



House of Representatives

General Assembly

File No. 632

January Session, 2023

Substitute House Bill No. 6877

House of Representatives, April 17, 2023

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND DISQUALIFIERS FOR FIREARM PERMITS AND ELIGIBILITY CERTIFICATES BASED ON TEMPORARY COMMITMENT UNDER A PHYSICIAN'S EMERGENCY CERTIFICATION.

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

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 Section 29-38c of the general statutes is repealed and the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

3 (a) [Upon] Except as provided pursuant to section 2 of this act in the
4 case of a complaint concerning a child, as defined in section 46b-120,
5 upon complaint on oath by any state's attorney or assistant state's
6 attorney or by any [two] police [officers] officer, to any judge of the
7 Superior Court, that such state's attorney, assistant state's attorney or
8 police [officers have] officer has probable cause to believe that a person
9 poses a risk of imminent personal injury to [himself or herself] such
10 person's self or to another person, the judge may issue a risk protection
11 order prohibiting such person from acquiring or possessing a firearm or
12 other deadly weapon or ammunition. As part of or following the

13 issuance of such order, if there is probable cause to believe that (1) such
14 person possesses one or more firearms or other deadly weapons, and (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 shall issue a
17 warrant commanding a police officer to enter into or upon such place or
18 thing, search the same or the person and take into such officer's custody
19 any and all firearms and other deadly weapons and ammunition. No
20 such warrant shall be issued if the applicant for the order is a police
21 officer, unless the application is supported by more than one police
22 officer, under oath on the complaint. Such state's attorney, assistant
23 state's attorney or police officer or officers may not make any such
24 complaint unless such state's attorney, assistant state's attorney or police
25 officer or officers, as applicable, have conducted an independent
26 investigation and determined that such probable cause exists. Upon the
27 issuance of any such order and warrant, if applicable, the judge shall
28 order the clerk of the court to give notice to the Commissioner of
29 Emergency Services and Public Protection of the issuance of such order
30 and warrant, [if] as applicable.

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

46 (2) Upon receipt of an application and affidavit pursuant to this

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

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

82 needs additional time to complete the risk warrant investigation, as
83 soon thereafter as is practicable. Upon receiving such notification that
84 there was not a finding of probable cause, the court shall immediately
85 remove or cancel any record entered into the National Instant Criminal
86 Background Check System associated with such investigation for which
87 there was no finding of probable cause.

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

117 requisite circumstances are met, the judge shall issue a risk protection
118 order regardless of whether the person is already ineligible to possess a
119 firearm. The order and warrant, if applicable, shall be directed to any
120 police officer of a regularly organized police department or any state
121 police officer. The order and warrant, if applicable, shall state the
122 grounds or probable cause for issuance and, in the case of a warrant, the
123 warrant shall command the officer to search within a reasonable time
124 the person, place or thing named for any and all firearms and other
125 deadly weapons and ammunition. A copy of the order and warrant, if
126 applicable, shall be [given within a reasonable time to] served upon the
127 person named in the order not later than three days prior to the hearing
128 scheduled pursuant to subsection (e) of this section, together with a
129 notice informing the person that such person has the right to a hearing
130 under this section, the telephone number for the court clerk who can
131 inform the person of the date and time of such hearing and the right to
132 be represented by counsel at such hearing.

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

146 (2) In the case of a risk protection order, not later than the next
147 business day following the service of the order, the municipal or state
148 police agency that served the order shall file with the court of the
149 geographical area in the location in which the subject of the order
150 resides a copy of the order and transmit to the state's attorney's office

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

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

186 or other deadly weapon or deadly weapons and any ammunition seized
187 to be returned as soon as is practicable to the person named in the
188 warrant, provided such person is otherwise legally [able] eligible to
189 possess such firearm or firearms or other deadly weapon or deadly
190 weapons and ammunition. If the court finds that the person poses a risk
191 of imminent personal injury to [himself or herself] such person's self or
192 to another person, the court shall give notice to the Department of
193 Mental Health and Addiction Services which may take such action
194 pursuant to chapter 319i as the department deems appropriate.

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

221 such hearing the state shall have the burden of proving all material facts
222 by clear and convincing evidence. If the court, following such hearing,
223 finds by clear and convincing evidence that the petitioner poses a risk
224 of imminent personal injury to [himself or herself] such person's self or
225 to another person, the order and warrant, if applicable, shall remain in
226 effect. If the court finds that the state has failed to prove by clear and
227 convincing evidence that the petitioner poses a risk of imminent
228 personal injury to [himself or herself] such person's self or to another
229 person, the court shall terminate such order and warrant, if applicable.
230 Any person whose petition is denied may file a subsequent petition in
231 accordance with the provisions of this subsection at least one hundred
232 eighty days after the date on which the court denied the previous
233 petition.

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

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

247 (i) Notwithstanding the provisions of section 29-36k, the
248 Commissioner of Emergency Services and Public Protection holding
249 any firearm or firearms or other deadly weapon or deadly weapons and
250 any ammunition seized pursuant to a warrant issued under this section,
251 or any local police department holding on behalf of said commissioner
252 any such firearm or firearms or other deadly weapon or deadly weapons
253 or ammunition, shall not destroy any such firearm or other deadly

254 weapon or ammunition until at least one year has passed since date of
255 the termination of a warrant under subsection (e) of this section.

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

277 Sec. 2. (NEW) (*Effective from passage*) (a) Upon complaint on oath by
278 any assistant state's attorney or by any police officer, to any judge of the
279 Superior Court, that such assistant state's attorney or police officer has
280 probable cause to believe that a child, as defined in section 46b-120 of
281 the general statutes, poses a risk of imminent personal injury to other
282 individuals and that such child possesses one or more firearms or other
283 deadly weapons and such firearm or firearms or other deadly weapon
284 or deadly weapons are within or upon any place, thing or person, such
285 judge may issue a risk warrant commanding a police officer to enter into
286 or upon such place or thing, search the same or the child and take into
287 such officer's custody any and all firearms and other deadly weapons

288 and ammunition. Such assistant state's attorney or police officer shall
289 not make such complaint unless such assistant state's attorney or police
290 officer has conducted an independent investigation and determined that
291 such probable cause exists and that there is no reasonable alternative
292 available to prevent such child from causing imminent personal injury
293 to others with such firearm or firearms or deadly weapon or deadly
294 weapons.

