



General Assembly

**Amendment**

February Session, 2016

LCO No. 5437



Offered by:  
SEN. MARKLEY, 16<sup>th</sup> Dist.

To: Subst. House Bill No. 5054      File No. 750      Cal. No. 531

(As Amended by House Amendment Schedule "A")

**"AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE."**

1      Strike subsection (b) of section 3 in its entirety and insert the  
2      following in lieu thereof:

3      "(b) The application form shall allow the applicant, at the applicant's  
4      option, to indicate whether the respondent holds a permit to carry a  
5      pistol or revolver, an eligibility certificate for a pistol or revolver, a  
6      long gun eligibility certificate or an ammunition certificate or possesses  
7      one or more firearms or ammunition. The application shall be  
8      accompanied by an affidavit made under oath which includes a brief  
9      statement of the conditions from which relief is sought. Upon receipt  
10     of the application the court shall order that a hearing on the  
11     application be held not later than fourteen days from the date of the  
12     order except that, (1) if the application indicates that the respondent  
13     holds a permit to carry a pistol or revolver, an eligibility certificate for  
14     a pistol or revolver, a long gun eligibility certificate or an ammunition

15 certificate or possesses one or more firearms or ammunition, and the  
16 court orders an ex parte order, the court shall order that a hearing be  
17 held on the application not later than seven days from the date on  
18 which the ex parte order is issued, and (2) whenever the court enters  
19 an ex parte order, the respondent may request that such hearing be  
20 held, on an expedited basis, but not later than one business day after  
21 service has been made on the respondent in conformance with  
22 subsection (h) of this section. Any respondent who requests an  
23 expedited hearing shall not be responsible for transferring any pistol,  
24 revolver, or other firearm or ammunition pursuant to section 29-36k, as  
25 amended by this act, until an expedited hearing is held by the court  
26 and the respondent is ordered by the court to transfer such firearms  
27 and ammunition pursuant to section 29-36k, as amended by this act.  
28 The court, in its discretion, may make such orders as it deems  
29 appropriate for the protection of the applicant and such dependent  
30 children or other persons as the court sees fit. In making such orders,  
31 the court, in its discretion, may consider relevant court records if the  
32 records are available to the public from a clerk of the Superior Court or  
33 on the Judicial Branch's Internet web site. Such orders may include  
34 temporary child custody or visitation rights, and such relief may  
35 include, but is not limited to, an order enjoining the respondent from  
36 [(1)] (A) imposing any restraint upon the person or liberty of the  
37 applicant; [(2)] (B) threatening, harassing, assaulting, molesting,  
38 sexually assaulting or attacking the applicant; or [(3)] (C) entering the  
39 family dwelling or the dwelling of the applicant. Such order may  
40 include provisions necessary to protect any animal owned or kept by  
41 the applicant including, but not limited to, an order enjoining the  
42 respondent from injuring or threatening to injure such animal. If an  
43 applicant alleges an immediate and present physical danger to the  
44 applicant, the court may issue an ex parte order granting such relief as  
45 it deems appropriate. If a postponement of a hearing on the  
46 application is requested by either party and granted, the ex parte order  
47 shall not be continued except upon agreement of the parties or by  
48 order of the court for good cause shown. If a hearing on the application  
49 is scheduled or an ex parte order is granted and the court is closed on

50 the scheduled hearing date, the hearing shall be held on the next day  
51 the court is open and any such ex parte order shall remain in effect  
52 until the date of such hearing."

53 Strike sections 11 to 14, inclusive, in their entirety, and insert the  
54 following in lieu thereof:

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

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

59 (b) Any state permit or temporary state permit for the carrying of  
60 any pistol or revolver may be [revoked] suspended by the  
61 Commissioner of Emergency Services and Public Protection for cause  
62 and shall be [revoked] suspended by said commissioner upon  
63 conviction of the holder of such permit of a felony or of any  
64 misdemeanor specified in subsection (b) of section 29-28, as amended  
65 by this act, or upon the occurrence of any event which would have  
66 disqualified the holder from being issued the state permit or  
67 temporary state permit pursuant to subsection (b) of section 29-28, as  
68 amended by this act. Upon the [revocation] suspension of any state  
69 permit or temporary state permit, the person whose state permit or  
70 temporary state permit is [revoked] suspended shall be notified in  
71 writing and such state permit or temporary state permit shall be  
72 forthwith delivered to the commissioner. Any law enforcement  
73 authority shall confiscate and immediately forward to the  
74 commissioner any state permit or temporary state permit that is  
75 illegally possessed by any person. The commissioner may [revoke]  
76 suspend the state permit or temporary state permit based upon the  
77 commissioner's own investigation or upon the request of any law  
78 enforcement agency. Any person who fails to surrender any permit  
79 within five days of notification in writing of [revocation] suspension  
80 thereof shall be guilty of a class A misdemeanor.

