



House of Representatives

General Assembly

File No. 130

February Session, 2022

Substitute House Bill No. 5307

House of Representatives, March 28, 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 THE ROLE OF MUNICIPAL CHIEF EXECUTIVE OFFICERS IN FIREARM PERMITTING, TAKING OF FINGERPRINTS FOR CERTAIN OUT-OF-STATE FIREARM PERMIT APPLICANTS AND SUBMISSION OF PHOTOGRAPHS ACCOMPANYING FIREARM PERMIT RENEWALS.

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

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3 act 21-67, are repealed and the following is substituted in lieu thereof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

5 (a) No person who sells ten or more pistols or revolvers in a calendar
6 year or is a federally licensed firearm dealer shall advertise, sell, deliver,
7 or offer or expose for sale or delivery, or have in such person's
8 possession with intent to sell or deliver, any pistol or revolver at retail
9 without having a permit therefor issued as provided in this subsection.
10 The chief of police or, where there is no chief of police, the [warden of
11 the borough or the first selectman of the town, as the case may be] chief
12 executive officer of the municipality, as defined in section 7-148, or, if

13 designated by such chief executive officer, the resident state trooper
14 serving such municipality or a state police officer of the state police
15 troop having jurisdiction over such municipality, may, upon the
16 application of any person, issue a permit in such form as may be
17 prescribed by the Commissioner of Emergency Services and Public
18 Protection for the sale at retail of pistols and revolvers within the
19 jurisdiction of the authority issuing such permit. No permit for the sale
20 at retail of any pistol or revolver shall be issued unless the applicant
21 holds a valid eligibility certificate for a pistol or revolver issued
22 pursuant to section 29-36f or a valid state permit to carry a pistol or
23 revolver issued pursuant to subsection (b) of this section and the
24 applicant submits documentation sufficient to establish that local
25 zoning requirements have been met for the location where the sale is to
26 take place, except that any person selling or exchanging a pistol or
27 revolver for the enhancement of a personal collection or for a hobby or
28 who sells all or part of such person's personal collection of pistols or
29 revolvers shall not be required to submit such documentation for the
30 location where the sale or exchange is to take place.

31 (b) Upon the application of any person having a bona fide permanent
32 residence within the jurisdiction of any such authority, such chief of
33 police [, warden or selectman] or, where there is no chief of police, such
34 chief executive officer or designated resident state trooper or state police
35 officer, as applicable, may issue a temporary state permit to such person
36 to carry a pistol or revolver within the state, provided such authority
37 shall find that such applicant intends to make no use of any pistol or
38 revolver which such applicant may be permitted to carry under such
39 permit other than a lawful use and that such person is a suitable person
40 to receive such permit. No state or temporary state permit to carry a
41 pistol or revolver shall be issued under this subsection if the applicant
42 (1) has failed to successfully complete a course approved by the
43 Commissioner of Emergency Services and Public Protection in the
44 safety and use of pistols and revolvers including, but not limited to, a
45 safety or training course in the use of pistols and revolvers available to
46 the public offered by a law enforcement agency, a private or public
47 educational institution or a firearms training school, utilizing instructors

