



House of Representatives

General Assembly

File No. 602

February Session, 2016

Substitute House Bill No. 5054

House of Representatives, April 14, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

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

1 Section 1. Section 6-32 of the 2016 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (a) Each state marshal shall receive each process directed to such
5 marshal when tendered, execute it promptly and make true return
6 thereof; and shall, without any fee, give receipts when demanded for
7 all civil process delivered to such marshal to be served, specifying the
8 names of the parties, the date of the writ, the time of delivery and the
9 sum or thing in demand. If any state marshal does not duly and
10 promptly execute and return any such process or makes a false or
11 illegal return thereof, such marshal shall be liable to pay double the
12 amount of all damages to the party aggrieved.

13 (b) A civil protection order constitutes civil process for purposes of
14 the powers and duties of a state marshal. The cost of serving a civil

15 protection order issued pursuant to section 46b-16a, as amended by
16 this act, shall be paid by the Judicial Branch in the same manner as the
17 cost of serving a restraining order issued pursuant to section 46b-15, as
18 amended by this act, and fees and expenses associated with the serving
19 of a civil protection order shall be calculated in accordance with
20 subsection (a) of section 52-261.

21 Sec. 2. Subsection (j) of section 6-38b of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective*
23 *October 1, 2016*):

24 (j) The commission [may] shall adopt [such] rules as it deems
25 necessary for conduct of its internal affairs, [and] including, but not
26 limited to, rules that provide for: (1) The provision of timely, consistent
27 and reliable access to a state marshal for persons applying for a
28 restraining order under section 46b-15, as amended by this act; (2) the
29 provision of services to persons with limited English proficiency; (3)
30 the provision of services to persons who are deaf or hearing impaired;
31 and (4) service of process that is a photographic copy, micrographic
32 copy or other electronic image of an original document that clearly and
33 accurately copies such original document. The commission shall adopt
34 regulations in accordance with the provisions of chapter 54 for the
35 application and investigation requirements for filling vacancies in the
36 position of state marshal.

37 Sec. 3. Section 46b-15 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2016*):

39 (a) Any family or household member, as defined in section 46b-38a,
40 who has been subjected to a continuous threat of present physical pain
41 or physical injury, stalking or a pattern of threatening, including, but
42 not limited to, a pattern of threatening, as described in section 53a-62,
43 by another family or household member may make an application to
44 the Superior Court for relief under this section.

45 (b) The application form shall allow the applicant, at the applicant's
46 option, to indicate whether the respondent (1) holds a permit to carry a

47 pistol or revolver, an eligibility certificate for a pistol or revolver, a
48 long gun eligibility certificate or an ammunition certificate or possesses
49 one or more firearms or ammunition, and (2) is employed in a position
50 in which an essential requirement of such position is the ability to
51 carry a firearm during the course of the respondent's employment. The
52 application shall be accompanied by an affidavit made under oath
53 which includes a brief statement of the conditions from which relief is
54 sought. Upon receipt of the application the court shall order that a
55 hearing on the application be held not later than fourteen days from
56 the date of the order except that, if the application indicates the
57 respondent is employed in a position in which an essential
58 requirement of the position is the ability to carry a firearm during the
59 course of employment, the court may take this circumstance into
60 consideration in ordering a hearing on the application as soon as
61 practicable, but not later than fourteen days from the date on which
62 the application is filed. The court, in its discretion, may make such
63 orders as it deems appropriate for the protection of the applicant and
64 such dependent children or other persons as the court sees fit. In
65 making such orders, the court, in its discretion, may consider relevant
66 court records if the records are available to the public from a clerk of
67 the Superior Court or on the Judicial Branch's Internet web site. Such
68 orders may include temporary child custody or visitation rights, and
69 such relief may include, but is not limited to, an order enjoining the
70 respondent from [(1)] (A) imposing any restraint upon the person or
71 liberty of the applicant; [(2)] (B) threatening, harassing, assaulting,
72 molesting, sexually assaulting or attacking the applicant; or [(3)] (C)
73 entering the family dwelling or the dwelling of the applicant. Such
74 order may include provisions necessary to protect any animal owned
75 or kept by the applicant including, but not limited to, an order
76 enjoining the respondent from injuring or threatening to injure such
77 animal. If an applicant alleges an immediate and present physical
78 danger to the applicant, the court may issue an ex parte order granting
79 such relief as it deems appropriate. If a postponement of a hearing on
80 the application is requested by either party and granted, the ex parte
81 order shall not be continued except upon agreement of the parties or

82 by order of the court for good cause shown. If a hearing on the
83 application is scheduled or an ex parte order is granted and the court is
84 closed on the scheduled hearing date, the hearing shall be held on the
85 next day the court is open and any such ex parte order shall remain in
86 effect until the date of such hearing.

87 (c) If the court issues an ex parte order pursuant to subsection (b) of
88 this section and service has not been made on the respondent in
89 conformance with subsection (h) of this section, upon request of the
90 applicant, the court shall, based on the information contained in the
91 original application, extend any ex parte order for an additional period
92 not to exceed fourteen days from the originally scheduled hearing
93 date. The clerk shall prepare a new order of hearing and notice
94 containing the new hearing date, which shall be served upon the
95 respondent in accordance with the provisions of subsection (h) of this
96 section.

97 ~~[(c)]~~ (d) Any ex parte restraining order entered under subsection (b)
98 of this section in which the applicant and respondent are spouses, or
99 persons who have a dependent child or children in common and who
100 live together, may include, if no order exists, and if necessary to
101 maintain the safety and basic needs of the applicant or the dependent
102 child or children in common of the applicant and respondent, in
103 addition to any orders authorized under subsection (b) of this section,
104 any of the following: (1) An order prohibiting the respondent from (A)
105 taking any action that could result in the termination of any necessary
106 utility services or necessary services related to the family dwelling or
107 the dwelling of the applicant, (B) taking any action that could result in
108 the cancellation, change of coverage or change of beneficiary of any
109 health, automobile or homeowners insurance policy to the detriment
110 of the applicant or the dependent child or children in common of the
111 applicant and respondent, or (C) transferring, encumbering, concealing
112 or disposing of specified property owned or leased by the applicant; or
113 (2) an order providing the applicant with temporary possession of an
114 automobile, checkbook, documentation of health, automobile or
115 homeowners insurance, a document needed for purposes of proving

116 identity, a key or other necessary specified personal effects.

117 [(d)] (e) At the hearing on any application under this section, if the
118 court grants relief pursuant to subsection (b) of this section and the
119 applicant and respondent are spouses, or persons who have a
120 dependent child or children in common and who live together, and if
121 necessary to maintain the safety and basic needs of the applicant or the
122 dependent child or children in common of the applicant and
123 respondent, any orders entered by the court may include, in addition
124 to the orders authorized under subsection (b) of this section, any of the
125 following: (1) An order prohibiting the respondent from (A) taking any
126 action that could result in the termination of any necessary utility
127 services or services related to the family dwelling or the dwelling of
128 the applicant, (B) taking any action that could result in the cancellation,
129 change of coverage or change of beneficiary of any health, automobile
130 or homeowners insurance policy to the detriment of the applicant or
131 the dependent child or children in common of the applicant and
132 respondent, or (C) transferring, encumbering, concealing or disposing
133 of specified property owned or leased by the applicant; (2) an order
134 providing the applicant with temporary possession of an automobile,
135 checkbook, documentation of health, automobile or homeowners
136 insurance, a document needed for purposes of proving identity, a key
137 or other necessary specified personal effects; or (3) an order that the
138 respondent: (A) Make rent or mortgage payments on the family
139 dwelling or the dwelling of the applicant and the dependent child or
140 children in common of the applicant and respondent, (B) maintain
141 utility services or other necessary services related to the family
142 dwelling or the dwelling of the applicant and the dependent child or
143 children in common of the applicant and respondent, (C) maintain all
144 existing health, automobile or homeowners insurance coverage
145 without change in coverage or beneficiary designation, or (D) provide
146 financial support for the benefit of any dependent child or children in
147 common of the applicant and the respondent, provided the respondent
148 has a legal duty to support such child or children and the ability to
149 pay. The court shall not enter any order of financial support without
150 sufficient evidence as to the ability to pay, including, but not limited

