

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-53—sHB 6667
Judiciary Committee
Appropriations Committee

AN ACT ADDRESSING GUN VIOLENCE

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§ 47 — MASS SHOOTING EVENT RESPONSE

Requires DESPP's civil preparedness plan to include a response plan for a mass shooting event; requires the DESPP commissioner to coordinate with the (1) DPH commissioner to deploy grief counselors and mental health professionals to help family members or other people closely connected to mass shooting victims and (2) chief state's attorney to report on mass shooting investigations

§ 48 — POLICE NOTICE OF FIREARM RIGHTS AND RISK PROTECTION ORDER APPLICATION PROCESS

Requires law enforcement units to post public notices informing people about (1) various firearm-related rights, including specified information about the permit process and the right to own, possess, and carry firearms and (2) the risk protection order application process

SUMMARY: This act makes various changes to the state's firearm (gun) laws, including various minor, conforming, and technical modifications.

EFFECTIVE DATE: October 1, 2023, unless otherwise specified below.

§ 1 — HANDGUN PERMIT EXEMPTIONS

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Expands where and when a handgun may be carried without a handgun permit to include on land a person owns or leases, during training at a fish and game club or sporting club, and during an inspection as merchandise

Under existing law, anyone carrying a pistol or revolver (i.e., handgun) in the state must generally have a Connecticut-issued handgun permit. However, by law, this permit is not required to possess a handgun in one's home or place of business. The act expands this exemption to include handgun possession on land a person leases or owns.

Other Exemptions

Existing law also allows anyone to carry a handgun without the permit during repairs and certain training. Prior law defined this training as "formal pistol or revolver training," which meant handgun training at a locally approved or permitted firing range or training facility. The act renames this term "firearm training" and expands its scope by (1) adding training at a fish and game club or sporting club and (2) eliminating the express limitation that the firing range be locally approved or permitted.

The act also exempts a person inspecting a firearm as merchandise from the permitting requirement. Existing law already exempts the following individuals:

1. Connecticut parole and peace officers;
2. other states' parole and peace officers on official business;
3. legally appointed and certified Department of Motor Vehicles (DMV) inspectors;
4. federal marshals and law enforcement officers;
5. state and U.S. Armed Forces members on, or going to or coming from, duty; and
6. members of a military organization on parade or going to or coming from a place of assembly.

Existing law also exempts anyone transporting a handgun:

1. as merchandise;
2. in its original package from the point of purchase to his or her home or business;
3. for repair or when moving household goods;
4. to or from a testing range at a permit-issuing authority's request; or
5. that is an antique handgun (e.g., those manufactured before 1899).

The act broadens the circumstances under which certain nonresidents may transport handguns without a Connecticut permit. Under existing law, bona fide U.S. residents allowed to possess and carry a handgun in the state they reside in may transport a handgun in or through Connecticut to (1) participate in competitions, (2) take the handgun for repair, or (3) attend meetings or exhibitions of organized gun collectors. Prior law also allowed these individuals to do so for "formal pistol or revolver training." As described above, the act renames this training "firearm training," and adds more locations.

By law and under the act, if a handgun is being transported under any of the above exemptions, it must be unloaded, and, if it is being transported in a motor

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vehicle, the handgun must (1) not be readily or directly accessible from the vehicle's passenger compartment or (2) if the vehicle does not have such a compartment, be in a locked container other than the glove compartment or console.

§§ 1 & 2 — PROHIBITION ON CARRYING A FIREARM WITH INTENT TO DISPLAY IT

With exceptions, prohibits anyone from knowingly carrying a firearm with intent to display it; makes violations a class B misdemeanor for a first offense and a class A misdemeanor for any subsequent offense; requires law enforcement units to annually report on any stops conducted on suspicion of a violation

The act generally prohibits anyone from knowingly carrying a firearm with intent to display it. Under the act, if a person has taken reasonable measures to conceal that he or she is carrying a firearm, then he or she is not deemed to have intended to display the firearm. Additionally, neither a fleeting glimpse of a firearm nor an imprint of a firearm through someone's clothing is a violation. It is also not a violation if a person displays a firearm temporarily while engaged in self-defense or other lawful conduct.

The act's prohibition also does not apply to a person (1) in his or her home, (2) on land he or she leases or owns, (3) in his or her place of business, or (4) when engaged in a bona fide hunting activity or "firearm training" (see § 1 *Other Exemptions* above). The same individuals and circumstances exempt from the handgun permit requirement are also exempt from the act's intent to display prohibition (see § 1 *Other Exemptions* above).

(PA 23-203, § 1, further exempts such firearm display (1) on land that a person possesses by other means than leasing or owning and (2) when a person has been explicitly allowed by another person to do so while in that person's home; on land he or she leases, owns, or otherwise possesses; or in his or her place of business. It also exempts security guards, certain honor guard members, and licensed bail enforcement agents.)

Penalty

Under the act, anyone violating the intent to display prohibition is guilty of a (1) class B misdemeanor for a first offense and (2) class A misdemeanor for any subsequent offense (see [Table on Penalties](#)). As under existing law for violating the handgun permitting requirement, any handgun found in the possession of a person violating the intent to display prohibition must be forfeited.

As under existing law for other gun offenses, the act allows the court to suspend prosecution of a violation of this provision, in addition to any available diversionary programs, if it finds the violation is not of a serious nature and the person charged (1) will probably not offend in the future, (2) has not previously been convicted of this provision, and (3) has not previously had a prosecution under this provision suspended. (Presumably, the act's previous convictions and suspensions requirements only refer to the intent to display provision.)

The act prohibits the court from ordering a suspended prosecution unless the

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accused person has acknowledged that he or she understands the consequences of the suspension. Anyone who has his or her prosecution suspended must agree to the tolling of any statute of limitations on the violation and to waive his or her right to a speedy trial. The person must appear in court and be released to the Court Support Services Division's (CSSD) supervision for up to two years under court-ordered conditions. If the person refuses to accept or violates the conditions after accepting them, the court must terminate the suspension and the case must be brought to trial.

Under the act, if the person satisfactorily completes probation, he or she may apply for the court to dismiss the charges, and the court must dismiss them if it finds that probation has been completed. If the person does not apply for dismissal after satisfactorily completing probation, the court, upon receiving a CSSD report confirming completion, may on its own motion make a finding of completion and dismiss the charges. Upon dismissal, all records of the charges must be erased according to the erasure of criminal records law (CGS § 54-142a).

A court order denying a motion to dismiss the charges against a person who has completed his or her probation is a final judgment for appeal purposes. The same judgment applies to a court order terminating a person's participation in a probation program.

Report

Starting by February 1, 2025, the act requires each law enforcement unit to annually prepare and submit to the Institute for Municipal and Regional Policy at UConn a report on any stops done on suspicion of a violation of the act's intent to display prohibition during the preceding calendar year. The initial report must be based on the 15 months before January 1, 2025.

Law enforcement units must submit the reports electronically using a standardized method and form sent out jointly by the institute and the Police Officer Standards and Training Council (POST). The method and form must allow for compiling statistics on each incident, including the race and gender of the person stopped, based on the police officer's observation and perception. The institute and POST may revise the method and form and send the revisions to law enforcement units. Before submitting the report, each law enforcement unit must redact any information that may identify a minor, witness, or victim.

Within available appropriations, the institute must review the incidents reported and, beginning by December 1, 2025, annually report the review's results and its recommendations to the governor and the Judiciary, Planning and Development, and Public Safety and Security committees.

A "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

§ 3 — GHOST GUN AND OTHER FIREARM MANUFACTURE AND TRANSFER RESTRICTIONS

Expands the prohibitions on manufacturing and transferring ghost guns to include those manufactured between December 16, 1968, and October 1, 2019; prohibits anyone from possessing ghost guns, with certain exceptions; sets a process for declaring ghost gun possession to DESPP or obtaining a unique serial number or other identification mark; establishes a reduced penalty based on a person's eligibility to possess firearms, making violations a class C felony for those who are ineligible and a class C misdemeanor for those who are eligible

The act makes various changes to the state's laws on the manufacture and transfer of certain firearms, including those without a serial number or other identification mark (i.e., ghost guns).

EFFECTIVE DATE: Upon passage

Expansion of Ghost Gun Manufacture and Transfer Prohibitions

Existing law generally prohibits anyone from creating a ghost gun. It does so by prohibiting them from completing the manufacture of a firearm without (1) obtaining a unique serial number or other identification mark from the Department of Emergency Services and Public Protection (DESPP) and (2) engraving or permanently affixing it to the firearm. It also generally prohibits, among other things, transferring a ghost gun manufactured in violation of this law.

