



General Assembly

February Session, 2016

**Substitute Bill No. 5054**

\* \_\_\_\_\_HB05054JUD\_\_\_\_032916\_\_\_\_\_\*

**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2 is repealed and the following is substituted in lieu thereof (*Effective*  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22 repealed and the following is substituted in lieu thereof (*Effective*  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 under section 46b-15 of the general statutes, as  
268 amended by this act. The Chief Court Administrator shall ensure that  
269 any person seeking to file an application for relief is provided with a  
270 one-page, plain language explanation of how to apply for relief under  
271 section 46b-15 of the general statutes, as amended by this act.

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

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286 repealed and the following is substituted in lieu thereof (*Effective*  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

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

319 of such order, and immediately to the Commissioner of Emergency  
320 Services and Public Protection. If the applicant is enrolled in a public  
321 or private elementary or secondary school, including a technical high  
322 school, or an institution of higher education, as defined in section 10a-  
323 55, the clerk of the court shall, upon the request of the applicant, send,  
324 by facsimile or other means, a copy of such ex parte order or of any  
325 order after notice and hearing, or the information contained in any  
326 such order, to such school or institution of higher education, the  
327 president of any institution of higher education at which the applicant  
328 is enrolled and the special police force established pursuant to section  
329 10a-142, if any, at the institution of higher education at which the  
330 applicant is enrolled.

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

333 (a) [Not later than two business days] Except as provided in  
334 subsection (b) of this section, not later than two business days after the  
335 occurrence of any event that makes a person ineligible to possess a  
336 pistol or revolver or other firearm or ammunition, such person shall (1)  
337 transfer in accordance with section 29-33 all pistols and revolvers  
338 which such person then possesses to any person eligible to possess a  
339 pistol or revolver and transfer in accordance with any applicable state  
340 and federal laws all other firearms to any person eligible to possess  
341 such other firearms by obtaining an authorization number for the sale  
342 or transfer of the firearm from the Commissioner of Emergency  
343 Services and Public Protection, and submit a sale or transfer of  
344 firearms form to said commissioner within two business days, [except  
345 that a person subject to a restraining or protective order or a foreign  
346 order of protection may only transfer a pistol, revolver or other firearm  
347 or ammunition under this subdivision to a federally licensed firearms  
348 dealer pursuant to the sale of the pistol, revolver or other firearm and  
349 ammunition to the federally licensed firearms dealer,] or (2) deliver or  
350 surrender such pistols and revolvers and other firearms and  
351 ammunition to the Commissioner of Emergency Services and Public

352 Protection, provided a local police department may accept such pistols,  
353 revolvers, other firearms and ammunition on behalf of said  
354 commissioner, or (3) transfer such ammunition to any person eligible  
355 to possess such ammunition. The commissioner and a local police  
356 department shall exercise due care in the receipt and holding of such  
357 pistols and revolvers and other firearms or ammunition. [For the  
358 purposes of this section, a "person subject to a restraining or protective  
359 order or a foreign order of protection" means a person who knows that  
360 such person is subject to (A) a restraining or protective order of a court  
361 of this state that has been issued against such person, after notice and  
362 an opportunity to be heard has been provided to such person, in a case  
363 involving the use, attempted use or threatened use of physical force  
364 against another person, or (B) a foreign order of protection, as defined  
365 in section 46b-15a, that has been issued against such person in a case  
366 involving the use, attempted use or threatened use of physical force  
367 against another person.]

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

386 in section 46b-15a, that has been issued against such person in a case  
387 involving the use, attempted use or threatened use of physical force  
388 against another person.

