



House of Representatives

General Assembly

File No. 573

January Session, 2021

Substitute House Bill No. 6355

House of Representatives, April 22, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND THE EFFECT OF THE ISSUANCE OF A PHYSICIAN'S EMERGENCY CERTIFICATE ON A PERSON'S ABILITY TO POSSESS FIREARMS.

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

1 Section 1. Section 29-38c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective June 1, 2022*):

3 (a) Upon complaint on oath by any state's attorney or assistant state's
4 attorney or by any two police officers, to any judge of the Superior
5 Court, that such state's attorney or police officers have probable cause
6 to believe that [(1)] a person poses a risk of imminent personal injury to
7 himself or herself or to other individuals, [(2)] (1) the judge may issue a
8 risk protection order prohibiting such person from acquiring or
9 possessing a firearm or ammunition, and (2) as part of or following the
10 issuance of such order, if there is probable cause to believe that (A) such
11 person possesses one or more firearms, and [(3)] (B) such firearm or
12 firearms are within or upon any place, thing or person, such judge may

13 issue a warrant commanding a [proper] police officer to enter into or
14 upon such place or thing, search the same or the person and take into
15 such officer's custody any and all firearms and ammunition. Such state's
16 attorney or police officers [shall] may not make such complaint unless
17 such state's attorney or police officers have conducted an independent
18 investigation and [have] determined that such probable cause exists,
19 [and that there is no reasonable alternative available to prevent such
20 person from causing imminent personal injury to himself or herself or
21 to others with such firearm.]

22 (b) Any family or household member or medical professional who
23 has a good faith belief that a person poses a risk of imminent personal
24 injury to himself or herself or to other individuals may make an
25 application to the Superior Court for a risk protection order. The
26 applicant shall indicate whether such person holds a permit to carry a
27 pistol or revolver, an eligibility certificate for a pistol or revolver, a long
28 gun eligibility certificate or an ammunition certificate or possesses one
29 or more firearms or ammunition. The application shall be accompanied
30 by an affidavit that states the reasons why the applicant believes the
31 person who is the subject of the application poses a risk of imminent
32 harm. Upon receipt of the application, the court may issue a risk
33 protection order prohibiting the person who is the subject of the
34 application from acquiring or possessing a firearm or ammunition upon
35 a finding that if the facts in the application were true, there exists a
36 reasonable belief that the person who is the subject of the application
37 poses a risk of imminent personal injury to himself or herself or to other
38 individuals. Upon issuance of such risk protection order under this
39 subsection, the court shall immediately contact the municipal or state
40 police agency with jurisdiction over the place, thing or person who is
41 subject to the order. Such municipal or state police agency shall
42 immediately send an officer to the court to collect the risk protection
43 order and the application that served as basis of the order. Upon receipt,
44 such municipal or state police agency shall immediately investigate and,
45 if it determines that there is probable cause to believe that the subject of
46 the order poses a risk of imminent personal injury to himself or herself
47 or to other individuals, and that there is probable cause to believe that

48 such subject possesses one or more firearms, and that such firearms are
49 within or upon any place, thing, or person, it shall forthwith seek a
50 warrant pursuant to subsection (a) of this section. Such warrant shall be
51 sought not later than twenty-four hours after receiving the risk
52 protection order, if practicable, and in all cases, as soon as is practicable.
53 If the municipal or state police agency does not determine that there is
54 probable cause to believe that such subject possesses one or more
55 firearms, or that such firearms are within or upon any place, thing or
56 person, it shall serve the risk protection order and notify the court of this
57 determination in writing not later than forty-eight hours after receiving
58 the risk protection order, if practicable, and in all cases, as soon as is
59 practicable.

60 [(b)] (c) A risk protection order or warrant issued under subsection
61 (a) of this section may issue only on affidavit sworn to by the
62 complainant or complainants before the judge and establishing the
63 grounds for issuing the order or warrant, which [affidavit] shall be part
64 of the [seizure] court file. In determining [whether grounds for the
65 application exist or] whether there is a reasonable belief that grounds
66 exist for a risk protection order under subsection (b) of this section or
67 probable cause [to believe they exist] exists for a risk protection order or
68 warrant under subsection (a) or (b) of this section, the judge shall
69 consider: (1) Recent threats or acts of violence by such person directed
70 toward other persons; (2) recent threats or acts of violence by such
71 person directed toward himself or herself; and (3) recent acts of cruelty
72 to animals as provided in subsection (b) of section 53-247 by such
73 person. In evaluating whether such recent threats or acts of violence
74 constitute probable cause to believe that such person poses a risk of
75 imminent personal injury to himself or herself or to others, the judge
76 may consider other factors including, but not limited to (A) the reckless
77 use, display or brandishing of a firearm by such person, (B) a history of
78 the use, attempted use or threatened use of physical force by such
79 person against other persons, (C) prior involuntary confinement of such
80 person in a hospital for persons with psychiatric disabilities, and (D) the
81 illegal use of controlled substances or abuse of alcohol by such person.
82 [If] In the case of an application made under subsection (a) of this

83 section, if the judge is satisfied that the grounds for the application exist
84 or that there is probable cause to believe that [they] such grounds exist,
85 such judge shall issue a risk protection order or warrant naming or
86 describing the person, and, in the case of the issuance of a warrant, the
87 place or thing to be searched. In the case of an application made under
88 subsection (b) of this section, if the judge is satisfied that the grounds for
89 the application exist or has a reasonable belief that such grounds exist,
90 such judge shall issue a risk protection order naming and describing the
91 person. The order or warrant shall be directed to any police officer of a
92 regularly organized police department or any state police officer. [It]
93 The order or warrant shall state the grounds or probable cause for [its]
94 issuance and, [it] in the case of a warrant, the warrant shall command
95 the officer to search within a reasonable time the person, place or thing
96 named for any and all firearms and ammunition. A copy of the order or
97 warrant shall be given to the person named [therein] in the order or
98 warrant together with a notice informing the person that such person
99 has the right to a hearing under this section and the right to be
100 represented by counsel at such hearing.

101 [(c) The applicant for] (d) (1) In the case of a warrant, the municipal
102 or state police agency that executed the warrant shall file a copy of the
103 application for the warrant and all affidavits upon which the warrant is
104 based with the clerk of the court for the geographical area within which
105 the search [will be] was conducted and with the state's attorney's office
106 for such judicial district no later than the next business day following
107 the execution of the warrant. Prior to the execution and return of the
108 warrant, the clerk of the court shall not disclose any information
109 pertaining to the application for the warrant or any affidavits upon
110 which the warrant is based. The warrant shall be executed and returned
111 with reasonable promptness consistent with due process of law and
112 shall be accompanied by a written inventory of all firearms and
113 ammunition seized.

114 (2) In the case of a risk protection order, not later than the next
115 business day following the service of the order, the municipal or state
116 police agency that served the order shall file with the court a copy of the

117 order and transmit to the state's attorney's office for such judicial district
118 a return of service stating the date and time that the order was served.
119 Prior to the service and return of the order, the clerk of court shall not
120 disclose any information pertaining to the application for the order or
121 any affidavits upon which the order is based to any person outside the
122 Judicial Branch, the municipal or state police agency that served the
123 order, or the state's attorney's office for the judicial district within which
124 the order was served. The order shall be served and returned with
125 reasonable promptness consistent with due process of law.

126 [(d)] (e) Not later than fourteen days after the service of a risk
127 protection order or execution of a warrant under this section, the court
128 for the geographical area where the person named in the order or
129 warrant resides shall hold a hearing to determine whether the risk
130 protection order should continue to apply and whether the firearm or
131 firearms and any ammunition seized should be returned to the person
132 named in the warrant or should continue to be held by the state. At such
133 hearing the state shall have the burden of proving all material facts by
134 clear and convincing evidence. If, after such hearing, the court finds by
135 clear and convincing evidence that the person poses a risk of imminent
136 personal injury to himself or herself or to other individuals, the court
137 may order that the risk protection order continue to apply and that the
138 firearm or firearms and any ammunition seized pursuant to the warrant
139 issued under subsection (a) of this section continue to be held by the
140 state [for a period not to exceed one year, otherwise] until such time that
141 the court shall order the lifting of the risk protection order and the
142 firearm or firearms and any ammunition seized to be returned to the
143 person named in the warrant pursuant to subsection (f) of this section.
144 If the court finds that the person poses a risk of imminent personal
145 injury to himself or herself or to other individuals, the court shall give
146 notice to the Department of Mental Health and Addiction Services
147 which may take such action pursuant to chapter 319i as [it] the
148 department deems appropriate.

