



House of Representatives

File No. 689

General Assembly

January Session, 2021

(Reprint of File No. 573)

Substitute House Bill No. 6355
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 14, 2021

**AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS
AND DISQUALIFIERS FOR FIREARM PERMITS AND ELIGIBILITY
CERTIFICATES.**

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

1 Section 1. Section 29-38c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective June 1, 2022*):

3 (a) Upon complaint on oath by any state's attorney or assistant state's
4 attorney or by any two police officers, to any judge of the Superior
5 Court, that such state's attorney, assistant state's attorney or police
6 officers have probable cause to believe that [(1)] a person poses a risk of
7 imminent personal injury to himself or herself or to [other individuals,
8 (2)] another person, the judge may issue a risk protection order
9 prohibiting such person from acquiring or possessing a firearm or other
10 deadly weapon or ammunition. As part of or following the issuance of
11 such order, if there is probable cause to believe that (1) such person
12 possesses one or more firearms or other deadly weapons, and [(3)] (2)

13 such firearm or firearms or other deadly weapon or deadly weapons are
14 within or upon any place, thing or person, such judge [may] shall issue
15 a warrant commanding a [proper] police officer to enter into or upon
16 such place or thing, search the same or the person and take into such
17 officer's custody any and all firearms and other deadly weapons and
18 ammunition. Such state's attorney, assistant state's attorney or police
19 officers [shall] may not make such complaint unless such state's
20 attorney, assistant state's attorney or police officers have conducted an
21 independent investigation and [have] determined that such probable
22 cause exists. [and that there is no reasonable alternative available to
23 prevent such person from causing imminent personal injury to himself
24 or herself or to others with such firearm] Upon the issuance of any such
25 order and warrant, if applicable, the judge shall order the clerk of the
26 court to give notice to the Commissioner of Emergency Services and
27 Public Protection of the issuance of such order and warrant, if
28 applicable.

29 (b) (1) Any family or household member or medical professional who
30 has a good faith belief that a person poses a risk of imminent personal
31 injury to himself or herself or to another person may make an
32 application for a risk protection order investigation with the clerk of the
33 court for any geographical area. The application and accompanying
34 affidavit shall be made under oath and indicate: (A) The factual basis for
35 the applicant's belief that such person poses a risk of imminent personal
36 injury to himself or herself or to another person; (B) whether such
37 person holds a permit under subsection (b) of section 29-28, as amended
38 by this act, or an eligibility certificate issued under section 29-36f, as
39 amended by this act, 29-37p, as amended by this act, or 29-38n or
40 currently possesses one or more firearms or other deadly weapons or
41 ammunition, if known; and (C) where any such firearm or other deadly
42 weapon or ammunition is located, if known.

43 (2) Upon receipt of an application and affidavit pursuant to this
44 subsection, if the court finds that there is a good faith belief that a person
45 poses a risk of imminent personal injury to himself or herself or to
46 another person, the court shall order a risk protection order

47 investigation to determine if the person who is the subject of the
48 application poses a risk of imminent personal injury to himself or herself
49 or to another person. Upon issuance by the court of an order for
50 investigation, the court shall: (A) Give notice to the Commissioner of
51 Emergency Services and Public Protection of the issuance of the order
52 for a risk protection order investigation; and (B) immediately give notice
53 of the order and transmit the order and the application and affidavit on
54 which the order is based to the law enforcement agency for the town in
55 which the subject of the investigation resides. The court shall
56 immediately enter into the National Instant Criminal Background
57 Check System (NICS) a record indicating that the person who is the
58 subject of the investigation is ineligible to purchase or otherwise receive
59 a firearm.

60 (3) Upon receipt of an investigation order, the law enforcement
61 agency shall immediately investigate whether the subject of the
62 investigation poses a risk of imminent personal injury to himself or
63 herself or to another person. If the law enforcement agency determines
64 that there is probable cause to believe that the subject of the
65 investigation poses a risk of imminent personal injury to himself or
66 herself or to another person, such law enforcement agency shall seek a
67 risk protection order, and when applicable, a warrant pursuant to
68 subsection (a) of this section not later than twenty-four hours after
69 receiving the investigation order, or, if the law enforcement agency
70 needs additional time to complete the investigation, as soon thereafter
71 as is practicable. If the law enforcement agency determines that there is
72 no probable cause to believe that the subject of the investigation poses a
73 risk of imminent personal injury to himself or herself or to another
74 person, the law enforcement agency shall notify the court, the applicant,
75 and the Commissioner of Emergency Services and Public Protection of
76 such determination, in writing, not later than forty-eight hours after
77 receiving the investigation order, if practicable, or, if the law
78 enforcement agency needs additional time to complete the risk warrant
79 investigation, as soon thereafter as is practicable. Upon receiving such
80 notification that there was not a finding of probable cause, the court

81 shall immediately remove or cancel any record entered into the National
82 Instant Criminal Background Check System associated with such
83 investigation for which there was no finding of probable cause.

84 [(b)] (c) A risk protection order and warrant, if applicable, issued
85 under subsection (a) of this section, may issue only on affidavit sworn
86 to by the complainant or complainants before the judge and establishing
87 the grounds for issuing the order and warrant, if applicable, which
88 [affidavit] shall be part of the [seizure] court file. In determining
89 [whether grounds for the application exist or] whether there is probable
90 cause [to believe they exist] for a risk protection order and warrant, if
91 applicable, under subsection (a) of this section, the judge shall consider:
92 (1) Recent threats or acts of violence by such person directed toward
93 other persons; (2) recent threats or acts of violence by such person
94 directed toward himself or herself; and (3) recent acts of cruelty to
95 animals as provided in subsection (b) of section 53-247 by such person.
96 In evaluating whether such recent threats or acts of violence constitute
97 probable cause to believe that such person poses a risk of imminent
98 personal injury to himself or herself or to others, the judge may consider
99 other factors including, but not limited to (A) the reckless use, display
100 or brandishing of a firearm or other deadly weapon by such person, (B)
101 a history of the use, attempted use or threatened use of physical force
102 by such person against other persons, (C) prior involuntary confinement
103 of such person in a hospital for persons with psychiatric disabilities, and
104 (D) the illegal use of controlled substances or abuse of alcohol by such
105 person. [If] In the case of a complaint made under subsection (a) of this
106 section, if the judge is satisfied that the grounds for the [application]
107 complaint exist or that there is probable cause to believe that [they] such
108 grounds exist, such judge shall issue a risk protection order and
109 warrant, if applicable, naming or describing the person, and, in the case
110 of the issuance of a warrant, the place or thing to be searched. If the
111 requisite circumstances are met, the judge shall issue a risk protection
112 order regardless of whether the person is already ineligible to possess a
113 firearm. The order and warrant, if applicable, shall be directed to any
114 police officer of a regularly organized police department or any state

115 police officer. [It] The order and warrant, if applicable, shall state the
116 grounds or probable cause for [its] issuance and, [it] in the case of a
117 warrant, the warrant shall command the officer to search within a
118 reasonable time the person, place or thing named for any and all
119 firearms and other deadly weapons and ammunition. A copy of the
120 order and warrant, if applicable, shall be given within a reasonable time
121 to the person named [therein] in the order together with a notice
122 informing the person that such person has the right to a hearing under
123 this section, the telephone number for the court clerk who can inform
124 the person of the date and time of such hearing and the right to be
125 represented by counsel at such hearing.