48 certified by the National Rifle Association or the Department of Energy
49 and Environmental Protection and a safety or training course in the use
50 of pistols or revolvers conducted by an instructor certified by the state
51 or the National Rifle Association, (2) has been convicted of (A) a felony,
52 or (B) a misdemeanor violation of section 21a-279 on or after October 1,
53 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a,
54 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the
55 preceding twenty years, (3) has been convicted as delinquent for the
56 commission of a serious juvenile offense, as defined in section 46b-120,
57 (4) has been discharged from custody within the preceding twenty years
58 after having been found not guilty of a crime by reason of mental disease
59 or defect pursuant to section 53a-13, (5) (A) has been confined in a
60 hospital for persons with psychiatric disabilities, as defined in section
61 17a-495, within the preceding sixty months by order of a probate court,
62 or (B) has been voluntarily admitted on or after October 1, 2013, to a
63 hospital for persons with psychiatric disabilities, as defined in section
64 17a-495, within the preceding six months for care and treatment of a
65 psychiatric disability and not solely for being an alcohol-dependent
66 person or a drug-dependent person, as those terms are defined in
67 section 17a-680, (6) is subject to a restraining or protective order issued
68 by a court in a case involving the use, attempted use or threatened use
69 of physical force against another person, including an ex parte order
70 issued pursuant to section 46b-15 or 46b-16a, (7) is subject to a firearms
71 seizure order issued prior to June 1, 2022, pursuant to section 29-38c
72 after notice and hearing, or a risk protection order or risk protection
73 investigation order issued on or after June 1, 2022, pursuant to section
74 29-38c, (8) is prohibited from shipping, transporting, possessing or
75 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally
76 or unlawfully in the United States, or (10) is less than twenty-one years
77 of age. Nothing in this section shall require any person who holds a
78 valid permit to carry a pistol or revolver on October 1, 1994, to
79 participate in any additional training in the safety and use of pistols and
80 revolvers. No person may apply for a temporary state permit to carry a
81 pistol or revolver more than once within any twelve-month period, and
82 no temporary state permit to carry a pistol or revolver shall be issued to

83 any person who has applied for such permit more than once within the
84 preceding twelve months. Any person who applies for a temporary state
85 permit to carry a pistol or revolver shall indicate in writing on the
86 application, under penalty of false statement in such manner as the
87 issuing authority prescribes, that such person has not applied for a
88 temporary state permit to carry a pistol or revolver within the past
89 twelve months. Upon issuance of a temporary state permit to carry a
90 pistol or revolver to the applicant, the local authority shall forward the
91 original application to the commissioner. Not later than sixty days after
92 receiving a temporary state permit, an applicant shall appear at a
93 location designated by the commissioner to receive the state permit. The
94 commissioner may then issue, to any holder of any temporary state
95 permit, a state permit to carry a pistol or revolver within the state. Upon
96 issuance of the state permit, the commissioner shall make available to
97 the permit holder a copy of the law regarding the permit holder's
98 responsibility to report the loss or theft of a firearm and the penalties
99 associated with the failure to comply with such law. Upon issuance of
100 the state permit, the commissioner shall forward a record of such permit
101 to the local authority issuing the temporary state permit. The
102 commissioner shall retain records of all applications, whether approved
103 or denied. The copy of the state permit delivered to the permittee shall
104 be laminated and shall contain a full-face photograph of such permittee.
105 A person holding a state permit issued pursuant to this subsection shall
106 notify the issuing authority within two business days of any change of
107 such person's address. The notification shall include the old address and
108 the new address of such person.

109 Sec. 2. Subsection (a) of section 29-28a of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective July 1,*
111 *2022*):

112 (a) Requests for temporary state permits under section 29-28, as
113 amended by this act, shall be submitted to the chief of police, or, where
114 there is no chief of police, to the [warden of the borough or the first
115 selectman of the town, as the case may be] chief executive officer of the
116 municipality, as defined in section 7-148, or, if designated by such chief

117 executive officer, the resident state trooper serving such municipality or
118 a state police officer of the state police troop having jurisdiction over
119 such municipality, on application forms prescribed by the
120 Commissioner of Emergency Services and Public Protection. Upon
121 written request by any person for a temporary state permit not on a
122 prescribed application form, or upon request by any person for such
123 application form, the local authority shall supply such forms. When any
124 such request is made in person at the office of the local authority, the
125 local authority shall supply such application form immediately. When
126 any such request is made in any other manner, the local authority shall
127 supply such application form not later than one week after receiving
128 such request. If such application form is not supplied within the time
129 limits required by this section, the request therefor shall constitute a
130 sufficient application. If any local authority fails to supply an
131 application form upon the request of any person, such person may
132 request an application form from the Commissioner of Emergency
133 Services and Public Protection or any barracks of the Division of State
134 Police, and the time limits and procedures set forth in this section for
135 handling requests for such forms shall be applicable.

