
OLR Bill Analysis

sHB 6667

AN ACT ADDRESSING GUN VIOLENCE.

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BACKGROUND

SUMMARY

This bill makes various changes in the state's gun (firearm) laws. Among other things, it:

1. generally prohibits anyone from (a) knowingly carrying any firearm openly, (b) carrying firearms in any establishment permitted to serve alcohol for on-premises consumption, and (c) having a ghost gun beginning January 1, 2024;
2. generally (a) limits a person to only purchasing one handgun in a 30-day period and (b) requires a 10-day waiting period for purchasing or receiving a firearm;
3. establishes a state gun dealers license;
4. increases the minimum age to purchase long guns from 18 to 21;
5. requires various gun safety measures, including safe storage of all firearms, trigger locks, and other gun safety mechanisms;
6. expands the assault weapons ban to include more firearms and provides a process for those who lawfully own these weapons to obtain a certificate of possession or transfer or sell the weapon;
7. makes illegally possessing a large capacity magazine (LCM) a class D felony, regardless of when it was obtained and for all offenses;

8. makes misdemeanor convictions for offenses designated as family violence crimes, and those prohibited under federal law due to misdemeanor domestic violence convictions or being a fugitive of justice, disqualifying offenses for gun credentials;
9. requires at least four hours of classroom training within one year of submitting a gun credential application;
10. sets more stringent release conditions for serious firearm offenders, including only allowing those with certain prior convictions to be released by posting bond;
11. establishes firearm-related crime dockets in certain courts; and
12. requires 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 bill also makes various minor, technical, and conforming changes.

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

§ 1 — FIREARM OPEN CARRY PROHIBITIONS

With exceptions, prohibits anyone from (1) knowingly carrying any firearm openly and (2) carrying a firearm in any establishment permitted for on-premises alcohol consumption; makes violations of these provisions a class D felony; requires law enforcement units to annually report on any stops conducted on suspicion of a violation of the bill's open carry prohibition

The bill generally prohibits anyone from knowingly carrying any firearm openly, with certain exceptions. Current law does not address whether a person must carry a firearm openly or concealed. Although the bill does not define firearm for purposes of this prohibition, the penal code defines it as any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, loaded or unloaded, from which a shot may be discharged (CGS § 53a-3).

The bill's open carry prohibition does not apply to a person (1) in his or her home, (2) on land he or she leases or owns that is connected with

the home, (3) in his or her place of business, or (4) when engaged in firearm training (see below) or a bona fide hunting activity. A person is not deemed to be carrying openly if the person has taken reasonable measures to conceal that he or she is carrying a firearm. A fleeting glimpse of a firearm does not constitute a violation.

The bill also generally prohibits carrying a firearm in any establishment permitted for on-premises alcohol consumption, other than establishments that are also the person's home or place of business.

Exceptions

Under the bill, the same individuals and circumstances that are exempt from the permit requirement to carry a pistol or revolver (i.e., handgun permit) are also exempt from the bill's open carry prohibition. This includes the following individuals:

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

It also includes anyone transporting a firearm:

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 a competition or exhibit under an out-of-state permit,

5. to and from firearm training (see below),
6. to or from a testing range at a firearm permit-issuing authority's request, or
7. that is an antique handgun.

Firearm Training

The bill expands what is considered "firearm training" for the open carry and handgun permit exemptions. Under current law, for purposes of the handgun permit requirement, the firearm training exemption is for taking part in formal handgun training at a locally approved and permitted firing range or training facility. The bill expands it, for both purposes, to include training at a fish and game club or sporting club and eliminates the requirement that the firing range be locally approved and permitted.

Penalty

Under the bill, anyone violating these provisions is guilty of a class D felony (punishable by up to five years imprisonment, up to a \$5,000 fine, or both) (CGS § 29-37(b)). There is a one-year mandatory minimum to these sentences unless the court finds mitigating circumstances. The court must specifically state the mitigating circumstances, or their absence, in writing for the record. Any handgun found in violation must be forfeited.

Report

Starting by February 1, 2025, the bill 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 conducted on suspicion of a violation of the bill's open carry 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 disseminated 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, Public Safety and Security, and Planning and Development committees.

A "law enforcement unit" is a 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).

§ 2 — GHOST GUNS

Beginning January 1, 2024, generally prohibits anyone from possessing ghost guns, with certain exceptions, and makes violations a class C felony; sets a process for declaring ghost gun possession to DESPP or obtaining a unique serial number or other identification mark; expands the current prohibitions on manufacturing and transferring ghost guns to include those manufactured between December 16, 1968, and October 1, 2019

Expansion of Current Ghost Gun Restrictions

Current law generally prohibits anyone from creating what is commonly referred to as a "ghost gun." It does so by prohibiting them from completing the manufacture of a firearm without subsequently (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 the following:

1. transferring ghost guns, except to law enforcement;
2. manufacturing a firearm from polymer plastic that is less detectible by a walk-through metal detector than a security exemplar (i.e., an object used to test and calibrate metal

detectors);

3. aiding the manufacture of a firearm for certain people who are prohibited from owning or possessing a firearm;
4. purchasing, receiving, selling, delivering, or transferring an unfinished frame or lower receiver without an identification mark or unique serial number or satisfying certain other requirements; and
5. possessing an unfinished frame or lower receiver if the person is ineligible to possess a firearm under state or federal law.