149 (f) A risk protection order shall continue to apply and the firearm or
150 firearms and any ammunition held pursuant to subsection (e) of this

151 section shall continue to be held by the state until such time that the
152 person named in the order or warrant can prove by a preponderance of
153 the evidence at a hearing of the court that such person no longer poses
154 an immediate risk of personal injury to himself or herself or other
155 individuals. The person named in the order or warrant may first petition
156 the court of the geographical area where the subject of the risk
157 protection order or warrant resides for a hearing at least one hundred
158 eighty days after the hearing held pursuant to subsection (e) of this
159 section. If the court, following such hearing, denies a person's petition
160 under this section, the person may not file a subsequent petition until at
161 least one hundred eighty days after the date on which the court denied
162 the petition.

163 ~~[(e)]~~ (g) Any person whose firearm or firearms and ammunition have
164 been ordered seized pursuant to subsection [(d)] (e) of this section, or
165 such person's legal representative, may transfer such firearm or firearms
166 and ammunition in accordance with the provisions of section 29-33 or
167 other applicable state or federal law, to [any person eligible to possess
168 such firearm or firearms and ammunition] a federally licensed firearm
169 dealer. Upon notification in writing by such person, or such person's
170 legal representative, and the [transferee] dealer, the head of the state
171 agency holding such seized firearm or firearms and ammunition shall
172 within ten days deliver such firearm or firearms and ammunition to the
173 [transferee] dealer.

174 [(f) For the] (h) For purposes of this section, (1) "ammunition" means
175 a loaded cartridge, consisting of a primed case, propellant or projectile,
176 designed for use in any firearm, (2) "family or household member"
177 means (A) a person who is a: (i) Spouse, (ii) parent, (iii) child, (iv) sibling,
178 (v) grandparent, (vi) grandchild, (vii) step-parent, (viii) step-child, (ix)
179 step-sibling, (x) mother or father-in-law, (xi) son or daughter-in-law, or
180 (xii) brother or sister-in-law of the person who is the subject of an
181 application pursuant to subsection (b) of this section; (B) a person
182 residing with the person subject of the application; (C) a person who has
183 a child in common with the person who is the subject of the application;
184 (D) a person who is dating or an intimate partner of the person who is

185 the subject of the application; or (E) a person who is the legal guardian
186 or former legal guardian of the person who is the subject of the
187 application, and (3) "medical professional" means any person who has
188 examined the person who is the subject of the application and who is
189 (A) a physician or physician assistant licensed under chapter 370, (B) an
190 advanced practice registered nurse licensed under chapter 378, (C) a
191 psychologist licensed under chapter 383, or (D) a clinical social worker
192 licensed under chapter 383b.

193 Sec. 2. Subsection (a) of section 46b-15e of the general statutes is
194 repealed and the following is substituted in lieu thereof (*Effective June 1,*
195 *2022*):

196 (a) (1) The Chief Court Administrator shall revise and simplify the
197 process for filing an application for relief under section 46b-15. The
198 Chief Court Administrator shall ensure that any person seeking to file
199 an application for relief is provided with a one-page, plain language
200 explanation of how to apply for relief under section 46b-15.

201 (2) The Chief Court Administrator shall develop and make available
202 to the public educational materials concerning the [warrant process] risk
203 protection order and warrant processes set forth in section 29-38c, as
204 amended by this act, relating to a person who poses a risk of imminent
205 personal injury to himself or herself or to other individuals. The Chief
206 Court Administrator shall develop and make available to the public in
207 hard copy and electronically on the Internet web site of the Judicial
208 Branch a form to enable a family or household member or medical
209 professional, each as defined in section 29-38c, as amended by this act,
210 to apply to have a risk protection order issued and a one-page, plain
211 language explanation of how to apply for such order. The form shall
212 contain questions designed to solicit information significant to a
213 determination. The public educational materials and form shall
214 prominently advise the applicant that a risk protection order or warrant
215 may be sought through and with the assistance of a municipal or state
216 police agency or a state's attorney's office, and of the benefits of doing
217 so.

218 Sec. 3. Subsection (b) of section 29-28 of the general statutes is
219 repealed and the following is substituted in lieu thereof (*Effective October*
220 *1, 2021*):

221 (b) Upon the application of any person having a bona fide permanent
222 residence within the jurisdiction of any such authority, such chief of
223 police, warden or selectman may issue a temporary state permit to such
224 person to carry a pistol or revolver within the state, provided such
225 authority shall find that such applicant intends to make no use of any
226 pistol or revolver which such applicant may be permitted to carry under
227 such permit other than a lawful use and that such person is a suitable
228 person to receive such permit. No state or temporary state permit to
229 carry a pistol or revolver shall be issued under this subsection if the
230 applicant (1) has failed to successfully complete a course approved by
231 the Commissioner of Emergency Services and Public Protection in the
232 safety and use of pistols and revolvers including, but not limited to, a
233 safety or training course in the use of pistols and revolvers available to
234 the public offered by a law enforcement agency, a private or public
235 educational institution or a firearms training school, utilizing instructors
236 certified by the National Rifle Association or the Department of Energy
237 and Environmental Protection and a safety or training course in the use
238 of pistols or revolvers conducted by an instructor certified by the state
239 or the National Rifle Association, (2) has been convicted of (A) a felony,
240 or (B) on or after October 1, 1994, a violation of section 21a-279 or section
241 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178
242 or 53a-181d, (3) has been convicted as delinquent for the commission of
243 a serious juvenile offense, as defined in section 46b-120, (4) has been
244 discharged from custody within the preceding twenty years after
245 having been found not guilty of a crime by reason of mental disease or
246 defect pursuant to section 53a-13, (5) (A) has been confined in a hospital
247 for persons with psychiatric disabilities, as defined in section 17a-495,
248 within the preceding sixty months by order of a probate court, or (B) has
249 been voluntarily admitted on or after October 1, 2013, or has been
250 committed under emergency certificate pursuant to section 17a-502 on
251 or after October 1, 2021, to a hospital for persons with psychiatric
252 disabilities, as defined in section 17a-495, within the preceding six

253 months for care and treatment of a psychiatric disability and not solely
254 for being an alcohol-dependent person or a drug-dependent person as
255 those terms are defined in section 17a-680, (6) is subject to a restraining
256 or protective order issued by a court in a case involving the use,
257 attempted use or threatened use of physical force against another
258 person, including an ex parte order issued pursuant to section 46b-15 or
259 46b-16a, (7) is subject to a firearms seizure order issued pursuant to
260 subsection (d) of section 29-38c, as amended by this act, after notice and
261 hearing, (8) is prohibited from shipping, transporting, possessing or
262 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally
263 or unlawfully in the United States, or (10) is less than twenty-one years
264 of age. Nothing in this section shall require any person who holds a
265 valid permit to carry a pistol or revolver on October 1, 1994, to
266 participate in any additional training in the safety and use of pistols and
267 revolvers. No person may apply for a temporary state permit to carry a
268 pistol or revolver more than once within any twelve-month period, and
269 no temporary state permit to carry a pistol or revolver shall be issued to
270 any person who has applied for such permit more than once within the
271 preceding twelve months. Any person who applies for a temporary state
272 permit to carry a pistol or revolver shall indicate in writing on the
273 application, under penalty of false statement in such manner as the
274 issuing authority prescribes, that such person has not applied for a
275 temporary state permit to carry a pistol or revolver within the past
276 twelve months. Upon issuance of a temporary state permit to carry a
277 pistol or revolver to the applicant, the local authority shall forward the
278 original application to the commissioner. Not later than sixty days after
279 receiving a temporary state permit, an applicant shall appear at a
280 location designated by the commissioner to receive the state permit. The
281 commissioner may then issue, to any holder of any temporary state
282 permit, a state permit to carry a pistol or revolver within the state. Upon
283 issuance of the state permit, the commissioner shall make available to
284 the permit holder a copy of the law regarding the permit holder's
285 responsibility to report the loss or theft of a firearm and the penalties
286 associated with the failure to comply with such law. Upon issuance of
287 the state permit, the commissioner shall forward a record of such permit

288 to the local authority issuing the temporary state permit. The
289 commissioner shall retain records of all applications, whether approved
290 or denied. The copy of the state permit delivered to the permittee shall
291 be laminated and shall contain a full-face photograph of such permittee.
292 A person holding a state permit issued pursuant to this subsection shall
293 notify the issuing authority within two business days of any change of
294 such person's address. The notification shall include the old address and
295 the new address of such person.