Prior law allowed exceptions to these prohibitions for certain firearms, including those manufactured before the prior law's effective date (i.e., October 1, 2019) if they were otherwise lawfully possessed. Beginning June 6, 2023, the act narrows this exception to firearms manufactured before December 16, 1968, thus expanding these prohibitions to include those manufactured between December 16, 1968, and October 1, 2019. (December 16, 1968, is the effective date for most provisions of the federal Gun Control Act of 1968 (P.L. 90-618).)

Prohibitions on Ghost Gun Possession and Transfer

Beginning January 1, 2024, the act generally prohibits anyone from possessing a ghost gun, with certain exceptions. This includes if the person has (1) declared possession as described below or (2) applied for a unique serial number or other identification mark from DESPP but has not yet received it.

With limited exceptions, the act prohibits anyone in Connecticut from distributing, importing into the state, keeping or offering for sale, or purchasing a ghost gun. This prohibition does not apply to ghost gun transfers (1) declared to DESPP; (2) by bequest or intestate succession; (3) upon a testator's or settlor's death, to a trust or from a trust to a beneficiary; or (4) to a police department or DESPP.

As under existing law, the act's possession and transfer prohibitions do not apply to the following:

1. any firearm manufactured with a frame or lower receiver that has a serial number or mark engraved or permanently affixed in a way that conforms to

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- the requirements that federal law and associated regulations impose on licensed firearm importers and manufacturers;
2. the manufacture of firearms by federally licensed manufacturers;
 3. any “antique firearm” (e.g., one manufactured before 1899);
 4. any firearm manufactured before December 16, 1968, if the firearm is otherwise lawfully possessed; or
 5. delivery or transfers to a “law enforcement agency” (i.e., the State Police and any municipal police department).

Declaration of Possession. Under the act, anyone who, before January 1, 2024, “lawfully possesses” a ghost gun manufactured before October 1, 2019, must apply to DESPP to declare possession by January 1, 2024. However, if the person is a state or U.S. Armed Forces member (i.e., servicemember) and cannot apply by January 1, 2024, because he or she is on official duty outside of Connecticut, then the member must instead apply within 90 days after returning to the state. The application must be made as the DESPP commissioner prescribes.

For these purposes, a person “lawfully possesses” a ghost gun if he or she has (1) actual and lawful possession of it; (2) constructive possession of it through a lawful purchase before June 6, 2023, regardless of whether the ghost gun was delivered to him or her before that date; or (3) actual or constructive possession, as shown by a written statement made under penalty of false statement on a DESPP-prescribed form. For constructive possession, the act requires the lawful purchase to be shown in writing sufficient to indicate that before the act’s prohibition took effect a contract for sale was made between the parties to buy the ghost gun or the purchaser made a full or partial payment for it to the seller.

Moving into the State. The act allows anyone who moves into the state in lawful possession of a ghost gun to, within 90 days, either (1) get a unique serial number or other identification mark from DESPP and engrave or permanently affix it to the gun, (2) render the ghost gun permanently inoperable, (3) sell the ghost gun to a federally licensed gun dealer, or (4) remove the ghost gun from the state. However, if the person is a servicemember who transferred into the state after January 1, 2024, he or she may instead apply to DESPP within 90 days of arriving in Connecticut to declare possession of the ghost gun.

Regulations. The act allows DESPP to adopt regulations establishing procedures to declare possession or get a unique serial number or mark. Regardless of the Freedom of Information Act’s provisions on access to public records and their disclosure, the name and address of a person who has declared possession of a ghost gun must be confidential and not disclosable. However, the records may be disclosed to (1) “law enforcement agencies” (see above), U.S. Probation Office employees, and Department of Correction (DOC) parole officers doing their duties and (2) the Department of Mental Health and Addiction Services (DMHAS) commissioner checking the status of firearm applications from anyone who has been involuntarily committed or voluntarily admitted.

Illegal Assistance in Manufacturing a Firearm

Prior law prohibited anyone from facilitating, aiding, or abetting the

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manufacture of a firearm (1) by or for someone otherwise prohibited by law from owning or possessing a firearm or (2) that a person is otherwise prohibited by law from purchasing or possessing. The act specifies that this prohibition applies if the person takes any of these actions knowingly, recklessly, or with criminal negligence.

Penalties

The act establishes a reduced penalty for violations of the above laws based on a person's eligibility to possess firearms. Prior law required violators to forfeit any firearms in their possession and made violations a class C felony with a two-year mandatory minimum prison term and a \$5,000 minimum fine unless the court stated on the record its reasons for remitting or reducing the fine. Under the act, these penalties may be imposed only on violators who are ineligible to possess a firearm under state or federal law. For anyone who is eligible to possess a firearm, the act makes any violation a class C misdemeanor (see [Table on Penalties](#)).

By law and under the act, the court may suspend the prosecution of a person who violates any of the above laws and dismiss the charges under certain conditions. Specifically, the court may do so if, among other things, it finds the violation is not serious in nature, the alleged violator will probably not reoffend, and he or she has not previously been convicted under these laws or had a prosecution under these laws suspended.

§§ 4-11, 13-14, 16 & 33 — LOCAL DEALER PERMIT FOR FIREARM SALES

Requires sellers of 10 or more firearms per year to obtain a local dealer's permit, rather than just those who sell the requisite number of handguns; places additional prohibitions and requirements on permitted firearm dealers, including annually conducting a physical inventory reconciliation

Federal law requires anyone in the business of selling firearms to be licensed as federal firearms licensees (FFL) (18 U.S.C. § 923). Existing state law further requires FFLs and those who sell 10 or more handguns in a calendar year to also have a local dealer permit to sell handguns. (A local dealer permit is a permit issued by the municipality's police chief or another authorized official.) The act expands this permitting requirement so that it applies to those who sell 10 or more of any type of firearm, rather than just handguns. It makes several minor and related conforming changes, such as limiting all firearm sales by permittees to the room, store, or place described in their permits, instead of only for handgun sales as under prior law.

Under the act, anyone holding a local dealer permit for retail handgun sales issued on or before September 30, 2023, is deemed to be a holder of a local dealer permit for retail firearm sales until the permit expires or is revoked, suspended, confiscated, or surrendered. The permittee may then renew the permit as a permit for retail firearm sales. By law, the fee to obtain a local dealer permit (an original or renewal) is \$200.

Dealer Permittee Prohibitions (§ 8)

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The act places additional prohibitions on dealer permittees. It prohibits them from:

1. furnishing false or fraudulent information in any DESPP application or failing to comply with representations made in any application;
2. failing to maintain a (a) handgun permit or handgun eligibility certificate and (b) local dealer permit;
3. failing to maintain effective controls against firearm theft, including installing or maintaining a burglar alarm system as required under existing state law;
4. failing to acquire an authorization number for a firearm transfer;
5. transferring a firearm to a person ineligible to receive it, unless the permittee relied in good faith on information DESPP provided in verifying the person's eligibility;
6. selling, delivering, or otherwise illegally transferring an assault weapon or large capacity magazine or failing to maintain accurate records of their sale, delivery, or transfer;
7. failing to maintain current and proper acquisition and disposition records the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) requires;
8. failing to post placards or furnish written warnings with specific text about the penalties for the unlawful storage of loaded firearms;
9. failing to provide a trigger lock, gun lock, or gun locking device with each purchase;
10. failing to verify employees' age and criminal background;
11. failing to report any firearm stolen as required by state and federal law; and
12. failing to do the annual physical inventory reconciliation the act requires.

Physical Inventory Reconciliation. Under the act and within the first five business days in October, dealer permittees must annually do a physical inventory reconciliation that includes comparing their physical inventory of firearms with the acquisition and disposition records that state and federal law require them to maintain. Within five business days after performing the reconciliation, the permittee must attest to the DESPP commissioner, in a form and manner he prescribes, that it was performed and that he or she reported any firearms that were determined to be missing to the attorney general and appropriate local authorities as required by state and federal law. (State law requires all lawful firearm owners to report a lost or stolen firearm within 72 hours after they discover or should have discovered the loss or theft; federal law requires FFLs to report within 48 hours to the relevant authorities (CGS § 53-202g & 18 U.S.C. § 923(g)(6)).)

