

File No. 665

(Reprint of File No. 590)

Substitute House Bill No. 5746
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 1998

AN ACT CONCERNING HANDGUN SAFETY.

Be it enacted by the Senate and House of
Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 29-33 of
2 the general statutes is repealed and the following
3 is substituted in lieu thereof:
4 (c) [When any pistol or revolver is sold,
5 delivered or otherwise transferred, such pistol or
6 revolver shall be enclosed in a package, the paper
7 or wrapping of which shall be securely fastened,
8 and no pistol or revolver when sold, delivered or
9 otherwise transferred] NO PERSON, FIRM OR
10 CORPORATION SHALL SELL, DELIVER OR OTHERWISE
11 TRANSFER ANY PISTOL OR REVOLVER, OTHER THAN AT
12 WHOLESALE, UNLESS SUCH PISTOL OR REVOLVER IS
13 EQUIPPED WITH A REUSABLE TRIGGER LOCK, GUN LOCK OR
14 GUN LOCKING DEVICE APPROPRIATE FOR SUCH PISTOL OR
15 REVOLVER, WHICH LOCK OR DEVICE SHALL BE
16 CONSTRUCTED OF MATERIAL SUFFICIENTLY STRONG TO
17 PREVENT IT FROM BEING EASILY DISABLED AND HAVE A
18 LOCKING MECHANISM ACCESSIBLE BY KEY OR BY
19 ELECTRONIC OR OTHER MECHANICAL ACCESSORY SPECIFIC
20 TO SUCH LOCK OR DEVICE TO PREVENT UNAUTHORIZED
21 REMOVAL. NO PISTOL OR REVOLVER shall be loaded or
22 contain therein any gunpowder or other explosive

23 or any bullet, ball or shell WHEN SUCH PISTOL OR
24 REVOLVER IS SOLD, DELIVERED OR OTHERWISE
25 TRANSFERRED.

26 Sec. 2. Section 29-37b of the general statutes
27 is repealed and the following is substituted in
28 lieu thereof:

29 (a) Each person, firm or corporation which
30 engages in the retail sale of any [firearm, as
31 defined in section 53a-3] PISTOL OR REVOLVER, at
32 the time of sale of any such [firearm] PISTOL OR
33 REVOLVER, shall [provide to the purchaser thereof
34 (1) a] (1) EQUIP SUCH PISTOL OR REVOLVER WITH A
35 REUSABLE trigger lock, gun lock or gun locking
36 device appropriate for such firearm, WHICH LOCK OR
37 DEVICE SHALL BE CONSTRUCTED OF MATERIAL
38 SUFFICIENTLY STRONG TO PREVENT IT FROM BEING
39 EASILY DISABLED AND HAVE A LOCKING MECHANISM
40 ACCESSIBLE BY KEY OR BY ELECTRONIC OR OTHER
41 MECHANICAL ACCESSORY SPECIFIC TO SUCH LOCK OR
42 DEVICE TO PREVENT UNAUTHORIZED REMOVAL, and (2)
43 PROVIDE TO THE PURCHASER THEREOF a written warning
44 which shall state in block letters not less than
45 one inch in height: "UNLAWFUL STORAGE OF A LOADED
46 FIREARM MAY RESULT IN IMPRISONMENT OR FINE."

47 (b) Each such person, firm or corporation
48 shall conspicuously post and at all times display
49 [at each service counter] the warning specified in
50 subsection (a) of this section in block letters
51 not less than three inches in height.

52 (c) Any person, firm or corporation which
53 violates any provision of this section shall be
54 fined not less than five hundred dollars for each
55 violation.

56 Sec. 3. (NEW) (a) Whenever a law enforcement
57 agency seizes a firearm in connection with a
58 criminal arrest or pursuant to a search warrant
59 without an arrest or otherwise recovers a firearm,
60 such agency shall forthwith take all appropriate
61 steps to identify and trace the history of such
62 firearm.

63 (b) In complying with the provisions of
64 subsection (a) of this section, a law enforcement
65 agency shall use the National Tracing Center of
66 the Federal Bureau of Alcohol, Tobacco and
67 Firearms. Such law enforcement agency shall
68 immediately transmit to the National Tracing
69 Center, by facsimile or by entering such
70 information on the Connecticut On-Line Law

71 Enforcement Communications Teleprocessing
72 (COLLECT) System when said system becomes
73 available for transmitting such information
74 directly to the National Tracing Center, all
75 information necessary to comply with the
76 provisions of subsection (a) of this section.

77 (c) The Department of Public Safety shall take
78 appropriate action to allow the COLLECT System to
79 be used by law enforcement agencies in complying
80 with the provisions of this section.

81 (d) Whenever a firearm is identified and is
82 determined to have been stolen, the law
83 enforcement agency shall return such firearm to
84 the rightful owner thereof provided such owner is
85 not prohibited from possessing such firearm and
86 such agency does not need to retain such firearm
87 as evidence in a criminal prosecution.

88 Sec. 4. Subsection (a) of section 29-30 of the
89 general statutes is repealed and the following is
90 substituted in lieu thereof:

91 (a) The fee for each permit originally issued
92 under the provisions of subsection (a) of section
93 29-28, AS AMENDED BY THIS ACT, for the sale at
94 retail of pistols and revolvers shall be one
95 hundred dollars and for each renewal thereof one
96 hundred dollars. The fee for each permit
97 originally issued under the provisions of
98 subsection (b) of section 29-28, AS AMENDED BY
99 THIS ACT, for the carrying of pistols and
100 revolvers shall be thirty-five dollars and for
101 each renewal thereof thirty-five dollars. Such
102 fees shall be paid to the authority issuing the
103 same and by him to the municipality wherein issued
104 or the state, as the case may be. [Upon deposit of
105 such fees in the General Fund, ten dollars of each
106 fee shall be credited within thirty days to the
107 appropriation to the Department of Public Safety
108 to a separate nonlapsing account for the purposes
109 of the issuance of permits under subsections (a)
110 and (b) of section 29-28.]

111 Sec. 5. Section 29-29 of the general statutes
112 is repealed and the following is substituted in
113 lieu thereof:

114 No permit for carrying any pistol or revolver
115 shall be issued under the provisions of section
116 29-28 unless the applicant for the same gives to
117 the issuing authority, upon its request, full
118 information concerning his criminal record, and

119 such issuing authority shall thereupon take a full
120 description [and the fingerprints] of such
121 applicant and make an investigation concerning his
122 suitability to carry any such weapons. The issuing
123 authority shall TAKE THE FINGERPRINTS OF SUCH
124 APPLICANT UNLESS THE ISSUING AUTHORITY DETERMINES
125 THAT THE FINGERPRINTS OF SUCH APPLICANT HAVE BEEN
126 PREVIOUSLY TAKEN AND HIS IDENTITY ESTABLISHED AND
127 SUCH APPLICANT PRESENTS IDENTIFICATION THAT THE
128 ISSUING AUTHORITY VERIFIES AS VALID. THE ISSUING
129 AUTHORITY SHALL record the date the fingerprints
130 were taken in the applicant's file and, within
131 five business days of such date, [if deemed
132 necessary, may] SHALL forward such fingerprints to
133 the Federal Bureau of Investigation for a national
134 criminal history records check. [If the
135 applicant's fingerprints are submitted to the
136 Federal Bureau of Investigation for such records
137 check, the] THE issuing authority may, in his
138 discretion, issue such permit before a report from
139 said bureau relative to such applicant's record
140 has been received. Upon receipt of such report,
141 the issuing authority shall inform the applicant
142 and render a decision on the application within
143 one week of the receipt of the report. If such
144 report has not been received within eight weeks
145 after a sufficient application for a permit has
146 been made, the issuing authority shall inform the
147 applicant of such delay, in writing. No permit
148 shall be issued if the issuing authority has
149 reason to believe the applicant has ever been
150 convicted of a felony.