151 to, financial affidavits. If at the hearing no order is entered under this
152 subsection or subsection [(c)] (d) of this section, no such order may be
153 entered thereafter pursuant to this section. Any order entered pursuant
154 to this subsection shall not be subject to modification and shall expire
155 one hundred twenty days after the date of issuance or upon issuance
156 of a superseding order, whichever occurs first. Any amounts not paid
157 or collected under this subsection or subsection [(c)] (d) of this section
158 may be preserved and collectible in an action for dissolution of
159 marriage, custody, paternity or support.

160 [(e)] (f) Every order of the court made in accordance with this
161 section shall contain the following language: (1) "This order may be
162 extended by the court beyond one year. In accordance with section
163 53a-107 of the Connecticut general statutes, entering or remaining in a
164 building or any other premises in violation of this order constitutes
165 criminal trespass in the first degree. This is a criminal offense
166 punishable by a term of imprisonment of not more than one year, a
167 fine of not more than two thousand dollars or both."; and (2) "In
168 accordance with section 53a-223b of the Connecticut general statutes,
169 any violation of subparagraph (A) or (B) of subdivision (2) of
170 subsection (a) of section 53a-223b constitutes criminal violation of a
171 restraining order which is punishable by a term of imprisonment of
172 not more than five years, a fine of not more than five thousand dollars,
173 or both. Additionally, any violation of subparagraph (C) or (D) of
174 subdivision (2) of subsection (a) of section 53a-223b constitutes
175 criminal violation of a restraining order which is punishable by a term
176 of imprisonment of not more than ten years, a fine of not more than ten
177 thousand dollars, or both."

178 [(f)] (g) No order of the court shall exceed one year, except that an
179 order may be extended by the court upon motion of the applicant for
180 such additional time as the court deems necessary. If the respondent
181 has not appeared upon the initial application, service of a motion to
182 extend an order may be made by first-class mail directed to the
183 respondent at the respondent's last-known address.

184 [(g)] (h) (1) The applicant shall cause notice of the hearing pursuant
185 to subsection (b) of this section and a copy of the application and the
186 applicant's affidavit and of any ex parte order issued pursuant to
187 subsection (b) of this section to be served on the respondent not less
188 than [five] three days before the hearing. The cost of such service shall
189 be paid for by the Judicial Branch.

190 (2) When (A) an application indicates that a respondent holds a
191 permit to carry a pistol or revolver, an eligibility certificate for a pistol
192 or revolver, a long gun eligibility certificate or an ammunition
193 certificate or possesses one or more firearms or ammunition, and (B)
194 the court has issued an ex parte order pursuant to this section, the
195 proper officer responsible for executing service, prior to serving such
196 order, shall (i) provide notice to the law enforcement agency for the
197 town in which the respondent will be served concerning when and
198 where the service will take place, (ii) send, or cause to be sent by
199 facsimile or other means, a copy of the application, the applicant's
200 affidavit, the ex parte order and the notice of hearing to such law
201 enforcement agency, and (iii) request that a police officer from the law
202 enforcement agency for the town in which the respondent will be
203 served be present when service is executed by the proper officer.

204 (3) Upon the granting of an ex parte order, the clerk of the court
205 shall provide two copies of the order to the applicant. Upon the
206 granting of an order after notice and hearing, the clerk of the court
207 shall provide two copies of the order to the applicant and a copy to the
208 respondent. Every order of the court made in accordance with this
209 section after notice and hearing shall be accompanied by a notification
210 that is consistent with the full faith and credit provisions set forth in 18
211 USC 2265(a), as amended from time to time. Immediately after making
212 service on the respondent, the proper officer shall (A) send or cause to
213 be sent, by facsimile or other means, a copy of the application, or the
214 information contained in such application, stating the date and time
215 the respondent was served, to the law enforcement agency or agencies
216 for the town in which the applicant resides, the town in which the
217 applicant is employed and the town in which the respondent resides,

218 and (B) as soon as possible, but not later than two hours after the time
219 that service is executed, input into the Judicial Branch's Internet-based
220 service tracking system the date, time and method of service. If, prior
221 to the date of the scheduled hearing, service has not been executed, the
222 proper officer shall input into such service tracking system that service
223 was unsuccessful. The clerk of the court shall send, by facsimile or
224 other means, a copy of any ex parte order and of any order after notice
225 and hearing, or the information contained in any such order, to the law
226 enforcement agency or agencies for the town in which the applicant
227 resides, the town in which the applicant is employed and the town in
228 which the respondent resides, within forty-eight hours of the issuance
229 of such order. If the victim is enrolled in a public or private elementary
230 or secondary school, including a technical high school, or an institution
231 of higher education, as defined in section 10a-55, the clerk of the court
232 shall, upon the request of the victim, send, by facsimile or other means,
233 a copy of such ex parte order or of any order after notice and hearing,
234 or the information contained in any such order, to such school or
235 institution of higher education, the president of any institution of
236 higher education at which the victim is enrolled and the special police
237 force established pursuant to section 10a-156b, if any, at the institution
238 of higher education at which the victim is enrolled.

239 [(h)] (i) A caretaker who is providing shelter in his or her residence
240 to a person sixty years or older shall not be enjoined from the full use
241 and enjoyment of his or her home and property. The Superior Court
242 may make any other appropriate order under the provisions of this
243 section.

244 [(i)] (j) When a motion for contempt is filed for violation of a
245 restraining order, there shall be an expedited hearing. Such hearing
246 shall be held within five court days of service of the motion on the
247 respondent, provided service on the respondent is made not less than
248 twenty-four hours before the hearing. If the court finds the respondent
249 in contempt for violation of an order, the court may impose such
250 sanctions as the court deems appropriate.

251 [(j)] (k) An action under this section shall not preclude the applicant
252 from seeking any other civil or criminal relief.

253 (l) For purposes of this section, "police officer" means a state police
254 officer or a sworn member of a municipal police department and "law
255 enforcement agency" means the Division of State Police within the
256 Department of Emergency Services and Public Protection or any
257 municipal police department.

258 Sec. 4. (NEW) (*Effective October 1, 2016*) In each Superior Court
259 where a restraining order issued under section 46b-15 of the general
260 statutes, as amended by this act, may be made returnable, the Chief
261 Court Administrator shall, where feasible, work to allocate space in
262 such court so as to permit a meeting between a person seeking service
263 of the notice of hearing and any order issued under section 46b-15 of
264 the general statutes, as amended by this act, and a proper officer.

265 Sec. 5. (NEW) (*Effective October 1, 2016*) (a) The Chief Court
266 Administrator shall revise and simplify the process for filing an
267 application for relief under section 46b-15 of the general statutes, as
268 amended by this act. The Chief Court Administrator shall ensure that
269 any person seeking to file an application for relief is provided with a
270 one-page, plain language explanation of how to apply for relief under
271 section 46b-15 of the general statutes, as amended by this act.