136 Sec. 3. Subsection (b) of section 29-29 of the general statutes is
137 repealed and the following is substituted in lieu thereof (*Effective July 1,*
138 *2022*):

139 (b) The local authority, or the commissioner in the case of an
140 application pursuant to subsection (f) of section 29-28, as amended by
141 this act, shall take the fingerprints of such applicant or conduct any
142 other method of positive identification required by the State Police
143 Bureau of Identification or the Federal Bureau of Investigation, unless
144 the local authority or the commissioner determines that the fingerprints
145 of such applicant have been previously taken and the applicant's
146 identity established, and such applicant presents identification that the
147 local authority or the commissioner verifies as valid. The local authority
148 or the commissioner shall record the date the fingerprints were taken in
149 the applicant's file and, within five business days of such date, shall
150 forward such fingerprints or other positive identifying information to

151 the State Police Bureau of Identification which shall conduct criminal
152 history records checks in accordance with section 29-17a.

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

155 (f) The issuing authority shall send a notice of the expiration of a state
156 permit to carry a pistol or revolver, issued pursuant to section 29-28, as
157 amended by this act, to the holder of such permit, by first class mail, not
158 less than ninety days before such expiration, and shall enclose with such
159 notice a form for the renewal of said state permit. The holder of such
160 permit may mail the form for renewal to the issuing authority and the
161 issuing authority shall accept such form as a valid application for
162 renewal, provided the holder (1) completed the form according to
163 instructions provided by the Department of Emergency Services and
164 Public Protection, (2) enclosed the appropriate fee to renew, in
165 accordance with subsection (a) of this section, (3) enclosed a copy of
166 proof of citizenship or legal residency of the holder, (4) enclosed a full-
167 face photograph of the holder, [that is either notarized or date stamped,]
168 and (5) is otherwise eligible for such permit pursuant to section 29-28,
169 as amended by this act. A state permit to carry a pistol or revolver,
170 issued pursuant to section 29-28, as amended by this act, shall be valid
171 for a period of ninety days after the expiration date, except this
172 provision shall not apply to any state permit to carry a pistol or revolver
173 which has been revoked or for which revocation is pending, pursuant
174 to section 29-32.

175 Sec. 5. Subsection (e) of section 29-33 of the general statutes is
176 repealed and the following is substituted in lieu thereof (*Effective July 1,*
177 *2022*):

178 (e) Upon the sale, delivery or other transfer of any pistol or revolver,
179 the person making the purchase or to whom the same is delivered or
180 transferred shall sign a receipt for such pistol or revolver, which shall
181 contain the name and address of such person, the date of sale, the
182 caliber, make, model and manufacturer's number and a general
183 description of such pistol or revolver, the identification number of such

184 person's permit to carry pistols or revolvers, issued pursuant to
185 subsection (b) of section 29-28, as amended by this act, permit to sell at
186 retail pistols or revolvers, issued pursuant to subsection (a) of said
187 section, or eligibility certificate for a pistol or revolver, issued pursuant
188 to section 29-36f, if any, and the authorization number designated for
189 the transfer by the Department of Emergency Services and Public
190 Protection. The person, firm or corporation selling such pistol or
191 revolver or making delivery or transfer thereof shall (1) give one copy
192 of the receipt to the person making the purchase of such pistol or
193 revolver or to whom the same is delivered or transferred, [shall] (2)
194 retain one copy of the receipt for at least five years, and [shall] (3) send,
195 by first class mail, or electronically transmit, within forty-eight hours of
196 such sale, delivery or other transfer, (A) one copy of the receipt to the
197 Commissioner of Emergency Services and Public Protection, and (B) one
198 copy of the receipt to the chief of police of the municipality in which the
199 transferee resides or, where there is no chief of police, the [warden of
200 the borough or the first selectman of the town, as the case may be, of the
201 town in which the transferee resides] chief executive officer of the
202 municipality, as defined in section 7-148, in which the transferee resides
203 or, if designated by such chief executive officer, the resident state
204 trooper serving such municipality or a state police officer of the state
205 police troop having jurisdiction over such municipality.

