

Connecticut's “Red Flag” Firearm Law

Overview

“Red flag” laws, also known as risk protection order (RPO) or extreme risk laws, allow courts to (1) prevent people who may pose a danger to themselves or their community from acquiring firearms and (2) temporarily seize those that the person at risk already possesses. These laws generally establish a process by which law enforcement, the individual’s family members, designated individuals, and in some cases medical professionals, may file these petitions with the courts.

In 1999, Connecticut became the first state to pass a red flag law ([PA 99-212](#)). Since then, 18 other states and the District of Columbia have enacted these laws (*Stateline*, an initiative of the Pew Charitable Trusts, “[States Want to Make it Easier to Use Red Flag Laws](#),” June 27, 2022). Connecticut expanded the scope of its red flag law in 2021 to, among other things, establish a process for family members and others to ask the court for an RPO investigation ([CGS § 29-38c](#), as amended by [PA 21-67](#)). These provisions took effect on June 1, 2022.

How Does Connecticut’s RPO Law Work?

State law establishes two ways to ask the court for an RPO. The first is initiated by a police investigation into someone at risk. If two or more officers (or a state’s attorney or assistant state’s attorney) have probable cause to believe that the person poses a risk of imminent personal injury to themselves or another person, they may bring a complaint under oath to a judge to seek an RPO prohibiting that person from getting firearms, deadly weapons, or ammunition and, when applicable, a warrant to search for and confiscate these items (i.e., a risk warrant). In determining whether to issue the order, the judge considers specific factors, including (1) any recent threat or violent act the person directed toward themselves or another person and (2) whether the person committed any recent acts of animal cruelty.

The second way is initiated by qualifying family or household members or medical professionals. The law allows these individuals to apply directly to court for an RPO investigation if they have a good faith belief that someone poses such a risk. Their application and accompanying affidavit must be made under oath and, among other things, include facts supporting their belief that the person poses this imminent risk. After receiving the application and affidavit, if the court finds there is a good faith belief that the person poses this risk, it orders the police to conduct the investigation. If the police subsequently

determine there is probable cause to believe that the person poses an imminent risk, they apply to the court for an RPO and, when applicable, a risk warrant.

What Happens if the Judge Issues an RPO?

If the judge is satisfied that the law's standards have been met, he or she issues the RPO directed to the police. If the court has probable cause to believe that the person has any firearms, deadly weapons, or ammunition, the judge must also issue a risk warrant that allows the police to search for and seize these items. According to the Judicial Branch, the police commonly search the person's home, workplace, and vehicle or boat. The police hold the seized items until the court hearing to determine if the state should continue to hold them or return them.

The court provides the person a copy of the order along with a notice of his or her right to a hearing and legal representation. This order is in effect for up to 14 days after the RPO or risk warrant is served. During that time, the court holds a hearing to determine whether the order should continue and, if applicable, whether the state should return the person's firearms, deadly weapons, or ammunition.

At the hearing, the court decides whether the person poses an imminent risk. (The law requires the state to prove all material facts by clear and convincing evidence.) If the court finds that the state failed to prove that the person poses such a risk, it terminates the order and warrant and orders the items' return as soon as practicable (as long as the person is otherwise legally able to possess them).

If the court finds that the person poses this risk, it may order that the RPO stay in effect and that the state continue to hold the items. The order, and any hold on the person's items, continues until he or she successfully petitions the court to terminate the order and risk warrant. He or she may do so starting 180 days after the hearing. If the court denies the petition, the person must wait at least 180 days before filing another one. The court must terminate the order if it finds that the state failed to prove, based on clear and convincing evidence, that the person poses a threat to themselves or others.

What Happens to the Seized Firearms, Weapons, and Ammunition?

The law allows the owner of any firearm or ammunition seized under these provisions (or the person's legal representative) to transfer them to federally licensed firearms dealers. These transfers must follow specified procedures and the state agency holding the items must transfer them within 10 days of receiving notice.

If the Department of Emergency Services and Public Protection or a local police department is holding firearms, deadly weapons, or ammunition seized under a risk warrant, they may not destroy them until at least one year has passed since the warrant's termination date.

Who Can Request an Investigation?

- Spouse
- Parent, stepparent, grandparent, or mother- or father-in-law
- Child, stepchild, grandchild, or son- or daughter-in-law
- Sibling, stepsibling, or brother- or sister-in-law
- Someone who has a child in common with the person
- Anyone living with the person
- Dating or intimate partner
- Legal guardian (current or former)
- One of the following medical professionals who has examined the person: a physician or physician assistant, an advanced practice registered nurse, or a psychologist or clinical social worker

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More

[“Risk Protection Orders and Risk Protection Order Investigations,”](#) (Judicial Branch, June 2022).

[Affidavit for RPO Investigation](#); [Application for RPO Investigation](#); [Petition to Terminate RPO](#)

[PA 21-67](#), *An Act Concerning Risk Protection Orders or Warrants and Disqualifiers for Firearm Permits and Eligibility Certificates*

