days after the

336 occurrence of any event that makes a person ineligible to possess a
337 pistol or revolver or other firearm or ammunition, such person shall (1)
338 transfer in accordance with section 29-33 all pistols and revolvers
339 which such person then possesses to any person eligible to possess a
340 pistol or revolver and transfer in accordance with any applicable state
341 and federal laws all other firearms to any person eligible to possess
342 such other firearms by obtaining an authorization number for the sale
343 or transfer of the firearm from the Commissioner of Emergency
344 Services and Public Protection, and submit a sale or transfer of
345 firearms form to said commissioner within two business days, [except
346 that a person subject to a restraining or protective order or a foreign
347 order of protection may only transfer a pistol, revolver or other firearm
348 or ammunition under this subdivision to a federally licensed firearms
349 dealer pursuant to the sale of the pistol, revolver or other firearm and
350 ammunition to the federally licensed firearms dealer,] or (2) deliver or
351 surrender such pistols and revolvers and other firearms and
352 ammunition to the Commissioner of Emergency Services and Public
353 Protection, provided a local police department may accept such pistols,
354 revolvers, other firearms and ammunition on behalf of said
355 commissioner, or (3) transfer such ammunition to any person eligible
356 to possess such ammunition. The commissioner and a local police
357 department shall exercise due care in the receipt and holding of such
358 pistols and revolvers and other firearms or ammunition. [For the
359 purposes of this section, a "person subject to a restraining or protective
360 order or a foreign order of protection" means a person who knows that
361 such person is subject to (A) a restraining or protective order of a court
362 of this state that has been issued against such person, after notice and
363 an opportunity to be heard has been provided to such person, in a case
364 involving the use, attempted use or threatened use of physical force
365 against another person, or (B) a foreign order of protection, as defined
366 in section 46b-15a, that has been issued against such person in a case
367 involving the use, attempted use or threatened use of physical force
368 against another person.]

369 **(b)** Immediately, but in no event more than twenty-four hours after
370 notice has been provided to a person subject to a restraining or
371 protective order or a foreign order of protection, such person shall (1)
372 transfer any pistol, revolver or other firearm or ammunition which
373 such person then possesses to a federally licensed firearms dealer
374 pursuant to the sale of the pistol, revolver or other firearm or
375 ammunition to the federally licensed firearms dealer, or (2) deliver or
376 surrender such pistols and revolvers and other firearms and
377 ammunition to the Commissioner of Emergency Services and Public
378 Protection, provided a local police department may accept such pistols,
379 revolvers, other firearms and ammunition on behalf of said
380 commissioner. For the purposes of this section, a "person subject to a
381 restraining or protective order or a foreign order of protection" means
382 a person who knows that such person is subject to (A) a restraining or
383 protective order of a court of this state that has been issued against
384 such person, after notice has been provided to such person, in a case
385 involving the use, attempted use or threatened use of physical force
386 against another person, or (B) a foreign order of protection, as defined
387 in section 46b-15a, that has been issued against such person in a case
388 involving the use, attempted use or threatened use of physical force
389 against another person.

390 **[(b)] (c)** Such person, or such person's legal representative, may, at
391 any time up to one year after such delivery or surrender, transfer such
392 pistols and revolvers in accordance with the provisions of section 29-33
393 to any person eligible to possess a pistol or revolver and transfer such
394 other firearms and ammunition, in accordance with any applicable
395 state and federal laws, to any person eligible to possess such other
396 firearms and ammunition, provided any person subject to a restraining
397 or protective order or a foreign order of protection, or such person's
398 legal representative, may only transfer such pistol, revolver or other
399 firearm or ammunition to a federally licensed firearms dealer pursuant
400 to the sale of the pistol, revolver or other firearm or ammunition to the
401 federally licensed firearms dealer. Upon notification in writing by the

402 transferee and such person, the Commissioner of Emergency Services
403 and Public Protection or a local police department as the case may be,
404 shall, within ten days, deliver such pistols and revolvers [or] and other
405 firearms [or] and ammunition to the transferee. If, at the end of such
406 year, such pistols and revolvers [or] and other firearms [or] and
407 ammunition have not been so transferred, the commissioner or a local
408 police department as the case may be, shall cause them to be
409 destroyed.

