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## OLR Bill Analysis

sHB 7223 (as amended by House "A"\*, "C"\*, and "D"\*\*)

### ***AN ACT CONCERNING THE STORAGE OF A PISTOL OR REVOLVER IN A MOTOR VEHICLE.***

#### **SUMMARY**

This bill prohibits storing or keeping a pistol or revolver (i.e., a handgun) in an unattended motor vehicle if the firearm is not in the trunk, a locked safe, or a locked glove box. A first offense is a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both. Any subsequent offense is a class D felony, punishable by up to five years in prison, up to a \$5,000 fine, or both. For the bill's purposes, a motor vehicle is unattended if no one who is at least age 21 and who is the owner, operator, or a passenger of the vehicle is inside the vehicle or in close enough proximity to prevent unauthorized access to the vehicle.

The bill specifies numerous law enforcement personnel and other entities to whom the bill's provisions do not apply. It also allows the court to suspend the criminal proceedings for violating the bill's storage requirements under certain circumstances. During the suspension, the violator must comply with certain court-ordered conditions while in Court Support Services Division (CSSD) custody (i.e., on probation). The bill allows the court to dismiss the charges if he or she complies with the court order and successfully completes probation.

\*House Amendment "A" allows a firearm to be stored in a trunk in addition to a safe and adds the (1) exemptions from the bill's storage requirements for various entities and individuals and (2) provisions related to suspension of criminal proceedings.

\*\*House Amendment "C" broadens the definition of "trunk" in House Amendment "A" to include a locked toolbox or utility box

attached to a pickup truck bed.

\*\*\*House Amendment "D" allows for firearms to be stored in a locked glove box and decreases the penalty from a felony to a misdemeanor for the first offense.

EFFECTIVE DATE: October 1, 2019

## **TRUNK**

For the bill's purposes, a "trunk" is:

1. the fully enclosed and locked main storage or luggage compartment of a motor vehicle that is not accessible from the passenger compartment or
2. a locked toolbox or utility kit attached to a pickup truck bed.

It does not include:

1. the rear of a pickup truck, except as provided above;
2. the rear of a hatchback, station-wagon-type automobile, or sport utility vehicle; or
3. any compartment that has a window.

## **EXEMPTIONS**

The bill's storage requirements do not apply to a pistol or revolver issued to or possessed by the following entities:

1. The Department of Emergency Services or Public Protection (DESPP), police departments, or the Division of Criminal Justice (DCJ);
2. the Departments of Correction (DOC), Motor Vehicles (DMV), Revenue Services, and Energy and Environmental Protection (DEEP); and
3. state or U.S. military or naval forces.

The bill's storage requirements also do not apply to a pistol or revolver issued to or possessed by the following individuals for use in discharging their official duties or when off-duty:

1. a sworn member of a law enforcement unit, including DOC or DESPP's Division of State police;
2. a DCJ inspector or chief inspector;
3. a salaried motor vehicle inspector designated by the DMV commissioner;
4. a conservation or special conservation officer appointed by the DEEP commissioner; and
5. a Police Officer Standards and Training Council-certified constable appointed by a municipality's chief executive authority to perform criminal law enforcement duties.

The bill's storage requirements additionally do not apply to a pistol or revolver issued to or possessed by:

1. a member of the state or U.S. military or naval forces or
2. a nuclear facility licensed by the U.S. Nuclear Regulatory Commission to provide security services at the facility, or any contractor or subcontractor to provide security services at such facility.

For any of the above exemptions, the pistol or revolver must be kept or stored in accordance with the policy of the issuing or possessing agency, department, municipality, organization, force or entity, or person concerning safe keeping or storage of a pistol or revolver in a motor vehicle.

### **SUSPENDED CRIMINAL PROCEEDINGS**

Under the bill, the court may suspend the prosecution of a person who violates the bill's storage requirements if it finds that:

1. the violation is not serious in nature,
2. the alleged violator will probably not offend in the future, and
3. he or she has not previously (a) been convicted of such a violation or (b) had a prosecution suspended for such a violation.

The court may additionally suspend the prosecution if it finds that the person was charged with the violation because of facts or circumstances he or she accurately reported to an organized local police department concerning a lost or stolen firearm in accordance with existing law's requirements (see BACKGROUND).

The court may only suspend the prosecution if the person acknowledges that he or she understands the consequences of the suspension.

A person whose prosecution is suspended must agree to (1) let the statute of limitations for the violation toll (pause) and (2) waive his or her right to a speedy trial. The person must appear in court, where he or she must then be released under court-ordered conditions to CSSD custody (i.e., placed on probation) for up to two years. If the person refuses to accept the court-ordered conditions, or accepts and then violates them, the court must terminate the suspension and the case must go to trial.

If the person satisfactorily completes the probation period, he or she may apply to have the charges dismissed and the court, on finding the completion satisfactory, must dismiss the charges. If the person does not apply for dismissal after successfully completing probation, the court, after receiving a report from CSSD to that effect, may make a finding of satisfactory completion on its own motion and dismiss the charges. Upon dismissal, the records must be erased. The individual may appeal an order (1) denying the motion to dismiss the charges against him or her after he or she has completed probation or (2) terminating his or her participation in the program.

## **BACKGROUND**

### ***Handguns in Vehicles***

By law, a person generally must have a permit to carry a handgun in Connecticut, including in a motor vehicle. A person may transport a handgun in a vehicle without a permit if it is unloaded, not readily or directly accessible from the passenger compartment or, if the vehicle does not have a compartment separate from the passenger compartment, it is in a locked container other than the glove compartment or console, and the person is:

1. carrying the handgun home from the place of sale in its original packaging;
2. moving his or her household goods from one place to another;
3. transporting the handgun to or from a repair;
4. transporting the handgun in or through the state for competitions, formal training, repair, or any meeting or exhibition of an organized collectors' group if the person is a U.S. resident and has a handgun permit from where he or she resides;
5. transporting the handgun to and from a testing range at the request of the issuing authority; or
6. transporting an antique handgun (CGS § 29-35).

A violation of this law is a class D felony with a mandatory minimum one-year sentence in the absence of mitigating circumstances. Any handgun found in the violator's possession must be forfeited (CGS § 29-37). Additionally, it is generally a class D felony for an individual to knowingly have in his or her motor vehicle a handgun without the proper permit (CGS § 29-38).

### ***Interstate Transportation of Firearms***

The law allows the interstate transportation of firearms without a permit through Connecticut in accordance with federal law and for lawful purposes if the individual (1) is not otherwise prohibited from shipping, transporting, receiving, or possessing firearms and (2) is

transporting them between states where they can legally possess and carry them. The guns must be kept unloaded and the guns and any ammunition cannot be readily or directly accessible from the passenger compartment. If the vehicle does not have separate compartments the guns and any ammunition must be in a locked container other than the glove compartment or console (CGS § 29-38d).

***Reporting a Lost or Stolen Firearm***

The law requires a person who lawfully possesses an assault weapon or firearm that is lost or stolen to report the loss or theft to the organized local police department or state police troop where the loss or theft occurred, within 72 hours after he or she discovers or should have discovered the loss or theft. The department or troop must in turn forward a copy of the report to DESPP (CGS § 53-202g). These requirements do not apply to lost or stolen antique firearms.

Depending on the circumstances, penalties for violating these reporting requirements range from an infraction to a class B felony.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 25    Nay 13    (03/20/2019)