Current law allows exceptions to these requirements for certain firearms, including those manufactured before October 1, 2019, if they are otherwise lawfully possessed. The bill narrows this exception to firearms manufactured before December 16, 1968, thus expanding these current prohibitions to 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).

Prohibition on Ghost Gun Possession

Beginning January 1, 2024, the bill generally prohibits anyone from possessing a firearm without a serial number or other identification mark (“ghost gun”), including those made between December 16, 1968, and October 1, 2019. The bill allows these guns 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 not yet received it.

With limited exceptions, the bill 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 firearm transfers (1) declared to DESPP; (2) by bequest or intestate succession; or (3) upon the death of a testator or settlor, to a trust or from a trust to a beneficiary. It also allows the transfer to a police department or DESPP.

Declaration of Possession. Under the bill, 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. 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, the member must 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” the firearm if he or she has (1) actual and lawful possession of it; (2) constructive possession of it through a lawful purchase before the prohibition’s effective date, regardless of whether the firearm was delivered to the purchaser before or on that date; or (3) actual or constructive possession, as evidenced by a written statement made under penalty of false statement on a DESPP-prescribed form.

The bill requires the lawful purchase to be evidenced in writing sufficient to indicate that before the date the bill’s prohibition took effect (1) a contract for sale was made between the parties or (2) the purchaser made a full or partial payment for the firearm to the seller.

Moving Into the State. The bill allows anyone who moves into the state in lawful possession of a ghost gun to, within 90 days, either (1) obtain a unique serial number or other identification mark from DESPP and engrave or permanently affix it to the firearm, (2) render the firearm permanently inoperable, (3) sell the firearm to a licensed gun dealer, or (4) remove the firearm from the state. The bill allows any servicemember who is in lawful possession of a ghost gun and has been transferred into the state after January 1, 2024, to apply to DESPP within 90 days of arriving in Connecticut, to declare possession of the firearm.

Regulations. The bill allows DESPP to adopt regulations establishing procedures to declare possession or obtain a unique serial number or mark. Regardless of the Freedom of Information Act’s (FOIA) provisions on access to public records and their disclosures, 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, U.S. Probation Office employees, and Department of Correction (DOC) parole officers when performing their duties and (2) the Mental Health and Addiction Services (DMHAS) commissioner to check the status of firearm applications from anyone who has been involuntarily committed or voluntarily admitted.

Exemptions. As under existing law for the ghost gun restrictions described above, these provisions do not apply to the following:

1. if the frame or lower receiver have a serial number or mark engraved or permanently affixed in a way that conforms to the requirements that federal law and associated regulations impose on licensed firearm importers and manufacturers;
2. the manufacture of firearms by a federally licensed manufacturers;
3. any antique firearm (e.g., those manufactured in or before 1898);
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.

Illegal Manufacture

Current law prohibits anyone from facilitating, aiding, or abetting the 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 bill specifies that this prohibition is for doing these things knowingly, recklessly, or with criminal negligence.

Suspended Criminal Proceedings

As under existing law for ghost gun restrictions, the court may suspend the prosecution of a person who violates the bill's ghost gun provisions 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 or had prosecution suspended of such a violation.

Penalty

As under existing law for ghost gun violations, any violation of the bill's ghost guns provisions is a class C felony (punishable by up to 10 years imprisonment, up to a \$10,000 fine, or both). There is a \$5,000 minimum fine unless the court states on the record its reasons for remitting or reducing it. Violators must forfeit any of these firearms in their possession.

EFFECTIVE DATE: Upon passage

§§ 3, 19-21 & 23-24 — HANDGUN SALE LIMITATION

Generally limits a person to only one handgun purchase in a 30-day period and makes violations a class C felony

With certain exceptions, the bill limits the number of handguns a person may sell, deliver, or transfer to any person to one in a 30-day period. It also prohibits anyone from selling, delivering, or transferring a handgun to any person who has purchased a handgun in the previous 30 days.

This limitation does 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 a federally licensed firearm dealer (FFL) for another handgun from the same FFL within 30 days after the original transaction, as long as the FFL reports the transaction to the DESPP commissioner;
3. certain antique handguns (e.g., those manufactured in or before 1898 that are exempt from state laws on handgun sales procedures);

4. handgun sales, deliveries, and transfers between federally licensed gun dealers, manufacturers, and importers;
5. a firearm transferred by bequest or intestate succession, or, upon the death of a testator or settlor (a) to a trust or (b) from a trust to a beneficiary; or
6. a transfer to a museum at a fixed location that is open to the public and displays firearms as part of an educational mission.

Penalty

As under existing law for illegal handgun sales, deliveries, or transfers, a violation of the bill's sale limitation 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.

Suspended Criminal Proceedings

As under existing law for handgun sale, delivery, or transfer restrictions, the court may suspend the prosecution of a person who violates the bill's sales limitation and dismiss the charges under the same conditions as suspended sentences for ghost gun violations (see above).

EFFECTIVE DATE: Upon passage

§§ 4-11 & 13-18 — GUN DEALER PERMIT AND LICENSE FOR FIREARM SALES

Creates a state gun dealer license for retail firearm sales while also expanding the local gun dealer's permit requirement to cover all firearm sales, rather than just handgun sales

Federal law requires anyone in the business of selling firearms to have a federal firearms license. Under current state law, FFLs who sell handguns and those who sell 10 or more handguns in a calendar year must also have a local permit (i.e., a dealer's permit issued by the municipality's police chief or another authorized official) to sell handguns.