151 Sec. 6. Section 29-28 of the general statutes
152 is repealed and the following is substituted in
153 lieu thereof:

154 (a) No person who sells ten or more pistols or
155 revolvers in a calendar year or is a
156 federally-licensed firearm dealer shall advertise,
157 sell, deliver, or offer or expose for sale or
158 delivery, or have in his possession with intent to
159 sell or deliver, any pistol or revolver at retail
160 without having a permit therefor issued as
161 hereinafter provided. The chief of police or,
162 where there is no chief of police, the warden of
163 the borough or the first selectman of the town, as
164 the case may be, may, upon the application of any
165 person, issue a permit in such form as may be
166 prescribed by the Commissioner of Public Safety

167 for the sale at retail of pistols and revolvers
168 within the jurisdiction of the authority issuing
169 such permit. No permit for the sale at retail of
170 any pistol or revolver shall be issued unless the
171 applicant holds a valid eligibility certificate
172 for a pistol or revolver issued pursuant to
173 section 29-36f or a valid permit to carry a pistol
174 or revolver issued pursuant to subsection (b) of
175 this section and the applicant submits
176 documentation sufficient to establish that local
177 zoning requirements have been met for the location
178 where the sale is to take place except that any
179 person selling or exchanging a pistol or revolver
180 for the enhancement of a personal collection or
181 for a hobby or who sells all or part of his
182 personal collection of pistols or revolvers shall
183 not be required to submit such documentation for
184 the location where the sale or exchange is to take
185 place.

186 (b) Upon the application of any person having
187 a bona fide residence or place of business within
188 the jurisdiction of any such authority or upon the
189 application of any bona fide resident of the
190 United States having a permit or license to carry
191 any firearm issued by the authority of any state
192 or subdivision of the United States, such chief of
193 police, warden or selectman may issue a permit to
194 such person to carry a pistol or revolver within
195 the jurisdiction of the authority issuing the
196 same, provided such authority shall find that such
197 applicant intends to make no use of any pistol or
198 revolver which he may be permitted to carry
199 thereunder other than a lawful use and that such
200 person is a suitable person to receive such
201 permit. No permit to carry a pistol or revolver
202 shall be issued under this subsection if the
203 applicant (1) has failed to successfully complete
204 a course approved by the Commissioner of Public
205 Safety in the safety and use of pistols and
206 revolvers including, but not limited to, a safety
207 or training course in the use of pistols and
208 revolvers available to the public offered by a law
209 enforcement agency, a private or public
210 educational institution or a firearms training
211 school, utilizing instructors certified by the
212 National Rifle Association or the Department of
213 Environmental Protection and a safety or training
214 course in the use of pistols or revolvers

215 conducted by an instructor certified by the state
216 or the National Rifle Association, (2) has been
217 convicted of a felony or of a violation of
218 subsection (c) of section 21a-279, section 53a-58,
219 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
220 53a-176, 53a-178 or 53a-181d, (3) HAS BEEN
221 CONVICTED AS DELINQUENT FOR THE COMMISSION OF A
222 SERIOUS JUVENILE OFFENSE, AS DEFINED IN SECTION
223 46b-120, AS AMENDED, [(3)] (4) has been discharged
224 from custody within the preceding twenty years
225 after having been found not guilty of a crime by
226 reason of mental disease or defect pursuant to
227 section 53a-13, [(4)] (5) has been confined in a
228 hospital for [mental illness] PERSONS WITH
229 PSYCHIATRIC DISABILITIES, as defined in section
230 17a-495, within the preceding twelve months by
231 order of a probate court, [(5)] (6) is subject to
232 a restraining or protective order issued by a
233 court in a case involving the use, attempted use
234 or threatened use of physical force against
235 another person, or [(6)] (7) is an alien illegally
236 or unlawfully in the United States. Nothing in
237 this section shall require any person who holds a
238 valid permit to carry a pistol or revolver on
239 October 1, 1994, to participate in any additional
240 training in the safety and use of pistols and
241 revolvers. Said commissioner may, upon
242 application, issue, to any holder of any such
243 permit, a permit to carry a pistol or revolver
244 within the state. Each permit to carry any pistol
245 or revolver shall be issued in triplicate and one
246 of the copies issued by said commissioner shall be
247 delivered to the person to whom issued, one shall
248 be delivered forthwith to the authority issuing
249 the local permit and one shall be retained by said
250 commissioner, and the local authority issuing any
251 such permit shall forthwith deliver one of such
252 copies to the person to whom issued and one copy
253 to said commissioner and shall retain one of such
254 copies. The copy of the state permit delivered to
255 the permittee shall be laminated and shall contain
256 a full-face photograph of such permittee. A person
257 holding a permit issued pursuant to this
258 subsection shall notify the issuing authority
259 within two business days of any change of his
260 address. The notification shall include his old
261 address and his new address.

262 (c) No issuing authority may require any sworn
263 member of the Department of Public Safety or an
264 organized local police department to furnish his
265 residence address in a permit application. The
266 issuing authority shall allow each such sworn
267 member who has a permit to carry a pistol or
268 revolver on May 26, 1992, issued by such
269 authority, to revise his application to include
270 his business or post office address in lieu of his
271 residence address. The issuing authority shall
272 notify each such member of his right to revise
273 such application.

274 (d) Notwithstanding the provisions of sections
275 1-19 and 1-19a, the name and address of a person
276 issued a permit to sell at retail pistols and
277 revolvers pursuant to subsection (a) of this
278 section or a permit to carry pistols and revolvers
279 pursuant to subsection (b) of this section, shall
280 be confidential and shall not be disclosed, except
281 (1) such information may be disclosed to law
282 enforcement officials acting in the performance of
283 their duties, [and] (2) an issuing authority may
284 disclose such information to the extent necessary
285 to comply with a request made pursuant to section
286 29-33 for verification that such permit is still
287 valid and has not been suspended or revoked, AND
288 (3) SUCH INFORMATION MAY BE DISCLOSED TO THE
289 COMMISSIONER OF MENTAL HEALTH AND ADDICTION
290 SERVICES TO CARRY OUT THE PROVISIONS OF SUBSECTION
291 (c) OF SECTION 17a-500, AS AMENDED BY THIS ACT.

292 (e) THE ISSUANCE OF A PERMIT TO CARRY A PISTOL
293 OR REVOLVER UNDER SUBSECTION (b) OF THIS SECTION
294 DOES NOT THEREBY AUTHORIZE THE POSSESSION OR
295 CARRYING OF A PISTOL OR REVOLVER IN ANY PREMISES
296 WHERE THE POSSESSION OR CARRYING OF A PISTOL OR
297 REVOLVER IS OTHERWISE PROHIBITED BY LAW OR IS
298 PROHIBITED BY THE PERSON WHO OWNS OR EXERCISES
299 CONTROL OVER SUCH PREMISES.

300 Sec. 7. Section 29-36g of the general statutes
301 is repealed and the following is substituted in
302 lieu thereof:

303 (a) Requests for eligibility certificates
304 under section 29-36f, AS AMENDED BY THIS ACT,
305 shall be submitted to the Commissioner of Public
306 Safety on application forms prescribed by the
307 commissioner. No eligibility certificate for a
308 pistol or revolver shall be issued under the
309 provisions of said section unless the applicant

310 for the same gives to the Commissioner of Public
311 Safety, upon his request, full information
312 concerning the applicant's criminal record and
313 relevant information concerning the applicant's
314 mental health history, and the commissioner shall
315 thereupon take a full description and the
316 fingerprints of such applicant. The commissioner
317 shall record the date the fingerprints were taken
318 in the applicant's file and shall forward such
319 fingerprints to the Federal Bureau of
320 Investigation for a national criminal history
321 records check and to the State Police Bureau of
322 Identification for a state criminal history
323 records check. The commissioner shall, within
324 sixty days of receipt of the national criminal
325 history records check from the Federal Bureau of
326 Investigation, either approve the application and
327 issue the eligibility certificate or deny the
328 application and notify the applicant of the reason
329 for such denial in writing.

