



# House of Representatives

**File No. 766**

General Assembly

January Session, 2023

**(Reprint of File No. 632)**

Substitute House Bill No. 6877  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 11, 2023

***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 Section 29-38c of the general statutes is repealed and the  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 under eighteen years of age, upon  
5 complaint on oath by any state's attorney or assistant state's attorney or  
6 by any [two] police [officers] officer, to any judge of the Superior Court,  
7 that such state's attorney, assistant state's attorney or police [officers  
8 have] officer has probable cause to believe that a person who is at least  
9 eighteen years of age poses a risk of imminent personal injury to  
10 [himself or herself] such person's self or to another person, the judge  
11 may issue a risk protection order prohibiting such person from

12 acquiring or possessing a firearm or other deadly weapon or  
13 ammunition. If such state's attorney, assistant state's attorney or police  
14 officer has a good faith belief that such person posing the risk is already  
15 prohibited from acquiring or possessing a firearm, or is already the  
16 subject of a risk protection order or pending risk protection order, the  
17 state's attorney, assistant state's attorney or police officer need not, but  
18 shall have the discretion to, pursue a risk protection order pursuant to  
19 this section. As part of or following the issuance of such order, if there  
20 is probable cause to believe that (1) such person possesses one or more  
21 firearms or other deadly weapons, and (2) such firearm or firearms or  
22 other deadly weapon or deadly weapons are within or upon any place,  
23 thing or person, such judge shall issue a warrant commanding a police  
24 officer to enter into or upon such place or thing, search the same or the  
25 person and take into such officer's custody any and all firearms and  
26 other deadly weapons and ammunition. No such warrant shall be  
27 issued if the applicant for the order is a police officer, unless the  
28 application is supported by more than one police officer, under oath on  
29 the complaint. Such state's attorney, assistant state's attorney or police  
30 officer or officers may not make any such complaint unless such state's  
31 attorney, assistant state's attorney or police officer or officers, as  
32 applicable, have conducted an independent investigation and  
33 determined that such probable cause exists. Upon the issuance of any  
34 such order and warrant, if applicable, the judge shall order the clerk of  
35 the court to give notice to the Commissioner of Emergency Services and  
36 Public Protection of the issuance of such order and warrant, [if] as  
37 applicable.

38 (b) (1) Any family or household member or medical professional who  
39 has a good faith belief that a person who is at least eighteen years of age  
40 poses a risk of imminent personal injury to [himself or herself] such  
41 person's self or to another person may make an application for a risk  
42 protection order investigation with the clerk of the court for any  
43 geographical area. The application and accompanying affidavit shall be  
44 made under oath and indicate: (A) The factual basis for the applicant's  
45 belief that such person poses a risk of imminent personal injury to

46 [himself or herself] such person's self or to another person; (B) whether  
47 such person holds a permit under subsection (b) of section 29-28, as  
48 amended by this act, or an eligibility certificate issued under section 29-  
49 36f, as amended by this act, 29-37p, as amended by this act, or 29-38n or  
50 currently possesses one or more firearms or other deadly weapons or  
51 ammunition, if known; and (C) where any such firearm or other deadly  
52 weapon or ammunition is located, if known.

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

70 (3) Upon receipt of an investigation order, the law enforcement  
71 agency shall immediately investigate whether the subject of the  
72 investigation poses a risk of imminent personal injury to [himself or  
73 herself] such person's self or to another person. If the law enforcement  
74 agency determines that there is probable cause to believe that the subject  
75 of the investigation poses a risk of imminent personal injury to [himself  
76 or herself] such person's self or to another person, such law enforcement  
77 agency shall seek a risk protection order, and when applicable, a  
78 warrant pursuant to subsection (a) of this section not later than twenty-  
79 four hours after receiving the investigation order, or, if the law

80 enforcement agency needs additional time to complete the  
81 investigation, as soon thereafter as is practicable. If the law enforcement  
82 agency determines that there is no probable cause to believe that the  
83 subject of the investigation poses a risk of imminent personal injury to  
84 [himself or herself] such person's self or to another person, the law  
85 enforcement agency shall notify the court, the applicant, and the  
86 Commissioner of Emergency Services and Public Protection of such  
87 determination, in writing, not later than forty-eight hours after receiving  
88 the investigation order, if practicable, or, if the law enforcement agency  
89 needs additional time to complete the risk warrant investigation, as  
90 soon thereafter as is practicable. Upon receiving such notification that  
91 there was not a finding of probable cause, the court shall immediately  
92 remove or cancel any record entered into the National Instant Criminal  
93 Background Check System associated with such investigation for which  
94 there was no finding of probable cause.

95 (c) A risk protection order [and warrant, if applicable,] issued under  
96 subsection (a) of this section, may issue only on an affidavit sworn to by  
97 the complainant [or complainants before the judge and] establishing the  
98 grounds for issuing the order. [and warrant, if applicable, which] A risk  
99 warrant issued under subsection (a) of this section may issue only on an  
100 affidavit sworn to by the complainant before the judge establishing the  
101 grounds for issuing the warrant. Any such affidavit shall be part of the  
102 court file. In determining whether there is probable cause for a risk  
103 protection order and warrant, if applicable, under subsection (a) of this  
104 section, the judge shall consider: (1) Recent threats or acts of violence by  
105 such person directed toward other persons; (2) recent threats or acts of  
106 violence by such person directed toward [himself or herself] such  
107 person's self; and (3) recent acts of cruelty to animals as provided in  
108 subsection (b) of section 53-247 by such person. In evaluating whether  
109 such recent threats or acts of violence constitute probable cause to  
110 believe that such person poses a risk of imminent personal injury to  
111 [himself or herself] such person's self or to others, the judge may  
112 consider other factors including, but not limited to (A) the reckless use,  
113 display or brandishing of a firearm or other deadly weapon by such