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

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

418 (b) Upon the application of any person having a bona fide
419 permanent residence within the jurisdiction of any such authority,
420 such chief of police, warden or selectman may issue a temporary state
421 permit to such person to carry a pistol or revolver within the state,
422 provided such authority shall find that such applicant intends to make
423 no use of any pistol or revolver which such applicant may be
424 permitted to carry under such permit other than a lawful use and that
425 such person is a suitable person to receive such permit. No state or
426 temporary state permit to carry a pistol or revolver shall be issued
427 under this subsection if the applicant (1) has failed to successfully
428 complete a course approved by the Commissioner of Emergency
429 Services and Public Protection in the safety and use of pistols and
430 revolvers including, but not limited to, a safety or training course in
431 the use of pistols and revolvers available to the public offered by a law
432 enforcement agency, a private or public educational institution or a
433 firearms training school, utilizing instructors certified by the National

434 Rifle Association or the Department of Energy and Environmental
435 Protection and a safety or training course in the use of pistols or
436 revolvers conducted by an instructor certified by the state or the
437 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
438 on or after October 1, 1994, a violation of section 21a-279 or section 53a-
439 58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or
440 53a-181d, (3) has been convicted as delinquent for the commission of a
441 serious juvenile offense, as defined in section 46b-120, (4) has been
442 discharged from custody within the preceding twenty years after
443 having been found not guilty of a crime by reason of mental disease or
444 defect pursuant to section 53a-13, (5) (A) has been confined in a
445 hospital for persons with psychiatric disabilities, as defined in section
446 17a-495, within the preceding sixty months by order of a probate court,
447 or (B) has been voluntarily admitted on or after October 1, 2013, to a
448 hospital for persons with psychiatric disabilities, as defined in section
449 17a-495, within the preceding six months for care and treatment of a
450 psychiatric disability and not solely for being an alcohol-dependent
451 person or a drug-dependent person as those terms are defined in
452 section 17a-680, (6) is subject to a restraining or protective order issued
453 by a court in a case involving the use, attempted use or threatened use
454 of physical force against another person, including an ex parte order
455 issued pursuant to section 46b-15, as amended by this act, or 46b-16a,
456 as amended by this act, (7) is subject to a firearms seizure order issued
457 pursuant to subsection (d) of section 29-38c after notice and hearing,
458 (8) is prohibited from shipping, transporting, possessing or receiving a
459 firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or
460 unlawfully in the United States, or (10) is less than twenty-one years of
461 age. Nothing in this section shall require any person who holds a valid
462 permit to carry a pistol or revolver on October 1, 1994, to participate in
463 any additional training in the safety and use of pistols and revolvers.
464 No person may apply for a temporary state permit to carry a pistol or
465 revolver more than once within any twelve-month period, and no
466 temporary state permit to carry a pistol or revolver shall be issued to
467 any person who has applied for such permit more than once within the