330 (b) With respect to any application for an
331 eligibility certificate filed with the
332 Commissioner of Public Safety on or before July 1,
333 1995, the commissioner shall, not later than
334 October 1, 1995, (1) approve the application and
335 issue the eligibility certificate, (2) issue a
336 temporary eligibility certificate or (3) deny the
337 application and notify the applicant of the reason
338 for such denial in writing. With respect to any
339 application for an eligibility certificate filed
340 with the Commissioner of Public Safety after July
341 1, 1995, the commissioner shall, within ninety
342 days, (1) approve the application and issue the
343 eligibility certificate, (2) issue a temporary
344 eligibility certificate or (3) deny the
345 application and notify the applicant of the reason
346 for such denial in writing. A temporary
347 certificate issued under this subsection shall be
348 valid until such time as the commissioner either
349 approves or denies the application.

350 (c) An eligibility certificate for a pistol or
351 revolver shall be of such form and content as the
352 commissioner may prescribe, shall be signed by the
353 certificate holder and shall contain an
354 identification number, the name, address, place
355 and date of birth, height, weight and eye color of
356 the certificate holder and a full-face photograph
357 of the certificate holder.

358 (d) A person holding an eligibility
359 certificate issued by the commissioner shall
360 notify the commissioner within two business days
361 of any change of his address. The notification
362 shall include his old address and his new address.

363 (e) Notwithstanding the provisions of sections
364 1-19 and 1-19a, the name and address of a person
365 issued an eligibility certificate for a pistol or
366 revolver under the provisions of section 29-36f
367 shall be confidential and shall not be disclosed,
368 except (1) such information may be disclosed to
369 law enforcement officials acting in the
370 performance of their duties, [and] (2) the
371 Commissioner of Public Safety may disclose such
372 information to the extent necessary to comply with
373 a request made pursuant to section 29-33 for
374 verification that such certificate is still valid
375 and has not been suspended or revoked, AND (3)
376 SUCH INFORMATION MAY BE DISCLOSED TO THE
377 COMMISSIONER OF MENTAL HEALTH AND ADDICTION
378 SERVICES TO CARRY OUT THE PROVISIONS OF SUBSECTION
379 (c) OF SECTION 17a-500, AS AMENDED.

380 (f) An eligibility certificate for a pistol or
381 revolver shall not authorize the holder thereof to
382 carry a pistol or revolver upon his person in
383 circumstances for which a permit to carry a pistol
384 or revolver issued pursuant to subsection (b) of
385 section 29-28, AS AMENDED BY THIS ACT, is required
386 under section 29-35.

387 Sec. 8. Subsection (a) of section 53-202d of
388 the general statutes is repealed and the following
389 is substituted in lieu thereof:

390 (a) Any person who lawfully possesses an
391 assault weapon, as defined in section 53-202a,
392 prior to October 1, 1993, shall apply by October
393 1, 1994, or, if such person is a member of the
394 military or naval forces of this state or of the
395 United States and is unable to apply by October 1,
396 1994, because he or she is or was on official duty
397 outside of this state, shall apply within ninety
398 days of returning to the state to the Department
399 of Public Safety, for a certificate of possession
400 with respect to such assault weapon. The
401 certificate shall contain a description of the
402 firearm that identifies it uniquely, including all
403 identification marks, the full name, address, date
404 of birth and thumbprint of the owner, and any
405 other information as the department may deem

406 appropriate. The department shall adopt
407 regulations in accordance with the provisions of
408 chapter 54 not later than January 1, 1994, to
409 establish procedures with respect to the
410 application for and issuance of certificates of
411 possession pursuant to this section.
412 Notwithstanding the provisions of sections 1-19
413 and 1-19a, the name and address of a person issued
414 a certificate of possession shall be confidential
415 and shall not be disclosed, except such records
416 may be disclosed to (1) law enforcement agencies,
417 AND (2) THE COMMISSIONER OF MENTAL HEALTH AND
418 ADDICTION SERVICES TO CARRY OUT THE PROVISIONS OF
419 SUBSECTION (c) OF SECTION 17a-500, AS AMENDED BY
420 THIS ACT.

421 Sec. 9. Section 53-206 of the general statutes
422 is repealed and the following is substituted in
423 lieu thereof:

424 [(a)] Any person who carries upon his person
425 any [slung shot, air rifle,] BB. gun, blackjack,
426 [sand bag,] metal or brass knuckles, or any dirk
427 knife, or any switch knife, or any knife having an
428 automatic spring release device by which a blade
429 is released from the handle, having a blade of
430 over one and one-half inches in length, or
431 stiletto, or any knife the edged portion of the
432 blade of which is four inches or over in length,
433 or any martial arts weapon or electronic defense
434 weapon, as defined in section 53a-3, or any other
435 dangerous or deadly weapon or instrument, [unless
436 such person has been granted a written permit
437 issued and signed by the first selectman of a
438 town, the mayor or chief of police of a city or
439 the warden of a borough, authorizing such person
440 to carry such weapon or instrument within such
441 town, city or borough,] shall be fined not more
442 than five hundred dollars or imprisoned not more
443 than three years or both. [No permit shall be
444 issued to any applicant who has ever been
445 convicted of a felony. The issuing authority may
446 request the applicant's fingerprints and full
447 information concerning his criminal record and
448 make an investigation concerning the suitability
449 of the applicant to carry any such weapon. Refusal
450 of fingerprinting by the applicant shall be
451 sufficient cause to refuse issuance of a permit.]
452 Whenever any person is found guilty of a violation
453 of this [subsection] SECTION, any weapon or other

454 [implement] INSTRUMENT within the provisions
455 [hereof] OF THIS SECTION, found upon the body of
456 such person, shall be forfeited to the
457 municipality wherein such person was apprehended,
458 notwithstanding any failure of the judgment of
459 conviction to expressly impose such forfeiture.
460 [Any person who has been granted a permit to carry
461 any martial arts weapon pursuant to this section
462 may carry such weapon anywhere within the state.]
463 The provisions of this [subsection] SECTION shall
464 not apply to THE CARRYING OF A KNIFE, THE EDGED
465 PORTION OF THE BLADE OF WHICH IS FOUR INCHES OR
466 OVER IN LENGTH, BY any officer charged with the
467 preservation of the public peace [nor to] WHILE
468 ENGAGED IN THE PURSUIT OF HIS OFFICIAL DUTIES, ANY
469 MEMBER OF THE ARMED FORCES OF THE UNITED STATES,
470 AS DEFINED IN SECTION 27-103, OR ANY RESERVE
471 COMPONENT THEREOF, OR OF THE ARMED FORCES OF THIS
472 STATE, AS DEFINED IN SECTION 27-2, WHEN ON DUTY OR
473 GOING TO OR FROM DUTY, ANY MEMBER OF ANY MILITARY
474 ORGANIZATION WHEN ON PARADE OR WHEN GOING TO OR
475 FROM ANY PLACE OF ASSEMBLY, ANY PERSON WHILE
476 TRANSPORTING SUCH KNIFE AS MERCHANDISE, any person
477 who is found with any such [weapon or implement]
478 KNIFE concealed upon his person while lawfully
479 removing his household goods or effects from one
480 place to another, or from one residence to
481 another, [nor to] any person while actually and
482 peaceably engaged in carrying any such [weapon or
483 implement] KNIFE from his place of abode or
484 business to a place or person where or by whom
485 such [weapon or implement] KNIFE is to be
486 repaired, or while actually and peaceably
487 returning to his place of abode or business with
488 such [weapon or implement] KNIFE after the same
489 has been repaired OR ANY PERSON HOLDING A VALID
490 HUNTING, FISHING OR TRAPPING LICENSE ISSUED
491 PURSUANT TO CHAPTER 490 OR ANY SALT WATER
492 FISHERMAN CARRYING SUCH KNIFE FOR LAWFUL HUNTING,
493 FISHING OR TRAPPING ACTIVITIES.

494 [(b) Any person who sells to another a slung
495 shot, air rifle, BB. gun, blackjack, sand bag,
496 metal or brass knuckles, or any dirk knife, or any
497 switch knife, or any knife having an automatic
498 spring release device by which the blade is
499 released from the handle, having a blade of over
500 one and one-half inches in length, or stiletto, or
501 any martial arts weapon or electronic defense

502 weapon, as defined in section 53a-3, shall, within
503 twenty-four hours after the delivery of such
504 weapon or implement to the person to whom sold,
505 give written notice of such sale or delivery,
506 specifying the article sold and the name and
507 address of the person to whom sold or delivered,
508 to the chief of police of the city, the warden of
509 the borough or the first selectman of the town,
510 within which such weapon or implement is sold or
511 delivered, as the case may be. Any person who
512 violates any provision of this subsection shall be
513 fined not more than one hundred dollars.]

