



Substitute House Bill No. 6877

Public Act No. 23-89

AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND DISQUALIFIERS FOR FIREARM PERMITS AND ELIGIBILITY CERTIFICATES BASED ON TEMPORARY COMMITMENT UNDER A PHYSICIAN'S EMERGENCY CERTIFICATION.

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

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 Section 29-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [Upon] Except as provided pursuant to section 2 of this act in the case of a complaint concerning a child under eighteen years of age, upon complaint on oath by any state's attorney or assistant state's attorney or by any [two] police [officers] officer, to any judge of the Superior Court, that such state's attorney, assistant state's attorney or police [officers have] officer has probable cause to believe that a person who is at least eighteen years of age poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, the judge may issue a risk protection order prohibiting such person from acquiring or possessing a firearm or other deadly weapon or ammunition. If such state's attorney, assistant state's attorney or police officer has a good faith belief that such person posing the risk is already prohibited from acquiring or possessing a firearm, or is already the subject of a risk protection order or pending risk protection order, the

Substitute House Bill No. 6877

state's attorney, assistant state's attorney or police officer need not, but shall have the discretion to, pursue a risk protection order pursuant to this section. As part of or following the issuance of such order, if there is probable cause to believe that (1) such person possesses one or more firearms or other deadly weapons, and (2) such firearm or firearms or other deadly weapon or deadly weapons are within or upon any place, thing or person, such judge shall issue a warrant commanding a police officer to enter into or upon such place or thing, search the same or the person and take into such officer's custody any and all firearms and other deadly weapons and ammunition. No such warrant shall be issued if the applicant for the order is a police officer, unless the application is supported by more than one police officer, under oath on the complaint. Such state's attorney, assistant state's attorney or police officer or officers may not make any such complaint unless such state's attorney, assistant state's attorney or police officer or officers, as applicable, have conducted an independent investigation and determined that such probable cause exists. Upon the issuance of any such order and warrant, if applicable, the judge shall order the clerk of the court to give notice to the Commissioner of Emergency Services and Public Protection of the issuance of such order and warrant, [if] as applicable.

(b) (1) Any family or household member or medical professional who has a good faith belief that a person who is at least eighteen years of age poses a risk of imminent personal injury to [himself or herself] such person's self or to another person may make an application for a risk protection order investigation with the clerk of the court for any geographical area. The application and accompanying affidavit shall be made under oath and indicate: (A) The factual basis for the applicant's belief that such person poses a risk of imminent personal injury to [himself or herself] such person's self or to another person; (B) whether such person holds a permit under subsection (b) of section 29-28, as amended by this act, or an eligibility certificate issued under section 29-

Substitute House Bill No. 6877

36f, as amended by this act, 29-37p, as amended by this act, or 29-38n or currently possesses one or more firearms or other deadly weapons or ammunition, if known; and (C) where any such firearm or other deadly weapon or ammunition is located, if known.

(2) Upon receipt of an application and affidavit pursuant to this subsection, if the court finds that there is a good faith belief that a person who is the subject of the application poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, the court shall order a risk protection order investigation to determine if the person who is the subject of the application poses a risk of imminent personal injury to [himself or herself] such person's self or to another person. Upon issuance by the court of an order for investigation, the court shall: (A) Give notice to the Commissioner of Emergency Services and Public Protection of the issuance of the order for a risk protection order investigation; and (B) immediately give notice of the order and transmit the order and the application and affidavit on which the order is based to the law enforcement agency for the town in which the subject of the investigation resides. The court shall immediately enter into the National Instant Criminal Background Check System (NICS) a record indicating that the person who is the subject of the investigation is ineligible to possess, purchase or otherwise receive a firearm.