Violations. Under the act, if there is probable cause to believe that a dealer permittee has failed to comply with the above prohibitions or their other duties under state law, the DESPP commissioner or relevant law enforcement authority in the municipality where the permittee resides (i.e., the police chief or, where there is no chief, the municipality's chief executive officer (CEO) or the resident state trooper or relevant state police officer designated by the municipality's CEO) may issue a violation notice. The notice must detail the reasons for issuing it and state the date by which the permittee must cure the violation, which must be at least 30

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days after the notice's service date.

If the cure period has expired and the commissioner or relevant law enforcement authority determines the violation continues, he or she may temporarily prohibit further firearm sales at the permitted premises by issuing a stop sales order. The order will be effective when served on the permittee or posted at the permitted premises. The commissioner or relevant law enforcement authority may assess a civil penalty of up to \$100 for each day the violation continues. Any permittee who violates a stop sales order is guilty of a class C felony with a two-year mandatory minimum prison sentence and a \$5,000 minimum fine, which may not be remitted or reduced unless the court states on the record its reasons for doing so.

Anyone issued a stop sales order may request a hearing before the DESPP commissioner to contest the grounds for the order and any associated civil penalties. The hearing must be held within seven days after the request's receipt in accordance with the Uniform Administrative Procedure Act.

Under the act, stop sales orders are effective against any successor entity that (1) has at least one of the same principals or officers as the corporation, partnership, or sole proprietorship against which the stop order was issued and (2) is engaged in the same or equivalent trade or activity.

The act requires the DESPP commissioner to adopt regulations to specify any hearing provisions needed to carry out these provisions.

Vendor Records (§ 7)

Prior law required vendors of any dealer to keep a record of each handgun sold in a book, in a manner consistent with federal regulations. The vendor had to make the record available for inspection at the request of any sworn member of a local police department or the State Police or any investigator assigned to the statewide firearms trafficking task force. The act (1) extends these recordkeeping requirements to cover all firearms, (2) requires vendors to also make the records available for inspection by any federal law enforcement agency investigator, and (3) specifies that inspection by authorized members and investigators must be for official purposes related to the member's or investigator's employment.

§§ 9, 17-19 & 21-22 — HANDGUN SALE LIMITATION

Generally limits a person to only three handgun retail purchases in a 30-day period, but, among other exceptions, allows certified firearms instructors to purchase up to six handguns in a 30-day period; makes violations of the sale limits a class C felony

Under state law, DESPP (1) maintains a state database on the validity of the handgun permits, local dealer permits, and long gun eligibility certificates issued under state law and (2) serves as the point of contact for initiating a background check in the National Instant Criminal Background Check System (NICS). With limited exceptions, when anyone sells, delivers, or transfers a firearm, he or she must first contact DESPP, which checks these systems, and receive an authorization number to complete the sale, delivery, or transfer (CGS § 29-36I). (NICS is the

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federal database used to determine if prospective gun buyers are disqualified from acquiring or possessing firearms under state or federal law.)

With certain exceptions, the act limits a person to only three handgun retail purchases in a 30-day period. It does so by prohibiting the DESPP commissioner from issuing more than three authorization numbers for the retail sale of a handgun for any transferee within a 30-day period, except he may issue up to six for a firearms instructor certified by Connecticut or the National Rifle Association (NRA).

These sale limitations do not apply to:

1. a firearm (a) transferred to a federal, state, or municipal law enforcement agency or (b) legally transferred by a person ineligible to possess it;
2. the exchange of a handgun purchased by an individual from an FFL for another handgun from the same FFL within 30 days after the original transaction, so long as the FFL reports the transaction to the DESPP commissioner;
3. certain antique handguns (e.g., those manufactured before 1899 that are exempt from certain state laws regulating handgun transfers); or
4. a transfer to a museum at a fixed location that is open to the public and displays firearms as part of an educational mission.

By law, the act's sale limitations, as well as certain state laws regulating handgun transfers, also do not apply to handgun sales, deliveries, and other transfers between an FFL and (1) federally licensed firearm manufacturers, (2) federally licensed firearm importers, or (3) another FFL. The act extends these exemptions to handgun sales, deliveries, and transfers between federally licensed firearm manufacturers.

As under existing law for illegal handgun sales, deliveries, and transfers, a violation of the act's sale limitations is a class C felony with a two-year mandatory minimum prison sentence and a \$5,000 minimum fine, which may not be remitted or reduced unless the court states on the record its reasons for doing so. Additionally, the court may suspend the prosecution of a person who violates the act's sales limitations and dismiss the charges under certain conditions.

§ 11 — SEMI-AUTOMATIC CENTERFIRE RIFLE SALES

Generally prohibits all sales, deliveries, and transfers of semi-automatic centerfire rifles that have or accept a magazine with a capacity of more than five rounds to anyone under age 21

Prior law generally prohibited selling, delivering, or transferring, at retail, any semi-automatic centerfire rifle that has or accepts a magazine with a capacity of more than five rounds to anyone under age 21. The act expands this prohibition by applying it to all sales, deliveries, or transfers of these rifles, not just those at retail. By law, this prohibition does not apply to the sale, delivery, or transfer of this rifle to the following for use in the discharge of their duties: (1) employees or members of local police departments, DESPP, or DOC or (2) state or U.S. Armed Forces members.

§§ 12 & 20 — FIREARM STORAGE

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Extends the firearm safe storage law to anyone with a firearm who controls a premise, rather than only certain individuals; expands the scope of the crime of negligently storing a firearm to apply when anyone obtains an unlawfully stored firearm and injures or kills himself or herself or someone else

Storage Requirements

The act extends the firearm safe storage law to cover anyone with a firearm who controls the premises, rather than only certain individuals. Under prior law, the safe storage requirements only applied if such a person knew or reasonably should have known that a (1) minor was likely to gain access to the firearm without a parent's or guardian's permission or (2) resident was ineligible to possess firearms, was subject to a risk protection order, or posed a risk of imminent personal harm or harm to others. The act eliminates these conditions.

By law, a person's firearm may only be stored or kept on his or her premises if it is:

1. kept in a securely locked box or other container or in a way that a reasonable person would believe to be secure or
2. carried on his or her person or so closely that he or she can readily retrieve and use the firearm as if he or she were carrying it.

Criminally Negligent Storage of a Firearm

Under prior law, a person was guilty of criminally negligent storage of a firearm if a minor, resident who was ineligible to possess firearms, or resident who posed a risk of imminent personal harm or harm to others obtained the person's unlawfully stored firearm and used it to injure or kill himself or herself or someone else, unless the minor obtained the firearm through unlawful entry. The act expands the scope of this crime so that it generally applies when any person obtains an unlawfully stored firearm. It relatedly removes the age restriction on prior law's mitigating circumstances for unlawful entry and adds a reporting requirement. Thus, under the act, the firearm storer is not guilty of this crime if the other person obtained the firearm through unlawful entry and, if the firearm was stolen, the firearm is reported as stolen as existing law requires. By law, violators are guilty of a class D felony (see [Table on Penalties](#)).

As under existing law, unchanged by the act, a person who fails to securely store a firearm is strictly liable for damages, regardless of intent, when a minor, or a resident who is ineligible to possess firearms or poses a risk of imminent personal harm or harm to others, gets a firearm and causes self-harm or harm to others (CGS § 52-571g).

§ 14 — EXEMPTION FROM AMMUNITION SALES MINIMUM AGE REQUIREMENT

Exempts specified state agencies and other entities and individuals from the minimum age requirement for ammunition sales

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Under existing law, if someone wants to purchase ammunition or an ammunition magazine, he or she must generally (1) present a valid gun credential or ammunition certificate and (2) be at least age 18. Certain specified state agencies, entities, and individuals however are exempt from the gun credential or ammunition certificate requirement. The act additionally exempts them from the minimum age requirement, thus allowing sales of ammunition to them regardless of the purchaser's age.

By law, the exempt agencies, entities, and individuals are generally the following:

1. DESPP, DOC, DMV, the Department of Energy and Environmental Protection (DEEP), the Division of Criminal Justice (DCJ), police departments, and the state and U.S. Armed Forces;
2. sworn and duly certified members of organized police departments, the State Police, and DOC;
3. DCJ inspectors, DMV commissioner-designated inspectors, DEEP commissioner-appointed conservation officers, and locally appointed constables certified by POST who perform criminal law enforcement duties;
4. state and U.S. Armed Forces members;
5. nuclear facilities licensed by the U.S. Nuclear Regulatory Commission and their contractors and subcontractors; and
6. federally licensed firearms manufacturers, importers, dealers, and collectors.