126 [(c) The applicant for] (d) (1) In the case of a warrant, the municipal
127 or state police agency that executed the warrant shall file a copy of the
128 application for the warrant and all affidavits upon which the warrant is
129 based with the clerk of the court for the geographical area within which
130 the search [will be] was conducted and with the state's attorney's office
131 for such judicial district no later than the next business day following
132 the execution of the warrant. Prior to the execution and return of the
133 warrant, the clerk of the court shall not disclose any information
134 pertaining to the application for the warrant or any affidavits upon
135 which the warrant is based. The warrant shall be executed and returned
136 with reasonable promptness consistent with due process of law and
137 shall be accompanied by a written inventory of all firearms and other
138 deadly weapons and ammunition seized.

139 (2) In the case of a risk protection order, not later than the next
140 business day following the service of the order, the municipal or state
141 police agency that served the order shall file with the court of the
142 geographical area in the location in which the subject of the order
143 resides a copy of the order and transmit to the state's attorney's office
144 for such judicial district a return of service stating the date and time that
145 the order was served. Prior to the service and return of the order, the
146 clerk of court shall not disclose any information pertaining to the
147 application for the order or any affidavits upon which the order is based
148 to any person outside the Judicial Branch, the municipal or state police

149 agency that served the order, or the state's attorney's office for the
150 judicial district within which the order was served. The order shall be
151 served and returned with reasonable promptness consistent with due
152 process of law.

153 [(d)] (e) Not later than fourteen days after the service of a risk
154 protection order or execution of a warrant under this section, the court
155 for the geographical area where the person named in the order or
156 warrant resides shall hold a hearing to determine whether the risk
157 protection order should continue to apply and whether the firearm or
158 firearms or other deadly weapon or deadly weapons and any
159 ammunition seized should be returned to the person named in the
160 warrant or should continue to be held by the state. At such hearing the
161 state shall have the burden of proving all material facts by clear and
162 convincing evidence. If, after such hearing, the court finds by clear and
163 convincing evidence that the person poses a risk of imminent personal
164 injury to himself or herself or to [other individuals] another person, the
165 court may order that the risk protection order continue to apply and that
166 the firearm or firearms or other deadly weapon or deadly weapons and
167 any ammunition seized pursuant to the warrant issued under
168 subsection (a) of this section continue to be held by the state [for a period
169 not to exceed one year, otherwise] until such time that the court shall
170 terminate such order pursuant to subsection (f) of this section and order
171 the firearm or firearms or other deadly weapon or deadly weapons and
172 any ammunition seized to be returned as soon as practicable to the
173 person named in the warrant, provided such person is otherwise legally
174 able to possess such firearm or firearms or other deadly weapon or
175 deadly weapons and ammunition. If the court finds that the state has
176 failed to prove by clear and convincing evidence that the petitioner
177 poses a risk of imminent personal injury to himself or herself or to
178 another person, the court shall terminate such order and warrant, if
179 applicable, and order the firearm or firearms or other deadly weapon or
180 deadly weapons and any ammunition seized to be returned as soon as
181 is practicable to the person named in the warrant, provided such person
182 is otherwise legally able to possess such firearm or firearms or other

183 deadly weapon or deadly weapons and ammunition. If the court finds
184 that the person poses a risk of imminent personal injury to himself or
185 herself or to [other individuals] another person, the court shall give
186 notice to the Department of Mental Health and Addiction Services
187 which may take such action pursuant to chapter 319i as [it] the
188 department deems appropriate.

189 (f) A risk protection order, and warrant, if applicable, shall continue
190 to apply and the firearm or firearms or other deadly weapon or deadly
191 weapons and any ammunition held pursuant to subsection (e) of this
192 section shall continue to be held by the state until such time that the
193 person named in the order and warrant, if applicable, successfully
194 petitions the court to terminate such order and warrant, if applicable.
195 The person named in the order may first petition the court of the
196 geographical area where the proceeding was originally conducted for a
197 hearing to terminate such order, and warrant if applicable, at least one
198 hundred eighty days after the hearing held pursuant to subsection (e) of
199 this section. Upon the filing of such petition, the court shall (1) provide
200 to the petitioner a hearing date that is on the twenty-eighth day
201 following the filing of such petition or the business day nearest to such
202 day if such twenty-eighth day is not a business day, (2) notify the
203 Division of Criminal Justice of the filing of such petition, and (3) direct
204 the law enforcement agency for the town in which the petitioner resides
205 to determine, not later than fourteen days after the filing of such
206 petition, whether there is probable cause to believe that the petitioner
207 poses a risk of imminent personal injury to himself or herself or to
208 another person. No finding of probable cause may be found solely
209 because the petitioner is subject to an existing risk protection order or
210 warrant. If the law enforcement agency finds no probable cause, the
211 agency shall so notify the court which shall cancel the hearing and
212 terminate the order and warrant, if applicable. If the law enforcement
213 agency finds probable cause, the agency shall notify the court of such
214 finding and the hearing shall proceed as scheduled. At such hearing the
215 state shall have the burden of proving all material facts by clear and
216 convincing evidence. If the court, following such hearing, finds by clear

217 and convincing evidence that the petitioner poses a risk of imminent
218 personal injury to himself or herself or to another person, the order and
219 warrant, if applicable, shall remain in effect. If the court finds that the
220 state has failed to prove by clear and convincing evidence that the
221 petitioner poses a risk of imminent personal injury to himself or herself
222 or to another person, the court shall terminate such order and warrant,
223 if applicable. Any person whose petition is denied may file a subsequent
224 petition in accordance with the provisions of this subsection at least one
225 hundred eighty days after the date on which the court denied the
226 previous petition.

227 (g) The court shall immediately upon termination of a risk protection
228 order pursuant to this section remove or cancel any record entered into
229 the National Instant Criminal Background Check System associated
230 with such order.