296 Sec. 4. Subsection (b) of section 29-28 of the general statutes, as
297 amended by section 3 of this act, is repealed and the following is
298 substituted in lieu thereof (*Effective June 1, 2022*):

299 (b) Upon the application of any person having a bona fide permanent
300 residence within the jurisdiction of any such authority, such chief of
301 police, warden or selectman may issue a temporary state permit to such
302 person to carry a pistol or revolver within the state, provided such
303 authority shall find that such applicant intends to make no use of any
304 pistol or revolver which such applicant may be permitted to carry under
305 such permit other than a lawful use and that such person is a suitable
306 person to receive such permit. No state or temporary state permit to
307 carry a pistol or revolver shall be issued under this subsection if the
308 applicant (1) has failed to successfully complete a course approved by
309 the Commissioner of Emergency Services and Public Protection in the
310 safety and use of pistols and revolvers including, but not limited to, a
311 safety or training course in the use of pistols and revolvers available to
312 the public offered by a law enforcement agency, a private or public
313 educational institution or a firearms training school, utilizing instructors
314 certified by the National Rifle Association or the Department of Energy
315 and Environmental Protection and a safety or training course in the use
316 of pistols or revolvers conducted by an instructor certified by the state
317 or the National Rifle Association, (2) has been convicted of (A) a felony,
318 or (B) on or after October 1, 1994, a violation of section 21a-279 or section
319 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178
320 or 53a-181d, (3) has been convicted as delinquent for the commission of
321 a serious juvenile offense, as defined in section 46b-120, (4) has been

322 discharged from custody within the preceding twenty years after
323 having been found not guilty of a crime by reason of mental disease or
324 defect pursuant to section 53a-13, (5) (A) has been confined in a hospital
325 for persons with psychiatric disabilities, as defined in section 17a-495,
326 within the preceding sixty months by order of a probate court, or (B) has
327 been voluntarily admitted on or after October 1, 2013, or has been
328 committed under emergency certificate pursuant to section 17a-502 on
329 or after October 1, 2021, to a hospital for persons with psychiatric
330 disabilities, as defined in section 17a-495, within the preceding six
331 months for care and treatment of a psychiatric disability and not solely
332 for being an alcohol-dependent person or a drug-dependent person as
333 those terms are defined in section 17a-680, (6) is subject to a restraining
334 or protective order issued by a court in a case involving the use,
335 attempted use or threatened use of physical force against another
336 person, including an ex parte order issued pursuant to section 46b-15 or
337 46b-16a, (7) is subject to a firearms seizure order issued pursuant to
338 subsection [(d)] (e) of section 29-38c, as amended by this act, after notice
339 and hearing, or a risk protection order issued pursuant to section 29-38c,
340 as amended by this act, (8) is prohibited from shipping, transporting,
341 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an
342 alien illegally or unlawfully in the United States, or (10) is less than
343 twenty-one years of age. Nothing in this section shall require any person
344 who holds a valid permit to carry a pistol or revolver on October 1, 1994,
345 to participate in any additional training in the safety and use of pistols
346 and revolvers. No person may apply for a temporary state permit to
347 carry a pistol or revolver more than once within any twelve-month
348 period, and no temporary state permit to carry a pistol or revolver shall
349 be issued to any person who has applied for such permit more than once
350 within the preceding twelve months. Any person who applies for a
351 temporary state permit to carry a pistol or revolver shall indicate in
352 writing on the application, under penalty of false statement in such
353 manner as the issuing authority prescribes, that such person has not
354 applied for a temporary state permit to carry a pistol or revolver within
355 the past twelve months. Upon issuance of a temporary state permit to
356 carry a pistol or revolver to the applicant, the local authority shall

357 forward the original application to the commissioner. Not later than
358 sixty days after receiving a temporary state permit, an applicant shall
359 appear at a location designated by the commissioner to receive the state
360 permit. The commissioner may then issue, to any holder of any
361 temporary state permit, a state permit to carry a pistol or revolver within
362 the state. Upon issuance of the state permit, the commissioner shall
363 make available to the permit holder a copy of the law regarding the
364 permit holder's responsibility to report the loss or theft of a firearm and
365 the penalties associated with the failure to comply with such law. Upon
366 issuance of the state permit, the commissioner shall forward a record of
367 such permit to the local authority issuing the temporary state permit.
368 The commissioner shall retain records of all applications, whether
369 approved or denied. The copy of the state permit delivered to the
370 permittee shall be laminated and shall contain a full-face photograph of
371 such permittee. A person holding a state permit issued pursuant to this
372 subsection shall notify the issuing authority within two business days
373 of any change of such person's address. The notification shall include
374 the old address and the new address of such person.

375 Sec. 5. Subsection (b) of section 29-36f of the general statutes is
376 repealed and the following is substituted in lieu thereof (*Effective October*
377 *1, 2021*):

378 (b) The Commissioner of Emergency Services and Public Protection
379 shall issue an eligibility certificate unless said commissioner finds that
380 the applicant: (1) Has failed to successfully complete a course approved
381 by the Commissioner of Emergency Services and Public Protection in
382 the safety and use of pistols and revolvers including, but not limited to,
383 a safety or training course in the use of pistols and revolvers available
384 to the public offered by a law enforcement agency, a private or public
385 educational institution or a firearms training school, utilizing instructors
386 certified by the National Rifle Association or the Department of Energy
387 and Environmental Protection and a safety or training course in the use
388 of pistols or revolvers conducted by an instructor certified by the state
389 or the National Rifle Association; (2) has been convicted of a felony or
390 of a violation of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-

391 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been
392 convicted as delinquent for the commission of a serious juvenile offense,
393 as defined in section 46b-120; (4) has been discharged from custody
394 within the preceding twenty years after having been found not guilty of
395 a crime by reason of mental disease or defect pursuant to section 53a-13;
396 (5) (A) has been confined in a hospital for persons with psychiatric
397 disabilities, as defined in section 17a-495, within the preceding sixty
398 months by order of a probate court; or (B) has been voluntarily admitted
399 on or after October 1, 2013, or has been committed under emergency
400 certificate pursuant to section 17a-502 on or after October 1, 2021, to a
401 hospital for persons with psychiatric disabilities, as defined in section
402 17a-495, within the preceding six months for care and treatment of a
403 psychiatric disability and not solely for being an alcohol-dependent
404 person or a drug-dependent person as those terms are defined in section
405 17a-680; (6) is subject to a restraining or protective order issued by a
406 court in a case involving the use, attempted use or threatened use of
407 physical force against another person, including an ex parte order
408 issued pursuant to section 46b-15 or section 46b-16a; (7) is subject to a
409 firearms seizure order issued pursuant to subsection (d) of section 29-
410 38c, as amended by this act, after notice and hearing; (8) is prohibited
411 from shipping, transporting, possessing or receiving a firearm pursuant
412 to 18 USC 922(g)(4); or (9) is an alien illegally or unlawfully in the United
413 States.

