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## OLR Bill Analysis

### SHB 6667 (as amended by House "A" and "B")\*

#### ***AN ACT ADDRESSING GUN VIOLENCE.***

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*Allows anyone to possess a gun without a handgun permit on land he or she owns or leases*

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*Generally limits a person to only three handgun retail purchases in a 30-day period and makes violations a class C felony; allows certified NRA instructors to be sold up to six handguns in a 30-day period*

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*Increases the penalty for a first offense of failing to report the loss or theft of a firearm or assault weapon from an infraction to a class A misdemeanor*

**§ 46 — HANDGUN CARRY PERMIT**

*Requires the DESPP commissioner to make a decision on a handgun permit application if the applicant presents an affidavit that the local authority failed to expressly deny or approve a temporary state permit application after a specified period; requires the local authority or DESPP to give a detailed written response when denying an application*

**§ 47 — MASS SHOOTING EVENT RESPONSE**

*Requires (1) DESPP's civil preparedness plan to include a response plan for a mass shooting event, (2) grief counselors and mental health professionals be deployed to help family members or other people closely connected to victims of mass shootings, and (3) the DESPP commissioner and chief state's attorney to coordinate and report on mass shooting investigations*

**§ 48 — POLICE NOTICE OF FIREARM RIGHTS AND RISK PROTECTION ORDER APPLICATION PROCESS**

*Requires law enforcement units to post public notices informing people of various firearm-related rights, including specified information about the permit process and the right to own, possess, and carry firearms*

**BACKGROUND**

**SUMMARY**

This bill makes various changes in the state's gun (firearm) laws. Among other things, it:

1. generally prohibits anyone from (a) knowingly carrying any firearm with intent to display it and (b) having a ghost gun beginning January 1, 2024;
2. generally limits a person to only purchasing three handguns in a

- 30-day period;
3. requires various gun safety measures, including safe storage of all firearms and trigger locks;
  4. expands the assault weapons ban to include more firearms and provides a process for those who lawfully own these weapons to get a certificate of possession or transfer or sell the weapon;
  5. establishes reduced penalties for possessing ghost guns and undeclared large capacity magazines (LCM) for violators who are eligible under state and federal law to possess firearms;
  6. specifies the firearm safety training for gun credentials must be completed two years before applying and requires training courses to include additional training (e.g., safe firearm storage);
  7. sets stricter release conditions for serious firearm offenders, including only allowing those with certain prior convictions to be released by posting bond;
  8. establishes firearm-related crime dockets in certain courts;
  9. requires a police officer or prosecutor, when aware that someone released on parole or probation is a threat to public safety, to file an emergency petition to take specified steps;
  10. increases the penalty for a first-time unintentional failure to report the loss or theft of a firearm from an infraction to a class A misdemeanor;
  11. requires the Department of Emergency Services and Public Protection (DESPP) (a) to make a decision on a permit requirement to carry a pistol or revolver (i.e., handgun permit) application if the applicant presents an affidavit that the local authority failed to expressly deny or approve a temporary state permit application after a specified period and (b) civil preparedness plan to include a response plan for a mass shooting event; and

12. requires law enforcement units to post public notices informing people of various firearm-related rights, including specified information about the permit process, and how to apply for a risk-protection order.

The bill also makes various minor, technical, and conforming changes.

\*House Amendment "A" (1) adds the provisions on reporting lost or stolen firearm penalties, handgun carry permit decisions, mass shooting event responses, and police notice of firearm rights; (2) eliminates the provisions from the underlying bill on the open carry prohibition in alcoholic liquor permit premises, gun dealer licenses, 10-day waiting periods, increasing the minimum age for long gun sales, and requiring loaded chamber indicators; (3) prohibits the carrying of firearms with intent to display rather than prohibiting open carry as in the underlying bill; (4) bifurcates the ghost gun and LCM penalties based on eligibility to carry firearms; (5) adds requirements and prohibitions to gun dealer permittees; (6) allows those with a federal exemption to get a certificate of possession for 2023 assault weapons; (7) removes the minimum hour educational requirements from the underlying bill and instead requires certain classes (e.g., safe storage); (8) expands the body armor purchase exemption; (9) adds an additional offense that qualifies as a serious firearm offense; (10) modifies the offenses that qualify as prior offenses for the purposes of the serious firearm offender provision; and (11) makes various minor, technical, and conforming changes.

\*House Amendment "B" (1) adds an exception to the handgun permit law to allow anyone to possess a gun without a permit on land he or she owns or leases, (2) allows defendants to enter diversionary programs for violations of the (a) bill's prohibition on carrying a firearm with intent to display and (b) prohibition on possessing an undeclared LCM, and (3) makes a technical change.

EFFECTIVE DATE: October 1, 2023, unless otherwise specified below.

**§§ 1 & 2 — PROHIBITION ON CARRYING A FIREARM WITH INTENT TO DISPLAY IT**

*With exceptions, prohibits anyone from knowingly carrying any firearm with intent to display it; makes violations of this prohibition a class B misdemeanor for a first offense and a class A misdemeanor for subsequent offenses; requires law enforcement units to annually report on any stops conducted on suspicion of a violation of the bill's intent to display prohibition*

The bill generally prohibits anyone from knowingly carrying any firearm with intent to display it, with certain exceptions. Although the bill does not define firearm for purposes of this prohibition, the penal code defines it as any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, loaded or unloaded from which a shot may be discharged (CGS § 53a-3).

This prohibition does not apply to a person (1) in his or her home, (2) on land he or she leases or owns, (3) in his or her place of business, or (4) when engaged in firearm training (see below) or a bona fide hunting activity. A person is not deemed to be carrying with intent to display if the person has taken reasonable measures to conceal that he or she is carrying a firearm. Neither a fleeting glimpse of a firearm nor an imprint of a firearm through someone's clothing is a violation. It is also not a violation if a person displays a firearm temporarily while engaged in self-defense or other lawful conduct.

***Exceptions***

Under the bill, the same individuals and circumstances that are exempt from the permit requirement to carry a pistol or revolver (i.e., handgun permit) are also exempt from the bill's intent to display prohibition. This includes the following individuals:

1. Connecticut parole and peace officers;
2. other states' parole or peace officers on official business;
3. Department of Motor Vehicles (DMV) inspectors;
4. federal marshals and law enforcement officers;
5. servicemembers on, or going to or from, duty; and

6. a military organization's members on parade or going to or from a place of assembly.

It also includes anyone transporting a firearm:

1. as merchandise;
2. in its original package from the point of purchase to his or her home or business;
3. for repair or when moving household goods;
4. to a competition or exhibit under an out-of-state permit;
5. to and from firearm training (see below);
6. to or from a testing range at a firearm permit-issuing authority's request; or
7. that is an antique handgun (e.g., those manufactured in or before 1898).

The bill also exempts a person inspecting a firearm as merchandise from current law's requirement to carry a handgun permit and the bill's intent to display prohibition.

### ***Firearm Training***

The bill expands what is considered "firearm training" for the intent to display and handgun permit exemptions. Under current law, for purposes of the handgun permit requirement, the firearm training exemption is for taking part in formal handgun training at a locally approved and permitted firing range or training facility. The bill expands it, for both purposes, to include training at a fish and game club or sporting club and eliminates the requirement that the firing range be locally approved and permitted.

### ***Penalty***

Under the bill, anyone violating the intent to display prohibition is guilty of a (1) class B misdemeanor for a first offense (punishable by up

to six months in prison, up to a \$1,000 fine, or both) and (2) class A misdemeanor for subsequent offenses (punishable by up to 364 days imprisonment, up to a \$2,000 fine, or both).

As under existing law for other gun offenses, the bill allows the court to suspend prosecution of a violation of this provision, in addition to any other available diversionary programs, if it finds the violation is not of a serious nature and the person charged (1) will probably not offend in the future; (2) has not previously been convicted of this provision (presumably, the intent to display provision); and (3) has not previously had a prosecution suspended for these violations under the bill's provisions.

The bill prohibits the court from ordering a suspended prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension. Anyone who has his or her prosecution suspended must agree to the tolling of any statute of limitations on the violation and to waive his or her right to a speedy trial. The person must appear in court and be released to the Court Support Services Division's (CSSD) supervision for up to two years under court-ordered conditions. If the person refuses to accept or violates the conditions after accepting them, the court must terminate the suspension and the case must be brought to trial.