514 Sec. 10. Subsection (b) of section 29-32b of
515 the general statutes is repealed and the following
516 is substituted in lieu thereof:

517 (b) Any person aggrieved by any refusal to
518 issue or renew a permit or certificate under the
519 provisions of section 29-28 [,] OR 29-36f, [or
520 53-206,] or by any limitation or revocation of a
521 permit or certificate issued under any of said
522 sections, or by a refusal or failure [or] OF any
523 issuing authority to furnish an application as
524 provided in section 29-28a, [or section 53-206a,]
525 may, within ninety days after receipt of notice of
526 such refusal, limitation or revocation, or refusal
527 or failure to supply an application as provided in
528 section 29-28a, [or section 53-206a,] and without
529 prejudice to any other course of action open to
530 him in law or in equity, appeal to the board. On
531 such appeal the board shall inquire into and
532 determine the facts, de novo, and unless it finds
533 that such a refusal, limitation or revocation, or
534 such refusal or failure to supply an application,
535 as the case may be, would be for just and proper
536 cause, it shall order such permit or certificate
537 to be issued, renewed or restored, or the
538 limitation removed or modified, as the case may
539 be. If the refusal was for failure to document
540 compliance with local zoning requirements, under
541 subsection (a) of section 29-28, AS AMENDED BY
542 THIS ACT, the board shall not issue a permit.

543 Sec. 11. Section 29-38 of the general statutes
544 is repealed and the following is substituted in
545 lieu thereof:

546 Any person who knowingly has, in any vehicle
547 owned, operated or occupied by him, any weapon,
548 ANY PISTOL OR REVOLVER for which a proper permit
549 has not been issued as provided in section 29-28,

550 AS AMENDED BY THIS ACT, [or section 53-206,] or
551 ANY MACHINE GUN WHICH has not BEEN registered
552 [such weapon] as required by section 53-202, [as
553 the case may be,] shall be fined not more than one
554 thousand dollars or imprisoned not more than five
555 years or both, and the presence of any such
556 weapon, PISTOL OR REVOLVER, OR MACHINE GUN in any
557 vehicle shall be prima facie evidence of a
558 violation of this section by the owner, operator
559 and each occupant thereof. The word "weapon", as
560 used in this section, means any [pistol or
561 revolver] BB. GUN, ANY BLACKJACK, ANY METAL OR
562 BRASS KNUCKLES, any dirk knife or switch knife,
563 [or] any knife having an automatic spring release
564 device by which a blade is released from the
565 handle, having a blade of over one and one-half
566 inches in length, [and] ANY STILETTO, ANY KNIFE
567 THE EDGED PORTION OF THE BLADE OF WHICH IS FOUR
568 INCHES OR OVER IN LENGTH, ANY MARTIAL ARTS WEAPON
569 OR ELECTRONIC DEFENSE WEAPON, AS DEFINED IN
570 SECTION 53a-3, OR any other dangerous or deadly
571 weapon or instrument. [, including any slung shot,
572 black jack, sand bag, metal or brass knuckles,
573 stiletto, knife, the edged portion of the blade of
574 which is four inches or over in length or martial
575 arts weapon as defined in section 53a-3.] The
576 provisions of this section shall not apply to [any
577 person enrolled in and currently attending a
578 martial arts school, with official verification of
579 such enrolment and attendance, having any such
580 martial arts weapon in a vehicle while traveling
581 to and from such school] ANY PERSON HAVING A
582 KNIFE, THE EDGED PORTION OF THE BLADE OF WHICH IS
583 FOUR INCHES OR OVER IN LENGTH, IN A VEHICLE IF
584 SUCH PERSON IS ANY OFFICER CHARGED WITH THE
585 PRESERVATION OF THE PUBLIC PEACE WHILE ENGAGED IN
586 THE PURSUIT OF HIS OFFICIAL DUTIES, ANY MEMBER OF
587 THE ARMED FORCES OF THE UNITED STATES, AS DEFINED
588 IN SECTION 27-103, OR ANY RESERVE COMPONENT
589 THEREOF, OR OF THE ARMED FORCES OF THIS STATE, AS
590 DEFINED IN SECTION 27-2, WHEN ON DUTY OR GOING TO
591 OR FROM DUTY, ANY MEMBER OF ANY MILITARY
592 ORGANIZATION WHEN ON PARADE OR WHEN GOING TO OR
593 FROM ANY PLACE OF ASSEMBLY, ANY PERSON WHILE
594 TRANSPORTING SUCH KNIFE AS MERCHANDISE, ANY PERSON
595 WHILE LAWFULLY REMOVING HIS HOUSEHOLD GOODS OR
596 EFFECTS FROM ONE PLACE TO ANOTHER, OR FROM ONE
597 RESIDENCE TO ANOTHER, ANY PERSON WHILE ACTUALLY

598 AND PEACEABLY ENGAGED IN CARRYING ANY SUCH KNIFE
599 FROM HIS PLACE OF ABODE OR BUSINESS TO A PLACE OR
600 PERSON WHERE OR BY WHOM SUCH KNIFE IS TO BE
601 REPAIRED, OR WHILE ACTUALLY AND PEACEABLY
602 RETURNING TO HIS PLACE OF ABODE OR BUSINESS WITH
603 SUCH KNIFE AFTER THE SAME HAS BEEN REPAIRED OR ANY
604 PERSON HOLDING A VALID HUNTING, FISHING OR
605 TRAPPING LICENSE ISSUED PURSUANT TO CHAPTER 490 OR
606 ANY SALT WATER FISHERMAN WHILE HAVING SUCH KNIFE
607 IN A VEHICLE FOR LAWFUL HUNTING, FISHING OR
608 TRAPPING ACTIVITIES.

609 Sec. 12. Section 53a-217 of the general
610 statutes is repealed and the following is
611 substituted in lieu thereof:

612 (a) A person is guilty of criminal possession
613 of a firearm or electronic defense weapon when he
614 possesses a firearm or electronic defense weapon
615 and (1) has been convicted of a capital felony, a
616 class A felony, except a conviction under section
617 53a-196a, a class B felony, except a conviction
618 under section 53a-86, 53a-122 or 53a-196b, a class
619 C felony, except a conviction under section
620 53a-87, 53a-152 or 53a-153, or a class D felony
621 under sections 53a-60 to 53a-60c, inclusive,
622 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a,
623 53a-114, 53a-136 or 53a-216, OR (2) HAS BEEN
624 CONVICTED AS DELINQUENT FOR THE COMMISSION OF A
625 SERIOUS JUVENILE OFFENSE, AS DEFINED IN SECTION
626 46b-120, AS AMENDED. For the purposes of this
627 section, "convicted" means having a judgment of
628 conviction entered by a court of competent
629 jurisdiction.

630 (b) Criminal possession of a firearm or
631 electronic defense weapon is a class D felony, for
632 which two years of the sentence imposed may not be
633 suspended or reduced by the court.

634 Sec. 13. Section 53a-217c of the general
635 statutes is repealed and the following is
636 substituted in lieu thereof:

637 (a) A person is guilty of criminal possession
638 of a pistol or revolver when he possesses a pistol
639 or revolver, as defined in section 29-27, and (1)
640 has been convicted of a felony or of a violation
641 of subsection (c) of section 21a-279, section
642 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96,
643 53a-175, 53a-176, 53a-178 or 53a-181d, (2) HAS
644 BEEN CONVICTED AS DELINQUENT FOR THE COMMISSION OF
645 A SERIOUS JUVENILE OFFENSE, AS DEFINED IN SECTION

646 46b-120, AS AMENDED, [(2)] (3) has been discharged
647 from custody within the preceding twenty years
648 after having been found not guilty of a crime by
649 reason of mental disease or defect pursuant to
650 section 53a-13, [(3)] (4) has been confined in a
651 hospital for [mental illness] PERSONS WITH
652 PSYCHIATRIC DISABILITIES, as defined in section
653 17a-495, within the preceding twelve months by
654 order of a probate court, [(4)] (5) knows that he
655 is subject to a restraining or protective order
656 issued by a court, after notice and an opportunity
657 to be heard has been provided to such person, in a
658 case involving the use, attempted use or
659 threatened use of physical force against another
660 person, or [(5)] (6) is an alien illegally or
661 unlawfully in the United States. For the purposes
662 of this section, "convicted" means having a
663 judgment of conviction entered by a court of
664 competent jurisdiction.