414 Sec. 6. Subsection (b) of section 29-36f of the general statutes, as
415 amended by section 5 of this act, is repealed and the following is
416 substituted in lieu thereof (*Effective June 1, 2022*):

417 (b) The Commissioner of Emergency Services and Public Protection
418 shall issue an eligibility certificate unless said commissioner finds that
419 the applicant: (1) Has failed to successfully complete a course approved
420 by the Commissioner of Emergency Services and Public Protection in
421 the safety and use of pistols and revolvers including, but not limited to,
422 a safety or training course in the use of pistols and revolvers available
423 to the public offered by a law enforcement agency, a private or public
424 educational institution or a firearms training school, utilizing instructors

425 certified by the National Rifle Association or the Department of Energy
426 and Environmental Protection and a safety or training course in the use
427 of pistols or revolvers conducted by an instructor certified by the state
428 or the National Rifle Association; (2) has been convicted of a felony or
429 of a violation of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-
430 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been
431 convicted as delinquent for the commission of a serious juvenile offense,
432 as defined in section 46b-120; (4) has been discharged from custody
433 within the preceding twenty years after having been found not guilty of
434 a crime by reason of mental disease or defect pursuant to section 53a-13;
435 (5) (A) has been confined in a hospital for persons with psychiatric
436 disabilities, as defined in section 17a-495, within the preceding sixty
437 months by order of a probate court; or (B) has been voluntarily admitted
438 on or after October 1, 2013, or has been committed under emergency
439 certificate pursuant to section 17a-502 on or after October 1, 2021, to a
440 hospital for persons with psychiatric disabilities, as defined in section
441 17a-495, within the preceding six months for care and treatment of a
442 psychiatric disability and not solely for being an alcohol-dependent
443 person or a drug-dependent person as those terms are defined in section
444 17a-680; (6) is subject to a restraining or protective order issued by a
445 court in a case involving the use, attempted use or threatened use of
446 physical force against another person, including an ex parte order
447 issued pursuant to section 46b-15 or section 46b-16a; (7) is subject to a
448 firearms seizure order issued pursuant to subsection [(d)] (e) of section
449 29-38c, as amended by this act, after notice and hearing, or a risk
450 protection order issued pursuant to section 29-38c, as amended by this
451 act; (8) is prohibited from shipping, transporting, possessing or
452 receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien
453 illegally or unlawfully in the United States.

454 Sec. 7. Subsection (b) of section 29-37p of the general statutes is
455 repealed and the following is substituted in lieu thereof (*Effective October*
456 *1, 2021*):

457 (b) The Commissioner of Emergency Services and Public Protection
458 shall issue a long gun eligibility certificate unless said commissioner

459 finds that the applicant: (1) Has failed to successfully complete a course
460 approved by the Commissioner of Emergency Services and Public
461 Protection in the safety and use of firearms including, but not limited to,
462 a safety or training course in the use of firearms available to the public
463 offered by a law enforcement agency, a private or public educational
464 institution or a firearms training school, utilizing instructors certified by
465 the National Rifle Association or the Department of Energy and
466 Environmental Protection and a safety or training course in the use of
467 firearms conducted by an instructor certified by the state or the National
468 Rifle Association; (2) has been convicted of (A) a felony, or (B) on or after
469 October 1, 1994, a violation of section 21a-279 or section 53a-58, 53a-61,
470 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3)
471 has been convicted as delinquent for the commission of a serious
472 juvenile offense, as defined in section 46b-120; (4) has been discharged
473 from custody within the preceding twenty years after having been
474 found not guilty of a crime by reason of mental disease or defect
475 pursuant to section 53a-13; (5) has been confined in a hospital for
476 persons with psychiatric disabilities, as defined in section 17a-495,
477 within the preceding sixty months by order of a probate court; (6) has
478 been voluntarily admitted or has been committed under emergency
479 certificate pursuant to section 17a-502 on or after October 1, 2021, to a
480 hospital for persons with psychiatric disabilities, as defined in section
481 17a-495, within the preceding six months for care and treatment of a
482 psychiatric disability and not solely for being an alcohol-dependent
483 person or a drug-dependent person as those terms are defined in section
484 17a-680; (7) is subject to a restraining or protective order issued by a
485 court in a case involving the use, attempted use or threatened use of
486 physical force against another person, including an ex parte order
487 issued pursuant to section 46b-15 or 46b-16a; (8) is subject to a firearms
488 seizure order issued pursuant to subsection (d) of section 29-38c, as
489 amended by this act, after notice and hearing; (9) is prohibited from
490 shipping, transporting, possessing or receiving a firearm pursuant to 18
491 USC 922(g)(4); or (10) is an alien illegally or unlawfully in the United
492 States.

493 Sec. 8. Subsection (b) of section 29-37p of the general statutes, as

494 amended by section 7 of this act, is repealed and the following is
495 substituted in lieu thereof (*Effective June 1, 2022*):

496 (b) The Commissioner of Emergency Services and Public Protection
497 shall issue a long gun eligibility certificate unless said commissioner
498 finds that 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 firearms including, but not limited to,
501 a safety or training course in the use of firearms available to the public
502 offered by a law enforcement agency, a private or public educational
503 institution or a firearms training school, utilizing instructors certified by
504 the National Rifle Association or the Department of Energy and
505 Environmental Protection and a safety or training course in the use of
506 firearms conducted by an instructor certified by the state or the National
507 Rifle Association; (2) has been convicted of (A) a felony, or (B) on or after
508 October 1, 1994, a violation of section 21a-279 or section 53a-58, 53a-61,
509 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3)
510 has been convicted as delinquent for the commission of a serious
511 juvenile offense, as defined in section 46b-120; (4) has been discharged
512 from custody within the preceding twenty years after having been
513 found not guilty of a crime by reason of mental disease or defect
514 pursuant to section 53a-13; (5) has been confined in a hospital for
515 persons with psychiatric disabilities, as defined in section 17a-495,
516 within the preceding sixty months by order of a probate court; (6) has
517 been voluntarily admitted or has been committed under emergency
518 certificate pursuant to section 17a-502 on or after October 1, 2021, to a
519 hospital for persons with psychiatric disabilities, as defined in section
520 17a-495, within the preceding six months for care and treatment of a
521 psychiatric disability and not solely for being an alcohol-dependent
522 person or a drug-dependent person as those terms are defined in section
523 17a-680; (7) is subject to a restraining or protective order issued by a
524 court in a case involving the use, attempted use or threatened use of
525 physical force against another person, including an ex parte order
526 issued pursuant to section 46b-15 or 46b-16a; (8) is subject to a firearms
527 seizure order issued pursuant to subsection [(d)] (e) of section 29-38c, as
528 amended by this act, after notice and hearing, or a risk protection order

529 issued pursuant to section 29-38c, as amended by this act; (9) is
530 prohibited from shipping, transporting, possessing or receiving a
531 firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or
532 unlawfully in the United States.

533 Sec. 9. Section 29-38b of the general statutes is repealed and the
534 following is substituted in lieu thereof (*Effective October 1, 2021*):

535 (a) The Commissioner of Emergency Services and Public Protection,
536 in fulfilling his obligations under sections 29-28 to 29-38, inclusive, as
537 amended by this act, and section 53-202d, shall verify that any person
538 who, on or after October 1, 1998, applies for or seeks renewal of a permit
539 to sell at retail a pistol or revolver, a permit to carry a pistol or revolver,
540 an eligibility certificate for a pistol or revolver or a certificate of
541 possession for an assault weapon, or who, on or after July 1, 2013,
542 applies for or seeks renewal of a long gun eligibility certificate, has not
543 been confined in a hospital for persons with psychiatric disabilities, as
544 defined in section 17a-495, within the preceding sixty months by order
545 of a probate court or has not been voluntarily admitted or committed
546 under emergency certificate pursuant to section 17a-502 to a hospital for
547 persons with psychiatric disabilities, as defined in section 17a-495,
548 within the preceding six months for care and treatment of a psychiatric
549 disability and not solely for being an alcohol-dependent person or a
550 drug-dependent person as those terms are defined in section 17a-680, by
551 making an inquiry to the Department of Mental Health and Addiction
552 Services in such a manner so as to only receive a report on the
553 commitment or admission status of the person with respect to whom the
554 inquiry is made including identifying information in accordance with
555 the provisions of subsection (b) of section 17a-500, as amended by this
556 act.