§§ 15, 23-26 & 49 — 2023 ASSAULT WEAPONS BAN

Expands the assault weapons ban to include more firearms and creates a process for those who lawfully own these weapons to get a certificate of possession or transfer or sell them

State law generally bans anyone from possessing or selling an “assault weapon” (see *Background — Assault Weapons*). Beginning June 6, 2023, the act expands the types of assault weapons banned to include additional firearms, which the act designates as “2023 assault weapons.” Under existing law and the act, with minor exceptions, no one in Connecticut may:

1. give, distribute, transport, import, expose, keep, or sell an assault weapon (CGS § 53-202b) or
2. possess an assault weapon, unless he or she lawfully possessed it before the applicable ban took effect and got a certificate of possession from DESPP for it (i.e., registered it).

EFFECTIVE DATE: Upon passage

2023 Assault Weapons Ban (§§ 23 & 49)

Under the act, a “2023 assault weapon” generally includes any semiautomatic firearm regardless of (1) whether the firearm is specifically banned by existing law and (2) the date the firearm was produced if it meets the criteria described below. More specifically, it is any semiautomatic firearm, other than a pistol, revolver,

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rifle, or shotgun, that has at least one of the following:

1. a grip or stock that allows someone to hold it with more than just the trigger finger directly below the firing action;
2. an ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol grip;
3. a fixed magazine that can accept more than 10 rounds;
4. a flash suppressor or silencer, or a threaded barrel capable of accepting a flash suppressor or silencer;
5. a shroud that is attached to, or partially or completely encircles, the barrel and that allows the shooter to fire the firearm without being burned, except a slide that encloses the barrel;
6. a second hand grip; or
7. an arm brace or other stabilizing brace that allows the firearm to be fired from the shoulder, with or without an arm strap.

Additionally, a “2023 assault weapon” includes a combination of parts designed or intended to convert a firearm into an assault weapon, as expanded under the act, or any combination of parts from which an assault weapon may be assembled if the same person possessed and controlled those parts.

Lastly, it includes certain semiautomatic firearms that were legally manufactured before September 13, 1994, that were not listed by name under the 1994 assault weapons ban but were instead defined by their features. (The act relatedly repeals the exemption for these pre-1994 firearms (§ 49).) Specifically, these are the following:

1. semiautomatic rifles that can accept a detachable magazine if the rifle has any two of the following features: (a) folding or telescoping stock, (b) pistol grip that protrudes conspicuously beneath the action of the weapon, (c) bayonet mount, (d) flash suppressor or threaded barrel designed to accommodate a flash suppressor, or (e) grenade launcher;
2. semiautomatic pistols that can accept a detachable magazine if the pistol has any two of the following features: (a) an ammunition magazine that attaches to the pistol outside of the pistol grip; (b) a threaded barrel that can accept a barrel extender, flash suppressor, forward handgrip, or silencer; (c) a shroud attached to, or partially or completely encircling, the barrel that allows the shooter to hold the firearm with the non-trigger hand without being burned; (d) a manufactured weight of 50 ounces or more when unloaded; or (e) a semiautomatic version of an automatic firearm;
3. semiautomatic shotguns with any two of the following features: (a) a folding or telescoping stock, (b) a pistol grip conspicuously protruding beneath the action of the weapon, (c) a fixed magazine capacity of more than five rounds, or (d) the ability to accept a detachable magazine; and
4. a part or combination of parts designed or intended to convert a firearm into one of these assault weapons or from which such a weapon may be assembled rapidly if they are in someone’s possession and control.

Lawful Possession of a 2023 Assault Weapon (§ 23)

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Under the act, to “lawfully possess” a 2023 assault weapon is to have:

1. actual possession that is lawful under the state laws on assault weapons;
2. constructive possession by a lawful purchase transacted before June 6, 2023, regardless of whether the assault weapon was delivered before that date, with written evidence sufficient to indicate that (a) a sales contract for purchasing the weapon was made between the parties before that date or (b) the purchaser made full or partial payment for the weapon before then; or
3. actual or constructive possession as described above as shown by a written statement made under penalty of false statement on a DESPP form.

By law, making a false statement is a class A misdemeanor (CGS § 53a-157b, see [Table on Penalties](#)).

Certificate of Possession (§ 25)

Under the act, anyone who, before June 6, 2023, lawfully possesses a 2023 assault weapon may apply to DESPP by May 1, 2024, for a certificate of possession for the weapon. This includes anyone who regains possession of one from a licensed gun dealer, consignment shop operator, or licensed pawnbroker placed with them before June 6, 2023, as described below. Servicemembers unable to apply for a certificate by May 1, 2024, because they were out of state on official duty have 90 days after returning to Connecticut to apply for the certificate. The certificate allows a person to keep the firearm if he or she is eligible and otherwise complies with the law (see *Background — Locations Where Registered Weapon May Be Kept*). DESPP (1) must accept applications in both paper and electronic form, to the extent possible, and (2) cannot require applications to be notarized.

As under existing law, the certificate must contain a description of the firearm that identifies it uniquely, including all identification marks; the owner’s full name, address, date of birth, and thumbprint; and any other information DESPP deems appropriate. The name and address are confidential and may be disclosed only to (1) law enforcement agencies, DOC parole officers, and U.S. Probation Office employees carrying out their duties and (2) the DMHAS commissioner to carry out certain firearm-related duties.

Under the act, anyone who got a certificate of possession for an assault weapon before June 6, 2023, that is also a 2023 assault weapon does not have to get a subsequent certificate. He or she is deemed to have gotten a certificate for the weapon under the assault weapons laws.

Federal Reclassification (§§ 24 & 25)

The act establishes conditions under which certain individuals may lawfully possess a 2023 assault weapon if the assault weapon was reclassified for federal purposes as a rifle under the recent amendments to federal regulations on commerce in firearms and ammunition (i.e., 27 C.F.R. Parts 478 & 479 (published at 88 Fed. Reg. 6478 (January 31, 2023))). Under the act, the person must:

1. have applied to register the assault weapon under the federal National Firearms Act (P.L. No. 73-474) using the form known as Form 1 that ATF

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publishes, submitted a copy of the form to DESPP by August 1, 2023, and ATF must have approved the application, denied the application within the past 30 days, or not yet processed the application;

2. have lawfully possessed the assault weapon before June 6, 2023; and
3. have otherwise complied with the assault weapons laws.

For these individuals whose applications have not yet been processed by ATF, the act allows them to apply to DESPP, by May 1, 2024, for a temporary certification of possession. This certificate expires on the earlier of January 1, 2027, or seven days after a Form 1 application denial.

If the Form 1 application is approved, the person may then apply to DESPP to convert the temporary certificate into an assault weapon certificate of possession. A full and complete Form 1 application submitted to DESPP in a form and manner determined by the department constitutes a complete application for a temporary certificate, and a copy of the notice of a Form 1 application approval constitutes a complete application to convert. If a complete application to convert is received, DESPP must approve the application.

DESPP (1) must accept applications in both paper and electronic form, to the extent possible, and (2) cannot require applications to be notarized.

Certificate of Possession Exemptions (§§ 24 & 25)

Under the act, as under existing law, specified state agencies, entities, and individuals who lawfully possess an assault weapon to use for official duties do not need a certificate of possession for the weapon. The exempt agencies, entities, and individuals are generally the following:

1. DESPP, DOC, DCJ, DMV, DEEP, police departments, and the state and U.S. Armed Forces;
2. sworn and duly certified members of organized police departments, the State Police, and DOC;
3. DCJ inspectors, DMV commissioner-designated inspectors, DEEP commissioner-appointed conservation officers, and locally appointed constables certified by POST who perform criminal law enforcement duties; and
4. nuclear facilities licensed by the U.S. Nuclear Regulatory Commission or their contractors and subcontractors.

However, under the act, if one of the above sworn members, inspectors, officers, or constables buys a 2023 assault weapon for his or her official duties and then subsequently retires or is separated from service, he or she must apply to DESPP for a certificate of possession for the weapon within 90 days of retiring or being separated.