272 (b) The Chief Court Administrator shall annually collect data on (1)
273 the number of restraining orders issued under section 46b-15 of the
274 general statutes, as amended by this act, and civil protection orders
275 issued under section 46b-16a of the general statutes, as amended by
276 this act; (2) the number of such orders that are not picked up by an
277 applicant from the office of the clerk at the court location which issued
278 the order; (3) the method of service of such orders in cases in which a
279 respondent is successfully served with the order; (4) the number of
280 requests for a police officer to be present at the time service of an order
281 pursuant to subsection (h) of section 46b-15 of the general statutes, as
282 amended by this act; and (5) the number of such orders issued that
283 subsequently expire or are dismissed because the respondent could not

284 be served with the order.

285 Sec. 6. Subsection (d) of section 46b-16a of the general statutes is
286 repealed and the following is substituted in lieu thereof (*Effective*
287 *October 1, 2016*):

288 (d) The applicant shall cause notice of the hearing pursuant to
289 subsection (b) of this section and a copy of the application and the
290 applicant's affidavit and of any ex parte order issued pursuant to
291 subsection (b) of this section to be served by a proper officer on the
292 respondent not less than five days before the hearing. The cost of such
293 service shall be paid for by the Judicial Branch. Upon the granting of
294 an ex parte order, the clerk of the court shall provide two copies of the
295 order to the applicant. Upon the granting of an order after notice and
296 hearing, the clerk of the court shall provide two copies of the order to
297 the applicant and a copy to the respondent. Every order of the court
298 made in accordance with this section after notice and hearing shall be
299 accompanied by a notification that is consistent with the full faith and
300 credit provisions set forth in 18 USC 2265(a), as amended from time to
301 time. Immediately after making service on the respondent, the proper
302 officer shall (1) send or cause to be sent, by facsimile or other means, a
303 copy of the application, or the information contained in such
304 application, stating the date and time the respondent was served, to
305 the law enforcement agency or agencies for the town in which the
306 applicant resides, the town in which the applicant is employed and the
307 town in which the respondent resides, and (2) as soon as possible, but
308 not later than two hours after the time that service is executed, input
309 into the Judicial Branch's Internet-based service tracking system the
310 date, time and method of service. If, prior to the date of the scheduled
311 hearing, service has not been executed, the proper officer shall input
312 into such service tracking system that service was unsuccessful. The
313 clerk of the court shall send, by facsimile or other means, a copy of any
314 ex parte order and of any order after notice and hearing, or the
315 information contained in any such order, to the law enforcement
316 agency or agencies for the town in which the applicant resides, the
317 town in which the applicant is employed and the town in which the

318 respondent resides, not later than forty-eight hours after the issuance
319 of such order, and immediately to the Commissioner of Emergency
320 Services and Public Protection. If the applicant is enrolled in a public
321 or private elementary or secondary school, including a technical high
322 school, or an institution of higher education, as defined in section 10a-
323 55, the clerk of the court shall, upon the request of the applicant, send,
324 by facsimile or other means, a copy of such ex parte order or of any
325 order after notice and hearing, or the information contained in any
326 such order, to such school or institution of higher education, the
327 president of any institution of higher education at which the applicant
328 is enrolled and the special police force established pursuant to section
329 10a-142, if any, at the institution of higher education at which the
330 applicant is enrolled.

331 Sec. 7. Section 29-36k of the general statutes is repealed and the
332 following is substituted in lieu thereof (*Effective October 1, 2016*):

333 (a) [Not later than two business days] Except as provided in
334 subsection (b) of this section, not later than two business days after the
335 occurrence of any event that makes a person ineligible to possess a
336 pistol or revolver or other firearm or ammunition, such person shall (1)
337 transfer in accordance with section 29-33 all pistols and revolvers
338 which such person then possesses to any person eligible to possess a
339 pistol or revolver and transfer in accordance with any applicable state
340 and federal laws all other firearms to any person eligible to possess
341 such other firearms by obtaining an authorization number for the sale
342 or transfer of the firearm from the Commissioner of Emergency
343 Services and Public Protection, and submit a sale or transfer of
344 firearms form to said commissioner within two business days, [except
345 that a person subject to a restraining or protective order or a foreign
346 order of protection may only transfer a pistol, revolver or other firearm
347 or ammunition under this subdivision to a federally licensed firearms
348 dealer pursuant to the sale of the pistol, revolver or other firearm and
349 ammunition to the federally licensed firearms dealer,] or (2) deliver or
350 surrender such pistols and revolvers and other firearms and
351 ammunition to the Commissioner of Emergency Services and Public

352 Protection, provided a local police department may accept such pistols,
353 revolvers, other firearms and ammunition on behalf of said
354 commissioner, or (3) transfer such ammunition to any person eligible
355 to possess such ammunition. The commissioner and a local police
356 department shall exercise due care in the receipt and holding of such
357 pistols and revolvers and other firearms or ammunition. [For the
358 purposes of this section, a "person subject to a restraining or protective
359 order or a foreign order of protection" means a person who knows that
360 such person is subject to (A) a restraining or protective order of a court
361 of this state that has been issued against such person, after notice and
362 an opportunity to be heard has been provided to such person, in a case
363 involving the use, attempted use or threatened use of physical force
364 against another person, or (B) a foreign order of protection, as defined
365 in section 46b-15a, that has been issued against such person in a case
366 involving the use, attempted use or threatened use of physical force
367 against another person.]

368 (b) Immediately, but in no event more than twenty-four hours after
369 notice has been provided to a person subject to a restraining or
370 protective order or a foreign order of protection, such person shall (1)
371 transfer any pistol, revolver or other firearm or ammunition which
372 such person then possesses to a federally licensed firearms dealer
373 pursuant to the sale of the pistol, revolver or other firearm or
374 ammunition to the federally licensed firearms dealer, or (2) deliver or
375 surrender such pistols and revolvers and other firearms and
376 ammunition to the Commissioner of Emergency Services and Public
377 Protection, provided a local police department may accept such pistols,
378 revolvers, other firearms and ammunition on behalf of said
379 commissioner. For the purposes of this section, a "person subject to a
380 restraining or protective order or a foreign order of protection" means
381 a person who knows that such person is subject to (A) a restraining or
382 protective order of a court of this state that has been issued against
383 such person, after notice has been provided to such person, in a case
384 involving the use, attempted use or threatened use of physical force
385 against another person, or (B) a foreign order of protection, as defined
386 in section 46b-15a, that has been issued against such person in a case

387 involving the use, attempted use or threatened use of physical force
388 against another person.

389 [(b)] (c) Such person, or such person's legal representative, may, at
390 any time up to one year after such delivery or surrender, transfer such
391 pistols and revolvers in accordance with the provisions of section 29-33
392 to any person eligible to possess a pistol or revolver and transfer such
393 other firearms and ammunition, in accordance with any applicable
394 state and federal laws, to any person eligible to possess such other
395 firearms and ammunition, provided any person subject to a restraining
396 or protective order or a foreign order of protection, or such person's
397 legal representative, may only transfer such pistol, revolver or other
398 firearm or ammunition to a federally licensed firearms dealer pursuant
399 to the sale of the pistol, revolver or other firearm or ammunition to the
400 federally licensed firearms dealer. Upon notification in writing by the
401 transferee and such person, the Commissioner of Emergency Services
402 and Public Protection or a local police department as the case may be,
403 shall, within ten days, deliver such pistols and revolvers [or] and other
404 firearms [or] and ammunition to the transferee. If, at the end of such
405 year, such pistols and revolvers [or] and other firearms [or] and
406 ammunition have not been so transferred, the commissioner or a local
407 police department as the case may be, shall cause them to be
408 destroyed.

