

Judiciary Committee

JOINT FAVORABLE REPORT

Bill No.: HB-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

Title: EMERGENCY CERTIFICATION.

Vote Date: 3/30/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/13/2023

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

It is important to keep individuals and society safe when someone makes threats to themselves or others. Risk protection orders are a great way to ensure that safety. However, requiring two police officers to apply for a risk protection order has reportedly bogged down police departments. This bill would lower the requirement to one officer to apply for a risk protection order and adds temporary commitments under a physician's emergency certification to registries kept by the Department of Mental Health and Addiction Services to be reviewed for the purpose of determining whether a person should be able to purchase or possess a firearm.

SUBSTITUTE LANGUAGE:

The substitute language adds that Section 1 doesn't apply when it's a case related to juveniles. Makes clarifying changes to indicate that Section 1 applies to adults only. Adds clarifying language to Section 1 including the possession of a firearm for an order, and that this is applied to a person who is subject of the application. Adds language clarifying that a risk warrant can only be issued with a sworn affidavit. Adds language that an order and warrant must be served not later than three days prior to the scheduled hearing. Adds a new section which relates to risk protection orders and warrants for juveniles. Adds a section stating that the Office of the Chief Court Administrator shall revise and simplify the process for filing an application and make educational materials for risk protection orders and

warrants. Adds language that the Chief Court Administrator shall collect data annually on the number of orders issued as well as other additional information.

RESPONSE FROM ADMINISTRATION/AGENCY:

External Affairs Division, Connecticut Judicial Branch: The Judicial Branch makes general comments on this bill suggesting the following changes: remove the words “before the judge” in section 1, require law enforcement officers to serve an order and a risk warrant no later than three days before the hearing, permit one police officer to apply for the risk protection order, and make minors and persons who have been convicted of a crime that renders the person not eligible to possess, purchase or otherwise receive a firearm ineligible to be the subject of a risk protection order.

NATURE AND SOURCES OF SUPPORT:

Christine Simpson: She testified in support of this bill, stating as a clinical social worker employed in a psychiatric hospital and as a person with a family member who committed suicide by means of a self-inflicted gunshot wound, she is intimately aware of the fragility of early recovery from an episode of acute mental illness.

Senator Christine Cohen, Connecticut General Assembly: She testified in support of this bill, stating up to two-thirds of all gun deaths are suicides and having access to gun ownership when one has just been admitted to a hospital for severe psychiatric disability, potentially with suicidal ideation, could be disastrous.

Neil Dryfe, Police Chief, Connecticut Police Chief Association: He testified in support of this bill, stating the two-affiant requirement makes sense when officers believe that an individual possesses a firearm or other dangerous weapon and will be seeking a warrant to search the individual or their property for a firearm or dangerous weapon along with their application for an RPO in accordance with General Statutes § 29-38c.

Kathy Flaherty, Executive Director, Connecticut Legal Rights Project: She testified in support of this bill, stating extreme risk protection orders can save lives but has concerns with the specific focus on the language regarding physician’s emergency certification as a basis of disqualification.

NATURE AND SOURCES OF OPPOSITION:

Jacqueline Coleman, Executive Director, CT Psychiatric Society: She testified in opposition to this bill, stating a Physicians Emergency Certificate represents the clinical decision of one physician; there is no judicial process and no adjudication underlying it. She believes that basing the revocation of a constitutional right on one clinician's decision seems unjust and ripe for challenge.

Loretta Jay, Consultant, Parasol Services: She testified in opposition to this bill, asking for the following modifications: limit RPOs to 18+ years or have a different process for minors, seal the court and records for all RPO respondents, require standardized criteria to inform all GA implementation, establish protocols for out-of-state respondents, and change the affiants so only one is needed if no weapons.

Olivia Rinkes, UConn Student: She testified in opposition to this bill, stating the use of a hospitalization for psychiatric needs as a disqualifier for a pistol permit is a perpetuation of non-factual stigmas against persons with mental health needs.

Reported by: Riley St. Pierre

Date: April 3, 2023