



General Assembly

**Amendment**

January Session, 2021

LCO No. 8427



Offered by:

REP. STAFSTROM, 129<sup>th</sup> Dist.

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To: Subst. House Bill No. 6355

File No. 573

Cal. No. 400

**"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."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 29-38c of the general statutes is repealed and the  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

5 (a) Upon complaint on oath by any state's attorney or assistant state's  
6 attorney or by any two police officers, to any judge of the Superior  
7 Court, that such state's attorney, assistant state's attorney or police  
8 officers have probable cause to believe that [(1)] a person poses a risk of

9 imminent personal injury to himself or herself or to [other individuals]  
10 another person, [(2)] the judge may issue a risk protection order  
11 prohibiting such person from acquiring or possessing a firearm or other  
12 deadly weapon or ammunition. As part of or following the issuance of  
13 such order, if there is probable cause to believe that (1) such person  
14 possesses one or more firearms or other deadly weapons, and [(3)] (2)  
15 such firearm or firearms or other deadly weapon or deadly weapons are  
16 within or upon any place, thing or person, such judge [may] shall issue  
17 a warrant commanding a [proper] police officer to enter into or upon  
18 such place or thing, search the same or the person and take into such  
19 officer's custody any and all firearms and other deadly weapons and  
20 ammunition. Such state's attorney, assistant state's attorney or police  
21 officers [shall] may not make such complaint unless such state's  
22 attorney, assistant state's attorney or police officers have conducted an  
23 independent investigation and [have] determined that such probable  
24 cause exists, [and that there is no reasonable alternative available to  
25 prevent such person from causing imminent personal injury to himself  
26 or herself or to others with such firearm] Upon the issuance of any such  
27 order and warrant, if applicable, the judge shall order the clerk of the  
28 court to give notice to the Commissioner of Emergency Services and  
29 Public Protection of the issuance of such order and warrant, if  
30 applicable.

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

43 ammunition, if known; and (C) where any such firearm or other deadly  
44 weapon or ammunition is located, if known.

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

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

77 and the Commissioner of Emergency Services and Public Protection of  
78 such determination, in writing, not later than forty-eight hours after  
79 receiving the investigation order, if practicable, or, if the law  
80 enforcement agency needs additional time to complete the risk warrant  
81 investigation, as soon thereafter as is practicable. Upon receiving such  
82 notification that there was not a finding of probable cause, the court  
83 shall immediately remove or cancel any record entered into the National  
84 Instant Criminal Background Check System associated with such  
85 investigation for which there was no finding of probable cause.

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

111 warrant, if applicable, naming or describing the person, and, in the case  
112 of the issuance of a warrant, the place or thing to be searched. If the  
113 requisite circumstances are met, the judge shall issue a risk protection  
114 order regardless of whether the person is already ineligible to possess a  
115 firearm. The order and warrant, if applicable, shall be directed to any  
116 police officer of a regularly organized police department or any state  
117 police officer. [It] The order and warrant, if applicable, shall state the  
118 grounds or probable cause for [its] issuance and, [it] in the case of a  
119 warrant, the warrant shall command the officer to search within a  
120 reasonable time the person, place or thing named for any and all  
121 firearms and other deadly weapons and ammunition. A copy of the  
122 order and warrant, if applicable, shall be given within a reasonable time  
123 to the person named [therein] in the order together with a notice  
124 informing the person that such person has the right to a hearing under  
125 this section, the telephone number for the court clerk who can inform  
126 the person of the date and time of such hearing and the right to be  
127 represented by counsel at such hearing.

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

141 (2) In the case of a risk protection order, not later than the next  
142 business day following the service of the order, the municipal or state  
143 police agency that served the order shall file with the court of the  
144 geographical area in the location in which the subject of the order

145 resides a copy of the order and transmit to the state's attorney's office  
146 for such judicial district a return of service stating the date and time that  
147 the order was served. Prior to the service and return of the order, the  
148 clerk of court shall not disclose any information pertaining to the  
149 application for the order or any affidavits upon which the order is based  
150 to any person outside the Judicial Branch, the municipal or state police  
151 agency that served the order, or the state's attorney's office for the  
152 judicial district within which the order was served. The order shall be  
153 served and returned with reasonable promptness consistent with due  
154 process of law.