231 [(e)] (h) Any person whose firearm or firearms and ammunition have
232 been ordered seized pursuant to subsection [(d)] (e) of this section, or
233 such person's legal representative, may transfer such firearm or firearms
234 and ammunition in accordance with the provisions of section 29-33 or
235 other applicable state or federal law, to [any person eligible to possess
236 such firearm or firearms and ammunition] a federally licensed firearm
237 dealer. Upon notification in writing by such person, or such person's
238 legal representative, and the [transferee] dealer, the head of the state
239 agency holding such seized firearm or firearms and ammunition shall
240 within ten days deliver such firearm or firearms and ammunition to the
241 [transferee] dealer.

242 (i) Notwithstanding the provisions of section 29-36k, the
243 Commissioner of Emergency Services and Public Protection holding
244 any firearm or firearms or other deadly weapon or deadly weapons and
245 any ammunition seized pursuant to a warrant issued under this section,
246 or any local police department holding on behalf of said commissioner
247 any such firearm or firearms or other deadly weapon or deadly weapons
248 or ammunition, shall not destroy any such firearm or other deadly
249 weapon or ammunition until at least one year has passed since date of

250 the termination of a warrant under subsection (e) of this section.

251 [(f) For the] (j) For purposes of this section, (1) "ammunition" means
252 a loaded cartridge, consisting of a primed case, propellant or projectile,
253 designed for use in any firearm, (2) "family or household member"
254 means (A) a person eighteen years of age or older who is a: (i) Spouse,
255 (ii) parent, (iii) child, (iv) sibling, (v) grandparent, (vi) grandchild, (vii)
256 step-parent, (viii) step-child, (ix) step-sibling, (x) mother or father-in-
257 law, (xi) son or daughter-in-law, or (xii) brother or sister-in-law of the
258 person who is the subject of an application pursuant to subsection (b) of
259 this section; (B) a person residing with the person who is the subject of
260 the application; (C) a person who has a child in common with the person
261 who is the subject of the application; (D) a person who is dating or an
262 intimate partner of the person who is the subject of the application; or
263 (E) a person who is the legal guardian or former legal guardian of the
264 person who is the subject of the application, (3) "medical professional"
265 means any person who has examined the person who is the subject of
266 the application and who is (A) a physician or physician assistant
267 licensed under chapter 370, (B) an advanced practice registered nurse
268 licensed under chapter 378, (C) a psychologist licensed under chapter
269 383, or (D) a clinical social worker licensed under chapter 383b, and (4)
270 "deadly weapon" means a deadly weapon, as defined in section 53a-3.

271 Sec. 2. Subsection (a) of section 46b-15e of the general statutes is
272 repealed and the following is substituted in lieu thereof (*Effective June 1,*
273 *2022*):

274 (a) (1) The office of the Chief Court Administrator shall revise and
275 simplify the process for filing an application for relief under section 46b-
276 15. The office of the Chief Court Administrator shall ensure that any
277 person seeking to file an application for relief is provided with a one-
278 page, plain language explanation of how to apply for relief under
279 section 46b-15.

280 (2) The office of the Chief Court Administrator shall develop and
281 make available to the public educational materials concerning the

282 [warrant process] risk protection order and warrant processes set forth
283 in section 29-38c, as amended by this act, relating to a person who poses
284 a risk of imminent personal injury to himself or herself or to [other
285 individuals.] another person. The office of the Chief Court
286 Administrator shall develop and make available to the public in hard
287 copy and electronically on the Internet web site of the Judicial Branch a
288 form to enable a family or household member or medical professional,
289 each as defined in section 29-38c, as amended by this act, to apply to
290 have a risk protection order investigation ordered and a one-page, plain
291 language explanation of how to apply for such order. The form shall
292 contain questions designed to solicit information significant to a
293 determination. The public educational materials and form shall
294 prominently advise the applicant that a risk protection order or warrant
295 may be sought through and with the assistance of a municipal or state
296 police agency or a state's attorney's office, and of the benefits of doing
297 so.

298 Sec. 3. Subsection (b) of section 29-28 of the general statutes is
299 repealed and the following is substituted in lieu thereof (*Effective June 1,*
300 *2022*):

301 (b) Upon the application of any person having a bona fide permanent
302 residence within the jurisdiction of any such authority, such chief of
303 police, warden or selectman may issue a temporary state permit to such
304 person to carry a pistol or revolver within the state, provided such
305 authority shall find that such applicant intends to make no use of any
306 pistol or revolver which such applicant may be permitted to carry under
307 such permit other than a lawful use and that such person is a suitable
308 person to receive such permit. No state or temporary state permit to
309 carry a pistol or revolver shall be issued under this subsection if the
310 applicant (1) has failed to successfully complete a course approved by
311 the Commissioner of Emergency Services and Public Protection in the
312 safety and use of pistols and revolvers including, but not limited to, a
313 safety or training course in the use of pistols and revolvers available to
314 the public offered by a law enforcement agency, a private or public
315 educational institution or a firearms training school, utilizing instructors

316 certified by the National Rifle Association or the Department of Energy
317 and Environmental Protection and a safety or training course in the use
318 of pistols or revolvers conducted by an instructor certified by the state
319 or the National Rifle Association, (2) has been convicted of (A) a felony,
320 or (B) [on or after October 1, 1994,] a misdemeanor violation of section
321 21a-279 on or after October 1, 2015, or (C) a misdemeanor violation of
322 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,
323 53a-178 or 53a-181d during the preceding twenty years, (3) has been
324 convicted as delinquent for the commission of a serious juvenile offense,
325 as defined in section 46b-120, (4) has been discharged from custody
326 within the preceding twenty years after having been found not guilty of
327 a crime by reason of mental disease or defect pursuant to section 53a-13,
328 (5) (A) has been confined in a hospital for persons with psychiatric
329 disabilities, as defined in section 17a-495, within the preceding sixty
330 months by order of a probate court, or (B) has been voluntarily admitted
331 on or after October 1, 2013, to a hospital for persons with psychiatric
332 disabilities, as defined in section 17a-495, within the preceding six
333 months for care and treatment of a psychiatric disability and not solely
334 for being an alcohol-dependent person or a drug-dependent person as
335 those terms are defined in section 17a-680, (6) is subject to a restraining
336 or protective order issued by a court in a case involving the use,
337 attempted use or threatened use of physical force against another
338 person, including an ex parte order issued pursuant to section 46b-15 or
339 46b-16a, (7) is subject to a firearms seizure order issued prior to June 1,
340 2022, pursuant to [subsection (d) of] section 29-38c after notice and
341 hearing, or a risk protection order or risk protection investigation order
342 issued on or after June 1, 2022, pursuant to section 29-38c, as amended
343 by this act, (8) is prohibited from shipping, transporting, possessing or
344 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally
345 or unlawfully in the United States, or (10) is less than twenty-one years
346 of age. Nothing in this section shall require any person who holds a
347 valid permit to carry a pistol or revolver on October 1, 1994, to
348 participate in any additional training in the safety and use of pistols and
349 revolvers. No person may apply for a temporary state permit to carry a
350 pistol or revolver more than once within any twelve-month period, and

