



House of Representatives

General Assembly

File No. 182

February Session, 2022

Substitute House Bill No. 5306

House of Representatives, March 29, 2022

The Committee on Public Safety and Security reported through REP. HORN of the 64th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TEMPORARY STATE PERMITS AND STATE PERMITS TO CARRY A PISTOL OR REVOLVER FOR RETIRED PEACE OFFICERS.

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

1 Section 1. Subsection (b) of section 29-28 of the 2022 supplement to
2 the general statutes, as amended by section 3 of public act 21-67, is
3 repealed and the following is substituted in lieu thereof (*Effective July 1,*
4 *2022*):

5 (b) [Upon] (1) Except as provided in subdivision (2) of this subsection,
6 upon the application of any person having a bona fide permanent
7 residence within the jurisdiction of any such authority, such chief of
8 police, warden or selectman may issue a temporary state permit to such
9 person to carry a pistol or revolver within the state, provided such
10 authority shall find that such applicant intends to make no use of any
11 pistol or revolver which such applicant may be permitted to carry under
12 such permit other than a lawful use and that such person is a suitable
13 person to receive such permit. No state or temporary state permit to

14 carry a pistol or revolver shall be issued under this [subsection]
15 subdivision if the applicant [(1)] (A) has failed to successfully complete
16 a course approved by the Commissioner of Emergency Services and
17 Public Protection in the safety and use of pistols and revolvers
18 including, but not limited to, a safety or training course in the use of
19 pistols and revolvers available to the public offered by a law
20 enforcement agency, a private or public educational institution or a
21 firearms training school, utilizing instructors certified by the National
22 Rifle Association or the Department of Energy and Environmental
23 Protection and a safety or training course in the use of pistols or
24 revolvers conducted by an instructor certified by the state or the
25 National Rifle Association, [(2)] (B) has been convicted of [(A)] (i) a
26 felony, or [(B)] (ii) a misdemeanor violation of section 21a-279 on or after
27 October 1, 2015, or [(C)] (iii) a misdemeanor violation of section 53a-58,
28 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
29 181d during the preceding twenty years, [(3)] (C) has been convicted as
30 delinquent for the commission of a serious juvenile offense, as defined
31 in section 46b-120, [(4)] (D) has been discharged from custody within the
32 preceding twenty years after having been found not guilty of a crime by
33 reason of mental disease or defect pursuant to section 53a-13, [(5)] (A)
34 (E) (i) has been confined in a hospital for persons with psychiatric
35 disabilities, as defined in section 17a-495, within the preceding sixty
36 months by order of a probate court, or [(B)] (ii) has been voluntarily
37 admitted on or after October 1, 2013, to a hospital for persons with
38 psychiatric disabilities, as defined in section 17a-495, within the
39 preceding six months for care and treatment of a psychiatric disability
40 and not solely for being an alcohol-dependent person or a drug-
41 dependent person as those terms are defined in section 17a-680, [(6)] (F)
42 is subject to a restraining or protective order issued by a court in a case
43 involving the use, attempted use or threatened use of physical force
44 against another person, including an ex parte order issued pursuant to
45 section 46b-15 or 46b-16a, [(7)] (G) is subject to a firearms seizure order
46 issued prior to June 1, 2022, pursuant to section 29-38c after notice and
47 hearing, or a risk protection order or risk protection investigation order
48 issued on or after June 1, 2022, pursuant to section 29-38c, [(8)] (H) is

