

## Gun Reform

The legislature should refrain from further legislating “gun feature” prohibitions, which, to this point, have failed to prevent gun violence. Rather, any new legislation should focus of the “who, where and how” of gun acquisition from at least four deficiencies in CT law.

### **I. Heightened Licensure**

#### *Current CT and Federal Law*

Current CT law requires that an individual obtain a State Permit to Carry Pistols and Revolvers BEFORE one is eligible to purchase and possess a handgun. The Commissioner of Public Safety (“CPS”) is charged with the responsibility of issuance of the permits. The permit process not only involves a background check, but, among other eligibility criteria, requires the applicant successfully complete a firearms safety course that instructs the individual on weapons safety including handling and storage practices.

If an individual is the subject of criminal proceedings involving an order from protection, law enforcement is readily aware of the defendant’s permit. Law enforcement, at that point, impounds the permit and requires the Defendant to surrender his/her firearms.

There is no requirement, other than a 14-day wait period (within which a background check is performed) in order to purchase a long gun. Long guns are categorically anything other than a handgun and can range from .22 caliber single shot breach-loaded rifles to what CT has characterized as semi automatic assault rifles. In effect, law enforcement would have no reason to know that an individual was authorized to be in possession of a weapon if it the only weapon an individual ever purchased were long guns.

#### *Proposed Reform*

Require the same permitting process for the purchase and possession of ALL firearms in CT, long guns, pistols and revolvers effectively closing the loophole of putting firearms in the hands of individuals without the State’s ability to revoke possession through revocation of the permit.

Exception would be for any out-of-state person in possession of a long gun in this State when that person’s possession is solely for the purposes of sport and game (may have a permit process simply for this purpose). In this instance, the firearm must be stored in a secure storage area/container in the vehicle with the ammunition stowed separately. Alternatively, CT could allow permitting for non-residents where now its only for in-state residents.

## II. Storage

### *Current CT and Federal Law*

There are no minimum standards for the safe storage of firearms, only a criminal sanction to the owner if someone under age 16 accesses the firearm and causes death or injury.

### *Proposed Law*

Require that, at the time of permitting and/or the first permit renewal from enactment of legislation, that the permittee demonstrate to the CPS that all firearms have a place of safe storage wherever firearms are kept if not on the permittee's person. A means of safe storage shall mean a locked, secure housing device for firearms to which only the permittee has access to the exclusion of others. The simple production by the permittee of a sales receipt/bill of sale evidencing ownership of the same should suffice.

Further, all police departments shall serve as a depository for the voluntary storage of a firearm when the permittee, in his/her judgment, has a circumstance in his/home that compromises the safe storage of such firearms.

## III. Transfer

### *Current CT Law*

All retail sales and private transfers of pistols and revolvers require authorization for such sale or transfer from the CPS. There is no requirement for long guns when the sale/transfer is not completed at retail by a Federal Firearms Licensee ("FFL") (an individual authorized to sell and/or transfers firearms under the 1968 gun control act).

Under the federal gun control act, straw purchaser transactions are prohibited, but the consequence are not defined under state law.

### *Proposed Reform*

Require that ALL firearms sales and/or transfers have a background check. These sales can include consignment sales from Licensees.

Under CT law, all straw purchaser transactions should result in equal consequence to the straw purchaser for the acts of the recipient of the firearm.

## IV. Mental Health Reporting

### *Current CT Law*

There is no reporting to the CPS of persons who have a bona fide mental disease or defect.

### *Proposed Reform*

Require all caregivers to report the name and address of all persons requiring treatment and/or admission to a mental health facility if such person's condition presents a substantial and justifiable danger to himself or others. In the event that the CPS

determines that such person is a permittee, the permit shall be revoked and not restored until cause is shown that the permittee is free of the symptoms of such condition. If the individual is not a permittee but resides with someone who is a permittee, said permittee shall either: (1) surrender all firearms and the permit; OR (2) submit to an inspection of the home by the Chief of Police or his designee, in the jurisdiction of the permittee to determine if any hazards exist within the home concerning the safe storage and access of all firearms by the person suffering from such disease or defect.

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## SUMMARY / LOGISTICS

Inasmuch as the aim of any new gun legislation in CT should be to keep guns of ALL types out of hands of the unfit and the unlawful, and given that such a course would have done more to prevent the tragedy in Newtown than any ban would have, our proposal is centered around the following points ...

1 - Rather than just having a state handgun (carry) permit, have a state "*firearms*" permit that applies to any and all types of firearms and is required for purchases, ownership and carry/transport. During the application process, in addition to a criminal background check, any psychiatric history, record of restraining orders, drug abuse, etc. should also be examined. To promote responsible ownership, there can even be a training/safety course requirement and competency test. Possession of any firearm in or out of the home without said permit constitutes a felony in the state of CT.

2 - The above will create a statewide database of all legal gun owners, or those so eligible, to be maintained by DPS and *not* made available to the public. Note that only the owner is "registered" and not each individual weapon held under his/her permit (*some concession may need to be made here as CT already requires individual handgun and assault weapon registration, even though this is not necessary given that all gun sales are ultimately traceable via Form 4473*).

3 - Said database *will* be available however to all pharmacies and mental health professionals within the state, to be automatically cross-referenced any time a prescription is filled or a diagnosis made, with the results known only to DPS. If this triggers a "red flag" at DPS, that person's permit status is immediately reviewed and appropriate action taken (i.e. suspension, revocation, weapons impounded, etc.) The same shall be available to all law enforcement agencies to be cross referenced as such anytime an individual is arrested. This automatic cross-referencing will also have the effect of keeping a person's permit status continuously "updated."

4 - The database is cross-referenced by name AND address so that it might be discovered that a permittee shares a residence with an unlawful or mentally compromised person. In the former case, the permit may be suspended with weapons impounded until such time as the living arrangement changes. In the later, the permittee will be required to secure all weapons from such person and will be open to unscheduled inspections to ensure compliance.

5 - As an "instant background check", all dealers in the state will be required to run a person's permit anytime a purchase is being attempted.