351 no temporary state permit to carry a pistol or revolver shall be issued to
352 any person who has applied for such permit more than once within the
353 preceding twelve months. Any person who applies for a temporary state
354 permit to carry a pistol or revolver shall indicate in writing on the
355 application, under penalty of false statement in such manner as the
356 issuing authority prescribes, that such person has not applied for a
357 temporary state permit to carry a pistol or revolver within the past
358 twelve months. Upon issuance of a temporary state permit to carry a
359 pistol or revolver to the applicant, the local authority shall forward the
360 original application to the commissioner. Not later than sixty days after
361 receiving a temporary state permit, an applicant shall appear at a
362 location designated by the commissioner to receive the state permit. The
363 commissioner may then issue, to any holder of any temporary state
364 permit, a state permit to carry a pistol or revolver within the state. Upon
365 issuance of the state permit, the commissioner shall make available to
366 the permit holder a copy of the law regarding the permit holder's
367 responsibility to report the loss or theft of a firearm and the penalties
368 associated with the failure to comply with such law. Upon issuance of
369 the state permit, the commissioner shall forward a record of such permit
370 to the local authority issuing the temporary state permit. The
371 commissioner shall retain records of all applications, whether approved
372 or denied. The copy of the state permit delivered to the permittee shall
373 be laminated and shall contain a full-face photograph of such permittee.
374 A person holding a state permit issued pursuant to this subsection shall
375 notify the issuing authority within two business days of any change of
376 such person's address. The notification shall include the old address and
377 the new address of such person.

378 Sec. 4. Subsection (b) of section 29-36f of the general statutes is
379 repealed and the following is substituted in lieu thereof (*Effective June 1,*
380 *2022*):

381 (b) The Commissioner of Emergency Services and Public Protection
382 shall issue an eligibility certificate unless said commissioner finds that
383 the applicant: (1) Has failed to successfully complete a course approved
384 by the Commissioner of Emergency Services and Public Protection in

385 the safety and use of pistols and revolvers including, but not limited to,
386 a safety or training course in the use of pistols and revolvers available
387 to the public offered by a law enforcement agency, a private or public
388 educational institution or a firearms training school, utilizing instructors
389 certified by the National Rifle Association or the Department of Energy
390 and Environmental Protection and a safety or training course in the use
391 of pistols or revolvers conducted by an instructor certified by the state
392 or the National Rifle Association; (2) has been convicted of (A) a felony,
393 [or of] (B) a misdemeanor violation of section 21a-279 on or after October
394 1, 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-
395 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during
396 the preceding twenty years; (3) has been convicted as delinquent for the
397 commission of a serious juvenile offense, as defined in section 46b-120;
398 (4) has been discharged from custody within the preceding twenty years
399 after having been found not guilty of a crime by reason of mental disease
400 or defect pursuant to section 53a-13; (5) (A) has been confined in a
401 hospital for persons with psychiatric disabilities, as defined in section
402 17a-495, within the preceding sixty months by order of a probate court;
403 or (B) has been voluntarily admitted on or after October 1, 2013, to a
404 hospital for persons with psychiatric disabilities, as defined in section
405 17a-495, within the preceding six months for care and treatment of a
406 psychiatric disability and not solely for being an alcohol-dependent
407 person or a drug-dependent person as those terms are defined in section
408 17a-680; (6) is subject to a restraining or protective order issued by a
409 court in a case involving the use, attempted use or threatened use of
410 physical force against another person, including an ex parte order
411 issued pursuant to section 46b-15 or section 46b-16a; (7) is subject to a
412 firearms seizure order issued prior to June 1, 2022, pursuant to
413 [subsection (d) of] section 29-38c after notice and hearing, or a risk
414 protection order or risk protection investigation order issued on or after
415 June 1, 2022, pursuant to section 29-38c, as amended by this act; (8) is
416 prohibited from shipping, transporting, possessing or receiving a
417 firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or
418 unlawfully in the United States.

419 Sec. 5. Subsection (b) of section 29-37p of the general statutes is
420 repealed and the following is substituted in lieu thereof (*Effective June 1,*
421 *2022*):

422 (b) The Commissioner of Emergency Services and Public Protection
423 shall issue a long gun eligibility certificate unless said commissioner
424 finds that the applicant: (1) Has failed to successfully complete a course
425 approved by the Commissioner of Emergency Services and Public
426 Protection in the safety and use of firearms including, but not limited to,
427 a safety or training course in the use of firearms available to the public
428 offered by a law enforcement agency, a private or public educational
429 institution or a firearms training school, utilizing instructors certified by
430 the National Rifle Association or the Department of Energy and
431 Environmental Protection and a safety or training course in the use of
432 firearms conducted by an instructor certified by the state or the National
433 Rifle Association; (2) has been convicted of (A) a felony, [or] (B) [on or
434 after October 1, 1994,] a misdemeanor violation of section 21a-279 on or
435 after October 1, 2015, or (C) a misdemeanor violation of section 53a-58,
436 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
437 181d during the preceding twenty years; (3) has been convicted as
438 delinquent for the commission of a serious juvenile offense, as defined
439 in section 46b-120; (4) has been discharged from custody within the
440 preceding twenty years after having been found not guilty of a crime by
441 reason of mental disease or defect pursuant to section 53a-13; (5) has
442 been confined in a hospital for persons with psychiatric disabilities, as
443 defined in section 17a-495, within the preceding sixty months by order
444 of a probate court; (6) has been voluntarily admitted to a hospital for
445 persons with psychiatric disabilities, as defined in section 17a-495,
446 within the preceding six months for care and treatment of a psychiatric
447 disability and not solely for being an alcohol-dependent person or a
448 drug-dependent person as those terms are defined in section 17a-680;
449 (7) is subject to a restraining or protective order issued by a court in a
450 case involving the use, attempted use or threatened use of physical force
451 against another person, including an ex parte order issued pursuant to
452 section 46b-15 or 46b-16a; (8) is subject to a firearms seizure order issued

453 prior to June 1, 2022, pursuant to [subsection (d) of] section 29-38c after
454 notice and hearing, or a risk protection order or risk protection
455 investigation order issued on or after June 1, 2022, pursuant to section
456 29-38c, as amended by this act; (9) is prohibited from shipping,
457 transporting, possessing or receiving a firearm pursuant to 18 USC
458 922(g)(4); or (10) is an alien illegally or unlawfully in the United States.