557 (b) If the Commissioner of Emergency Services and Public Protection
558 determines pursuant to subsection (a) of this section that a person has
559 been confined in a hospital for persons with psychiatric disabilities, as
560 defined in section 17a-495, within the preceding sixty months by order
561 of a probate court or has been voluntarily admitted or committed under

562 emergency certificate pursuant to section 17a-502 to a hospital for
563 persons with psychiatric disabilities, as defined in section 17a-495,
564 within the preceding six months for care and treatment of a psychiatric
565 disability and not solely for being an alcohol-dependent person or a
566 drug-dependent person as those terms are defined in section 17a-680,
567 said commissioner shall report the status of such person's application
568 for or renewal of a permit to sell at retail a pistol or revolver, a permit to
569 carry a pistol or revolver, an eligibility certificate for a pistol or revolver,
570 a certificate of possession for an assault weapon or a long gun eligibility
571 certificate to the Commissioner of Mental Health and Addiction Services
572 for the purpose of fulfilling his responsibilities under subsection (c) of
573 section 17a-500.

574 Sec. 10. Section 53a-217 of the general statutes is repealed and the
575 following is substituted in lieu thereof (*Effective October 1, 2021*):

576 (a) A person is guilty of criminal possession of a firearm, ammunition
577 or an electronic defense weapon when such person possesses a firearm,
578 ammunition or an electronic defense weapon and (1) has been convicted
579 of a felony committed prior to, on or after October 1, 2013, or of a
580 violation of section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-
581 96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October
582 1, 2013, (2) has been convicted as delinquent for the commission of a
583 serious juvenile offense, as defined in section 46b-120, (3) has been
584 discharged from custody within the preceding twenty years after
585 having been found not guilty of a crime by reason of mental disease or
586 defect pursuant to section 53a-13, (4) knows that such person is subject
587 to (A) a restraining or protective order of a court of this state that has
588 been issued against such person, after notice has been provided to such
589 person, in a case involving the use, attempted use or threatened use of
590 physical force against another person, or (B) a foreign order of
591 protection, as defined in section 46b-15a, that has been issued against
592 such person in a case involving the use, attempted use or threatened use
593 of physical force against another person, (5) (A) has been confined on or
594 after October 1, 2013, in a hospital for persons with psychiatric
595 disabilities, as defined in section 17a-495, within the preceding sixty

596 months by order of a probate court, or with respect to any person who
597 holds a valid permit or certificate that was issued or renewed under the
598 provisions of section 29-28, as amended by this act, or 29-36f, as
599 amended by this act, in effect prior to October 1, 2013, such person has
600 been confined in such hospital within the preceding twelve months, or
601 (B) has been voluntarily admitted on or after October 1, 2013, or has been
602 committed under emergency certificate pursuant to section 17a-502 on
603 or after October 1, 2021, to a hospital for persons with psychiatric
604 disabilities, as defined in section 17a-495, within the preceding six
605 months for care and treatment of a psychiatric disability, unless the
606 person (i) was [voluntarily] admitted or committed solely for being an
607 alcohol-dependent person or a drug-dependent person as those terms
608 are defined in section 17a-680, or (ii) is a police officer who was
609 voluntarily admitted and had his or her firearm, ammunition or
610 electronic defense weapon used in the performance of the police officer's
611 official duties returned in accordance with section 7-291d, (6) knows that
612 such person is subject to a firearms seizure order issued pursuant to
613 subsection (d) of section 29-38c, as amended by this act, after notice and
614 an opportunity to be heard has been provided to such person, or (7) is
615 prohibited from shipping, transporting, possessing or receiving a
616 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,
617 "convicted" means having a judgment of conviction entered by a court
618 of competent jurisdiction, "ammunition" means a loaded cartridge,
619 consisting of a primed case, propellant or projectile, designed for use in
620 any firearm, and a motor vehicle violation for which a sentence to a term
621 of imprisonment of more than one year may be imposed shall be
622 deemed an unclassified felony.

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

629 Sec. 11. Section 53a-217 of the general statutes, as amended by section

630 10 of this act, is repealed and the following is substituted in lieu thereof
631 (*Effective June 1, 2022*):

632 (a) A person is guilty of criminal possession of a firearm, ammunition
633 or an electronic defense weapon when such person possesses a firearm,
634 ammunition or an electronic defense weapon and (1) has been convicted
635 of a felony committed prior to, on or after October 1, 2013, or of a
636 violation of section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-
637 96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October
638 1, 2013, (2) has been convicted as delinquent for the commission of a
639 serious juvenile offense, as defined in section 46b-120, (3) has been
640 discharged from custody within the preceding twenty years after
641 having been found not guilty of a crime by reason of mental disease or
642 defect pursuant to section 53a-13, (4) knows that such person is subject
643 to (A) a restraining or protective order of a court of this state that has
644 been issued against such person, after notice has been provided to such
645 person, in a case involving the use, attempted use or threatened use of
646 physical force against another person, or (B) a foreign order of
647 protection, as defined in section 46b-15a, that has been issued against
648 such person in a case involving the use, attempted use or threatened use
649 of physical force against another person, (5) (A) has been confined on or
650 after October 1, 2013, in a hospital for persons with psychiatric
651 disabilities, as defined in section 17a-495, within the preceding sixty
652 months by order of a probate court, or with respect to any person who
653 holds a valid permit or certificate that was issued or renewed under the
654 provisions of section 29-28, as amended by this act, or 29-36f, as
655 amended by this act, in effect prior to October 1, 2013, such person has
656 been confined in such hospital within the preceding twelve months, or
657 (B) has been voluntarily admitted on or after October 1, 2013, or has been
658 committed under emergency certificate pursuant to section 17a-502 on
659 or after October 1, 2021, to a hospital for persons with psychiatric
660 disabilities, as defined in section 17a-495, within the preceding six
661 months for care and treatment of a psychiatric disability, unless the
662 person (i) was admitted or committed solely for being an alcohol-
663 dependent person or a drug-dependent person as those terms are
664 defined in section 17a-680, or (ii) is a police officer who was voluntarily

665 admitted and had his or her firearm, ammunition or electronic defense
666 weapon used in the performance of the police officer's official duties
667 returned in accordance with section 7-291d, (6) knows that such person
668 is subject to a firearms seizure order issued pursuant to subsection [(d)]
669 (e) of section 29-38c, as amended by this act, after notice and an
670 opportunity to be heard has been provided to such person, or a risk
671 protection order issued pursuant to section 29-38c, as amended by this
672 act, or (7) is prohibited from shipping, transporting, possessing or
673 receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of
674 this section, "convicted" means having a judgment of conviction entered
675 by a court of competent jurisdiction, "ammunition" means a loaded
676 cartridge, consisting of a primed case, propellant or projectile, designed
677 for use in any firearm, and a motor vehicle violation for which a
678 sentence to a term of imprisonment of more than one year may be
679 imposed shall be deemed an unclassified felony.

