



House of Representatives

File No. 871

General Assembly

January Session, 2019

(Reprint of File No. 486)

Substitute House Bill No. 7223
As Amended by House Amendment
Schedules "A", "C" and "D"

Approved by the Legislative Commissioner
May 10, 2019

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

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) (1) No person shall
2 store or keep any pistol or revolver in any motor vehicle that is
3 unattended unless such pistol or revolver is in the trunk, a locked safe
4 or locked glove box.

5 (2) For purposes of this subsection, (A) a motor vehicle is
6 unattended if no person who is at least twenty-one years of age and
7 who is the owner or operator or a passenger of such motor vehicle is
8 inside the motor vehicle or is within close enough proximity to the
9 motor vehicle to prevent unauthorized access to the motor vehicle, (B)
10 "pistol" and "revolver" mean pistol and revolver, each as defined in
11 section 29-27 of the general statutes, (C) "motor vehicle" means a motor
12 vehicle, as defined in section 14-1 of the general statutes, and (D)
13 "trunk" means (i) the fully enclosed and locked main storage or
14 luggage compartment of a motor vehicle that is not accessible from the

15 passenger compartment, or (ii) a locked toolbox or utility box attached
16 to the bed of a pickup truck, as defined in section 14-1 of the general
17 statutes. "Trunk" does not include the rear of a pickup truck, except as
18 otherwise provided, or of a hatchback, station-wagon-type automobile
19 or sport utility vehicle or any compartment that has a window.

20 (b) The provisions of subsection (a) of this section shall not apply to
21 any pistol or revolver issued or possessed by: (1) The Department of
22 Emergency Services and Public Protection, police departments, the
23 Department of Correction, the Division of Criminal Justice, the
24 Department of Motor Vehicles, the Department of Energy and
25 Environmental Protection, the Department of Revenue Services or the
26 military or naval forces of this state or of the United States, (2) a sworn
27 member of a law enforcement unit, as defined in section 7-294a of the
28 general statutes, including, but not limited to, the Department of
29 Correction or the Division of State Police within the Department of
30 Emergency Services and Public Protection, a chief inspector or
31 inspector in the Division of Criminal Justice, a salaried inspector of
32 motor vehicles designated by the Commissioner of Motor Vehicles, a
33 conservation officer or special conservation officer appointed by the
34 Commissioner of Energy and Environmental Protection pursuant to
35 section 26-5 of the general statutes or a constable who is certified by
36 the Police Officer Standards and Training Council and appointed by
37 the chief executive authority of a town, city or borough to perform
38 criminal law enforcement duties, for use by such sworn member,
39 inspector, officer or constable in the discharge of such sworn
40 member's, inspector's, officer's or constable's official duties or when off
41 duty, (3) a member of the military or naval forces of this state or of the
42 United States, or (4) a nuclear facility licensed by the United States
43 Nuclear Regulatory Commission for the purpose of providing security
44 services at such facility, or any contractor or subcontractor of such
45 facility for the purpose of providing security services at such facility,
46 provided such pistol or revolver issued or possessed by any such
47 agency, department, municipality, organization, force or entity or
48 person described in subdivisions (1) to (4), inclusive, of this subsection,

49 is being kept or stored in accordance with such issuing or possessing
50 agency, department, municipality, organization, force or entity or
51 person's policy concerning safe keeping or storage of a pistol or
52 revolver in a motor vehicle.

53 (c) The court may order suspension of prosecution if the court finds
54 that a violation of this section is not of a serious nature and that the
55 person charged with such violation (1) (A) will probably not offend in
56 the future, (B) has not previously been convicted of a violation of this
57 section, and (C) has not previously had a prosecution under this
58 section suspended pursuant to this subsection, or (2) was charged with
59 such violation because of facts or circumstances accurately reported by
60 such person to an organized local police department concerning a lost
61 or stolen firearm in accordance with the provisions of section 53-202g
62 of the general statutes. The court shall not order suspension of
63 prosecution unless the accused person has acknowledged that he or
64 she understands the consequences of the suspension of prosecution.
65 Any person for whom prosecution is suspended shall agree to the
66 tolling of any statute of limitations with respect to such violation and
67 to a waiver of his or her right to a speedy trial. Such person shall
68 appear in court and shall be released to the custody of the Court
69 Support Services Division for such period, not exceeding two years,
70 and under such conditions as the court shall order. If the person
71 refuses to accept, or, having accepted, violates such conditions, the
72 court shall terminate the suspension of prosecution and the case shall
73 be brought to trial. If such person satisfactorily completes such
74 person's period of probation, he or she may apply for dismissal of the
75 charges against such person and the court, on finding such satisfactory
76 completion, shall dismiss such charges. If the person does not apply
77 for dismissal of the charges against such person after satisfactorily
78 completing such person's period of probation, the court, upon receipt
79 of a report submitted by the Court Support Services Division that the
80 person satisfactorily completed such person's period of probation, may
81 on its own motion make a finding of such satisfactory completion and
82 dismiss such charges. Upon dismissal, all records of such charges shall

83 be erased pursuant to section 54-142a of the general statutes. An order
84 of the court denying a motion to dismiss the charges against a person
85 who has completed such person's period of probation or terminating
86 the participation of a defendant in such program shall be a final
87 judgment for purposes of appeal.

88 (d) Any person who violates any provision of subsection (a) of this
89 section shall be guilty of a class A misdemeanor for a first offense and
90 a class D felony for any subsequent offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section

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 makes it a class A misdemeanor to have a handgun in an unattended motor vehicle, subsequent violations are a class D felony, and results in a potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800¹ while the average marginal cost for supervision in the community is less than \$700² each year.

House "A" removes the cost in the underlying bill to various state agencies who issue a handgun to an employee and removes the mandated cost to municipalities for the purchase of a locked safe.

¹ 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.

² 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.

In addition, the amendment allows firearms to be stored in a locked trunk as well as a locked safe and allows the court to suspend prosecution for various reasons.

House "C" adds additional definitions and does not result in a fiscal impact.

House "D" changes first violations to a class A misdemeanor and subsequent violations to a class D felony, reducing potential costs for incarceration or probation supervision in the underlying bill.

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 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)