459 Sec. 6. Section 53a-217 of the general statutes is repealed and the
460 following is substituted in lieu thereof (*Effective June 1, 2022*):

461 (a) A person is guilty of criminal possession of a firearm, ammunition
462 or an electronic defense weapon when such person possesses a firearm,
463 ammunition or an electronic defense weapon and (1) has been convicted
464 of (A) a felony committed prior to, on or after October 1, 2013, [or of] (B)
465 a misdemeanor violation of section 21a-279 [.] on or after October 1,
466 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a,
467 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed
468 on or after October 1, 2013, and during the preceding twenty years, (2)
469 has been convicted as delinquent for the commission of a serious
470 juvenile offense, as defined in section 46b-120, (3) has been discharged
471 from custody within the preceding twenty years after having been
472 found not guilty of a crime by reason of mental disease or defect
473 pursuant to section 53a-13, (4) knows that such person is subject to (A)
474 a restraining or protective order of a court of this state that has been
475 issued against such person, after notice has been provided to such
476 person, in a case involving the use, attempted use or threatened use of
477 physical force against another person, or (B) a foreign order of
478 protection, as defined in section 46b-15a, that has been issued against
479 such person in a case involving the use, attempted use or threatened use
480 of physical force against another person, (5) (A) has been confined on or
481 after October 1, 2013, in a hospital for persons with psychiatric
482 disabilities, as defined in section 17a-495, within the preceding sixty
483 months by order of a probate court, or with respect to any person who
484 holds a valid permit or certificate that was issued or renewed under the
485 provisions of section 29-28, as amended by this act, or 29-36f, as
486 amended by this act, in effect prior to October 1, 2013, such person has

487 been confined in such hospital within the preceding twelve months, or
488 (B) has been voluntarily admitted on or after October 1, 2013, to a
489 hospital for persons with psychiatric disabilities, as defined in section
490 17a-495, within the preceding six months for care and treatment of a
491 psychiatric disability, unless the person (i) was voluntarily admitted
492 solely for being an alcohol-dependent person or a drug-dependent
493 person as those terms are defined in section 17a-680, or (ii) is a police
494 officer who was voluntarily admitted and had his or her firearm,
495 ammunition or electronic defense weapon used in the performance of
496 the police officer's official duties returned in accordance with section 7-
497 291d, (6) knows that such person is subject to a firearms seizure order
498 issued prior to June 1, 2022, pursuant to [subsection (d) of] section 29-
499 38c after notice and an opportunity to be heard has been provided to
500 such person, or a risk protection order or risk protection investigation
501 order issued on or after June 1, 2022, pursuant to section 29-38c, as
502 amended by this act, or (7) is prohibited from shipping, transporting,
503 possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the
504 purposes of this section, "convicted" means having a judgment of
505 conviction entered by a court of competent jurisdiction, "ammunition"
506 means a loaded cartridge, consisting of a primed case, propellant or
507 projectile, designed for use in any firearm, and a motor vehicle violation
508 for which a sentence to a term of imprisonment of more than one year
509 may be imposed shall be deemed an unclassified felony.

510 (b) Criminal possession of a firearm, ammunition or an electronic
511 defense weapon is a class C felony, for which two years of the sentence
512 imposed may not be suspended or reduced by the court, and five
513 thousand dollars of the fine imposed may not be remitted or reduced by
514 the court unless the court states on the record its reasons for remitting
515 or reducing such fine.

516 Sec. 7. Section 53a-217c of the general statutes is repealed and the
517 following is substituted in lieu thereof (*Effective June 1, 2022*):

518 (a) A person is guilty of criminal possession of a pistol or revolver
519 when such person possesses a pistol or revolver, as defined in section

520 29-27, and (1) has been convicted of (A) a felony committed prior to, on
521 or after October 1, 2013, [or of] (B) a misdemeanor violation of section
522 21a-279 [,] committed on or after October 1, 2015, or (C) a misdemeanor
523 violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-
524 175, 53a-176, 53a-178 or 53a-181d committed [on or after October 1, 1994]
525 during the preceding twenty years, (2) has been convicted as delinquent
526 for the commission of a serious juvenile offense, as defined in section
527 46b-120, (3) has been discharged from custody within the preceding
528 twenty years after having been found not guilty of a crime by reason of
529 mental disease or defect pursuant to section 53a-13, (4) (A) has been
530 confined prior to October 1, 2013, in a hospital for persons with
531 psychiatric disabilities, as defined in section 17a-495, within the
532 preceding twelve months by order of a probate court, or has been
533 confined on or after October 1, 2013, in a hospital for persons with
534 psychiatric disabilities, as defined in section 17a-495, within the
535 preceding sixty months by order of a probate court, or, with respect to
536 any person who holds a valid permit or certificate that was issued or
537 renewed under the provisions of section 29-28, as amended by this act,
538 or 29-36f, as amended by this act, in effect prior to October 1, 2013, such
539 person has been confined in such hospital within the preceding twelve
540 months, or (B) has been voluntarily admitted on or after October 1, 2013,
541 to a hospital for persons with psychiatric disabilities, as defined in
542 section 17a-495, within the preceding six months for care and treatment
543 of a psychiatric disability, unless the person (i) was voluntarily admitted
544 solely for being an alcohol-dependent person or a drug-dependent
545 person as those terms are defined in section 17a-680, or (ii) is a police
546 officer who was voluntarily admitted and had his or her firearm,
547 ammunition or electronic defense weapon used in the performance of
548 the police officer's official duties returned in accordance with section 7-
549 291d, (5) knows that such person is subject to (A) a restraining or
550 protective order of a court of this state that has been issued against such
551 person, after notice has been provided to such person, in a case
552 involving the use, attempted use or threatened use of physical force
553 against another person, or (B) a foreign order of protection, as defined
554 in section 46b-15a, that has been issued against such person in a case

555 involving the use, attempted use or threatened use of physical force
556 against another person, (6) knows that such person is subject to a
557 firearms seizure order issued prior to June 1, 2022, pursuant to
558 [subsection (d) of] section 29-38c after notice and an opportunity to be
559 heard has been provided to such person, or a risk protection order or
560 risk protection investigation order issued on or after June 1, 2022,
561 pursuant to section 29-38c, as amended by this act, (7) is prohibited from
562 shipping, transporting, possessing or receiving a firearm pursuant to 18
563 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United
564 States. For the purposes of this section, "convicted" means having a
565 judgment of conviction entered by a court of competent jurisdiction.