409 [(c)] (d) Any person who fails to transfer, deliver or surrender any
410 such pistols and revolvers and other firearms or ammunition as
411 provided in this section shall be subject to the penalty provided for in
412 section 53a-217, as amended by this act, or 53a-217c, as amended by
413 this act.

414 Sec. 8. Subsection (b) of section 29-28 of the 2016 supplement to the
415 general statutes is repealed and the following is substituted in lieu
416 thereof (*Effective October 1, 2016*):

417 (b) Upon the application of any person having a bona fide
418 permanent residence within the jurisdiction of any such authority,
419 such chief of police, warden or selectman may issue a temporary state

420 permit to such person to carry a pistol or revolver within the state,
421 provided such authority shall find that such applicant intends to make
422 no use of any pistol or revolver which such applicant may be
423 permitted to carry under such permit other than a lawful use and that
424 such person is a suitable person to receive such permit. No state or
425 temporary state permit to carry a pistol or revolver shall be issued
426 under this subsection if the applicant (1) has failed to successfully
427 complete a course approved by the Commissioner of Emergency
428 Services and Public Protection in the safety and use of pistols and
429 revolvers including, but not limited to, a safety or training course in
430 the use of pistols and revolvers available to the public offered by a law
431 enforcement agency, a private or public educational institution or a
432 firearms training school, utilizing instructors certified by the National
433 Rifle Association or the Department of Energy and Environmental
434 Protection and a safety or training course in the use of pistols or
435 revolvers conducted by an instructor certified by the state or the
436 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
437 on or after October 1, 1994, a violation of section 21a-279 or section 53a-
438 58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or
439 53a-181d, (3) has been convicted as delinquent for the commission of a
440 serious juvenile offense, as defined in section 46b-120, (4) has been
441 discharged from custody within the preceding twenty years after
442 having been found not guilty of a crime by reason of mental disease or
443 defect pursuant to section 53a-13, (5) (A) has been confined in a
444 hospital for persons with psychiatric disabilities, as defined in section
445 17a-495, within the preceding sixty months by order of a probate court,
446 or (B) has been voluntarily admitted on or after October 1, 2013, to a
447 hospital for persons with psychiatric disabilities, as defined in section
448 17a-495, within the preceding six months for care and treatment of a
449 psychiatric disability and not solely for being an alcohol-dependent
450 person or a drug-dependent person as those terms are defined in
451 section 17a-680, (6) is subject to a restraining or protective order issued
452 by a court in a case involving the use, attempted use or threatened use
453 of physical force against another person, including an ex parte order
454 issued pursuant to section 46b-15, as amended by this act, or 46b-16a,

455 as amended by this act, (7) is subject to a firearms seizure order issued
456 pursuant to subsection (d) of section 29-38c after notice and hearing,
457 (8) is prohibited from shipping, transporting, possessing or receiving a
458 firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or
459 unlawfully in the United States, or (10) is less than twenty-one years of
460 age. Nothing in this section shall require any person who holds a valid
461 permit to carry a pistol or revolver on October 1, 1994, to participate in
462 any additional training in the safety and use of pistols and revolvers.
463 No person may apply for a temporary state permit to carry a pistol or
464 revolver more than once within any twelve-month period, and no
465 temporary state permit to carry a pistol or revolver shall be issued to
466 any person who has applied for such permit more than once within the
467 preceding twelve months. Any person who applies for a temporary
468 state permit to carry a pistol or revolver shall indicate in writing on the
469 application, under penalty of false statement in such manner as the
470 issuing authority prescribes, that such person has not applied for a
471 temporary state permit to carry a pistol or revolver within the past
472 twelve months. Upon issuance of a temporary state permit to carry a
473 pistol or revolver to the applicant, the local authority shall forward the
474 original application to the commissioner. Not later than sixty days
475 after receiving a temporary state permit, an applicant shall appear at a
476 location designated by the commissioner to receive the state permit.
477 The commissioner may then issue, to any holder of any temporary
478 state permit, a state permit to carry a pistol or revolver within the state.
479 Upon issuance of the state permit, the commissioner shall make
480 available to the permit holder a copy of the law regarding the permit
481 holder's responsibility to report the loss or theft of a firearm and the
482 penalties associated with the failure to comply with such law. Upon
483 issuance of the state permit, the commissioner shall forward a record
484 of such permit to the local authority issuing the temporary state
485 permit. The commissioner shall retain records of all applications,
486 whether approved or denied. The copy of the state permit delivered to
487 the permittee shall be laminated and shall contain a full-face
488 photograph of such permittee. A person holding a state permit issued
489 pursuant to this subsection shall notify the issuing authority within

490 two business days of any change of such person's address. The
491 notification shall include the old address and the new address of such
492 person.

493 Sec. 9. Subsection (b) of section 29-36f of the 2016 supplement to the
494 general statutes is repealed and the following is substituted in lieu
495 thereof (*Effective October 1, 2016*):

496 (b) The Commissioner of Emergency Services and Public Protection
497 shall issue an eligibility certificate unless said commissioner finds that
498 the applicant: (1) Has failed to successfully complete a course
499 approved by the Commissioner of Emergency Services and Public
500 Protection in the safety and use of pistols and revolvers including, but
501 not limited to, a safety or training course in the use of pistols and
502 revolvers available to the public offered by a law enforcement agency,
503 a private or public educational institution or a firearms training school,
504 utilizing instructors certified by the National Rifle Association or the
505 Department of Energy and Environmental Protection and a safety or
506 training course in the use of pistols or revolvers conducted by an
507 instructor certified by the state or the National Rifle Association; (2)
508 has been convicted of a felony or of a violation of section 21a-279 or
509 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,
510 53a-178 or 53a-181d; (3) has been convicted as delinquent for the
511 commission of a serious juvenile offense, as defined in section 46b-120;
512 (4) has been discharged from custody within the preceding twenty
513 years after having been found not guilty of a crime by reason of mental
514 disease or defect pursuant to section 53a-13; (5) (A) has been confined
515 in a hospital for persons with psychiatric disabilities, as defined in
516 section 17a-495, within the preceding sixty months by order of a
517 probate court; or (B) has been voluntarily admitted on or after October
518 1, 2013, to a hospital for persons with psychiatric disabilities, as
519 defined in section 17a-495, within the preceding six months for care
520 and treatment of a psychiatric disability and not solely for being an
521 alcohol-dependent person or a drug-dependent person as those terms
522 are defined in section 17a-680; [] (6) is subject to a restraining or
523 protective order issued by a court in a case involving the use,

524 attempted use or threatened use of physical force against another
525 person, including an ex parte order issued pursuant to section 46b-15,
526 as amended by this act, or section 46b-16a, as amended by this act; (7)
527 is subject to a firearms seizure order issued pursuant to subsection (d)
528 of section 29-38c after notice and hearing; (8) is prohibited from
529 shipping, transporting, possessing or receiving a firearm pursuant to
530 18 USC 922(g)(4); or (9) is an alien illegally or unlawfully in the United
531 States.