295 (b) (1) Any family or household member or medical professional who
296 has a good faith belief that a child poses a risk of imminent personal
297 injury to another person and such child possesses one or more firearms
298 or other deadly weapon or deadly weapons and such firearm or
299 firearms or other deadly weapon or deadly weapons are within or upon
300 any place, thing or person, may make an application for a risk warrant
301 with any clerk of the court for juvenile matters. The application and
302 accompanying affidavit shall be made under oath and indicate: (A) The
303 factual basis for the applicant's belief that such child poses a risk of
304 imminent personal injury to another person; (B) the factual basis for the
305 applicant's belief that such child possesses one or more firearms or
306 deadly weapons; and (C) where any such firearm or other deadly
307 weapon or ammunition is located, if known.

308 (2) Upon receipt of an application and affidavit pursuant to this
309 subsection, if the court finds that there is a good faith belief that a child
310 poses a risk of imminent personal injury to another person and
311 possesses one or more firearms or deadly weapons, the court shall order
312 a risk warrant investigation to determine if the child who is the subject
313 of the application poses a risk of imminent personal injury to another
314 person and that the child possesses one or more firearms or deadly
315 weapons. Upon issuance by the court of an order for a risk warrant
316 investigation, the court shall immediately give notice of the order and
317 transmit the order and the application and affidavit on which the order
318 is based to the law enforcement agency for the town in which the child
319 who is the subject of the investigation resides.

320 (3) Upon receipt of a risk warrant investigation order of a child, the

321 law enforcement agency shall immediately investigate whether the
322 child who is the subject of the investigation poses a risk of imminent
323 personal injury to another person and whether the child possesses one
324 or more firearms or deadly weapons. If the law enforcement agency
325 determines that there is probable cause to believe that the child who is
326 the subject of the investigation poses a risk of imminent personal injury
327 to another person and the child possesses one or more firearms or
328 deadly weapons, such law enforcement agency shall seek a risk warrant
329 pursuant to subsection (a) of this section not later than twenty-four
330 hours after receiving the risk warrant investigation order or, if the law
331 enforcement agency needs additional time to complete the
332 investigation, as soon thereafter as is practicable. If the law enforcement
333 agency determines that there is no probable cause to believe that the
334 child who is the subject of the investigation poses a risk of imminent
335 personal injury to another person and that the child who is the subject
336 of the investigation possesses one or more firearms or deadly weapons,
337 the law enforcement agency shall notify the court and the applicant of
338 such determination, in writing, not later than forty-eight hours after
339 receiving the investigation order, if practicable, or, if the law
340 enforcement agency needs additional time to complete the risk warrant
341 investigation, as soon thereafter as is practicable.

342 (c) A risk warrant may issue only on an affidavit sworn to by the
343 complainant before the judge and establishing the grounds for issuing
344 the warrant, which shall be part of the juvenile court file. The file shall
345 be considered a record of a juvenile matter and shall have the same
346 confidentiality protections applicable to juvenile matters involving
347 delinquency pursuant to subsections (c) and (d) of section 46b-124 of the
348 general statutes. In determining whether there is probable cause for a
349 risk warrant, the judge shall consider: (1) Recent threats or acts of
350 violence by such child directed toward other persons; and (2) recent acts
351 of cruelty to animals as provided in subsection (b) of section 53-247 of
352 the general statutes, by such child. In evaluating whether such recent
353 threats or acts of violence constitute probable cause to believe that such
354 child poses a risk of imminent personal injury to others, the judge may
355 consider other factors, including, but not limited to, (A) the reckless use,

356 display or brandishing of a firearm or other deadly weapon by such
357 child, (B) a history of the use, attempted use or threatened use of
358 physical force by such child against other persons, (C) prior involuntary
359 confinement of such child in a hospital for persons with psychiatric
360 disabilities, and (D) the illegal use of controlled substances or abuse of
361 alcohol by such child. If the judge is satisfied that the grounds for the
362 complaint exist or that there is probable cause to believe that such
363 grounds exist, the judge shall issue a risk warrant naming or describing
364 the child, and the place or thing to be searched. The warrant shall be
365 directed to any police officer of a regularly organized police department
366 or any state police officer. The warrant shall state the grounds or
367 probable cause for issuance and shall command the officer to search
368 within a reasonable time the child, place or thing named for any and all
369 firearms and other deadly weapons and ammunition. A copy of the
370 warrant shall be served upon the child and the child's parent or
371 guardian named in the warrant not later than three days before the
372 hearing scheduled pursuant to subsection (e) of this section, together
373 with a notice informing the child and the child's parent or guardian that
374 such child has the right to a hearing and the right to be represented by
375 counsel at the hearing.

376 (d) The municipal or state police agency that executed the warrant
377 shall file a copy of the application for the warrant and all affidavits upon
378 which the warrant is based with the clerk of the juvenile court serving
379 the town where the child resides and with the assistant state's attorney's
380 office for such juvenile court not later than the next business day
381 following the execution of the warrant. The clerk of the juvenile court
382 shall not disclose any information pertaining to the application for the
383 warrant or any affidavits upon which the warrant is based. The warrant
384 shall be executed and returned with reasonable promptness consistent
385 with due process of law and shall be accompanied by a written
386 inventory of all firearms and other deadly weapons and ammunition
387 seized.

388 (e) Not later than fourteen days after the issuance of a warrant under
389 this section, the juvenile court serving the town where the child named

390 in the risk warrant resides shall hold a hearing to determine whether the
391 firearm or firearms or other deadly weapon or deadly weapons and
392 ammunition should be returned to the rightful owner of any such
393 firearm, deadly weapon or ammunition, or, if the state should continue
394 to hold any such firearm, deadly weapon or ammunition. The judge
395 hearing the matter may exclude from the room in which such hearing is
396 held any person whose presence, in the court's opinion, is not necessary
397 pursuant to subsection (b) of section 46b-122 of the general statutes. At
398 such hearing, the state shall have the burden of proving all material facts
399 by clear and convincing evidence. If, after such hearing, the court finds
400 by clear and convincing evidence that the child poses a risk of imminent
401 personal injury to another person, the court may order that the firearm
402 or firearms or other deadly weapon or deadly weapons and any
403 ammunition seized pursuant to the warrant issued under subsection (a)
404 of this section continue to be held by the state until further order of the
405 court.

406 (f) If the court finds that the state has failed to prove by clear and
407 convincing evidence that the child poses a risk of imminent personal
408 injury to another person and that the child possesses one or more
409 firearms or deadly weapons, the court shall order the firearm or firearms
410 or other deadly weapon or deadly weapons and any ammunition seized
411 to be returned as soon as is practicable to the rightful owner of any such
412 firearm, deadly weapon or ammunition, provided such owner is
413 otherwise legally eligible to possess such items.

