



PA 19-7—sHB 7223

*Judiciary Committee*

**AN ACT CONCERNING THE STORAGE OF A PISTOL OR REVOLVER  
IN A MOTOR VEHICLE**

**SUMMARY:** This act prohibits storing or keeping a pistol or revolver (i.e., a handgun with a barrel shorter than 12 inches) in an unattended motor vehicle if the firearm is not in the trunk, a locked safe, or a locked glove box. For the act’s purposes, a motor vehicle is unattended if no owner, operator, or passenger who is at least 21 years old is either inside the vehicle or in close enough proximity to prevent unauthorized access. A first offense is a class A misdemeanor; a subsequent offense is a class D felony (see [Table on Penalties](#)).

The act specifies numerous law enforcement personnel and other entities to whom its provisions do not apply. It also allows the court to suspend criminal proceedings for storage requirement violations under certain circumstances. During the suspension, the violator must comply with certain court-ordered conditions while in Court Support Services Division (CSSD) custody (i.e., on probation). The act allows the court to dismiss the charges if the violator complies with the court order and successfully completes probation.

EFFECTIVE DATE: October 1, 2019

**DEFINITIONS**

For the act’s purposes, a “trunk” is (1) the fully enclosed and locked main storage or luggage compartment of a motor vehicle that is not accessible from the passenger compartment or (2) a locked toolbox or utility kit attached to a pickup truck bed. It does not include the rear of a pickup truck, except as provided above; the rear of a hatchback, station-wagon-type automobile, or sport utility vehicle; or any compartment that has a window.

**EXEMPTIONS**

The act’s storage requirements do not apply to a pistol or revolver issued to or possessed by the following entities:

1. the Department of Emergency Services or Public Protection (DESPP), police departments, or the Division of Criminal Justice (DCJ);
2. the Departments of Correction (DOC), Motor Vehicles (DMV), Revenue Services, and Energy and Environmental Protection (DEEP); and
3. state or U.S. military or naval forces.

The act’s storage requirements also do not apply to a pistol or revolver issued to or possessed by the following individuals for use in discharging their official duties or when off-duty:

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1. a sworn member of a law enforcement unit, including DOC or DESPP's Division of State Police;
2. a DCJ inspector or chief inspector;
3. a salaried motor vehicle inspector designated by the DMV commissioner;
4. a conservation or special conservation officer appointed by the DEEP commissioner; and
5. a Police Officer Standards and Training Council-certified constable appointed by a municipality's chief executive authority to perform criminal law enforcement duties.

The act's storage requirements additionally do not apply to a pistol or revolver issued to or possessed by:

1. a member of the state or U.S. military or naval forces or
2. a nuclear facility licensed by the U.S. Nuclear Regulatory Commission to provide security services at the facility, or any contractor or subcontractor providing security services at such facility.

For any of the above exemptions, the pistol or revolver must be kept or stored in accordance with the issuing or possessing entity's policy concerning safe keeping or storage of a pistol or revolver in a motor vehicle.

### SUSPENDED CRIMINAL PROCEEDINGS

Under the act, the court may suspend the prosecution of a person who violates its storage requirements if it finds that (1) the violation is not serious in nature, (2) the alleged violator will probably not offend in the future, and (3) he or she has not previously (a) been convicted of such a violation or (b) had a prosecution suspended for such a violation.

The court may additionally suspend the prosecution if it finds that the person was charged with the violation because of facts or circumstances he or she accurately reported to an organized local police department about a lost or stolen firearm in accordance with existing law's requirements.

The court may only suspend the prosecution if the person acknowledges that he or she understands the consequences of the suspension.

#### *Conditions for Suspension*

A person whose prosecution is suspended must agree to (1) let the statute of limitations for the violation toll (i.e., pause) and (2) waive his or her right to a speedy trial. The person must appear in court, where he or she must then be released under court-ordered conditions to CSSD custody (i.e., placed on probation) for up to two years. If the person refuses to accept the court-ordered conditions, or accepts and then violates them, the court must terminate the suspension and the case must go to trial.

#### *Dismissal of Charges*

If the person satisfactorily completes the probation period, he or she may

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apply to have the charges dismissed; the court, on finding the completion satisfactory, must dismiss the charges. If the person does not apply for dismissal after successfully completing probation, then the court, after receiving a report from CSSD to that effect, may make a finding of satisfactory completion on its own motion and dismiss the charges. Upon dismissal the records must be erased.

### *Appeals*

The individual may appeal an order (1) denying the motion to dismiss the charges after he or she has completed probation or (2) terminating his or her program participation.

## BACKGROUND

### *Handguns in Vehicles*

By law, a person generally must have a permit to carry a handgun in Connecticut, including in a motor vehicle. A person may transport a handgun in a vehicle without a permit if it is unloaded, not readily or directly accessible from the passenger compartment or, if the vehicle does not have a compartment separate from the passenger compartment, it is in a locked container other than the glove compartment or console, and the person is:

1. carrying the handgun home from the place of sale in its original packaging;
2. moving his or her household goods from one place to another;
3. transporting the handgun to or from a repair;
4. transporting the handgun in or through the state for competitions, formal training, repair, or any meeting or exhibition of an organized collectors' group if the person is a U.S. resident and has a handgun permit from where he or she resides;
5. transporting the handgun to and from a testing range at the request of the issuing authority; or
6. transporting an antique handgun (CGS § 29-35).

A violation of this law is a class D felony with a mandatory minimum one-year sentence in the absence of mitigating circumstances. Any handgun found in the violator's possession must be forfeited (CGS § 29-37). It is generally a class D felony for an individual to knowingly have in his or her motor vehicle a handgun without the proper permit (CGS § 29-38).

### *Interstate Transportation of Firearms*

The law allows the interstate transportation of firearms without a permit through Connecticut in accordance with federal law and for lawful purposes if the individual (1) is not otherwise prohibited from shipping, transporting, receiving, or possessing firearms and (2) is transporting them between states where they can legally possess and carry them. The guns must be kept unloaded and the guns and

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any ammunition cannot be readily or directly accessible from the passenger compartment. If the vehicle does not have separate compartments the guns and any ammunition must be in a locked container other than the glove compartment or console (CGS § 29-38d).