532 Sec. 10. Subsection (b) of section 29-37p of the 2016 supplement to
533 the general statutes is repealed and the following is substituted in lieu
534 thereof (*Effective October 1, 2016*):

535 (b) The Commissioner of Emergency Services and Public Protection
536 shall issue a long gun eligibility certificate unless said commissioner
537 finds that the applicant: (1) Has failed to successfully complete a
538 course approved by the Commissioner of Emergency Services and
539 Public Protection in the safety and use of firearms including, but not
540 limited to, a safety or training course in the use of firearms available to
541 the public offered by a law enforcement agency, a private or public
542 educational institution or a firearms training school, utilizing
543 instructors certified by the National Rifle Association or the
544 Department of Energy and Environmental Protection and a safety or
545 training course in the use of firearms conducted by an instructor
546 certified by the state or the National Rifle Association; (2) has been
547 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
548 of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63,
549 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as
550 delinquent for the commission of a serious juvenile offense, as defined
551 in section 46b-120; (4) has been discharged from custody within the
552 preceding twenty years after having been found not guilty of a crime
553 by reason of mental disease or defect pursuant to section 53a-13; (5)
554 has been confined in a hospital for persons with psychiatric
555 disabilities, as defined in section 17a-495, within the preceding sixty
556 months by order of a probate court; (6) has been voluntarily admitted
557 to a hospital for persons with psychiatric disabilities, as defined in

558 section 17a-495, within the preceding six months for care and
559 treatment of a psychiatric disability and not solely for being an alcohol-
560 dependent person or a drug-dependent person as those terms are
561 defined in section 17a-680; (7) is subject to a restraining or protective
562 order issued by a court in a case involving the use, attempted use or
563 threatened use of physical force against another person, including an
564 ex parte order issued pursuant to section 46b-15, as amended by this
565 act, or 46b-16a, as amended by this act; (8) is subject to a firearms
566 seizure order issued pursuant to subsection (d) of section 29-38c after
567 notice and hearing; (9) is prohibited from shipping, transporting,
568 possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (10)
569 is an alien illegally or unlawfully in the United States.

570 Sec. 11. Section 29-32 of the general statutes is repealed and the
571 following is substituted in lieu thereof (*Effective October 1, 2016*):

572 (a) For the purposes of this section, "conviction" means the entry of a
573 judgment of conviction by any court of competent jurisdiction.

574 (b) Any state permit or temporary state permit for the carrying of
575 any pistol or revolver may be revoked by the Commissioner of
576 Emergency Services and Public Protection for cause and shall be
577 revoked by said commissioner upon conviction of the holder of such
578 permit of a felony or of any misdemeanor specified in subsection (b) of
579 section 29-28, as amended by this act, or upon the occurrence of any
580 event which would have disqualified the holder from being issued the
581 state permit or temporary state permit pursuant to subsection (b) of
582 section 29-28, as amended by this act. Upon the revocation of any state
583 permit or temporary state permit, the person whose state permit or
584 temporary state permit is revoked shall be notified in writing and such
585 state permit or temporary state permit shall be forthwith delivered to
586 the commissioner. Any law enforcement authority shall confiscate and
587 immediately forward to the commissioner any state permit or
588 temporary state permit that is illegally possessed by any person. The
589 commissioner may revoke the state permit or temporary state permit
590 based upon the commissioner's own investigation or upon the request

591 of any law enforcement agency. Any person who fails to surrender any
592 permit within five days of notification in writing of revocation thereof
593 shall be guilty of a class A misdemeanor.

594 (c) Any local permit for the carrying of a pistol or revolver issued
595 prior to October 1, 2001, may be revoked by the authority issuing the
596 same for cause, and shall be revoked by the authority issuing the same
597 upon conviction of the holder of such permit of a felony or of any
598 misdemeanor specified in subsection (b) of section 29-28, as amended
599 by this act, or upon the occurrence of any event which would have
600 disqualified the holder from being issued such local permit. Upon the
601 revocation of any local permit, the person whose local permit is
602 revoked shall be notified in writing and such permit shall be forthwith
603 delivered to the authority issuing the same. Upon the revocation of
604 any local permit, the authority issuing the same shall forthwith notify
605 the commissioner. Upon the revocation of any permit issued by the
606 commissioner, the commissioner shall forthwith notify any local
607 authority which the records of the commissioner show as having
608 issued a currently valid local permit to the holder of the permit
609 revoked by the commissioner. Any person who fails to surrender such
610 permit within five days of notification in writing or revocation thereof
611 shall be guilty of a class A misdemeanor.

612 (d) If a state permit or temporary state permit for the carrying of any
613 pistol or revolver is revoked because the person holding such permit is
614 subject to an ex parte order issued pursuant to section 46b-15, as
615 amended by this act, or 46b-16a, as amended by this act, upon
616 expiration of such order, such person may notify the Department of
617 Emergency Services and Public Protection that such order has expired.
618 Upon verification of such expiration and provided such person is not
619 otherwise disqualified from holding such permit pursuant to
620 subsection (b) of section 29-28, as amended by this act, the department
621 shall reinstate such permit.

622 Sec. 12. Section 29-36i of the general statutes is repealed and the
623 following is substituted in lieu thereof (*Effective October 1, 2016*):

624 (a) Any eligibility certificate for a pistol or revolver shall be revoked
625 by the Commissioner of Emergency Services and Public Protection
626 upon the occurrence of any event which would have disqualified the
627 holder from being issued the certificate pursuant to section 29-36f, as
628 amended by this act.

629 (b) Upon the revocation of any eligibility certificate, the person
630 whose eligibility certificate is revoked shall be notified in writing and
631 such certificate shall be forthwith delivered to the Commissioner of
632 Emergency Services and Public Protection. Any person who fails to
633 surrender such certificate within five days of notification in writing of
634 revocation thereof shall be guilty of a class A misdemeanor.

635 (c) If an eligibility certificate for a pistol or revolver is revoked
636 because the person holding such certificate is subject to an ex parte
637 order issued pursuant to section 46b-15, as amended by this act, or
638 46b-16a, as amended by this act, upon expiration of such order, such
639 person may notify the Department of Emergency Services and Public
640 Protection that such order has expired. Upon verification of such
641 expiration and provided such person is not otherwise disqualified
642 from holding such certificate pursuant to section 29-36f, as amended
643 by this act, the department shall reinstate such certificate.

644 Sec. 13. Section 29-37s of the general statutes is repealed and the
645 following is substituted in lieu thereof (*Effective October 1, 2016*):

646 (a) A long gun eligibility certificate shall be revoked by the
647 Commissioner of Emergency Services and Public Protection upon the
648 occurrence of any event which would have disqualified the holder
649 from being issued the certificate pursuant to section 29-37p, as
650 amended by this act.

651 (b) Upon the revocation of any long gun eligibility certificate, the
652 person whose certificate is revoked shall be notified, in writing, and
653 such certificate shall be forthwith delivered to the Commissioner of
654 Emergency Services and Public Protection. Any person who fails to
655 surrender such certificate within five days of notification, in writing, of

656 revocation thereof shall be guilty of a class A misdemeanor.

657 (c) If a long gun eligibility certificate is revoked because the person
658 holding such certificate is subject to an ex parte order issued pursuant
659 to section 46b-15, as amended by this act, or 46b-16a, as amended by
660 this act, upon expiration of such order, such person may notify the
661 Department of Emergency Services and Public Protection that such
662 order has expired. Upon verification of such expiration and provided
663 such person is not otherwise disqualified from holding such certificate
664 pursuant to section 29-37p, as amended by this act, the department
665 shall reinstate such certificate.

666 Sec. 14. Section 29-38p of the general statutes is repealed and the
667 following is substituted in lieu thereof (*Effective October 1, 2016*):

668 (a) An ammunition certificate shall be revoked by the Commissioner
669 of Emergency Services and Public Protection upon the occurrence of
670 any event which would have disqualified the holder from being issued
671 the certificate pursuant to section 29-38n.