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

686 Sec. 12. Section 53a-217c of the general statutes is repealed and the
687 following is substituted in lieu thereof (*Effective October 1, 2021*):

688 (a) A person is guilty of criminal possession of a pistol or revolver
689 when such person possesses a pistol or revolver, as defined in section
690 29-27, and (1) has been convicted of a felony committed prior to, on or
691 after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61,
692 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d
693 committed on or after October 1, 1994, (2) has been convicted as
694 delinquent for the commission of a serious juvenile offense, as defined
695 in section 46b-120, (3) has been discharged from custody within the
696 preceding twenty years after having been found not guilty of a crime by
697 reason of mental disease or defect pursuant to section 53a-13, (4) (A) has

698 been confined prior to October 1, 2013, in a hospital for persons with
699 psychiatric disabilities, as defined in section 17a-495, within the
700 preceding twelve months by order of a probate court, or has been
701 confined on or after October 1, 2013, in a hospital for persons with
702 psychiatric disabilities, as defined in section 17a-495, within the
703 preceding sixty months by order of a probate court, or, with respect to
704 any person who holds a valid permit or certificate that was issued or
705 renewed under the provisions of section 29-28, as amended by this act,
706 or 29-36f, as amended by this act, in effect prior to October 1, 2013, such
707 person has been confined in such hospital within the preceding twelve
708 months, or (B) has been voluntarily admitted on or after October 1, 2013,
709 or has been committed under emergency certificate pursuant to section
710 17a-502 on or after October 1, 2021, to a hospital for persons with
711 psychiatric disabilities, as defined in section 17a-495, within the
712 preceding six months for care and treatment of a psychiatric disability,
713 unless the person (i) was [voluntarily] admitted or committed solely for
714 being an alcohol-dependent person or a drug-dependent person as
715 those terms are defined in section 17a-680, or (ii) is a police officer who
716 was voluntarily admitted and had his or her firearm, ammunition or
717 electronic defense weapon used in the performance of the police officer's
718 official duties returned in accordance with section 7-291d, (5) knows that
719 such person is subject to (A) a restraining or protective order of a court
720 of this state that has been issued against such person, after notice has
721 been provided to such person, in a case involving the use, attempted use
722 or threatened use of physical force against another person, or (B) a
723 foreign order of protection, as defined in section 46b-15a, that has been
724 issued against such person in a case involving the use, attempted use or
725 threatened use of physical force against another person, (6) knows that
726 such person is subject to a firearms seizure order issued pursuant to
727 subsection (d) of section 29-38c, as amended by this act, after notice and
728 an opportunity to be heard has been provided to such person, (7) is
729 prohibited from shipping, transporting, possessing or receiving a
730 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
731 unlawfully in the United States. For the purposes of this section,
732 "convicted" means having a judgment of conviction entered by a court

733 of competent jurisdiction.

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

739 Sec. 13. Section 53a-217c of the general statutes, as amended by
740 section 12 of this act, is repealed and the following is substituted in lieu
741 thereof (*Effective June 1, 2022*):

742 (a) A person is guilty of criminal possession of a pistol or revolver
743 when such person possesses a pistol or revolver, as defined in section
744 29-27, and (1) has been convicted of a felony committed prior to, on or
745 after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61,
746 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d
747 committed on or after October 1, 1994, (2) has been convicted as
748 delinquent for the commission of a serious juvenile offense, as defined
749 in section 46b-120, (3) has been discharged from custody within the
750 preceding twenty years after having been found not guilty of a crime by
751 reason of mental disease or defect pursuant to section 53a-13, (4) (A) has
752 been confined prior to October 1, 2013, in a hospital for persons with
753 psychiatric disabilities, as defined in section 17a-495, within the
754 preceding twelve months by order of a probate court, or has been
755 confined on or after October 1, 2013, in a hospital for persons with
756 psychiatric disabilities, as defined in section 17a-495, within the
757 preceding sixty months by order of a probate court, or, with respect to
758 any person who holds a valid permit or certificate that was issued or
759 renewed under the provisions of section 29-28, as amended by this act,
760 or 29-36f, as amended by this act, in effect prior to October 1, 2013, such
761 person has been confined in such hospital within the preceding twelve
762 months, or (B) has been voluntarily admitted on or after October 1, 2013,
763 or has been committed under emergency certificate pursuant to section
764 17a-502 on or after October 1, 2021, to a hospital for persons with
765 psychiatric disabilities, as defined in section 17a-495, within the

766 preceding six months for care and treatment of a psychiatric disability,
767 unless the person (i) was admitted solely for being an alcohol-
768 dependent person or a drug-dependent person as those terms are
769 defined in section 17a-680, or (ii) is a police officer who was voluntarily
770 admitted and had his or her firearm, ammunition or electronic defense
771 weapon used in the performance of the police officer's official duties
772 returned in accordance with section 7-291d, (5) knows that such person
773 is subject to (A) a restraining or protective order of a court of this state
774 that has been issued against such person, after notice has been provided
775 to such person, in a case involving the use, attempted use or threatened
776 use of physical force against another person, or (B) a foreign order of
777 protection, as defined in section 46b-15a, that has been issued against
778 such person in a case involving the use, attempted use or threatened use
779 of physical force against another person, (6) knows that such person is
780 subject to a firearms seizure order issued pursuant to subsection [(d)] (e)
781 of section 29-38c, as amended by this act, after notice and an opportunity
782 to be heard has been provided to such person, or a risk protection order
783 issued pursuant to section 29-38c, as amended by this act, (7) is
784 prohibited from shipping, transporting, possessing or receiving a
785 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
786 unlawfully in the United States. For the purposes of this section,
787 "convicted" means having a judgment of conviction entered by a court
788 of competent jurisdiction.

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

794 Sec. 14. Subsection (b) of section 17a-500 of the general statutes is
795 repealed and the following is substituted in lieu thereof (*Effective October*
796 *1, 2021*):

797 (b) The Commissioner of Mental Health and Addiction Services shall,
798 notwithstanding the provisions of subsection (a) of this section,

799 maintain information, in accordance with section 17a-499, on
800 commitment orders by a probate court, [and shall maintain information,
801 in accordance with] section 17a-506a, on voluntary admissions, and
802 section 17a-502, on commitment under emergency certificate, and shall
803 provide such information to the Commissioner of Emergency Services
804 and Public Protection in fulfillment of his or her obligations under
805 sections 29-28 to 29-38, inclusive, as amended by this act, and section 53-
806 202d, in such a manner as to report identifying information on the
807 commitment or voluntary admission status, including, but not limited
808 to, name, address, sex, date of birth and date of commitment or
809 admission, for a person who applies for or holds a permit or certificate
810 under said sections 29-28 to 29-38, inclusive, as amended by this act, and
811 section 53-202d. The Commissioner of Emergency Services and Public
812 Protection shall maintain as confidential any such information provided
813 to him and shall use such information only for purposes of fulfilling his
814 obligations under sections 29-28 to 29-38, inclusive, as amended by this
815 act, and section 53-202d, except that nothing in this section shall prohibit
816 said commissioner from entering such information into evidence at a
817 hearing held in accordance with section 29-32b.

818 Sec. 15. Section 29-37i of the general statutes is repealed and the
819 following is substituted in lieu thereof (*Effective October 1, 2021*):

820 No person shall store or keep any firearm, as defined in section 53a-
821 3, on any premises under such person's control if such person knows or
822 reasonably should know that (1) a minor is likely to gain access to the
823 firearm without the permission of the parent or guardian of the minor,
824 (2) a resident of the premises is ineligible to possess a firearm under state
825 or federal law, (3) a resident of the premises is subject to a firearms
826 seizure order issued pursuant to subsection (d) of section 29-38c, as
827 amended by this act, after notice and hearing, or ~~[(3)]~~ (4) a resident of
828 the premises poses a risk of imminent personal injury to himself or
829 herself or to other individuals, unless such person (A) keeps the firearm
830 in a securely locked box or other container or in a manner which a
831 reasonable person would believe to be secure, or (B) carries the firearm
832 on his or her person or within such close proximity thereto that such

833 person can readily retrieve and use the firearm as if such person carried
 834 the firearm on his or her person. For the purposes of this section, "minor"
 835 means any person under the age of eighteen years.