The bill expands the dealer permit requirement to FFLs selling any

type of firearm, rather than just handguns, and starting October 1, 2023, it requires that they also have a nontransferable state license for retail firearm sales. The license and renewal fee are \$200, but anyone who has a local permit and applies for the license before October 1, 2023, does not have to pay a fee for the initial application.

The bill also makes various minor, technical, and conforming changes to implement the new license. For example, the bill replaces references to the local permit with the state license in the provisions (1) requiring DESPP to create a database for those who sell or transfer firearms to access for information, (2) on selling long guns, and (3) requiring DESPP to verify the commitment or admission status of a person applying for or renewing certain firearm credentials (§§ 10, 11 & 13).

Local Gun Dealer Permit

Under current law, an applicant for a local gun dealer permit must hold a valid eligibility certificate or handgun permit. The bill eliminates this requirement for applications filed on or after October 1, 2023, and instead incorporates the handgun permit requirement as a condition of the state license (as described below).

Current law also generally requires applicants to submit documentation showing that the premises where the handguns will be sold complies with local zoning requirements. The bill eliminates an exception that currently applies to anyone selling or exchanging a handgun for his or her personal collection or hobby, or who sells all or part of the collection, thus subjecting these sellers to the zoning compliance requirement.

By law, the local dealer's permit is \$200.

State License

Under the bill, when someone applies in a way the DESPP commissioner requires, he must issue a state license to sell firearms at retail if the application includes:

1. the person's valid federal firearms license;

2. a handgun permit for each individual listed as a responsible person on the federal firearms license (i.e., generally anyone with the power or authority to direct the entity's management and policies);
3. a valid local dealer's permit; and
4. any other materials the commissioner requires.

Renewal. The bill requires each person who holds a state license to sell firearms at retail to apply to renew the license every five years as the DESPP commissioner prescribes.

Suspension or Revocation. The bill allows the commissioner to (1) suspend or revoke a license; (2) issue fines of up to \$25,000 per violation; (3) accept an offer in compromise or refuse to grant or renew a state license; or (4) place the licensee on probation, place conditions on the licensee, or take other actions permitted by law.

Under the bill, any of the following is sufficient cause for action by the commissioner:

1. furnishing false or fraudulent information in an application or failing to comply with representations made in an application;
2. false, misleading, or deceptive representations to the public or DESPP;
3. failure to maintain effective controls against firearm thefts, including failing to install or maintain the required burglar alarm system;
4. an adverse administrative decision or delinquency assessment from the Department of Revenue Services;
5. failure to cooperate or give information to DESPP, local law enforcement authorities, or any other enforcement agency on any matter arising out of conduct at the licensee's premises;
6. revocation or suspension of the handgun permit or federal

- firearms license;
7. failure to get an authorization number for a firearm transfer as required by state law;
 8. failure to verify that a firearm recipient is eligible to receive the firearm;
 9. transfer of a firearm to a person ineligible to receive the firearm, unless the licensee relied in good faith on the information DESPP provided in verifying the ineligible person's eligibility;
 10. evidence that the licensee is not a suitable person to hold a state license; and
 11. failure to comply with certain other firearm-related provisions (i.e., CGS §§ 29-28 to -37s) or any other state or federal law on how licensed individuals may lawfully sell or transfer firearms.

Appeals. The bill allows anyone aggrieved by DESPP's refusal to issue or renew a license, or by a license limitation or revocation, to appeal to the Board of Firearm Examiners within 90 days after receiving the notice. In the appeal, the board must investigate and determine the facts, de novo (anew), and unless it finds the action to be for just and proper cause, it must order the license to be issued, renewed, or restored. The same appeal provisions apply by law to dealer permits and other gun credentials.

Disclosure. Under the bill, information from inspections and investigations DESPP conducts related to administrative complaints or cases are exempt from disclosure under FOIA, unless DESPP has already entered into a settlement agreement, or concluded its investigation or inspection by closing the case. However, this does not prevent DESPP from sharing information with other state and federal agencies and law enforcement as it relates to investigating violations of law.

Limits on Where Gun Dealers May Sell Firearms

Under current law, gun dealers may sell handguns only in the room, store, or other place described in their permit to sell handguns. The bill extends this limitation to dealers selling any firearms, not just handguns, and specifies that the sales must occur in the place described in both the local permit and state license. It also requires them to display their state license where the handguns will be sold or offered or exposed for sale, in addition to the local permit they must display under current law.

Vendor Records

Current law requires vendors of any dealer to keep a record of each handgun sold in a book under federal regulations. The vendor must make the record available for inspection at the request of state and local law enforcement. The bill extends these recordkeeping requirements to all firearms and also requires vendors to make the records available for inspection by any federal law enforcement agency investigator.

EFFECTIVE DATE: October 1, 2023, except the provisions implementing the gun dealer license and local permit and a conforming change (§ 5) are effective July 1, 2023, and a conforming change in the assault weapons provision is effective upon passage.