114 person, (B) a history of the use, attempted use or threatened use of  
115 physical force by such person against other persons, (C) prior  
116 involuntary confinement of such person in a hospital for persons with  
117 psychiatric disabilities, and (D) the illegal use of controlled substances  
118 or abuse of alcohol by such person. In the case of a complaint made  
119 under subsection (a) of this section, if the judge is satisfied that the  
120 grounds for the complaint exist or that there is probable cause to believe  
121 that such grounds exist, such judge shall issue a risk protection order  
122 and warrant, if applicable, naming or describing the person, and, in the  
123 case of the issuance of a warrant, the place or thing to be searched. [If  
124 the requisite circumstances are met, the judge shall issue a risk  
125 protection order regardless of whether the person is already ineligible  
126 to possess a firearm.] The order and warrant, if applicable, shall be  
127 directed to any police officer of a regularly organized police department  
128 or any state police officer. The order and warrant, if applicable, shall  
129 state the grounds or probable cause for issuance and, in the case of a  
130 warrant, the warrant shall command the officer to search within a  
131 reasonable time the person, place or thing named for any and all  
132 firearms and other deadly weapons and ammunition. A copy of the  
133 order and warrant, if applicable, shall be [given within a reasonable time  
134 to] served upon the person named in the order not later than three days  
135 prior to the hearing scheduled pursuant to subsection (e) of this section,  
136 together with a notice informing the person that such person has the  
137 right to a hearing under this section, the telephone number for the court  
138 clerk who can inform the person of the date and time of such hearing  
139 and the right to be represented by counsel at such hearing.

140 (d) (1) In the case of a warrant, the municipal or state police agency  
141 that executed the warrant shall file a copy of the application for the  
142 warrant and all affidavits upon which the warrant is based with the  
143 clerk of the court for the geographical area within which the search was  
144 conducted and with the state's attorney's office for such judicial district  
145 no later than the next business day following the execution of the  
146 warrant. Prior to the execution and return of the warrant, the clerk of  
147 the court shall not disclose any information pertaining to the application

148 for the warrant or any affidavits upon which the warrant is based. The  
149 warrant shall be executed and returned with reasonable promptness  
150 consistent with due process of law and shall be accompanied by a  
151 written inventory of all firearms and other deadly weapons and  
152 ammunition seized.

153 (2) In the case of a risk protection order, not later than the next  
154 business day following the service of the order, the municipal or state  
155 police agency that served the order shall file with the court of the  
156 geographical area in the location in which the subject of the order  
157 resides a copy of the order and transmit to the state's attorney's office  
158 for such judicial district a return of service stating the date and time that  
159 the order was served. Prior to the service and return of the order, the  
160 clerk of court shall not disclose any information pertaining to the  
161 application for the order or any affidavits upon which the order is based  
162 to any person outside the Judicial Branch, the municipal or state police  
163 agency that served the order, or the state's attorney's office for the  
164 judicial district within which the order was served. The order shall be  
165 served and returned with reasonable promptness consistent with due  
166 process of law.

167 (e) Not later than fourteen days after the [service] issuance of a risk  
168 protection order [or execution of] and, if applicable, a warrant under this  
169 section, the court for the geographical area where the person named in  
170 the order or warrant resides shall hold a hearing to determine whether  
171 the risk protection order should continue to apply and whether the  
172 firearm or firearms or other deadly weapon or deadly weapons and any  
173 ammunition seized should be returned to the person named in the  
174 warrant or should continue to be held by the state. At such hearing the  
175 state shall have the burden of proving all material facts by clear and  
176 convincing evidence. If, after such hearing, the court finds by clear and  
177 convincing evidence that the person poses a risk of imminent personal  
178 injury to [himself or herself] such person's self or to another person, the  
179 court may order that the risk protection order continue to apply and that  
180 the firearm or firearms or other deadly weapon or deadly weapons and  
181 any ammunition seized pursuant to the warrant issued under

182 subsection (a) of this section continue to be held by the state until such  
183 time that the court shall terminate such order pursuant to subsection (f)  
184 of this section and order the firearm or firearms or other deadly weapon  
185 or deadly weapons and any ammunition seized to be returned as soon  
186 as practicable to the person named in the warrant, provided such person  
187 is otherwise legally able to possess such firearm or firearms or other  
188 deadly weapon or deadly weapons and ammunition. If the court finds  
189 that the state has failed to prove by clear and convincing evidence that  
190 the petitioner poses a risk of imminent personal injury to [himself or  
191 herself] such person's self or to another person, the court shall terminate  
192 such order and warrant, if applicable, and order the firearm or firearms  
193 or other deadly weapon or deadly weapons and any ammunition seized  
194 to be returned as soon as is practicable to the person named in the  
195 warrant, provided such person is otherwise legally [able] eligible to  
196 possess such firearm or firearms or other deadly weapon or deadly  
197 weapons and ammunition. If the court finds that the person poses a risk  
198 of imminent personal injury to [himself or herself] such person's self or  
199 to another person, the court shall give notice to the Department of  
200 Mental Health and Addiction Services which may take such action  
201 pursuant to chapter 319i as the department deems appropriate.

202 (f) A risk protection order, and warrant, if applicable, shall continue  
203 to apply and the firearm or firearms or other deadly weapon or deadly  
204 weapons and any ammunition held pursuant to subsection (e) of this  
205 section shall continue to be held by the state until such time that the  
206 person named in the order and warrant, if applicable, successfully  
207 petitions the court to terminate such order and warrant, if applicable.  
208 The person named in the order may first petition the court of the  
209 geographical area where the proceeding was originally conducted for a  
210 hearing to terminate such order, and warrant if applicable, at least one  
211 hundred eighty days after the hearing held pursuant to subsection (e) of  
212 this section. Upon the filing of such petition, the court shall (1) provide  
213 to the petitioner a hearing date that is on the twenty-eighth day  
214 following the filing of such petition or the business day nearest to such  
215 day if such twenty-eighth day is not a business day, (2) notify the

