



General Assembly

January Session, 2021

Amendment

LCO No. 8376



Offered by:

REP. STAFSTROM, 129th Dist.
SEN. WINFIELD, 10th Dist.
REP. BLUMENTHAL, 147th Dist.

To: Subst. House Bill No. 6355

File No. 573

Cal. No. 400

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 29-38c of the general statutes is repealed and the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

5 (a) Upon complaint on oath by any state's attorney or assistant state's
6 attorney or by any two police officers, to any judge of the Superior
7 Court, that such state's attorney, assistant state's attorney or police
8 officers have probable cause to believe that [(1)] a person poses a risk of
9 imminent personal injury to himself or herself or to [other individuals]

10 another person, [(2)] the judge may issue a risk protection order
11 prohibiting such person from acquiring or possessing a firearm or other
12 deadly weapon or ammunition. As part of or following the issuance of
13 such order, if there is probable cause to believe that (1) such person
14 possesses one or more firearms or other deadly weapons, and [(3)] (2)
15 such firearm or firearms or other deadly weapon or deadly weapons are
16 within or upon any place, thing or person, such judge [may] shall issue
17 a warrant commanding a [proper] police officer to enter into or upon
18 such place or thing, search the same or the person and take into such
19 officer's custody any and all firearms and other deadly weapons and
20 ammunition. Such state's attorney, assistant state's attorney or police
21 officers [shall] may not make such complaint unless such state's
22 attorney, assistant state's attorney or police officers have conducted an
23 independent investigation and [have] determined that such probable
24 cause exists, [and that there is no reasonable alternative available to
25 prevent such person from causing imminent personal injury to himself
26 or herself or to others with such firearm] Upon the issuance of any such
27 order and warrant, if applicable, the judge shall order the clerk of the
28 court to give notice to the Commissioner of Emergency Services and
29 Public Protection of the issuance of such order and warrant, if
30 applicable.

31 (b) (1) Any family or household member or medical professional who
32 has a good faith belief that a person poses a risk of imminent personal
33 injury to himself or herself or to another person may make an
34 application for a risk protection order investigation with the clerk of the
35 court for any geographical area. The application shall be made under
36 penalties of false statement and indicate: (A) The factual basis for the
37 applicant's belief that such person poses a risk of imminent personal
38 injury; (B) whether such person holds a permit under subsection (b) of
39 section 29-28, as amended by this act, or an eligibility certificate issued
40 under section 29-36f, as amended by this act, 29-37p, as amended by this
41 act, or 29-38n or currently possesses one or more firearms or other
42 deadly weapons or ammunition, if known; and (C) where any such
43 firearm or other deadly weapon or ammunition is located, if known.

44 (2) Upon receipt of an application and affidavit pursuant to this
45 subsection, the court shall order a risk protection order investigation to
46 determine if the person who is the subject of the application poses a risk
47 of imminent personal injury to himself or herself or to another person.
48 Upon issuance by the court of an order for investigation, the court shall:
49 (A) Give notice to the Commissioner of Emergency Services and Public
50 Protection of the issuance of the order for a risk protection order
51 investigation; and (B) immediately give notice of the order and transmit
52 the order and the application and affidavit on which the order is based
53 to the law enforcement agency for the town in which the subject of the
54 investigation resides. The court shall immediately enter into the
55 National Instant Criminal Background Check System (NICS) a record
56 indicating that the person who is the subject of the investigation is
57 ineligible to purchase or otherwise receive a firearm.