665 (b) Criminal possession of a pistol or
666 revolver is a class D felony.

667 Sec. 14. Subsection (b) of section 29-36f of
668 the general statutes is repealed and the following
669 is substituted in lieu thereof:

670 (b) The Commissioner of Public Safety shall
671 issue an eligibility certificate unless he finds
672 that the applicant: (1) Has failed to successfully
673 complete a course approved by the Commissioner of
674 Public Safety in the safety and use of pistols and
675 revolvers including, but not limited to, a safety
676 or training course in the use of pistols and
677 revolvers available to the public offered by a law
678 enforcement agency, a private or public
679 educational institution or a firearms training
680 school, utilizing instructors certified by the
681 National Rifle Association or the Department of
682 Environmental Protection and a safety or training
683 course in the use of pistols or revolvers
684 conducted by an instructor certified by the state
685 or the National Rifle Association; (2) has been
686 convicted of a felony or of a violation of
687 subsection (c) of section 21a-279, section 53a-58,
688 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
689 53a-176, 53a-178 or 53a-181d; (3) HAS BEEN
690 CONVICTED AS DELINQUENT FOR THE COMMISSION OF A
691 SERIOUS JUVENILE OFFENSE, AS DEFINED IN SECTION
692 46b-120, AS AMENDED; [(3)] (4) has been discharged
693 from custody within the preceding twenty years

694 after having been found not guilty of a crime by
695 reason of mental disease or defect pursuant to
696 section 53a-13; [(4)] (5) has been confined in a
697 hospital for [mental illness] PERSONS WITH
698 PSYCHIATRIC DISABILITIES, as defined in section
699 17a-495, within the preceding twelve months by
700 order of a probate court; [(5)] (6) is subject to
701 a restraining or protective order issued by a
702 court in a case involving the use, attempted use
703 or threatened use of physical force against
704 another person; or [(6)] (7) is an alien illegally
705 or unlawfully in the United States.

706 Sec. 15. Section 53a-217b of the general
707 statutes is repealed and the following is
708 substituted in lieu thereof:

709 (a) A person is guilty of possession of a
710 weapon on school grounds when, KNOWING THAT HE IS
711 NOT LICENSED OR PRIVILEGED TO DO SO, he possesses
712 a firearm or deadly weapon, as defined in section
713 53a-3, (1) in or on the real property comprising a
714 public or private elementary or secondary school
715 or (2) at a school-sponsored activity as defined
716 in subsection (h) of section 10-233a.

717 (b) The provisions of subsection (a) of this
718 section shall not apply to the otherwise lawful
719 possession of a firearm [(1) by a person holding a
720 valid state or local permit to carry such firearm,
721 (2)] (1) by a person for use in a program approved
722 by school officials in or on such school property,
723 [(3)] (2) by a person in accordance with an
724 agreement entered into between school officials
725 and such person or such person's employer, [(4)]
726 (3) by a peace officer, as defined in subdivision
727 (9) of section 53a-3, while engaged in the
728 performance of his official duties, or [(5)] (4)
729 by a person while traversing such school property
730 for the purpose of gaining access to public or
731 private lands open to hunting or for other lawful
732 purposes, provided such firearm is not loaded and
733 the entry on such school property is permitted by
734 the local or regional board of education.
735 [Notwithstanding the provisions of this
736 subsection, a local or regional board of education
737 or the supervisory agent of a private elementary
738 or secondary school may prohibit the possession of
739 firearms by students in or on the real property
740 comprising the public or private elementary or

741 secondary school or at a school-sponsored activity
742 as defined in subsection (h) of section 10-233a.]

743 (c) Possession of a weapon on school grounds
744 is a class D felony.

745 Sec. 16. (NEW) (a) Any owner, operator or user
746 of a firing or shooting range operating on the
747 effective date of this act shall be exempt from
748 criminal prosecution with respect to noise or
749 noise pollution violations and immune from civil
750 liability with respect to noise or noise pollution
751 resulting from shooting activity on such range
752 provided the range was, at the time of its
753 construction or operational approval by the
754 municipality in which it is located, in compliance
755 with the provisions of chapter 442 of the general
756 statutes and regulations adopted thereunder.

757 (b) No standards in a noise control ordinance
758 adopted by any municipality for limiting levels of
759 noise in terms of decibel level which may occur in
760 the outdoor atmosphere shall apply to any firing
761 or shooting range exempted from liability under
762 this section if such standards are inconsistent
763 with the provisions of chapter 442 of the general
764 statutes or the regulations adopted thereunder.

765 (c) This section shall not limit the ability
766 of a municipality to evaluate and regulate any
767 increase in noise attributable to a physical
768 expansion of an existing firing or shooting range.

769 Sec. 17. Section 17a-499 of the general
770 statutes is repealed and the following is
771 substituted in lieu thereof:

772 All proceedings of the Court of Probate, upon
773 application made under the provisions of sections
774 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,
775 inclusive, 17a-495 to 17a-528, inclusive, 17a-540
776 to 17a-550, inclusive, 17a-560 to 17a-576,
777 inclusive, and 17a-615 to 17a-618, inclusive,
778 shall be in writing and filed in such court, and,
779 whenever a court passes an order for the admission
780 of any person to any state hospital for
781 psychiatric disabilities, it shall record the same
782 and give a certified copy of such order and of the
783 reports of the physicians to the person by whom
784 such person is to be taken to the hospital, as the
785 warrant for such taking and commitment, and shall
786 also forthwith transmit a like copy to the
787 Commissioner of Mental Health and Addiction
788 Services, and, in the case of a person in the

789 custody of the Commissioner of Correction, to the
790 Commissioner of Correction. [All] WHENEVER A COURT
791 PASSES AN ORDER FOR THE COMMITMENT OF ANY PERSON
792 TO ANY HOSPITAL FOR PSYCHIATRIC DISABILITIES, IT
793 SHALL, WITHIN THREE BUSINESS DAYS, PROVIDE A COPY
794 OF THE ORDER OF COMMITMENT TO THE COMMISSIONER OF
795 MENTAL HEALTH AND ADDICTION SERVICES WHO SHALL
796 MAINTAIN IDENTIFYING INFORMATION INCLUDING, BUT
797 NOT LIMITED TO, NAME, ADDRESS, SEX, DATE OF BIRTH
798 AND DATE OF COMMITMENT ON ALL COMMITMENTS ORDERED
799 ON AND AFTER JUNE 1, 1998. ALL COMMITMENT
800 APPLICATIONS, orders of commitment and commitment
801 papers issued by any court in committing persons
802 with psychiatric disabilities to public or private
803 hospitals for psychiatric disabilities shall be in
804 accordance with a form prescribed by the Attorney
805 General, which form shall be uniform throughout
806 the state. For all such [commitments] COMMITMENT
807 APPLICATIONS AND ORDERS, the Commissioner of
808 Mental Health and Addiction Services shall cause
809 suitable blanks, in accordance with said form, to
810 be printed and furnished at the expense of the
811 state. State hospitals and other hospitals for
812 persons with psychiatric disabilities shall, so
813 far as they are able, upon reasonable request of
814 any officer of a court having the power of
815 commitment, send one or more trained attendants or
816 nurses to attend any hearing concerning the
817 commitment of any person with psychiatric
818 disabilities and any such attendant or nurse, when
819 present, shall be designated by the court as the
820 authority to serve commitment process issued under
821 the provisions of sections 17a-75 to 17a-83,
822 inclusive, 17a-450 to 17a-484, inclusive, 17a-495
823 to 17a-528, inclusive, 17a-540 to 17a-550,
824 inclusive, 17a-560 to 17a-576, inclusive, and
825 17a-615 to 17a-618, inclusive.