Gun Manufacturer and Dealer Exemptions

Existing law allows, among other things, federally licensed firearm manufacturers to manufacture and transport assault weapons for sale (1) to exempt parties in Connecticut and (2) out of state (CGS § 53-202i). It also allows FFLs

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with a state permit who lawfully possess assault weapons to (1) transport the weapons between dealers or out of state, (2) display them at gun shows licensed by a state or local government entity, or (3) sell them to residents out of state. These gun dealers and manufacturers may also take possession of registered weapons and the dealers may transfer them for servicing or repair to a licensed gunsmith (1) in their employ or (2) under contract to provide gunsmithing services to the dealers (CGS § 53-202f).

Since 2023 assault weapons are included in the statutory definition of “assault weapon” (see *Background — Assault Weapon*), these exemptions also apply to those weapons under the act.

Temporary Transfer and Possession of Assault Weapons

As under existing law, the act also allows the temporary possession and transfer of a registered assault weapon, including a 2023 assault weapon, for certain out-of-state events, such as shooting competitions, exhibitions, displays, or educational projects about firearms sponsored by, done under the auspices of, or approved by, a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in firearms use or promotes firearms education (CGS § 53-202h).

Sales, Bequests, or Intestate Succession (§ 25)

The act prohibits a 2023 assault weapon lawfully possessed with a certificate of possession from being sold or transferred on or after June 6, 2023, to anyone in Connecticut except (1) a licensed gun dealer; (2) DESPP or local police departments; or (3) by bequest or intestate succession, or upon death, to a trust or from a trust to a beneficiary who is eligible to possess the weapon.

Transfer for Sale Out-of-State (§ 15)

Until April 30, 2024, the act allows anyone who lawfully possessed a 2023 assault weapon on June 5, 2023, to transfer possession of it to a licensed gun dealer in or outside of Connecticut for an out-of-state sale. He or she may transport the weapon to the dealer for this purpose without obtaining a certificate of possession.

Dealer, Pawnbroker, and Consignment Shops (§ 15)

The act allows licensed gun dealers, licensed pawnbrokers, and consignment shop operators to transfer possession of a 2023 assault weapon to a person who:

1. legally possessed it before June 6, 2023;
2. placed the weapon in the possession of the dealer, pawnbroker, or operator under an agreement to sell the weapon to a third person; and
3. is eligible to possess it when it is transferred back to the person.

Relinquishment of Assault Weapon to Law Enforcement Agency

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As under existing law, the act also allows an individual to arrange in advance to relinquish an assault weapon, including a 2023 assault weapon, to a police department or DESPP (CGS § 53-202e).

Penalties (§ 24)

As under existing law, the act applies the same penalties to 2023 assault weapons as other assault weapons.

By law, it is a class D felony with a mandatory minimum one-year prison term to possess a banned assault weapon, except that a first violation is a class A misdemeanor if the person proves that he or she lawfully possessed the weapon before October 1, 1993, or on April 4, 2013, (depending on the specific weapon) and is otherwise in compliance with the law. The act adds another exception for a first-time violator who can prove he or she lawfully possessed a 2023 assault weapon on June 5, 2023, and is otherwise in compliance.

Additionally, by law and under the act, it is a class C felony with a mandatory minimum two-year prison term to give, transfer, keep, sell, or distribute banned assault weapons, including 2023 assault weapons. For transfers, sales, or gifts to people under age 18, the court must impose an additional six-year mandatory minimum, in addition and consecutive to the term for the underlying offense (CGS § 53-202b(a)).

Background — Assault Weapons

Under existing law and the act, an “assault weapon” is a “2023 assault weapon” (see above) and any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire, or any parts designed or intended to convert a firearm into an assault weapon or from which an assault weapon may be rapidly assembled if possessed or under the control of the same person. It includes (1) specified semiautomatic firearms banned by name and (2) others classified based on their features (e.g., semiautomatic centerfire rifles that can accept a detachable magazine and have at least one other specified feature and semiautomatic pistols and centerfire rifles with fixed magazines that can hold more than 10 rounds).

An assault weapon does not include (1) any parts or combination of parts of a lawfully possessed assault weapon that are not assembled as an assault weapon, when possessed for servicing or repair by a licensed gun dealer or gunsmith in the dealer’s employ and (2) any firearm rendered permanently inoperable.

Background — Locations Where Registered Weapon May Be Kept

Under existing law and the act, any resident with a certificate of possession for an assault weapon may possess it only:

1. at his or her home, business place, other property he or she owns, or on someone else’s property with the owner’s permission;
2. at a target range (a) of a public or private club or organization organized for target shooting or (b) that holds a regulatory or business license for target

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- shooting;
3. at a licensed shooting club;
 4. while attending a firearms exhibition, display, or educational project sponsored by, conducted under the auspices of, or approved by a law enforcement agency or nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or
 5. while transporting the weapon, in compliance with pertinent law, between any of the above places, or to a licensed gun dealer for servicing or repair (CGS § 53-202d(f)).

§ 27 — LARGE CAPACITY MAGAZINES (LCM)

Bifurcates the penalties for LCM possession violations based on a person's eligibility to possess firearms, making it a class D felony for those who are ineligible to possess firearms and a class A misdemeanor for those who are eligible to do so; allows defendants to enter diversionary programs

The act bifurcates the penalties for large capacity magazine (LCM) possession violations based on a person's eligibility to possess firearms. It does so by making it a class D felony for violators who are ineligible to possess firearms and a class A misdemeanor for those who are eligible (see [Table on Penalties](#)). Under prior law, regardless of a person's eligibility to possess firearms, it was a class D felony to possess an undeclared LCM, except it was an infraction with a \$90 fine for a first offense if the LCM was obtained before April 5, 2013.

Under existing law, the court may suspend prosecution for violations of this law under specified circumstances. The act also authorizes the court to order any diversionary programs available to the defendant. (PA 23-203, § 3, has a substantially similar provision but includes an inadvertent cross reference for suspended prosecution procedures.)

Existing law, unchanged by the act, allows (1) certain individuals, including law enforcement, to possess, purchase, or import LCMs and (2) other individuals, such as those who have declared possession, to possess LCMs.

By law, an LCM is any firearm magazine, belt, drum, feed strip, or similar device that can hold, or can be readily restored or converted to accept, more than 10 rounds of ammunition. It excludes the following:

1. feeding devices permanently altered so that they cannot hold more than 10 rounds,
2. .22 caliber tube ammunition feeding devices,
3. tubular magazines contained in a lever-action firearm, and
4. permanently inoperable magazines.

§§ 28-32 — DISQUALIFYING OFFENSES

Expands the list of disqualifying offenses for possessing or carrying a firearm to include (1) misdemeanor convictions for offenses designated as family violence crimes and (2) those prohibited under federal law due to misdemeanor domestic violence convictions or being a fugitive of justice; makes these offenses reasons for which someone may be guilty of certain criminal firearm possession laws; increases, by one day, the two-year mandatory minimum prison

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sentence for criminal possession of a firearm, ammunition, or electronic weapon and makes those convicted of this crime eligible for special parole

Existing law prohibits certain individuals with disqualifying offenses from receiving credentials to possess or carry firearms. For long gun and handgun eligibility certificates and handgun permits, the act prohibits the DESPP commissioner from issuing these credentials if the person (1) has been convicted of a misdemeanor of any law designated a family violence crime or (2) is prohibited under federal law from shipping, transporting, possessing, or receiving a firearm because he or she is a fugitive from justice or has been convicted of a misdemeanor crime of domestic violence (see *Background*).

It also expands the crimes of criminal possession of a firearm, ammunition, or an electronic defense weapon and criminal possession of a handgun to include possession by such a person. The act includes family violence crimes committed on or after October 1, 2023. Under prior law, criminal possession was a class C felony with a two-year mandatory minimum prison sentence and a \$5,000 minimum fine, which could not be remitted or reduced unless the court states on the record its reasons for doing so. The act increases, by one day, the two-year mandatory minimum prison sentence for criminal possession of a firearm, ammunition, or electronic weapon. In doing so, it makes those convicted of this crime eligible for special parole, which is a closer and more rigorous form of supervision (CGS § 54-125e).

Background

Family Violence Crime. By law, a “family violence crime” is a crime, other than a delinquent act, that involves an act of family violence to a family or household member. It does not include acts by parents or guardians disciplining minor children unless these acts constitute abuse (CGS § 46b-38a(3)).

Fugitive From Justice. Under federal law, a “fugitive from justice” is anyone who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding (18 U.S.C. § 921(a)(15)).