389 [(b)] (c) Such person, or such person's legal representative, may, at  
390 any time up to one year after such delivery or surrender, transfer such  
391 pistols and revolvers in accordance with the provisions of section 29-33  
392 to any person eligible to possess a pistol or revolver and transfer such  
393 other firearms and ammunition, in accordance with any applicable  
394 state and federal laws, to any person eligible to possess such other  
395 firearms and ammunition, provided any person subject to a restraining  
396 or protective order or a foreign order of protection, or such person's  
397 legal representative, may only transfer such pistol, revolver or other  
398 firearm or ammunition to a federally licensed firearms dealer pursuant  
399 to the sale of the pistol, revolver or other firearm or ammunition to the  
400 federally licensed firearms dealer. Upon notification in writing by the  
401 transferee and such person, the Commissioner of Emergency Services  
402 and Public Protection or a local police department as the case may be,  
403 shall, within ten days, deliver such pistols and revolvers [or] and other  
404 firearms [or] and ammunition to the transferee. If, at the end of such  
405 year, such pistols and revolvers [or] and other firearms [or] and  
406 ammunition have not been so transferred, the commissioner or a local  
407 police department as the case may be, shall cause them to be  
408 destroyed.

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

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

417 (b) Upon the application of any person having a bona fide

418 permanent residence within the jurisdiction of any such authority,  
419 such chief of police, warden or selectman may issue a temporary state  
420 permit to such person to carry a pistol or revolver within the state,  
421 provided such authority shall find that such applicant intends to make  
422 no use of any pistol or revolver which such applicant may be  
423 permitted to carry under such permit other than a lawful use and that  
424 such person is a suitable person to receive such permit. No state or  
425 temporary state permit to carry a pistol or revolver shall be issued  
426 under this subsection if the applicant (1) has failed to successfully  
427 complete a course approved by the Commissioner of Emergency  
428 Services and Public Protection in the safety and use of pistols and  
429 revolvers including, but not limited to, a safety or training course in  
430 the use of pistols and revolvers available to the public offered by a law  
431 enforcement agency, a private or public educational institution or a  
432 firearms training school, utilizing instructors certified by the National  
433 Rifle Association or the Department of Energy and Environmental  
434 Protection and a safety or training course in the use of pistols or  
435 revolvers conducted by an instructor certified by the state or the  
436 National Rifle Association, (2) has been convicted of (A) a felony, or (B)  
437 on or after October 1, 1994, a violation of section 21a-279 or section 53a-  
438 58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or  
439 53a-181d, (3) has been convicted as delinquent for the commission of a  
440 serious juvenile offense, as defined in section 46b-120, (4) has been  
441 discharged from custody within the preceding twenty years after  
442 having been found not guilty of a crime by reason of mental disease or  
443 defect pursuant to section 53a-13, (5) (A) has been confined in a  
444 hospital for persons with psychiatric disabilities, as defined in section  
445 17a-495, within the preceding sixty months by order of a probate court,  
446 or (B) has been voluntarily admitted on or after October 1, 2013, to a  
447 hospital for persons with psychiatric disabilities, as defined in section  
448 17a-495, within the preceding six months for care and treatment of a  
449 psychiatric disability and not solely for being an alcohol-dependent  
450 person or a drug-dependent person as those terms are defined in  
451 section 17a-680, (6) is subject to a restraining or protective order issued  
452 by a court in a case involving the use, attempted use or threatened use

453 of physical force against another person, including an ex parte order  
454 issued pursuant to section 46b-15, as amended by this act, or 46b-16a,  
455 as amended by this act, (7) is subject to a firearms seizure order issued  
456 pursuant to subsection (d) of section 29-38c after notice and hearing,  
457 (8) is prohibited from shipping, transporting, possessing or receiving a  
458 firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or  
459 unlawfully in the United States, or (10) is less than twenty-one years of  
460 age. Nothing in this section shall require any person who holds a valid  
461 permit to carry a pistol or revolver on October 1, 1994, to participate in  
462 any additional training in the safety and use of pistols and revolvers.  
463 No person may apply for a temporary state permit to carry a pistol or  
464 revolver more than once within any twelve-month period, and no  
465 temporary state permit to carry a pistol or revolver shall be issued to  
466 any person who has applied for such permit more than once within the  
467 preceding twelve months. Any person who applies for a temporary  
468 state permit to carry a pistol or revolver shall indicate in writing on the  
469 application, under penalty of false statement in such manner as the  
470 issuing authority prescribes, that such person has not applied for a  
471 temporary state permit to carry a pistol or revolver within the past  
472 twelve months. Upon issuance of a temporary state permit to carry a  
473 pistol or revolver to the applicant, the local authority shall forward the  
474 original application to the commissioner. Not later than sixty days  
475 after receiving a temporary state permit, an applicant shall appear at a  
476 location designated by the commissioner to receive the state permit.  
477 The commissioner may then issue, to any holder of any temporary  
478 state permit, a state permit to carry a pistol or revolver within the state.  
479 Upon issuance of the state permit, the commissioner shall make  
480 available to the permit holder a copy of the law regarding the permit  
481 holder's responsibility to report the loss or theft of a firearm and the  
482 penalties associated with the failure to comply with such law. Upon  
483 issuance of the state permit, the commissioner shall forward a record  
484 of such permit to the local authority issuing the temporary state  
485 permit. The commissioner shall retain records of all applications,  
486 whether approved or denied. The copy of the state permit delivered to  
487 the permittee shall be laminated and shall contain a full-face