836 Sec. 16. Section 29-37i of the general statutes, as amended by section
 837 15 of this act, is repealed and the following is substituted in lieu thereof
 838 (*Effective June 1, 2022*):

839 No person shall store or keep any firearm, as defined in section 53a-
 840 3, on any premises under such person's control if such person knows or
 841 reasonably should know that (1) a minor is likely to gain access to the
 842 firearm without the permission of the parent or guardian of the minor,
 843 (2) a resident of the premises is ineligible to possess a firearm under state
 844 or federal law, (3) a resident of the premises is subject to a firearms
 845 seizure order issued pursuant to subsection (e) of section 29-38c, as
 846 amended by this act, after notice and hearing, or a risk protection order
 847 issued pursuant to section 29-38c, as amended by this act, or [(3)] (4) a
 848 resident of the premises poses a risk of imminent personal injury to
 849 himself or herself or to other individuals, unless such person (A) keeps
 850 the firearm in a securely locked box or other container or in a manner
 851 which a reasonable person would believe to be secure, or (B) carries the
 852 firearm on his or her person or within such close proximity thereto that
 853 such person can readily retrieve and use the firearm as if such person
 854 carried the firearm on his or her person. For the purposes of this section,
 855 "minor" means any person under the age of eighteen years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	June 1, 2022	29-38c
Sec. 2	June 1, 2022	46b-15e(a)
Sec. 3	October 1, 2021	29-28(b)
Sec. 4	June 1, 2022	29-28(b)
Sec. 5	October 1, 2021	29-36f(b)
Sec. 6	June 1, 2022	29-36f(b)
Sec. 7	October 1, 2021	29-37p(b)
Sec. 8	June 1, 2022	29-37p(b)
Sec. 9	October 1, 2021	29-38b

Sec. 10	<i>October 1, 2021</i>	53a-217
Sec. 11	<i>June 1, 2022</i>	53a-217
Sec. 12	<i>October 1, 2021</i>	53a-217c
Sec. 13	<i>June 1, 2022</i>	53a-217c
Sec. 14	<i>October 1, 2021</i>	17a-500(b)
Sec. 15	<i>October 1, 2021</i>	29-37i
Sec. 16	<i>June 1, 2022</i>	29-37i

Statement of Legislative Commissioners:

In Section 1(b), "respondent" was replaced with "person who is the subject of the application" for accuracy and made other clarifying changes, in Section 1(h), the definitions were rewritten for clarity and accuracy, in Sections 3 to 14, inclusive, references were added to "section 17a-502" for accuracy, and in Sections 10 and 12, changes were made for internal consistency.

JUD *Joint Favorable Subst.*

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:** None**Municipal Impact:** None**Explanation**

The bill expands the use of risk protection orders and does not result in a fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6355*****AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND THE EFFECT OF THE ISSUANCE OF A PHYSICIAN'S EMERGENCY CERTIFICATE ON A PERSON'S ABILITY TO POSSESS FIREARMS.*****SUMMARY**

Existing law allows any two police officers or a state's attorney, under limited circumstances, to apply to court for a warrant ("risk warrant") to seize firearms and ammunition from someone who poses an imminent risk of injuring himself or herself or someone else.

This bill expands the scope of this law by also allowing these officials, family or household members, or medical professionals to apply for a risk protection order prohibiting someone from acquiring or possessing firearms or ammunition. The bill applies a probable cause standard for these orders sought by police or prosecutors and a reasonable belief standard for other applications. Similar to existing law for risk warrants, the bill requires a hearing within 14 days after a risk protection order is served.

Under the bill, if a judge issues a risk protection order upon application of the police or a state's attorney, the judge may issue a risk warrant along with or following that order under specified procedures. If a judge issues a risk protection order upon application of a family or household member or medical professional, the court must immediately contact the police. The police must investigate, and if they find probable cause of certain matters, then they must apply for a risk warrant.

The bill makes certain changes to risk warrant procedures. For example, it removes the current one-year maximum period on the state's hold of firearms or ammunition seized under a risk warrant. Instead, it

continues the hold period until the person can prove that he or she no longer poses an immediate risk of injuring anyone. It allows these individuals to petition the court every 180 days to challenge the items' seizure. Among other changes, the bill also narrows the list of people to whom someone under a risk warrant may transfer their firearms or ammunition (rather than having the state hold these items).

The bill (1) incorporates risk protection orders into the educational materials that the chief court administrator must already make available on risk warrants and (2) expands the types of materials that the administrator must make available.

The bill bars people from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate if they (1) are subject to a risk protection order or (2) on or after October 1, 2021, were committed to a hospital under a physician's emergency certificate (see BACKGROUND) within the prior six months for psychiatric treatment and not just for alcohol or drug abuse. It also extends existing criminal penalties for unlawful possession of handguns or other firearms, electronic defense weapons, or ammunition to people possessing these items if they (1) know they are subject to a risk protection order or (2) were committed within the prior six months under an emergency certificate as specified above.

Under existing law, the prohibition on obtaining the gun credentials listed above already applies to, among others, people who (1) are subject to a risk warrant firearm seizure order issued after notice and a hearing or (2) were voluntarily admitted to a psychiatric hospital within the prior six months for the reasons noted above. Similarly, the criminal penalties already apply to people who (1) know they are subject to such a seizure order or (2) were voluntarily admitted as specified (except for police officers in certain circumstances).

The bill makes conforming changes to the responsibilities of the Department of Emergency Services and Public Protection (DESPP) and Department of Mental Health and Addiction Services (DMHAS) relating to psychiatric commitments under emergency certificates.

Finally, the bill extends certain firearm storage laws to include people subject to a (1) risk warrant firearm seizure order issued after notice and a hearing or (2) risk protection order. It prohibits anyone in control of a premises from keeping unsecured firearms there if the person knows, or reasonably should know, that a resident is subject to such an order.

EFFECTIVE DATE: October 1, 2021, for the emergency certificate provisions and the firearm storage provisions relating to risk warrant seizure orders; June 1, 2022, for the other risk warrant provisions and the risk protection order provisions.

§§ 1 & 2 — RISK PROTECTION ORDERS AND RISK WARRANTS

Family or Household Member or Medical Professional Risk Protection Orders

Scope and Definitions. The bill allows family or household members or medical professionals to apply to Superior Court for a risk protection order, as explained below, if they have a good faith belief that someone poses a risk of imminent personal injury to himself, herself, or others.

For these purposes, a “family or household member” is one of the following people in relation to the person subject to the application:

1. the person’s spouse, parent, child, sibling, grandparent, grandchild, stepparent, stepchild, stepsibling, mother- or father-in-law, son- or daughter-in-law, or brother- or sister-in-law;
2. someone residing with the person;
3. someone who has a child in common with the person;
4. the person’s dating or intimate partner; or
5. the person’s current or former legal guardian.

Under the bill, a “medical professional” is one of the following state-licensed professionals who has examined the person: a physician or physician assistant, an advanced practice registered nurse, or a

psychologist or clinical social worker.

Application Procedure. The bill requires the applicant to indicate whether the subject of the application holds certain firearm credentials and possesses any firearms or ammunition. These credentials include a handgun carry permit or eligibility certificate, long gun eligibility certificate, and an ammunition certificate.

In addition, the applicant must include an affidavit stating why he or she believes the person poses a risk of imminent harm.

Court Issuance of Order. Under the bill, after receiving an application, the court may issue a risk protection order prohibiting the person from acquiring or possessing a firearm or ammunition. To do so, the court must find that if the application's facts were true, there is a reasonable belief that the person poses a risk of imminent personal injury to himself or herself or others.

Immediately after issuing the order, the court must contact the municipal or state police agency with jurisdiction over the place, thing, or person subject to the order.

Police Response. Under the bill, after the court notifies the appropriate police department, the police must immediately send an officer to court to collect the order and the application that preceded it. The police must then immediately investigate the matter.

Under the bill, the police must apply to court for a risk warrant if, through this investigation, they determine that (1) there is probable cause to believe that the person poses a risk of imminent injury to self or others; (2) there is probable cause to believe that the person possesses one or more firearms; and (3) these firearms are at a location or upon any person. The police must apply for the risk warrant as soon as practicable, and if practicable within 24 hours after receiving the risk protection order.

In cases where the police do not make the required determination about the possession or location of firearms to seek a risk warrant, they

must serve the risk protection order and notify the court of this determination in writing. They must do so as soon as practicable, and if practicable within 48 hours after receiving the risk protection order.

Police or Prosecutor Risk Protection Orders

Under existing law, a risk warrant applicant must have conducted an independent investigation to establish probable cause before seeking the warrant. The bill extends this requirement to risk protection orders sought by police or prosecutors but not by family or household members or medical professionals.