Under the bill, if the person satisfactorily completes probation, he or she may apply for the court to dismiss the charges, and the court must dismiss them if it finds such completion. If a person does not apply for dismissal after satisfactorily completing probation, the court, upon receiving the CSSD report of completion, may on its own motion make a finding and dismiss the charges. Upon dismissal, all records of the charges must be erased according to the erasure of criminal records law (CGS § 54-142a).

A court order denying a motion to dismiss against a person who has completed the probation or terminating the participation is a final judgment for appeal purposes.

**Report**



Starting by February 1, 2025, the bill requires each law enforcement unit to annually prepare and submit to the Institute for Municipal and Regional Policy at UConn a report on any stops done on suspicion of a violation of the bill's intent to display prohibition during the preceding calendar year. The initial report must be based on the 15 months before January 1, 2025.

Law enforcement units must submit the reports electronically using a standardized method and form sent out jointly by the institute and the Police Officer Standards and Training Council (POST). The method and form must allow for compiling statistics on each incident, including the race and gender of the person stopped, based on the police officer's observation and perception. The institute and POST may revise the method and form and send the revisions to law enforcement units. Before submitting the report, each law enforcement unit must redact any information that may identify a minor, witness, or victim.

Within available appropriations, the institute must review the incidents reported and, beginning by December 1, 2025, annually report the review's results and its recommendations to the governor and the Judiciary, Public Safety and Security, and Planning and Development committees.

A "law enforcement unit" is a state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

## **§ 1 — HANDGUN PERMIT CARRY EXEMPTION**

*Allows anyone to possess a gun without a handgun permit on land he or she owns or leases*

Under current law, anyone carrying handguns must generally have a permit, except no permit or other credential is required in one's home or place of business. The bill expands the exemption to also allow a person to carry a handgun without a permit on land he or she leases or

owns.

### **§ 3 — GHOST GUNS**

*Beginning January 1, 2024, generally prohibits anyone from possessing ghost guns, with certain exceptions; sets a process for declaring ghost gun possession to DESPP or obtaining a unique serial number or other identification mark; expands the current prohibitions on manufacturing and transferring ghost guns to include those manufactured between December 16, 1968, and October 1, 2019; establishes a reduced penalty based on a person's eligibility to possess firearms, making violations a class C felony for those who are ineligible and a class C misdemeanor for those who are eligible*

#### **Expansion of Current Ghost Gun Restrictions**

Current law generally prohibits anyone from creating what is commonly referred to as a “ghost gun.” It does so by prohibiting them from completing the manufacture of a firearm without subsequently (1) obtaining a unique serial number or other identification mark from DESPP and (2) engraving or permanently affixing it to the firearm. It also generally prohibits the following:

1. transferring ghost guns, except to law enforcement;
2. manufacturing a firearm from polymer plastic that is less detectible by a walk-through metal detector than a security exemplar (i.e., an object used to test and calibrate metal detectors);
3. aiding the manufacture of a firearm for certain people who are prohibited from owning or possessing a firearm;
4. purchasing, receiving, selling, delivering, or transferring an unfinished frame or lower receiver without an identification mark or unique serial number or satisfying certain other requirements; and
5. possessing an unfinished frame or lower receiver if the person is ineligible to possess a firearm under state or federal law.

Current law allows exceptions to these requirements for certain firearms, including those manufactured before October 1, 2019, if they are otherwise lawfully possessed. The bill narrows this exception to firearms manufactured before December 16, 1968, thus expanding these

current prohibitions to those manufactured between December 16, 1968, and October 1, 2019. (December 16, 1968, is the effective date for most provisions of the federal Gun Control Act of 1968 (P.L. 90-618).)

***Prohibition on Ghost Gun Possession***

Beginning January 1, 2024, the bill generally prohibits anyone from possessing a firearm without a serial number or other identification mark (“ghost gun”), including those made between December 16, 1968, and October 1, 2019. The bill allows these guns if the person has (1) declared possession as described below or (2) applied for a unique serial number or other identification mark from DESPP but not yet received it.

With limited exceptions, the bill prohibits anyone in Connecticut from distributing, importing into the state, keeping or offering for sale, or purchasing a ghost gun. This prohibition does not apply to firearm transfers (1) declared to DESPP; (2) by bequest or intestate succession; or (3) upon the death of a testator or settlor, to a trust or from a trust to a beneficiary. It also allows the transfer to a police department or DESPP.

***Declaration of Possession.*** Under the bill, anyone who, before January 1, 2024, lawfully possesses a ghost gun manufactured before October 1, 2019, must apply to DESPP to declare possession by January 1, 2024. If the person is a state or U.S. Armed Forces member (i.e., servicemember) and cannot apply by January 1, 2024, because he or she is on official duty outside of Connecticut, the member must apply within 90 days after returning to the state. The application must be made as the DESPP commissioner prescribes.

For these purposes, a person “lawfully possesses” the firearm if he or she has (1) actual and lawful possession of it; (2) constructive possession of it through a lawful purchase before the prohibition’s effective date, regardless of whether the firearm was delivered to the purchaser before or on that date; or (3) actual or constructive possession, as evidenced by a written statement made under penalty of false statement on a DESPP-prescribed form.

The bill requires the lawful purchase to be evidenced in writing sufficient to indicate that before the date the bill's prohibition took effect (1) a contract for sale was made between the parties or (2) the purchaser made a full or partial payment for the firearm to the seller.

***Moving Into the State.*** The bill allows anyone who moves into the state in lawful possession of a ghost gun to, within 90 days, either (1) get a unique serial number or other identification mark from DESPP and engrave or permanently affix it to the firearm, (2) render the firearm permanently inoperable, (3) sell the firearm to a licensed gun dealer, or (4) remove the firearm from the state. The bill allows any servicemember who is in lawful possession of a ghost gun and has been transferred into the state after January 1, 2024, to apply to DESPP within 90 days of arriving in Connecticut to declare possession of the firearm.

***Regulations.*** The bill allows DESPP to adopt regulations establishing procedures to declare possession or get a unique serial number or mark. Regardless of the Freedom of Information Act's (FOIA) provisions on access to public records and their disclosures, the name and address of a person who has declared possession of a ghost gun must be confidential and not disclosable. However, the records may be disclosed to (1) law enforcement agencies, U.S. Probation Office employees, and Department of Correction (DOC) parole officers doing their duties and (2) the Mental Health and Addiction Services (DMHAS) commissioner to check the status of firearm applications from anyone who has been involuntarily committed or voluntarily admitted.

***Exemptions.*** As under existing law for the ghost gun restrictions described above, these provisions do not apply to the following:

1. if the frame or lower receiver have a serial number or mark engraved or permanently affixed in a way that conforms to the requirements that federal law and associated regulations impose on licensed firearm importers and manufacturers;
2. the manufacture of firearms by a federally licensed manufacturers;

3. any antique firearm;
4. any firearm manufactured before December 16, 1968, if the firearm is otherwise lawfully possessed; or
5. delivery or transfers to a law enforcement agency.

### ***Illegal Manufacture***

Current law prohibits anyone from facilitating, aiding, or abetting the manufacture of a firearm (1) by or for someone otherwise prohibited by law from owning or possessing a firearm or (2) that a person is otherwise prohibited by law from purchasing or possessing. The bill specifies that this prohibition is for doing these things knowingly, recklessly, or with criminal negligence.

### ***Suspended Criminal Proceedings***

As under existing law for ghost gun restrictions, the court may suspend the prosecution of a person who violates the bill's ghost gun provisions and dismiss the charges under certain conditions. Specifically, the court may do so if, among other things, it finds the violation is not serious in nature, the alleged violator will probably not reoffend, and he or she has not previously been convicted or had prosecution suspended of such a violation.

### ***Penalty***

The bill establishes a reduced penalty for ghost gun violations based on a person's eligibility to possess firearms. For those who are ineligible under state or federal law, as under current law, any violation of the ghost guns provisions is a class C felony (punishable by up to 10 years in prison, up to a \$10,000 fine, or both). There is a \$5,000 minimum fine unless the court states on the record its reasons for remitting or reducing it. Violators must forfeit any of these firearms in their possession.

For anyone who is eligible to possess a firearm, any violation of the ghost gun provisions is a class C misdemeanor (punishable by up to three months in prison, up to a \$500 fine, or both).