(3) Upon receipt of an investigation order, the law enforcement agency shall immediately investigate whether the subject of the investigation poses a risk of imminent personal injury to [himself or herself] such person's self or to another person. If the law enforcement agency determines that there is probable cause to believe that the subject of the investigation poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, such law enforcement agency shall seek a risk protection order, and when applicable, a warrant pursuant to subsection (a) of this section not later than twenty-four hours after receiving the investigation order, or, if the law

Substitute House Bill No. 6877

enforcement agency needs additional time to complete the investigation, as soon thereafter as is practicable. If the law enforcement agency determines that there is no probable cause to believe that the subject of the investigation poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, the law enforcement agency shall notify the court, the applicant, and the Commissioner of Emergency Services and Public Protection of such determination, in writing, not later than forty-eight hours after receiving the investigation order, if practicable, or, if the law enforcement agency needs additional time to complete the risk warrant investigation, as soon thereafter as is practicable. Upon receiving such notification that there was not a finding of probable cause, the court shall immediately remove or cancel any record entered into the National Instant Criminal Background Check System associated with such investigation for which there was no finding of probable cause.

(c) A risk protection order [and warrant, if applicable,] issued under subsection (a) of this section, may issue only on an affidavit sworn to by the complainant [or complainants before the judge and] establishing the grounds for issuing the order. [and warrant, if applicable, which] A risk warrant issued under subsection (a) of this section may issue only on an affidavit sworn to by the complainant before the judge establishing the grounds for issuing the warrant. Any such affidavit shall be part of the court file. In determining whether there is probable cause for a risk protection order and warrant, if applicable, under subsection (a) of this section, the judge shall consider: (1) Recent threats or acts of violence by such person directed toward other persons; (2) recent threats or acts of violence by such person directed toward [himself or herself] such person's self; and (3) recent acts of cruelty to animals as provided in subsection (b) of section 53-247 by such person. In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to [himself or herself] such person's self or to others, the judge may

Substitute House Bill No. 6877

consider other factors including, but not limited to (A) the reckless use, display or brandishing of a firearm or other deadly weapon by such person, (B) a history of the use, attempted use or threatened use of physical force by such person against other persons, (C) prior involuntary confinement of such person in a hospital for persons with psychiatric disabilities, and (D) the illegal use of controlled substances or abuse of alcohol by such person. In the case of a complaint made under subsection (a) of this section, if the judge is satisfied that the grounds for the complaint exist or that there is probable cause to believe that such grounds exist, such judge shall issue a risk protection order and warrant, if applicable, naming or describing the person, and, in the case of the issuance of a warrant, the place or thing to be searched. [If the requisite circumstances are met, the judge shall issue a risk protection order regardless of whether the person is already ineligible to possess a firearm.] The order and warrant, if applicable, shall be directed to any police officer of a regularly organized police department or any state police officer. The order and warrant, if applicable, shall state the grounds or probable cause for issuance and, in the case of a warrant, the warrant shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms and other deadly weapons and ammunition. A copy of the order and warrant, if applicable, shall be [given within a reasonable time to] served upon the person named in the order not later than three days prior to the hearing scheduled pursuant to subsection (e) of this section, together with a notice informing the person that such person has the right to a hearing under this section, the telephone number for the court clerk who can inform the person of the date and time of such hearing and the right to be represented by counsel at such hearing.

(d) (1) In the case of a warrant, the municipal or state police agency that executed the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which the search was

Substitute House Bill No. 6877

conducted and with the state's attorney's office for such judicial district no later than the next business day following the execution of the warrant. Prior to the execution and return of the warrant, the clerk of the court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms and other deadly weapons and ammunition seized.

(2) In the case of a risk protection order, not later than the next business day following the service of the order, the municipal or state police agency that served the order shall file with the court of the geographical area in the location in which the subject of the order resides a copy of the order and transmit to the state's attorney's office for such judicial district a return of service stating the date and time that the order was served. Prior to the service and return of the order, the clerk of court shall not disclose any information pertaining to the application for the order or any affidavits upon which the order is based to any person outside the Judicial Branch, the municipal or state police agency that served the order, or the state's attorney's office for the judicial district within which the order was served. The order shall be served and returned with reasonable promptness consistent with due process of law.