414 (g) For the purposes of this section, "ammunition", "family or
415 household member" and "medical professional" have the same
416 meanings as provided in subsection (j) of section 29-38c of the general
417 statutes, as amended by this act, and "deadly weapon" has the same
418 meaning as provided in section 53a-3 of the general statutes.

419 Sec. 3. Section 46b-15e of the general statutes is repealed and the
420 following is substituted in lieu thereof (*Effective June 1, 2023*):

421 (a) (1) The Office of the Chief Court Administrator shall revise and
422 simplify the process for filing an application for relief under section 46b-

423 15. The Office of the Chief Court Administrator shall ensure that any
424 person seeking to file an application for relief is provided with a one-
425 page, plain language explanation of how to apply for relief under
426 section 46b-15.

427 (2) The Office of the Chief Court Administrator shall develop and
428 make available to the public educational materials concerning the risk
429 protection order and warrant processes set forth in section 29-38c, as
430 amended by this act, relating to a person who poses a risk of imminent
431 personal injury to [himself or herself] such person's self or to another
432 person, or concerning the risk protection warrant processes set forth in
433 section 2 of this act relating to a child who poses a risk of imminent
434 personal injury to another person. The Office of the Chief Court
435 Administrator shall develop and make available to the public in hard
436 copy and electronically on the Internet web site of the Judicial Branch a
437 form to enable a family or household member or medical professional,
438 each as defined in section 29-38c, as amended by this act, to apply to
439 have a risk protection order investigation ordered and a one-page, plain
440 language explanation of how to apply for such order or warrant. The
441 form shall contain questions designed to solicit information significant
442 to a determination. The public educational materials and form shall
443 prominently advise the applicant that a risk protection order or warrant
444 may be sought through and with the assistance of a municipal or state
445 police agency or a state's attorney's office, and of the benefits of doing
446 so.

447 (b) The Chief Court Administrator shall annually collect data on (1)
448 the number of restraining orders issued under section 46b-15 and civil
449 protection orders issued under section 46b-16a; (2) the number of such
450 orders that are not picked up by an applicant from the office of the clerk
451 at the court location which issued the order; (3) the method of service of
452 such orders in cases in which a respondent is successfully served with
453 the order; (4) the number of requests for a police officer to be present at
454 the time service of an order pursuant to subsection (h) of section 46b-15;
455 and (5) the number of such orders issued that subsequently expire or are
456 dismissed because the respondent could not be served with the order.

457 Sec. 4. Subsection (b) of section 29-28 of the general statutes is
458 repealed and the following is substituted in lieu thereof (*Effective October*
459 *1, 2023*):

460 (b) Upon the application of any person having a bona fide permanent
461 residence within the jurisdiction of any such authority, such chief of
462 police or, where there is no chief of police, such chief executive officer
463 or designated resident state trooper or state police officer, as applicable,
464 may issue a temporary state permit to such person to carry a pistol or
465 revolver within the state, provided such authority shall find that such
466 applicant intends to make no use of any pistol or revolver which such
467 applicant may be permitted to carry under such permit other than a
468 lawful use and that such person is a suitable person to receive such
469 permit. If the applicant has a bona fide permanent residence within the
470 jurisdiction of any federally recognized Native American tribe within
471 the borders of the state, and such tribe has a law enforcement unit, as
472 defined in section 7-294a, the chief of police of such law enforcement
473 unit may issue a temporary state permit to such person pursuant to the
474 provisions of this subsection, and any chief of police of any other law
475 enforcement unit having jurisdiction over an area containing such
476 person's bona fide permanent residence shall not issue such temporary
477 state permit if such tribal law enforcement unit accepts applications for
478 temporary state permits. No state or temporary state permit to carry a
479 pistol or revolver shall be issued under this subsection if the applicant
480 (1) has failed to successfully complete a course approved by the
481 Commissioner of Emergency Services and Public Protection in the
482 safety and use of pistols and revolvers including, but not limited to, a
483 safety or training course in the use of pistols and revolvers available to
484 the public offered by a law enforcement agency, a private or public
485 educational institution or a firearms training school, utilizing instructors
486 certified by the National Rifle Association or the Department of Energy
487 and Environmental Protection and a safety or training course in the use
488 of pistols or revolvers conducted by an instructor certified by the state
489 or the National Rifle Association, (2) has been convicted of (A) a felony,
490 or (B) a misdemeanor violation of section 21a-279 on or after October 1,
491 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a,

492 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the
493 preceding twenty years, (3) has been convicted as delinquent for the
494 commission of a serious juvenile offense, as defined in section 46b-120,
495 (4) has been discharged from custody within the preceding twenty years
496 after having been found not guilty of a crime by reason of mental disease
497 or defect pursuant to section 53a-13, (5) (A) has been confined in a
498 hospital for persons with psychiatric disabilities, as defined in section
499 17a-495, within the preceding sixty months by order of a probate court,
500 or (B) has been voluntarily admitted on or after October 1, 2013, or has
501 been committed under an emergency certificate pursuant to section 17a-
502 502 on or after October 1, 2023, to a hospital for persons with psychiatric
503 disabilities, as defined in section 17a-495, within the preceding six
504 months for care and treatment of a psychiatric disability and not solely
505 for being an alcohol-dependent person or a drug-dependent person, as
506 those terms are defined in section 17a-680, (6) is subject to a restraining
507 or protective order issued by a court in a case involving the use,
508 attempted use or threatened use of physical force against another
509 person, including an ex parte order issued pursuant to section 46b-15 or
510 46b-16a, (7) is subject to a firearms seizure order issued prior to June 1,
511 2022, pursuant to section 29-38c, as amended by this act, after notice and
512 hearing, or a risk protection order or risk protection investigation order
513 issued on or after June 1, 2022, pursuant to section 29-38c, as amended
514 by this act, (8) is prohibited from shipping, transporting, possessing or
515 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally
516 or unlawfully in the United States, or (10) is less than twenty-one years
517 of age. Nothing in this section shall require any person who holds a
518 valid permit to carry a pistol or revolver on October 1, 1994, to
519 participate in any additional training in the safety and use of pistols and
520 revolvers. No person may apply for a temporary state permit to carry a
521 pistol or revolver more than once within any twelve-month period, and
522 no temporary state permit to carry a pistol or revolver shall be issued to
523 any person who has applied for such permit more than once within the
524 preceding twelve months. Any person who applies for a temporary state
525 permit to carry a pistol or revolver shall indicate in writing on the
526 application, under penalty of false statement in such manner as the