566 (b) Criminal possession of a pistol or revolver is a class C felony, for
567 which two years of the sentence imposed may not be suspended or
568 reduced by the court, and five thousand dollars of the fine imposed may
569 not be remitted or reduced by the court unless the court states on the
570 record its reasons for remitting or reducing such fine.

571 Sec. 8. Section 29-37i of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective June 1, 2022*):

573 No person shall store or keep any firearm, as defined in section 53a-
574 3, on any premises under such person's control if such person knows or
575 reasonably should know that (1) a minor is likely to gain access to the
576 firearm without the permission of the parent or guardian of the minor,
577 (2) a resident of the premises is ineligible to possess a firearm under state
578 or federal law, (3) a resident of the premises is subject to a risk protection
579 order issued pursuant to section 29-38c, as amended by this act, or [(3)]
580 (4) a resident of the premises poses a risk of imminent personal injury
581 to himself or herself or to [other individuals] another person, unless
582 such person (A) keeps the firearm in a securely locked box or other
583 container or in a manner which a reasonable person would believe to be
584 secure, or (B) carries the firearm on his or her person or within such close
585 proximity thereto that such person can readily retrieve and use the
586 firearm as if such person carried the firearm on his or her person. For
587 the purposes of this section, "minor" means any person under the age of

588 eighteen years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>June 1, 2022</i>	29-38c
Sec. 2	<i>June 1, 2022</i>	46b-15e(a)
Sec. 3	<i>June 1, 2022</i>	29-28(b)
Sec. 4	<i>June 1, 2022</i>	29-36f(b)
Sec. 5	<i>June 1, 2022</i>	29-37p(b)
Sec. 6	<i>June 1, 2022</i>	53a-217
Sec. 7	<i>June 1, 2022</i>	53a-217c
Sec. 8	<i>June 1, 2022</i>	29-37i

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: None

Municipal Impact: None

Explanation

The bill expands the use of risk protection orders and does not result in a fiscal impact.

House "A" strikes the underlying bill and results in the fiscal impact described above.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6355 (as amended by House "A")******AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND THE EFFECT OF THE ISSUANCE OF A PHYSICIAN'S EMERGENCY CERTIFICATE ON A PERSON'S ABILITY TO POSSESS FIREARMS.*****SUMMARY**

Existing law allows any two police officers or a state's attorney or assistant state's attorney, under limited circumstances, to apply to court for a warrant ("risk warrant") to seize firearms and ammunition from someone who poses an imminent risk of injuring himself or herself or someone else.

This bill expands the scope of this law to also cover other deadly weapons (see BACKGROUND). It also allows these officials to apply for a risk protection order prohibiting such a person from acquiring or possessing firearms, other deadly weapons, or ammunition.

The bill also allows (1) adult family or household members or (2) medical professionals to apply for a risk protection order investigation, to determine whether a person poses a risk of imminent injury to himself, herself, or someone else. After the court issues an investigation order, if the police determine that there is probable cause to believe that the person poses such a risk, they must seek a risk protection order and, when applicable, a risk warrant.

Under the bill, if a judge issues a risk protection order and there is probable cause to believe that the person possesses firearms or other deadly weapons, the judge must issue a risk warrant along with or following that order, under specified procedures. Like existing law for risk warrants, the bill requires a hearing within 14 days after a risk

protection order is served.

The bill makes other changes to risk warrant procedures. For example, it removes the current one-year maximum period on the state's hold of items seized under a risk warrant. Instead, it continues the risk protection order and seizure period until the person successfully petitions the court to terminate the order and warrant. It allows these individuals to periodically petition the court to challenge the order and items' seizure, starting 180 days after the initial hearing. Among other changes, the bill also narrows the list of people to whom someone under a risk warrant may transfer their firearms or ammunition (rather than having the state hold these items).

The bill (1) incorporates risk protection orders into the educational materials that the chief court administrator must already make available on risk warrants and (2) expands the types of materials that the administrator's office must make available.

The bill bars people from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate if they are subject to a risk protection order or risk protection investigation order. It also extends existing criminal penalties for unlawful possession of handguns or other firearms, electronic defense weapons, or ammunition to people possessing these items if they know they are subject to a risk protection order or investigation order. This is a class C felony (up to 10 years in prison, up to a \$10,000 fine, or both) with a two-year mandatory minimum sentence, and a \$5,000 minimum fine unless the court states on the record why it remits or reduces it.

The bill also reduces the circumstances in which certain misdemeanor convictions make someone (1) ineligible to obtain these firearm credentials or (2) guilty of criminal possession of handguns or other firearms, electronic defense weapons, or ammunition. It removes certain drug possession convictions before October 1, 2015, (principally, a first offense for possessing under four ounces of marijuana) from the list of misdemeanors that bar eligibility for these credentials or items.

For other currently disqualifying misdemeanors, the bill limits the scope to only those occurring within the prior 20 years.

Finally, the bill extends certain firearm storage laws to include people subject to a risk protection order. It prohibits anyone in control of a premises from keeping unsecured firearms there if the person knows, or reasonably should know, that a resident is subject to such an order.

The bill also makes minor, technical, and conforming changes.

*House Amendment "A" replaces the underlying bill. Among other things, it (1) applies the risk warrant and risk protection order provisions to other deadly weapons; (2) removes provisions from the underlying bill allowing family and household members to apply for a risk protection order, and instead allows them to apply for a risk protection order investigation; (3) makes various changes to the underlying bill's procedures for risk warrants or risk protection orders; (4) removes provisions from the underlying bill barring people from owning guns or obtaining certain firearm permits if they were committed for psychiatric treatment under a physician's emergency certificate under certain circumstances; (5) adds the provisions on the time frame in which certain misdemeanor convictions bar people from gun ownership or certain permits; and (6) makes technical and conforming changes.

EFFECTIVE DATE: June 1, 2022

§ 1 — RISK PROTECTION ORDER INVESTIGATIONS

The bill allows family or household members or medical professionals to apply to court for a risk protection order investigation if they have a good faith belief that someone poses a risk of imminent personal injury to himself, herself, or another person.