49 prohibited from shipping, transporting, possessing or receiving a
50 firearm pursuant to 18 USC 922(g)(4), [(9)] (I) is an alien illegally or
51 unlawfully in the United States, or [(10)] (J) is less than twenty-one years
52 of age. Nothing in this section shall require any person who holds a
53 valid permit to carry a pistol or revolver on October 1, 1994, to
54 participate in any additional training in the safety and use of pistols and
55 revolvers. No person may apply for a temporary state permit to carry a
56 pistol or revolver more than once within any twelve-month period, and
57 no temporary state permit to carry a pistol or revolver shall be issued to
58 any person who has applied for such permit more than once within the
59 preceding twelve months. Any person who applies for a temporary state
60 permit to carry a pistol or revolver shall indicate in writing on the
61 application, under penalty of false statement in such manner as the
62 issuing authority prescribes, that such person has not applied for a
63 temporary state permit to carry a pistol or revolver within the past
64 twelve months. Upon issuance of a temporary state permit to carry a
65 pistol or revolver to the applicant, the local authority shall forward the
66 original application to the commissioner. Not later than sixty days after
67 receiving a temporary state permit, an applicant shall appear at a
68 location designated by the commissioner to receive the state permit. The
69 commissioner may then issue, to any holder of any temporary state
70 permit, a state permit to carry a pistol or revolver within the state.

71 (2) Upon the application of any person who (A) not more than thirty
72 days prior to the date of submission of such application, has retired in
73 good standing after serving as a peace officer, as defined in section 53a-
74 3, with a law enforcement unit, as defined in section 7-294a, for a period
75 of not less than ten continuous years, and (B) has a bona fide permanent
76 residence within the jurisdiction of any such authority, such chief of
77 police, warden or selectman shall issue a temporary state permit to such
78 person to carry a pistol or revolver within the state. Upon issuance of a
79 temporary state permit to carry a pistol or revolver to an applicant
80 under this subdivision, the local authority shall forward the original
81 application to the commissioner and the commissioner shall issue a state
82 permit to carry a pistol or revolver within the state. A permit issued
83 pursuant to this subdivision is subject to the provisions of section 29-30,

84 as amended by this act, and any permit holder seeking renewal shall
85 provide any information necessary to qualify for such renewal.

86 (3) Upon issuance of the state permit pursuant to this subsection, the
87 commissioner shall make available to the permit holder a copy of the
88 law regarding the permit holder's responsibility to report the loss or
89 theft of a firearm and the penalties associated with the failure to comply
90 with such law. Upon issuance of the state permit, the commissioner shall
91 forward a record of such permit to the local authority issuing the
92 temporary state permit. The commissioner shall retain records of all
93 applications, whether approved or denied. The copy of the state permit
94 delivered to the permittee shall be laminated and shall contain a full-
95 face photograph of such permittee. A person holding a state permit
96 issued pursuant to this subsection shall notify the issuing authority
97 within two business days of any change of such person's address. The
98 notification shall include the old address and the new address of such
99 person.

100 Sec. 2. Subsection (b) of section 29-28a of the general statutes is
101 repealed and the following is substituted in lieu thereof (*Effective July 1,*
102 *2022*):

103 (b) The local authority shall, not later than eight weeks after a
104 sufficient application for a temporary state permit has been made under
105 subdivision (1) of subsection (b) of section 29-28, as amended by this act,
106 inform the applicant that such applicant's request for a temporary state
107 permit has been approved or denied. For an application described in
108 subdivision (2) of subsection (b) of section 29-28, as amended by this act,
109 the local authority shall immediately inform the applicant of the
110 approval of the request for a temporary state permit. The local authority
111 shall forward a copy of the application indicating approval or denial of
112 the temporary state permit to the Commissioner of Emergency Services
113 and Public Protection. If the local authority has denied the application
114 for a temporary state permit, no state permit may be issued. The
115 commissioner shall, not later than eight weeks after receiving an
116 application under subdivision (1) of subsection (b) of section 29-28, as

117 amended by this act, indicating approval from the local authority,
118 inform the applicant in writing that the applicant's application for a state
119 permit has been approved or denied, or that the results of the national
120 criminal history records check have not been received. For an
121 application described in subdivision (2) of subsection (b) of section 29-
122 28, as amended by this act, the commissioner shall immediately inform
123 the applicant of the approval of the request for a state permit. If grounds
124 for denial become known after a temporary state permit has been
125 obtained, the temporary state permit shall be immediately revoked
126 pursuant to section 29-32, as amended by this act.