EFFECTIVE DATE: Upon passage

**§§ 4-11, 13-14, 16 & 33 — GUN DEALER PERMIT FOR FIREARM SALES**

*Expands the local gun dealer's permit to cover all firearm sales, rather than just handgun sales; places additional prohibitions and requirements on dealers, including annually conducting a physical inventory reconciliation*

Federal law requires anyone in the business of selling firearms to have a federal firearms license (FFL). Under current state law, FFLs who sell handguns and those who sell 10 or more handguns in a calendar year must also have a local permit (i.e., a dealer's permit issued by the municipality's police chief or another authorized official) to sell handguns.

The bill expands the dealer permit requirement to FFLs selling any type of firearm, rather than just handguns

Under the bill, anyone holding a valid dealer permit for retail handgun sales issued on or before September 30, 2023, is deemed to be a holder of a permit for retail firearm sales until the permit expires or is revoked, suspended, confiscated, or surrendered. The permittee may then renew the permit as a permit for retail firearm sales. By law, the local dealer's permit is \$200.

***Dealer Prohibitions***

The bill places additional prohibitions on dealer permittees. It prohibits them from:

1. furnishing false or fraudulent information in any DESPP application or failing to comply with representations made in any application;
2. failing to maintain a (a) handgun permit or handgun eligibility certificate and (b) local dealer permit;
3. failing to maintain effective controls against firearm theft, including installing or maintaining a burglar alarm system as required under existing law;
4. failing to acquire an authorization number for a firearm transfer;

5. transferring a firearm to a person ineligible to receive it, unless the permittee relied in good faith on information DESPP provided in verifying the person's eligibility;
6. selling, delivering, or otherwise illegally transferring an assault weapon or LCM or failing to maintain accurate records of the sale, delivery, or transfer;
7. failing to maintain current and proper acquisition and disposition records the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) requires;
8. failing to post placards or furnish written warnings on unlawful storage of loaded firearms;
9. failing to provide a trigger lock, gun lock, or gun locking device with each purchase;
10. failing to verify employees' age and criminal background;
11. failing to report any firearm stolen as required by state and federal law (CGS § 53-202g & 18 U.S.C. § 923(g)(6)); or
12. failing to do the annual physical inventory reconciliation the bill requires (see below).

**Violations.** Under the bill, if there is probable cause to believe that a person has failed to comply with these requirements, the DESPP commissioner or relevant law enforcement authority (i.e., police chief or, where there is no chief, the municipality's CEO or the resident state trooper or relevant state police officer designated by the municipality's CEO) may issue a violation notice.

Under the bill, the notice must detail the reasons for issuing the notice and give the date by which the person must cure the violation, which must be at least 30 days following the notice's service. If the cure period has expired and the commissioner or relevant law enforcement authority determines the violation continues, he or she may temporarily prohibit further firearm sales by issuing a stop sales order. The order

must be effective when served on the person or posted at the permitted premises. The commissioner or relevant law enforcement authority may assess a civil penalty of up to \$100 per day the violation continues. A dealer in violation of a stop sales order is guilty of a class C felony with a two-year mandatory minimum prison sentence and a \$5,000 minimum fine, which may not be remitted or reduced unless the court states on the record its reasons for doing so.

Anyone against whom a stop sales order is issued against may request a hearing with the DESPP commissioner to contest the grounds for the order and any associated civil penalties. The hearing must be held within seven days of the request's receipt in accordance with the Uniform Administrative Procedure Act.

Under the bill, stop sales orders are effective against any successor entity that has one or more of the same principals or officers as the corporation, partnership, or sole proprietorship against which the stop order was issued and are engaged in the same or equivalent trade or activity.

The bill requires the DESPP commissioner to adopt regulations to specify any hearing provisions needed to carry out these provisions.

### ***Physical Inventory Reconciliation***

The bill also requires dealers, within the first five business days in October, to annually do a physical inventory reconciliation that includes comparing the physical inventory of firearms with acquisition and disposition records that state and federal law require to be maintained (27 C.F.R. § 478.125(e)). A permittee must, within five business days of performing the inventory, attest to the DESPP commissioner, in a form and manner he prescribes, that the recorded inventory was performed and any firearms that were determined to be missing were reported to the attorney general and appropriate local authorities as required by state and federal law (CGS § 53-202g & 18 U.S.C. § 923(g)(6)). State law requires all lawful firearm owners to report any firearm lost or stolen within 72 hours after they discover or should have discovered the loss or theft; federal law requires FFLs to report within 48 hours to the



relevant authorities.

### ***Limits on Where Gun Dealers May Sell Firearms***

Under current law, gun dealers may sell handguns only in the room, store, or other place described in their permit to sell handguns. The bill extends this limitation to dealers selling any firearms, not just handguns, and specifies that the sales must occur in the place described in both the local permit and state license. It also requires them to display their state license where the handguns will be sold or offered or exposed for sale, in addition to the local permit they must display under current law.

### ***Vendor Records***

Current law requires vendors of any dealer to keep a record of each handgun sold in a book, as required under federal regulations. The vendor must make the record available for inspection at the request of state and local law enforcement and a statewide firearms trafficking taskforce member. The bill (1) extends these recordkeeping requirements to all firearms, and (2) requires vendors to also make the records available for inspection by any federal law enforcement agency investigator for official purposes related to the member's or investigator's employment.

### ***Semi-automatic Centerfire Rifle Sales***

Current law generally prohibits any person, firm, or corporation from selling, delivering, or transferring, at retail, any semi-automatic centerfire rifle that has or accepts a magazine with a capacity of more than five rounds to anyone under age 21. The bill expands this prohibition by applying it to all sales, deliveries, or transfers of these rifles, not just those at retail.

## **§§ 9, 17-19 & 21-22 — HANDGUN SALE LIMITATION**

*Generally limits a person to only three handgun retail purchases in a 30-day period and makes violations a class C felony; allows certified NRA instructors to be sold up to six handguns in a 30-day period*

Under state law, DESPP serves as the point of contact for initiating a National Instant Criminal Background Check System (NICS)

background check. With limited exceptions, when anyone sells, delivers, or transfers a firearm, he or she must contact DESPP, which must run the check and then provide an authorization number for the delivery or transfer. (NICS is the federal database used to determine if prospective gun buyers are disqualified from acquiring or possessing firearms under state or federal law.)

With certain exceptions, the bill limits the number of handguns a person may sell, deliver, or transfer to any person to three in a 30-day period. It does so by prohibiting the DESPP commissioner from issuing more than three authorization numbers for the retail sale of a handgun for any transferee within a 30-day period, except he may issue up to six for a National Rifle Association (NRA) certified firearms instructor.

This limitation does not apply to:

1. a firearm (a) transferred to a federal, state, or municipal law enforcement agency, or (b) legally transferred by a person ineligible to possess it;
2. the exchange of a handgun purchased by an individual from an FFL for another handgun from the same FFL within 30 days after the original transaction, as long as the FFL reports the transaction to the DESPP commissioner;
3. certain antique handguns (e.g., those manufactured in or before 1898 that are exempt from state laws on handgun sales procedures);
4. handgun sales, deliveries, and transfers between federally licensed gun dealers, manufacturers, and importers; or
5. a transfer to a museum at a fixed location that is open to the public and displays firearms as part of an educational mission.

Under current law, the handgun sale, delivery, and transfer provisions do not apply between an FFL and (1) federally licensed gun manufacturers, (2) federally licensed gun importers, or (3) another FFL. The bill extends this exemption to these transactions between federally

licensed manufacturers.

### **Penalty**

As under existing law for illegal handgun sales, deliveries, or transfers, a violation of the bill's sale limitation is a class C felony with a two-year mandatory minimum prison sentence and a \$5,000 minimum fine, which may not be remitted or reduced unless the court states on the record its reasons for doing so.

### **Suspended Criminal Proceedings**

As under existing law for handgun sale, delivery, or transfer restrictions, the court may suspend the prosecution of a person who violates the bill's sales limitation and dismiss the charges under the same conditions as suspended sentences for ghost gun violations (see above).

## **§§ 12 & 20 — GUN STORAGE**

*Extends the firearm safe storage law to all firearms people store or keep on their premises, rather than only under specified circumstances; expands the scope of the crime of negligently storing a firearm to apply when anyone, not just a minor, obtains an unlawfully stored firearm and injures or kills himself or herself or someone else*

### **Storage Requirements**

The bill extends the firearm safe storage law to cover all firearms people store or keep on their premises, rather than only under specified circumstances. Under current law, the safe storage requirements apply if the person who controls the premises knows or reasonably should know that a (1) minor is likely to gain access to the firearm without a parent's or guardian's permission or (2) resident is ineligible to possess firearms, is subject to a risk protection order, or poses a risk of imminent personal harm or harm to others.