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

179 poses a risk of imminent personal injury to himself or herself or to  
180 another person, the court shall terminate such order and warrant, if  
181 applicable, and order the firearm or firearms or other deadly weapon or  
182 deadly weapons and any ammunition seized to be returned as soon as  
183 is practicable to the person named in the warrant, provided such person  
184 is otherwise legally able to possess such firearm or firearms or other  
185 deadly weapon or deadly weapons and ammunition. If the court finds  
186 that the person poses a risk of imminent personal injury to himself or  
187 herself or to [other individuals] another person, the court shall give  
188 notice to the Department of Mental Health and Addiction Services  
189 which may take such action pursuant to chapter 319i as [it] the  
190 department deems appropriate.

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

213 agency shall so notify the court which shall cancel the hearing and  
214 terminate the order and warrant, if applicable. If the law enforcement  
215 agency finds probable cause, the agency shall notify the court of such  
216 finding and the hearing shall proceed as scheduled. At such hearing the  
217 state shall have the burden of proving all material facts by clear and  
218 convincing evidence. If the court, following such hearing, finds by clear  
219 and convincing evidence that the petitioner poses a risk of imminent  
220 personal injury to himself or herself or to another person, the order and  
221 warrant, if applicable, shall remain in effect. If the court finds that the  
222 state has failed to prove by clear and convincing evidence that the  
223 petitioner poses a risk of imminent personal injury to himself or herself  
224 or to another person, the court shall terminate such order and warrant,  
225 if applicable. Any person whose petition is denied may file a subsequent  
226 petition in accordance with the provisions of this subsection at least one  
227 hundred eighty days after the date on which the court denied the  
228 previous petition.

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

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

244 (i) Notwithstanding the provisions of section 29-36k, the  
245 Commissioner of Emergency Services and Public Protection holding

246 any firearm or firearms or other deadly weapon or deadly weapons and  
247 any ammunition seized pursuant to a warrant issued under this section,  
248 or any local police department holding on behalf of said commissioner  
249 any such firearm or firearms or other deadly weapon or deadly weapons  
250 or ammunition, shall not destroy any such firearm or other deadly  
251 weapon or ammunition until at least one year has passed since date of  
252 the termination of a warrant under subsection (e) of this section.

253 [(f) For the] (j) For purposes of this section, (1) "ammunition" means  
254 a loaded cartridge, consisting of a primed case, propellant or projectile,  
255 designed for use in any firearm, (2) "family or household member"  
256 means (A) a person eighteen years of age or older who is a: (i) Spouse,  
257 (ii) parent, (iii) child, (iv) sibling, (v) grandparent, (vi) grandchild, (vii)  
258 step-parent, (viii) step-child, (ix) step-sibling, (x) mother or father-in-  
259 law, (xi) son or daughter-in-law, or (xii) brother or sister-in-law of the  
260 person who is the subject of an application pursuant to subsection (b) of  
261 this section; (B) a person residing with the person who is the subject of  
262 the application; (C) a person who has a child in common with the person  
263 who is the subject of the application; (D) a person who is dating or an  
264 intimate partner of the person who is the subject of the application; or  
265 (E) a person who is the legal guardian or former legal guardian of the  
266 person who is the subject of the application, (3) "medical professional"  
267 means any person who has examined the person who is the subject of  
268 the application and who is (A) a physician or physician assistant  
269 licensed under chapter 370, (B) an advanced practice registered nurse  
270 licensed under chapter 378, (C) a psychologist licensed under chapter  
271 383, or (D) a clinical social worker licensed under chapter 383b, and (4)  
272 "deadly weapon" means a deadly weapon, as defined in section 53a-3.

273 Sec. 2. Subsection (a) of section 46b-15e of the general statutes is  
274 repealed and the following is substituted in lieu thereof (*Effective June 1,*  
275 *2022*):

276 (a) (1) The office of the Chief Court Administrator shall revise and  
277 simplify the process for filing an application for relief under section 46b-  
278 15. The office of the Chief Court Administrator shall ensure that any

279 person seeking to file an application for relief is provided with a one-  
280 page, plain language explanation of how to apply for relief under  
281 section 46b-15.