127 Sec. 3. Section 29-29 of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective July 1, 2022*):

129 (a) No temporary state permit for carrying any pistol or revolver shall
130 be issued under the provisions of subdivision (1) of subsection (b) of
131 section 29-28, as amended by this act, unless the applicant for such
132 permit gives to the local authority, upon its request, full information
133 concerning the applicant's criminal record. The local authority shall
134 require the applicant to submit to state and national criminal history
135 records checks. The local authority shall take a full description of such
136 applicant and make an investigation concerning the applicant's
137 suitability to carry any such weapons.

138 (b) The local authority shall take the fingerprints of such applicant or
139 conduct any other method of positive identification required by the
140 State Police Bureau of Identification or the Federal Bureau of
141 Investigation, unless the local authority determines that the fingerprints
142 of such applicant have been previously taken and the applicant's
143 identity established, and such applicant presents identification that the
144 local authority verifies as valid. The local authority shall record the date
145 the fingerprints were taken in the applicant's file and, within five
146 business days of such date, shall forward such fingerprints or other
147 positive identifying information to the State Police Bureau of
148 Identification which shall conduct criminal history records checks in
149 accordance with section 29-17a.

150 (c) The local authority may, in its discretion, issue a temporary state
151 permit before a national criminal history records check relative to such
152 applicant's record has been received. Upon receipt of the results of such
153 national criminal history records check, the commissioner shall send a
154 copy of the results of such national criminal history records check to the
155 local authority, which shall inform the applicant and render a decision
156 on the application within one week of the receipt of such results. If such
157 results have not been received within eight weeks after a sufficient
158 application for a permit has been made, the local authority shall inform
159 the applicant of such delay, in writing. No temporary state permit shall
160 be issued to such applicant if the local authority has reason to believe
161 the applicant has ever been convicted of a felony, or that any other
162 condition exists for which the issuance of a permit to such applicant for
163 possession of a pistol or revolver is prohibited under state or federal
164 law.

165 (d) The commissioner may investigate any applicant for a state
166 permit and shall investigate each applicant for renewal of a state permit
167 to ensure that such applicant is eligible under state law for such permit
168 or for renewal of such permit.

169 (e) [No] Except as provided in subdivision (2) of subsection (b) of
170 section 29-28, as amended by this act, no state permit may be issued
171 unless either the local authority or the commissioner has received the
172 results of the national criminal history records check.

173 Sec. 4. Subsection (a) of section 29-30 of the general statutes is
174 repealed and the following is substituted in lieu thereof (*Effective July 1,*
175 *2022*):

176 (a) The fee for each permit originally issued under the provisions of
177 subsection (a) of section 29-28, for the sale at retail of pistols and
178 revolvers shall be two hundred dollars and for each renewal of such
179 permit two hundred dollars. The fee for each state permit originally
180 issued under the provisions of subdivision (1) of subsection (b) of
181 section 29-28, as amended by this act, for the carrying of pistols and
182 revolvers shall be one hundred forty dollars plus sufficient funds as

183 required to be transmitted to the Federal Bureau of Investigation to
184 cover the cost of a national criminal history records check. The local
185 authority shall forward sufficient funds for the national criminal history
186 records check to the commissioner no later than five business days after
187 receipt by the local authority of the application for the temporary state
188 permit. Seventy dollars shall be retained by the local authority. Upon
189 approval by the local authority of the application for a temporary state
190 permit under subdivision (1) of subsection (b) of section 29-28, as
191 amended by this act, seventy dollars shall be sent to the commissioner.
192 The fee to renew each state permit originally issued under the
193 provisions of subdivision (1) or (2) of subsection (b) of section 29-28, as
194 amended by this act, shall be seventy dollars. Upon deposit of such fees
195 in the General Fund, ten dollars of each fee shall be credited within
196 thirty days to the appropriation for the Department of Emergency
197 Services and Public Protection to a separate nonlapsing account for the
198 purposes of the issuance of permits under subsections (a) and (b) of
199 section 29-28, as amended by this act.