As under existing law, the person controlling the premises must either:

1. keep a 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 so closely that he or she can readily

retrieve and use the firearm as if he or she were carrying it.

***Penalty for Criminally Negligent Storage of a Firearm***

Under current law, a person is guilty of criminally negligent storage of a firearm if a minor obtains an unlawfully stored firearm and uses it to injure or kill himself or herself or someone else, unless the minor obtained the firearm through unlawful entry. The bill expands the scope of this crime to include any person, not just minors. It also limits the exemption to cover any person who obtains the firearm through unlawful entry and, if the firearm is stolen, requires that it is reported stolen as existing law requires. As under current law, violators are guilty of a class D felony.

As under existing law, a person who fails to securely store a firearm is strictly liable for damages, regardless of intent, when a minor, or a resident who is ineligible to possess firearms or poses a risk of imminent personal harm or harm to others, gets a firearm and causes self-harm or harm to others (CGS § 52-571g).

**§ 14 — EXEMPTION FROM AMMUNITION SALES MINIMUM AGE REQUIREMENT**

*Exempts sales of ammunition to specified state agencies and other entities and individuals from the minimum age requirement for ammunition sales*

Existing law generally prohibits any person, firm, or corporation from selling ammunition or an ammunition magazine to anyone (1) without a valid gun credential or ammunition certificate and (2) under age 18. Current law exempts sales of ammunition to specified state agencies, entities, and individuals from the gun credential or ammunition certificate requirement. The bill additionally exempts these agencies, entities, and individuals from the minimum age requirement, thus allowing sales of ammunition to them regardless of the purchaser's age.

As under current law, the minimum age requirement does not apply to sales to:

1. DESPP, DOC, DMV, the Department of Energy and Environmental Protection (DEEP), the Division of Criminal

Justice (DCJ), police departments, and the state or U.S. Armed Forces;

2. a sworn and duly certified member of an organized police department, the State Police, DCJ inspectors, DMV commissioner-designated inspectors, DEEP commissioner-designated conservation officers, and locally appointed constables certified by POST who perform criminal law enforcement duties;
3. a member of the state or U.S. military or naval forces;
4. a nuclear facility licensed by the U.S. Nuclear Regulatory Commission or its contractors or subcontractors for providing security services at the facility; or
5. a federally licensed firearms manufacturer, importer, dealer, or collector.

### **§§ 15, 23-26 & 49 — 2023 ASSAULT WEAPONS BAN**

*Expands the assault weapons ban to include more firearms and creates a process for those who lawfully own these weapons to get a certificate of possession or transfer or sell the weapon*

State law generally prohibits anyone from having or selling an assault weapon (see *Background*). Specifically, and with minor exceptions, no one in Connecticut may:

1. give, distribute, transport, import, expose, keep, or sell an assault weapon (CGS § 53-202b) or
2. possess an assault weapon, unless he or she lawfully owned it before the applicable ban took effect and got a certificate of possession from DESPP for it (i.e., registered it) (CGS §§ 53-202c & -202d).

### ***2023 Assault Weapons Ban***

The bill expands the assault weapons ban to include additional firearms, which the bill designates as “2023 assault weapons.” These include any semiautomatic firearm regardless of (1) whether the firearm

is specifically banned by law and (2) the date the firearm was produced if it meets the criteria described below.

Specifically, under the bill, an assault weapon is any semiautomatic firearm, other than a pistol, revolver, rifle, or shotgun, that has at least one of the following:

1. a grip or stock that allows someone to hold it with more than just the trigger finger directly below the firing action;
2. an ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol grip;
3. a fixed magazine that can accept more than 10 rounds;
4. a flash suppressor or silencer, or a threaded barrel capable of accepting a flash suppressor or silencer;
5. a shroud that is attached to, or partially or completely encircles, the barrel and that allows the shooter to fire the firearm without being burned, except a slide enclosing the barrel;
6. a second hand grip; or
7. an arm brace or other stabilizing brace that allows the firearm to be fired from the shoulder, with or without an arm strap.

Additionally, it includes any semiautomatic firearm legally manufactured before September 13, 1994, that was not listed by name under the 1994 assault weapons ban but instead defined by its features. The bill repeals the current exemption for these pre-1994 firearms (§ 49).

Lastly, an “assault weapon” also includes a combination of parts designed or intended to convert a firearm into an assault weapon, as expanded under the bill, or any combination of parts from which an assault weapon may be assembled if the same person possessed and controlled those parts.

***Lawful Possession of a 2023 Assault Weapon***

Under the bill, to “lawfully possess” a 2023 assault weapon is:

1. actual lawful possession under the state laws on assault weapons;
2. constructive possession by a lawful purchase transacted before the bill’s effective date, regardless of whether the assault weapon was delivered before that date, with written evidence sufficient to indicate that (a) a sales contract for purchasing the weapon was made between the parties before that date or (b) the purchaser made full or partial payment for the weapon before then; or
3. actual or constructive possession as described above as evidenced by a written statement made under penalty of false statement on a DESPP form.

By law, false statement is a class A misdemeanor (CGS § 53a-157b).

### ***Certificate of Possession***

Under the bill, anyone who, before the bill’s effective date, lawfully possesses a 2023 assault weapon may apply to DESPP by May 1, 2024, for a certificate of possession for the weapon. This includes anyone who regains possession of one from a gun dealer, consignment shop operator, or licensed pawnbroker placed with them on or before October 1, 2023, as described below. Servicemembers unable to apply for a certificate by May 1, 2024, because they were out of state on official duty have 90 days after returning to Connecticut to apply for the certificate. The certificate allows a person to keep the firearm if he or she is eligible and otherwise complies with the law. DESPP (1) must accept applications in both paper and electronic form, to the extent possible, and (2) is prohibited from requiring applications to be notarized.

As under existing law, the certificate must contain a description of the firearm that identifies it uniquely, including all identification marks; the owner’s full name, address, date of birth, and thumbprint; and any other information DESPP deems appropriate.

As under existing law, the name and address are confidential and

may be disclosed only to (1) law enforcement agencies and U.S. Probation Office employees carrying out their duties and (2) the DMHAS commissioner to carry out gun-related duties.

***Federal Reclassification***

The bill establishes conditions under which certain individuals may lawfully possess a 2023 assault weapon if the assault weapon was reclassified for federal purposes as a rifle under the recent amendments to federal regulations on commerce in firearms and ammunition (i.e., 27 C.F.R. Parts 478 & 479 (published at 88 Federal Register 6478 (January 31, 2023))). Under the bill, the person must:

1. have applied to register the assault weapon under the federal National Firearms Act (P.L. No. 73-474) using the form known as Form 1 that ATF publishes, submitted a copy of the form to DESPP by August 1, 2023, and ATF must have approved the application, denied the application within the past 30 days, or not yet processed the application; and
2. lawfully possessed the assault weapon on the day before the bill takes effect; and
3. be in compliance with the assault weapons laws.

For these individuals whose applications have not yet been processed by ATF, the bill allows them to apply to DESPP, by May 1, 2024, for a temporary certification of possession. This certificate expires on the earlier of January 1, 2027, and seven days after a Form 1 application denial.

If the Form 1 application is approved, the person may then apply to DESPP to convert the temporary certificate into an assault weapon certificate of possession. A full and complete Form 1 application submitted to DESPP constitutes a complete application for a temporary certificate and a copy of a Form 1 application approval constitutes a complete application to convert. If a complete application to convert is received, DESPP must approve the application.



DESPP (1) must accept applications in both paper and electronic form, to the extent possible, and (2) is prohibited from requiring applications to be notarized.

***Locations Where Registered Weapon May Be Kept.*** Under existing law and the bill, anyone who possesses a registered assault weapon may possess it only:

1. at his or her home, business place, other property he or she owns, or on someone else's property with the owner's permission;
2. at a target range of a public or private club or organization organized for target shooting;
3. at a target range that holds a regulatory or business license for target shooting;
4. at a licensed shooting club;
5. while attending a firearms exhibition, display, or educational project sponsored by, conducted under the auspices of, or approved by a law enforcement agency or nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or
6. while transporting the weapon, in compliance with pertinent law, between any of the above places, or to a gun dealer for servicing or repair.

***Certificate of Possession Exemptions.*** Under the bill, as under the current assault weapons ban law, law enforcement entities, sworn and duly certified enforcement officers, or nuclear power plants operating in Connecticut and their security contractors who lawfully use assault weapons for official duties do not have to obtain a certificate of possession for 2023 assault weapons. But if an officer buys a 2023 assault weapon for his or her official duties and then subsequently retires or is separated from service, he or she must apply to DESPP within 90 days of retiring or being separated.