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

300 Sec. 3. Subsection (b) of section 29-28 of the general statutes is  
301 repealed and the following is substituted in lieu thereof (*Effective June 1,*  
302 *2022*):

303 (b) Upon the application of any person having a bona fide permanent  
304 residence within the jurisdiction of any such authority, such chief of  
305 police, warden or selectman may issue a temporary state permit to such  
306 person to carry a pistol or revolver within the state, provided such  
307 authority shall find that such applicant intends to make no use of any  
308 pistol or revolver which such applicant may be permitted to carry under  
309 such permit other than a lawful use and that such person is a suitable  
310 person to receive such permit. No state or temporary state permit to  
311 carry a pistol or revolver shall be issued under this subsection if the

312 applicant (1) has failed to successfully complete a course approved by  
313 the Commissioner of Emergency Services and Public Protection in the  
314 safety and use of pistols and revolvers including, but not limited to, a  
315 safety or training course in the use of pistols and revolvers available to  
316 the public offered by a law enforcement agency, a private or public  
317 educational institution or a firearms training school, utilizing instructors  
318 certified by the National Rifle Association or the Department of Energy  
319 and Environmental Protection and a safety or training course in the use  
320 of pistols or revolvers conducted by an instructor certified by the state  
321 or the National Rifle Association, (2) has been convicted of (A) a felony,  
322 or (B) [on or after October 1, 1994,] a misdemeanor violation of section  
323 21a-279 on or after October 1, 2015, or (C) a misdemeanor violation of  
324 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,  
325 53a-178 or 53a-181d during the preceding twenty years, (3) has been  
326 convicted as delinquent for the commission of a serious juvenile offense,  
327 as defined in section 46b-120, (4) has been discharged from custody  
328 within the preceding twenty years after having been found not guilty of  
329 a crime by reason of mental disease or defect pursuant to section 53a-13,  
330 (5) (A) has been confined in a hospital for persons with psychiatric  
331 disabilities, as defined in section 17a-495, within the preceding sixty  
332 months by order of a probate court, or (B) has been voluntarily admitted  
333 on or after October 1, 2013, to a hospital for persons with psychiatric  
334 disabilities, as defined in section 17a-495, within the preceding six  
335 months for care and treatment of a psychiatric disability and not solely  
336 for being an alcohol-dependent person or a drug-dependent person as  
337 those terms are defined in section 17a-680, (6) is subject to a restraining  
338 or protective order issued by a court in a case involving the use,  
339 attempted use or threatened use of physical force against another  
340 person, including an ex parte order issued pursuant to section 46b-15 or  
341 46b-16a, (7) is subject to a firearms seizure order issued prior to June 1,  
342 2022, pursuant to [subsection (d) of] section 29-38c after notice and  
343 hearing, or a risk protection order or risk protection investigation order  
344 issued on or after June 1, 2022, pursuant to section 29-38c, as amended  
345 by this act, (8) is prohibited from shipping, transporting, possessing or  
346 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally

347 or unlawfully in the United States, or (10) is less than twenty-one years  
348 of age. Nothing in this section shall require any person who holds a  
349 valid permit to carry a pistol or revolver on October 1, 1994, to  
350 participate in any additional training in the safety and use of pistols and  
351 revolvers. No person may apply for a temporary state permit to carry a  
352 pistol or revolver more than once within any twelve-month period, and  
353 no temporary state permit to carry a pistol or revolver shall be issued to  
354 any person who has applied for such permit more than once within the  
355 preceding twelve months. Any person who applies for a temporary state  
356 permit to carry a pistol or revolver shall indicate in writing on the  
357 application, under penalty of false statement in such manner as the  
358 issuing authority prescribes, that such person has not applied for a  
359 temporary state permit to carry a pistol or revolver within the past  
360 twelve months. Upon issuance of a temporary state permit to carry a  
361 pistol or revolver to the applicant, the local authority shall forward the  
362 original application to the commissioner. Not later than sixty days after  
363 receiving a temporary state permit, an applicant shall appear at a  
364 location designated by the commissioner to receive the state permit. The  
365 commissioner may then issue, to any holder of any temporary state  
366 permit, a state permit to carry a pistol or revolver within the state. Upon  
367 issuance of the state permit, the commissioner shall make available to  
368 the permit holder a copy of the law regarding the permit holder's  
369 responsibility to report the loss or theft of a firearm and the penalties  
370 associated with the failure to comply with such law. Upon issuance of  
371 the state permit, the commissioner shall forward a record of such permit  
372 to the local authority issuing the temporary state permit. The  
373 commissioner shall retain records of all applications, whether approved  
374 or denied. The copy of the state permit delivered to the permittee shall  
375 be laminated and shall contain a full-face photograph of such permittee.  
376 A person holding a state permit issued pursuant to this subsection shall  
377 notify the issuing authority within two business days of any change of  
378 such person's address. The notification shall include the old address and  
379 the new address of such person.

