



# House of Representatives

General Assembly

**File No. 429**

January Session, 2019

Substitute House Bill No. 7218

*House of Representatives, April 4, 2019*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE SAFE STORAGE OF FIREARMS IN THE HOME AND FIREARM SAFETY PROGRAMS IN PUBLIC SCHOOLS.***

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

1 Section 1. Section 29-37i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 No person shall store or keep any [loaded] firearm, as defined in  
4 section 53a-3, on any premises under such person's control if such  
5 person knows or reasonably should know that (1) a minor is likely to  
6 gain access to the firearm without the permission of the parent or  
7 guardian of the minor, (2) a resident of the premises is ineligible to  
8 possess a firearm under state or federal law, or (3) a resident of the  
9 premises poses a risk of imminent personal injury to himself or herself  
10 or to other individuals, unless such person (A) keeps the firearm in a  
11 securely locked box or other container or in a [location] manner which  
12 a reasonable person would believe to be secure, or (B) carries the  
13 firearm on his or her person or within such close proximity thereto that  
14 such person can readily retrieve and use the firearm as if such person  
15 carried the firearm on his or her person. For the purposes of this  
16 section, "minor" means any person under the age of [sixteen] eighteen  
17 years.

18 Sec. 2. Section 52-571g of the general statutes is repealed and the  
19 following is substituted in lieu thereof (*Effective October 1, 2019*):

20 Any person whose act or omission constitutes a violation of section  
21 29-37i, as amended by this act, shall be strictly liable for damages when  
22 a minor or, a resident of the premises who is ineligible to possess a  
23 firearm under state or federal law or who poses a risk of imminent  
24 personal injury to himself or herself or to other individuals, obtains a  
25 firearm, as defined in section 53a-3, and causes the injury or death of  
26 such minor, resident or any other person. For the purposes of this  
27 section, "minor" means any person under the age of [sixteen] eighteen  
28 years.

29 Sec. 3. Section 53a-217a of the general statutes is repealed and the  
30 following is substituted in lieu thereof (*Effective October 1, 2019*):

31 (a) A person is guilty of criminally negligent storage of a firearm  
32 when such person violates the provisions of section 29-37i, as amended  
33 by this act, and a minor or, a resident of the premises who is ineligible  
34 to possess a firearm under state or federal law or who poses a risk of  
35 imminent personal injury to himself or herself or to other individuals,  
36 obtains the firearm and causes the injury or death of such minor,  
37 resident or any other person. For the purposes of this section, "minor"  
38 means any person under the age of [sixteen] eighteen years.

39 (b) The provisions of this section shall not apply if the minor obtains  
40 the firearm as a result of an unlawful entry to any premises by any  
41 person.

42 (c) Criminally negligent storage of a firearm is a class D felony.

43 Sec. 4. Section 10-18b of the general statutes is repealed and the  
44 following is substituted in lieu thereof (*Effective July 1, 2019*):

45 The State Board of Education, within available appropriations, [and  
46 the Connecticut Police Chiefs Association may] shall develop  
47 [curriculum] guides to aid local and regional boards of education in  
48 developing firearm safety programs for students in grades

49 kindergarten to [eight] twelve, inclusive, in the public schools. The  
 50 State Board of Education may consult with the Connecticut Police  
 51 Chiefs Association when developing such guides. The State Board of  
 52 Education shall make such [curriculum] guides available to local and  
 53 regional boards of education.

54 Sec. 5. Section 10-18c of the general statutes is repealed and the  
 55 following is substituted in lieu thereof (*Effective July 1, 2019*):

56 (a) Any local or regional board of education may offer firearm safety  
 57 programs to students in grades kindergarten to [eight] twelve,  
 58 inclusive, in the public schools under its jurisdiction.

59 (b) No student shall be required by any local or regional board of  
 60 education to participate in a firearm safety program which may be  
 61 offered within the public schools. A written notification to the local or  
 62 regional board by the student's parent or legal guardian shall be  
 63 sufficient to exempt the student from such program in its entirety or  
 64 from any portion thereof so specified by the parent or legal guardian.