488 photograph of such permittee. A person holding a state permit issued  
489 pursuant to this subsection shall notify the issuing authority within  
490 two business days of any change of such person's address. The  
491 notification shall include the old address and the new address of such  
492 person.

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

496 (b) The Commissioner of Emergency Services and Public Protection  
497 shall issue an eligibility certificate unless said commissioner finds that  
498 the applicant: (1) Has failed to successfully complete a course  
499 approved by the Commissioner of Emergency Services and Public  
500 Protection in the safety and use of pistols and revolvers including, but  
501 not limited to, a safety or training course in the use of pistols and  
502 revolvers available to the public offered by a law enforcement agency,  
503 a private or public educational institution or a firearms training school,  
504 utilizing instructors certified by the National Rifle Association or the  
505 Department of Energy and Environmental Protection and a safety or  
506 training course in the use of pistols or revolvers conducted by an  
507 instructor certified by the state or the National Rifle Association; (2)  
508 has been convicted of a felony or of a violation of section 21a-279 or  
509 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,  
510 53a-178 or 53a-181d; (3) has been convicted as delinquent for the  
511 commission of a serious juvenile offense, as defined in section 46b-120;  
512 (4) has been discharged from custody within the preceding twenty  
513 years after having been found not guilty of a crime by reason of mental  
514 disease or defect pursuant to section 53a-13; (5) (A) has been confined  
515 in a hospital for persons with psychiatric disabilities, as defined in  
516 section 17a-495, within the preceding sixty months by order of a  
517 probate court; or (B) has been voluntarily admitted on or after October  
518 1, 2013, to a hospital for persons with psychiatric disabilities, as  
519 defined in section 17a-495, within the preceding six months for care  
520 and treatment of a psychiatric disability and not solely for being an

521 alcohol-dependent person or a drug-dependent person as those terms  
522 are defined in section 17a-680; [ ] (6) is subject to a restraining or  
523 protective order issued by a court in a case involving the use,  
524 attempted use or threatened use of physical force against another  
525 person, including an ex parte order issued pursuant to section 46b-15,  
526 as amended by this act, or section 46b-16a, as amended by this act; (7)  
527 is subject to a firearms seizure order issued pursuant to subsection (d)  
528 of section 29-38c after notice and hearing; (8) is prohibited from  
529 shipping, transporting, possessing or receiving a firearm pursuant to  
530 18 USC 922(g)(4); or (9) is an alien illegally or unlawfully in the United  
531 States.

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

535 (b) The Commissioner of Emergency Services and Public Protection  
536 shall issue a long gun eligibility certificate unless said commissioner  
537 finds that the applicant: (1) Has failed to successfully complete a  
538 course approved by the Commissioner of Emergency Services and  
539 Public Protection in the safety and use of firearms including, but not  
540 limited to, a safety or training course in the use of firearms available to  
541 the public offered by a law enforcement agency, a private or public  
542 educational institution or a firearms training school, utilizing  
543 instructors certified by the National Rifle Association or the  
544 Department of Energy and Environmental Protection and a safety or  
545 training course in the use of firearms conducted by an instructor  
546 certified by the state or the National Rifle Association; (2) has been  
547 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation  
548 of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63,  
549 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as  
550 delinquent for the commission of a serious juvenile offense, as defined  
551 in section 46b-120; (4) has been discharged from custody within the  
552 preceding twenty years after having been found not guilty of a crime  
553 by reason of mental disease or defect pursuant to section 53a-13; (5)