380 Sec. 4. Subsection (b) of section 29-36f of the general statutes is

381 repealed and the following is substituted in lieu thereof (*Effective June 1,*  
382 *2022*):

383 (b) The Commissioner of Emergency Services and Public Protection  
384 shall issue an eligibility certificate unless said commissioner finds that  
385 the applicant: (1) Has failed to successfully complete a course approved  
386 by the Commissioner of Emergency Services and Public Protection in  
387 the safety and use of pistols and revolvers including, but not limited to,  
388 a safety or training course in the use of pistols and revolvers available  
389 to the public offered by a law enforcement agency, a private or public  
390 educational institution or a firearms training school, utilizing instructors  
391 certified by the National Rifle Association or the Department of Energy  
392 and Environmental Protection and a safety or training course in the use  
393 of pistols or revolvers conducted by an instructor certified by the state  
394 or the National Rifle Association; (2) has been convicted of (A) a felony,  
395 [or of] (B) a misdemeanor violation of section 21a-279 on or after October  
396 1, 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-  
397 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during  
398 the preceding twenty years; (3) has been convicted as delinquent for the  
399 commission of a serious juvenile offense, as defined in section 46b-120;  
400 (4) has been discharged from custody within the preceding twenty years  
401 after having been found not guilty of a crime by reason of mental disease  
402 or defect pursuant to section 53a-13; (5) (A) has been confined in a  
403 hospital for persons with psychiatric disabilities, as defined in section  
404 17a-495, within the preceding sixty months by order of a probate court;  
405 or (B) has been voluntarily admitted on or after October 1, 2013, to a  
406 hospital for persons with psychiatric disabilities, as defined in section  
407 17a-495, within the preceding six months for care and treatment of a  
408 psychiatric disability and not solely for being an alcohol-dependent  
409 person or a drug-dependent person as those terms are defined in section  
410 17a-680; (6) is subject to a restraining or protective order issued by a  
411 court in a case involving the use, attempted use or threatened use of  
412 physical force against another person, including an ex parte order  
413 issued pursuant to section 46b-15 or section 46b-16a; (7) is subject to a  
414 firearms seizure order issued prior to June 1, 2022, pursuant to

415 [subsection (d) of] section 29-38c after notice and hearing, or a risk  
416 protection order or risk protection investigation order issued on or after  
417 June 1, 2022, pursuant to section 29-38c, as amended by this act; (8) is  
418 prohibited from shipping, transporting, possessing or receiving a  
419 firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or  
420 unlawfully in the United States.

421 Sec. 5. Subsection (b) of section 29-37p of the general statutes is  
422 repealed and the following is substituted in lieu thereof (*Effective June 1,*  
423 *2022*):

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

449 disability and not solely for being an alcohol-dependent person or a  
450 drug-dependent person as those terms are defined in section 17a-680;  
451 (7) is subject to a restraining or protective order issued by a court in a  
452 case involving the use, attempted use or threatened use of physical force  
453 against another person, including an ex parte order issued pursuant to  
454 section 46b-15 or 46b-16a; (8) is subject to a firearms seizure order issued  
455 prior to June 1, 2022, pursuant to [subsection (d) of] section 29-38c after  
456 notice and hearing, or a risk protection order or risk protection  
457 investigation order issued on or after June 1, 2022, pursuant to section  
458 29-38c, as amended by this act; (9) is prohibited from shipping,  
459 transporting, possessing or receiving a firearm pursuant to 18 USC  
460 922(g)(4); or (10) is an alien illegally or unlawfully in the United States.