(e) Not later than fourteen days after the [service] issuance of a risk protection order [or execution of] and, if applicable, a warrant under this section, the court for the geographical area where the person named in the order or warrant resides shall hold a hearing to determine whether the risk protection order should continue to apply and whether the firearm or firearms or other deadly weapon or deadly weapons and any ammunition seized should be returned to the person named in the warrant or should continue to be held by the state. At such hearing the

Substitute House Bill No. 6877

state shall have the burden of proving all material facts by clear and convincing evidence. If, after such hearing, the court finds by clear and convincing evidence that the person poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, the court may order that the risk protection order continue to apply and that the firearm or firearms or other deadly weapon or deadly weapons and any ammunition seized pursuant to the warrant issued under subsection (a) of this section continue to be held by the state until such time that the court shall terminate such order pursuant to subsection (f) of this section and order the firearm or firearms or other deadly weapon or deadly weapons and any ammunition seized to be returned as soon as practicable to the person named in the warrant, provided such person is otherwise legally able to possess such firearm or firearms or other deadly weapon or deadly weapons and ammunition. If the court finds that the state has failed to prove by clear and convincing evidence that the petitioner poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, the court shall terminate such order and warrant, if applicable, and order the firearm or firearms or other deadly weapon or deadly weapons and any ammunition seized to be returned as soon as is practicable to the person named in the warrant, provided such person is otherwise legally [able] eligible to possess such firearm or firearms or other deadly weapon or deadly weapons and ammunition. If the court finds that the person poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, the court shall give notice to the Department of Mental Health and Addiction Services which may take such action pursuant to chapter 319i as the department deems appropriate.

(f) A risk protection order, and warrant, if applicable, shall continue to apply and the firearm or firearms or other deadly weapon or deadly weapons and any ammunition held pursuant to subsection (e) of this section shall continue to be held by the state until such time that the person named in the order and warrant, if applicable, successfully

Substitute House Bill No. 6877

petitions the court to terminate such order and warrant, if applicable. The person named in the order may first petition the court of the geographical area where the proceeding was originally conducted for a hearing to terminate such order, and warrant if applicable, at least one hundred eighty days after the hearing held pursuant to subsection (e) of this section. Upon the filing of such petition, the court shall (1) provide to the petitioner a hearing date that is on the twenty-eighth day following the filing of such petition or the business day nearest to such day if such twenty-eighth day is not a business day, (2) notify the Division of Criminal Justice of the filing of such petition, and (3) direct the law enforcement agency for the town in which the petitioner resides to determine, not later than fourteen days after the filing of such petition, whether there is probable cause to believe that the petitioner poses a risk of imminent personal injury to [himself or herself] such person's self or to another person. No finding of probable cause may be found solely because the petitioner is subject to an existing risk protection order or warrant. If the law enforcement agency finds no probable cause, the agency shall so notify the court which shall cancel the hearing and terminate the order and warrant, if applicable. If the law enforcement agency finds probable cause, the agency shall notify the court of such finding and the hearing shall proceed as scheduled. At such hearing the state shall have the burden of proving all material facts by clear and convincing evidence. If the court, following such hearing, finds by clear and convincing evidence that the petitioner poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, the order and warrant, if applicable, shall remain in effect. If the court finds that the state has failed to prove by clear and convincing evidence that the petitioner poses a risk of imminent personal injury to [himself or herself] such person's self or to another person, the court shall terminate such order and warrant, if applicable. Any person whose petition is denied may file a subsequent petition in accordance with the provisions of this subsection at least one hundred eighty days after the date on which the court denied the previous

Substitute House Bill No. 6877

petition.

(g) The court shall immediately upon termination of a risk protection order pursuant to this section remove or cancel any record entered into the National Instant Criminal Background Check System associated with such order.