§§ 10 & 11 — 10-DAY WAITING PERIOD

Prohibits anyone from transferring a firearm that needs an authorization number until at least the 11th calendar day after receiving the number

Under state law, DESPP serves as the point of contact for initiating a National Instant Criminal Background Check System (NICS) background check. With limited exceptions, when anyone sells, delivers, or transfers a firearm, he or she must contact DESPP, who must run the check and then provide an authorization number for the delivery or transfer. (NICS is the federal database used to determine if prospective gun buyers are disqualified from acquiring or possessing firearms under state or federal law.)

The bill prohibits anyone from completing the transfer of actual possession of any firearm, including long guns, where an authorization number is required until at least the 11th calendar day after receiving

the number. Under the bill, as under existing law and among other penalties, illegally selling, delivery, or transferring a long gun is generally a class D felony (see LONG GUNS – *Penalty* below).

§§ 11 & 30 — LONG GUNS

With certain exceptions, raises the minimum age, from 18 to 21, to purchase a long gun and apply for a long gun eligibility certificate

Minimum Age to Purchase

With certain exceptions, the bill raises the minimum age, from 18 to 21, to purchase a long gun and apply to DESPP for a long gun eligibility certificate. It exempts from this minimum age requirement long gun sales, deliveries, or transfers to servicemembers and members or employees of organized local police departments, DESPP, or DOC.

In addition, the minimum age requirement does not apply to long gun sales or transfers that are currently exempt from long gun credentialing and sale-related requirements. This includes sales or transfers (1) between federally licensed gun dealers, manufacturers, and importers; (2) of curios or relics transferred to or between federally licensed firearm collectors; or (2) of antique firearms. It also does not apply to officials that are currently exempt from these requirements, including the following:

1. DESPP, DOC, DMV, the Department Energy and Environmental Protection (DEEP), the Division of Criminal Justice (DCJ), local police departments, the state or U.S. Armed Forces, and nuclear power plants;
2. sworn and certified police (local or state) and correction officers;
3. DCJ inspectors or chief inspectors;
4. DMV-salaried inspectors the DMV commissioner designates;
5. DEEP conservation or special conservation officers; and
6. locally appointed POST-certified constables who perform criminal law enforcement duties.

The bill also makes a conforming change by eliminating a current provision that bars gun dealers from selling, delivering, or transferring to anyone under age 21 semiautomatic centerfire rifles that have or can accept magazines that can hold more than five rounds of ammunition.

By law, a long gun is a firearm other than a handgun.

Long Gun Sales and Transfers by Private Sellers

Existing law generally prohibits the sale, delivery, or transfer of any long guns by a nondealer to anyone who is not an FFL or federally licensed manufacturer or importer, except for those who comply with specified state procedures. Specifically, they must either (1) get a DESPP authorization number for the transaction or (2) ask an FFL to contact DESPP on his or her behalf and get a DESPP authorization number. The bill limits this exception to nondealers who have sold 10 or fewer firearms in the current calendar year and are not an FFL or federally licensed manufacturer or importer.

Penalty

Under the bill, as under existing law, illegally selling, delivering, or transferring a long gun is generally a class D felony. It is a class B felony if the person transferring the long gun knows that it is stolen or that the manufacturer's number or other mark has been altered, removed, or obliterated (punishable by up to 20 years imprisonment, up to a \$15,000 fine, or both). Any long gun found in possession of anyone in violation of the long gun provisions must be forfeited.

§§ 12 & 22 — GUN STORAGE

Extends the firearm safe storage law to all firearms people store or keep on their premises, rather than only under specified circumstances

Storage Requirements

The bill extends the firearm safe storage law to cover all firearms people store or keep on their premises, rather than only under specified circumstances. Under current law, the safe storage requirements apply if the person who controls the premises knows or reasonably should know that a (1) minor is likely to gain access to the firearm without a parent's or guardian's permission or (2) resident is ineligible to possess

firearms, subject to a risk protection order, or poses a risk of imminent personal harm or harm to others.

As under existing law, the person controlling the premises must either:

1. keep a firearm in a securely locked box or other container or in a manner that a reasonable person would believe to be secure or
2. carry it 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.

Penalty for Criminally Negligent Storage of a Firearm

The bill expands the circumstances under which a person is guilty of criminally negligent storage of a firearm (a class D felony) to include any violation of the safe storage requirement. Under current law, a person is guilty of this crime only if a minor obtains an unlawfully stored firearm and uses it to injure or kill himself or herself or someone else, unless the minor obtained the firearm through unlawful entry.

As under existing law, 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 get a firearm and cause personal harm or harm to others (CGS § 52-571g).

§ 14 — EXEMPTION FROM AMMUNITION SALES MINIMUM AGE REQUIREMENT

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

Existing law generally prohibits any person, firm, or corporation from selling ammunition or an ammunition magazine to anyone (1) without a valid gun credential or ammunition certificate and (2) under age 18. Current law exempts sales of ammunition to specified state agencies, entities, and individuals from the gun credential or ammunition certificate requirement. The bill additionally exempts these agencies, entities, and individuals from the minimum age requirement, thus allowing sales of ammunition to them regardless of the purchaser's

age.