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

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

483 after October 1, 2013, in a hospital for persons with psychiatric  
484 disabilities, as defined in section 17a-495, within the preceding sixty  
485 months by order of a probate court, or with respect to any person who  
486 holds a valid permit or certificate that was issued or renewed under the  
487 provisions of section 29-28, as amended by this act, or 29-36f, as  
488 amended by this act, in effect prior to October 1, 2013, such person has  
489 been confined in such hospital within the preceding twelve months, or  
490 (B) has been voluntarily admitted on or after October 1, 2013, to a  
491 hospital for persons with psychiatric disabilities, as defined in section  
492 17a-495, within the preceding six months for care and treatment of a  
493 psychiatric disability, unless the person (i) was voluntarily admitted  
494 solely for being an alcohol-dependent person or a drug-dependent  
495 person as those terms are defined in section 17a-680, or (ii) is a police  
496 officer who was voluntarily admitted and had his or her firearm,  
497 ammunition or electronic defense weapon used in the performance of  
498 the police officer's official duties returned in accordance with section 7-  
499 291d, (6) knows that such person is subject to a firearms seizure order  
500 issued prior to June 1, 2022, pursuant to [subsection (d) of] section 29-  
501 38c after notice and an opportunity to be heard has been provided to  
502 such person, or a risk protection order or risk protection investigation  
503 order issued on or after June 1, 2022, pursuant to section 29-38c, as  
504 amended by this act, or (7) is prohibited from shipping, transporting,  
505 possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the  
506 purposes of this section, "convicted" means having a judgment of  
507 conviction entered by a court of competent jurisdiction, "ammunition"  
508 means a loaded cartridge, consisting of a primed case, propellant or  
509 projectile, designed for use in any firearm, and a motor vehicle violation  
510 for which a sentence to a term of imprisonment of more than one year  
511 may be imposed shall be deemed an unclassified felony.

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

517 or reducing such fine.

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

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

551 291d, (5) knows that such person is subject to (A) a restraining or  
552 protective order of a court of this state that has been issued against such  
553 person, after notice has been provided to such person, in a case  
554 involving the use, attempted use or threatened use of physical force  
555 against another person, or (B) a foreign order of protection, as defined  
556 in section 46b-15a, that has been issued against such person in a case  
557 involving the use, attempted use or threatened use of physical force  
558 against another person, (6) knows that such person is subject to a  
559 firearms seizure order issued prior to June 1, 2022, pursuant to  
560 [subsection (d) of] section 29-38c after notice and an opportunity to be  
561 heard has been provided to such person, or a risk protection order or  
562 risk protection investigation order issued on or after June 1, 2022,  
563 pursuant to section 29-38c, as amended by this act, (7) is prohibited from  
564 shipping, transporting, possessing or receiving a firearm pursuant to 18  
565 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United  
566 States. For the purposes of this section, "convicted" means having a  
567 judgment of conviction entered by a court of competent jurisdiction.

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

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

575 No person shall store or keep any firearm, as defined in section 53a-  
576 3, on any premises under such person's control if such person knows or  
577 reasonably should know that (1) a minor is likely to gain access to the  
578 firearm without the permission of the parent or guardian of the minor,  
579 (2) a resident of the premises is ineligible to possess a firearm under state  
580 or federal law, (3) a resident of the premises is subject to a risk protection  
581 order issued pursuant to section 29-38c, as amended by this act, or [(3)]  
582 (4) a resident of the premises poses a risk of imminent personal injury  
583 to himself or herself or to [other individuals] another person, unless

584 such person (A) keeps the firearm in a securely locked box or other  
 585 container or in a manner which a reasonable person would believe to be  
 586 secure, or (B) carries the firearm on his or her person or within such close  
 587 proximity thereto that such person can readily retrieve and use the  
 588 firearm as if such person carried the firearm on his or her person. For  
 589 the purposes of this section, "minor" means any person under the age of  
 590 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