(h) Any person whose firearm or firearms and ammunition have been ordered seized pursuant to subsection (e) of this section, or such person's legal representative, may transfer such firearm or firearms and ammunition in accordance with the provisions of section 29-33 or other applicable state or federal law, to a federally licensed firearm dealer. Upon notification in writing by such person, or such person's legal representative, and the dealer, the head of the state agency holding such seized firearm or firearms and ammunition shall within ten days deliver such firearm or firearms and ammunition to the dealer.

(i) Notwithstanding the provisions of section 29-36k, the Commissioner of Emergency Services and Public Protection holding any firearm or firearms or other deadly weapon or deadly weapons and any ammunition seized pursuant to a warrant issued under this section, or any local police department holding on behalf of said commissioner any such firearm or firearms or other deadly weapon or deadly weapons or ammunition, shall not destroy any such firearm or other deadly weapon or ammunition until at least one year has passed since date of the termination of a warrant under subsection (e) of this section.

(j) For purposes of this section, (1) "ammunition" means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm, (2) "family or household member" means (A) a person eighteen years of age or older who is a: (i) Spouse, (ii) parent, (iii) child, (iv) sibling, (v) grandparent, (vi) grandchild, (vii) step-parent, (viii) step-child, (ix) step-sibling, (x) mother or father-in-law, (xi) son or daughter-in-law, or (xii) brother or sister-in-law of the person who is the

Substitute House Bill No. 6877

subject of an application pursuant to subsection (b) of this section; (B) a person residing with the person who is the subject of the application; (C) a person who has a child in common with the person who is the subject of the application; (D) a person who is dating or an intimate partner of the person who is the subject of the application; or (E) a person who is the legal guardian or former legal guardian of the person who is the subject of the application, (3) "medical professional" means any person who has examined the person who is the subject of the application and who is (A) a physician or physician assistant licensed under chapter 370, (B) an advanced practice registered nurse licensed under chapter 378, (C) a psychologist licensed under chapter 383, or (D) a clinical social worker licensed under chapter 383b, and (4) "deadly weapon" [means a deadly weapon, as defined] has the same meaning as provided in section 53a-3.

Sec. 2. (NEW) (*Effective from passage*) (a) Upon complaint on oath by any assistant state's attorney or by any two police officers, to any judge of the Superior Court, that such assistant state's attorney or police officers have probable cause to believe that a child under eighteen years of age poses a risk of imminent personal injury to other individuals and that such child possesses one or more firearms or other deadly weapons and such firearm or firearms or other deadly weapon or deadly weapons are within or upon any place, thing or person, such judge may issue a risk warrant commanding a police officer to enter into or upon such place or thing, search the same or the child and take into such officer's custody any and all firearms and other deadly weapons and ammunition. Such assistant state's attorney or police officers shall not make such complaint unless such assistant state's attorney or police officers have conducted an independent investigation and determined that such probable cause exists and that there is no reasonable alternative available to prevent such child from causing imminent personal injury to others with such firearm or firearms or deadly weapon or deadly weapons.

Substitute House Bill No. 6877

(b) (1) Any family or household member or medical professional who has a good faith belief that a child poses a risk of imminent personal injury to another person and such child possesses one or more firearms or other deadly weapon or deadly weapons and such firearm or firearms or other deadly weapon or deadly weapons are within or upon any place, thing or person, may make an application for a risk warrant with any clerk of the court for juvenile matters. The application and accompanying affidavit shall be made under oath and indicate: (A) The factual basis for the applicant's belief that such child poses a risk of imminent personal injury to another person; (B) the factual basis for the applicant's belief that such child possesses one or more firearms or deadly weapons; and (C) where any such firearm or other deadly weapon or ammunition is located, if known.