468 preceding twelve months. Any person who applies for a temporary
469 state permit to carry a pistol or revolver shall indicate in writing on the
470 application, under penalty of false statement in such manner as the
471 issuing authority prescribes, that such person has not applied for a
472 temporary state permit to carry a pistol or revolver within the past
473 twelve months. Upon issuance of a temporary state permit to carry a
474 pistol or revolver to the applicant, the local authority shall forward the
475 original application to the commissioner. Not later than sixty days
476 after receiving a temporary state permit, an applicant shall appear at a
477 location designated by the commissioner to receive the state permit.
478 The commissioner may then issue, to any holder of any temporary
479 state permit, a state permit to carry a pistol or revolver within the state.
480 Upon issuance of the state permit, the commissioner shall make
481 available to the permit holder a copy of the law regarding the permit
482 holder's responsibility to report the loss or theft of a firearm and the
483 penalties associated with the failure to comply with such law. Upon
484 issuance of the state permit, the commissioner shall forward a record
485 of such permit to the local authority issuing the temporary state
486 permit. The commissioner shall retain records of all applications,
487 whether approved or denied. The copy of the state permit delivered to
488 the permittee shall be laminated and shall contain a full-face
489 photograph of such permittee. A person holding a state permit issued
490 pursuant to this subsection shall notify the issuing authority within
491 two business days of any change of such person's address. The
492 notification shall include the old address and the new address of such
493 person.

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

497 (b) The Commissioner of Emergency Services and Public Protection
498 shall issue an eligibility certificate unless said commissioner finds that
499 the applicant: (1) Has failed to successfully complete a course
500 approved by the Commissioner of Emergency Services and Public

501 Protection in the safety and use of pistols and revolvers including, but
502 not limited to, a safety or training course in the use of pistols and
503 revolvers available to the public offered by a law enforcement agency,
504 a private or public educational institution or a firearms training school,
505 utilizing instructors certified by the National Rifle Association or the
506 Department of Energy and Environmental Protection and a safety or
507 training course in the use of pistols or revolvers conducted by an
508 instructor certified by the state or the National Rifle Association; (2)
509 has been convicted of a felony or of a violation of section 21a-279 or
510 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,
511 53a-178 or 53a-181d; (3) has been convicted as delinquent for the
512 commission of a serious juvenile offense, as defined in section 46b-120;
513 (4) has been discharged from custody within the preceding twenty
514 years after having been found not guilty of a crime by reason of mental
515 disease or defect pursuant to section 53a-13; (5) (A) has been confined
516 in a hospital for persons with psychiatric disabilities, as defined in
517 section 17a-495, within the preceding sixty months by order of a
518 probate court; or (B) has been voluntarily admitted on or after October
519 1, 2013, to a hospital for persons with psychiatric disabilities, as
520 defined in section 17a-495, within the preceding six months for care
521 and treatment of a psychiatric disability and not solely for being an
522 alcohol-dependent person or a drug-dependent person as those terms
523 are defined in section 17a-680; [] (6) is subject to a restraining or
524 protective order issued by a court in a case involving the use,
525 attempted use or threatened use of physical force against another
526 person, including an ex parte order issued pursuant to section 46b-15,
527 as amended by this act, or section 46b-16a, as amended by this act; (7)
528 is subject to a firearms seizure order issued pursuant to subsection (d)
529 of section 29-38c after notice and hearing; (8) is prohibited from
530 shipping, transporting, possessing or receiving a firearm pursuant to
531 18 USC 922(g)(4); or (9) is an alien illegally or unlawfully in the United
532 States.

533 Sec. 10. Subsection (b) of section 29-37p of the 2016 supplement to

534 the general statutes is repealed and the following is substituted in lieu
535 thereof (*Effective October 1, 2016*):