200 Sec. 5. Subsection (f) of section 29-30 of the general statutes is repealed
201 and the following is substituted in lieu thereof (*Effective July 1, 2022*):

202 (f) The issuing authority shall send a notice of the expiration of a state
203 permit to carry a pistol or revolver, issued pursuant to section 29-28, as
204 amended by this act, to the holder of such permit, by first class mail, not
205 less than ninety days before such expiration, and shall enclose with such
206 notice a form for the renewal of said state permit. The holder of such
207 permit may mail the form for renewal to the issuing authority and the
208 issuing authority shall accept such form as a valid application for
209 renewal, provided the holder (1) completed the form according to
210 instructions provided by the Department of Emergency Services and
211 Public Protection, (2) enclosed the appropriate fee to renew, in
212 accordance with subsection (a) of this section, (3) enclosed a copy of
213 proof of citizenship or legal residency of the holder, (4) enclosed a
214 photograph of the holder that is either notarized or date stamped, and
215 (5) is otherwise eligible for such permit pursuant to subdivision (1) of
216 subsection (b) of section 29-28, as amended by this act. A state permit to

217 carry a pistol or revolver, issued pursuant to section 29-28, as amended
218 by this act, shall be valid for a period of ninety days after the expiration
219 date, except this provision shall not apply to any state permit to carry a
220 pistol or revolver which has been revoked or for which revocation is
221 pending, pursuant to section 29-32, as amended by this act.

222 Sec. 6. Section 29-32 of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective July 1, 2022*):

224 (a) For the purposes of this section, "conviction" means the entry of a
225 judgment of conviction by any court of competent jurisdiction.

226 (b) Any state permit or temporary state permit for the carrying of any
227 pistol or revolver may be revoked by the Commissioner of Emergency
228 Services and Public Protection for cause and shall be revoked by said
229 commissioner [upon conviction of the holder of such permit of a felony
230 or of any misdemeanor specified in subsection (b) of section 29-28 or]
231 upon the occurrence of any event [which would have disqualified the
232 holder from being issued the state permit or temporary state permit
233 pursuant to] described in subparagraphs (A) to (J), inclusive, of
234 subdivision (1) of subsection (b) of section 29-28, as amended by this act.
235 Upon the revocation of any state permit or temporary state permit, the
236 person whose state permit or temporary state permit is revoked shall be
237 notified in writing and such state permit or temporary state permit shall
238 be forthwith delivered to the commissioner. Any law enforcement
239 authority shall confiscate and immediately forward to the commissioner
240 any state permit or temporary state permit that is illegally possessed by
241 any person. The commissioner may revoke the state permit or
242 temporary state permit based upon the commissioner's own
243 investigation or upon the request of any law enforcement agency. Any
244 person who fails to surrender any permit within five days of notification
245 in writing of revocation thereof shall be guilty of a class A misdemeanor.

246 (c) Any local permit for the carrying of a pistol or revolver issued
247 prior to October 1, 2001, may be revoked by the authority issuing the
248 same for cause, and shall be revoked by the authority issuing the same
249 upon conviction of the holder of such permit of a felony or of any

250 misdemeanor specified in subsection (b) of section 29-28, as amended
 251 by this act, or upon the occurrence of any event which would have
 252 disqualified the holder from being issued such local permit. Upon the
 253 revocation of any local permit, the person whose local permit is revoked
 254 shall be notified in writing and such permit shall be forthwith delivered
 255 to the authority issuing the same. Upon the revocation of any local
 256 permit, the authority issuing the same shall forthwith notify the
 257 commissioner. Upon the revocation of any permit issued by the
 258 commissioner, the commissioner shall forthwith notify any local
 259 authority which the records of the commissioner show as having issued
 260 a currently valid local permit to the holder of the permit revoked by the
 261 commissioner. Any person who fails to surrender such permit within
 262 five days of notification in writing or revocation thereof shall be guilty
 263 of a class A misdemeanor.