Existing law also requires applicants for risk warrants to complete a sworn affidavit. The bill extends this requirement to risk protection orders sought by police or prosecutors. As noted above, family member, household member, or medical professional applicants must also complete an affidavit, but it need not be sworn.

General Risk Protection Order Procedures and Standards

Under the bill, in determining whether the standards are met to issue a risk protection order (whoever the applicant), the judge must consider the same factors as under existing law for risk warrants. Thus, the judge must consider any recent (1) threat or violent act the person directed at himself, herself, or others or (2) acts of animal cruelty committed by the person.

In addition, as under existing law for risk warrants, in determining whether the threats or acts constitute probable cause to believe a risk of injury is imminent, the judge may consider, among other things, whether the person: (1) recklessly used, displayed, or brandished a firearm; (2) has a history of using, attempting, or threatening to use physical force against people; (3) was ever involuntarily confined to a psychiatric hospital; (4) abused alcohol; or (5) illegally used controlled substances.

As under existing law for risk warrants, if the judge is satisfied that the standards have been met to issue the risk protection order, the judge must issue it, directed to the police, (1) naming or describing the person

and (2) stating the grounds or probable cause as applicable. As under existing law for risk warrants, the court must also provide a copy to the person along with a notice of his or her right to a hearing and legal representation.

The bill requires the police agency that serves the order to file a copy with the court and send a return of service to the state's attorney's office for the judicial district, indicating the service date and time. The police must do so by the next business day after serving it.

Before the order's service and return, the court clerk must not disclose any information about the application or related affidavits to anyone outside the judicial branch, the police agency that served the order, or the appropriate state's attorney's office. The order must be served and returned with reasonable promptness consistent with due process.

Mandatory Hearing. Under existing law, the court in the geographical area where the person lives must hold a hearing within 14 days after a risk warrant's execution to determine if the state should continue to hold the firearms or ammunition or return them.

The bill similarly requires a hearing within 14 days after a risk protection order is served. The hearing's purpose is to determine whether the order should continue and, if applicable, whether the state should return the person's firearms or ammunition.

As under existing law for risk warrants, the state must prove all material facts by clear and convincing evidence. If the court finds that the person poses an imminent risk of injury to himself, herself, or others, it (1) may order that the risk protection order stay in effect and that the state continue to hold the firearms and ammunition (see below) and (2) must notify DMHAS, which may take appropriate action allowed by laws establishing its jurisdiction over people with mental illnesses.

Risk Warrants — Period of Gun and Ammunition Seizure

Under current law, if the court finds after a hearing that the subject of a risk warrant poses an imminent risk as described above, it may

order that the state continue to hold the person's firearms and ammunition for up to one year.

The bill removes this one-year limit. Under the bill, a risk protection order, and any hold on the person's firearms or ammunition, continues until the person can prove by a preponderance of the evidence at a hearing that he or she no longer poses an immediate risk of personal injury to himself, herself, or other individuals.

The person may petition the court for a hearing, starting 180 days after the first hearing. If the court denies the petition after a hearing, the person must wait at least 180 days before filing another petition.

Risk Warrants — Other Changes

The bill removes from current law the condition that the police or prosecutor may seek a risk warrant only after determining that there are no reasonable alternatives to avert the risk of harm.

Additionally, under current law, a risk warrant applicant must file a copy of the application and all supporting affidavits with the appropriate court clerk. The bill instead requires the police agency that executed the warrant to file these documents (whether the police or a prosecutor sought the warrant) and additionally requires that agency to file these documents with the state's attorney's office in the appropriate judicial district. As under current law, these documents must be filed by the next business day after the warrant is executed.

The bill also narrows a provision that currently allows anyone whose guns or ammunition have been seized (or the person's legal representative) to transfer them to anyone eligible to possess them. Instead, the bill allows these transfers only to federally licensed firearms dealers. As under current law, (1) these transfers must follow specified procedures and (2) the state agency holding the items must transfer them within 10 days of receiving notice.

Educational Materials (§ 2)

Existing law requires the chief court administrator to develop and

make available to the public educational materials on the risk warrant process. The bill extends this requirement to include the risk protection order process.

It also requires him to develop and make available, in hard copy and on the judicial branch website, a (1) form for family or household members or medical professionals to apply for a risk protection order and (2) one-page, plain language explanation of how to apply. The form must include questions designed to solicit information significant to a judge's determination in these matters.

In addition, the educational materials and form must prominently advise applicants (1) that the police or prosecutors may help them apply, and may apply for, a risk protection order or risk warrant and (2) about the benefits of seeking their assistance.

§§ 11 & 12 — CRIMINAL POSSESSION PENALTIES

The bill extends existing criminal penalties for unlawful possession of handguns or other firearms, electronic defense weapons, or ammunition to people possessing these items if they (1) know they are subject to a risk protection order or (2) were committed within the prior six months under an emergency certificate as described above. This is a class C felony (up to 10 years in prison, up to a \$10,000 fine, or both) with a two-year mandatory minimum sentence, and a \$5,000 minimum fine unless the court states on the record why it remits or reduces it.

§§ 9 & 14 — DESPP AND DMHAS RESPONSIBILITIES

The bill updates certain responsibilities of the DESPP and DMHAS commissioners regarding psychiatric commitments under a physician's emergency certificate, corresponding to the bill's other related changes described above. As is already the case for certain other psychiatric commitments or admissions under existing law:

1. DMHAS must maintain information on these commitments and provide it to the DESPP commissioner so that he may carry out his obligations pertaining to gun credentials (DESPP must otherwise keep the information confidential);

2. the DESPP commissioner must verify from DMHAS that a person applying for a gun credential was not subject to such a commitment; and
3. if the DESPP commissioner determines that an applicant was subject to such a commitment, he must report the status of the person's application to DMHAS.

§§ 15 & 16 — FIREARM STORAGE

Under existing law, certain firearm storage requirements apply if the person who controls a premises knows or reasonably should know that (1) a minor is likely to gain access to the firearm without a parent's or guardian's permission or (2) a resident of the home is either ineligible to possess a firearm or poses a risk of personal harm or harm to others. The person controlling the premises must either:

1. keep any firearm in a securely locked box or other container or in a manner that a reasonable person would believe to be secure or
2. carry it on his or her person or within such close proximity that he or she can readily retrieve and use the firearm as if he or she were carrying it.

The bill extends these requirements to situations where the person controlling the premises knows or reasonably should know that a resident is subject to a (1) firearm seizure order issued after notice and a hearing or (2) risk protection order.

Under existing law, if the person controlling the premises violates these firearm storage requirements and the other person obtains the firearm and injures someone, then the person in control faces civil and criminal liability. Specifically, the person is (1) subject to strict civil liability for damages (i.e., liable regardless of intent) and (2) generally guilty of a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both (CGS §§ 52-571g & 53a-217a). The bill does not explicitly extend this to cases where the other person is subject to a firearm seizure order or risk protection order. But in some cases, this

civil and criminal liability could apply because these people are ineligible to possess firearms under existing law (for risk warrants) or the bill (for risk protection orders).

BACKGROUND

Psychiatric Commitment under a Physician’s Emergency Certificate

By law, a person may be confined for up to 15 days without a court order pursuant to a physician’s emergency certificate. The physician must have concluded that the person (1) has psychiatric disabilities and is a danger to himself or herself or others or gravely disabled and (2) needs immediate care and treatment in a hospital for psychiatric disabilities.

If a written application for commitment has been filed in probate court before the end of the 15-day period, the emergency commitment may be continued for an additional 15 days or until completion of probate proceedings, whichever is sooner. The person must be examined by a psychiatrist within 48 hours of admission (or 36 hours if the person is admitted at a chronic disease hospital). If the psychiatrist determines that the person does not meet the criteria for emergency detention and treatment, the person must be released. Anyone held under these provisions has the right to a hearing within 72 hours of requesting one in writing, excluding weekends and holidays (CGS § 17a-502).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 27 Nay 11 (04/06/2021)