554 has been confined in a hospital for persons with psychiatric  
555 disabilities, as defined in section 17a-495, within the preceding sixty  
556 months by order of a probate court; (6) has been voluntarily admitted  
557 to a hospital for persons with psychiatric disabilities, as defined in  
558 section 17a-495, within the preceding six months for care and  
559 treatment of a psychiatric disability and not solely for being an alcohol-  
560 dependent person or a drug-dependent person as those terms are  
561 defined in section 17a-680; (7) is subject to a restraining or protective  
562 order issued by a court in a case involving the use, attempted use or  
563 threatened use of physical force against another person, including an  
564 ex parte order issued pursuant to section 46b-15, as amended by this  
565 act, or 46b-16a, as amended by this act; (8) is subject to a firearms  
566 seizure order issued pursuant to subsection (d) of section 29-38c after  
567 notice and hearing; (9) is prohibited from shipping, transporting,  
568 possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (10)  
569 is an alien illegally or unlawfully in the United States.

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

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

574 (b) Any state permit or temporary state permit for the carrying of  
575 any pistol or revolver may be revoked by the Commissioner of  
576 Emergency Services and Public Protection for cause and shall be  
577 revoked by said commissioner upon conviction of the holder of such  
578 permit of a felony or of any misdemeanor specified in subsection (b) of  
579 section 29-28, as amended by this act, or upon the occurrence of any  
580 event which would have disqualified the holder from being issued the  
581 state permit or temporary state permit pursuant to subsection (b) of  
582 section 29-28, as amended by this act. Upon the revocation of any state  
583 permit or temporary state permit, the person whose state permit or  
584 temporary state permit is revoked shall be notified in writing and such  
585 state permit or temporary state permit shall be forthwith delivered to  
586 the commissioner. Any law enforcement authority shall confiscate and

587 immediately forward to the commissioner any state permit or  
588 temporary state permit that is illegally possessed by any person. The  
589 commissioner may revoke the state permit or temporary state permit  
590 based upon the commissioner's own investigation or upon the request  
591 of any law enforcement agency. Any person who fails to surrender any  
592 permit within five days of notification in writing of revocation thereof  
593 shall be guilty of a class A misdemeanor.

594 (c) Any local permit for the carrying of a pistol or revolver issued  
595 prior to October 1, 2001, may be revoked by the authority issuing the  
596 same for cause, and shall be revoked by the authority issuing the same  
597 upon conviction of the holder of such permit of a felony or of any  
598 misdemeanor specified in subsection (b) of section 29-28, as amended  
599 by this act, or upon the occurrence of any event which would have  
600 disqualified the holder from being issued such local permit. Upon the  
601 revocation of any local permit, the person whose local permit is  
602 revoked shall be notified in writing and such permit shall be forthwith  
603 delivered to the authority issuing the same. Upon the revocation of  
604 any local permit, the authority issuing the same shall forthwith notify  
605 the commissioner. Upon the revocation of any permit issued by the  
606 commissioner, the commissioner shall forthwith notify any local  
607 authority which the records of the commissioner show as having  
608 issued a currently valid local permit to the holder of the permit  
609 revoked by the commissioner. Any person who fails to surrender such  
610 permit within five days of notification in writing or revocation thereof  
611 shall be guilty of a class A misdemeanor.

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

620 subsection (b) of section 29-28, as amended by this act, the department  
621 shall reinstate such permit.

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

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

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

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

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

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

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

657 (c) If a long gun eligibility certificate is revoked because the person  
658 holding such certificate is subject to an ex parte order issued pursuant  
659 to section 46b-15, as amended by this act, or 46b-16a, as amended by  
660 this act, upon expiration of such order, such person may notify the  
661 Department of Emergency Services and Public Protection that such  
662 order has expired. Upon verification of such expiration and provided  
663 such person is not otherwise disqualified from holding such certificate  
664 pursuant to section 29-37p, as amended by this act, the department  
665 shall reinstate such certificate.