(2) Upon receipt of an application and affidavit pursuant to this subsection, if the court finds that there is a good faith belief that a child poses a risk of imminent personal injury to another person and possesses one or more firearms or deadly weapons, the court shall order a risk warrant investigation to determine if the child who is the subject of the application poses a risk of imminent personal injury to another person and that the child possesses one or more firearms or deadly weapons. Upon issuance by the court of an order for a risk warrant investigation, the court shall immediately give notice of the order and transmit the order and the application and affidavit on which the order is based to the law enforcement agency for the town in which the child who is the subject of the investigation resides.

(3) Upon receipt of a risk warrant investigation order of a child, the law enforcement agency shall immediately investigate whether the child who is the subject of the investigation poses a risk of imminent personal injury to another person and whether the child possesses one or more firearms or deadly weapons. If the law enforcement agency determines that there is probable cause to believe that the child who is

Substitute House Bill No. 6877

the subject of the investigation poses a risk of imminent personal injury to another person and the child possesses one or more firearms or deadly weapons, such law enforcement agency shall seek a risk warrant pursuant to subsection (a) of this section not later than twenty-four hours after receiving the risk warrant investigation order or, if the law enforcement agency needs additional time to complete the investigation, as soon thereafter as is practicable. If the law enforcement agency determines that there is no probable cause to believe that the child who is the subject of the investigation poses a risk of imminent personal injury to another person and that the child who is the subject of the investigation possesses one or more firearms or deadly weapons, the law enforcement agency shall notify the court and the applicant of such determination, in writing, not later than forty-eight hours after receiving the investigation order, if practicable, or, if the law enforcement agency needs additional time to complete the risk warrant investigation, as soon thereafter as is practicable.

(c) A risk warrant may issue only on an affidavit sworn to by the complainant before the judge and establishing the grounds for issuing the warrant, which shall be part of the juvenile court file. The file shall be considered a record of a juvenile matter and shall have the same confidentiality protections applicable to juvenile matters involving delinquency pursuant to subsections (c) and (d) of section 46b-124 of the general statutes. In determining whether there is probable cause for a risk warrant, the judge shall consider: (1) Recent threats or acts of violence by such child directed toward other persons; and (2) recent acts of cruelty to animals as provided in subsection (b) of section 53-247 of the general statutes, by such child. In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such child poses a risk of imminent personal injury to others, the judge may consider other factors, including, but not limited to, (A) the reckless use, display or brandishing of a firearm or other deadly weapon by such child, (B) a history of the use, attempted use or threatened use of

Substitute House Bill No. 6877

physical force by such child against other persons, (C) prior involuntary confinement of such child in a hospital for persons with psychiatric disabilities, and (D) the illegal use of controlled substances or abuse of alcohol by such child. If the judge is satisfied that the grounds for the complaint exist or that there is probable cause to believe that such grounds exist, the judge shall issue a risk warrant naming or describing the child, and the place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer. The warrant shall state the grounds or probable cause for issuance and shall command the officer to search within a reasonable time the child, place or thing named for any and all firearms and other deadly weapons and ammunition. A copy of the warrant shall be served upon the child and the child's parent or guardian named in the warrant not later than three days before the hearing scheduled pursuant to subsection (e) of this section, together with a notice informing the child and the child's parent or guardian that such child has the right to a hearing and the right to be represented by counsel at the hearing. If the child and the child's parent or guardian are unable to afford counsel, counsel shall be appointed on behalf of the child if determined indigent and eligible in accordance with the provisions of chapter 887 of the general statutes for the purposes of proceedings pursuant to this section in the juvenile court.

(d) The municipal or state police agency that executed the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant is based with the clerk of the juvenile court serving the town where the child resides and with the assistant state's attorney's office for such juvenile court not later than the next business day following the execution of the warrant. The clerk of the juvenile court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written

Substitute House Bill No. 6877

inventory of all firearms and other deadly weapons and ammunition seized.