672 (b) Upon the revocation of any ammunition certificate, the person
673 whose certificate is revoked shall be notified, in writing, and such
674 certificate shall be forthwith delivered to the Commissioner of
675 Emergency Services and Public Protection. Any person who fails to
676 surrender such certificate within five days of notification, in writing, of
677 revocation thereof shall be guilty of a class A misdemeanor.

678 (c) If an ammunition certificate is revoked because the person
679 holding such certificate is subject to an ex parte order issued pursuant
680 to section 46b-15, as amended by this act, or 46b-16a, as amended by
681 this act, upon expiration of such order, such person may notify the
682 Department of Emergency Services and Public Protection that such
683 order has expired. Upon verification of such expiration and provided
684 such person is not otherwise disqualified from holding such certificate
685 pursuant to section 29-38n the department shall reinstate such
686 certificate.

687 Sec. 15. Section 53a-217 of the 2016 supplement to the general
688 statutes is repealed and the following is substituted in lieu thereof
689 (*Effective October 1, 2016*):

690 (a) A person is guilty of criminal possession of a firearm,
691 ammunition or an electronic defense weapon when such person
692 possesses a firearm, ammunition or an electronic defense weapon and
693 (1) has been convicted of a felony committed prior to, on or after
694 October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61, 53a-
695 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d
696 committed on or after October 1, 2013, (2) has been convicted as
697 delinquent for the commission of a serious juvenile offense, as defined
698 in section 46b-120, (3) has been discharged from custody within the
699 preceding twenty years after having been found not guilty of a crime
700 by reason of mental disease or defect pursuant to section 53a-13, (4)
701 knows that such person is subject to (A) a restraining or protective
702 order of a court of this state that has been issued against such person,
703 after notice [and an opportunity to be heard] has been provided to
704 such person, in a case involving the use, attempted use or threatened
705 use of physical force against another person, or (B) a foreign order of
706 protection, as defined in section 46b-15a, that has been issued against
707 such person in a case involving the use, attempted use or threatened
708 use of physical force against another person, (5) (A) has been confined
709 on or after October 1, 2013, in a hospital for persons with psychiatric
710 disabilities, as defined in section 17a-495, within the preceding sixty
711 months by order of a probate court, or with respect to any person who
712 holds a valid permit or certificate that was issued or renewed under
713 the provisions of section 29-28, as amended by this act, or 29-36f, as
714 amended by this act, in effect prior to October 1, 2013, such person has
715 been confined in such hospital within the preceding twelve months, or
716 (B) has been voluntarily admitted on or after October 1, 2013, to a
717 hospital for persons with psychiatric disabilities, as defined in section
718 17a-495, within the preceding six months for care and treatment of a
719 psychiatric disability and not solely for being an alcohol-dependent
720 person or a drug-dependent person as those terms are defined in
721 section 17a-680, (6) knows that such person is subject to a firearms

722 seizure order issued pursuant to subsection (d) of section 29-38c after
723 notice and an opportunity to be heard has been provided to such
724 person, or (7) is prohibited from shipping, transporting, possessing or
725 receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of
726 this section, "convicted" means having a judgment of conviction
727 entered by a court of competent jurisdiction, "ammunition" means a
728 loaded cartridge, consisting of a primed case, propellant or projectile,
729 designed for use in any firearm, and a motor vehicle violation for
730 which a sentence to a term of imprisonment of more than one year
731 may be imposed shall be deemed an unclassified felony.

732 (b) Criminal possession of a firearm, ammunition or an electronic
733 defense weapon is a class C felony, for which two years of the sentence
734 imposed may not be suspended or reduced by the court, and five
735 thousand dollars of the fine imposed may not be remitted or reduced
736 by the court unless the court states on the record its reasons for
737 remitting or reducing such fine.

738 Sec. 16. Section 53a-217c of the 2016 supplement to the general
739 statutes is repealed and the following is substituted in lieu thereof
740 (*Effective October 1, 2016*):

741 (a) A person is guilty of criminal possession of a pistol or revolver
742 when such person possesses a pistol or revolver, as defined in section
743 29-27, and (1) has been convicted of a felony committed prior to, on or
744 after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-
745 61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
746 181d committed on or after October 1, 1994, (2) has been convicted as
747 delinquent for the commission of a serious juvenile offense, as defined
748 in section 46b-120, (3) has been discharged from custody within the
749 preceding twenty years after having been found not guilty of a crime
750 by reason of mental disease or defect pursuant to section 53a-13, (4) (A)
751 has been confined prior to October 1, 2013, in a hospital for persons
752 with psychiatric disabilities, as defined in section 17a-495, within the
753 preceding twelve months by order of a probate court, or has been
754 confined on or after October 1, 2013, in a hospital for persons with

755 psychiatric disabilities, as defined in section 17a-495, within the
756 preceding sixty months by order of a probate court, or, with respect to
757 any person who holds a valid permit or certificate that was issued or
758 renewed under the provisions of section 29-28, as amended by this act,
759 or 29-36f, as amended by this act, in effect prior to October 1, 2013,
760 such person has been confined in such hospital within the preceding
761 twelve months, or (B) has been voluntarily admitted on or after
762 October 1, 2013, to a hospital for persons with psychiatric disabilities,
763 as defined in section 17a-495, within the preceding six months for care
764 and treatment of a psychiatric disability and not solely for being an
765 alcohol-dependent person or a drug-dependent person as those terms
766 are defined in section 17a-680, (5) knows that such person is subject to
767 (A) a restraining or protective order of a court of this state that has
768 been issued against such person, after notice [and an opportunity to be
769 heard] has been provided to such person, in a case involving the use,
770 attempted use or threatened use of physical force against another
771 person, or (B) a foreign order of protection, as defined in section 46b-
772 15a, that has been issued against such person in a case involving the
773 use, attempted use or threatened use of physical force against another
774 person, (6) knows that such person is subject to a firearms seizure
775 order issued pursuant to subsection (d) of section 29-38c after notice
776 and an opportunity to be heard has been provided to such person, (7)
777 is prohibited from shipping, transporting, possessing or receiving a
778 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
779 unlawfully in the United States. For the purposes of this section,
780 "convicted" means having a judgment of conviction entered by a court
781 of competent jurisdiction.

782 (b) Criminal possession of a pistol or revolver is a class C felony, for
783 which two years of the sentence imposed may not be suspended or
784 reduced by the court, and five thousand dollars of the fine imposed
785 may not be remitted or reduced by the court unless the court states on
786 the record its reasons for remitting or reducing such fine.