527 issuing authority prescribes, that such person has not applied for a
528 temporary state permit to carry a pistol or revolver within the past
529 twelve months. Upon issuance of a temporary state permit to carry a
530 pistol or revolver to the applicant, the local authority shall forward the
531 original application to the commissioner. Not later than sixty days after
532 receiving a temporary state permit, an applicant shall appear at a
533 location designated by the commissioner to receive the state permit. The
534 commissioner may then issue, to any holder of any temporary state
535 permit, a state permit to carry a pistol or revolver within the state. Upon
536 issuance of the state permit, the commissioner shall make available to
537 the permit holder a copy of the law regarding the permit holder's
538 responsibility to report the loss or theft of a firearm and the penalties
539 associated with the failure to comply with such law. Upon issuance of
540 the state permit, the commissioner shall forward a record of such permit
541 to the local authority issuing the temporary state permit. The
542 commissioner shall retain records of all applications, whether approved
543 or denied. The copy of the state permit delivered to the permittee shall
544 be laminated and shall contain a full-face photograph of such permittee.
545 A person holding a state permit issued pursuant to this subsection shall
546 notify the issuing authority within two business days of any change of
547 such person's address. The notification shall include the old address and
548 the new address of such person.

549 Sec. 5. Subsection (b) of section 29-36f of the general statutes is
550 repealed and the following is substituted in lieu thereof (*Effective October*
551 *1, 2023*):

552 (b) The Commissioner of Emergency Services and Public Protection
553 shall issue an eligibility certificate unless said commissioner finds that
554 the applicant: (1) Has failed to successfully complete a course approved
555 by the Commissioner of Emergency Services and Public Protection in
556 the safety and use of pistols and revolvers including, but not limited to,
557 a safety or training course in the use of pistols and revolvers available
558 to the public offered by a law enforcement agency, a private or public
559 educational institution or a firearms training school, utilizing instructors
560 certified by the National Rifle Association or the Department of Energy

561 and Environmental Protection and a safety or training course in the use
562 of pistols or revolvers conducted by an instructor certified by the state
563 or the National Rifle Association; (2) has been convicted of (A) a felony,
564 (B) a misdemeanor violation of section 21a-279 on or after October 1,
565 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a,
566 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the
567 preceding twenty years; (3) has been convicted as delinquent for the
568 commission of a serious juvenile offense, as defined in section 46b-120;
569 (4) has been discharged from custody within the preceding twenty years
570 after having been found not guilty of a crime by reason of mental disease
571 or defect pursuant to section 53a-13; (5) (A) has been confined in a
572 hospital for persons with psychiatric disabilities, as defined in section
573 17a-495, within the preceding sixty months by order of a probate court;
574 or (B) has been voluntarily admitted on or after October 1, 2013, or has
575 been committed under an emergency certificate pursuant to section 17a-
576 502 on or after October 1, 2023, to a hospital for persons with psychiatric
577 disabilities, as defined in section 17a-495, within the preceding six
578 months for care and treatment of a psychiatric disability and not solely
579 for being an alcohol-dependent person or a drug-dependent person as
580 those terms are defined in section 17a-680; (6) is subject to a restraining
581 or protective order issued by a court in a case involving the use,
582 attempted use or threatened use of physical force against another
583 person, including an ex parte order issued pursuant to section 46b-15 or
584 section 46b-16a; (7) is subject to a firearms seizure order issued prior to
585 June 1, 2022, pursuant to section 29-38c, as amended by this act, after
586 notice and hearing, or a risk protection order or risk protection
587 investigation order issued on or after June 1, 2022, pursuant to section
588 29-38c, as amended by this act; (8) is prohibited from shipping,
589 transporting, possessing or receiving a firearm pursuant to 18 USC
590 922(g)(4); or (9) is an alien illegally or unlawfully in the United States.

591 Sec. 6. Subsection (b) of section 29-37p of the general statutes is
592 repealed and the following is substituted in lieu thereof (*Effective October*
593 *1, 2023*):

594 (b) The Commissioner of Emergency Services and Public Protection

595 shall issue a long gun eligibility certificate unless said commissioner
596 finds that the applicant: (1) Has failed to successfully complete a course
597 approved by the Commissioner of Emergency Services and Public
598 Protection in the safety and use of firearms including, but not limited to,
599 a safety or training course in the use of firearms available to the public
600 offered by a law enforcement agency, a private or public educational
601 institution or a firearms training school, utilizing instructors certified by
602 the National Rifle Association or the Department of Energy and
603 Environmental Protection and a safety or training course in the use of
604 firearms conducted by an instructor certified by the state or the National
605 Rifle Association; (2) has been convicted of (A) a felony, (B) a
606 misdemeanor violation of section 21a-279 on or after October 1, 2015, or
607 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,
608 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the
609 preceding twenty years; (3) has been convicted as delinquent for the
610 commission of a serious juvenile offense, as defined in section 46b-120;
611 (4) has been discharged from custody within the preceding twenty years
612 after having been found not guilty of a crime by reason of mental disease
613 or defect pursuant to section 53a-13; (5) has been confined in a hospital
614 for persons with psychiatric disabilities, as defined in section 17a-495,
615 within the preceding sixty months by order of a probate court; (6) has
616 been voluntarily admitted or, on or after October 1, 2023, has been
617 committed under an emergency certificate pursuant to section 17a-502
618 to a hospital for persons with psychiatric disabilities, as defined in
619 section 17a-495, within the preceding six months for care and treatment
620 of a psychiatric disability and not solely for being an alcohol-dependent
621 person or a drug-dependent person as those terms are defined in section
622 17a-680; (7) is subject to a restraining or protective order issued by a
623 court in a case involving the use, attempted use or threatened use of
624 physical force against another person, including an ex parte order
625 issued pursuant to section 46b-15 or 46b-16a; (8) is subject to a firearms
626 seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as
627 amended by this act, after notice and hearing, or a risk protection order
628 or risk protection investigation order issued on or after June 1, 2022,
629 pursuant to section 29-38c, as amended by this act; (9) is prohibited from

630 shipping, transporting, possessing or receiving a firearm pursuant to 18
631 USC 922(g)(4); or (10) is an alien illegally or unlawfully in the United
632 States.