(e) Not later than fourteen days after the issuance of a warrant under this section, the juvenile court serving the town where the child named in the risk warrant resides shall hold a hearing to determine whether the firearm or firearms or other deadly weapon or deadly weapons and ammunition should be returned to the rightful owner of any such firearm, deadly weapon or ammunition, or, if the state should continue to hold any such firearm, deadly weapon or ammunition. The judge hearing the matter may exclude from the room in which such hearing is held any person whose presence, in the court's opinion, is not necessary pursuant to subsection (b) of section 46b-122 of the general statutes. At such hearing, the state shall have the burden of proving all material facts by clear and convincing evidence. If, after such hearing, the court finds by clear and convincing evidence that the child poses a risk of imminent personal injury to another person, the court may order that the firearm or firearms or other deadly weapon or deadly weapons and any ammunition seized pursuant to the warrant issued under subsection (a) of this section continue to be held by the state until further order of the court.

(f) If the court finds that the state has failed to prove by clear and convincing evidence that the child poses a risk of imminent personal injury to another person and that the child possesses one or more firearms or deadly weapons, the court shall order the firearm or firearms or other deadly weapon or deadly weapons and any ammunition seized to be returned as soon as is practicable to the rightful owner of any such firearm, deadly weapon or ammunition, provided such owner is otherwise legally eligible to possess such items.

(g) For the purposes of this section, "ammunition", "family or household member" and "medical professional" have the same meanings as provided in subsection (j) of section 29-38c of the general

Substitute House Bill No. 6877

statutes, as amended by this act, and "deadly weapon" has the same meaning as provided in section 53a-3 of the general statutes.

Sec. 3. Section 46b-15e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective June 1, 2023*):

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

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

Substitute House Bill No. 6877

(b) The Chief Court Administrator shall annually collect data on (1) the number of restraining orders issued under section 46b-15 and civil protection orders issued under section 46b-16a; (2) the number of such orders that are not picked up by an applicant from the office of the clerk at the court location which issued the order; (3) the method of service of such orders in cases in which a respondent is successfully served with the order; (4) the number of requests for a police officer to be present at the time service of an order pursuant to subsection (h) of section 46b-15; and (5) the number of such orders issued that subsequently expire or are dismissed because the respondent could not be served with the order.

Sec. 4. Subsection (b) of section 29-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) Upon the application of any person having a bona fide permanent residence within the jurisdiction of any such authority, such chief of police or, where there is no chief of police, such chief executive officer or designated resident state trooper or state police officer, as applicable, may issue a temporary state permit to such person to carry a pistol or revolver within the state, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which such applicant may be permitted to carry under such permit other than a lawful use and that such person is a suitable person to receive such permit. If the applicant has a bona fide permanent residence within the jurisdiction of any federally recognized Native American tribe within the borders of the state, and such tribe has a law enforcement unit, as defined in section 7-294a, the chief of police of such law enforcement unit may issue a temporary state permit to such person pursuant to the provisions of this subsection, and any chief of police of any other law enforcement unit having jurisdiction over an area containing such person's bona fide permanent residence shall not issue such temporary state permit if such tribal law enforcement unit accepts applications for

Substitute House Bill No. 6877

temporary state permits. No state or temporary state permit to carry a pistol or revolver shall be issued under this subsection if the applicant (1) has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association, (2) has been convicted of (A) a felony, or (B) a misdemeanor violation of section 21a-279 on or after October 1, 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the preceding twenty years, (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (5) (A) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or (B) has been voluntarily admitted on or after October 1, 2013, or has been committed under an emergency certificate pursuant to section 17a-502 on or after October 1, 2023, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person, as those terms are defined in section 17a-680, (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, including an ex parte order issued pursuant to section 46b-15 or 46b-16a, (7) is subject to a firearms seizure order issued prior to June 1,

