



# House of Representatives

General Assembly

**File No. 241**

February Session, 2016

Substitute House Bill No. 5409

*House of Representatives, March 29, 2016*

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING APPLICATION REQUIREMENTS FOR A TEMPORARY STATE PERMIT TO CARRY A PISTOL OR A REVOLVER.**

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

1 Section 1. Section 29-28a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Requests for temporary state permits under section 29-28 shall be  
4 submitted to the chief of police, or, where there is no chief of police, to  
5 the warden of the borough or the first selectman of the town, as the  
6 case may be, on application forms prescribed by the Commissioner of  
7 Emergency Services and Public Protection. Upon written request by  
8 any person for a temporary state permit not on a prescribed  
9 application form, or upon request by any person for such application  
10 form, the local authority shall supply such forms. When any such  
11 request is made in person at the office of the local authority, the local  
12 authority shall supply such application form immediately. When any

13 such request is made in any other manner, the local authority shall  
14 supply such application form not later than one week after receiving  
15 such request. If such application form is not supplied within the time  
16 limits required by this section, the request [therefor] for such  
17 application form shall constitute a sufficient application. If any local  
18 authority fails to supply an application form upon the request of any  
19 person, such person may request an application form from the  
20 Commissioner of Emergency Services and Public Protection or any  
21 barracks of the Division of State Police, and the time limits and  
22 procedures set forth in this section for handling requests for such  
23 forms shall be applicable.

24 (b) The local authority shall [, not later than eight weeks after a  
25 sufficient application for a temporary state permit has been made,]  
26 inform [the] any applicant for a temporary state permit that such  
27 applicant's request for a temporary state permit has been approved or  
28 denied not later than eight weeks after such applicant provides: (1) A  
29 completed and notarized application on the forms described in  
30 subsection (a) of this section, which forms may not be modified or  
31 supplemented by the local authority with additional forms or with  
32 additional requests for information from the applicant not otherwise  
33 required by law; (2) proof of eligibility consisting of: (A) For citizens of  
34 the United States, a birth certificate, a naturalization certificate or a  
35 valid United States passport, or (B) for aliens, a permanent resident  
36 card, a valid visa issued by the United States Department of State or an  
37 employment authorization card issued by the United States  
38 Citizenship and Immigration Services; (3) a certificate of successful  
39 completion of a safety or training course in the use of pistols and  
40 revolvers signed by an instructor certified by the state or the National  
41 Rifle Association; and (4) two sets of fingerprints to be processed as  
42 provided in section 29-29. The local authority shall forward a copy of  
43 the application indicating approval or denial of the temporary state  
44 permit to the Commissioner of Emergency Services and Public  
45 Protection. If the local authority has denied the application for a  
46 temporary state permit, no state permit may be issued. The  
47 commissioner shall, not later than eight weeks after receiving an

48 application indicating approval from the local authority, inform the  
49 applicant in writing that the applicant's application for a state permit  
50 has been approved or denied, or that the results of the national  
51 criminal history records check have not been received. If grounds for  
52 denial become known after a temporary state permit has been  
53 obtained, the temporary state permit shall be immediately revoked  
54 pursuant to section 29-32.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	29-28a

**PS**      *Joint Favorable Subst.*

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

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which creates uniform criteria for issuing a temporary permit to carry a pistol and prevents towns from adding additional requirements, does not result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sHB 5409*****AN ACT CONCERNING APPLICATION REQUIREMENTS FOR A TEMPORARY STATE PERMIT TO CARRY A PISTOL OR A REVOLVER.*****SUMMARY:**

This bill limits the application forms for a temporary state gun permit to forms prescribed by the Department of Emergency Services and Public Protection (DESPP) under law, and it prescribes the documentation that, when submitted, triggers the eight-week period a permit-issuing official normally has to process the permit. Under current law, the deadline is triggered after a “sufficient application,” which current law does not define.

The bill prohibits an official issuing a temporary state gun permit from modifying the gun permit application form, prescribed by the DESPP commissioner, or supplementing it with other forms or requests for additional information from the applicant not otherwise required by law.

The bill requires applicants to submit the following, in addition to the completed and notarized application forms:

1. two sets of fingerprints to be processed in accordance with the state law governing the collection of fingerprints for gun permit applications;
2. a certificate of successful completion of a safety or training course in handgun use signed by an instructor certified by the state or the National Rifle Association; and
3. for U.S. citizens, a birth certificate, naturalization certificate, or valid U.S. passport; and, for aliens, a permanent resident card, a

valid visa, or an employment authorization form.

Current law does not specify what applicants must submit.

Under a separate law, unchanged by the bill, local permit-issuing officials must still find an applicant suitable to carry handguns before they can issue a permit (CGS § 29-29) (see BACKGROUND).

EFFECTIVE DATE: October 1, 2016

## **BACKGROUND**

### ***Gun Permit and Suitability Criteria***

With minor exceptions, state law bars anyone from carrying handguns (except antique handguns) in Connecticut without a permit. In a two-step process, state residents must first get a temporary state permit from the local permit-issuing official (in most cases, the police chief) as a condition of getting a five-year DESPP permit. The official must investigate the applicant and find that he or she is a suitable person to carry firearms and wants to carry them for lawful purposes (CGS §§ 29-28 to 29).

The law does not define suitability, which is left to the official's discretion, and it does not expressly limit what officials may consider when determining suitability. But many court opinions dealing with suitability for gun permits cite the definition of suitability from an 1894 Connecticut Supreme Court decision that involved liquor licenses.

The word "suitable," as descriptive of an applicant for license under the statute, is insusceptible of any legal definition that wholly excludes the personal views of the tribunal authorized to determine the suitability of the applicant. A person is suitable who, by reason of his character – his reputation in the community, his previous conduct as a licensee – is shown to be suited or adapted to the orderly conduct of [an activity] which the law regards as so dangerous to public welfare that its transaction by any other than a carefully selected person,

duly licensed, is made a criminal offense. It is patent that the adaptability of any person to such [an activity] depends upon facts and circumstances that may be indicated, but cannot be fully defined by law, whose probative force will differ in different cases, and must in each case depend largely upon the sound judgment of the selecting tribunal (*Smith's Appeal from County Commissioners*, 65 Conn. 135, 138 (1894)).

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25      Nay 0      (03/10/2016)