787 Sec. 17. Subsection (b) of section 29-36n of the general statutes is
788 repealed and the following is substituted in lieu thereof (*Effective*

789 October 1, 2016):

790 (b) The Commissioner of Emergency Services and Public Protection,
 791 in conjunction with the Chief State's Attorney and the Connecticut
 792 Police Chiefs Association, shall update the protocol developed
 793 pursuant to subsection (a) of this section to reflect the provisions of
 794 sections 29-7h, 29-28, as amended by this act, 29-28a, 29-29, 29-30, 29-
 795 32, as amended by this act, and 29-35, subsections (b) and [(g)] (h) of
 796 section 46b-15, as amended by this act, subsections (c) and (d) of
 797 section 46b-38c and sections 53-202a, 53-202l, 53-202m and 53a-217, as
 798 amended by this act, and shall include in such protocol specific
 799 instructions for the transfer, delivery or surrender of pistols and
 800 revolvers and other firearms and ammunition when the assistance of
 801 more than one law enforcement agency is necessary to effect the
 802 requirements of section 29-36k, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	6-32
Sec. 2	October 1, 2016	6-38b(j)
Sec. 3	October 1, 2016	46b-15
Sec. 4	October 1, 2016	New section
Sec. 5	October 1, 2016	New section
Sec. 6	October 1, 2016	46b-16a(d)
Sec. 7	October 1, 2016	29-36k
Sec. 8	October 1, 2016	29-28(b)
Sec. 9	October 1, 2016	29-36f(b)
Sec. 10	October 1, 2016	29-37p(b)
Sec. 11	October 1, 2016	29-32
Sec. 12	October 1, 2016	29-36i
Sec. 13	October 1, 2016	29-37s
Sec. 14	October 1, 2016	29-38p
Sec. 15	October 1, 2016	53a-217
Sec. 16	October 1, 2016	53a-217c
Sec. 17	October 1, 2016	29-36n(b)

Statement of Legislative Commissioners:

In Section 5, "relief from abuse under section 46b-15" was changed to "relief under section 46b-15" for consistency with the provisions of section 46b-15 of the general statutes.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the 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 chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Department of Emergency Services and Public Protection	GF - Potential Cost	See Below	See Below
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Municipal Police Departments	Potential Cost	See Below	See Below

Explanation

The bill results in the impact described below.

Section 3 requires state marshals executing service for temporary restraining orders where the respondent holds a firearm to request the presence of a police officer, which can be a municipal police officer or a member of the state police. The bill does not specify if the town or Department of Emergency Services and Public Protection (DESPP) will be reimbursed. Currently service is executed by state marshals and compensated by the Judicial Department. To the extent that local police or state police officers incur administrative or mileage expenses, the bill results in a potential cost to the DESPP and municipalities.

Section 4 requires the chief court administrator to ensure that there is enough office space for a meeting between a state marshal and a

restraining order applicant. The bill does not define office space. Currently, state marshals meet with applicants in the Court Service Centers, found in most courthouses. To the extent that this area of the courthouse is sufficient to meet this provision of the bill, this section does not result in a fiscal impact.

Sections 7, 15, and 16 expand the crime of criminal possession of a firearm, ammunition, electronic defense weapon, pistol, or revolver, which carries with it a mandatory minimum two year sentence. There are currently 288 offenders incarcerated for criminal possession. In FY 15, there were a total of 872 violations, of which 415 resulted in conviction or plea bargain. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

Criminal possession also carries with it a mandatory fine of \$5,000, which the court can reduce if it finds sufficient reason. In FY 14, a total of \$5,985 in fine revenue was collected. To the extent that the expanded offenses result in additional fines collected, the bill also results in a potential revenue gain.

Sections 1, 2, 5, 6, 8-14, and 17 make various changes that do not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis

sHB 5054

AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

SUMMARY:

This bill makes changes in various laws that relate to orders of protection (see BACKGROUND), service of process, and firearms and ammunition possession.

With regard to the service of civil restraining orders, among other things, the bill:

1. revises the civil restraining order application form to allow an applicant to indicate whether the respondent (accused) has a firearm eligibility certificate, an ammunition certificate, or a job in which the ability to carry a firearm is an essential requirement and allows the court to consider this job circumstance and order a hearing as soon as practicable but within 14 days after the application date;
2. reduces, from five to three, the number of days before a hearing date that process must be served;
3. requires a proper officer (i.e., person authorized to serve process), in certain circumstances, to request that a state or municipal police officer be present when service is executed; and
4. continues an ex parte order (i.e., an order issued without a hearing) beyond the initial hearing date under certain circumstances.

The bill also requires state marshals and other proper officers to enter specific service-related information in the Judicial Branch's

Internet-based service tracking system (see BACKGROUND).

The bill requires the Judicial Branch to (1) revise and simplify the restraining order application process; (2) allocate space in the court, where feasible, for meetings between state marshals and restraining order applicants; and (3) annually collect civil restraining and protection order data.

It requires, rather than allows, the state marshal commission to adopt rules to conduct its internal affairs.

The bill extends certain firearms and ammunition prohibitions to a person subject to an *ex parte* civil restraining or protection order issued in a case involving physical force. It expressly prohibits the Department of Emergency Services and Public Protection (DESPP) commissioner from issuing a gun permit or firearms eligibility certificate to anyone subject to such an order. It also requires the commissioner, upon the request of a person who was subject to such an order and verification of the order's expiration, to reinstate any gun or ammunition credential revoked as a result of such an order, if the person is otherwise eligible for the credential.

It makes a person ineligible to possess firearms or ammunition on receipt of legal notice that he or she is subject to an *ex parte* order and makes it a class C felony for such a person to violate the firearms or ammunition transfer, delivery, or surrender requirements, as is already the case for anyone subject to any other order of protection.

The bill also shortens, from two business days to 24 hours, the deadline by which a person who becomes subject to any type of order of protection in a case involving physical force must transfer, deliver, or surrender his or her firearms and ammunition. It sets the same 24-hour deadline for a person subject to an *ex parte* order. It (1) gives people required to surrender their firearms or ammunition to law enforcement the option to surrender them to a municipal police department, instead of just the DESPP commissioner; (2) requires the DESPP commissioner to update the existing protocol to allow for such

a surrender; and (3) requires DESPP and law enforcement agencies, under certain circumstances, to return firearms and ammunition when an ex parte order expires.

It also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2016

§ 3 — CIVIL RESTRAINING ORDERS

Application

Under current law, a civil restraining order application form must allow an applicant to indicate whether the respondent holds a gun permit or possesses firearms or ammunition. Under the bill, the form must also allow the applicant to indicate whether the respondent has a (1) handgun or long gun eligibility certificate or an ammunition certificate and (2) job in which the ability to carry a firearm is an essential requirement.

Initial Hearing Date

Under existing law, the court must hold a hearing within 14 days after receipt of a restraining order application. If an application indicates that the ability to carry a firearm is an essential requirement of the respondent's job, the bill allows the court to consider such circumstances and order a hearing as soon as practicable but within 14 days after the application date.

The bill reduces, from five to three, the number of days before a hearing date by which a respondent must receive notice of a hearing and any ex parte order.

Second Hearing Date and Ex Parte Order Extension

Under current law, an ex parte order is generally in effect until the hearing date. The bill requires the court to continue an ex parte order for up to 14 days from the original hearing date if the (1) respondent has not been served by the date of the hearing and (2) applicant requests the extension. The court must do so based on the information in the original application.

Under the bill, the court must prepare a new hearing and notice order containing the new hearing date. The respondent must be served with the new hearing and notice order at least three days before the new hearing date.

Service of Process

If the court issues an ex parte order on an application that indicates that the respondent (1) holds a gun permit, a handgun eligibility certificate, long gun eligibility certificate, or an ammunition certificate or (2) possesses ammunition or one or more firearms, the bill requires the proper officer to do the following:

1. notify the law enforcement agency or agencies for the town in which the respondent will be served of the time and place of service;
2. send, or cause to be sent by fax or other means, a copy of the application, applicant's affidavit, ex parte order, and hearing notice to such law enforcement agency or agencies; and
3. request that a police officer from the appropriate law enforcement agency be present when service is executed.

Under the bill, "law enforcement agency" means the State Police or any municipal police department.

§§ 3 & 6 — SERVICE TRACKING

The bill requires state marshals and other proper officers, as soon as possible but no more than two hours after serving a civil restraining or protection order, to enter the date, time, and method of service into the Judicial Branch's Internet-based service tracking system. If the respondent was not served before the date of the scheduled hearing, the officer must indicate in the system that service was unsuccessful.