536 (b) The Commissioner of Emergency Services and Public Protection
537 shall issue a long gun eligibility certificate unless said commissioner
538 finds that the applicant: (1) Has failed to successfully complete a
539 course approved by the Commissioner of Emergency Services and
540 Public Protection in the safety and use of firearms including, but not
541 limited to, a safety or training course in the use of firearms available to
542 the public offered by a law enforcement agency, a private or public
543 educational institution or a firearms training school, utilizing
544 instructors certified by the National Rifle Association or the
545 Department of Energy and Environmental Protection and a safety or
546 training course in the use of firearms conducted by an instructor
547 certified by the state or the National Rifle Association; (2) has been
548 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
549 of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63,
550 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as
551 delinquent for the commission of a serious juvenile offense, as defined
552 in section 46b-120; (4) has been discharged from custody within the
553 preceding twenty years after having been found not guilty of a crime
554 by reason of mental disease or defect pursuant to section 53a-13; (5)
555 has been confined in a hospital for persons with psychiatric
556 disabilities, as defined in section 17a-495, within the preceding sixty
557 months by order of a probate court; (6) has been voluntarily admitted
558 to a hospital for persons with psychiatric disabilities, as defined in
559 section 17a-495, within the preceding six months for care and
560 treatment of a psychiatric disability and not solely for being an alcohol-
561 dependent person or a drug-dependent person as those terms are
562 defined in section 17a-680; (7) is subject to a restraining or protective
563 order issued by a court in a case involving the use, attempted use or
564 threatened use of physical force against another person, including an
565 ex parte order issued pursuant to section 46b-15, as amended by this
566 act, or 46b-16a, as amended by this act; (8) is subject to a firearms

567 seizure order issued pursuant to subsection (d) of section 29-38c after
568 notice and hearing; (9) is prohibited from shipping, transporting,
569 possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (10)
570 is an alien illegally or unlawfully in the United States.

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

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

575 (b) Any state permit or temporary state permit for the carrying of
576 any pistol or revolver may be revoked by the Commissioner of
577 Emergency Services and Public Protection for cause and shall be
578 revoked by said commissioner upon conviction of the holder of such
579 permit of a felony or of any misdemeanor specified in subsection (b) of
580 section 29-28, as amended by this act, or upon the occurrence of any
581 event which would have disqualified the holder from being issued the
582 state permit or temporary state permit pursuant to subsection (b) of
583 section 29-28, as amended by this act. Upon the revocation of any state
584 permit or temporary state permit, the person whose state permit or
585 temporary state permit is revoked shall be notified in writing and such
586 state permit or temporary state permit shall be forthwith delivered to
587 the commissioner. Any law enforcement authority shall confiscate and
588 immediately forward to the commissioner any state permit or
589 temporary state permit that is illegally possessed by any person. The
590 commissioner may revoke the state permit or temporary state permit
591 based upon the commissioner's own investigation or upon the request
592 of any law enforcement agency. Any person who fails to surrender any
593 permit within five days of notification in writing of revocation thereof
594 shall be guilty of a class A misdemeanor.

595 (c) Any local permit for the carrying of a pistol or revolver issued
596 prior to October 1, 2001, may be revoked by the authority issuing the
597 same for cause, and shall be revoked by the authority issuing the same

598 upon conviction of the holder of such permit of a felony or of any
599 misdemeanor specified in subsection (b) of section 29-28, as amended
600 by this act, or upon the occurrence of any event which would have
601 disqualified the holder from being issued such local permit. Upon the
602 revocation of any local permit, the person whose local permit is
603 revoked shall be notified in writing and such permit shall be forthwith
604 delivered to the authority issuing the same. Upon the revocation of
605 any local permit, the authority issuing the same shall forthwith notify
606 the commissioner. Upon the revocation of any permit issued by the
607 commissioner, the commissioner shall forthwith notify any local
608 authority which the records of the commissioner show as having
609 issued a currently valid local permit to the holder of the permit
610 revoked by the commissioner. Any person who fails to surrender such
611 permit within five days of notification in writing or revocation thereof
612 shall be guilty of a class A misdemeanor.

613 (d) If a state permit or temporary state permit for the carrying of any
614 pistol or revolver is revoked because the person holding such permit is
615 subject to an ex parte order issued pursuant to section 46b-15, as
616 amended by this act, or 46b-16a, as amended by this act, upon
617 expiration of such order, such person may notify the Department of
618 Emergency Services and Public Protection that such order has expired.
619 Upon verification of such expiration and provided such person is not
620 otherwise disqualified from holding such permit pursuant to
621 subsection (b) of section 29-28, as amended by this act, the department
622 shall reinstate such permit.