Under the bill, anyone who previously got a certificate of possession for an assault weapon before the bill passes that is also a 2023 assault weapon does not have to get a subsequent certificate. He or she is deemed to have gotten a certificate for the weapon under the assault weapons laws.

### ***Gun Manufacturer and Dealer Exemption***

As under existing law, the bill allows gun manufacturers to manufacture and transport 2023 assault weapons for sale (1) to exempt parties in Connecticut and (2) out of state (CGS § 53-202i). It allows gun dealers who lawfully possess assault weapons to (1) transfer the weapons between dealers or out of state, (2) display them at gun shows licensed by a state or local government entity, or (3) sell them to residents out of state. It also allows gun dealers to take possession of registered weapons or transfer them for servicing or repair to a licensed gunsmith (1) in their employ or (2) under contract to provide gunsmithing services to them (CGS § 53-202f).

### ***Temporary Transfer and Possession of Assault Weapons***

As under existing law, the bill also allows the temporary possession and transfer of a registered 2023 assault weapon for certain out-of-state events, such as shooting competitions, exhibitions, displays, or educational projects about firearms sponsored by, done under the auspices of, or approved by, a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in firearms use or promotes firearms education (CGS § 53-202h).

### ***Sales, Bequests, or Intestate Succession***

The bill prohibits a 2023 assault weapon lawfully possessed with a certificate of possession to be sold or transferred on or after the bill's effective date to anyone in Connecticut except (1) a licensed gun dealer; (2) to DESPP or local police departments; or (3) by bequest or intestate succession, or upon death, to a trust or from a trust to a beneficiary who is eligible to possess the weapon.

### ***Transfer for Sale Out-of-State***

Until April 30, 2024, the bill allows anyone who lawfully possesses a

2023 assault weapon on the day before the bill takes effect to transfer possession of the weapon to a licensed gun dealer in or outside of Connecticut for an out-of-state sale. He or she may transport the weapon to the dealer for transfer purposes without obtaining a certificate of possession.

***Dealer, Pawnbroker, and Consignment Shops***

The bill allows a licensed gun dealer, licensed pawnbroker, or consignment shop operator to transfer possession of a 2023 assault weapon to a person who:

1. legally possessed it before the bill's effective date;
2. placed the weapon in the possession of the dealer, pawnbroker, or operator under an agreement to sell the weapon to a third person; and
3. is eligible to possess it on the date it is transferred back to the person.

***Relinquishment of Assault Weapon to Law Enforcement Agency***

Existing law, unchanged by the bill, allows an individual to arrange in advance to relinquish an assault weapon to a police department or DESPP (CGS § 53-202e).

***Penalties***

The same penalties that apply under current law involving currently banned assault weapons apply to the 2023 assault weapons.

By law, it is a class D felony with a mandatory minimum one-year prison term to possess a banned assault weapon, except that a first violation is a class A misdemeanor if the person proves that he or she lawfully possessed the weapon before October 1, 1993, or on April 4, 2013, (depending on the specific weapon) and is otherwise in compliance. The bill adds another exception for a first-time violator who can prove he or she lawfully possessed the weapon before the bill passed and is otherwise in compliance.

Additionally, by law, it is a class C felony with a mandatory minimum two-year prison term to give, transfer, keep, sell, or distribute banned assault weapons (CGS § 53-202b(a)(1)).

For transfers, sales, or gifts to people under age 18, the court must impose an additional six-year mandatory minimum, in addition and consecutive to the term for the underlying offense (CGS § 53-202b(a)(2)).

### **Background — Assault Weapons**

Under current law, an “assault weapon” is any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire or any parts designed or intended to convert a firearm into an assault weapon or from which an assault weapon may be rapidly assembled if possessed or under the control of the same person. It includes (1) specified semiautomatic firearms banned by name and (2) others classified based on their features (e.g., semiautomatic, centerfire rifles that can accept a detachable magazine and have at least one other specified feature and semiautomatic pistols or centerfire rifles with a fixed magazines that can hold more than 10 rounds).

The law excludes from the definition of an assault weapon any parts or combination of parts of a lawfully possessed assault weapon, that are not assembled as an assault weapon, when possessed for servicing or repair by a licensed gun dealer or gunsmith in the dealer’s employ. The definition also does not include any firearm rendered permanently inoperable.

EFFECTIVE DATE: Upon passage

### **§ 27 — LARGE CAPACITY MAGAZINES (LCM)**

*Bifurcates the penalties for LCM violations based on a person’s eligibility to possess firearms, making violations a class D felony for those who are ineligible and a class A misdemeanor for those who are eligible; allows defendants to enter diversionary programs*

Under current law, it is a class D felony to possess an undeclared LCM, except it is an infraction with a \$90 fine for a first offense if the LCM was obtained before April 5, 2013. The bill instead makes it a class D felony if the person is ineligible to possess a firearm, and a class A misdemeanor if the person is eligible to possess a firearm.

Under current law, the court may suspend prosecution for violations of this law under certain conditions. The bill also allows the court to allow any available diversionary programs to the defendant.

Existing law allows certain individuals including law enforcement to possess, purchase, or import LCMs and other individuals, such as those who have declared possession, to possess LCMs (CGS § 53-202w(d) & (e)).

By law, an LCM is any firearm magazine, belt, drum, feed strip, or similar device that can hold, or can be readily restored or converted to accept, more than 10 rounds of ammunition. It excludes:

1. feeding devices permanently altered so that they cannot hold more than 10 rounds,
2. .22 caliber tube ammunition feeding devices,
3. tubular magazines contained in a lever-action firearm, and
4. permanently inoperable magazines.

## **§§ 28-32 — DISQUALIFYING OFFENSES**

*Expands the list of disqualifying offenses for possessing or carrying a firearm to include misdemeanor convictions for offenses designated as family violence crimes and those prohibited under federal law due to misdemeanor domestic violence convictions or being a fugitive of justice; adds these offenses as reasons someone may be guilty of certain criminal firearm possession laws; increases, by one day, the two-year mandatory minimum prison sentence for criminal possession of a firearm, ammunition, or electronic weapon and makes those convicted of this crime eligible for special parole*

Existing law prohibits certain individuals with disqualifying offenses from receiving credentials to possess or carry firearms. For long gun and handgun eligibility certificates and handgun permits, the bill prohibits the DESPP commissioner from issuing these credentials if the person (1) has been convicted of a misdemeanor of any law designated a family violence crime or (2) is prohibited under federal law from shipping, transporting, possessing, or receiving a firearm because he or she is a fugitive from justice or has been convicted of a misdemeanor crime of domestic violence (see *Background*).

It also expands the crimes of criminal possession of a firearm, ammunition, or an electronic defense weapon and criminal possession of a handgun to include possession by such a person. For family violence crimes, it includes those committed on or after October 1, 2023. Under current law, a violation of these crimes is a class C felony with a two-year mandatory minimum prison sentence and a \$5,000 minimum fine, which may not be remitted or reduced unless the court states on the record its reasons for doing so. The bill increases, by one day, the two-year mandatory minimum prison sentence for criminal possession of a firearm, ammunition, or electronic weapon. In doing so, it makes those convicted of this crime eligible for special parole, which is a closer and more rigorous form of supervision (CGS § 54-125e).

### **Background**

**Family Violence Crime.** By law, a “family violence crime” is a crime, other than a delinquent act, that involves an act of family violence to a family or household member. It does not include acts by parents or guardians disciplining minor children unless these acts constitute abuse.

Generally, “family violence” is physical harm or the threat of violence between family or household members, including stalking or a pattern of threatening, but excluding verbal abuse or arguments unless there is present danger and likelihood of physical violence (CGS § 46b-38a).

**Fugitive From Justice.** Under federal law, a “fugitive from justice” is anyone who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding (18 U.S.C. § 921 (a)(15)).

**Misdemeanor Crime of Domestic Violence.** Under federal law, a “misdemeanor crime of domestic violence” is an offense that (1) is a misdemeanor under federal, state, or tribal law; (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon; and (3) was committed by someone with a domestic relationship with the victim (e.g., former or current spouse), with certain exceptions (18 U.S.C. 921(a)(33)).