§ 6 — COPY OF ORDER TO DESPP

Existing law requires the court to send, by fax or other means, a copy of any civil restraining or protection order (including ex parte

orders) or the information in the order, within 48 hours of issuance, to the law enforcement agency or agencies for the towns where the applicant and respondent reside and where the respondent works. Under the bill, the court must also send such a copy or information to the DESPP commissioner immediately after issuing an order.

§§ 4 & 5 — COURT SPACE AND APPLICATION PROCESS

Civil Restraining Order

The bill requires the chief court administrator, where feasible, to allocate space for a meeting between state marshals and restraining order applicants in each Superior Court to which the service of a restraining order may be returned.

The bill also requires the chief court administrator to revise and simplify the process for filing a civil restraining order application. Under the bill, the chief court administrator must ensure that anyone seeking to apply for relief from abuse is given a one-page, plain language explanation of how to apply for a restraining order. By law, a person must be a family or household member to seek relief under a civil restraining order. A non-household or non-family member may only apply for a civil protection order.

The above provisions do not apply to applicants or applications for civil protection orders.

Civil Restraining and Civil Protection Orders

Under the bill, the chief court administrator must also collect data annually on the:

1. number of restraining and protection orders issued,
2. number of these orders that applicants did not pick up from the court,
3. method used when service of these orders was successful,
4. number of requests for a police officer to be present when process is served, and

5. number of orders that expired or were dismissed because the respondent could not be served.

§ 2 — STATE MARSHAL COMMISSION RULES

The bill requires, rather than allows, the state marshal commission to adopt rules it deems necessary to conduct its internal affairs. Under the bill, this includes rules that provide for:

1. timely, consistent, and reliable access to a state marshal for civil restraining order applicants (but not for civil protection order applicants),
2. services to people with limited English proficiency or who are deaf or hearing impaired, and
3. service of process using a clear and accurate copy of the original document.

§ 7 — ELIGIBILITY TO POSSESS FIREARMS AND AMMUNITION

Under existing law, a person is ineligible to possess firearms and ammunition when the court issues a civil restraining or protection order against him or her after notice and a hearing in a case involving the use, attempted use, or threatened use of physical force against another person.

Under the bill, in the same type of case, if the court issues an ex parte order, the respondent becomes ineligible to possess firearms and ammunition when he or she receives notice of the order.

§§ 7, 15 & 16 — TRANSFER, DELIVERY, OR SURRENDER OF FIREARMS AND AMMUNITION

Time Frame to Transfer, Deliver, or Surrender (§ 7)

The bill shortens the deadline by which a person must transfer, deliver, or surrender his or her firearms and ammunition if he or she becomes ineligible to possess them as a result of becoming subject to a civil restraining order, civil protection order, criminal protective order, or foreign order of protection. It also sets the shortened deadline for ex

parte orders.

Under current law, the deadline is within two business days after the person becomes ineligible. Under the bill, the deadline is within 24 hours of becoming ineligible, including after receiving notice of an ex parte order.

Delivery or Surrender to Police Department (§ 7)

The bill gives people who must surrender their firearms or ammunition the option of surrendering them to a municipal police department, instead of just the DESPP commissioner. It requires the police department, as is currently the case for the DESPP commissioner, to exercise due care when receiving and holding the weapons.

Under existing law, a person or his or her legal representative may, up to one year after delivering or surrendering his or her firearms or ammunition to DESPP, ask the commissioner to transfer them to an eligible person. The commissioner must do so within 10 days of receiving the request (except in a case involving a protection order, weapons may only be transferred to a federally licensed dealer pursuant to a sale). The bill makes a conforming change by allowing the person or legal representative to request the police department make such a transfer.

By law, the commissioner must destroy any firearms or ammunition that have not been transferred by the end of one year. Under the bill, this also applies to police departments to which weapons are delivered or surrendered.

Violation (§§ 7, 15 & 16)

Currently, a person subject to an order of protection who violates the firearms and ammunition transfer, delivery, or surrender requirement is guilty of criminal possession of a firearm. The bill extends these penalties to people who commit such violations while subject to an ex parte order.

By law, criminal possession of a firearm is a class C felony, punishable by up to 10 years in prison with a two-year mandatory minimum, a fine of up to \$10,000, or both.

§§ 8-14 — ISSUE, REVOCATION, AND REINSTATEMENT OF GUN AND AMMUNITION CREDENTIALS

The bill expressly states that the DESPP commissioner must not issue a gun permit, handgun eligibility certificate, or long gun eligibility certificate to anyone subject to an ex parte order issued in a case involving the use, attempted use, or threatened use of physical force against another person. By law, the commissioner may revoke a permit or certificate for any event that would have disqualified the holder from being issued such a credential.

Under the bill, DESPP must reinstate a gun or ammunition credential it revoked based on an ex parte order, if the order expires and the respondent, who is not otherwise disqualified, notifies the department and DESPP verifies the expiration.

§ 17 — PROTOCOL FOR GUN AND AMMUNITION TRANSFER, DELIVERY, OR SURRENDER

The law requires the DESPP commissioner, in conjunction with the chief state's attorney and the Connecticut Police Chiefs Association, to develop a protocol to ensure that people who become ineligible to possess firearms transfer, deliver, or surrender them as appropriate. The bill requires the commissioner to update the protocol to appropriately apply to situations where a person is subject to an ex parte order.

BACKGROUND

Orders of Protection

Civil Restraining Order. A family or household member may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member (CGS § 46b-15).

Civil Protection Order. A victim of sexual abuse, sexual assault, or

stalking may apply for a civil protection order if he or she is not eligible for the restraining order described above (CGS § 46b-16a).

Criminal Protective Orders. Courts may independently issue, on behalf of a victim, a (1) protective order after a person is arrested for certain crimes or (2) standing criminal protective order after a person is convicted of certain crimes. The statutes governing these orders do not require a victim to apply for the order (CGS §§ 54-1k and 53a-40e).

Foreign Order of Protection. A foreign order of protection is an injunctive or other court order to prevent violence, threatening acts, or harassment against; contact or communication with; or physical proximity to another person issued by another state; the District of Columbia; a U. S. commonwealth, territory, or possession; or an Indian tribe in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection (CGS § 46b-15a and 18 USC § 2266(5)).

Judicial Branch's Service Tracking System

The Judicial Branch's Protective Order Registry's tracking component enables state marshals to record the service of process in civil restraining order cases. This component uses an around-the-clock, toll-free voice recognition system that marshals can access by cell phone, and the system updates state and national protection order files and faxes a notice of service to corresponding police departments, as soon as service information is recorded.

Related Bills

sSB 429, reported favorably by the Judiciary Committee, revises the civil restraining order application form to allow an applicant to indicate whether the respondent has a firearm eligibility or ammunition certificate. It allows such an applicant to request that a police officer, rather than a state marshal or other proper officer, serve process on the respondent.

sHB 5597, reported favorably by the Judiciary Committee, revises the civil restraining order application form to allow the applicant to

state whether the accused has a firearm eligibility or ammunition certificate. The application form must also allow the applicant to state whether he or she has probable cause to believe that the accused poses a risk of imminent personal injury to the applicant. If this is the case, the bill requires the court to notify the office of the state's attorney for the judicial district in which the application was filed, to begin a risk warrant proceeding (i.e., a warrant to search a specific person, place, or thing to seize any firearms and ammunitions).

sHB 5623, reported favorably by the Judiciary Committee, contains identical provisions to this bill related to orders of protection, service of process, and firearms and ammunition possession.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 23 Nay 17 (03/28/2016)