216 Division of Criminal Justice of the filing of such petition, and (3) direct  
217 the law enforcement agency for the town in which the petitioner resides  
218 to determine, not later than fourteen days after the filing of such  
219 petition, whether there is probable cause to believe that the petitioner  
220 poses a risk of imminent personal injury to [himself or herself] such  
221 person's self or to another person. No finding of probable cause may be  
222 found solely because the petitioner is subject to an existing risk  
223 protection order or warrant. If the law enforcement agency finds no  
224 probable cause, the agency shall so notify the court which shall cancel  
225 the hearing and terminate the order and warrant, if applicable. If the law  
226 enforcement agency finds probable cause, the agency shall notify the  
227 court of such finding and the hearing shall proceed as scheduled. At  
228 such hearing the state shall have the burden of proving all material facts  
229 by clear and convincing evidence. If the court, following such hearing,  
230 finds by clear and convincing evidence that the petitioner poses a risk  
231 of imminent personal injury to [himself or herself] such person's self or  
232 to another person, the order and warrant, if applicable, shall remain in  
233 effect. If the court finds that the state has failed to prove by clear and  
234 convincing evidence that the petitioner poses a risk of imminent  
235 personal injury to [himself or herself] such person's self or to another  
236 person, the court shall terminate such order and warrant, if applicable.  
237 Any person whose petition is denied may file a subsequent petition in  
238 accordance with the provisions of this subsection at least one hundred  
239 eighty days after the date on which the court denied the previous  
240 petition.

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

245 (h) Any person whose firearm or firearms and ammunition have been  
246 ordered seized pursuant to subsection (e) of this section, or such  
247 person's legal representative, may transfer such firearm or firearms and  
248 ammunition in accordance with the provisions of section 29-33 or other  
249 applicable state or federal law, to a federally licensed firearm dealer.



250 Upon notification in writing by such person, or such person's legal  
251 representative, and the dealer, the head of the state agency holding such  
252 seized firearm or firearms and ammunition shall within ten days deliver  
253 such firearm or firearms and ammunition to the dealer.

254 (i) Notwithstanding the provisions of section 29-36k, the  
255 Commissioner of Emergency Services and Public Protection holding  
256 any firearm or firearms or other deadly weapon or deadly weapons and  
257 any ammunition seized pursuant to a warrant issued under this section,  
258 or any local police department holding on behalf of said commissioner  
259 any such firearm or firearms or other deadly weapon or deadly weapons  
260 or ammunition, shall not destroy any such firearm or other deadly  
261 weapon or ammunition until at least one year has passed since date of  
262 the termination of a warrant under subsection (e) of this section.

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

284       Sec. 2. (NEW) (*Effective from passage*) (a) Upon complaint on oath by  
285 any assistant state's attorney or by any two police officers, to any judge  
286 of the Superior Court, that such assistant state's attorney or police  
287 officers have probable cause to believe that a child under eighteen years  
288 of age poses a risk of imminent personal injury to other individuals and  
289 that such child possesses one or more firearms or other deadly weapons  
290 and such firearm or firearms or other deadly weapon or deadly  
291 weapons are within or upon any place, thing or person, such judge may  
292 issue a risk warrant commanding a police officer to enter into or upon  
293 such place or thing, search the same or the child and take into such  
294 officer's custody any and all firearms and other deadly weapons and  
295 ammunition. Such assistant state's attorney or police officers shall not  
296 make such complaint unless such assistant state's attorney or police  
297 officers have conducted an independent investigation and determined  
298 that such probable cause exists and that there is no reasonable  
299 alternative available to prevent such child from causing imminent  
300 personal injury to others with such firearm or firearms or deadly  
301 weapon or deadly weapons.

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

315       (2) Upon receipt of an application and affidavit pursuant to this  
316 subsection, if the court finds that there is a good faith belief that a child  
317 poses a risk of imminent personal injury to another person and

318 possesses one or more firearms or deadly weapons, the court shall order  
319 a risk warrant investigation to determine if the child who is the subject  
320 of the application poses a risk of imminent personal injury to another  
321 person and that the child possesses one or more firearms or deadly  
322 weapons. Upon issuance by the court of an order for a risk warrant  
323 investigation, the court shall immediately give notice of the order and  
324 transmit the order and the application and affidavit on which the order  
325 is based to the law enforcement agency for the town in which the child  
326 who is the subject of the investigation resides.

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

349 (c) A risk warrant may issue only on an affidavit sworn to by the  
350 complainant before the judge and establishing the grounds for issuing  
351 the warrant, which shall be part of the juvenile court file. The file shall

352 be considered a record of a juvenile matter and shall have the same  
353 confidentiality protections applicable to juvenile matters involving  
354 delinquency pursuant to subsections (c) and (d) of section 46b-124 of the  
355 general statutes. In determining whether there is probable cause for a  
356 risk warrant, the judge shall consider: (1) Recent threats or acts of  
357 violence by such child directed toward other persons; and (2) recent acts  
358 of cruelty to animals as provided in subsection (b) of section 53-247 of  
359 the general statutes, by such child. In evaluating whether such recent  
360 threats or acts of violence constitute probable cause to believe that such  
361 child poses a risk of imminent personal injury to others, the judge may  
362 consider other factors, including, but not limited to, (A) the reckless use,  
363 display or brandishing of a firearm or other deadly weapon by such  
364 child, (B) a history of the use, attempted use or threatened use of  
365 physical force by such child against other persons, (C) prior involuntary  
366 confinement of such child in a hospital for persons with psychiatric  
367 disabilities, and (D) the illegal use of controlled substances or abuse of  
368 alcohol by such child. If the judge is satisfied that the grounds for the  
369 complaint exist or that there is probable cause to believe that such  
370 grounds exist, the judge shall issue a risk warrant naming or describing  
371 the child, and the place or thing to be searched. The warrant shall be  
372 directed to any police officer of a regularly organized police department  
373 or any state police officer. The warrant shall state the grounds or  
374 probable cause for issuance and shall command the officer to search  
375 within a reasonable time the child, place or thing named for any and all  
376 firearms and other deadly weapons and ammunition. A copy of the  
377 warrant shall be served upon the child and the child's parent or  
378 guardian named in the warrant not later than three days before the  
379 hearing scheduled pursuant to subsection (e) of this section, together  
380 with a notice informing the child and the child's parent or guardian that  
381 such child has the right to a hearing and the right to be represented by  
382 counsel at the hearing. If the child and the child's parent or guardian are  
383 unable to afford counsel, counsel shall be appointed on behalf of the  
384 child if determined indigent and eligible in accordance with the  
385 provisions of chapter 887 of the general statutes for the purposes of  
386 proceedings pursuant to this section in the juvenile court.