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

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

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

678 (c) If an ammunition certificate is revoked because the person  
679 holding such certificate is subject to an ex parte order issued pursuant  
680 to section 46b-15, as amended by this act, or 46b-16a, as amended by  
681 this act, upon expiration of such order, such person may notify the

682 Department of Emergency Services and Public Protection that such  
683 order has expired. Upon verification of such expiration and provided  
684 such person is not otherwise disqualified from holding such certificate  
685 pursuant to section 29-38n the department shall reinstate such  
686 certificate.

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

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

715 been confined in such hospital within the preceding twelve months, or  
716 (B) has been voluntarily admitted on or after October 1, 2013, to a  
717 hospital for persons with psychiatric disabilities, as defined in section  
718 17a-495, within the preceding six months for care and treatment of a  
719 psychiatric disability and not solely for being an alcohol-dependent  
720 person or a drug-dependent person as those terms are defined in  
721 section 17a-680, (6) knows that such person is subject to a firearms  
722 seizure order issued pursuant to subsection (d) of section 29-38c after  
723 notice and an opportunity to be heard has been provided to such  
724 person, or (7) is prohibited from shipping, transporting, possessing or  
725 receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of  
726 this section, "convicted" means having a judgment of conviction  
727 entered by a court of competent jurisdiction, "ammunition" means a  
728 loaded cartridge, consisting of a primed case, propellant or projectile,  
729 designed for use in any firearm, and a motor vehicle violation for  
730 which a sentence to a term of imprisonment of more than one year  
731 may be imposed shall be deemed an unclassified felony.

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

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

741 (a) A person is guilty of criminal possession of a pistol or revolver  
742 when such person possesses a pistol or revolver, as defined in section  
743 29-27, and (1) has been convicted of a felony committed prior to, on or  
744 after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-  
745 61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-  
746 181d committed on or after October 1, 1994, (2) has been convicted as  
747 delinquent for the commission of a serious juvenile offense, as defined

748 in section 46b-120, (3) has been discharged from custody within the  
749 preceding twenty years after having been found not guilty of a crime  
750 by reason of mental disease or defect pursuant to section 53a-13, (4) (A)  
751 has been confined prior to October 1, 2013, in a hospital for persons  
752 with psychiatric disabilities, as defined in section 17a-495, within the  
753 preceding twelve months by order of a probate court, or has been  
754 confined on or after October 1, 2013, in a hospital for persons with  
755 psychiatric disabilities, as defined in section 17a-495, within the  
756 preceding sixty months by order of a probate court, or, with respect to  
757 any person who holds a valid permit or certificate that was issued or  
758 renewed under the provisions of section 29-28, as amended by this act,  
759 or 29-36f, as amended by this act, in effect prior to October 1, 2013,  
760 such person has been confined in such hospital within the preceding  
761 twelve months, or (B) has been voluntarily admitted on or after  
762 October 1, 2013, to a hospital for persons with psychiatric disabilities,  
763 as defined in section 17a-495, within the preceding six months for care  
764 and treatment of a psychiatric disability and not solely for being an  
765 alcohol-dependent person or a drug-dependent person as those terms  
766 are defined in section 17a-680, (5) knows that such person is subject to  
767 (A) a restraining or protective order of a court of this state that has  
768 been issued against such person, after notice [and an opportunity to be  
769 heard] has been provided to such person, in a case involving the use,  
770 attempted use or threatened use of physical force against another  
771 person, or (B) a foreign order of protection, as defined in section 46b-  
772 15a, that has been issued against such person in a case involving the  
773 use, attempted use or threatened use of physical force against another  
774 person, (6) knows that such person is subject to a firearms seizure  
775 order issued pursuant to subsection (d) of section 29-38c after notice  
776 and an opportunity to be heard has been provided to such person, (7)  
777 is prohibited from shipping, transporting, possessing or receiving a  
778 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or  
779 unlawfully in the United States. For the purposes of this section,  
780 "convicted" means having a judgment of conviction entered by a court  
781 of competent jurisdiction.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 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 Legislative Commissioners:***

In Section 5, "relief from abuse under section 46b-15" was changed to "relief under section 46b-15" for consistency with the provisions of section 46b-15 of the general statutes.

***JUD***      *Joint Favorable Subst. -LCO*