Substitute House Bill No. 6877

2022, pursuant to section 29-38c, as amended by this act, after notice and hearing, or a risk protection order or risk protection investigation order issued on or after June 1, 2022, pursuant to section 29-38c, as amended by this act, (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or (10) is less than twenty-one years of age. Nothing in this section shall require any person who holds a valid permit to carry a pistol or revolver on October 1, 1994, to participate in any additional training in the safety and use of pistols and revolvers. No person may apply for a temporary state permit to carry a pistol or revolver more than once within any twelve-month period, and no temporary state permit to carry a pistol or revolver shall be issued to any person who has applied for such permit more than once within the preceding twelve months. Any person who applies for a temporary state permit to carry a pistol or revolver shall indicate in writing on the application, under penalty of false statement in such manner as the issuing authority prescribes, that such person has not applied for a temporary state permit to carry a pistol or revolver within the past twelve months. Upon issuance of a temporary state permit to carry a pistol or revolver to the applicant, the local authority shall forward the original application to the commissioner. Not later than sixty days after receiving a temporary state permit, an applicant shall appear at a location designated by the commissioner to receive the state permit. The commissioner may then issue, to any holder of any temporary state permit, a state permit to carry a pistol or revolver within the state. Upon issuance of the state permit, the commissioner shall make available to the permit holder a copy of the law regarding the permit holder's responsibility to report the loss or theft of a firearm and the penalties associated with the failure to comply with such law. Upon issuance of the state permit, the commissioner shall forward a record of such permit to the local authority issuing the temporary state permit. The commissioner shall retain records of all applications, whether approved or denied. The copy of the state permit delivered to the permittee shall

Substitute House Bill No. 6877

be laminated and shall contain a full-face photograph of such permittee. A person holding a state permit issued pursuant to this subsection shall notify the issuing authority within two business days of any change of such person's address. The notification shall include the old address and the new address of such person.

Sec. 5. Subsection (b) of section 29-36f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) The Commissioner of Emergency Services and Public Protection shall issue an eligibility certificate unless said commissioner finds that the applicant: (1) Has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association; (2) has been convicted of (A) a felony, (B) a misdemeanor violation of section 21a-279 on or after October 1, 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the preceding twenty years; (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120; (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13; (5) (A) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court; or (B) has been voluntarily admitted on or after October 1, 2013, or has

Substitute House Bill No. 6877

been committed under an emergency certificate pursuant to section 17a-502 on or after October 1, 2023, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680; (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, including an ex parte order issued pursuant to section 46b-15 or section 46b-16a; (7) is subject to a firearms seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as amended by this act, after notice and hearing, or a risk protection order or risk protection investigation order issued on or after June 1, 2022, pursuant to section 29-38c, as amended by this act; (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or unlawfully in the United States.

Sec. 6. Subsection (b) of section 29-37p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) The Commissioner of Emergency Services and Public Protection shall issue a long gun eligibility certificate unless said commissioner finds that the applicant: (1) Has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of firearms including, but not limited to, a safety or training course in the use of firearms available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of firearms conducted by an instructor certified by the state or the National Rifle Association; (2) has been convicted of (A) a felony, (B) a

Substitute House Bill No. 6877

misdemeanor violation of section 21a-279 on or after October 1, 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the preceding twenty years; (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120; (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13; (5) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court; (6) has been voluntarily admitted or, on or after October 1, 2023, has been committed under an emergency certificate pursuant to section 17a-502 to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680; (7) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, including an ex parte order issued pursuant to section 46b-15 or 46b-16a; (8) is subject to a firearms seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as amended by this act, after notice and hearing, or a risk protection order or risk protection investigation order issued on or after June 1, 2022, pursuant to section 29-38c, as amended by this act; (9) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or unlawfully in the United States.