387 (d) The municipal or state police agency that executed the warrant  
388 shall file a copy of the application for the warrant and all affidavits upon  
389 which the warrant is based with the clerk of the juvenile court serving  
390 the town where the child resides and with the assistant state's attorney's  
391 office for such juvenile court not later than the next business day  
392 following the execution of the warrant. The clerk of the juvenile court  
393 shall not disclose any information pertaining to the application for the  
394 warrant or any affidavits upon which the warrant is based. The warrant  
395 shall be executed and returned with reasonable promptness consistent  
396 with due process of law and shall be accompanied by a written  
397 inventory of all firearms and other deadly weapons and ammunition  
398 seized.

399 (e) Not later than fourteen days after the issuance of a warrant under  
400 this section, the juvenile court serving the town where the child named  
401 in the risk warrant resides shall hold a hearing to determine whether the  
402 firearm or firearms or other deadly weapon or deadly weapons and  
403 ammunition should be returned to the rightful owner of any such  
404 firearm, deadly weapon or ammunition, or, if the state should continue  
405 to hold any such firearm, deadly weapon or ammunition. The judge  
406 hearing the matter may exclude from the room in which such hearing is  
407 held any person whose presence, in the court's opinion, is not necessary  
408 pursuant to subsection (b) of section 46b-122 of the general statutes. At  
409 such hearing, the state shall have the burden of proving all material facts  
410 by clear and convincing evidence. If, after such hearing, the court finds  
411 by clear and convincing evidence that the child poses a risk of imminent  
412 personal injury to another person, the court may order that the firearm  
413 or firearms or other deadly weapon or deadly weapons and any  
414 ammunition seized pursuant to the warrant issued under subsection (a)  
415 of this section continue to be held by the state until further order of the  
416 court.

417 (f) If the court finds that the state has failed to prove by clear and  
418 convincing evidence that the child poses a risk of imminent personal  
419 injury to another person and that the child possesses one or more  
420 firearms or deadly weapons, the court shall order the firearm or firearms

421 or other deadly weapon or deadly weapons and any ammunition seized  
422 to be returned as soon as is practicable to the rightful owner of any such  
423 firearm, deadly weapon or ammunition, provided such owner is  
424 otherwise legally eligible to possess such items.

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

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

432 (a) (1) The Office of the Chief Court Administrator shall revise and  
433 simplify the process for filing an application for relief under section 46b-  
434 15. The Office of the Chief Court Administrator shall ensure that any  
435 person seeking to file an application for relief is provided with a one-  
436 page, plain language explanation of how to apply for relief under  
437 section 46b-15.

438 (2) The Office of the Chief Court Administrator shall develop and  
439 make available to the public educational materials concerning the risk  
440 protection order and warrant processes set forth in section 29-38c, as  
441 amended by this act, relating to a person who poses a risk of imminent  
442 personal injury to [himself or herself] such person's self or to another  
443 person, or concerning the risk protection warrant processes set forth in  
444 section 2 of this act relating to a child who poses a risk of imminent  
445 personal injury to another person. The Office of the Chief Court  
446 Administrator shall develop and make available to the public in hard  
447 copy and electronically on the Internet web site of the Judicial Branch a  
448 form to enable a family or household member or medical professional,  
449 each as defined in section 29-38c, as amended by this act, to apply to  
450 have a risk protection order investigation ordered and a one-page, plain  
451 language explanation of how to apply for such order or warrant. The  
452 form shall contain questions designed to solicit information significant

453 to a determination. The public educational materials and form shall  
454 prominently advise the applicant that a risk protection order or warrant  
455 may be sought through and with the assistance of a municipal or state  
456 police agency or a state's attorney's office, and of the benefits of doing  
457 so.

458 (b) The Chief Court Administrator shall annually collect data on (1)  
459 the number of restraining orders issued under section 46b-15 and civil  
460 protection orders issued under section 46b-16a; (2) the number of such  
461 orders that are not picked up by an applicant from the office of the clerk  
462 at the court location which issued the order; (3) the method of service of  
463 such orders in cases in which a respondent is successfully served with  
464 the order; (4) the number of requests for a police officer to be present at  
465 the time service of an order pursuant to subsection (h) of section 46b-15;  
466 and (5) the number of such orders issued that subsequently expire or are  
467 dismissed because the respondent could not be served with the order.

468 Sec. 4. Subsection (b) of section 29-28 of the general statutes is  
469 repealed and the following is substituted in lieu thereof (*Effective October*  
470 *1, 2023*):

471 (b) Upon the application of any person having a bona fide permanent  
472 residence within the jurisdiction of any such authority, such chief of  
473 police or, where there is no chief of police, such chief executive officer  
474 or designated resident state trooper or state police officer, as applicable,  
475 may issue a temporary state permit to such person to carry a pistol or  
476 revolver within the state, provided such authority shall find that such  
477 applicant intends to make no use of any pistol or revolver which such  
478 applicant may be permitted to carry under such permit other than a  
479 lawful use and that such person is a suitable person to receive such  
480 permit. If the applicant has a bona fide permanent residence within the  
481 jurisdiction of any federally recognized Native American tribe within  
482 the borders of the state, and such tribe has a law enforcement unit, as  
483 defined in section 7-294a, the chief of police of such law enforcement  
484 unit may issue a temporary state permit to such person pursuant to the  
485 provisions of this subsection, and any chief of police of any other law