633 Sec. 7. Section 29-38b of the general statutes is repealed and the
634 following is substituted in lieu thereof (*Effective October 1, 2023*):

635 (a) The Commissioner of Emergency Services and Public Protection,
636 in fulfilling his obligations under sections 29-28 to 29-38, inclusive, as
637 amended by this act, and section 53-202d, shall verify that any person
638 who, on or after October 1, 1998, applies for or seeks renewal of a permit
639 to sell at retail a pistol or revolver, a permit to carry a pistol or revolver,
640 an eligibility certificate for a pistol or revolver or a certificate of
641 possession for an assault weapon, or who, on or after July 1, 2013,
642 applies for or seeks renewal of a long gun eligibility certificate, has not
643 been confined in a hospital for persons with psychiatric disabilities, as
644 defined in section 17a-495, within the preceding sixty months by order
645 of a probate court or has not been voluntarily admitted or has been
646 committed under an emergency certificate pursuant to section 17a-502
647 to a hospital for persons with psychiatric disabilities, as defined in
648 section 17a-495, within the preceding six months for care and treatment
649 of a psychiatric disability and not solely for being an alcohol-dependent
650 person or a drug-dependent person as those terms are defined in section
651 17a-680, by making an inquiry to the Department of Mental Health and
652 Addiction Services in such a manner so as to only receive a report on the
653 commitment or admission status of the person with respect to whom the
654 inquiry is made including identifying information in accordance with
655 the provisions of subsection (b) of section 17a-500, as amended by this
656 act.

657 (b) If the Commissioner of Emergency Services and Public Protection
658 determines pursuant to subsection (a) of this section that a person has
659 been confined in a hospital for persons with psychiatric disabilities, as
660 defined in section 17a-495, within the preceding sixty months by order
661 of a probate court or has been voluntarily admitted or has been
662 committed under an emergency certificate pursuant to section 17a-502

663 to a hospital for persons with psychiatric disabilities, as defined in
664 section 17a-495, within the preceding six months for care and treatment
665 of a psychiatric disability and not solely for being an alcohol-dependent
666 person or a drug-dependent person as those terms are defined in section
667 17a-680, said commissioner shall report the status of such person's
668 application for or renewal of a permit to sell at retail a pistol or revolver,
669 a permit to carry a pistol or revolver, an eligibility certificate for a pistol
670 or revolver, a certificate of possession for an assault weapon or a long
671 gun eligibility certificate to the Commissioner of Mental Health and
672 Addiction Services for the purpose of fulfilling his responsibilities under
673 subsection (c) of section 17a-500.

674 Sec. 8. Section 53a-217 of the general statutes is repealed and the
675 following is substituted in lieu thereof (*Effective October 1, 2023*):

676 (a) A person is guilty of criminal possession of a firearm, ammunition
677 or an electronic defense weapon when such person possesses a firearm,
678 ammunition or an electronic defense weapon and (1) has been convicted
679 of (A) a felony committed prior to, on or after October 1, 2013, (B) a
680 misdemeanor violation of section 21a-279 on or after October 1, 2015, or
681 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,
682 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or
683 after October 1, 2013, and during the preceding twenty years, (2) has
684 been convicted as delinquent for the commission of a serious juvenile
685 offense, as defined in section 46b-120, (3) has been discharged from
686 custody within the preceding twenty years after having been found not
687 guilty of a crime by reason of mental disease or defect pursuant to
688 section 53a-13, (4) knows that such person is subject to (A) a restraining
689 or protective order of a court of this state that has been issued against
690 such person, after notice has been provided to such person, in a case
691 involving the use, attempted use or threatened use of physical force
692 against another person, or (B) a foreign order of protection, as defined
693 in section 46b-15a, that has been issued against such person in a case
694 involving the use, attempted use or threatened use of physical force
695 against another person, (5) (A) has been confined on or after October 1,
696 2013, in a hospital for persons with psychiatric disabilities, as defined in

697 section 17a-495, within the preceding sixty months by order of a probate
698 court, or with respect to any person who holds a valid permit or
699 certificate that was issued or renewed under the provisions of section
700 29-28, as amended by this act, or 29-36f, as amended by this act, in effect
701 prior to October 1, 2013, such person has been confined in such hospital
702 within the preceding twelve months, or (B) has been voluntarily
703 admitted on or after October 1, 2013, or has been committed under an
704 emergency certificate pursuant to section 17a-502 on or after October 1,
705 2023, to a hospital for persons with psychiatric disabilities, as defined in
706 section 17a-495, within the preceding six months for care and treatment
707 of a psychiatric disability, unless the person (i) was [voluntarily]
708 admitted or committed solely for being an alcohol-dependent person or
709 a drug-dependent person as those terms are defined in section 17a-680,
710 or (ii) is a police officer who was voluntarily admitted and had his or
711 her firearm, ammunition or electronic defense weapon used in the
712 performance of the police officer's official duties returned in accordance
713 with section 7-291d, (6) knows that such person is subject to a firearms
714 seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as
715 amended by this act, after notice and an opportunity to be heard has
716 been provided to such person, or a risk protection order or risk
717 protection investigation order issued on or after June 1, 2022, pursuant
718 to section 29-38c, as amended by this act, or (7) is prohibited from
719 shipping, transporting, possessing or receiving a firearm pursuant to 18
720 USC 922(g)(4). For the purposes of this section, "convicted" means
721 having a judgment of conviction entered by a court of competent
722 jurisdiction, "ammunition" means a loaded cartridge, consisting of a
723 primed case, propellant or projectile, designed for use in any firearm,
724 and a motor vehicle violation for which a sentence to a term of
725 imprisonment of more than one year may be imposed shall be deemed
726 an unclassified felony.

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

732 or reducing such fine.

733 Sec. 9. Section 53a-217c of the general statutes is repealed and the
734 following is substituted in lieu thereof (*Effective October 1, 2023*):

735 (a) A person is guilty of criminal possession of a pistol or revolver
736 when such person possesses a pistol or revolver, as defined in section
737 29-27, and (1) has been convicted of (A) a felony committed prior to, on
738 or after October 1, 2013, (B) a misdemeanor violation of section 21a-279
739 committed on or after October 1, 2015, or (C) a misdemeanor violation
740 of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-
741 176, 53a-178 or 53a-181d committed during the preceding twenty years,
742 (2) has been convicted as delinquent for the commission of a serious
743 juvenile offense, as defined in section 46b-120, (3) has been discharged
744 from custody within the preceding twenty years after having been
745 found not guilty of a crime by reason of mental disease or defect
746 pursuant to section 53a-13, (4) (A) has been confined prior to October 1,
747 2013, in a hospital for persons with psychiatric disabilities, as defined in
748 section 17a-495, within the preceding twelve months by order of a
749 probate court, or has been confined on or after October 1, 2013, in a
750 hospital for persons with psychiatric disabilities, as defined in section
751 17a-495, within the preceding sixty months by order of a probate court,
752 or, with respect to any person who holds a valid permit or certificate
753 that was issued or renewed under the provisions of section 29-28, as
754 amended by this act, or 29-36f, as amended by this act, in effect prior to
755 October 1, 2013, such person has been confined in such hospital within
756 the preceding twelve months, or (B) has been voluntarily admitted on
757 or after October 1, 2013, or has been committed under an emergency
758 certificate pursuant to section 17a-502 on or after October 1, 2023, to a
759 hospital for persons with psychiatric disabilities, as defined in section
760 17a-495, within the preceding six months for care and treatment of a
761 psychiatric disability, unless the person (i) was [voluntarily] admitted
762 or committed solely for being an alcohol-dependent person or a drug-
763 dependent person as those terms are defined in section 17a-680, or (ii) is
764 a police officer who was voluntarily admitted and had his or her
765 firearm, ammunition or electronic defense weapon used in the