As under current law, the minimum age requirement does not apply to sales to:

1. DESPP, DOC, DMV, DEEP, DCJ, police departments, and the state or U.S. Armed Forces;
2. a sworn and duly certified member of an organized police department, the State Police, DCJ inspectors, DMV commissioner-designated inspectors, DEEP commissioner-designated conservation officers, and locally appointed constables certified by POST who perform criminal law enforcement duties;
3. a member of the state or U.S. military or naval forces;
4. a nuclear facility licensed by the U.S. Nuclear Regulatory Commission or its contractors or subcontractors for providing security services at the facility; or
5. a federally licensed firearms manufacturer, importer, dealer, or collector.

§§ 15, 25-28 & 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 obtain a certificate of possession or transfer or sell the weapon

State law generally prohibits anyone from having or selling an assault weapon (see *Background*). Specifically, and 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 owned it before the applicable ban took effect and obtained a certificate of possession from DESPP for it (i.e., registered it) (CGS §§ 53-202c & -202d).

2023 Assault Weapons Ban

The bill expands the assault weapons ban to include additional firearms, which the bill designates as “2023 assault weapons.” These include any semiautomatic firearm regardless of (1) whether the firearm is specifically banned by law and (2) the date the firearm was produced if it meets the criteria described below.

Specifically, under the bill, an assault weapon is any semiautomatic firearm, other than a pistol, revolver, 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 enclosing 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.

It also includes any semiautomatic, rimfire rifle that can accept a detachable magazine and has at least one of the following:

1. a folding or telescoping stock,
2. a grip or stock that allows someone to hold it with more than just the trigger finger directly below the firing action,
3. a forward pistol grip,

4. a flash suppressor, or
5. a grenade launcher or flare launcher.

Additionally, it includes any semiautomatic firearm legally manufactured before September 13, 1994, that was not listed by name under the 1994 assault weapons ban but instead defined by its features. The bill repeals the current exemption for these pre-1994 firearms (§ 49).

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

Lawful Possession of a 2023 Assault Weapon

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

1. actual lawful possession under the state laws on assault weapons;
2. constructive possession by a lawful purchase transacted before the bill’s effective date, 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 evidenced by a written statement made under penalty of false statement on a DESPP form.

By law, false statement is a class A misdemeanor (punishable by up to 364 days imprisonment, up to \$2,000 fine, or both) (CGS § 53a-157b).

Certificate of Possession

Under the bill, anyone who, before the bill’s effective date, lawfully possesses a 2023 assault weapon may apply to DESPP by January 1, 2024, for a certificate of possession for the weapon. This includes anyone

who regains possession of one from a gun dealer, consignment shop operator, or licensed pawnbroker placed with them on or before October 1, 2023, as described below. Servicemembers unable to apply for a certificate by January 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.

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.

As under existing law, the name and address are confidential and may be disclosed only to (1) law enforcement agencies and U.S. Probation Office employees carrying out their duties and (2) the DMHAS commissioner to carry out gun-related duties

Locations Where Registered Weapon May Be Kept. Under existing law and the bill, anyone who possesses a registered 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 of a public or private club or organization organized for target shooting;
3. at a target range that holds a regulatory or business license for target shooting;
4. at a licensed shooting club;
5. 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

6. while transporting the weapon, in compliance with pertinent law, between any of the above places, or to a gun dealer for servicing or repair.

Certificate of Possession Exemptions. Under the bill, as under the current assault weapons ban law, law enforcement entities, sworn and duly certified enforcement officers, or nuclear power plants operating in Connecticut and their security contractors who lawfully use assault weapons for official duties do not have to obtain a certificate of possession for 2023 assault weapons. But if an officer 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 within 90 days of retiring or being separated.

Under the bill, anyone who previously obtained a certificate of possession and has a 2023 assault weapon does not have to obtain a subsequent certificate. He or she is deemed to have obtained a certificate for the weapon under the assault weapons laws.

Gun Manufacturer and Dealer Exemption

As under existing law, the bill allows gun manufacturers to manufacture and transport 2023 assault weapons for sale (1) to exempt parties in Connecticut and (2) out of state (CGS § 53-202i). It allows gun dealers who lawfully possess assault weapons to (1) transfer 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. It also allows gun dealers to take possession of registered weapons or transfer them for servicing or repair to a licensed gunsmith (1) in their employ or (2) under contract to provide gunsmithing services to them (CGS § 53-202f).

Temporary Transfer and Possession of Assault Weapons

As under existing law, the bill also allows the temporary possession and transfer of a registered 2023 assault weapon for certain out-of-state events, such as shooting competitions, exhibitions, displays or educational projects about firearms sponsored by, conducted 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

The bill prohibits a 2023 assault weapon lawfully possessed with a certificate of possession to be sold or transferred on or after the bill's effective date to anyone in Connecticut except (1) a licensed gun dealer; (2) to 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

Until December 31, 2023, the bill allows anyone who lawfully possesses a 2023 assault weapon on the day before the bill takes effect, to transfer possession of the weapon 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 transfer purposes without obtaining a certificate of possession.

Dealer, Pawnbroker, and Consignment Shops

Until October 1, 2023, the bill allows a licensed gun dealer, licensed pawnbroker, or consignment shop operator to transfer possession of a 2023 assault weapon to a person who:

1. legally possessed it before the bill's effective date;
2. placed the weapon in the possession of the dealer, pawnbroker, or operator before the bill passed under an agreement to sell the weapon to a third person; and
3. is eligible to possess it on the date it is transferred back to the person.