65 (c) If a student is exempted from a firearm safety program pursuant  
 66 to subsection (b) of this section, the local or regional board of  
 67 education shall provide, during the period of time in which the  
 68 student would otherwise be participating in such program, an  
 69 opportunity for other study or academic work.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	29-37i
Sec. 2	<i>October 1, 2019</i>	52-571g
Sec. 3	<i>October 1, 2019</i>	53a-217a
Sec. 4	<i>July 1, 2019</i>	10-18b
Sec. 5	<i>July 1, 2019</i>	10-18c

**JUD**      *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:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill, which expands firearm safe storage laws to include all firearms (current law requires only loaded firearms) and premises where a minor under 18, instead of 16, might be able to gain access, results in a potential cost for incarceration or probation and potential revenue gain from fines. There is currently one person incarcerated for this crime and two people on probation. In FY 18 no fines were collected.

On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

The bill, which requires the State Board of Education (SBE) to

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

develop guidelines for firearm safety programs for public students in kindergarten through grade twelve, does not result in a fiscal impact as SBE has the staff and expertise necessary to do so.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

**OLR Bill Analysis****sHB 7218*****AN ACT CONCERNING THE SAFE STORAGE OF FIREARMS IN THE HOME AND FIREARM SAFETY PROGRAMS IN PUBLIC SCHOOLS.*****SUMMARY**

This bill expands the firearm safe storage laws. Under current law, the legal duty to securely store a firearm applies when the weapon is loaded and the person in control of the premises knows or reasonably should know that a minor under age 16 is likely to gain access to it without his or her parent's or guardian's permission. The bill applies the storage requirement to unloaded firearms and increases the age of a minor for these purposes to under age 18. As under existing law:

1. the safe storage requirements also apply if a resident of the home is either ineligible to possess a firearm under state or federal law or poses a risk of personal harm or harm to others and
2. a person who fails to securely store a firearm is strictly liable for damages, regardless of intent.

By law, criminally negligent storage of a firearm is a class D felony, punishable by up to a \$5,000 fine, up to five years in prison, or both.

The bill specifies that the safe storage law applies to sawed-off shotguns, machine guns, rifles, shotguns, pistols, revolvers, or other weapons, whether loaded or unloaded from which a shot may be discharged.

The bill also makes changes to the laws related to firearm safety programs for school children, including by expanding the age range for which schools may offer such programs to kindergarten through grade twelve instead of kindergarten through grade eight as under

current law.

EFFECTIVE DATE: October 1, 2019, except the provisions on the firearm safety programs are effective July 1, 2019.

### ***Safe Storage of a Firearm***

Under the bill, a person complies with the safe storage requirements if he or she keeps the firearm in a securely locked box or other container or in a manner that a reasonable person would believe to be secure. Currently, a person can comply with the requirements by keeping the firearm in such a box or container in a location that a reasonable person would believe to be secure.

As under existing law, a person may also comply with the safe storage requirements by carrying the firearm on his or her person or within such close proximity that he or she can readily retrieve and use the firearm as if he or she carried it on his or her person.

Under the law, unchanged by the bill, a person is not guilty of criminally negligent storage of a gun if the minor obtains the firearm as a result of an unlawful entry to any premises by anyone.

### **SCHOOL FIREARM SAFETY PROGRAMS**

The bill:

1. requires the State Board of Education (SBE), within available appropriations, to develop guides to aid local and regional boards of education to develop firearm safety programs for public students in kindergarten through grade twelve and
2. allows SBE to consult with the Connecticut Police Chiefs Association when developing the guides.

Current law allows the SBE and the Connecticut Police Chiefs Association to develop curriculum guides for this purpose for public students in grades kindergarten through eight. By law, SBE must make such guides available to local and regional boards of education.

The bill also allows local or regional boards of education to offer firearm safety programs to K-12 public school students. Current law allows the boards to offer such programs to public school students in kindergarten to grade eight. The law prohibits local or regional boards of education from requiring students to participate in a firearm safety program.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 4 (03/20/2019)