Misdemeanor Crime of Domestic Violence. Under federal law, a “misdemeanor crime of domestic violence” is an offense that (1) is a misdemeanor under federal, state, or tribal law; (2) has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and (3) was committed by someone with a domestic relationship with the victim (e.g., former or current spouse), with certain exceptions (18 U.S.C. § 921(a)(33)).

§§ 28-30 — ADDITIONAL EDUCATIONAL REQUIREMENTS

Specifies that firearm safety training requirements for long gun and handgun eligibility certificates and handgun permits must be completed within two years before applying; requires training courses to include instruction on state law requirements on safe firearm storage and lawfully using firearms and carrying firearms in public

Under prior law, applicants for long gun and handgun eligibility certificates and

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handgun permits must have successfully completed a DESPP-approved firearm safety and use course. This could include a (1) publicly available course offered by a local law enforcement agency, private or public educational institution, or firearms training school, using instructors certified by the NRA or DEEP or (2) course conducted by an NRA or state-certified instructor.

For applications for these credentials filed on or after July 1, 2024, the act instead requires applicants to complete, within two years before submitting their applications, a DESPP-approved course on firearm safety and use, which may include certified NRA courses or those offered by other organizations that are conducted by a certified NRA instructor or the state. The course must include instruction on state law's requirements for safe storage of firearms at home and in vehicles and lawful use of firearms and carrying them in public. The act specifies that anyone holding a valid handgun permit before July 1, 2024, does not have to do any additional training.

The act allows anyone who wants to provide the course for handgun permits to apply to the commissioner as he prescribes. He must approve or deny the application for the course by July 1, 2024, if the application was submitted by October 1, 2023.

§ 33 — TRIGGER LOCKS

Expands existing law's requirement that gun dealers, at the time of sale, give trigger locks and a related written warning to handgun buyers by requiring gun dealers to do so for all firearm buyers, not just handgun buyers; subjects violators to a fine of up to \$500

By law, any gun dealer selling a handgun must give the purchaser a reusable trigger lock, gun lock, or appropriate gun locking device at the time of sale. The act expands this requirement to apply to all firearm sales, rather than just handguns.

As under existing law for handgun sales, under the act the gun dealer must equip all firearms with the trigger lock at the time of sale. The device must (1) be made of material strong enough to prevent it from being easily disabled and (2) have a locking mechanism accessible by a key or other electronic or mechanical accessory specific to the lock to prevent unauthorized removal. Dealers must also give the buyers a specified written warning.

Under existing law and the act, violations are punishable by up to a \$500 fine.

§ 34 — PROHIBITION ON CARRYING LOADED LONG GUNS IN MOTOR VEHICLES

Expands the prohibition on carrying or possessing loaded shotguns, rifles, or muzzleloaders in motor vehicles to include all long guns

Prior law prohibited anyone from carrying or possessing a loaded shotgun, rifle, or muzzleloader in any vehicle or snowmobile. The act explicitly applies this prohibition to all long guns (i.e., firearms other than handguns).

As under existing law, this prohibition does not apply to servicemembers while on duty or travelling to or from assignments, enforcement officers, security guards,

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or other people employed to protect property while performing their duties. A violation is a class D misdemeanor (see [Table on Penalties](#)).

EFFECTIVE DATE: July 1, 2023

§ 35 — BODY ARMOR

Requires those buying or receiving body armor to have certain gun-related credentials; expands purchase exemptions to include judicial marshals, probation officers, federal firearms licensees, and emergency medical service organization employees

Under prior law, “body armor” was any material designed to be worn on the body and to provide bullet penetration resistance. The act instead defines it as any item designed to provide bullet penetration resistance and to be worn on or under clothing like a vest or other article of clothing.

Existing law generally requires the sale or delivery of body armor to be in person. The act also requires a person who buys or receives body armor to have a local gun dealer permit, handgun permit, eligibility certificate for handgun or long gun, or ammunition certificate. The act extends the existing penalty for criminal possession of body armor to the gun-related credential requirement, making it a class B misdemeanor if a purchaser violates either requirement (see [Table on Penalties](#)).

Existing law exempts from the in-person requirement certain law enforcement officials, among others. The act also exempts these individuals from the act’s gun-related credential requirement and expands the list to include judicial marshals, probation officers, federal firearm licensees, and emergency medical service organization employees (i.e., ambulance drivers, emergency medical technicians, and paramedics).

As under existing law, it is a class A misdemeanor for anyone convicted of specific felonies or a serious juvenile offense to possess body armor (see [Table on Penalties](#)).

§§ 36-39 & 43-44 — SERIOUS FIREARM OFFENDER

Sets more stringent release conditions for serious firearm offenders; allows or requires prosecutors to petition the court for bond amounts of up to 30% depending on prior convictions; lowers the evidentiary threshold for courts to revoke a defendant’s release under certain circumstances involving serious firearm offenses and requires revocation under these circumstances; requires certain bail to be forfeited when the defendant commits a serious firearm offense while on release; requires probation officers to seek arrests for certain serious firearm offenders or offenses

The act imposes different conditions for release for serious firearm arrests depending on whether the arrested person has prior convictions for certain crimes. For offenders without these prior convictions, the act generally follows the same release procedures as existing law for other offenses, while limiting those with these prior convictions to be released only by posting bond.

Serious Firearm Offenses and Offenders

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Under the act, a “serious firearm offense” is any of the following:

1. illegally possessing an LCM (CGS § 53-202w, as amended by the act);
2. possessing a stolen firearm or a firearm that is altered in a way that makes it unlawful;
3. altering, removing, or defacing a firearm’s identification mark, serial number, or name (CGS § 29-36);
4. manufacturing, possessing, or transferring a firearm without the unique serial number or other identification mark (CGS § 29-36a, as amended by the act);
5. knowingly, recklessly, or with criminal negligence facilitating, aiding, or abetting the manufacture of a firearm (a) by someone prohibited from purchasing or possessing a firearm or (b) that a person is otherwise prohibited from purchasing or possessing (CGS § 29-36a, as amended by the act); or
6. any crime in which an essential element is that the person discharged, used, or was armed with and threatened the use of a firearm.

A “serious firearm offender” is a person who has been convicted of a serious firearm offense twice or was convicted of serious firearm offense and was previously convicted of any of the following:

1. altering, removing, or defacing a firearm’s identification mark, serial number, or name;
2. manufacturing, possessing, or transferring a firearm without an identification serial number or mark;
3. knowingly, recklessly, or with criminal negligence facilitating, aiding, or abetting the manufacture of a firearm as described above;
4. criminally possessing a firearm, ammunition, or electronic defense weapon or handgun due to specified disqualifying offenses; or
5. committing two or more additional felony offenses.

Notification to Police

Existing law allows probation officers to notify the police if they have probable cause to believe that a person on probation has violated his or her probation conditions. The act requires the officers to notify the police if the person is a serious firearm offender or is on probation for a felony conviction and has been arrested for committing a serious firearm offense. As under existing law, this notice suffices for the police to arrest the person and return him or her into the court’s custody.

Arrest Warrant

The act also requires a probation officer who has probable cause to believe that a serious firearm offender on probation has violated a probation condition to apply to any judge for a warrant to arrest the person for the probation condition or conditional discharge violation. The officer must also apply for an arrest warrant if he or she knows that a person on probation for a felony conviction has been arrested for committing a serious firearm offense. As under existing law, the warrant

authorizes the officer to return the defendant into the court's custody or to any suitable detention facility.

Hearing Deadline

Under existing law, when someone is arrested for violating the conditions of probation or conditional discharge, the court generally must dispose of the charge or schedule a hearing within 120 days after arraignment unless good cause is shown. The act shortens this period to 60 days after arraignment if the defendant is a serious firearm offender or has been arrested for a serious firearm offense while on probation for a felony conviction.

Revocation of Probation or Conditional Discharge

The act requires the court to revoke the probation or conditional discharge if the violation consists of committing a serious firearm offense or the defendant is a serious firearm offender. In cases involving non-serious firearm offenses, existing law gives the court discretion to revoke, continue, modify, or extend a sentence of probation or conditional discharge if any of the conditions have been violated.

Bail

Under the act, bail release provisions must apply to any serious firearm offender arrested and charged with a crime or any felony offender arrested for a serious firearm offense. However, in applying the bail release laws, the act creates a rebuttable presumption that a serious firearm offender poses a danger to the safety of others.