58 (3) Upon receipt of an investigation order, the law enforcement
59 agency shall immediately investigate whether the subject of the
60 investigation poses a risk of imminent personal injury to himself or
61 herself or to another person. If the law enforcement agency determines
62 that there is probable cause to believe that the subject of the
63 investigation poses a risk of imminent personal injury to himself or
64 herself or to another person, such law enforcement agency shall seek a
65 risk protection order, and when applicable, a warrant pursuant to
66 subsection (a) of this section not later than twenty-four hours after
67 receiving the investigation order, or, if the law enforcement agency
68 needs additional time to complete the investigation, as soon thereafter
69 as is practicable. If the law enforcement agency determines that there is
70 no probable cause to believe that the subject of the investigation poses a
71 risk of imminent personal injury to himself or herself or to another
72 person, the law enforcement agency shall notify the court, the applicant,
73 and the Commissioner of Emergency Services and Public Protection of
74 such determination, in writing, not later than forty-eight hours after
75 receiving the investigation order, if practicable, or, if the law
76 enforcement agency needs additional time to complete the risk warrant
77 investigation, as soon thereafter as is practicable. Upon receiving such

78 notification that there was not a finding of probable cause, the court
79 shall immediately remove or cancel any record entered into the National
80 Instant Criminal Background Check System associated with such
81 investigation for which there was no finding of probable cause.

82 [(b)] (c) A risk protection order and warrant, if applicable, issued
83 under subsection (a) of this section, may issue only on affidavit sworn
84 to by the complainant or complainants before the judge and establishing
85 the grounds for issuing the order and warrant, if applicable, which
86 [affidavit] shall be part of the [seizure] court file. In determining
87 [whether grounds for the application exist or] whether there is probable
88 cause [to believe they exist] for a risk protection order and warrant, if
89 applicable, under subsection (a) of this section, the judge shall consider:
90 (1) Recent threats or acts of violence by such person directed toward
91 other persons; (2) recent threats or acts of violence by such person
92 directed toward himself or herself; and (3) recent acts of cruelty to
93 animals as provided in subsection (b) of section 53-247 by such person.
94 In evaluating whether such recent threats or acts of violence constitute
95 probable cause to believe that such person poses a risk of imminent
96 personal injury to himself or herself or to others, the judge may consider
97 other factors including, but not limited to (A) the reckless use, display
98 or brandishing of a firearm or other deadly weapon by such person, (B)
99 a history of the use, attempted use or threatened use of physical force
100 by such person against other persons, (C) prior involuntary confinement
101 of such person in a hospital for persons with psychiatric disabilities, and
102 (D) the illegal use of controlled substances or abuse of alcohol by such
103 person. [If] In the case of an application made under subsection (a) of
104 this section, if the judge is satisfied that the grounds for the application
105 exist or that there is probable cause to believe that [they] such grounds
106 exist, such judge shall issue a risk protection order and warrant, if
107 applicable, naming or describing the person, and, in the case of the
108 issuance of a warrant, the place or thing to be searched. If the requisite
109 circumstances are met, the judge shall issue a risk protection order
110 regardless of whether the person is already ineligible to possess a
111 firearm. The order and warrant, if applicable, shall be directed to any

112 police officer of a regularly organized police department or any state
113 police officer. [It] The order and warrant, if applicable, shall state the
114 grounds or probable cause for [its] issuance and, [it] in the case of a
115 warrant, the warrant shall command the officer to search within a
116 reasonable time the person, place or thing named for any and all
117 firearms and other deadly weapons and ammunition. A copy of the
118 order and warrant, if applicable, shall be given within a reasonable time
119 to the person named [therein] in the order together with a notice
120 informing the person that such person has the right to a hearing under
121 this section, the telephone number for the court clerk who can inform
122 the person of the date and time of such hearing and the right to be
123 represented by counsel at such hearing.

124 [(c) The applicant for] (d) (1) In the case of a warrant, the municipal
125 or state police agency that executed the warrant shall file a copy of the
126 application for the warrant and all affidavits upon which the warrant is
127 based with the clerk of the court for the geographical area within which
128 the search [will be] was conducted and with the state's attorney's office
129 for such judicial district no later than the next business day following
130 the execution of the warrant. Prior to the execution and return of the
131 warrant, the clerk of the court shall not disclose any information
132 pertaining to the application for the warrant or any affidavits upon
133 which the warrant is based. The warrant shall be executed and returned
134 with reasonable promptness consistent with due process of law and
135 shall be accompanied by a written inventory of all firearms and other
136 deadly weapons and ammunition seized.