206 Sec. 6. Subsection (d) of section 29-37a of the general statutes is
207 repealed and the following is substituted in lieu thereof (*Effective July 1,*
208 *2022*):

209 (d) No person, firm or corporation may sell, deliver or otherwise
210 transfer, at retail, any long gun to any person unless such person makes
211 application on a form prescribed and furnished by the Commissioner of
212 Emergency Services and Public Protection, which shall be attached by
213 the transferor to the federal sale or transfer document and filed and
214 retained by the transferor for at least twenty years or until such
215 transferor goes out of business. Such application shall be available for
216 inspection during normal business hours by law enforcement officials.
217 No such sale, delivery or other transfer of any long gun shall be made

218 until the person, firm or corporation making such sale, delivery or
219 transfer has ensured that such application has been completed properly
220 and has obtained an authorization number from the Commissioner of
221 Emergency Services and Public Protection for such sale, delivery or
222 transfer. The Department of Emergency Services and Public Protection
223 shall make every effort, including performing the national instant
224 criminal background check, to determine if the applicant is eligible to
225 receive such long gun. If it is determined that the applicant is ineligible
226 to receive such long gun, the Commissioner of Emergency Services and
227 Public Protection shall immediately notify the person, firm or
228 corporation to whom such application was made and no such long gun
229 shall be sold, delivered or otherwise transferred to such applicant by
230 such person, firm or corporation. When any long gun is delivered in
231 connection with any sale or purchase, such long gun shall be enclosed
232 in a package, the paper or wrapping of which shall be securely fastened,
233 and no such long gun when delivered on any sale or purchase shall be
234 loaded or contain any gunpowder or other explosive or any bullet, ball
235 or shell. Upon the sale, delivery or other transfer of the long gun, the
236 transferee shall sign in triplicate a receipt for such long gun, which shall
237 contain the name, address and date and place of birth of such transferee,
238 the date of such sale, delivery or transfer and the caliber, make, model
239 and manufacturer's number and a general description thereof. Not later
240 than twenty-four hours after such sale, delivery or transfer, the
241 transferor shall send by first class mail or electronically transfer one
242 receipt to the Commissioner of Emergency Services and Public
243 Protection and one receipt to the chief of police of the municipality in
244 which the transferee resides or, where there is no chief of police, the
245 [warden of the borough or the first selectman, of the town in which the
246 transferee resides] chief executive officer of the municipality, as defined
247 in section 7-148, in which the transferee resides or, if designated by such
248 chief executive officer, the resident state trooper serving such
249 municipality or a state police officer of the state police troop having
250 jurisdiction over such municipality, and shall retain one receipt,
251 together with the original application, for at least five years.

252 Sec. 7. Subdivision (3) of subsection (f) of section 29-37a of the general

253 statutes is repealed and the following is substituted in lieu thereof
254 (*Effective July 1, 2022*):

255 (3) Upon the sale, delivery or other transfer of the long gun, the
256 transferor or transferee shall complete a form, prescribed by the
257 Commissioner of Emergency Services and Public Protection, that
258 contains the name and address of the transferor, the name and address
259 of the transferee, the date and place of birth of such transferee, the
260 firearm permit or certificate number of the transferee, the firearm permit
261 or certificate number of the transferor, if any, the date of such sale,
262 delivery or transfer, the caliber, make, model and manufacturer's
263 number and a general description of such long gun and the
264 authorization number provided by the department. Not later than
265 twenty-four hours after such sale, delivery or transfer, the transferor
266 shall send by first class mail or electronically transfer one copy of such
267 form to the Commissioner of Emergency Services and Public Protection
268 and one copy to the chief of police of the municipality in which the
269 transferee resides or, where there is no chief of police, the [warden of
270 the borough or the first selectman, of the town in which the transferee
271 resides] chief executive officer of the municipality, as defined in section
272 7-148, in which the transferee resides or, if designated by such chief
273 executive officer, the resident state trooper serving such municipality or
274 a state police officer of the state police troop having jurisdiction over
275 such municipality, and shall retain one copy, for at least five years.