81 (c) Any local permit for the carrying of a pistol or revolver issued

82 prior to October 1, 2001, may be [revoked] suspended by the authority  
83 issuing the same for cause, and shall be [revoked] suspended by the  
84 authority issuing the same upon conviction of the holder of such  
85 permit of a felony or of any misdemeanor specified in subsection (b) of  
86 section 29-28, as amended by this act, or upon the occurrence of any  
87 event which would have disqualified the holder from being issued  
88 such local permit. Upon the [revocation] suspension of any local  
89 permit, the person whose local permit is [revoked] suspended shall be  
90 notified in writing and such permit shall be forthwith delivered to the  
91 authority issuing the same. Upon the [revocation] suspension of any  
92 local permit, the authority issuing the same shall forthwith notify the  
93 commissioner. Upon the [revocation] suspension of any permit issued  
94 by the commissioner, the commissioner shall forthwith notify any local  
95 authority which the records of the commissioner show as having  
96 issued a currently valid local permit to the holder of the permit  
97 [revoked] suspended by the commissioner. Any person who fails to  
98 surrender such permit within five days of notification in writing or  
99 [revocation] suspension thereof shall be guilty of a class A  
100 misdemeanor.

101 (d) If a state permit or temporary state permit for the carrying of any  
102 pistol or revolver is suspended because the person holding such  
103 permit is subject to an ex parte order issued pursuant to section 46b-15,  
104 as amended by this act, or 46b-16a, as amended by this act, upon  
105 expiration of such order, such person may notify the Department of  
106 Emergency Services and Public Protection that such order has expired.  
107 Upon verification of such expiration and provided such person is not  
108 otherwise disqualified from holding such permit pursuant to  
109 subsection (b) of section 29-28, as amended by this act, the department  
110 shall reinstate such permit.

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

113 (a) Any eligibility certificate for a pistol or revolver shall be  
114 [revoked] suspended by the Commissioner of Emergency Services and

115 Public Protection upon the occurrence of any event which would have  
116 disqualified the holder from being issued the certificate pursuant to  
117 section 29-36f, as amended by this act.

118 (b) Upon the [revocation] suspension of any eligibility certificate,  
119 the person whose eligibility certificate is [revoked] suspended shall be  
120 notified in writing and such certificate shall be forthwith delivered to  
121 the Commissioner of Emergency Services and Public Protection. Any  
122 person who fails to surrender such certificate within five days of  
123 notification in writing of [revocation] suspension thereof shall be  
124 guilty of a class A misdemeanor.

125 (c) If an eligibility certificate for a pistol or revolver is suspended  
126 because the person holding such certificate is subject to an ex parte  
127 order issued pursuant to section 46b-15, as amended by this act, or  
128 46b-16a, as amended by this act, upon expiration of such order, such  
129 person may notify the Department of Emergency Services and Public  
130 Protection that such order has expired. Upon verification of such  
131 expiration and provided such person is not otherwise disqualified  
132 from holding such certificate pursuant to section 29-36f, as amended  
133 by this act, the department shall reinstate such certificate.

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

136 (a) A long gun eligibility certificate shall be [revoked] suspended by  
137 the Commissioner of Emergency Services and Public Protection upon  
138 the occurrence of any event which would have disqualified the holder  
139 from being issued the certificate pursuant to section 29-37p, as  
140 amended by this act.

141 (b) Upon the [revocation] suspension of any long gun eligibility  
142 certificate, the person whose certificate is [revoked] suspended shall be  
143 notified, in writing, and such certificate shall be forthwith delivered to  
144 the Commissioner of Emergency Services and Public Protection. Any  
145 person who fails to surrender such certificate within five days of  
146 notification, in writing, of [revocation] suspension thereof shall be

147 guilty of a class A misdemeanor.

148 (c) If a long gun eligibility certificate is suspended because the  
149 person holding such certificate is subject to an ex parte order issued  
150 pursuant to section 46b-15, as amended by this act, or 46b-16a, as  
151 amended by this act, upon expiration of such order, such person may  
152 notify the Department of Emergency Services and Public Protection  
153 that such order has expired. Upon verification of such expiration and  
154 provided such person is not otherwise disqualified from holding such  
155 certificate pursuant to section 29-37p, as amended by this act, the  
156 department shall reinstate such certificate.

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

159 (a) An ammunition certificate shall be [revoked] suspended by the  
160 Commissioner of Emergency Services and Public Protection upon the  
161 occurrence of any event which would have disqualified the holder  
162 from being issued the certificate pursuant to section 29-38n.

163 (b) Upon the [revocation] suspension of any ammunition certificate,  
164 the person whose certificate is [revoked] suspended shall be notified,  
165 in writing, and such certificate shall be forthwith delivered to the  
166 Commissioner of Emergency Services and Public Protection. Any  
167 person who fails to surrender such certificate within five days of  
168 notification, in writing, of [revocation] suspension thereof shall be  
169 guilty of a class A misdemeanor.

170 (c) If an ammunition certificate is suspended because the person  
171 holding such certificate is subject to an ex parte order issued pursuant  
172 to section 46b-15, as amended by this act, or 46b-16a, as amended by  
173 this act, upon expiration of such order, such person may notify the  
174 Department of Emergency Services and Public Protection that such  
175 order has expired. Upon verification of such expiration and provided  
176 such person is not otherwise disqualified from holding such certificate  
177 pursuant to section 29-38n the department shall reinstate such  
178 certificate."