



House of Representatives

General Assembly

File No. 29

February Session, 2022

House Bill No. 5177

House of Representatives, March 16, 2022

The Committee on Public Safety and Security reported through REP. HORN of the 64th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING ISSUANCE OF TEMPORARY STATE FIREARM PERMITS BY TRIBAL POLICE DEPARTMENTS.

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

1 Section 1. Subsection (b) of section 29-28 of the 2022 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2022*):

4 (b) Upon the application of any person having a bona fide permanent
5 residence within the jurisdiction of any such authority, such chief of
6 police, warden or selectman may issue a temporary state permit to such
7 person to carry a pistol or revolver within the state, provided such
8 authority shall find that such applicant intends to make no use of any
9 pistol or revolver which such applicant may be permitted to carry under
10 such permit other than a lawful use and that such person is a suitable
11 person to receive such permit. If the applicant has a bona fide permanent
12 residence within the jurisdiction of any federally recognized Native
13 American tribe within the borders of the state, and such tribe has a law
14 enforcement unit, as defined in section 7-294a, the chief of police of such

15 law enforcement unit may issue a temporary state permit to such person
16 pursuant to the provisions of this subsection. No state or temporary
17 state permit to carry a pistol or revolver shall be issued under this
18 subsection if the applicant (1) has failed to successfully complete a
19 course approved by the Commissioner of Emergency Services and
20 Public Protection in the safety and use of pistols and revolvers
21 including, but not limited to, a safety or training course in the use of
22 pistols and revolvers available to the public offered by a law
23 enforcement agency, a private or public educational institution or a
24 firearms training school, utilizing instructors certified by the National
25 Rifle Association or the Department of Energy and Environmental
26 Protection and a safety or training course in the use of pistols or
27 revolvers conducted by an instructor certified by the state or the
28 National Rifle Association, (2) has been convicted of (A) a felony, or (B)
29 a misdemeanor violation of section 21a-279 on or after October 1, 2015,
30 or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-
31 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the
32 preceding twenty years, (3) has been convicted as delinquent for the
33 commission of a serious juvenile offense, as defined in section 46b-120,
34 (4) has been discharged from custody within the preceding twenty years
35 after having been found not guilty of a crime by reason of mental disease
36 or defect pursuant to section 53a-13, (5) (A) has been confined in a
37 hospital for persons with psychiatric disabilities, as defined in section
38 17a-495, within the preceding sixty months by order of a probate court,
39 or (B) has been voluntarily admitted on or after October 1, 2013, to a
40 hospital for persons with psychiatric disabilities, as defined in section
41 17a-495, within the preceding six months for care and treatment of a
42 psychiatric disability and not solely for being an alcohol-dependent
43 person or a drug-dependent person as those terms are defined in section
44 17a-680, (6) is subject to a restraining or protective order issued by a
45 court in a case involving the use, attempted use or threatened use of
46 physical force against another person, including an ex parte order
47 issued pursuant to section 46b-15 or 46b-16a, (7) is subject to a firearms
48 seizure order issued prior to June 1, 2022, pursuant to section 29-38c
49 after notice and hearing, or a risk protection order or risk protection

50 investigation order issued on or after June 1, 2022, pursuant to section
51 29-38c, (8) is prohibited from shipping, transporting, possessing or
52 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally
53 or unlawfully in the United States, or (10) is less than twenty-one years
54 of age. Nothing in this section shall require any person who holds a
55 valid permit to carry a pistol or revolver on October 1, 1994, to
56 participate in any additional training in the safety and use of pistols and
57 revolvers. No person may apply for a temporary state permit to carry a
58 pistol or revolver more than once within any twelve-month period, and
59 no temporary state permit to carry a pistol or revolver shall be issued to
60 any person who has applied for such permit more than once within the
61 preceding twelve months. Any person who applies for a temporary state
62 permit to carry a pistol or revolver shall indicate in writing on the
63 application, under penalty of false statement in such manner as the
64 issuing authority prescribes, that such person has not applied for a
65 temporary state permit to carry a pistol or revolver within the past
66 twelve months. Upon issuance of a temporary state permit to carry a
67 pistol or revolver to the applicant, the local authority shall forward the
68 original application to the commissioner. Not later than sixty days after
69 receiving a temporary state permit, an applicant shall appear at a
70 location designated by the commissioner to receive the state permit. The
71 commissioner may then issue, to any holder of any temporary state
72 permit, a state permit to carry a pistol or revolver within the state. Upon
73 issuance of the state permit, the commissioner shall make available to
74 the permit holder a copy of the law regarding the permit holder's
75 responsibility to report the loss or theft of a firearm and the penalties
76 associated with the failure to comply with such law. Upon issuance of
77 the state permit, the commissioner shall forward a record of such permit
78 to the local authority issuing the temporary state permit. The
79 commissioner shall retain records of all applications, whether approved
80 or denied. The copy of the state permit delivered to the permittee shall
81 be laminated and shall contain a full-face photograph of such permittee.
82 A person holding a state permit issued pursuant to this subsection shall
83 notify the issuing authority within two business days of any change of
84 such person's address. The notification shall include the old address and

85 the new address of such person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	29-28(b)

PS *Joint Favorable*

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:

Municipalities	Effect	FY 23 \$	FY 24 \$
Montville; Ledyard	Revenue Loss	Less than \$1,000	Less than \$1,000

Explanation

The bill allows tribal reservation residents of the Mashantucket Pequot and Mohegan reservations to obtain temporary firearm permits from their tribal police departments, rather than the local police departments of Montville and Ledyard.

The bill results in a revenue loss of less than \$1,000 annually to the towns of Montville and Ledyard associated with a reduction in temporary firearm permit requests.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of temporary firearm permits issued.

¹ Municipalities retain \$70 of the fee charged for each temporary firearm permit.

OLR Bill Analysis**HB 5177*****AN ACT CONCERNING ISSUANCE OF TEMPORARY STATE FIREARM PERMITS BY TRIBAL POLICE DEPARTMENTS.*****SUMMARY**

This bill authorizes the Mohegan and Mashantucket Pequot police chiefs to issue temporary state handgun permits to applicants who are tribal reservation residents. 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.

Specifically, the bill allows the police chiefs of federally recognized Native American tribes in the state with a “law enforcement unit” to issue the permits to applicants who are bona fide permanent residents of the tribal reservations, pursuant to the statutory permit approval process. 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).

EFFECTIVE DATE: October 1, 2022

BACKGROUND***Handgun Permit Application Process***

With certain exceptions, state law bars anyone from carrying a handgun (i.e., a pistol or revolver) in Connecticut without a permit. In a two-step process, state residents must first get a temporary state permit from the local permit-issuing official (in most cases, the police chief) as a condition of getting a five-year permit from the Department of Emergency Services and Public Protection (DESPP). The local official must investigate the applicant and find that he or she is suitable to carry firearms and wants to carry them for lawful purposes (CGS §§ 29-28 to

-29).

Attorney General Opinion

In a 2017 opinion (Attorney General Opinion 2017-05), the attorney general concluded that residents of the Mashantucket Pequot Tribal Nation reservation are also bona fide permanent residents of Ledyard for purpose of the handgun permit law. Accordingly, he concluded that the law empowers the Ledyard police chief and DESPP commissioner to issue permits to these residents.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 24 Nay 0 (03/03/2022)