For these purposes, a "family or household member" is someone at least age 18 who is one of the following in relation to the person subject to the application:

1. the person's spouse, parent, child, sibling, grandparent, grandchild, stepparent, stepchild, stepsibling, mother- or father-in-law, son- or daughter-in-law, or brother- or sister-in-law;
2. someone residing with the person;
3. someone who has a child in common with the person;
4. the person's dating or intimate partner; or
5. the person's current or former legal guardian.

Under the bill, a "medical professional" is one of the following state-licensed professionals who has examined the person: a physician or physician assistant, an advanced practice registered nurse, or a psychologist or clinical social worker.

Application Procedure

Under the bill, a family or household member or medical professional may apply for this investigation with the clerk of the court for any geographical area. The application and accompanying affidavit must be made under oath and must indicate:

1. the factual basis for the applicant's belief that the subject of the application poses such an imminent risk;
2. whether the subject of the application holds certain firearm credentials or possesses any firearms, other deadly weapons, or ammunition, if known; and
3. the location of the firearms, weapons, or ammunition, if known.

The credentials include a handgun carry permit or eligibility certificate, long gun eligibility certificate, and an ammunition certificate.

Court Order and Subsequent Duties

Under the bill, after receiving the application and affidavit, if the court finds there is a good faith belief that the person poses an imminent

risk of injury to himself, herself, or someone else, it must order a risk protection order investigation to determine if the person poses that risk.

Upon issuing the investigation order, the court must notify the Department of Emergency Services and Public Protection (DESPP) commissioner. The court also must immediately:

1. notify the law enforcement agency for the town where the person resides, and transmit to that agency the order, application, and affidavit; and
2. enter into the National Instant Criminal Background Check System (NICS) a record indicating that the person is ineligible to purchase or otherwise receive a firearm.

Police Investigation

Under the bill, after the court notifies the appropriate law enforcement agency, that agency must immediately investigate whether the subject of the investigation poses a risk of imminently injuring himself, herself, or someone else. If the police determine that there is probable cause to believe that is the case, they must apply to court for a risk protection order and, when applicable, a risk warrant (see below). The police must do so within 24 hours after receiving the investigation order, or as soon as practicable if they need more time to complete the investigation.

In cases where the police determine that there is no probable cause to believe that the person poses an imminent risk, they must notify the court, the applicant, and the DESPP commissioner in writing. The police must do so within 48 hours after receiving the investigation order, if practicable, or as soon as practicable if they need more time to complete the investigation. Under the bill, when the court receives this notification, it must immediately remove or cancel any associated record in the NICS system.

§ 1 — RISK PROTECTION ORDERS AND RISK WARRANTS

Complaint Process

The bill allows any two police officers or a state's attorney or assistant state's attorney, upon complaint under oath, to seek a risk protection order prohibiting someone from acquiring or possessing firearms, other deadly weapons, or ammunition. As under existing law for risk warrants, they must have probable cause to believe the person poses a risk of imminent injury to himself, herself, or someone else. Under the bill, if the judge issues the order, the judge must also issue a risk warrant (as part of or following the risk protection order) if there is probable cause to believe that the person possesses firearms or deadly weapons at some location. Current law authorizes, but does not require, judges to issue risk warrants if there is this probable cause.

Under existing law, a risk warrant applicant must have (1) conducted an independent investigation to establish probable cause before seeking the warrant and (2) completed a sworn affidavit. The bill extends these requirements to risk protection orders.

Factors in Judge's Determination

Under the bill, in determining whether the standards are met to issue a risk protection order, the judge must consider the same factors as under existing law for risk warrants. So, the judge must consider any recent (1) threat or violent act the person directed at himself, herself, or others or (2) acts of animal cruelty committed by the person.

In addition, as under existing law for risk warrants, in determining whether the threats or acts constitute probable cause to believe a risk of injury is imminent, the judge may consider, among other things, whether the person: (1) recklessly used, displayed, or brandished a firearm; (2) has a history of using, attempting, or threatening to use physical force against people; (3) was ever involuntarily confined to a psychiatric hospital; (4) abused alcohol; or (5) illegally used controlled substances. The bill also allows the judge to consider whether the person recklessly used, displayed, or brandished other deadly weapons for both orders and warrants.

Issuance of Order and Warrant

As under existing law for risk warrants, if the judge is satisfied that the standards have been met, the bill requires the judge to issue the risk protection order and warrant if applicable, directed to the police, (1) naming or describing the person, (2) stating the grounds or probable cause, and (3) describing the place or thing to be searched when applicable. The bill specifies that if the standards to issue a risk protection order are met, the judge must issue it regardless of whether the person is already ineligible to possess firearms.

As under existing law for risk warrants, the court must provide a copy to the person along with a notice of his or her right to a hearing and legal representation. The bill (1) specifies that the court must provide the copy of the order and warrant within a reasonable time and (2) requires the notice to also include the telephone number for the court clerk who can inform the person of the hearing's date and time.

Under the bill, when the court issues a risk protection order and risk warrant, the court also must direct the clerk to notify the DESPP commissioner.

Police Filing With the Court

Under current law, a risk warrant applicant must file a copy of the application and all supporting affidavits with the appropriate court clerk. The bill instead requires the police agency that executed the warrant to file these documents (whether the police or a prosecutor sought the warrant) and also requires that agency to file these documents with the state's attorney's office in the appropriate judicial district. As under current law, these documents must be filed by the next business day after the warrant is executed. The bill makes a conforming change by specifying that the inventory accompanying the warrant must include all other deadly weapons, not just firearms and ammunition, that were seized.

For risk protection orders, the bill requires the police agency that serves the order to file a copy with the appropriate court and send a return of service to the state's attorney's office for the judicial district,

indicating the service date and time. The police must do so by the next business day after serving it.

Before the order's service and return, the court clerk must not disclose any information about the application or related affidavits to anyone outside the judicial branch, the police agency that served the order, or the appropriate state's attorney's office. The order must be served and returned with reasonable promptness consistent with due process. Existing law restricts disclosure of warrant information before its execution and return and similarly requires its prompt execution consistent with due process.

Mandatory Hearing

Under existing law, the court in the geographical area where the person lives must hold a hearing within 14 days after a risk warrant's execution to determine if the state should continue to hold the firearms or ammunition or return them.

The bill similarly requires a hearing within 14 days after a risk protection order is served. The hearing's purpose is to determine whether the order should continue and, if applicable, whether the state should return the person's firearms, deadly weapons, or ammunition.

As under existing law for risk warrants, the bill requires the state to prove all material facts by clear and convincing evidence. If the court finds that the person poses an imminent risk of injury to himself, herself, or someone else, it may order that the risk protection order stay in effect and that the state continue to hold the items until the court (1) terminates the order and (2) orders the items' return as soon as practicable (see below). The court also must notify the Department of Mental Health and Addiction Services, which may take appropriate action allowed by laws establishing its jurisdiction over people with mental illnesses.