137 (2) In the case of a risk protection order, not later than the next
138 business day following the service of the order, the municipal or state
139 police agency that served the order shall file with the court of the
140 geographical area in the location in which the subject of the order
141 resides a copy of the order and transmit to the state's attorney's office
142 for such judicial district a return of service stating the date and time that
143 the order was served. Prior to the service and return of the order, the
144 clerk of court shall not disclose any information pertaining to the
145 application for the order or any affidavits upon which the order is based

146 to any person outside the Judicial Branch, the municipal or state police
147 agency that served the order, or the state's attorney's office for the
148 judicial district within which the order was served. The order shall be
149 served and returned with reasonable promptness consistent with due
150 process of law.

151 [(d)] (e) Not later than fourteen days after the service of a risk
152 protection order or execution of a warrant under this section, the court
153 for the geographical area where the person named in the order or
154 warrant resides shall hold a hearing to determine whether the risk
155 protection order should continue to apply and whether the firearm or
156 firearms or other deadly weapon or deadly weapons and any
157 ammunition seized should be returned to the person named in the
158 warrant or should continue to be held by the state. At such hearing the
159 state shall have the burden of proving all material facts by clear and
160 convincing evidence. If, after such hearing, the court finds by clear and
161 convincing evidence that the person poses a risk of imminent personal
162 injury to himself or herself or to [other individuals] another person, the
163 court may order that the risk protection order continue to apply and that
164 the firearm or firearms or other deadly weapon or deadly weapons and
165 any ammunition seized pursuant to the warrant issued under
166 subsection (a) of this section continue to be held by the state [for a period
167 not to exceed one year, otherwise] until such time that the court shall
168 order the lifting of the risk protection order and the firearm or firearms
169 or other deadly weapon or deadly weapons and any ammunition seized
170 to be returned to the person named in the warrant pursuant to
171 subsection (f) of this section, provided such person is otherwise legally
172 able to possess such firearm or firearms or other deadly weapon or
173 deadly weapons and ammunition. If the court finds that the person
174 poses a risk of imminent personal injury to himself or herself or to [other
175 individuals] another person, the court shall give notice to the
176 Department of Mental Health and Addiction Services which may take
177 such action pursuant to chapter 319i as [it] the department deems
178 appropriate.

179 (f) A risk protection order, and warrant, if applicable, shall continue

180 to apply and the firearm or firearms or other deadly weapon or deadly
181 weapons and any ammunition held pursuant to subsection (e) of this
182 section shall continue to be held by the state until such time that the
183 person named in the order and warrant, if applicable, successfully
184 petitions the court to terminate such order and warrant, if applicable.
185 The person named in the order may first petition the court of the
186 geographical area where the proceeding was originally conducted for a
187 hearing to terminate such order, and warrant if applicable, at least one
188 hundred eighty days after the hearing held pursuant to subsection (e) of
189 this section. Upon the filing of such petition, the court shall (1) provide
190 to the petitioner a hearing date that is on the twenty-eighth day
191 following the filing of such petition or the business day nearest to such
192 day if such twenty-eighth day is not a business day, (2) notify the
193 Division of Criminal Justice of the filing of such petition, and (3) direct
194 the law enforcement agency for the town in which the petitioner resides
195 to determine, not later than fourteen days after the filing of such
196 petition, whether there is probable cause to believe that the petitioner
197 poses a risk of imminent personal injury to himself or herself or to
198 another person. No finding of probable cause may be found solely
199 because the petitioner is subject to an existing risk protection order or
200 warrant. If the law enforcement agency makes no such finding of
201 probable cause, the agency shall so notify the court which shall cancel
202 the hearing and terminate the order and warrant, if applicable. If the law
203 enforcement agency finds probable cause, the agency shall notify the
204 court of such finding and the hearing shall proceed as scheduled. At
205 such hearing the state shall have the burden of proving all material facts
206 by clear and convincing evidence. If the court, following such hearing,
207 finds by clear and convincing evidence that the petitioner poses a risk
208 of imminent personal injury to himself or herself or to another person,
209 the order and warrant, if applicable, shall remain in effect. If the court
210 finds that the state has failed to prove by clear and convincing evidence
211 that the petitioner poses a risk of imminent personal injury to himself or
212 herself or to another person, the court shall terminate such order and
213 warrant, if applicable. Any person whose petition is denied may file a
214 subsequent petition in accordance with the provisions of this subsection

215 at least one hundred eighty days after the date on which the court
216 denied the previous petition.