766 performance of the police officer's official duties returned in accordance
767 with section 7-291d, (5) knows that such person is subject to (A) a
768 restraining or protective order of a court of this state that has been issued
769 against such person, after notice has been provided to such person, in a
770 case involving the use, attempted use or threatened use of physical force
771 against another person, or (B) a foreign order of protection, as defined
772 in section 46b-15a, that has been issued against such person in a case
773 involving the use, attempted use or threatened use of physical force
774 against another person, (6) knows that such person is subject to a
775 firearms seizure order issued prior to June 1, 2022, pursuant to section
776 29-38c, as amended by this act, after notice and an opportunity to be
777 heard has been provided to such person, or a risk protection order or
778 risk protection investigation order issued on or after June 1, 2022,
779 pursuant to section 29-38c, as amended by this act, (7) is prohibited from
780 shipping, transporting, possessing or receiving a firearm pursuant to 18
781 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United
782 States. For the purposes of this section, "convicted" means having a
783 judgment of conviction entered by a court of competent jurisdiction.

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

789 Sec. 10. Subsection (b) of section 17a-500 of the general statutes is
790 repealed and the following is substituted in lieu thereof (*Effective October*
791 *1, 2023*):

792 (b) The Commissioner of Mental Health and Addiction Services shall,
793 notwithstanding the provisions of subsection (a) of this section,
794 maintain information, in accordance with section 17a-499, on
795 commitment orders by a probate court, [and shall maintain information,
796 in accordance with] section 17a-506a, as amended by this act, on
797 voluntary admissions, and section 17a-502, on commitment under an
798 emergency certificate, and shall provide such information to the

799 Commissioner of Emergency Services and Public Protection in
800 fulfillment of [his] the commissioner's obligations under sections 29-28
801 to 29-38, inclusive, as amended by this act, and section 53-202d, in such
802 a manner as to report identifying information on the commitment or
803 voluntary admission status, including, but not limited to, name,
804 address, sex, date of birth and date of commitment or admission, for a
805 person who applies for or holds a permit or certificate under said
806 sections 29-28 to 29-38, inclusive, as amended by this act, and section 53-
807 202d. The Commissioner of Emergency Services and Public Protection
808 shall maintain as confidential any such information provided to him
809 and shall use such information only for purposes of fulfilling his
810 obligations under sections 29-28 to 29-38, inclusive, as amended by this
811 act, and section 53-202d, except that nothing in this section shall prohibit
812 said commissioner from entering such information into evidence at a
813 hearing held in accordance with section 29-32b.

814 Sec. 11. Section 17a-506a of the general statutes is repealed and the
815 following is substituted in lieu thereof (*Effective October 1, 2023*):

816 Whenever a person is voluntarily admitted or committed under an
817 emergency certificate pursuant to section 17a-502 to a hospital for
818 persons with psychiatric disabilities, as defined in section 17a-495, for
819 care and treatment of a psychiatric disability and not solely for being an
820 alcohol-dependent person or a drug-dependent person as those terms
821 are defined in section 17a-680, the hospital shall forthwith notify the
822 Commissioner of Mental Health and Addiction Services of such
823 admission or commitment and provide identifying information
824 including, but not limited to, name, address, sex, date of birth and the
825 date of admission. The commissioner shall maintain such identifying
826 information on all such admissions occurring on and after October 1,
827 2013, and commitments occurring on and after October 1, 2023.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-38c
Sec. 2	<i>from passage</i>	New section

Sec. 3	<i>June 1, 2023</i>	46b-15e
Sec. 4	<i>October 1, 2023</i>	29-28(b)
Sec. 5	<i>October 1, 2023</i>	29-36f(b)
Sec. 6	<i>October 1, 2023</i>	29-37p(b)
Sec. 7	<i>October 1, 2023</i>	29-38b
Sec. 8	<i>October 1, 2023</i>	53a-217
Sec. 9	<i>October 1, 2023</i>	53a-217c
Sec. 10	<i>October 1, 2023</i>	17a-500(b)
Sec. 11	<i>October 1, 2023</i>	17a-506a

JUD *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 24 \$	FY 25 \$
Emergency Services and Public Protection, Dept.	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Impact	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Municipal Police Departments	STATE MANDATE ¹ - Potential Cost	See Below	See Below
Various Municipalities	Potential Revenue Loss	See Below	See Below

Explanation

The bill makes changes to firearms and public safety statutes resulting in the following impacts to state and municipal agencies.

Section 2 requires law enforcement agencies to immediately investigate circumstances surrounding a child in possession of a firearm or deadly weapon upon receiving a court order, resulting in a potential cost to the State Police in the Department of Emergency Services and

¹ State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

Public Protection (DESPP) and municipal police departments, to the extent that additional resources and overtime expenses are required to meet the investigation requirements. The average overtime rate for one State Police trooper is \$79 per hour.

Sections 4-11 prohibit certain individuals from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate, resulting in a potential revenue loss to state and local permitting authorities to the extent that less applications are received.

These sections also make some changes to offenses of criminal possession of a firearm which result in a potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500² while the average marginal cost for supervision in the community is less than \$800³ each year.

Finally, the bill makes various procedural, conforming, and technical changes not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number and scope of investigations required, the number of affected firearm permit and certificate applications, and the number of criminal offenses committed.

² Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

OLR Bill Analysis**sHB 6877****AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND DISQUALIFIERS FOR FIREARM PERMITS AND ELIGIBILITY CERTIFICATES BASED ON TEMPORARY COMMITMENT UNDER A PHYSICIAN'S EMERGENCY CERTIFICATION.****SUMMARY**

Existing law allows the police or a state's attorney or assistant state's attorney, under limited circumstances, to apply to court for a risk protection order (RPO) prohibiting someone at imminent risk of injuring themselves or someone else from obtaining or possessing firearms, other deadly weapons, or ammunition. As part of this process, the court may also issue a risk warrant for the police to seize these items if the person possesses them (see BACKGROUND).