826 Sec. 18. Section 17a-500 of the general
827 statutes is repealed and the following is
828 substituted in lieu thereof:

829 (a) Each court of probate shall keep a record
830 of the cases relating to persons with psychiatric
831 disabilities coming before it under sections
832 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,
833 inclusive, 17a-495 to 17a-528, inclusive, 17a-540
834 to 17a-550, inclusive, 17a-560 to 17a-576,
835 inclusive, and 17a-615 to 17a-618, inclusive, and
836 the disposition of them. It shall also keep on

837 file the original application and certificate of
838 physicians required by said sections, or a
839 microfilm duplicate of such records in accordance
840 with regulations issued by the Probate Court
841 Administrator. All records maintained in the
842 courts of probate under the provisions of said
843 sections shall be sealed and available only to the
844 respondent or his or her counsel unless the Court
845 of Probate, after hearing held with notice to the
846 respondent, determines such records should be
847 disclosed for cause shown.

848 (b) NOTWITHSTANDING THE PROVISIONS OF
849 SUBSECTION (a) OF THIS SECTION, THE COMMISSIONER
850 OF MENTAL HEALTH AND ADDICTION SERVICES, IN
851 ACCORDANCE WITH SECTION 17a-499, AS AMENDED BY
852 THIS ACT, SHALL MAINTAIN INFORMATION ON COMMITMENT
853 ORDERS BY A PROBATE COURT AND SHALL PROVIDE SUCH
854 INFORMATION TO THE COMMISSIONER OF PUBLIC SAFETY
855 IN FULFILLMENT OF HIS OBLIGATIONS UNDER SECTIONS
856 29-28 TO 29-38a, INCLUSIVE, AS AMENDED BY THIS
857 ACT, AND SECTION 53-202d, AS AMENDED BY THIS ACT,
858 IN SUCH A MANNER AS TO REPORT IDENTIFYING
859 INFORMATION ON THE COMMITMENT STATUS INCLUDING,
860 BUT NOT LIMITED TO, NAME, ADDRESS, SEX, DATE OF
861 BIRTH AND DATE OF COMMITMENT, FOR A PERSON WHO
862 APPLIES FOR OR HOLDS A PERMIT OR CERTIFICATE UNDER
863 SAID SECTIONS 29-28 TO 29-38a, INCLUSIVE, AND
864 SECTION 53-202d. THE COMMISSIONER OF PUBLIC SAFETY
865 SHALL MAINTAIN AS CONFIDENTIAL ANY SUCH
866 INFORMATION PROVIDED TO HIM AND SHALL USE SUCH
867 INFORMATION ONLY FOR PURPOSES OF FULFILLING HIS
868 OBLIGATIONS UNDER SECTIONS 29-28 TO 29-38a,
869 INCLUSIVE, AS AMENDED BY THIS ACT, AND SECTION
870 53-202d, AS AMENDED BY THIS ACT, EXCEPT THAT
871 NOTHING IN THIS SECTION SHALL PROHIBIT SAID
872 COMMISSIONER FROM ENTERING SUCH INFORMATION INTO
873 EVIDENCE AT A HEARING HELD IN ACCORDANCE WITH
874 SECTION 29-32b.

875 (c) (1) THE COMMISSIONER OF MENTAL HEALTH AND
876 ADDICTION SERVICES SHALL OBTAIN FROM THE
877 COMMISSIONER OF PUBLIC SAFETY THE STATUS OF ANY
878 FIREARM APPLICATION, PERMIT OR CERTIFICATE UNDER
879 SECTIONS 29-28 TO 29-38a, INCLUSIVE, AS AMENDED BY
880 THIS ACT, AND SECTION 53-202d, AS AMENDED BY THIS
881 ACT, OF EACH PERSON WHO IS THE SUBJECT OF AN ORDER
882 OF COMMITMENT PURSUANT TO SECTION 17a-499, AS
883 AMENDED BY THIS ACT, IN SUCH A MANNER SO AS TO
884 ONLY RECEIVE A REPORT ON THE FIREARM APPLICATION,

885 PERMIT OR CERTIFICATE STATUS OF THE PERSON WITH
886 RESPECT TO WHOM THE INQUIRY IS MADE.

887 (2) THE COMMISSIONER OF MENTAL HEALTH AND
888 ADDICTION SERVICES SHALL REPORT TO THE
889 COMMISSIONER OF PUBLIC SAFETY ANY COMMITMENT
890 STATUS AND IDENTIFYING INFORMATION FOR ANY PERSON
891 WHO IS AN APPLICANT FOR OR HOLDER OF ANY PERMIT OR
892 CERTIFICATE UNDER SAID SECTIONS 29-28 TO 29-38a,
893 INCLUSIVE, AND SECTION 53-202d.

894 (3) THE COMMISSIONER OF MENTAL HEALTH AND
895 ADDICTION SERVICES SHALL ADVISE THE HOSPITAL FOR
896 PSYCHIATRIC DISABILITIES TO WHICH A PERSON HAS
897 BEEN COMMITTED OF THE STATUS OF A FIREARM
898 APPLICATION, PERMIT OR CERTIFICATE OF SUCH PERSON
899 UNDER SECTIONS 29-28 TO 29-38a, INCLUSIVE, AS
900 AMENDED BY THIS ACT, AND SECTION 53-202d, AS
901 AMENDED BY THIS ACT, AS REPORTED BY THE
902 COMMISSIONER OF PUBLIC SAFETY FOR CONSIDERATION BY
903 SUCH HOSPITAL IN ANY PSYCHIATRIC TREATMENT
904 PROCEDURES.

905 (4) THE COMMISSIONER OF MENTAL HEALTH AND
906 ADDICTION SERVICES AND A HOSPITAL FOR PSYCHIATRIC
907 DISABILITIES SHALL MAINTAIN AS CONFIDENTIAL ANY
908 INFORMATION PROVIDED TO SAID COMMISSIONER OR SUCH
909 HOSPITAL CONCERNING THE STATUS OF A FIREARM
910 APPLICATION, PERMIT OR CERTIFICATE UNDER SECTIONS
911 29-28 TO 29-38a, INCLUSIVE, AS AMENDED BY THIS
912 ACT, AND SECTION 53-202d, AS AMENDED BY THIS ACT,
913 OF ANY PERSON.

914 Sec. 19. (NEW) (a) The Commissioner of Public
915 Safety, in fulfilling his obligations under
916 sections 29-28 to 29-38a, inclusive, of the
917 general statutes, as amended by this act, and
918 section 53-202d of the general statutes, as
919 amended by this act, shall verify that any person
920 who, on or after October 1, 1998, applies for or
921 seeks renewal of a permit to sell at retail a
922 pistol or revolver, a permit to carry a pistol or
923 revolver, an eligibility certificate for a pistol
924 or revolver or a certificate of possession for an
925 assault weapon has not been confined in a hospital
926 for persons with psychiatric disabilities, as
927 defined in section 17a-495 of the general
928 statutes, within the preceding twelve months by
929 order of a probate court, by making an inquiry to
930 the Department of Mental Health and Addiction
931 Services in such a manner so as to only receive a
932 report on the commitment status of the person with

933 respect to whom the inquiry is made including
934 identifying information in accordance with the
935 provisions of subsection (b) of section 17a-500 of
936 the general statutes, as amended by this act.

937 (b) If the Commissioner of Public Safety
938 determines pursuant to subsection (a) of this
939 section that a person has been confined in a
940 hospital for persons with psychiatric
941 disabilities, as defined in section 17a-495 of the
942 general statutes, within the preceding twelve
943 months by order of a probate court, said
944 commissioner shall report the status of such
945 person's application for or renewal of a permit to
946 sell at retail a pistol or revolver, a permit to
947 carry a pistol or revolver, an eligibility
948 certificate for a pistol or revolver or a
949 certificate of possession for an assault weapon to
950 the Commissioner of Mental Health and Addiction
951 Services for the purpose of fulfilling his
952 responsibilities under subsection (c) of section
953 17a-500 of the general statutes, as amended by
954 this act.