**§§ 28-30 — ADDITIONAL EDUCATIONAL REQUIREMENTS**

*Specifies that firearm safety training requirements for long gun and handgun eligibility certificates and handgun permits must be completed within two years before applying; requires training courses to include instruction on state law requirements on safe firearm storage and lawfully using firearms and carrying firearms in public*

Under current law, applicants for long gun and handgun eligibility certificates and handgun permits must have successfully completed a DESPP-approved firearm safety and use course, which may include one (1) available to the public offered by a local law enforcement agency, private or public educational institution, firearms training school, using instructors certified by the NRA or DEEP or (2) conducted by an NRA or state-certified instructor.

For applications for these credentials filed on or after July 1, 2024, the bill instead requires applicants to complete, within two years before submitting their applications, a DESPP-approved course on firearm safety and use, which may include certified NRA courses or those by other organizations that are conducted by a certified NRA instructor or by the state. The course must include instruction on state law requirements on safe firearm storage in the home and in vehicles and lawfully using firearms and carrying firearms in public. It specifies anyone holding a valid handgun permit before July 1, 2024, does not have to do any additional training.

The bill allows anyone who wants to provide the course for handgun permits to apply to the commissioner as he prescribes. He must approve or deny the application for the course by July 1, 2024, if the application was submitted by October 1, 2023.

**§ 33 — TRIGGER LOCKS**

*Expands the requirement that gun dealers give trigger locks and a related written warning to all firearm buyers at the time of sale, rather than just handgun buyers*

Under current law, any gun dealer selling a handgun must give the purchaser a reusable trigger lock, gun lock, or appropriate gun locking device at the time of sale. The bill expands this requirement to all firearm sales, rather than just handguns, but does not define what constitutes a firearm for this purpose.

As under current law for handgun sales, the gun dealer must equip the firearm with the trigger lock at the time of sale. The device must be made of material strong enough to prevent it from being easily disabled and have a locking mechanism accessible by a key or other electronic or mechanical accessory specific to the lock to prevent unauthorized removal. Dealers must also give the buyers a specified written warning.

As under existing law, each violation by a dealer is punishable by up to a \$500 fine.

### **§ 34 — CARRYING LOADED LONG GUNS IN MOTOR VEHICLES**

*Expands the prohibition on carrying or possessing loaded shotguns, rifles, or muzzleloaders in motor vehicles to include all long guns*

Current law prohibits anyone from carrying or possessing a loaded shotgun, rifle, or muzzleloader in any vehicle or snowmobile. The bill specifies that this prohibition applies to all long guns (i.e., firearms other than handguns).

As under existing law, this prohibition does not apply to servicemembers while on duty or travelling to or from assignments or to enforcement officers, security guards, or other people employed to protect property while in the performance of their duties. A violation is a class D misdemeanor (punishable by up to 30 days imprisonment, up to a \$250 fine, or both).

EFFECTIVE DATE: July 1, 2023

### **§ 35 — BODY ARMOR**

*Requires those buying or receiving body armor to have certain gun-related credentials; expands purchase exemptions to include judicial marshals, probation officers, federal firearms licensees, and emergency medical service organization employees*

Under current law, “body armor” is any material designed to be worn on the body and to provide bullet penetration resistance. The bill instead defines it as any item designed to provide bullet penetration resistance and be worn on or under clothing, like a vest or other article of clothing.

Current law generally requires the sale or delivery of the body armor to be in person. The bill also requires a person who buys or receives



body armor to have a local gun dealer permit, handgun permit, eligibility certificate for handgun or long gun, or ammunition certificate. The bill extends the current penalty for criminal possession of body armor to the gun-related credential requirement, making it a class B misdemeanor if a purchaser violates either requirement.

Current law exempts from the in-person requirement certain law enforcement officials, among others. The bill exempts these individuals from the bill's gun-related credential requirement and expands the list to include judicial marshals, probation officers, federal firearm licensees, and emergency medical service organization employees (i.e., ambulance drivers, emergency medical technicians, and paramedics).

As under existing law, it is a class A misdemeanor for anyone convicted of specific felonies or a serious juvenile offense to possess body armor.

#### **§§ 36-39 & 43-44 — SERIOUS FIREARM OFFENDER**

*Sets more stringent release conditions for serious firearm offenders; allows or requires prosecutors to petition the court for bond amounts of up to 30% depending on prior convictions; lowers the evidentiary threshold for courts to revoke a defendant's release under certain circumstances involving serious firearm offenses and requires revocation under these circumstances; requires certain bail to be forfeited when the defendant commits a serious firearm offense while released; requires probation officers to seek arrests for certain serious firearm offenders or offenses*

The bill imposes different conditions for release for serious firearm arrests depending on whether the arrested person has prior convictions for certain crimes. For those without these prior convictions, the bill generally follows the same release procedures as current law, while only allowing those with these prior convictions to be released by posting bond.

#### ***Serious Firearm Offenses and Offenders***

Under the bill, a "serious firearm offense" is:

1. illegally possessing an LCM (CGS § 53-202w, as amended by the bill);
2. possessing a stolen firearm or a firearm that is altered in a way that makes it unlawful;

3. altering, removing, or defacing a firearm's identification mark, serial number, or name (CGS § 29-36);
4. manufacturing, possessing, or transferring a firearm without the number or mark (CGS § 29-36a, as amended by the bill);
5. knowingly, recklessly, or with criminal negligence, facilitating, aiding, or abetting the manufacture of a firearm (a) by someone prohibited by law from purchasing or possessing a firearm or (b) that a person is otherwise prohibited by law from purchasing or possessing (CGS § 29-36a, as amended by the bill); or
6. any crime of which an essential element is that the person discharged, used, or was armed with and threatened the use of a firearm.

A "serious firearm offender" is a person who has been convicted of a:

1. serious firearm offense twice;
2. serious firearm offense and was previously convicted of a violation of (a) altering, removing, or defacing a firearm's identification mark, serial number, or name; (b) manufacturing, possessing, or transferring a firearm without an identification serial number or mark; (c) knowingly, recklessly, or with criminal negligence, facilitating, aiding, or abetting the manufacture of a firearm, as described above; or (d) criminally possessing a firearm, ammunition, or electronic defense weapon or handgun due to specified disqualifying offenses; or
3. serious firearm offense and was previously convicted of at least two other felony offenses.

**Notification**

Current law allows probation officers to notify the police if they have probable cause to believe that a person on probation has violated his or her probation conditions. The bill requires them to do so if the person is

a serious firearm offender or is on probation for a felony conviction and has been arrested for committing a serious firearm offense. As under existing law, this notice is sufficient warrant for the police to arrest the person and return him or her into the court's custody.

***Arrest Warrant***

The bill requires a probation officer who has probable cause to believe that a serious firearm offender on probation has violated a probation condition to apply to any judge for a warrant to arrest the person for the probation condition or conditional discharge violation. The officer must also apply for a warrant if he or she knows that a person on probation for a felony conviction has been arrested for committing a serious firearm offense. As under existing law, the warrant authorizes the officer to return the defendant into the court's custody or to any suitable detention facility.

***Hearing Deadline***

Under current law, when someone is arrested for violating the conditions of parole or conditional discharge, the court generally must dispose the charge or schedule a hearing within 120 days after arraignment. The bill shortens this period to 60 days for a defendant who is a serious firearm offender or is on probation for a felony conviction and has been arrested for a serious firearm offense.

***Probation Revocation***

The bill requires the court to revoke the sentence of probation or conditional discharge if the violation consists of committing a serious firearm offense or the defendant is a serious firearm offender. Under current law, the court has discretion on whether to revoke the probation or continue, modify, or extend it.

***Bail***

The bill creates a rebuttable presumption that a serious firearm offender poses a danger to the safety of others regarding release on bail. For applying the bail release laws, this applies to any serious firearm offender arrested and charged with a crime or any felony offender arrested for a serious firearm offense.

**Conditions for Release for Serious Firearm Arrests**

The bill imposes different conditions for release for serious firearm arrests depending on whether the arrested person has prior convictions for certain crimes. For those without these prior convictions, the bill generally follows the same release procedures as current law, except prosecutors can petition the court to deem the person as a serious risk to the safety of others. If granted, the person may be released only upon executing a bond of at least 30%.

**Conditions of Release.** As under current law for other arrests, when any arrested person charged with committing a serious firearm offense, other than a person with certain prior convictions (see below), is presented before the Superior Court in bailable offenses, the court must promptly order the person's release with one of four specified conditions (i.e., written promise to appear without special conditions or with non-financial conditions or bond with or without surety in no greater amount than necessary). Under current law, the court must consider which of these conditions of release are sufficient to reasonably assure the arrested person's appearance in court. For those charged with a serious firearm offense, the bill additionally requires the court to consider which conditions will ensure that the person will not endanger the safety of others.