Release Conditions for Persons Arrested for a Serious Firearm Offense Without Certain Prior Convictions

The act imposes different conditions for release of arrested persons charged with a serious firearm offense, depending on whether he or she has prior convictions for certain crimes. For those without these prior convictions, the act generally follows existing law's release procedures except prosecutors may petition the court to deem the person a serious risk to the safety of others. If the court grants the petition, the person may be released only upon executing a bond of at least 30%.

Conditions of Release. Under the act, when an arrested person charged with committing a serious firearm offense (other than a person with certain prior convictions (see below)) is presented before the Superior Court in bailable offenses, the court must promptly order the person's release with one of four specified conditions (i.e., written promise to appear without special conditions or with non-financial conditions or bond with or without surety in no greater amount than necessary). (This is also the case under existing law for other arrests.) For an arrestee charged with a non-serious firearm offense, existing law requires the court to consider which of the conditions of release are sufficient to reasonably assure the

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arrested person's appearance in court. For an arrestee charged with a serious firearm offense, the act requires the court to also consider which conditions will ensure that the person will not endanger the safety of others.

Petition. The act allows the prosecutor to (1) petition the court to deem the arrested person a serious risk to the safety of others and (2) present any information developed by federal, state, and local law enforcement agencies during a criminal investigation or enforcement action, including social media posts, pictures, or videos threatening violence, claiming responsibility for violence, or suggesting firearm possession.

Bond Amount. If the court finds that the arrested person is a serious risk to the safety of others, the arrestee may only be released upon the execution of a bond with at least 30% of any bond amount deposited directly with the court.

Drug Testing and Treatment. As under existing law, when the court has reason to believe that the arrested person is drug-dependent, and where necessary, reasonable, and appropriate, it may order the person to submit to a urinalysis drug test and to participate in a periodic drug testing and treatment program. The result of the drug test is inadmissible in any criminal proceeding concerning the person.

Release Condition Factors. Under the act, in determining what release conditions will reasonably ensure the arrested person's appearance in court and others' safety, the court may generally consider the same factors as existing law allows for certain felony arrests. This includes the (1) number and seriousness of pending charges, (2) weight of the evidence, (3) person's history of violence, (4) person's previous convictions for similar offenses while released on bond, and (5) likelihood based on the person's expressed intentions that he or she will commit another crime while on release.

As under existing law for releases for certain felony arrests, the act requires the court, when imposing conditions of release, to state for the record any of the factors that it considered and the findings it made as to the danger, if any, that the arrested person might pose to the safety of others upon release.

Nonfinancial Condition of Release. The act allows the court to impose nonfinancial conditions of release for serious firearm offenders without certain prior convictions under the same conditions as existing law allows for other offenders. Specifically, the court must order the least restrictive condition or conditions needed to reasonably ensure the person's appearance in court and others' safety. The conditions may include supervision by a designated person or organization, travel or living accommodation restrictions, and electronic monitoring, among others.

As under existing law for release conditions for persons arrested for non-serious firearm offenses, the court (1) must state on the record its reasons for imposing any nonfinancial condition and (2) may require a person who is subject to electronic monitoring as a release condition to pay the cost of the monitoring.

Release Conditions for Persons Arrested for a Serious Firearm Offense With Certain Prior Convictions

The act sets more stringent release conditions for persons arrested for a serious

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firearm offense who have certain prior convictions. Defendants may only be released on bond in an amount needed to reasonably assure the person’s appearance in court and others’ safety.

The act also (1) requires a prosecutor to petition for the arrested person to deposit at least 30% of the bond amount directly with the court and (2) establishes a rebuttable presumption that others’ safety will be endangered unless the petition is granted. As under the act’s provisions for serious firearm offenders without prior convictions, the court may order the person to submit to a urinalysis drug test and participate in a drug testing and treatment program under the same circumstances and procedures described above.

These release conditions apply to those arrested for a serious firearm offense who (1) are serious firearm offenders or (2) have two or more convictions during the five-year period immediately before the current arrest for (a) illegally manufacturing, distributing, selling, prescribing, or dispensing certain illegal substances (CGS §§ 21a-277 & -278) or (b) 1st or 2nd degree larceny (CGS §§ 53a-122 & -123).

These release conditions also apply to those with (1) two prior convictions for the violations shown in the table below or (2) a prior conviction of a violation listed below and a previous conviction of carrying a handgun without a permit, carrying a firearm with intent to display, or failing to present a permit to a law enforcement officer who has reasonable suspicion of a crime (CGS § 29-35, as amended by the act).

Prior Convictions Resulting in More Stringent Release Conditions

<i>Statute</i>	<i>Offense</i>
CGS § 29-36	Altering, removing, or defacing firearm serial number
CGS § 29-36a, as amended by the act	Manufacturing or transferring a “ghost gun” or possessing one without declaring it or applying for serial number
CGS § 53-202	Possessing or using a machine gun or transferring one to someone under age 16
CGS § 53-202a, as amended by the act	Assault weapons (definitions only)
CGS § 53-202b	Selling or transferring an assault weapon
CGS § 53-202c	Possessing an assault weapon
CGS § 53-202w, as amended by the act	Possessing, purchasing, selling, or importing large capacity magazines
CGS § 53-202aa	Trafficking firearms
CGS § 53-206i	Manufacturing a firearm from certain plastic
CGS § 53a-54a	Murder
CGS § 53a-54b	Murder with special circumstances
CGS § 53a-54c	Felony murder
CGS § 53a-54d	Arson murder

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<i>Statute</i>	<i>Offense</i>
CGS §§ 53a-55 & -56	1st and 2nd degree manslaughter
CGS §§ 53a-55a & -56a	1st and 2nd degree manslaughter with a firearm
CGS §§ 53a-59 & -60	1st and 2nd degree assault
CGS § 53a-60a	2nd degree assault with a firearm
CGS § 53a-134	1st degree robbery
CGS § 53a-212	Stealing a firearm
CGS § 53a-216	Criminal use of a firearm or electronic defense weapon
CGS § 53a-217, as amended by the act	Criminal possession of a firearm, ammunition, or electronic defense weapon
CGS § 53a-217b	Possessing a weapon on school grounds
CGS § 53a-217c, as amended by the act	Criminal possession of a handgun

Not Released. As under existing law, if an arrested person is not released, the court must order the person committed to DOC custody until he or she is released or discharged under the law.

Revocation of Release

The act (1) lowers the evidentiary threshold for courts to revoke a defendant’s release if he or she is a serious firearm offender or released under the offenses listed in the table above and (2) makes the revocation mandatory upon certain findings after an evidentiary hearing.

By law with certain exceptions, the court may impose new or additional conditions on a defendant’s release if it finds by clear and convincing evidence that he or she violated the release conditions. For offenses where a prison term of 10 or more years may be imposed, existing law allows the court to revoke the defendant’s release if (1) it finds by clear and convincing evidence that others’ safety is endangered by his or her release and (2) there is probable cause to believe he or she committed a federal, state, or local crime while on release. There is a rebuttable presumption that these defendants’ release should be revoked. The act extends these provisions to defendants who are serious firearm offenders or on release for a serious firearm offense charge except as described below.

If the defendant is (1) a serious firearm offender and is on release for any offense or (2) on release for one of the offenses listed in the table above, the court must revoke the release if it finds by the preponderance of the evidence that there is probable cause to believe that the defendant committed a serious firearm offense while on release. As under existing release revocation law, the court must first hold an evidentiary hearing where hearsay or secondary evidence is admissible.

As under existing law, the revocation of a defendant’s release causes any bond posted in a criminal proceeding to be automatically terminated and the surety to be released.

Bond Forfeiture

Under the act, the bond posted in the criminal proceeding for any offense for which the defendant was on pretrial release is forfeited if the defendant (1) commits a serious firearm offense while on release and (2) is subsequently convicted of any offense for which he or she was released and for the serious firearm offense committed while on release.

§ 40 — RETURN TO CUSTODY

Requires the DOC commissioner to request that a parolee be returned to custody without a written warrant if he or she is (1) a serious firearm offender arrested while on parole for a felony offense or (2) arrested for a serious firearm offense

Under existing law, the DOC commissioner or an officer he designates, or the Board of Pardons and Paroles or its chairperson, may authorize and require a DOC officer or other officer authorized to serve process to arrest, hold, and return a parolee into custody without a written warrant. The act requires the commissioner to do this if the parolee is (1) a serious firearm offender arrested while on parole for a felony offense or (2) arrested for a serious firearm offense.