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

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

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

636 (c) If an eligibility certificate for a pistol or revolver is revoked
637 because the person holding such certificate is subject to an ex parte
638 order issued pursuant to section 46b-15, as amended by this act, or
639 46b-16a, as amended by this act, upon expiration of such order, such
640 person may notify the Department of Emergency Services and Public
641 Protection that such order has expired. Upon verification of such
642 expiration and provided such person is not otherwise disqualified
643 from holding such certificate pursuant to section 29-36f, as amended
644 by this act, the department shall reinstate such certificate.

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

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

652 (b) Upon the revocation of any long gun eligibility certificate, the
653 person whose certificate is revoked shall be notified, in writing, and
654 such certificate shall be forthwith delivered to the Commissioner of
655 Emergency Services and Public Protection. Any person who fails to
656 surrender such certificate within five days of notification, in writing, of
657 revocation thereof shall be guilty of a class A misdemeanor.

658 (c) If a long gun eligibility certificate is revoked because the person
659 holding such certificate is subject to an ex parte order issued pursuant
660 to section 46b-15, as amended by this act, or 46b-16a, as amended by

661 this act, upon expiration of such order, such person may notify the
662 Department of Emergency Services and Public Protection that such
663 order has expired. Upon verification of such expiration and provided
664 such person is not otherwise disqualified from holding such certificate
665 pursuant to section 29-37p, as amended by this act, the department
666 shall reinstate such certificate.

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

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

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

679 (c) If an ammunition certificate is revoked because the person
680 holding such certificate is subject to an ex parte order issued pursuant
681 to section 46b-15, as amended by this act, or 46b-16a, as amended by
682 this act, upon expiration of such order, such person may notify the
683 Department of Emergency Services and Public Protection that such
684 order has expired. Upon verification of such expiration and provided
685 such person is not otherwise disqualified from holding such certificate
686 pursuant to section 29-38n the department shall reinstate such
687 certificate.

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

691 (a) A person is guilty of criminal possession of a firearm,
692 ammunition or an electronic defense weapon when such person
693 possesses a firearm, ammunition or an electronic defense weapon and
694 (1) has been convicted of a felony committed prior to, on or after
695 October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61, 53a-
696 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d
697 committed on or after October 1, 2013, (2) has been convicted as
698 delinquent for the commission of a serious juvenile offense, as defined
699 in section 46b-120, (3) has been discharged from custody within the
700 preceding twenty years after having been found not guilty of a crime
701 by reason of mental disease or defect pursuant to section 53a-13, (4)
702 knows that such person is subject to (A) a restraining or protective
703 order of a court of this state that has been issued against such person,
704 after notice [and an opportunity to be heard] has been provided to
705 such person, in a case involving the use, attempted use or threatened
706 use of physical force against another person, or (B) a foreign order of
707 protection, as defined in section 46b-15a, that has been issued against
708 such person in a case involving the use, attempted use or threatened
709 use of physical force against another person, (5) (A) has been confined
710 on or after October 1, 2013, in a hospital for persons with psychiatric
711 disabilities, as defined in section 17a-495, within the preceding sixty
712 months by order of a probate court, or with respect to any person who
713 holds a valid permit or certificate that was issued or renewed under
714 the provisions of section 29-28, as amended by this act, or 29-36f, as
715 amended by this act, in effect prior to October 1, 2013, such person has
716 been confined in such hospital within the preceding twelve months, or
717 (B) has been voluntarily admitted on or after October 1, 2013, to a
718 hospital for persons with psychiatric disabilities, as defined in section
719 17a-495, within the preceding six months for care and treatment of a
720 psychiatric disability and not solely for being an alcohol-dependent
721 person or a drug-dependent person as those terms are defined in
722 section 17a-680, (6) knows that such person is subject to a firearms
723 seizure order issued pursuant to subsection (d) of section 29-38c after
724 notice and an opportunity to be heard has been provided to such

725 person, or (7) is prohibited from shipping, transporting, possessing or
726 receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of
727 this section, "convicted" means having a judgment of conviction
728 entered by a court of competent jurisdiction, "ammunition" means a
729 loaded cartridge, consisting of a primed case, propellant or projectile,
730 designed for use in any firearm, and a motor vehicle violation for
731 which a sentence to a term of imprisonment of more than one year
732 may be imposed shall be deemed an unclassified felony.