955 Sec. 20. (NEW) (a) No person shall carry a
956 pistol, revolver, machine gun, shotgun, rifle or
957 other firearm, which is loaded and from which a
958 shot may be discharged, upon his person (1) while
959 under the influence of intoxicating liquor or any
960 drug or both or (2) while the ratio of alcohol in
961 the blood of such person is ten-hundredths of one
962 per cent or more of alcohol, by weight.

963 (b) Any person who violates any provision of
964 this section shall be guilty of a class B
965 misdemeanor.

966 Sec. 21. Section 53-206a of the general
967 statutes is repealed.

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER sHB 5746

STATE IMPACT	Cost and Revenue Loss (DPS Dedicated Fund), see explanation below
MUNICIPAL IMPACT	Savings, see explanation below
STATE AGENCY(S)	Department of Public Safety, Department of Mental Health and Addiction Services, Judicial Department (Probate Court), Criminal Justice System Agencies

EXPLANATION OF ESTIMATES:

STATE IMPACT: The passage of this bill would result in additional costs to the State, most of which would be absorbed within available resources, and would also result in a revenue loss to a dedicated fund in the Department of Public Safety (DPS).

The bill adds two conditions to the list prohibiting the issuing of a firearm permit. 1. Conviction as a delinquent for the commission of a serious juvenile offense, and 2. Finding of psychiatric disability. Such persons who have a firearm or handgun would be guilty of criminal possession of a firearm or handgun. It then establishes a process where the list of persons who have various firearm-permits would be matched with a list of persons who have psychiatric disabilities, in order to enforce the amendment's prohibition of such persons having possession of firearms. It allows the name and addresses of persons with handgun permits, eligibility certificates to possess firearms, and assault weapon permits to be disclosed to the Department of Mental Health and Addiction Services

(DMHAS). It requires the Probate Court to provide the names of persons who are subject to an order of commitment to DMHAS and DMHAS must request from DPS firearm permit information for any person who is subject to such an order. DPS must also request that DMHAS review its records on the psychiatric history of applicants for permit renewals.

The Probate Court can notify DMHAS whenever it commits someone to a psychiatric hospital at a minimal cost (there are about 500 such committals per year). DMHAS estimates that it would cost about \$100,000 to meet the amendment's requirements. They anticipate that this amount of funding can be obtained through Federal funds and a reallocation of resources within the existing budget. DPS would require an upgrade in its computer system, but they are about to release a request for proposals (RFP) for a new Weapons Registration and Possession System (WRAPS). DPS already has funding for the new system, which is estimated to cost between \$300,000 and \$350,000.

It eliminates the increased municipal handgun permit fee, which would have covered the FBI national criminal history records check (currently \$24). It eliminates the current requirement that municipalities send \$10 of each initial permit or renewal fee to the Department of Public Safety. This would result in a revenue loss to the DPS estimated at \$85,000 per year. It should be noted that this revenue loss would be fully covered by a direct appropriation to DPS in FY '99.

The bill's provisions concerning new and enhanced criminal penalties would result in increased pressures on the criminal justice system. Over the long term, these pressures would lead to a need for increased criminal justice resources, especially for incarceration and community supervision. It should be noted that sHB 5021 (the revised Appropriations Act for FY 1998-99 as favorably reported by the Appropriations Committee) includes \$5.4 million to address overcrowding in the state's prisons and jails. In addition, the Public Defender Services Commission is currently under suit by the American Civil Liberties Union relating to the adequacy of funding for public defenders. Increases in criminal penalties will at some point require additional funds for criminal justice

agencies in order to maintain adequate enforcement of other criminal laws.

The bill could also result in savings to criminal justice agencies and to the Judicial Department to the extent that the amendment eliminates the possibility of criminal prosecutions and civil litigation for noise on shooting ranges under certain circumstances. To the extent, that municipalities would not now be involved in any litigation related to the amendment, municipalities would also experience savings in litigation costs.

MUNICIPAL IMPACT: The passage of this bill would result in savings to various municipalities. It eliminates the requirement that \$10 of every handgun permit fee for a local permit or renewal be transferred to DPS. It is estimated that this would save municipalities a total of about \$80,000 per year.

House Amendment "A" eliminates the original bill and replaces it with the current provisions, resulting in the fiscal impact described above.

* * * * *

OLR AMENDED BILL ANALYSIS

sHB 5746 (as amended by House "A")*

AN ACT CONCERNING HANDGUN SAFETY

SUMMARY: This bill establishes a mechanism for the commissioner of the Department of Public Safety (DPS) to exchange information with the commissioner of the Department of Mental Health and Addiction Services (DMHAS) regarding the status of people who have been committed to hospitals for psychiatric disabilities and who also have state permits to sell or carry handguns, handgun eligibility certificates, or certificates to possess assault weapons.

The bill also makes it a crime to carry a loaded firearm while intoxicated and states that a permit to carry a handgun does not entitle the holder to bring the gun to any place where handgun possession is otherwise prohibited by law or the place's owner. It

deletes a provision in current law allowing anyone with a valid permit to carry a handgun to bring their handgun onto school property despite a general prohibition on possessing weapons on such property.

The bill prohibits anyone convicted as delinquent for a serious juvenile offense (SJO) from obtaining a certificate to possess or permit to carry a handgun, and subjects people with such a conviction subject to criminal penalties if they possess a handgun or firearm.

The bill exempts existing firing ranges from criminal prosecution or civil liability regarding noise pollution, but allows municipalities to regulate noise increases due to facility expansion.

The bill makes several other changes to statutes regulating firearms and dangerous weapons. It:

1. requires law enforcement agencies to trace and attempt to identify all seized firearms using state and federal resources and return them if they were stolen;
2. requires handguns sold in the state to come with a reusable trigger lock or similar device;
3. requires, rather than allows, a person issuing a handgun permit to submit the applicant's fingerprints to the Federal Bureau of Investigation (FBI);
4. makes it illegal for most people to carry dangerous weapons and makes it legal to carry slung shots, air rifles and sand bags; and
5. removes a requirement that anyone selling a dangerous weapon inform the local police chief, borough warden, or town first selectman of the purchaser's name and address.

*House Amendment "A" adds the provisions regarding information exchanges concerning people committed to psychiatric hospitals, carrying weapons while intoxicated, serious juvenile offenders, shooting ranges, and return of stolen weapons. It also makes a

number of changes to the provisions in the original file concerning trigger locks, sale and carrying permit fees, fingerprints, and dangerous weapons. Finally it deletes provisions in the original file that authorized an additional fee to cover the cost of the criminal background check, required posting of a sign where carrying a handgun is prohibited, and set a criminal penalty for carrying a handgun where it is prohibited.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

Psychiatric Commitment Records

The bill requires any probate court that passes an order committing someone to a hospital for psychiatric disabilities to, within three business days, provide a copy of the order to the DMHAS commissioner. He must maintain identifying information such as the committed person's name, address, sex, birth date, and commitment date. The bill requires that commitment applications be on forms prescribed by the attorney general and provided by the DMHAS commissioner.

Exchange of Commitment Information

The bill requires the DMHAS commissioner to maintain the commitment order information and provide it to the DPS commissioner in order for him to meet his responsibilities under the various state firearm permit and certificate laws. The DMHAS commissioner must report the identifying information listed above for anyone applying for or holding a certificate to possess an assault weapon, a handgun possession eligibility certificate, or a permit to sell or carry handguns. (The two certificates are issued by DPS, handgun sale permits are issued by localities and carry permits are issued by both the state and localities. It is not clear how or if the information will be shared by the DPS commissioner and the local jurisdictions that have issued permits.)

The bill requires the DPS commissioner to keep the information confidential but allows him to use it as evidence in any hearing concerning a refusal to issue or renew a permit or certificate.

The bill requires the DMHAS commissioner to obtain from the DPS commissioner the firearm permit, certificate, or application status of everyone subject to a commitment order. The DMHAS commissioner must also inform the DPS commissioner of the commitment status and identifying information of any applicant for or holder of a firearm permit or certificate.

Under the bill, the DMHAS commissioner must inform the psychiatric hospital of any information provided by the DPS commissioner about the firearm permit or certificate status of anyone admitted to the hospital for consideration in treating the patient. The commissioners and any hospital having such information must keep it confidential.