If the court finds that the state failed to prove that the person poses such a risk, the court must (1) terminate the order and warrant and (2) order the items' return as soon as practicable.

The bill specifies that the court cannot order the items to be returned if the person is not legally able to possess them.

Period of Order and Item Seizure

Under current law, if the court finds after a hearing that the subject of a risk warrant poses an imminent risk as described above, it may order that the state continue to hold the person's firearms and ammunition for up to one year.

The bill removes this one-year limit. Under the bill, a risk protection order, and any hold on the person's firearms, deadly weapons, or ammunition, continues until the person successfully petitions the court to terminate the order and risk warrant if applicable.

The person may first petition the court for such a hearing starting 180 days after the hearing on the order or warrant. When the petition is filed, the court must take the following actions:

1. schedule a hearing to be held on the 28th day after the petition's filing (or the closest business day to that if the 28th day is not a business day);
2. notify the Division of Criminal Justice about the petition; and
3. direct the appropriate law enforcement agency to determine, within 14 days after the petition's filing, whether there is probable cause to believe the person poses a risk of imminently injuring himself, herself, or someone else.

The bill prohibits a finding of probable cause that is solely based on the petitioner being subject to an existing risk protection order or warrant.

The law enforcement agency must notify the court as to whether it determines that there is such probable cause. If the agency does not find probable cause, the court must cancel the hearing and terminate the order and warrant. If the agency finds probable cause, the hearing must

proceed as scheduled.

At the hearing, the state has the burden of proving all material facts by clear and convincing evidence. If the court finds, after the hearing, that the petitioner poses such a risk, the order and warrant (if applicable) remain in effect. If the court finds that the state failed to prove this risk, then the court must terminate the order and warrant.

If the court denies the petition after a hearing, the person must wait at least 180 days before filing another petition.

Notification to NICS of Order's Termination

Under the bill, immediately upon terminating a risk protection order, the court must remove or cancel any associated records in the NICS system.

Risk Warrants — Other Changes

The bill removes from current law the condition that the police or prosecutor may seek a risk warrant only after determining that there are no reasonable alternatives to avert the risk of harm.

The bill also narrows a provision that currently allows anyone whose guns or ammunition have been seized (or the person's legal representative) to transfer them to anyone eligible to possess them. Instead, the bill allows these transfers only to federally licensed firearms dealers. As under current law, (1) these transfers must follow specified procedures and (2) the state agency holding the items must transfer them within 10 days of receiving notice.

Under the bill, if DESPP or a local police department is holding firearms, other deadly weapons, or ammunition seized under a risk warrant, they must not destroy these items until at least one year has passed since the warrant's termination date. This applies despite an existing law which requires the police to destroy surrendered firearms which have not been transferred after one year.

§ 2 — EDUCATIONAL MATERIALS

Current law requires the chief court administrator to develop and make available to the public educational materials on the risk warrant process. The bill (1) extends this requirement to include the risk protection order process and (2) specifies that these provisions apply to the Office of the Chief Court Administrator rather than just to the administrator himself.

It also requires the office to develop and make available, in hard copy and on the judicial branch website, a (1) form for family or household members or medical professionals to apply for a risk protection order investigation and (2) one-page, plain language explanation of how to apply. The form must include questions designed to solicit information significant to a judge's determination in these matters.

In addition, the educational materials and form must prominently advise applicants (1) that the police or prosecutors may help with, and apply for, a risk protection order or risk warrant and (2) about the benefits of seeking their assistance.

§§ 3-7 — MISDEMEANOR CONVICTIONS AND FIREARM PERMIT AND POSSESSION ELIGIBILITY

Under existing law, individuals are guilty of criminal possession of a handgun or other firearm, ammunition, or an electronic defense weapon when the person possesses these items and has convictions for felonies or certain misdemeanors. Additionally, they are prohibited from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate if they have these criminal convictions.

The bill removes from the list of disqualifying convictions misdemeanor offenses committed before October 1, 2015, for a first offense for possessing (1) under four ounces of marijuana or (2) any amount of non-narcotic or non-hallucinogenic drugs.

For the other disqualifying misdemeanors under existing law, the bill limits the ineligibility to offenses committed during the past 20 years. These misdemeanors are as follows:

1. criminally negligent homicide (excluding deaths caused by motor vehicles) (CGS § 53a-58);
2. third-degree assault (CGS § 53a-61);
3. third-degree assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability (CGS § 53a-61a);
4. second-degree threatening (CGS § 53a-62) (in some cases, this crime is a felony, also barring eligibility for these credentials or items);
5. first-degree reckless endangerment (CGS § 53a-63);
6. second-degree unlawful restraint (CGS § 53a-96);
7. first-degree riot (CGS § 53a-175);
8. second-degree riot (CGS § 53a-176);
9. inciting to riot (CGS § 53a-178); and
10. second-degree stalking (CGS § 53a-181d).

Under existing law, unchanged by the bill, convictions for these misdemeanors make someone guilty of criminal possession of firearms other than handguns, ammunition, or electronic defense weapons, only if the crime was committed on or after October 1, 2013.

§ 8 — FIREARM STORAGE

Under existing law, certain firearm storage requirements apply if the person who controls a premises knows or reasonably should know that (1) a minor is likely to gain access to the firearm without a parent's or guardian's permission or (2) a resident of the home is either ineligible to possess a firearm or poses a risk of personal harm or harm to others. The person controlling the premises must either:

1. keep any firearm in a securely locked box or other container or in a manner that a reasonable person would believe to be secure or

2. carry it on his or her person or so closely that he or she can readily retrieve and use the firearm as if he or she were carrying it.

The bill extends these requirements to situations where the person controlling the premises knows or reasonably should know that a resident is subject to a risk protection order.

Under existing law, if the person controlling the premises violates these firearm storage requirements and the other person obtains the firearm and injures someone, then the person in control faces civil and criminal liability. Specifically, the person is (1) subject to strict civil liability for damages (i.e., liable regardless of intent) and (2) generally guilty of a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both (CGS §§ 52-571g & 53a-217a). The bill does not explicitly extend this to cases where the other person is subject to a risk protection order. But in some cases, this civil and criminal liability could apply because these people are ineligible to possess firearms under the bill.

BACKGROUND

Deadly Weapons

By law, a “deadly weapon” is a weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles (CGS § 53a-3).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 27 Nay 11 (04/06/2021)