Relinquishment of Assault Weapon to Law Enforcement Agency

Existing law, unchanged by the bill, allows an individual to arrange in advance to relinquish an assault weapon to a police department or DESPP (CGS § 53-202e).

Penalties

The same penalties that apply under existing law involving currently banned assault weapons apply to the 2023 assault weapons. With some exceptions, it is a:

1. class D felony with a mandatory minimum one-year prison term to possess a banned assault weapon, and
2. class C felony with a mandatory minimum two-year prison term to give, transfer, keep, sell, or distribute banned assault weapons (CGS § 53-202b(a)(1)).

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)(2)).

Background — Assault Weapons

Under current law, an “assault weapon” is 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 or centerfire rifles with a fixed magazines that can hold more than 10 rounds).

The law excludes from the definition of an assault weapon, any parts or combination of parts of a lawfully possessed assault weapon, that are not assembled as an assault weapon, when possessed for purposes of servicing or repair, by a licensed gun dealer or gunsmith in the dealer’s employ. The definition also does not include any firearm rendered permanently inoperable.

EFFECTIVE DATE: Upon passage

§ 29 — LARGE CAPACITY MAGAZINES

Makes illegally possessing an LCM a class D felony, for all offenses and regardless of when it was obtained

The bill makes illegally possessing a large capacity magazine (LCM) a class D felony, for all offenses and regardless of when the LCM was obtained.

Under current law, with exceptions, anyone who possesses an undeclared LCM that was obtained (1) before April 5, 2013, has committed an infraction and is fined up to \$90 for a first offense and then is guilty of a class D felony for subsequent offenses and (2) after April 5, 2013, is guilty of a class D felony. Existing law allows certain individuals including law enforcement to possess, purchase, or import LCMs and other individuals, such as those who have declared possession, to possess LCMs (CGS § 53-202w(d) & (e)).

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:

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.

§§ 30-31 & 33-35 — DISQUALIFYING OFFENSES

Expands the list of disqualifying offenses for possessing or carrying a firearm to include misdemeanor convictions for offenses designated as family violence crimes and those prohibited under federal law due to misdemeanor domestic violence convictions or being a fugitive of justice; adds these offenses as reasons someone may be guilty of certain criminal firearm possession laws; increases, by one day, the two-year mandatory minimum prison 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 bill 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. For family violence crimes, it includes those committed on or after October 1, 2023. Under current law, a violation of these crimes 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. The bill 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.

Generally, “family violence” is physical harm or the threat of violence between family or household members, including stalking or a pattern of threatening, but excluding verbal abuse or arguments unless there is present danger and likelihood of physical violence (CGS § 46b-38a).

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)).

§§ 30-31 & 33 — ADDITIONAL EDUCATIONAL REQUIREMENTS

Modifies the firearm safety training requirements for long gun and handgun eligibility certificates and handgun permits, including requiring at least four hours of classroom training with at least two hours of instruction on state laws on firearm ownership and use, plus an additional two hours of live-fire training

Under current law, applicants for long gun and handgun eligibility certificates and handgun permits must have successfully completed a DESPP-approved firearm safety and use course, which may include one (1) available to the public offered by a local law enforcement agency, private or public educational institution, firearms training school, using instructors certified by the National Rifle Association (NRA) or DEEP or (2) conducted by an NRA or state-certified instructors.

For applications for these credentials filed on or after July 1, 2024, the bill instead requires applicants to complete, within one year of submitting their applications, at least four hours of classroom training, including at least two hours of instruction on state laws on firearm ownership and use, plus an additional two hours on live-fire training, including training on handguns, including for a long gun eligibility certificate. It specifies anyone holding a valid handgun permit before July 1, 2024, need not participate in any additional training.

The bill 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.

§§ 32 & 36 — DESIGN FEATURES

Requires semiautomatic handguns manufactured after January 1, 2024, to be equipped with a loaded chamber indicator and a magazine disconnect lockout, if it accepts a detachable magazine; expands the requirement that gun dealers give trigger locks and a

related written warning to all firearm buyers at the time of sale, rather than just handgun buyers

Chamber Indicator and Magazine Disconnect Lockout

The bill generally prohibits anyone from selling, delivering, or transferring any semiautomatic handgun manufactured after January 1, 2024, unless the handgun is equipped:

1. with a loaded chamber indicator (i.e., a device that plainly indicates that a cartridge is in the firing chamber) and
2. if it accepts a detachable magazine, with a magazine disconnect lockout (i.e., a mechanism that prevents the handgun from operating to strike the ammunition primer in the firing chamber when a detachable magazine is not inserted in the handgun).

This prohibition does not apply to (1) federal, state, or municipal law enforcement agencies purchasing handguns for officers to use in performing their law enforcement duties; (2) firearms legally transferred from ineligible individuals; (3) antique handguns; and (4) transactions between federally licensed gun dealers, importers, and manufacturers.

Trigger Locks

Under current 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 bill expands this requirement to all firearm sales, rather than just handguns, but does not define what constitutes a firearm for this purpose.

As under current law for handgun sales, the gun dealer must equip the firearm with the trigger lock at the time of sale. The device must be made of material strong enough to prevent it from being easily disabled and 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.

As under existing law, each violation by a dealer is punishable by up to a \$500 fine.