**Petition.** The bill allows the prosecutor to (1) petition the court to deem the person a serious risk to the safety of others and (2) present any information developed by federal, state, and local law enforcement agencies during a criminal investigation or enforcement action, including, social media posts, pictures, or videos threatening violence, claiming responsibility for violence, or suggesting firearm possession.

**Bond Amount.** If the court finds that the arrested person is a serious risk to the safety of others, he or she may only be released upon the execution of a bond and the arrested person must deposit at least 30% of any bond amount directly with the court.

**Drug Testing and Treatment.** As under current law, when the court has reason to believe that the person is drug-dependent, and where

necessary, reasonable, and appropriate, it may order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The result of the drug test is not admissible in any criminal proceeding concerning the person.

**Release Condition Factors.** Under the bill, in determining what release conditions will reasonably assure the arrested person's appearance in court and that the safety of others will not be endangered, the court may generally consider the same factors as current law allows for certain felony arrests. This includes the (1) number and seriousness of pending charges, (2) weight of the evidence, (3) person's history of violence, (4) person's previous convictions for similar offenses while released on bond, and (5) likelihood based on his or her express intentions that he or she will commit another crime while released.

As under existing law for releases for certain felony arrests, the bill requires the court, when imposing conditions of release, to state for the record any of the factors that it considered and the findings it made as to the danger, if any, that the arrested person might pose to the safety of others upon his or her release.

**Nonfinancial Condition of Release.** The bill appears to allow the court to impose nonfinancial conditions of release for serious firearm offenders without certain prior convictions under the same conditions as under current law for other offenders. (However, the bill does not make a related conforming change allowing the court to impose nonfinancial conditions for these serious firearm offenders.) Specifically, the court must order the least restrictive condition or conditions needed to reasonably assure the person's appearance in court and that the safety of another person will not be endangered. The conditions may include supervision by a designated person or organization, travel or living accommodation restrictions, and electronic monitoring, among others.

As under current law, the court (1) must state on the record its reasons for imposing any nonfinancial condition and (2) may require the person who is subject to electronic monitoring to pay for the cost of these

services.

### **Release Conditions for Serious Firearm Arrests With Certain Prior Convictions**

The bill sets more stringent release conditions for those committing a serious firearm offense with certain prior convictions. Defendants may only be released on bond in an amount needed to reasonably assure the person's appearance in court and that the safety of others will not be endangered.

The bill also (1) requires a prosecutor to petition for the arrested person to deposit at least 30% of the bond amount directly with the court and (2) establishes a rebuttable presumption that the safety of others will be endangered without the granting the petition. As under current law and the bill's provisions for serious gun offenders without prior convictions, the court may order the person to submit to a urinalysis drug test and participate in a drug testing and treatment program under the same circumstances and procedures described above.

These release conditions apply to those who are arrested for a serious firearm offense and (1) are serious firearm offenders or (2) have two or more convictions during the five-year period immediately before the current arrest for (a) illegally manufacturing, distributing, selling, prescribing, or dispensing certain illegal substances (CGS §§ 21a-277 & -278) or (b) 1st or 2nd degree larceny (CGS §§ 53a-122 & -123). These conditions also apply for those with (1) two prior convictions for the violations shown in the table below or (2) a prior conviction of a violation listed below and a previous conviction of carrying a handgun without a permit, carrying a firearm with intent to display, or failing to present a permit to a law enforcement officer who has reasonable suspicion of a crime (CGS § 29-35, as amended by the bill).

**Table: Prior Convictions for More Stringent Release Conditions**

Alter, remove, or deface firearm serial number (CGS § 29-36)	Manslaughter 1st degree (CGS § 53a-55)
Manufacture or transfer "ghost gun" or possess one without declaring it or applying	Manslaughter 1st degree with a firearm (CGS § 53a-55a)

for serial number (CGS § 29-36a, as amended by the bill)	
Possession or use of machine gun or transfer one to someone under age 16 (CGS § 53-202)	Manslaughter 2nd degree (CGS § 53a-56)
Assault weapons (definitions only) (CGS § 53-202a, as amended by the bill)	Manslaughter 2nd degree with a firearm (CGS § 53a-56a)
Sale or transfer of assault weapons (CGS § 53-202b)	Assault 1st degree (CGS § 53a-59)
Possession of assault weapons (CGS § 53-202c)	Assault 2nd degree (CGS § 53a-60)
Possessing, purchasing, selling, or importing large capacity magazines (CGS § 53-202w, as amended by the bill)	Assault 2nd degree with a firearm (CGS § 53a-60a)
Firearms trafficking (CGS § 53-202aa)	Robbery 1st degree (CGS § 53a-134)
Manufacturing firearm from certain plastic (CGS § 53-206i)	Stealing a firearm (CGS § 53a-212)
Murder (CGS § 53a-54a)	Criminal use of firearm or electronic defense weapon (CGS § 53a-216)
Murder with special circumstances (CGS § 53a-54b)	Criminal possession of firearm, ammunition, or electronic defense weapon (CGS § 53a-217, as amended by the bill)
Felony murder (CGS § 53a-54c)	Possession of weapon on school grounds (CGS § 53a-217b)
Arson murder (CGS § 53a-54d)	Criminal possession of handgun (CGS § 53a-217c, as amended by the bill)

**Not Released.** As under existing law, if an arrested person is not released, the court must order him or her committed to DOC custody until the person is released or discharged under the law.

### **Revocation of Release**

The bill (1) lowers the evidentiary threshold for courts to revoke a defendant's release if he or she is a serious gun offender or released under the offenses listed in the table above and (2) makes the revocation mandatory upon certain findings.

By law, with certain exceptions, the court may impose new or

additional conditions on a defendant's release if it finds by clear and convincing evidence that he or she violated the release conditions. For offenses where a prison term of 10 or more years may be imposed, existing law allows the court to revoke the defendant's release if it finds by clear and convincing evidence that the safety of others is endangered by his or her release and there is probable cause to believe he or she committed a federal, state, or local crime while released. There is a rebuttable presumption that these defendants' release should be revoked. The bill extends these provisions to defendants who are serious firearm offenders or on release for a serious firearm offense, except as described below.

If the defendant is (1) a serious firearm offender and is on release for any offense or (2) on release for one of the offenses listed in the table above, the court must revoke the release if it finds by the preponderance of the evidence that there is probable cause to believe the defendant has committed a serious firearm offense while released. As under current law for revocations, before the revocation, the court must hold an evidentiary hearing where hearsay or secondary evidence is admissible.

### ***Bond Forfeiture***

Under the bill, the bond posted in the criminal proceeding for any offense for which the defendant was on pretrial release is forfeited if the defendant commits a serious firearm offense while released. The forfeiture occurs if the defendant is subsequently convicted of any offense he or she was released for, and a serious firearm offense committed while released.

As under existing law, the revocation of a defendant's release causes any bond posted in a criminal proceeding to be automatically terminated and the surety to be released.

### **§ 40 — RETURN TO CUSTODY**

*Requires the DOC commissioner to request a parolee to be returned to custody without a written warrant if he or she is a serious firearm offender and is arrested while on parole for a serious firearm offense*

Under current law, the DOC commissioner or an officer he designates, or the pardons and paroles board or its chairperson, may



authorize and require a DOC officer or other officer authorized to serve process to arrest, hold, and return a parolee into custody without a written warrant. The bill requires the commissioner to do this if the parolee is a serious firearm offender who is arrested while on parole for a felony offense or if the parolee is arrested for a serious firearm offense.

**§ 41 — FIREARMS-RELATED CRIME DOCKET**

*Requires the chief court administrator to establish firearm-related crime dockets in certain courts*

The bill requires the chief court administrator, by December 31, 2023, to establish a firearm-related crime docket to serve the geographical area courts in Fairfield, Hartford, New Haven, and Waterbury. He must establish policies and procedures to implement this docket.

EFFECTIVE DATE: Upon passage

**§ 42 — EMERGENCY PETITION**

*Requires a police officer or prosecutor, when aware that someone released on parole or probation is a threat to public safety, to file an emergency petition for the probation or parole office to take specified steps*

The bill allows any sworn peace officer of a law enforcement agency or any prosecutorial official who is aware of a parolee or person on probation who poses a serious threat to public safety to file an emergency petition with the probation or parole office’s supervisory staff, as applicable, and a copy with the Chief State’s Attorney’s office. The petition must include the risk factors pointing to the person as a serious public safety threat and may present any information developed by federal, state, and local law enforcement agencies in a criminal investigation or enforcement action. This information may include social media posts, pictures, or videos threatening violence, claiming responsibility for violence, or suggesting firearm possession.