217 ~~[(e)]~~ (g) Any person whose firearm or firearms and ammunition have
218 been ordered seized pursuant to subsection [(d)] (e) of this section, or
219 such person's legal representative, may transfer such firearm or firearms
220 and ammunition in accordance with the provisions of section 29-33 or
221 other applicable state or federal law, to [any person eligible to possess
222 such firearm or firearms and ammunition] a federally licensed firearm
223 dealer. Upon notification in writing by such person, or such person's
224 legal representative, and the [transferee] dealer, the head of the state
225 agency holding such seized firearm or firearms and ammunition shall
226 within ten days deliver such firearm or firearms and ammunition to the
227 [transferee] dealer.

228 (h) Notwithstanding the provisions of section 29-36k, the Department
229 of Emergency Services and Public Protection or local police department
230 holding any firearm or firearms or other deadly weapon or deadly
231 weapons and any ammunition seized pursuant to a warrant issued
232 under this section shall not destroy any such firearm or other deadly
233 weapon or ammunition until at least one year has passed since date of
234 the termination of a warrant under subsection (e) of this section.

235 [(f) For the] (i) For purposes of this section, (1) "ammunition" means
236 a loaded cartridge, consisting of a primed case, propellant or projectile,
237 designed for use in any firearm, (2) "family or household member"
238 means (A) a person who is a: (i) Spouse, (ii) parent, (iii) child, (iv) sibling,
239 (v) grandparent, (vi) grandchild, (vii) step-parent, (viii) step-child, (ix)
240 step-sibling, (x) mother or father-in-law, (xi) son or daughter-in-law, or
241 (xii) brother or sister-in-law of the person who is the subject of an
242 application pursuant to subsection (b) of this section; (B) a person
243 residing with the person who is the subject of the application; (C) a
244 person who has a child in common with the person who is the subject
245 of the application; (D) a person who is dating or an intimate partner of
246 the person who is the subject of the application; or (E) a person who is
247 the legal guardian or former legal guardian of the person who is the

248 subject of the application, (3) "medical professional" means any person
249 who has examined the person who is the subject of the application and
250 who is (A) a physician or physician assistant licensed under chapter 370,
251 (B) an advanced practice registered nurse licensed under chapter 378,
252 (C) a psychologist licensed under chapter 383, or (D) a clinical social
253 worker licensed under chapter 383b, and (4) "deadly weapon" means a
254 deadly weapon, as defined in section 53a-3.

255 Sec. 2. Subsection (a) of section 46b-15e of the general statutes is
256 repealed and the following is substituted in lieu thereof (*Effective June 1,*
257 *2022*):

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

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

281 so.

282 Sec. 3. Subsection (b) of section 29-28 of the general statutes is
283 repealed and the following is substituted in lieu thereof (*Effective June 1,*
284 *2022*):