486 enforcement unit having jurisdiction over an area containing such  
487 person's bona fide permanent residence shall not issue such temporary  
488 state permit if such tribal law enforcement unit accepts applications for  
489 temporary state permits. No state or temporary state permit to carry a  
490 pistol or revolver shall be issued under this subsection if the applicant  
491 (1) has failed to successfully complete a course approved by the  
492 Commissioner of Emergency Services and Public Protection in the  
493 safety and use of pistols and revolvers including, but not limited to, a  
494 safety or training course in the use of pistols and revolvers available to  
495 the public offered by a law enforcement agency, a private or public  
496 educational institution or a firearms training school, utilizing instructors  
497 certified by the National Rifle Association or the Department of Energy  
498 and Environmental Protection and a safety or training course in the use  
499 of pistols or revolvers conducted by an instructor certified by the state  
500 or the National Rifle Association, (2) has been convicted of (A) a felony,  
501 or (B) a misdemeanor violation of section 21a-279 on or after October 1,  
502 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a,  
503 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the  
504 preceding twenty years, (3) has been convicted as delinquent for the  
505 commission of a serious juvenile offense, as defined in section 46b-120,  
506 (4) has been discharged from custody within the preceding twenty years  
507 after having been found not guilty of a crime by reason of mental disease  
508 or defect pursuant to section 53a-13, (5) (A) has been confined in a  
509 hospital for persons with psychiatric disabilities, as defined in section  
510 17a-495, within the preceding sixty months by order of a probate court,  
511 or (B) has been voluntarily admitted on or after October 1, 2013, or has  
512 been committed under an emergency certificate pursuant to section 17a-  
513 502 on or after October 1, 2023, to a hospital for persons with psychiatric  
514 disabilities, as defined in section 17a-495, within the preceding six  
515 months for care and treatment of a psychiatric disability and not solely  
516 for being an alcohol-dependent person or a drug-dependent person, as  
517 those terms are defined in section 17a-680, (6) is subject to a restraining  
518 or protective order issued by a court in a case involving the use,  
519 attempted use or threatened use of physical force against another  
520 person, including an ex parte order issued pursuant to section 46b-15 or



521 46b-16a, (7) is subject to a firearms seizure order issued prior to June 1,  
522 2022, pursuant to section 29-38c, as amended by this act, after notice and  
523 hearing, or a risk protection order or risk protection investigation order  
524 issued on or after June 1, 2022, pursuant to section 29-38c, as amended  
525 by this act, (8) is prohibited from shipping, transporting, possessing or  
526 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally  
527 or unlawfully in the United States, or (10) is less than twenty-one years  
528 of age. Nothing in this section shall require any person who holds a  
529 valid permit to carry a pistol or revolver on October 1, 1994, to  
530 participate in any additional training in the safety and use of pistols and  
531 revolvers. No person may apply for a temporary state permit to carry a  
532 pistol or revolver more than once within any twelve-month period, and  
533 no temporary state permit to carry a pistol or revolver shall be issued to  
534 any person who has applied for such permit more than once within the  
535 preceding twelve months. Any person who applies for a temporary state  
536 permit to carry a pistol or revolver shall indicate in writing on the  
537 application, under penalty of false statement in such manner as the  
538 issuing authority prescribes, that such person has not applied for a  
539 temporary state permit to carry a pistol or revolver within the past  
540 twelve months. Upon issuance of a temporary state permit to carry a  
541 pistol or revolver to the applicant, the local authority shall forward the  
542 original application to the commissioner. Not later than sixty days after  
543 receiving a temporary state permit, an applicant shall appear at a  
544 location designated by the commissioner to receive the state permit. The  
545 commissioner may then issue, to any holder of any temporary state  
546 permit, a state permit to carry a pistol or revolver within the state. Upon  
547 issuance of the state permit, the commissioner shall make available to  
548 the permit holder a copy of the law regarding the permit holder's  
549 responsibility to report the loss or theft of a firearm and the penalties  
550 associated with the failure to comply with such law. Upon issuance of  
551 the state permit, the commissioner shall forward a record of such permit  
552 to the local authority issuing the temporary state permit. The  
553 commissioner shall retain records of all applications, whether approved  
554 or denied. The copy of the state permit delivered to the permittee shall  
555 be laminated and shall contain a full-face photograph of such permittee.

556 A person holding a state permit issued pursuant to this subsection shall  
557 notify the issuing authority within two business days of any change of  
558 such person's address. The notification shall include the old address and  
559 the new address of such person.

560 Sec. 5. Subsection (b) of section 29-36f of the general statutes is  
561 repealed and the following is substituted in lieu thereof (*Effective October*  
562 *1, 2023*):

563 (b) The Commissioner of Emergency Services and Public Protection  
564 shall issue an eligibility certificate unless said commissioner finds that  
565 the applicant: (1) Has failed to successfully complete a course approved  
566 by the Commissioner of Emergency Services and Public Protection in  
567 the safety and use of pistols and revolvers including, but not limited to,  
568 a safety or training course in the use of pistols and revolvers available  
569 to the public offered by a law enforcement agency, a private or public  
570 educational institution or a firearms training school, utilizing instructors  
571 certified by the National Rifle Association or the Department of Energy  
572 and Environmental Protection and a safety or training course in the use  
573 of pistols or revolvers conducted by an instructor certified by the state  
574 or the National Rifle Association; (2) has been convicted of (A) a felony,  
575 (B) a misdemeanor violation of section 21a-279 on or after October 1,  
576 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a,  
577 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the  
578 preceding twenty years; (3) has been convicted as delinquent for the  
579 commission of a serious juvenile offense, as defined in section 46b-120;  
580 (4) has been discharged from custody within the preceding twenty years  
581 after having been found not guilty of a crime by reason of mental disease  
582 or defect pursuant to section 53a-13; (5) (A) has been confined in a  
583 hospital for persons with psychiatric disabilities, as defined in section  
584 17a-495, within the preceding sixty months by order of a probate court;  
585 or (B) has been voluntarily admitted on or after October 1, 2013, or has  
586 been committed under an emergency certificate pursuant to section 17a-  
587 502 on or after October 1, 2023, to a hospital for persons with psychiatric  
588 disabilities, as defined in section 17a-495, within the preceding six  
589 months for care and treatment of a psychiatric disability and not solely

590 for being an alcohol-dependent person or a drug-dependent person as  
591 those terms are defined in section 17a-680; (6) is subject to a restraining  
592 or protective order issued by a court in a case involving the use,  
593 attempted use or threatened use of physical force against another  
594 person, including an ex parte order issued pursuant to section 46b-15 or  
595 section 46b-16a; (7) is subject to a firearms seizure order issued prior to  
596 June 1, 2022, pursuant to section 29-38c, as amended by this act, after  
597 notice and hearing, or a risk protection order or risk protection  
598 investigation order issued on or after June 1, 2022, pursuant to section  
599 29-38c, as amended by this act; (8) is prohibited from shipping,  
600 transporting, possessing or receiving a firearm pursuant to 18 USC  
601 922(g)(4); or (9) is an alien illegally or unlawfully in the United States.