Within 48 hours after receiving the petition, the applicable supervisory staff must (1) seek a warrant for the person serving probation for a violation of the probation or (2) provide the reason for not seeking one.

**§ 45 — PENALTY FOR FAILING TO REPORT LOST OR STOLEN FIREARM OR ASSAULT WEAPON**

*Increases the penalty for a first offense of failing to report the loss or theft of a firearm or assault weapon from an infraction to a class A misdemeanor*

Under existing law, a person who lawfully possess an assault weapon or firearm that is lost or stolen, must report the loss or theft to the relevant law enforcement agency within 72 hours of when he or she discovered or should have discovered the loss or theft. The bill increases the penalty for a first-time unintentional failure to report by the deadline from an infraction with a fine of up to \$90 to a class A misdemeanor.

As under existing law, a subsequent unintentional failure is a class C felony and an intentional failure to report is a class B felony. By law, a first-time violator does not lose the right to possess a gun permit.

#### **§ 46 — HANDGUN CARRY PERMIT**

*Requires the DESPP commissioner to make a decision on a handgun permit application if the applicant presents an affidavit that the local authority failed to expressly deny or approve a temporary state permit application after a specified period; requires the local authority or DESPP to give a detailed written response when denying an application*

##### ***Handgun Permit Application Process***

By law, handgun permits are issued under a two-part process, requiring approval from both the local authority (e.g., the police chief) and DESPP. The local official investigates applicants, including doing a background check, and issues a temporary state permit, and the State Police conducts state and national criminal history record checks on the applicants and issues the five-year state permit. Existing law requires the local authority to make its decision within eight weeks. The bill requires the local authority, if denying the application, to give the applicant a detailed written reason for doing so.

***Affidavit.*** The bill allows an applicant to submit an affidavit attesting to the DESPP commissioner a local authority failed to expressly deny his or her application or issue a temporary state permit within eight weeks of its submission. After waiting a specified period after applying to the local authority, the applicant may submit the affidavit to DESPP in the place of a temporary state permit. The applicant must wait at least (1) 32 weeks for applications filed by March 30, 2024, and (2) 16 weeks for applications filed on or after April 1, 2024. The commissioner must accept the affidavit and notify the local authority immediately after

receiving the affidavit.

As under current law for applications approved by local authorities, DESPP must make its decision on the affidavit (or inform the applicant that the department is still waiting for the results of the national criminal background check) within eight weeks after receiving the affidavit.

Additionally, the bill provides that a local authority's failure to complete its review of the temporary permit application is not grounds for the commissioner to deny the state permit. It also requires DESPP to give details in its written response on any state permit approval or denial.

### ***Exception for Major Disasters and Declared Emergencies***

The bill carves out an exception for these gun permit issuance provisions during a major disaster, presidential emergency declaration, or gubernatorial emergency declaration due to any disease epidemic, public health emergency, or natural disaster impacting a local authority. Under these circumstances, the DESPP commissioner must not accept any affidavit until 32 weeks have passed following the application date.

## **§ 47 — MASS SHOOTING EVENT RESPONSE**

*Requires (1) DESPP's civil preparedness plan to include a response plan for a mass shooting event, (2) grief counselors and mental health professionals be deployed to help family members or other people closely connected to victims of mass shootings, and (3) the DESPP commissioner and chief state's attorney to coordinate and report on mass shooting investigations*

The bill requires DESPP's civil preparedness plan to include a response plan for a mass shooting event, which the bill describes as a shooting of four or more people within a three-mile radius within 24 hours. The response plan must include coordination between certain parties to determine, among other things, what led to the shooting. This group must report to the DESPP commissioner, who then must report to the governor and certain legislators.

The bill also requires, as part of the response to a mass shooting, that (1) grief counselors and mental health professionals be deployed to help family members or other people closely connected to the victims and (2) the DESPP commissioner and chief state's attorney coordinate, and

report on, an investigation of each mass shooting event.

EFFECTIVE DATE: Upon passage

***Response Plan***

By law, the DESPP commissioner must oversee the development of the state’s civil preparedness plan and program (i.e., the State Response Framework), which is subject to the governor’s approval. The bill requires the plan and program to include a response plan for mass shooting events.

The bill requires the commissioner, as part of any response plan for a mass shooting event, to include provisions for coordinating a meeting with DESPP; local police; community leaders, including religious leaders; and representatives from the Project Longevity Initiative (a comprehensive, community-based initiative to reduce gun violence that operates in Bridgeport, Hartford, New Haven, and Waterbury).

The meeting’s purpose is to determine the following:

1. why the shooting event occurred and what circumstances led to it,
2. whether there were warning signs that it would occur,
3. steps the community can take to prevent further shooting events, and
4. whether there are available resources to help the community respond to the event.

The bill requires the participants, after the meeting ends, to report their findings to the DESPP commissioner. The commissioner must review and report the findings, and any other information he deems pertinent, to the governor, House and Senate majority and minority leaders, and Public Safety and Security Committee. The report must include any recommendations for legislative action to reduce mass shooting events.

***Grief Counselors and Mental Health Professionals***

The bill requires the DESPP commissioner to coordinate with the public health commissioner in deploying grief counselors and mental health professionals to provide mental health services after mass shooting events for the victim's family members or other people closely associated with the victims. These counselors and professionals must be deployed to (1) local community outreach groups in and around the impacted area and (2) any school or higher education institution where any of the shooting's victims or perpetrators were enrolled.

***Shooting Investigation***

The bill requires the DESPP commissioner to coordinate, along with the chief state's attorney's office, an investigation into each mass shooting event. The investigation must consider the following:

1. how the perpetrator got any firearm used in the event,
2. whether those firearms were gotten legally,
3. whether a large capacity magazine was used in the shooting (state law generally bans the possession or sale of these magazines, which hold more than 10 rounds of ammunition), and
4. the backgrounds of the perpetrator and victims.

For each investigation, the commissioner and chief state's attorney must report (1) the investigation's summary and findings, including any determination of what caused the event, and (2) any recommendations to prevent future mass shooting events. They must report to the governor; the House and Senate majority and minority leaders; the Public Safety and Security Committee; and the chief elected official and legislative body of the municipality where the mass shooting occurred.

**§ 48 — POLICE NOTICE OF FIREARM RIGHTS AND RISK PROTECTION ORDER APPLICATION PROCESS**

*Requires law enforcement units to post public notices informing people of various firearm-related rights, including specified information about the permit process and the right to own, possess, and carry firearms*

The bill requires the administrative head of each law enforcement unit to ensure that all police stations, headquarters, or barracks under its jurisdiction post certain information about firearm-related rights, in a conspicuous place that is readily available for the public to view. Specifically, he or she must post a statement informing people of the following rights:

1. to request and get an application for a handgun carry permit;
2. to submit the application no later than one week after their request to do so;
3. to be informed in writing, within eight weeks after applying, of the decision on the application;
4. to file an appeal if the application is denied; and
5. their state and federal constitutional right to own, possess, and carry a firearm to protect their home or family as they so lawfully choose.

In the same way, he or she must post a statement informing people of the application process for a risk protection order, including the process for a family member or medical professional to apply.

Under the bill, as under existing law, an “administrative head of each law enforcement unit” includes the DESPP commissioner, board of police commissioners, police chief or superintendent, or other authority in charge of a law enforcement unit (CGS § 7-291e).

## **BACKGROUND**

### ***Related Bills***

sHB 6816 (File 539), favorably reported by the Judiciary Committee, requires DESPP to study and report on the merits and feasibility of requiring semiautomatic handguns sold in the state to contain a microstamping component.

sHB 6817 (File 635), reported favorably by the Judiciary and Appropriations committee, has similar provisions requiring (1) the

DESPP commissioner to make a decision on a handgun permit application if the applicant presents an affidavit that the local authority failed to expressly deny after a specified period timeframe, (2) DESPP to develop a response plan for mass shooting events, and (3) law enforcement agencies to post a notice informing individuals about their right to request and obtain an application for a handgun permit and related rights.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 23 Nay 14 (03/28/2023)

Appropriations Committee

Joint Favorable

Yea 39 Nay 13 (05/01/2023)