285 (b) Upon the application of any person having a bona fide permanent
286 residence within the jurisdiction of any such authority, such chief of
287 police, warden or selectman may issue a temporary state permit to such
288 person to carry a pistol or revolver within the state, provided such
289 authority shall find that such applicant intends to make no use of any
290 pistol or revolver which such applicant may be permitted to carry under
291 such permit other than a lawful use and that such person is a suitable
292 person to receive such permit. No state or temporary state permit to
293 carry a pistol or revolver shall be issued under this subsection if the
294 applicant (1) has failed to successfully complete a course approved by
295 the Commissioner of Emergency Services and Public Protection in the
296 safety and use of pistols and revolvers including, but not limited to, a
297 safety or training course in the use of pistols and revolvers available to
298 the public offered by a law enforcement agency, a private or public
299 educational institution or a firearms training school, utilizing instructors
300 certified by the National Rifle Association or the Department of Energy
301 and Environmental Protection and a safety or training course in the use
302 of pistols or revolvers conducted by an instructor certified by the state
303 or the National Rifle Association, (2) has been convicted of (A) a felony,
304 or (B) [on or after October 1, 1994.] a violation of section 21a-279 on or
305 after October 1, 2015, or (C) a misdemeanor violation of section 53a-58,
306 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
307 181d during the preceding twenty years, (3) has been convicted as
308 delinquent for the commission of a serious juvenile offense, as defined
309 in section 46b-120, (4) has been discharged from custody within the
310 preceding twenty years after having been found not guilty of a crime by
311 reason of mental disease or defect pursuant to section 53a-13, (5) (A) has
312 been confined in a hospital for persons with psychiatric disabilities, as
313 defined in section 17a-495, within the preceding sixty months by order
314 of a probate court, or (B) has been voluntarily admitted on or after

315 October 1, 2013, to a hospital for persons with psychiatric disabilities, as
316 defined in section 17a-495, within the preceding six months for care and
317 treatment of a psychiatric disability and not solely for being an alcohol-
318 dependent person or a drug-dependent person as those terms are
319 defined in section 17a-680, (6) is subject to a restraining or protective
320 order issued by a court in a case involving the use, attempted use or
321 threatened use of physical force against another person, including an ex
322 parte order issued pursuant to section 46b-15 or 46b-16a, (7) is subject to
323 a firearms seizure order issued prior to June 1, 2022, pursuant to
324 [subsection (d) of] section 29-38c after notice and hearing, or a risk
325 protection order or risk protection investigation order issued on or after
326 June 1, 2022, pursuant to section 29-38c, as amended by this act, (8) is
327 prohibited from shipping, transporting, possessing or receiving a
328 firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or
329 unlawfully in the United States, or (10) is less than twenty-one years of
330 age. Nothing in this section shall require any person who holds a valid
331 permit to carry a pistol or revolver on October 1, 1994, to participate in
332 any additional training in the safety and use of pistols and revolvers. No
333 person may apply for a temporary state permit to carry a pistol or
334 revolver more than once within any twelve-month period, and no
335 temporary state permit to carry a pistol or revolver shall be issued to
336 any person who has applied for such permit more than once within the
337 preceding twelve months. Any person who applies for a temporary state
338 permit to carry a pistol or revolver shall indicate in writing on the
339 application, under penalty of false statement in such manner as the
340 issuing authority prescribes, that such person has not applied for a
341 temporary state permit to carry a pistol or revolver within the past
342 twelve months. Upon issuance of a temporary state permit to carry a
343 pistol or revolver to the applicant, the local authority shall forward the
344 original application to the commissioner. Not later than sixty days after
345 receiving a temporary state permit, an applicant shall appear at a
346 location designated by the commissioner to receive the state permit. The
347 commissioner may then issue, to any holder of any temporary state
348 permit, a state permit to carry a pistol or revolver within the state. Upon
349 issuance of the state permit, the commissioner shall make available to

350 the permit holder a copy of the law regarding the permit holder's
351 responsibility to report the loss or theft of a firearm and the penalties
352 associated with the failure to comply with such law. Upon issuance of
353 the state permit, the commissioner shall forward a record of such permit
354 to the local authority issuing the temporary state permit. The
355 commissioner shall retain records of all applications, whether approved
356 or denied. The copy of the state permit delivered to the permittee shall
357 be laminated and shall contain a full-face photograph of such permittee.
358 A person holding a state permit issued pursuant to this subsection shall
359 notify the issuing authority within two business days of any change of
360 such person's address. The notification shall include the old address and
361 the new address of such person.