This bill makes various changes to this process by principally doing the following:

1. allowing a single police officer to apply for an RPO that does not include a risk warrant, instead of requiring two as under current law;
2. requiring the order and warrant, if applicable, to be served at least three days before the required hearing (current law does not set a specific deadline); and
3. limiting the existing process to adults and creating a separate risk warrant process for children who possess firearms or other deadly weapons and pose an imminent risk of injuring other people that, similar to the current process, starts with an investigation on the police or prosecutor's initiative or a court-

ordered investigation requested by family or household members or medical professionals.

Additionally, the bill bars people from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate if, on or after October 1, 2023, they were committed to a psychiatric hospital under a physician's emergency certificate (PEC, see BACKGROUND) within the prior six months for psychiatric treatment and not just for alcohol or drug abuse. It also extends existing criminal penalties for unlawful possession of handguns or other firearms, electronic defense weapons, or ammunition to people possessing these items if they were committed within the prior six months under a PEC as specified above.

The bill makes conforming changes related to psychiatric commitments under PECs and the responsibilities of psychiatric hospitals, the Department of Emergency Services and Public Protection (DESPP), and Department of Mental Health and Addiction Services (DMHAS).

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except that (1) conforming changes to certain responsibilities for the chief court administrator's office related to the new risk warrant process for minors (§ 3) are effective June 1, 2023, and (2) provisions on PECs (§§ 4-11) are effective October 1, 2023.

§ 1 — RPO AND RISK WARRANT PROCESS FOR ADULTS

The bill limits the existing RPO and risk warrant process to adults and creates a separate risk warrant process for minors (see § 2 below).

The bill allows a single police officer to apply for an RPO that does not include a risk warrant, rather than requiring two as under current law. As under existing law, a state's attorney or assistant state's attorney may also apply for an RPO and risk warrant.

Current law requires that the applicant for an RPO, and risk warrant if applicable, complete an affidavit sworn to before the judge. The bill continues to require a sworn affidavit, but only requires the applicant to physically appear before the judge for a risk warrant.

Under the bill, a copy of the RPO and warrant, if applicable, and related information (e.g., hearing notice) must be served upon the person no later than three days before the required hearing. Current law requires these documents to be provided within a reasonable time but does not set a specific deadline.

The bill also changes the deadline for the mandatory hearing. It requires the hearing to be held within 14 days after the court issued the RPO and warrant, if applicable. Current law requires the hearing within 14 days after the person was served.

§§ 2 & 3 — RISK WARRANT PROCESS FOR CHILDREN

The bill creates a separate risk warrant process for children (i.e., anyone under age 18 who has not been legally emancipated) who (1) pose an imminent risk of injuring other people and (2) possess firearms or other deadly weapons.

In several respects, the bill's new process is similar to the current process. For example, both provide two avenues to begin the process: (1) a police or prosecutor applies to court after their investigation or (2) a family or household member or qualifying medical professional applies to court to begin a police investigation. Generally, both processes set similar standards and factors in the judge's determination on whether to grant the warrant or investigation order.

There are also several differences. For example, the new process provides for risk warrants to seize firearms, other deadly weapons, or ammunition, but it does not include risk protection orders to prevent children from acquiring or possessing these items (other laws restrict firearm sales to minors). Unlike the current process, the new process only applies if the child poses a risk to other people. While both processes require a hearing to determine whether the state continues to

hold the items, the new process does not grant children the right to periodically request another hearing.

The bill's new process is summarized below.

Process for Police or Prosecutor to Seek Risk Warrant (§ 2(a))

Under the bill, any police officer or assistant state's attorney, upon complaint under oath, may seek a warrant from a Superior Court judge if they have probable cause to believe that (1) a child poses a risk of imminent injury to other people, (2) the child possesses at least one firearm or other deadly weapon, and (3) that weapon is within or upon any place, thing, or person. Before seeking the warrant, the applicant must have conducted an independent investigation and determined that there is (1) probable cause and (2) no reasonable alternative to prevent the child from causing imminent personal injury to other people with the firearm or deadly weapon.

Process for Family or Household Members or Medical Professionals to Seek Investigation Order (§ 2(b)(1))

The bill also allows certain family or household members or medical professionals to apply to juvenile court for a warrant if they have a good faith belief that (1) a child poses a risk of imminent injury to other people, (2) the child possesses at least one firearm or other deadly weapon, and (3) these weapons are within or upon any place, thing, or person. These provisions apply to the same family or household members and medical professionals as under existing law for RPO investigations (see BACKGROUND).

The application and accompanying affidavit must be made under oath and indicate:

1. the factual basis for the applicant's belief that the child poses this imminent risk and possesses a firearm or deadly weapon and
2. the location of the firearms, weapons, or ammunition, if known.

Court Order and Notice to Police (§ 2(b)(2)). Under the bill, after receiving the application and affidavit, if the court finds there is a good

faith belief that the child poses this imminent risk and possesses at least one firearm or deadly weapon, it must order a risk warrant investigation to determine if the child poses that risk and has these weapons.

Upon issuing the order, the court must immediately notify the law enforcement agency for the town where the child lives, and send the order, application, and affidavit to it.

Police Investigation (§ 2(b)(3)). Under the bill, after receiving this order, the law enforcement agency must immediately investigate whether the child (1) poses a risk of imminently injuring someone else and (2) possesses a firearm or deadly weapon. If the agency determines that there is probable cause to believe that is the case, it must apply to court for a risk warrant. The agency must do so within 24 hours after receiving the investigation order, or as soon as practicable if they need more time to complete the investigation.

If the law enforcement agency determines that there is no probable cause, it must notify the court and the applicant in writing. It must do so within 48 hours after receiving the investigation order, or as soon as practicable if they need more time to complete the investigation.

Judge's Determination and Issuance of Warrant (§ 2(a) & (c))

The bill establishes the same process for the judge to issue the warrant, whether the applicant is a (1) police officer or assistant state's attorney applying after their investigation or (2) police officer applying after a court-ordered investigation for requests by family or household members or medical professionals.

The bill allows a judge to issue a risk warrant only upon an affidavit, sworn to by the applicant physically before the judge, establishing the grounds for the warrant. The affidavit is part of the juvenile court file. The bill specifies that the file is considered to be a record of juvenile matters and has the same confidentiality protections that apply to juvenile delinquency matters (see BACKGROUND).

Under the bill, in determining whether there is probable cause for the

warrant, the judge must consider the child's recent (1) threats or violent acts toward other people and (2) acts of animal cruelty. In evaluating whether these threats or acts constitute probable cause to believe the child poses an imminent risk, the judge may consider other things, including whether the child (1) recklessly used, displayed, or brandished a firearm or other deadly weapon; (2) has a history of using, attempting, or threatening to use physical force against other people; (3) was ever involuntarily confined to a psychiatric hospital; or (4) abused alcohol or illegally used controlled substances.