276 Sec. 8. Subsection (b) of section 29-37g of the general statutes is
277 repealed and the following is substituted in lieu thereof (*Effective July 1,*
278 *2022*):

279 (b) Not later than thirty days before commencement of a gun show,
280 the gun show promoter shall [notify the chief of police or, where there
281 is no chief of police, the warden of the borough or the first selectman of
282 the town in which the gun show is to take place] provide notice of the
283 date, time, duration and location of the gun show to (1) the chief of
284 police of the municipality in which the gun show is to take place, or (2)
285 where there is no chief of police, the chief executive officer of the

286 municipality, as defined in section 7-148, in which the gun show is to
 287 take place or, if designated by such chief executive officer, the resident
 288 state trooper serving such municipality or a state police officer of the
 289 state police troop having jurisdiction over such municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	29-28(a) and (b)
Sec. 2	July 1, 2022	29-28a(a)
Sec. 3	July 1, 2022	29-29(b)
Sec. 4	July 1, 2022	29-30(f)
Sec. 5	July 1, 2022	29-33(e)
Sec. 6	July 1, 2022	29-37a(d)
Sec. 7	July 1, 2022	29-37a(f)(3)
Sec. 8	July 1, 2022	29-37g(b)

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: None

Municipal Impact: None

Explanation

The bill makes various technical changes regarding firearm permitting resulting in no fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5307****AN ACT CONCERNING THE ROLE OF MUNICIPAL CHIEF EXECUTIVE OFFICERS IN FIREARM PERMITTING, TAKING OF FINGERPRINTS FOR CERTAIN OUT-OF-STATE FIREARM PERMIT APPLICANTS AND SUBMISSION OF PHOTOGRAPHS ACCOMPANYING FIREARM PERMIT RENEWALS.****SUMMARY**

In municipalities that do not have a police chief, current law authorizes the first selectman or borough warden to perform various firearms permitting and administrative functions. This bill instead authorizes the municipality's chief executive officer (CEO) to perform these functions or designate the resident state trooper, or a state police officer from the troop with jurisdiction over the municipality, to do so.

By law, a nonresident with a valid out-of-state gun permit may apply directly to the Department of Emergency Services and Public Protection (DESPP) commissioner for a Connecticut handgun permit. The bill extends to the DESPP commissioner, for purposes of processing these permit applications, the same fingerprinting and positive identification procedures required under existing law for local officials processing temporary state handgun permit applications.

Lastly, the bill (1) requires that the photograph handgun permit holders must submit with their permit renewal applications be a full-face photo and (2) eliminates the requirement that it be notarized or date stamped.

EFFECTIVE DATE: July 1, 2022

FIREARMS PERMITTING BY LOCAL OFFICIALS

The bill authorizes the CEO of any municipality (i.e., town, city, consolidated town and city, borough, or consolidated town and

borough) without a police chief to perform the functions described below, rather than just a town's first selectman or borough's warden. It also authorizes these municipal CEOs to designate the municipality's resident state trooper, or a state police officer from the State Police troop with jurisdiction over the municipality, to perform these functions.

The bill applies these provisions to the laws on (1) issuing gun dealer and temporary state handgun permits and (2) receiving copies of receipts for handgun and long gun sales and transfers. It also makes conforming changes to the law requiring gun show promoters to notify the host town's local official of the show date, time, duration, and location.

FINGERPRINTING AND IDENTIFICATION REQUIREMENTS

The bill requires the DESPP commissioner to take the fingerprints of nonresident handgun permit applicants or conduct other positive identification methods required by the State Police Bureau of Identification (SPBI) or Federal Bureau of Investigation. If he determines that the applicant's fingerprints have previously been taken and the applicant presents identification that the commissioner determines is valid, he does not have to take the fingerprints again. The commissioner must record the date the fingerprints were taken in the applicant's file and, within five business days, forward the fingerprints or other positive identification to SPBI for criminal history checks.

BACKGROUND

Municipal CEOs

By law, each municipality with a charter adopted or amended under the statutes must have a chief executive officer, who may be the (1) first selectman; (2) chief administrative officer appointed by the board of selectmen or mayor; (3) mayor; (4) borough warden; or (5) appointed town, city, or borough manager (CGS § 7-193). In towns that have a board of selectman as their executive authority, the first selectman is the chief executive officer unless the law provides otherwise (CGS § 7-12a).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/15/2022)