EFFECTIVE DATE: January 1, 2024, for the chamber indicator and magazine disconnect lockout provision.

§ 37 — 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

Current law prohibits anyone from carrying or possessing a loaded shotgun, rifle, or muzzleloader in any vehicle or snowmobile. The bill specifies that this prohibition applies 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 or to enforcement officers, security guards, or other people employed to protect property while in the performance of their duties. A violation is a class D misdemeanor (punishable by up to 30 days imprisonment, up to a \$250 fine, or both).

EFFECTIVE DATE: July 1, 2023

§ 38 — BODY ARMOR

Modifies the definition of “body armor” to include specified clothing inserts; requires those buying or receiving body armor to have certain gun-related credentials; expands purchase exemptions to include judicial marshals and probation officers

Under current law, “body armor” is any material designed to be worn on the body and to provide bullet penetration resistance. The bill instead defines it as any item designed to be worn on or under clothing, like a vest or other article of clothing, or any plate designed to provide bullet penetration resistance when inserted into a vest or other article of clothing.

Current law generally requires the sale or delivery of the body armor to be in person. The bill 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 bill extends the current penalty for criminal possession of body armor to the gun-related credential requirement, making it a class B misdemeanor (punishable by imprisonment for up to six months, a fine

of up to \$1,000, or both) if a purchaser violates either requirement.

Current law exempts, from the in-person requirement, certain law enforcement officials, among others. The bill exempts these individuals from the bill's gun-related credential requirement and expands the list to include judicial marshals or probation officers.

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.

§§ 39-42 & 47-48 — 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 released; requires probation officers to seek arrests for certain serious firearm offenders or offenses

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

Serious Firearm Offenses and Offenders

Under the bill, a "serious firearm offense" is:

1. illegally possessing an LCM (CGS § 53-202w, as amended by the bill);
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 number or mark (CGS § 29-36a, as amended by the bill); or

5. knowingly, recklessly, or with criminal negligence, facilitating, aiding, or abetting, the manufacture of a firearm (a) by someone prohibited by law from purchasing or possessing a firearm or (b) that a person is otherwise prohibited by law from purchasing or possessing (CGS § 29-36a, as amended by the bill).

A “serious firearm offender” is a person who has been convicted of a:

1. serious firearm offense twice;
2. serious firearm offense and was previously convicted of a violation of (a) altering, removing, or defacing a firearm’s identification mark, serial number, or name; (b) manufacturing, possessing, or transferring a firearm without an identification serial number or mark; (c) knowingly, recklessly, or with criminal negligence, facilitating, aiding, or abetting, the manufacture of a firearm, as described above; or (d) criminally possessing a firearm, ammunition, or electronic defense weapon or handgun due to specified disqualifying offenses; or
3. serious firearm offense and was previously convicted of at least two other felony offenses.

Notification

Current 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 bill requires them to do so 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 is sufficient warrant for the police to arrest the person and return him or her into the court’s custody.

Arrest Warrant

The bill 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 a 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 current law, when someone is arrested for violating the conditions of parole or conditional discharge, the court generally must dispose the charge or schedule a hearing within 120 days after arraignment. The bill shortens this period to 60 days for a defendant who is a serious firearm offender or is on probation for a felony conviction and has been arrested for a serious firearm offense.

Probation Revocation

The bill requires the court to revoke the sentence of probation or conditional discharge if the violation consists of committing a serious firearm offense or the defendant is a serious firearm offender. Under current law, the court has discretion on whether to revoke the probation or continue, modify, or extend it.

Bail

The bill creates a rebuttable presumption that a serious firearm offender poses a danger to the safety of others regarding release on bail. For applying the bail release laws, this applies to any serious firearm offender arrested and charged with a crime or any felony offender arrested for a serious firearm offense.

Conditions for Release for Serious Firearm Arrests

The bill imposes different conditions for release for serious firearm arrests depending on whether the arrested person has prior convictions for certain crimes. For those without these prior convictions, the bill generally follows the same release procedures as current law, except prosecutors can petition the court to deem the person as a serious risk to the safety of others. If granted, the person may be released only upon executing a bond of at least 30%.

Conditions of Release. As under current law for other arrests, when any 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). Under current law, the court must consider which of these conditions of release are sufficient to reasonably assure the arrested person's appearance in court. For those charged with a serious firearm offense, the bill additionally requires the court to consider which conditions will ensure that the person will not endanger the safety of others.

Petition. The bill allows the prosecutor to (1) petition the court to deem the 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, he or she may only be released upon the execution of a bond and the arrested person must deposit at least 30% of any bond amount directly with the court.

Drug Testing and Treatment. As under current law, when the court has reason to believe that the 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 program of periodic drug testing and treatment. The result of the drug test is not admissible in any criminal proceeding concerning the person.

Release Condition Factors. Under the bill, in determining what release conditions will reasonably assure the arrested person's appearance in court and that the safety of others will not be endangered, the court may generally consider the same factors as current 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 his or her express intentions that he or she will commit another crime while released.

As under existing law for releases for certain felony arrests, the bill 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 his or her release.