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

739 Sec. 16. Section 53a-217c of the 2016 supplement to the general
740 statutes is repealed and the following is substituted in lieu thereof
741 (*Effective October 1, 2016*):

742 (a) A person is guilty of criminal possession of a pistol or revolver
743 when such person possesses a pistol or revolver, as defined in section
744 29-27, and (1) has been convicted of a felony committed prior to, on or
745 after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-
746 61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
747 181d committed on or after October 1, 1994, (2) has been convicted as
748 delinquent for the commission of a serious juvenile offense, as defined
749 in section 46b-120, (3) has been discharged from custody within the
750 preceding twenty years after having been found not guilty of a crime
751 by reason of mental disease or defect pursuant to section 53a-13, (4) (A)
752 has been confined prior to October 1, 2013, in a hospital for persons
753 with psychiatric disabilities, as defined in section 17a-495, within the
754 preceding twelve months by order of a probate court, or has been
755 confined on or after October 1, 2013, in a hospital for persons with
756 psychiatric disabilities, as defined in section 17a-495, within the

757 preceding sixty months by order of a probate court, or, with respect to
758 any person who holds a valid permit or certificate that was issued or
759 renewed under the provisions of section 29-28, as amended by this act,
760 or 29-36f, as amended by this act, in effect prior to October 1, 2013,
761 such person has been confined in such hospital within the preceding
762 twelve months, or (B) has been voluntarily admitted on or after
763 October 1, 2013, to a hospital for persons with psychiatric disabilities,
764 as defined in section 17a-495, within the preceding six months for care
765 and treatment of a psychiatric disability and not solely for being an
766 alcohol-dependent person or a drug-dependent person as those terms
767 are defined in section 17a-680, (5) knows that such person is subject to
768 (A) a restraining or protective order of a court of this state that has
769 been issued against such person, after notice [and an opportunity to be
770 heard] has been provided to such person, in a case involving the use,
771 attempted use or threatened use of physical force against another
772 person, or (B) a foreign order of protection, as defined in section 46b-
773 15a, that has been issued against such person in a case involving the
774 use, attempted use or threatened use of physical force against another
775 person, (6) knows that such person is subject to a firearms seizure
776 order issued pursuant to subsection (d) of section 29-38c after notice
777 and an opportunity to be heard has been provided to such person, (7)
778 is prohibited from shipping, transporting, possessing or receiving a
779 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
780 unlawfully in the United States. For the purposes of this section,
781 "convicted" means having a judgment of conviction entered by a court
782 of competent jurisdiction.

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

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

790 *October 1, 2016*):

791 (b) The Commissioner of Emergency Services and Public Protection,
 792 in conjunction with the Chief State's Attorney and the Connecticut
 793 Police Chiefs Association, shall update the protocol developed
 794 pursuant to subsection (a) of this section to reflect the provisions of
 795 sections 29-7h, 29-28, as amended by this act, 29-28a, 29-29, 29-30, 29-
 796 32, as amended by this act, and 29-35, subsections (b) and [(g)] (h) of
 797 section 46b-15, as amended by this act, subsections (c) and (d) of
 798 section 46b-38c and sections 53-202a, 53-202l, 53-202m and 53a-217, as
 799 amended by this act, and shall include in such protocol specific
 800 instructions for the transfer, delivery or surrender of pistols and
 801 revolvers and other firearms and ammunition when the assistance of
 802 more than one law enforcement agency is necessary to effect the
 803 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)

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]