362 Sec. 4. Subsection (b) of section 29-36f of the general statutes is
363 repealed and the following is substituted in lieu thereof (*Effective June 1,*
364 *2022*):

365 (b) The Commissioner of Emergency Services and Public Protection
366 shall issue an eligibility certificate unless said commissioner finds that
367 the applicant: (1) Has failed to successfully complete a course approved
368 by the Commissioner of Emergency Services and Public Protection in
369 the safety and use of pistols and revolvers including, but not limited to,
370 a safety or training course in the use of pistols and revolvers available
371 to the public offered by a law enforcement agency, a private or public
372 educational institution or a firearms training school, utilizing instructors
373 certified by the National Rifle Association or the Department of Energy
374 and Environmental Protection and a safety or training course in the use
375 of pistols or revolvers conducted by an instructor certified by the state
376 or the National Rifle Association; (2) has been convicted of (A) a felony,
377 [or of] (B) a violation of section 21a-279 on or after October 1, 2015, or
378 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,
379 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the
380 preceding twenty years; (3) has been convicted as delinquent for the
381 commission of a serious juvenile offense, as defined in section 46b-120;
382 (4) has been discharged from custody within the preceding twenty years
383 after having been found not guilty of a crime by reason of mental disease

384 or defect pursuant to section 53a-13; (5) (A) has been confined in a
385 hospital for persons with psychiatric disabilities, as defined in section
386 17a-495, within the preceding sixty months by order of a probate court;
387 or (B) has been voluntarily admitted on or after October 1, 2013, to a
388 hospital for persons with psychiatric disabilities, as defined in section
389 17a-495, within the preceding six months for care and treatment of a
390 psychiatric disability and not solely for being an alcohol-dependent
391 person or a drug-dependent person as those terms are defined in section
392 17a-680; (6) is subject to a restraining or protective order issued by a
393 court in a case involving the use, attempted use or threatened use of
394 physical force against another person, including an ex parte order
395 issued pursuant to section 46b-15 or section 46b-16a; (7) is subject to a
396 firearms seizure order issued prior to June 1, 2022, pursuant to
397 [subsection (d) of] section 29-38c after notice and hearing, or a risk
398 protection order or risk protection investigation order issued on or after
399 June 1, 2022, pursuant to section 29-38c, as amended by this act; (8) is
400 prohibited from shipping, transporting, possessing or receiving a
401 firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or
402 unlawfully in the United States.

403 Sec. 5. Subsection (b) of section 29-37p of the general statutes is
404 repealed and the following is substituted in lieu thereof (*Effective June 1,*
405 *2022*):

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

418 after October 1, 1994,] a violation of section 21a-279 on or after October
419 1, 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-
420 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during
421 the preceding twenty years; (3) has been convicted as delinquent for the
422 commission of a serious juvenile offense, as defined in section 46b-120;
423 (4) has been discharged from custody within the preceding twenty years
424 after having been found not guilty of a crime by reason of mental disease
425 or defect pursuant to section 53a-13; (5) has been confined in a hospital
426 for persons with psychiatric disabilities, as defined in section 17a-495,
427 within the preceding sixty months by order of a probate court; (6) has
428 been voluntarily admitted to a hospital for persons with psychiatric
429 disabilities, as defined in section 17a-495, within the preceding six
430 months for care and treatment of a psychiatric disability and not solely
431 for being an alcohol-dependent person or a drug-dependent person as
432 those terms are defined in section 17a-680; (7) is subject to a restraining
433 or protective order issued by a court in a case involving the use,
434 attempted use or threatened use of physical force against another
435 person, including an ex parte order issued pursuant to section 46b-15 or
436 46b-16a; (8) is subject to a firearms seizure order issued prior to June 1,
437 2022, pursuant to [subsection (d) of] section 29-38c after notice and
438 hearing, or a risk protection order or risk protection investigation order
439 issued on or after June 1, 2022, pursuant to section 29-38c, as amended
440 by this act; (9) is prohibited from shipping, transporting, possessing or
441 receiving a firearm pursuant to 18 USC 922(g)(4); or (10) is an alien
442 illegally or unlawfully in the United States.