264 (d) If a state permit or temporary state permit for the carrying of any
 265 pistol or revolver is revoked because the person holding such permit is
 266 subject to an ex parte order issued pursuant to section 46b-15 or 46b-16a,
 267 upon expiration of such order, such person may notify the Department
 268 of Emergency Services and Public Protection that such order has
 269 expired. Upon verification of such expiration and provided such person
 270 is not otherwise disqualified from holding such permit pursuant to
 271 subsection (b) of section 29-28, as amended by this act, the department
 272 shall reinstate such permit.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	29-28(b)
Sec. 2	July 1, 2022	29-28a(b)
Sec. 3	July 1, 2022	29-29
Sec. 4	July 1, 2022	29-30(a)
Sec. 5	July 1, 2022	29-30(f)
Sec. 6	July 1, 2022	29-32

Statement of Legislative Commissioners:

In Sec. 1(b)(1), "upon" was inserted for clarity, and in Sec. 2, "under subdivision (1) of subsection (b) of section 29-28, as amended by this act" was inserted for accuracy.

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Department of Emergency Services and Public Protection	Various - Potential Revenue Loss	See Below	See Below

Note: Various=Various

Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Potential Revenue Loss	See Below	See Below

Explanation

The bill allows certain retired peace officers to automatically receive a handgun permit resulting in a potential revenue loss to the General Fund, Permit Issuing Account¹, and municipalities. To the extent retired peace officers meet the qualifications and apply for a handgun permit, they are exempt from the initial \$140² application fee.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of retired peace officers applying for a handgun permit.

¹ The Permit Issuing Account resides in the Department of Emergency Services and Public Protection and is a separate non-lapsing account for the purpose of issuing permits. Ten dollars of each fee collected is deposited in this account.

² Half of the fee goes to the Department of Emergency Services and Public Protection and the other goes to the local authority.

OLR Bill Analysis**sHB 5306*****AN ACT CONCERNING TEMPORARY STATE PERMITS AND STATE PERMITS TO CARRY A PISTOL OR REVOLVER FOR RETIRED PEACE OFFICERS.*****SUMMARY**

This bill authorizes certain retired peace officers who apply for a handgun permit to automatically receive (1) a temporary state permit from their local permit-issuing official and (2) one five-year permit from the Department of Emergency Services and Public Protection (DESPP). In doing so, it exempts these applicants from requirements that they:

1. complete a DESPP-approved handgun safety and use course;
2. provide full information on their criminal record and submit to state and national criminal history records checks; and
3. pay a \$140 permit fee, plus sufficient funds to pay for the FBI's national criminal history records checks.

The bill's automatic permit provisions apply to peace officers who (1) served for at least 10 consecutive years with a law enforcement unit (see BACKGROUND), (2) retired in good standing within 30 days before submitting their application for a temporary state handgun permit, and (3) are bona fide permanent residents of the jurisdiction in which they apply for the permit. Under the bill, these initial permits are subject to the existing handgun permit renewal process and \$70 renewal fee.

EFFECTIVE DATE: July 1, 2022

HANDGUN PERMITS FOR RETIRED OFFICERS

Under the bill, the local police chief (or if none, first selectman or borough warden) must issue a temporary state handgun permit to any

qualifying retired peace officer who submits a permit application. After issuing the permit, the local official must forward the original application to the DESPP commissioner, who must subsequently issue a state permit. In both cases, the local official and DESPP commissioner must immediately inform the applicant that his or her request for a permit is approved.

Under the bill, these initial permits are subject to the existing handgun permit renewal process and \$70 renewal fee. The bill specifies that permit holders seeking to renew their permits must provide any information necessary to qualify for the renewal.

BACKGROUND

Peace Officers

By law, “peace officers” are state or local police officers, Division of Criminal Justice inspectors, state marshals exercising statutory authority, judicial marshals performing their duties, conservation officers or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, Police Officer Standards and Training Council (POST)-certified Department of Motor Vehicles inspectors, U.S. marshals and deputy marshals, federal narcotics agents, and POST-certified members of the Mashantucket Pequot and Mohegan tribes' law enforcement units (CGS § 53a-3(9)).

Law Enforcement Unit

A “law enforcement unit” is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a(8)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/15/2022)