§ 41 — FIREARMS-RELATED CRIME DOCKET

Requires the chief court administrator to establish firearm-related crime dockets in certain courts

The act requires the chief court administrator, by December 31, 2023, to establish a firearm-related crime docket to serve the geographical area courts in Fairfield, Hartford, New Haven, and Waterbury. She must establish policies and procedures to implement this docket.

EFFECTIVE DATE: Upon passage

§ 42 — EMERGENCY PETITION

Authorizes a police officer or prosecutor, when aware that someone released on parole or probation is a threat to public safety, to file an emergency petition to take specified steps

The act allows any sworn peace officer of a law enforcement agency or any prosecutorial official who is aware of a parolee or person on probation who poses a serious threat to public safety to file an emergency petition with the probation or parole office's supervisory staff, as applicable, and a copy with the Chief State's Attorney's office. The emergency petition must include the risk factors pointing to the person as a serious public safety threat and may present any information developed by federal, state, and local law enforcement agencies in a criminal investigation or enforcement action. This information may include social media posts, pictures, or videos threatening violence, claiming responsibility for violence, or suggesting firearm possession.

Within 48 hours after receiving the petition, the applicable supervisory staff

must seek a warrant for the probation violator or provide the reason for not doing so.

§ 45 — PENALTY FOR FAILING TO REPORT LOST OR STOLEN FIREARM OR ASSAULT WEAPON

Increases the penalty for a first offense of failing to report the loss or theft of a firearm or assault weapon from an infraction to a class A misdemeanor

Under existing law, a person who lawfully possesses an assault weapon or firearm that has been lost or stolen must report it to the relevant law enforcement agency within 72 hours after he or she discovered or should have discovered the loss or theft. The act increases the penalty for a first-time, unintentional failure to do so from an infraction with a fine of up to \$90 to a class A misdemeanor (see [Table on Penalties](#)).

Under existing law, unchanged by the act, a subsequent unintentional failure is a class C felony; an intentional failure to report is a class B felony. By law, a first-time violator does not lose the right to possess a gun permit.

§ 46 — HANDGUN CARRY PERMIT

Requires the DESPP commissioner to decide on a handgun permit application when the applicant presents an affidavit that the local authority failed to expressly deny or approve a temporary state permit application within a specified period; requires the local authority or DESPP to give a detailed, written reason for denying an application

Handgun Permit Application Process

By law, handgun permits are issued under a two-part process, requiring approval from both the local authority (e.g., the police chief) and DESPP. The local official investigates applicants using a background check, among other things, and issues a temporary state permit; the State Police conducts state and national criminal history record checks on the applicants and issues a five-year state permit. Existing law requires the local authority to make its decision within eight weeks. The act requires the local authority, if denying the application, to give the applicant a detailed, written reason for doing so.

Affidavit. The act allows an applicant to submit an affidavit to the DESPP commissioner attesting that a local authority failed to expressly deny his or her application or issue a temporary state permit within eight weeks after its submission. The applicant may submit the affidavit to DESPP instead of a temporary state permit following a specified waiting period after applying to the local authority. The applicant must wait at least (1) 32 weeks for applications filed by March 30, 2024, and (2) 16 weeks for applications filed on or after April 1, 2024. The commissioner must accept the affidavit and notify the local authority immediately after receiving it.

As under existing law for applications approved by local authorities, DESPP must make its decision on the affidavit (or inform the applicant that the department

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is still waiting for the national criminal background check results) within eight weeks after receiving the affidavit.

Additionally, the act specifies that a local authority's failure to complete its review of the temporary permit application is not grounds for the commissioner to deny the state permit. It also requires DESPP to include details in its written state permit approval or denial.

Exception for Major Disasters and Declared Emergencies

The act creates an exception to its gun permit issuance provisions during a major disaster, presidential emergency declaration, or gubernatorial emergency declaration due to any disease epidemic, public health emergency, or natural disaster impacting a local authority. Under these circumstances, the DESPP commissioner must not accept any affidavit until 32 weeks after the application date.

§ 47 — MASS SHOOTING EVENT RESPONSE

Requires DESPP's civil preparedness plan to include a response plan for a mass shooting event; requires the DESPP commissioner to coordinate with the (1) DPH commissioner to deploy grief counselors and mental health professionals to help family members or other people closely connected to mass shooting victims and (2) chief state's attorney to report on mass shooting investigations

The act requires DESPP's civil preparedness plan to include a response plan for a mass shooting event (i.e., a shooting of four or more people within a three-mile radius within 24 hours). The response plan must include coordination between certain parties to determine, among other things, what led to the shooting. This group must report to the DESPP commissioner, who must then report to the governor and certain legislators.

The act also requires, as part of the response to a mass shooting, the DESPP commissioner to coordinate with the (1) public health commissioner to deploy grief counselors and mental health professionals to help family members or other people closely connected to the victims and (2) chief state's attorney to coordinate and report on an investigation of each mass shooting event.

EFFECTIVE DATE: Upon passage

Response Plan

By law, the DESPP commissioner must oversee the development of the state's civil preparedness plan and program (i.e., the State Response Framework), which is subject to the governor's approval. The act requires the plan and program to include a mass shooting event response plan.

The act requires the commissioner, as part of any response plan for a mass shooting, to include provisions for coordinating a meeting with DESPP; local police; community leaders, including religious leaders; and representatives from the Project Longevity Initiative (a comprehensive, community-based initiative to

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reduce gun violence that operates in Bridgeport, Hartford, New Haven, and Waterbury).

The meeting's purpose is to determine (1) why the mass shooting occurred and what circumstances led to it, (2) whether there were warning signs that it would occur, (3) steps the community can take to prevent further mass shootings, and (4) whether there are available resources to help the community respond to it.

The act also requires the meeting participants to report their findings to the DESPP commissioner. The commissioner must review and report the findings, and any other information he deems pertinent, to the governor, House and Senate majority and minority leaders, and Public Safety and Security Committee. The report must include any recommendations for legislative action to reduce mass shooting events.

Grief Counselors and Mental Health Professionals

The act requires the DESPP commissioner to coordinate with the public health commissioner to deploy grief counselors and mental health professionals to provide mental health services after mass shooting events for the victims' family members or other people closely associated with the victims. These counselors and professionals must be deployed to (1) local community outreach groups in and around the impacted area and (2) any school or higher education institution where any of the shooting's victims or perpetrators were enrolled.

Shooting Investigation

The act requires the DESPP commissioner to coordinate with the chief state's attorney's office to investigate each mass shooting event. The investigation must consider the following:

1. how the perpetrator acquired any firearm used in the shooting;
2. whether those firearms were acquired legally;
3. whether a large capacity magazine was used (state law generally bans the possession or sale of these magazines, which hold more than 10 rounds of ammunition); and
4. the perpetrator's and victims' backgrounds.

For each investigation, the commissioner and chief state's attorney must report (1) its summary and findings, including any determination of what caused the mass shooting, and (2) any recommendations to prevent future mass shootings. They must report to the governor, the House and Senate majority and minority leaders, the Public Safety and Security Committee, and the chief elected official and legislative body of the municipality where the shooting occurred.

§ 48 — POLICE NOTICE OF FIREARM RIGHTS AND RISK PROTECTION ORDER APPLICATION PROCESS

Requires law enforcement units to post public notices informing people about (1) various firearm-related rights, including specified information about the permit process and the right to own, possess, and carry firearms and (2) the risk protection order application process

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The act requires the administrative head of each law enforcement unit to ensure that all police stations, headquarters, or barracks under its jurisdiction post certain information about firearm-related rights in a conspicuous place that is readily available for public view. Specifically, he or she must post a statement informing people about the following rights:

1. to request and get an application for a handgun carry permit;
2. to submit the application no later than one week after their request to do so;
3. to be informed in writing, within eight weeks after applying, of the decision on the application;
4. to file an appeal if the application is denied; and
5. their state and federal constitutional right to own, possess, and carry a firearm to protect their home or family as they so lawfully choose.

In the same way, he or she must post a statement informing people about the application process for a risk protection order, including the process for a family member or medical professional to apply.

Under the act, as under existing law, an “administrative head of each law enforcement unit” includes the DESPP commissioner, board of police commissioners, police chief or superintendent, or other authority in charge of a law enforcement unit (CGS § 7-291e).