443 Sec. 6. Section 53a-217 of the general statutes is repealed and the
444 following is substituted in lieu thereof (*Effective June 1, 2022*):

445 (a) A person is guilty of criminal possession of a firearm, ammunition
446 or an electronic defense weapon when such person possesses a firearm,
447 ammunition or an electronic defense weapon and (1) has been convicted
448 of (A) a felony committed prior to, on or after October 1, 2013, [or of] (B)
449 a violation of section 21a-279 [,] on or after October 1, 2015, or (C) a
450 misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63,
451 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after

452 October 1, 2013, and during the preceding twenty years, (2) has been
453 convicted as delinquent for the commission of a serious juvenile offense,
454 as defined in section 46b-120, (3) has been discharged from custody
455 within the preceding twenty years after having been found not guilty of
456 a crime by reason of mental disease or defect pursuant to section 53a-13,
457 (4) knows that such person is subject to (A) a restraining or protective
458 order of a court of this state that has been issued against such person,
459 after notice has been provided to such person, in a case involving the
460 use, attempted use or threatened use of physical force against another
461 person, or (B) a foreign order of protection, as defined in section 46b-
462 15a, that has been issued against such person in a case involving the use,
463 attempted use or threatened use of physical force against another
464 person, (5) (A) has been confined on or after October 1, 2013, in a
465 hospital for persons with psychiatric disabilities, as defined in section
466 17a-495, within the preceding sixty months by order of a probate court,
467 or with respect to any person who holds a valid permit or certificate that
468 was issued or renewed under the provisions of section 29-28, as
469 amended by this act, or 29-36f, as amended by this act, in effect prior to
470 October 1, 2013, such person has been confined in such hospital within
471 the preceding twelve months, or (B) has been voluntarily admitted on
472 or after October 1, 2013, to a hospital for persons with psychiatric
473 disabilities, as defined in section 17a-495, within the preceding six
474 months for care and treatment of a psychiatric disability, unless the
475 person (i) was voluntarily admitted solely for being an alcohol-
476 dependent person or a drug-dependent person as those terms are
477 defined in section 17a-680, or (ii) is a police officer who was voluntarily
478 admitted and had his or her firearm, ammunition or electronic defense
479 weapon used in the performance of the police officer's official duties
480 returned in accordance with section 7-291d, (6) knows that such person
481 is subject to a firearms seizure order issued prior to June 1, 2022,
482 pursuant to [subsection (d) of] section 29-38c after notice and an
483 opportunity to be heard has been provided to such person, or a risk
484 protection order or risk protection investigation order issued on or after
485 June 1, 2022, pursuant to section 29-38c, as amended by this act, or (7) is
486 prohibited from shipping, transporting, possessing or receiving a

487 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,
488 "convicted" means having a judgment of conviction entered by a court
489 of competent jurisdiction, "ammunition" means a loaded cartridge,
490 consisting of a primed case, propellant or projectile, designed for use in
491 any firearm, and a motor vehicle violation for which a sentence to a term
492 of imprisonment of more than one year may be imposed shall be
493 deemed an unclassified felony.

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

500 Sec. 7. Section 53a-217c of the general statutes is repealed and the
501 following is substituted in lieu thereof (*Effective June 1, 2022*):

502 (a) A person is guilty of criminal possession of a pistol or revolver
503 when such person possesses a pistol or revolver, as defined in section
504 29-27, and (1) has been convicted of (A) a felony committed prior to, on
505 or after October 1, 2013, [or of] (B) a violation of section 21a-279 [.]
506 committed on or after October 1, 2015, or (C) a misdemeanor violation
507 of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-
508 176, 53a-178 or 53a-181d committed [on or after October 1, 1994] during
509 the preceding twenty years, (2) has been convicted as delinquent for the
510 commission of a serious juvenile offense, as defined in section 46b-120,
511 (3) has been discharged from custody within the preceding twenty years
512 after having been found not guilty of a crime by reason of mental disease
513 or defect pursuant to section 53a-13, (4) (A) has been confined prior to
514 October 1, 2013, in a hospital for persons with psychiatric disabilities, as
515 defined in section 17a-495, within the preceding twelve months by order
516 of a probate court, or has been confined on or after October 1, 2013, in a
517 hospital for persons with psychiatric disabilities, as defined in section
518 17a-495, within the preceding sixty months by order of a probate court,
519 or, with respect to any person who holds a valid permit or certificate