If the judge is satisfied that the standards have been met, the judge must issue a risk warrant, directed to a police officer, (1) naming or describing the child, (2) stating the grounds or probable cause, and (3) describing the place or thing to be searched. The warrant must direct the officer to search for the named child, place, or thing, within a reasonable time, for any firearm, other deadly weapons, or ammunition, and take these items into custody.

Under the bill, at least three days before the required hearing (see below), a copy of the warrant must be served on the child and the parent or guardian named in the warrant, along with a notice informing them that the child has the right to a hearing and to be represented by counsel at the hearing.

Police Duties After Warrant Is Issued; Nondisclosure by Court Clerk (§ 2(d))

The bill requires the warrant to be executed and returned with reasonable promptness consistent with due process and accompanied by a written inventory of all seized firearms, deadly weapons, and ammunition.

The police agency that executed the warrant must file a copy of the application and all supporting affidavits with the appropriate juvenile court clerk and assistant state's attorney office by the next business day after the warrant is executed. The court clerk cannot disclose any information about the application or related affidavits.

Mandatory Hearing (§ 2(e) & (f))

Under the bill, the juvenile court serving the town where the child lives must hold a hearing within 14 days after the risk warrant's issuance. The purpose of the hearing is to determine if the state should continue to hold the weapons or ammunition or return them to their rightful owner. During the hearing, the judge may exclude from the room anyone whose presence is unnecessary, in the judge's opinion.

At the hearing, the state must prove all material facts by clear and convincing evidence. After the hearing, if the court finds that the child poses an imminent risk of injuring someone else, it may order that the state continue to hold the items until a further court order. If the court finds that the state failed to prove this, it must order the items to be returned to their rightful owner as soon as practicable, as long as that person is legally eligible to possess them.

Educational Materials (§ 3)

Existing law requires the chief court administrator's office to develop and make available (1) public educational materials on the RPO and risk warrant processes; (2) forms (in hard copy and online) for family or household members or medical professionals to apply for an RPO investigation; and (3) a one-page, plain language explanation of how to apply. The bill makes conforming changes by also requiring these materials and other documents for the bill's new risk warrant process for children.

§§ 4-11 — PHYSICIAN EMERGENCY CERTIFICATES

The bill prohibits people from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate if, on or after October 1, 2023, they were committed to a psychiatric hospital under a PEC within the prior six months for psychiatric treatment and not just for alcohol or drug abuse.

It also extends existing criminal penalties for unlawful possession of handguns or other firearms, electronic defense weapons, or ammunition to people possessing these items if, or on after October 1, 2023, they were

committed within the prior six months under a PEC as specified above. By law, these crimes are class C felonies (up to 10 years in prison, up to a \$10,000 fine, or both) with a two-year mandatory minimum sentence, and a \$5,000 minimum fine unless the court states on the record why it remits or reduces it.

Under existing law, the prohibition on obtaining the gun credentials listed above, and the criminal possession penalties, already apply to, among others, people who were voluntarily admitted to a psychiatric hospital within the prior six months for the reasons noted above (except the criminal penalties do not apply to police officers under certain circumstances). These provisions also already apply to people who were confined in a psychiatric hospital within the last 60 months by a probate court order (or for the criminal penalties, the previous 12 months in some cases).

The bill makes conforming changes to the responsibilities of psychiatric hospitals, DESPP, and DMHAS relating to psychiatric commitments under PECs. As is already the case for certain other psychiatric commitments or admissions under existing law:

1. psychiatric hospitals must notify DMHAS about these commitments;
2. DMHAS must maintain information on these commitments and give it to the DESPP commissioner so that he may carry out his obligations pertaining to gun credentials (DESPP must otherwise keep the information confidential);
3. the DESPP commissioner must verify from DMHAS that a person applying for a gun credential was not subject to such a commitment; and
4. if the DESPP commissioner determines that an applicant was subject to such a commitment, he must report the status of the person's application to DMHAS.

BACKGROUND

RPO and Risk Warrant Process

Existing law establishes two ways to begin the RPO and risk warrant process. The first is initiated by the police (or a state's attorney or assistant state's attorney) following their investigation, who then apply to court for the RPO and, when applicable, a risk warrant.

The second is initiated by qualifying family or household members or medical professionals applying to court for an RPO investigation. If the order is granted and the police subsequently determine there is probable cause to believe that the person poses an imminent risk, the police apply to court for an RPO and, when applicable, a risk warrant.

In either case, if the judge issues the order and warrant, the police seize the person's firearms, deadly weapons, and ammunition, and hold the items until the required court hearing.

After the hearing, if the court finds that the state failed to prove that the person poses an imminent risk, it terminates the order and warrant and orders the items' return (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 person must wait at least 180 days before petitioning the court for another hearing (CGS § 29-38c).

Family or Household Members or Medical Professionals

Under existing law for RPO investigations, a "family or household member" is someone at least age 18 who is one of the following in relation to the person subject to the application:

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

5. the person's current or former legal guardian.

A "medical professional" is one of the following state-licensed professionals who has examined the person: a physician or physician assistant, an advanced practice registered nurse, or a psychologist or clinical social worker (CGS § 29-38c(j)).

Juvenile Delinquency Records

Records of juvenile delinquency cases are generally confidential but are available to certain people or agencies for specified purposes. For example, they are available to (1) court employees who need access to perform their jobs or (2) government employees and agents (such as law enforcement) involved in the delinquency proceedings, the direct provision of services to the child, or the delivery of court diversionary programs (CGS § 46b-124(c) & (d)).

Psychiatric Commitment Under a Physician's Emergency Certificate

By law, a person may be confined for up to 15 days without a court order pursuant to a PEC. The physician must have concluded, based on a personal examination, that the person (1) has psychiatric disabilities and is a danger to himself or herself or others or gravely disabled and (2) needs immediate care and treatment in a hospital for psychiatric disabilities.

If a written application for commitment has been filed in probate court before the end of the 15-day period, the emergency commitment may be continued for an additional 15 days or until the probate proceedings conclude, whichever is sooner.

The person must be examined by a psychiatrist within 48 hours of admission (or 36 hours if the person is admitted at a chronic disease hospital). If the psychiatrist determines that the person does not meet the criteria for emergency detention and treatment, the person must be released. Anyone held under these provisions has the right to a hearing within 72 hours of requesting one in writing, excluding weekends and holidays (CGS § 17a-502).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 29 Nay 7 (03/30/2023)