Commissioner of Public Safety Duties

The bill requires the DPS commissioner to verify that everyone who applies after September 30, 1998 for issuance or renewal of any firearm permit or certificate covered by these provision has not been confined by the probate court in a psychiatric hospital during the preceding 12 months. He must do this by seeking the appropriate information from DMHAS. If he finds that an applicant has been confined during the preceding 12 months, he must report the person's application status to the DMHAS commissioner.

The bill also allows information about the names and addresses of people with certificates and permits, which are normally confidential, to be shared with the DMHAS commissioner.

Carrying Weapon While Intoxicated

The bill makes it a class B misdemeanor to carry a loaded firearm that is capable of being fired while (1) under the influence of intoxicating liquor, drugs, or both or (2) having a blood-alcohol ratio of .10 or more. The bill applies to pistols, revolvers, machine guns, shotguns, rifles, and other firearms.

A class B misdemeanor is punishable by a fine of up to \$1,000, imprisonment for up to six months, or both.

Permit to Carry a Handgun

The bill specifies that a person who holds a permit to carry a handgun does not have the right to possess or carry it on property where carrying or possessing a handgun is prohibited by law or where the owner or person controlling the property has prohibited it.

By law it is a crime to possess a firearm on school grounds. The bill specifies that this crime only applies to people who know that they are not licensed or privileged to have a firearm on school property, and it eliminates an exemption in this law for people who have a permit to carry a handgun.

Serious Juvenile Offenders

The bill prohibits granting a handgun eligibility certificate or carrying permit, or a permit to sell handguns since an eligibility certificate or carrying permit is required in order to get a permit to sell, to anyone convicted as delinquent for a serious juvenile offense.

A person is guilty of criminal possession of a firearm or criminal possession of a handgun, if they possess one of these weapons and have been previously convicted of certain listed crimes. The bill adds conviction as delinquent for a serious juvenile offense to the list of prior convictions. Criminal possession of a firearm or a handgun are both class D felonies punishable by imprisonment for one to five years, a fine of up to \$5,000, or both. Criminal possession of a firearm has a mandatory minimum of two years.

Firing Ranges

The bill exempts shooting range owners, operators, or users from criminal or civil liability deriving from noise pollution if the range was in operation on October 1, 1998. The exemption is only for noise resulting from shooting activity, and it only applies if the range was in compliance with Department of Environmental Protection noise pollution control regulations when it was constructed or operationally approved by the municipality.

The bill prohibits municipalities from applying noise pollution control standards against any exempt range if the standards are inconsistent with the DEP noise

control statutes or regulations. These restrictions do not prohibit a municipality from regulating increased noise resulting from a physical expansion of a range.

Tracing and Identifying Seized Weapons

The bill requires any law enforcement agency that seizes a firearm, whether pursuant to an arrest, search warrant, or other means, immediately to attempt to identify it and trace its history. The bill directs the agency to use the Federal Bureau of Alcohol, Tobacco and Firearms' National Tracing Center for this purpose. It can do so by immediately transmitting a facsimile to the center or, when it becomes available, by entering information on the COLLECT system (the Connecticut On-Line Law Enforcement Communications Teleprocessing System). COLLECT is operated by the Department of Public Safety (DPS). The bill requires the department to allow local law enforcement agencies to use COLLECT to comply with these provisions.

The bill requires a law enforcement agency that recovers a firearm identified as stolen to return it to its owner provided (1) the owner is not prohibited from possessing it and (2) the agency does not need to retain it for evidence in a criminal prosecution.

Trigger Locks and Sale Requirements

Under current law, any retail firearm dealer selling a firearm must provide the purchaser with a trigger lock, gun lock, or appropriate gun locking device. The bill limits this provision to handguns and requires that they be equipped with the device at the time of sale. It requires that the device be reusable and constructed of material strong enough to prevent it from being easily disabled. The locking mechanism must be accessible by a key or other electronic or mechanical accessory specific to the lock to prevent unauthorized removal.

By law, firearm dealers must provide warnings that unlawful storage of a loaded firearm can result in imprisonment or a fine. The bill deletes a requirement that each service counter in a firearm dealer's establishment contain the warning.

The bill also prohibits any firm or person (nondealer)

from selling a handgun, other than at wholesale, without equipping it with a reusable trigger lock, gun lock, or other appropriate gun locking device that meets these standards. The bill eliminates a requirement that the handgun be enclosed in a package with secure paper or wrapping.

Permit Fees and Fingerprint Transmittal

The bill eliminates a requirement that \$10 out of each \$35 fee for a handgun carrying permit be credited to the Department of Public Safety in a separate nonlapsing account to pay for issuance of permits to sell or carry handguns.

It requires, rather than allows, the permit issuing authority, as part of conducting the criminal history check, to forward the applicant's fingerprints to the FBI for a national check. Currently, he may do this if he deems it necessary. The bill continues to allow the authority to issue the permit before receiving the FBI report.

Under the bill, if the issuing authority determines that the applicant's fingerprints have previously been taken and the applicant presents identification that the issuing authority determines is valid, the authority does not have to take the fingerprints again.

Carrying Dangerous Weapons

The bill repeals the law allowing people with a permit to carry certain dangerous weapons and instead makes carrying them illegal. It makes the penalty for carrying a dangerous weapon the same as the current penalty for carrying one without a permit: imprisonment for up to three years, a fine of up to \$500, or both.

The bill removes slung shots, air rifles, and sand bags from the list of dangerous weapons, thus eliminating the penalty for carrying them.

The banned weapons are: BB guns, blackjacks, metal or brass knuckles, dirk knives, switch knives, knives with spring release blades of over one and one-half inches, knives with blades four inches or longer, stilettoes, martial arts or electronic defense weapons, and any other dangerous or deadly weapon or instrument.

Exceptions to Carrying Requirements

Under current law, the permit requirement to carry dangerous weapons does not apply to law enforcement officers or people (1) carrying such weapons concealed on their person while lawfully moving their household goods from one place to another or (2) peaceably engaged in transporting such weapons to and from a place of repair.

The bill exempts people in these situations from the ban on carrying knives with a blade four inches or longer, but not from the ban on other dangerous weapons. The exemption for peace officers only applies to them while engaged in official duties.

It also exempts from the knife ban: (1) members of the U.S armed forces and reserves when on or going to or from duty, (2) members of a military organization when on parade or going to or from a place of assembly, (3) someone transporting such a knife as merchandise, and (4) people with valid hunting, fishing, or trapping licenses or salt water fishermen who are engaged in such lawful activities.

Weapons in Motor Vehicles

By law it is illegal to have handguns and certain dangerous weapons in an automobile without the proper registration or permit. This bill adds BB guns to the covered weapons. It exempts people carrying a knife with a blade four inches or longer in the same circumstances as those covered above under the dangerous weapons law. It also repeals an existing exemption which allows people enrolled in and currently attending a martial arts school to carry martial arts weapons in their automobile while traveling to and from school.

BACKGROUND

Legislative History

On April 14 the House referred the bill (File 441) to the Public Safety Committee, which favorably reported a substitute bill on April 21. The committee removed provisions in the original file that would have (1) made handgun permits and assault weapon certificates of

possession public information and (2) required the probate court to notify the State Police whenever it commits someone to a psychiatric hospital. The committee also added specific standards concerning the trigger locks and a requirement for posting a sign and the penalty for violating the provision concerning carrying a handgun on premises where it is prohibited. On April 27 the House referred the bill to the Finance, Revenue and Bonding Committee, which favorably reported it without change on April 29.

Serious Juvenile Offense

Over 50 crimes are listed as serious juvenile offenses. They include all of the class A, most of the class B, and many of the class C felonies. They must also include drug crimes, carrying a handgun without a permit, manufacturing bombs, and several loan-shark type offenses. Children accused of serious juvenile offenses face more severe consequences than other juveniles.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 40 Nay 0

Public Safety Committee

Joint Favorable Substitute
Yea 17 Nay 4

Finance, Revenue and Bonding Committee

Joint Favorable Report
Yea 31 Nay 9