602 Sec. 6. Subsection (b) of section 29-37p of the general statutes is  
603 repealed and the following is substituted in lieu thereof (*Effective October*  
604 *1, 2023*):

605 (b) The Commissioner of Emergency Services and Public Protection  
606 shall issue a long gun eligibility certificate unless said commissioner  
607 finds that the applicant: (1) Has failed to successfully complete a course  
608 approved by the Commissioner of Emergency Services and Public  
609 Protection in the safety and use of firearms including, but not limited to,  
610 a safety or training course in the use of firearms available to the public  
611 offered by a law enforcement agency, a private or public educational  
612 institution or a firearms training school, utilizing instructors certified by  
613 the National Rifle Association or the Department of Energy and  
614 Environmental Protection and a safety or training course in the use of  
615 firearms conducted by an instructor certified by the state or the National  
616 Rifle Association; (2) has been convicted of (A) a felony, (B) a  
617 misdemeanor violation of section 21a-279 on or after October 1, 2015, or  
618 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,  
619 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the  
620 preceding twenty years; (3) has been convicted as delinquent for the  
621 commission of a serious juvenile offense, as defined in section 46b-120;  
622 (4) has been discharged from custody within the preceding twenty years  
623 after having been found not guilty of a crime by reason of mental disease

624 or defect pursuant to section 53a-13; (5) has been confined in a hospital  
625 for persons with psychiatric disabilities, as defined in section 17a-495,  
626 within the preceding sixty months by order of a probate court; (6) has  
627 been voluntarily admitted or, on or after October 1, 2023, has been  
628 committed under an emergency certificate pursuant to section 17a-502  
629 to a hospital for persons with psychiatric disabilities, as defined in  
630 section 17a-495, within the preceding six months for care and treatment  
631 of a psychiatric disability and not solely for being an alcohol-dependent  
632 person or a drug-dependent person as those terms are defined in section  
633 17a-680; (7) is subject to a restraining or protective order issued by a  
634 court in a case involving the use, attempted use or threatened use of  
635 physical force against another person, including an ex parte order  
636 issued pursuant to section 46b-15 or 46b-16a; (8) is subject to a firearms  
637 seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as  
638 amended by this act, after notice and hearing, or a risk protection order  
639 or risk protection investigation order issued on or after June 1, 2022,  
640 pursuant to section 29-38c, as amended by this act; (9) is prohibited from  
641 shipping, transporting, possessing or receiving a firearm pursuant to 18  
642 USC 922(g)(4); or (10) is an alien illegally or unlawfully in the United  
643 States.

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

646 (a) The Commissioner of Emergency Services and Public Protection,  
647 in fulfilling his obligations under sections 29-28 to 29-38, inclusive, as  
648 amended by this act, and section 53-202d, shall verify that any person  
649 who, on or after October 1, 1998, applies for or seeks renewal of a permit  
650 to sell at retail a pistol or revolver, a permit to carry a pistol or revolver,  
651 an eligibility certificate for a pistol or revolver or a certificate of  
652 possession for an assault weapon, or who, on or after July 1, 2013,  
653 applies for or seeks renewal of a long gun eligibility certificate, has not  
654 been confined in a hospital for persons with psychiatric disabilities, as  
655 defined in section 17a-495, within the preceding sixty months by order  
656 of a probate court or has not been voluntarily admitted or has been  
657 committed under an emergency certificate pursuant to section 17a-502

658 to a hospital for persons with psychiatric disabilities, as defined in  
659 section 17a-495, within the preceding six months for care and treatment  
660 of a psychiatric disability and not solely for being an alcohol-dependent  
661 person or a drug-dependent person as those terms are defined in section  
662 17a-680, by making an inquiry to the Department of Mental Health and  
663 Addiction Services in such a manner so as to only receive a report on the  
664 commitment or admission status of the person with respect to whom the  
665 inquiry is made including identifying information in accordance with  
666 the provisions of subsection (b) of section 17a-500, as amended by this  
667 act.

668 (b) If the Commissioner of Emergency Services and Public Protection  
669 determines pursuant to subsection (a) of this section that a person has  
670 been confined in a hospital for persons with psychiatric disabilities, as  
671 defined in section 17a-495, within the preceding sixty months by order  
672 of a probate court or has been voluntarily admitted or has been  
673 committed under an emergency certificate pursuant to section 17a-502  
674 to a hospital for persons with psychiatric disabilities, as defined in  
675 section 17a-495, within the preceding six months for care and treatment  
676 of a psychiatric disability and not solely for being an alcohol-dependent  
677 person or a drug-dependent person as those terms are defined in section  
678 17a-680, said commissioner shall report the status of such person's  
679 application for or renewal of a permit to sell at retail a pistol or revolver,  
680 a permit to carry a pistol or revolver, an eligibility certificate for a pistol  
681 or revolver, a certificate of possession for an assault weapon or a long  
682 gun eligibility certificate to the Commissioner of Mental Health and  
683 Addiction Services for the purpose of fulfilling his responsibilities under  
684 subsection (c) of section 17a-500.

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

687 (a) A person is guilty of criminal possession of a firearm, ammunition  
688 or an electronic defense weapon when such person possesses a firearm,  
689 ammunition or an electronic defense weapon and (1) has been convicted  
690 of (A) a felony committed prior to, on or after October 1, 2013, (B) a

