TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. NO. 7218 (RAISED) AN ACT CONCERNING THE SAFE STORAGE OF FIREARMS IN THE HOME.

IN OPPOSITION TO:

H.B. NO. 7223 (RAISED) AN ACT CONCERNING THE STORAGE OF A PISTOL OR REVOLVER IN A MOTOR VEHICLE.

JOINT COMMITTEE ON JUDICIARY
March 11, 2019

The Division of Criminal Justice supports the concept of H.B. No. 7218, An Act Concerning the Safe Storage of Firearms in the Home, but would respectfully recommend the Committee’s JOINT FAVORABLE SUBSTITUTE REPORT to incorporate additional measures to strengthen the laws regarding firearms safety. The Division cannot support H.B. No. 7223, An Act Concerning the Storage of a Pistol or Revolver in a Motor Vehicle, as now worded and would respectfully recommend NO ACTION on this bill.

H.B. No. 7218 in section 1 proposes to amend Section 29-37i of the General Statutes to require the owner of a firearm to take greater protections when storing the weapon at home. Specifically, the bill expands the existing storage requirement to include an unloaded firearm as well as the loaded firearm now covered by the law. The bill also revises the definition of a minor to apply to anyone under age 18, not age 16 as now provided. We note that Section 29-37i is not a criminal statute and that the conduct it addresses only becomes criminal after someone has been injured or killed and Section 53a-217a applies. The Division would respectfully recommend amending section 1 to provide that the unsafe storage of a firearm carry a $500 fine and that the firearm(s) in question are subject to forfeiture. This would provide a meaningful sanction for the unsafe storage of a firearm that did not result in death or injury.

H.B. No. 7218 as now drafted addresses but one of several serious issues concerning firearm safety. In an effort to address the other issues, the Division would respectfully recommend the Committee’s revision of the bill to include the following:
— Amend Section 29-28 of the General Statutes to expand the reasons for which an individual can be denied a permit to carry a pistol or revolver to include anyone who in the ten years prior to applying for the permit was convicted of any crime, adjudicated delinquent or suspended or expelled from school for making a threat to use a deadly weapon to seriously injury a student, teacher or other school employee. This new exclusion for permit eligibility would be added to the existing criteria, which include a felony conviction. The Division would recommend a corresponding change to section 39-36f, which deals with eligibility certificates.

— Amend Section 29-29 of the General Statutes to require that an applicant for a temporary permit to carry a pistol or revolver allow access to his or her school records, in addition to the applicant’s criminal record. A corresponding change is recommended for Section 29-36g of the General Statutes, which deals with requests for eligibility certificates under Section 29-36f.

— Amend Section 29-38c of the General Statutes to make a much-needed change to the statutes governing the return of firearms seized from an individual who is deemed to pose a risk of imminent personnel injury to himself or herself or others. The revision the Division proposes is based on the experience of front-line prosecutors who deal with these cases. We recommend that the committee tighten the existing statute to require that firearms that are seized be held for at least one year and that the gun owner bear the responsibility for showing that he or she should get the firearms back. This is merely a tightening of the law. No one whose firearms would not be subject to seizure under the current law would be affected, but the revision would make what is already seen as a model law by many other states even better.

— Amend Section 53-202k of the General Statutes to expand the laws governing the possession of firearms in drug houses or other locations where criminal activity is clearly going on. The Division proposes to expand the existing mandatory additional term of five years for the possession of a firearm by any person who commits or attempts to commit a class A, B or C felony. This would address a situation we are seeing with increased frequency: The police obtain and serve a search warrant at the home of a drug dealer or gang member, finding many weapons clearly related to the drug trade. However, the individuals are either quite young or have gone through a diversionary program and as such have no criminal record. Thus under current law they cannot be charged with Criminal Possession of the Firearm since the weapons were found in their home, not a vehicle and not by a convicted felon.

— Amend Section 54-56I of the General Statutes to exclude from the pretrial supervised diversionary program for persons with psychiatric disabilities those who are charged with the criminal possession of a pistol or revolver (Section 53a-217c) or committing a crime involving the use or threatened use of a firearm. Many other offenses and situations already deem a person ineligible for a variety of other diversionary programs, and the exclusion of those charged with firearms crimes would be an appropriate exclusion for the psychiatric diversionary program.

In conclusion, with regard to H.B. No. 7218, the Division recommends the Committee’s JOINT FAVORABLE SUBSTITUTE REPORT. The Division would be happy to provide to the Committee proposed substitute language to incorporate these recommendations in a comprehensive firearms safety bill.
With regard to H.B. No. 7223, An Act Concerning the Storage of a Pistol or Revolver in a Motor Vehicle, while the Division may find the intent of the bill laudable, we cannot support it as currently drafted. Among the unanswered questions or concerns that arise are:

-- The bill applies only to a pistol or revolver but not to a rifle. Thus, you could leave a fully automatic AR-15 rifle on the back seat of the car in plain view and if it were stolen, you would be the victim of a crime, not someone who committed a crime. However, if a .22 pistol were stolen from a backpack in the locked truck of a car you would be subject to a felony.

-- The definition used in the bill for a pistol or revolver is that from Section 29-27, which does not require proof that the firearm was actually operable. Nor is “close enough proximity” defined. There is also the question of what “unauthorized access” means and how it would be applied. Isn’t “unauthorized access” to the vehicle already a crime? Also, would this legislation apply to law enforcement officers who may require quick access to firearms in a life-threatening situation?

-- An unintended consequence of this bill could be people locking and unlocking guns in plain view of the public, which might cause undue alarm and calls to police about “a man with a gun.” Further, any time a firearm is moved, handled, holstered or drawn from a holster is an opportunity for the weapon to be fired (i.e., the less handling, the less chance of accidental firing). This might lead to unintended discharges.

For these reasons, the Division respectfully recommends the Committee take NO ACTION on H.B. No. 7223.

We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information the Committee might require or to answer any questions that you might have.