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## OLR Bill Analysis

sHB 5305 (as amended by House "A")\*

### ***AN ACT CONCERNING THE PENALTY FOR A FIREARMS DEALER WHO FAILS TO INSTALL A BURGLAR ALARM SYSTEM ON THE PREMISES OF ITS ESTABLISHMENT.***

#### **SUMMARY**

This bill makes the following changes in the gun permitting laws:

1. authorizes the chief executive officer (CEO) of any municipality without a police chief, rather than just a town's first selectman or borough's warden, to perform various firearms permitting and administrative functions or designate the resident state trooper to do so;
2. authorizes the Mohegan and Mashantucket Pequot police chiefs to issue temporary state handgun permits to applicants who are tribal reservation residents;
3. extends to the Department of Emergency Services and Public Protection (DESPP) commissioner, for purposes of processing Connecticut handgun permits for nonresidents with a valid out-of-state gun permit, the same fingerprinting and positive identification procedures required under existing law for local officials processing temporary state handgun permit applications; and
4. requires the photograph that handgun permit holders must submit with their permit renewal applications to be a full-face photo and eliminates the requirement that the photo be notarized or date stamped (§ 5).

Additionally, the bill authorizes the DESPP commissioner to impose a civil penalty of up to \$100 for violations of existing law's alarm system requirement for firearms dealers.

\*House Amendment "A" adds the various gun permitting provisions.

EFFECTIVE DATE: July 1, 2022

**§ 1 — PENALTY FOR VIOLATIONS OF ALARM SYSTEM REQUIREMENT**

The bill authorizes the DESPP commissioner, after notice and an opportunity for a hearing, to impose a civil penalty of up to \$100 for violations of the alarm system requirement for firearms dealers (see BACKGROUND). Under the bill, each violation is a separate offense, and, in cases of continuing violations, each day is a separate offense subject to an aggregate penalty of up to \$4,900.

The bill also authorizes the commissioner to adopt regulations to implement the alarm requirement and penalty provisions.

**§ 2 — PERMIT ISSUANCE BY TRIBAL POLICE DEPARTMENTS**

The bill allows the police chiefs of federally recognized Native American tribes in the state with a "law enforcement unit" to issue temporary state handgun permits under the statutory permit approval process to applicants who are bona fide permanent residents of the tribal reservations. Under the bill, if the tribal law enforcement unit accepts these applications, the police chief of any other law enforcement unit with jurisdiction over the tribal reservation may not issue the permits. Under current law, tribal reservation residents must apply for these permits to the local official (police chief, borough warden, or first selectman) of the municipality in which the reservation is located.

By law, "law enforcement units" include the Mashantucket Pequot and Mohegan tribal police departments, which are governed under a memorandum of agreement (CGS § 7-294a).

**§§ 2-4 & 6-9 — FIREARMS PERMITTING BY LOCAL OFFICIALS**

The bill authorizes the CEO of any municipality (i.e., town, city, consolidated town and city, borough, or consolidated town and borough) without a police chief to perform the functions described below, rather than just a town's first selectman or borough's warden. It

also authorizes these municipal CEOs to designate the municipality's resident state trooper, or a state police officer from the State Police troop with jurisdiction over the municipality, to perform these functions.

The bill applies these provisions to the laws on (1) issuing gun dealer and temporary state handgun permits and (2) receiving copies of receipts for handgun and long gun sales and transfers. It also makes conforming changes to the law requiring gun show promoters to notify the host town's local official of the show date, time, duration, and location.

#### **§ 4 — FINGERPRINTING AND IDENTIFICATION REQUIREMENTS**

By law, a nonresident with a valid out-of-state gun permit may apply directly to the DESPP commissioner for a Connecticut handgun permit. The bill extends to the DESPP commissioner, for purposes of processing these permit applications, the same fingerprinting and positive identification procedures required under existing law for local officials processing temporary state handgun permit applications.

Therefore, the bill requires the DESPP commissioner to take the fingerprints of nonresident handgun permit applicants or conduct other positive identification methods required by the State Police Bureau of Identification (SPBI) or Federal Bureau of Investigation. If he determines that the applicant's fingerprints have previously been taken and the applicant presents identification that the commissioner determines is valid, he does not have to take the fingerprints again. The commissioner must record the date the fingerprints were taken in the applicant's file and, within five business days, forward the fingerprints or other positive identification to SPBI for criminal history checks.

#### **BACKGROUND**

##### ***Municipal CEOs***

By law, each municipality with a charter adopted or amended under the statutes must have a chief executive officer, who may be the (1) first selectman; (2) chief administrative officer appointed by the board of selectmen or mayor; (3) mayor; (4) borough warden; or (5) appointed town, city, or borough manager (CGS § 7-193). In towns that have a

board of selectman as their executive authority, the first selectman is the chief executive officer unless the law provides otherwise (CGS § 7-12a).

***Alarm System Requirement for Firearms Dealers***

By law, each retail business that sells firearms as a regular course of trade must have an alarm system on the premises if 10 or more firearms are stored or kept for sale. The alarm system must (1) be directly connected to the local police department or monitored by a central station and (2) activate upon unauthorized entry or system interruption. This requirement does not apply to people who sell or exchange firearms to enhance their personal collection or as a hobby, sell all or part of a personal collection, or sell firearms from their residence and keep 10 or fewer for sale (CGS § 29-37d(a)).

***Related Bills***

HB 5177 (File 29), favorably reported by the Public Safety and Security Committee, contains the similar provisions authorizing the Mohegan and Mashantucket Pequot police chiefs to issue temporary state handgun permits to applicants who are tribal reservation residents.

sHB 5307 (File 130), favorably reported by the Public Safety and Security Committee, contains the same provisions on (1) municipal CEOs and designated resident state troopers performing various firearms permitting and administrative functions, (2) DESPP fingerprinting and identification procedures for nonresident gun permit applicants, and (3) permit renewal photo requirements.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24    Nay 0    (03/15/2022)