691 misdemeanor violation of section 21a-279 on or after October 1, 2015, or  
692 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,  
693 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or  
694 after October 1, 2013, and during the preceding twenty years, (2) has  
695 been convicted as delinquent for the commission of a serious juvenile  
696 offense, as defined in section 46b-120, (3) has been discharged from  
697 custody within the preceding twenty years after having been found not  
698 guilty of a crime by reason of mental disease or defect pursuant to  
699 section 53a-13, (4) knows that such person is subject to (A) a restraining  
700 or protective order of a court of this state that has been issued against  
701 such person, after notice has been provided to such person, in a case  
702 involving the use, attempted use or threatened use of physical force  
703 against another person, or (B) a foreign order of protection, as defined  
704 in section 46b-15a, that has been issued against such person in a case  
705 involving the use, attempted use or threatened use of physical force  
706 against another person, (5) (A) has been confined on or after October 1,  
707 2013, in a hospital for persons with psychiatric disabilities, as defined in  
708 section 17a-495, within the preceding sixty months by order of a probate  
709 court, or with respect to any person who holds a valid permit or  
710 certificate that was issued or renewed under the provisions of section  
711 29-28, as amended by this act, or 29-36f, as amended by this act, in effect  
712 prior to October 1, 2013, such person has been confined in such hospital  
713 within the preceding twelve months, or (B) has been voluntarily  
714 admitted on or after October 1, 2013, or has been committed under an  
715 emergency certificate pursuant to section 17a-502 on or after October 1,  
716 2023, to a hospital for persons with psychiatric disabilities, as defined in  
717 section 17a-495, within the preceding six months for care and treatment  
718 of a psychiatric disability, unless the person (i) was [voluntarily]  
719 admitted or committed solely for being an alcohol-dependent person or  
720 a drug-dependent person as those terms are defined in section 17a-680,  
721 or (ii) is a police officer who was voluntarily admitted and had his or  
722 her firearm, ammunition or electronic defense weapon used in the  
723 performance of the police officer's official duties returned in accordance  
724 with section 7-291d, (6) knows that such person is subject to a firearms  
725 seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as

726 amended by this act, after notice and an opportunity to be heard has  
727 been provided to such person, or a risk protection order or risk  
728 protection investigation order issued on or after June 1, 2022, pursuant  
729 to section 29-38c, as amended by this act, or (7) is prohibited from  
730 shipping, transporting, possessing or receiving a firearm pursuant to 18  
731 USC 922(g)(4). For the purposes of this section, "convicted" means  
732 having a judgment of conviction entered by a court of competent  
733 jurisdiction, "ammunition" means a loaded cartridge, consisting of a  
734 primed case, propellant or projectile, designed for use in any firearm,  
735 and a motor vehicle violation for which a sentence to a term of  
736 imprisonment of more than one year may be imposed shall be deemed  
737 an unclassified felony.

738 (b) Criminal possession of a firearm, ammunition or an electronic  
739 defense weapon is a class C felony, for which two years of the sentence  
740 imposed may not be suspended or reduced by the court, and five  
741 thousand dollars of the fine imposed may not be remitted or reduced by  
742 the court unless the court states on the record its reasons for remitting  
743 or reducing such fine.

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

746 (a) A person is guilty of criminal possession of a pistol or revolver  
747 when such person possesses a pistol or revolver, as defined in section  
748 29-27, and (1) has been convicted of (A) a felony committed prior to, on  
749 or after October 1, 2013, (B) a misdemeanor violation of section 21a-279  
750 committed on or after October 1, 2015, or (C) a misdemeanor violation  
751 of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-  
752 176, 53a-178 or 53a-181d committed during the preceding twenty years,  
753 (2) has been convicted as delinquent for the commission of a serious  
754 juvenile offense, as defined in section 46b-120, (3) has been discharged  
755 from custody within the preceding twenty years after having been  
756 found not guilty of a crime by reason of mental disease or defect  
757 pursuant to section 53a-13, (4) (A) has been confined prior to October 1,  
758 2013, in a hospital for persons with psychiatric disabilities, as defined in

759 section 17a-495, within the preceding twelve months by order of a  
760 probate court, or has been confined on or after October 1, 2013, in a  
761 hospital for persons with psychiatric disabilities, as defined in section  
762 17a-495, within the preceding sixty months by order of a probate court,  
763 or, with respect to any person who holds a valid permit or certificate  
764 that was issued or renewed under the provisions of section 29-28, as  
765 amended by this act, or 29-36f, as amended by this act, in effect prior to  
766 October 1, 2013, such person has been confined in such hospital within  
767 the preceding twelve months, or (B) has been voluntarily admitted on  
768 or after October 1, 2013, or has been committed under an emergency  
769 certificate pursuant to section 17a-502 on or after October 1, 2023, to a  
770 hospital for persons with psychiatric disabilities, as defined in section  
771 17a-495, within the preceding six months for care and treatment of a  
772 psychiatric disability, unless the person (i) was [voluntarily] admitted  
773 or committed solely for being an alcohol-dependent person or a drug-  
774 dependent person as those terms are defined in section 17a-680, or (ii) is  
775 a police officer who was voluntarily admitted and had his or her  
776 firearm, ammunition or electronic defense weapon used in the  
777 performance of the police officer's official duties returned in accordance  
778 with section 7-291d, (5) knows that such person is subject to (A) a  
779 restraining or protective order of a court of this state that has been issued  
780 against such person, after notice has been provided to such person, in a  
781 case involving the use, attempted use or threatened use of physical force  
782 against another person, or (B) a foreign order of protection, as defined  
783 in section 46b-15a, that has been issued against such person in a case  
784 involving the use, attempted use or threatened use of physical force  
785 against another person, (6) knows that such person is subject to a  
786 firearms seizure order issued prior to June 1, 2022, pursuant to section  
787 29-38c, as amended by this act, after notice and an opportunity to be  
788 heard has been provided to such person, or a risk protection order or  
789 risk protection investigation order issued on or after June 1, 2022,  
790 pursuant to section 29-38c, as amended by this act, (7) is prohibited from  
791 shipping, transporting, possessing or receiving a firearm pursuant to 18  
792 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United  
793 States. For the purposes of this section, "convicted" means having a



794 judgment of conviction entered by a court of competent jurisdiction.