Nonfinancial Condition of Release. The bill appears to allow the court to impose nonfinancial conditions of release for serious firearm offenders without certain prior convictions under the same conditions as under current law for other offenders. (However, the bill does not make a related conforming change allowing the court to impose nonfinancial conditions for these serious firearm offenders.) Specifically, the court must order the least restrictive condition or conditions needed to reasonably assure the person's appearance in court and that the safety of another person will not be endangered. The conditions may include supervision by a designated person or organization, travel or living accommodation restrictions, and electronic monitoring, among others.

As under current law, the court (1) must state on the record its reasons for imposing any nonfinancial condition and (2) may require the person who is subject to electronic monitoring to pay for the cost of these services.

Release Conditions for Serious Firearm Arrests With Certain Prior Convictions

The bill sets more stringent release conditions for those committing a serious firearm offense with certain prior convictions. Defendants may only be released on bond in an amount needed to reasonably assure the person's appearance in court and that the safety of others will not be endangered.

The bill 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 the safety of others will be endangered without the granting the petition. As under current law and the bill's provisions for serious gun 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 who are arrested for a serious firearm offense and (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 conditions also apply for those with two prior convictions for the violations shown in the table below.

Table: Prior Convictions for More Stringent Release Conditions

Carry handgun without permit, open carry of firearms, or carry of firearms in certain alcohol establishments (CGS § 29-35, as amended by the bill)	Manslaughter 1st degree (CGS § 53a-55)
Alter, remove, or deface firearm serial number (CGS § 29-36)	Manslaughter 1st degree with a firearm (CGS § 53a-55a)
Manufacture or transfer "ghost gun" or possess one without declaring it or applying for serial number (CGS § 29-36a)	Manslaughter 2nd degree (CGS § 53a-56)
Possession or use of machine gun or transfer one to someone under age 16 (CGS § 53-202)	Manslaughter 2nd degree with a firearm (CGS § 53a-56a)
Assault weapons (definitions only) (CGS § 53-202a, as amended by the bill)	Assault 1st degree (CGS § 53a-59)
Sale or transfer of assault weapons (CGS § 53-202b)	Assault 2nd degree (CGS § 53a-60)
Possession of assault weapons (CGS § 53-202c)	Assault 2nd degree with a firearm (CGS § 53a-60a)
Possessing, purchasing, selling, or	Robbery 1st degree

importing large capacity magazines (CGS § 53-202w, as amended by the bill)	(CGS § 53a-134)
Firearms trafficking (CGS § 53-202aa)	Stealing a firearm (CGS § 53a-212)
Manufacturing firearm from certain plastic (CGS § 53-206i)	Criminal use of firearm or electronic defense weapon (CGS § 53a-216)
Murder (CGS § 53a-54a)	Criminal possession of firearm, ammunition, or electronic defense weapon (CGS § 53a-217, as amended by the bill)
Murder with special circumstances (CGS § 53a-54b)	Possession of weapon on school grounds (CGS § 53a-217b)
Felony murder (CGS § 53a-54c)	Criminal possession of handgun (CGS § 53a-217c, as amended by the bill)
Arson murder (CGS § 53a-54d)	

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

Revocation of Release

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

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 it finds by clear and convincing evidence that the safety of others is endangered by his or her release and there is probable cause to believe he or she committed a federal, state, or local crime while released. There is a rebuttable presumption that these defendants' release should be revoked. The bill extends these provisions to defendants who are serious firearm offenders or on release for a serious firearm offense, except as described below.

If the defendant is a (1) 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 the defendant has committed a serious firearm offense while released. As under current law for revocations, before the revocation, the court must hold an evidentiary hearing where hearsay or secondary evidence is admissible.

Bond Forfeiture

Under the bill, the bond posted in the criminal proceeding for any offense for which the defendant was on pretrial release is forfeited if the defendant commits a serious firearm offense while released. The forfeiture occurs if the defendant is subsequently convicted of any offense he or she was released for, and a serious firearm offense committed while released.

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.

§ 43 — RETURN TO CUSTODY

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

Under current law, the DOC commissioner or an officer he designates, or the pardons and paroles board 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 bill requires the commissioner to do this if the parolee is a serious firearm offender who is arrested while on parole for a felony offense or if the parolee is arrested for a serious firearm offense.

§ 44 — FIREARMS-RELATED CRIME DOCKET

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

The bill 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. He must

establish policies and procedures to implement this docket.

EFFECTIVE DATE: Upon passage

§ 45 — EMERGENCY PETITION

Requires 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 for the probation or parole office to take specified steps

The bill 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 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 (1) seek a warrant for the person serving probation for a violation of the probation or (2) provide the reason for not seeking one.

BACKGROUND

Related Bills

HB 6684 (File 359), favorably reported by the Public Safety and Security Committee, among other things, broadens the types of target shooting pistols eligible for the assault weapons exemption to include those designed and sanctioned for events other than the Olympic Games.

sHB 6817, favorably reported by the Judiciary Committee, requires (1) the DESPP commissioner to make a decision on a handgun permit application if the applicant presents an affidavit that the local authority failed to expressly deny it during the required timeframe, (2) DESPP to develop a response plan for mass shooting events, and (3) law

enforcement agencies to post a notice informing individuals about their right to request and obtain an application for a handgun permit and related rights.

sHB 6816, favorably reported by the Judiciary Committee, requires DESPP to study and report on the merits and feasibility of requiring semiautomatic handguns sold in the state to contain a microstamping component.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 23 Nay 14 (03/28/2023)