Sec. 7. Section 29-38b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) The Commissioner of Emergency Services and Public Protection, in fulfilling his obligations under sections 29-28 to 29-38, inclusive, as

Substitute House Bill No. 6877

amended by this act, and section 53-202d, shall verify that any person who, on or after October 1, 1998, applies for or seeks renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver or a certificate of possession for an assault weapon, or who, on or after July 1, 2013, applies for or seeks renewal of a long gun eligibility certificate, has not been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court or has not been voluntarily admitted or has been committed under an emergency certificate pursuant to section 17a-502 to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, by making an inquiry to the Department of Mental Health and Addiction Services in such a manner so as to only receive a report on the commitment or admission status of the person with respect to whom the inquiry is made including identifying information in accordance with the provisions of subsection (b) of section 17a-500, as amended by this act.

(b) If the Commissioner of Emergency Services and Public Protection determines pursuant to subsection (a) of this section that a person has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court or has been voluntarily admitted or has been committed under an emergency certificate pursuant to section 17a-502 to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, said commissioner shall report the status of such person's application for or renewal of a permit to sell at retail a pistol or revolver,

Substitute House Bill No. 6877

a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a certificate of possession for an assault weapon or a long gun eligibility certificate to the Commissioner of Mental Health and Addiction Services for the purpose of fulfilling his responsibilities under subsection (c) of section 17a-500.

Sec. 8. Section 53a-217 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) A person is guilty of criminal possession of a firearm, ammunition or an electronic defense weapon when such person possesses a firearm, ammunition or an electronic defense weapon and (1) has been convicted of (A) a felony committed prior to, on or after October 1, 2013, (B) a misdemeanor violation of section 21a-279 on or after October 1, 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 2013, and during the preceding twenty years, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (5) (A) has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section

Substitute House Bill No. 6877

29-28, as amended by this act, or 29-36f, as amended by this act, in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, or has been committed under an emergency certificate pursuant to section 17a-502 on or after October 1, 2023, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability, unless the person (i) was [voluntarily] admitted or committed solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, or (ii) is a police officer who was voluntarily admitted and had his or her firearm, ammunition or electronic defense weapon used in the performance of the police officer's official duties returned in accordance with section 7-291d, (6) knows that such person is subject to a firearms seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as amended by this act, after notice and an opportunity to be heard has been provided to such person, or a risk protection order or risk protection investigation order issued on or after June 1, 2022, pursuant to section 29-38c, as amended by this act, or (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction, "ammunition" means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm, and a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed an unclassified felony.

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

Substitute House Bill No. 6877

or reducing such fine.

Sec. 9. Section 53a-217c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in section 29-27, and (1) has been convicted of (A) a felony committed prior to, on or after October 1, 2013, (B) a misdemeanor violation of section 21a-279 committed on or after October 1, 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed during the preceding twenty years, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) (A) has been confined prior to October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or, with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28, as amended by this act, or 29-36f, as amended by this act, in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, or has been committed under an emergency certificate pursuant to section 17a-502 on or after October 1, 2023, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability, unless the person (i) was [voluntarily] admitted or committed solely for being an alcohol-dependent person or a drug-

Substitute House Bill No. 6877

dependent person as those terms are defined in section 17a-680, or (ii) is a police officer who was voluntarily admitted and had his or her firearm, ammunition or electronic defense weapon used in the performance of the police officer's official duties returned in accordance with section 7-291d, (5) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as amended by this act, after notice and an opportunity to be heard has been provided to such person, or a risk protection order or risk protection investigation order issued on or after June 1, 2022, pursuant to section 29-38c, as amended by this act, (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United States. For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction.

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

Sec. 10. Subsection (b) of section 17a-500 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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

Substitute House Bill No. 6877

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

Sec. 11. Section 17a-506a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

Whenever a person is voluntarily admitted or committed under an emergency certificate pursuant to section 17a-502 to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, the hospital shall forthwith notify the Commissioner of Mental Health and Addiction Services of such admission or commitment and provide identifying information including, but not limited to, name, address, sex, date of birth and the

Substitute House Bill No. 6877

date of admission. The commissioner shall maintain such identifying information on all such admissions occurring on and after October 1, 2013, and commitments occurring on and after October 1, 2023.

Approved June 29, 2023