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

800 Sec. 10. Subsection (b) of section 17a-500 of the general statutes is  
801 repealed and the following is substituted in lieu thereof (*Effective October*  
802 *1, 2023*):

803 (b) The Commissioner of Mental Health and Addiction Services shall,  
804 notwithstanding the provisions of subsection (a) of this section,  
805 maintain information, in accordance with section 17a-499, on  
806 commitment orders by a probate court, [and shall maintain information,  
807 in accordance with] section 17a-506a, as amended by this act, on  
808 voluntary admissions, and section 17a-502, on commitment under an  
809 emergency certificate, and shall provide such information to the  
810 Commissioner of Emergency Services and Public Protection in  
811 fulfillment of [his] the commissioner's obligations under sections 29-28  
812 to 29-38, inclusive, as amended by this act, and section 53-202d, in such  
813 a manner as to report identifying information on the commitment or  
814 voluntary admission status, including, but not limited to, name,  
815 address, sex, date of birth and date of commitment or admission, for a  
816 person who applies for or holds a permit or certificate under said  
817 sections 29-28 to 29-38, inclusive, as amended by this act, and section 53-  
818 202d. The Commissioner of Emergency Services and Public Protection  
819 shall maintain as confidential any such information provided to him  
820 and shall use such information only for purposes of fulfilling his  
821 obligations under sections 29-28 to 29-38, inclusive, as amended by this  
822 act, and section 53-202d, except that nothing in this section shall prohibit  
823 said commissioner from entering such information into evidence at a  
824 hearing held in accordance with section 29-32b.

825 Sec. 11. Section 17a-506a of the general statutes is repealed and the

826 following is substituted in lieu thereof (*Effective October 1, 2023*):

827 Whenever a person is voluntarily admitted or committed under an  
 828 emergency certificate pursuant to section 17a-502 to a hospital for  
 829 persons with psychiatric disabilities, as defined in section 17a-495, for  
 830 care and treatment of a psychiatric disability and not solely for being an  
 831 alcohol-dependent person or a drug-dependent person as those terms  
 832 are defined in section 17a-680, the hospital shall forthwith notify the  
 833 Commissioner of Mental Health and Addiction Services of such  
 834 admission or commitment and provide identifying information  
 835 including, but not limited to, name, address, sex, date of birth and the  
 836 date of admission. The commissioner shall maintain such identifying  
 837 information on all such admissions occurring on and after October 1,  
 838 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

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 \$
Mental Health & Addiction Serv., Dept.	GF - Cost	75,000 - 251,800	Up to 181,200
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Potential Cost	75,700	77,600
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 \$
All Municipalities	Potential Revenue Loss	See Below	See Below

**Explanation**

The bill makes various changes affecting firearms permits and eligibility certificates resulting in the following impacts to the state and municipalities.

**Sections 4-7** 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 municipal permitting authorities to the extent that less applications are received.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

**Sections 8-9** 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 \$2,500<sup>2</sup> while the average marginal cost for supervision in the community is less than \$800<sup>3</sup> each year.

**Sections 4-11** result in a cost to the Department of Mental Health and Addiction Services (DMHAS) associated with updating the voluntary admission tracking system (VATS) due to the prohibition on obtaining certain gun credentials if committed to a psychiatric hospital under a physician emergency certificate (PEC) for psychiatric treatment, within the prior six months.

VATS is a web-based application used by DMHAS to interface with the Department of Emergency Services and Public Protection (DESPP) licensing application to securely share the name and date of birth of relevant individuals. While the system currently supports voluntary psychiatric bed admissions, the bill extends the required tracking to PECs. This is anticipated to result in increased costs of approximately \$75,000 in FY 24 for system changes. DMHAS could also incur potential staffing costs of up to \$176,800 in FY 24 and \$181,200 in FY 25 (with associated fringe costs to the Office of the State Comptroller of \$75,700 and \$77,600, respectively) to manage the required tracking and associated training.

Finally, the bill makes various procedural, conforming, and technical changes affecting risk protection orders, which are not anticipated to result in a fiscal impact to the state or municipalities.

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<sup>2</sup> 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.

<sup>3</sup> 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.

House "A" maintains the current practice of requiring two police officers for obtaining a risk warrant for children who pose an imminent risk of injuring other people and possess firearms or other deadly weapons and makes clarifying changes, resulting in no 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 of affected firearm permit and certificate applications, the number of criminal offenses committed, and inflation.

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**OLR Bill Analysis****sHB 6877 (as amended by House "A")\*****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, such as 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 new, separate risk warrant process for children (under age 18) who possess firearms or other deadly weapons and pose an imminent risk of injuring other people that, like 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 to a hospital 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.

\*House Amendment "A" adds provisions (1) specifying certain circumstances when the police or prosecutors have discretion on whether to pursue an RPO and (2) requiring the appointment of counsel for indigent children who are subject to the bill's new process. It also specifies that the new process (1) is for children under age 18, regardless of whether they are legally emancipated, and (2) requires two police officers, rather than one as under the underlying bill, to apply for a risk warrant. Additionally, it removes a provision from the law requiring the judge, if the law's standards are met, to issue an RPO regardless of whether the person is already ineligible to possess firearms.

EFFECTIVE DATE: Upon passage, except that 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 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.

The bill specifies that a police officer, state's attorney, or assistant state's attorney is not required to pursue an RPO, but may do so, if he or she has a good faith belief that the person posing the risk is already (1) prohibited from acquiring or possessing firearms or (2) the subject of an existing or pending RPO.

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.

The bill removes a provision that currently requires the judge, if the law's standards are met, to issue an RPO regardless of whether the person is already ineligible to possess firearms.



**§§ 2 & 3 — RISK WARRANT PROCESS FOR CHILDREN**

The bill creates a separate risk warrant process for children (i.e., anyone under age 18) 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) the police or a 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 two police officers or an 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 applicants 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 the (1) factual basis for the applicant's belief that the child poses this imminent risk and possesses a firearm or deadly weapon and (2) 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, if they need more time to complete the investigation, as soon as practicable.

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 if they need more time to complete the investigation, as soon as practicable.

***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 applicants are (1) police officers or an assistant state's attorney applying after their investigation or (2) police officers 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 a record of juvenile matters with 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.

Under the bill, counsel must be appointed on the child's behalf for the juvenile court proceedings if the child and his or her parent or guardian cannot afford counsel and they are determined to be indigent and eligible for counsel under the public defender laws.

***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, so 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 (so 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)).

### ***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).

### ***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)).

### **COMMITTEE ACTION**

#### Judiciary Committee

Joint Favorable Substitute

Yea 29    Nay 7    (03/30/2023)

#### Appropriations Committee

Joint Favorable

Yea 53    Nay 0    (05/01/2023)