520 that was issued or renewed under the provisions of section 29-28, as
521 amended by this act, or 29-36f, as amended by this act, in effect prior to
522 October 1, 2013, such person has been confined in such hospital within
523 the preceding twelve months, or (B) has been voluntarily admitted on
524 or after October 1, 2013, to a hospital for persons with psychiatric
525 disabilities, as defined in section 17a-495, within the preceding six
526 months for care and treatment of a psychiatric disability, unless the
527 person (i) was voluntarily admitted solely for being an alcohol-
528 dependent person or a drug-dependent person as those terms are
529 defined in section 17a-680, or (ii) is a police officer who was voluntarily
530 admitted and had his or her firearm, ammunition or electronic defense
531 weapon used in the performance of the police officer's official duties
532 returned in accordance with section 7-291d, (5) knows that such person
533 is subject to (A) a restraining or protective order of a court of this state
534 that has been issued against such person, after notice has been provided
535 to such person, in a case involving the use, attempted use or threatened
536 use of physical force against another person, or (B) a foreign order of
537 protection, as defined in section 46b-15a, that has been issued against
538 such person in a case involving the use, attempted use or threatened use
539 of physical force against another person, (6) knows that such person is
540 subject to a firearms seizure order issued prior to June 1, 2022, pursuant
541 to [subsection (d) of] section 29-38c after notice and an opportunity to
542 be heard has been provided to such person, or a risk protection order or
543 risk protection investigation order issued on or after June 1, 2022,
544 pursuant to section 29-38c, as amended by this act, (7) is prohibited from
545 shipping, transporting, possessing or receiving a firearm pursuant to 18
546 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United
547 States. For the purposes of this section, "convicted" means having a
548 judgment of conviction entered by a court of competent jurisdiction.

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

554 Sec. 8. Section 29-37i of the general statutes is repealed and the
 555 following is substituted in lieu thereof (*Effective June 1, 2022*):

556 No person shall store or keep any firearm, as defined in section 53a-
 557 3, on any premises under such person's control if such person knows or
 558 reasonably should know that (1) a minor is likely to gain access to the
 559 firearm without the permission of the parent or guardian of the minor,
 560 (2) a resident of the premises is ineligible to possess a firearm under state
 561 or federal law, (3) a resident of the premises is subject to a risk protection
 562 order issued pursuant to section 29-38c, as amended by this act, or [(3)]
 563 (4) a resident of the premises poses a risk of imminent personal injury
 564 to himself or herself or to [other individuals] another person, unless
 565 such person (A) keeps the firearm in a securely locked box or other
 566 container or in a manner which a reasonable person would believe to be
 567 secure, or (B) carries the firearm on his or her person or within such close
 568 proximity thereto that such person can readily retrieve and use the
 569 firearm as if such person carried the firearm on his or her person. For
 570 the purposes of this section, "minor" means any person under the age of
 571 eighteen years."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>June 1, 2022</i>	29-38c
Sec. 2	<i>June 1, 2022</i>	46b-15e(a)
Sec. 3	<i>June 1, 2022</i>	29-28(b)
Sec. 4	<i>June 1, 2022</i>	29-36f(b)
Sec. 5	<i>June 1, 2022</i>	29-37p(b)
Sec. 6	<i>June 1, 2022</i>	53a-217
Sec. 7	<i>June 1, 2022</i>	53a-217c
Sec. 8	<i>June 1, 2022</i>	29-37i