



General Assembly

Substitute Bill No. 6877

January Session, 2023



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

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

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 Section 29-38c of the general statutes is repealed and the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

3 (a) [Upon] Except as provided pursuant to section 2 of this act in the
4 case of a complaint concerning a child, as defined in section 46b-120,
5 upon complaint on oath by any state's attorney or assistant state's
6 attorney or by any [two] police [officers] officer, to any judge of the
7 Superior Court, that such state's attorney, assistant state's attorney or
8 police [officers have] officer has probable cause to believe that a person
9 poses a risk of imminent personal injury to [himself or herself] such
10 person's self or to another person, the judge may issue a risk protection
11 order prohibiting such person from acquiring or possessing a firearm
12 or other deadly weapon or ammunition. As part of or following the
13 issuance of such order, if there is probable cause to believe that (1)
14 such person possesses one or more firearms or other deadly weapons,
15 and (2) such firearm or firearms or other deadly weapon or deadly
16 weapons are within or upon any place, thing or person, such judge
17 shall issue a warrant commanding a 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. No such warrant shall be issued if the applicant for the
21 order is a police officer, unless the application is supported by more
22 than one police officer, under oath on the complaint. Such state's
23 attorney, assistant state's attorney or police officer or officers may not
24 make any such complaint unless such state's attorney, assistant state's
25 attorney or police officer or officers, as applicable, have conducted an
26 independent investigation and determined that such probable cause
27 exists. Upon the issuance of any such order and warrant, if applicable,
28 the judge shall order the clerk of the court to give notice to the
29 Commissioner of Emergency Services and Public Protection of the
30 issuance of such order and warrant, [if] as applicable.

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

46 (2) Upon receipt of an application and affidavit pursuant to this
47 subsection, if the court finds that there is a good faith belief that a
48 person who is the subject of the application poses a risk of imminent
49 personal injury to [himself or herself] such person's self or to another
50 person, the court shall order a risk protection order investigation to

51 determine if the person who is the subject of the application poses a
52 risk of imminent personal injury to [himself or herself] such person's
53 self or to another person. Upon issuance by the court of an order for
54 investigation, the court shall: (A) Give notice to the Commissioner of
55 Emergency Services and Public Protection of the issuance of the order
56 for a risk protection order investigation; and (B) immediately give
57 notice of the order and transmit the order and the application and
58 affidavit on which the order is based to the law enforcement agency
59 for the town in which the subject of the investigation resides. The court
60 shall immediately enter into the National Instant Criminal Background
61 Check System (NICS) a record indicating that the person who is the
62 subject of the investigation is ineligible to possess, purchase or
63 otherwise receive a firearm.

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

85 receiving such notification that there was not a finding of probable
86 cause, the court shall immediately remove or cancel any record entered
87 into the National Instant Criminal Background Check System
88 associated with such investigation for which there was no finding of
89 probable cause.

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

119 issuance of a warrant, the place or thing to be searched. If the requisite
120 circumstances are met, the judge shall issue a risk protection order
121 regardless of whether the person is already ineligible to possess a
122 firearm. The order and warrant, if applicable, shall be directed to any
123 police officer of a regularly organized police department or any state
124 police officer. The order and warrant, if applicable, shall state the
125 grounds or probable cause for issuance and, in the case of a warrant,
126 the warrant shall command the officer to search within a reasonable
127 time the person, place or thing named for any and all firearms and
128 other deadly weapons and ammunition. A copy of the order and
129 warrant, if applicable, shall be [given within a reasonable time to]
130 served upon the person named in the order not later than three days
131 prior to the hearing scheduled pursuant to subsection (e) of this
132 section, together with a notice informing the person that such person
133 has the right to a hearing under this section, the telephone number for
134 the court clerk who can inform the person of the date and time of such
135 hearing and the right to be represented by counsel at such hearing.

136 (d) (1) In the case of a warrant, the municipal or state police agency
137 that executed the warrant shall file a copy of the application for the
138 warrant and all affidavits upon which the warrant is based with the
139 clerk of the court for the geographical area within which the search
140 was conducted and with the state's attorney's office for such judicial
141 district no later than the next business day following the execution of
142 the warrant. Prior to the execution and return of the warrant, the clerk
143 of the court shall not disclose any information pertaining to the
144 application for the warrant or any affidavits upon which the warrant is
145 based. The warrant shall be executed and returned with reasonable
146 promptness consistent with due process of law and shall be
147 accompanied by a written inventory of all firearms and other deadly
148 weapons and ammunition seized.

149 (2) In the case of a risk protection order, not later than the next
150 business day following the service of the order, the municipal or state
151 police agency that served the order shall file with the court of the

152 geographical area in the location in which the subject of the order
153 resides a copy of the order and transmit to the state's attorney's office
154 for such judicial district a return of service stating the date and time
155 that the order was served. Prior to the service and return of the order,
156 the clerk of court shall not disclose any information pertaining to the
157 application for the order or any affidavits upon which the order is
158 based to any person outside the Judicial Branch, the municipal or state
159 police agency that served the order, or the state's attorney's office for
160 the judicial district within which the order was served. The order shall
161 be served and returned with reasonable promptness consistent with
162 due process of law.

163 (e) Not later than fourteen days after the [service] issuance of a risk
164 protection order [or execution of] and, if applicable, a warrant under
165 this section, the court for the geographical area where the person
166 named in the order or warrant resides shall hold a hearing to
167 determine whether the risk protection order should continue to apply
168 and whether the firearm or firearms or other deadly weapon or deadly
169 weapons and any ammunition seized should be returned to the person
170 named in the warrant or should continue to be held by the state. At
171 such hearing the state shall have the burden of proving all material
172 facts by clear and convincing evidence. If, after such hearing, the court
173 finds by clear and convincing evidence that the person poses a risk of
174 imminent personal injury to [himself or herself] such person's self or to
175 another person, the court may order that the risk protection order
176 continue to apply and that the firearm or firearms or other deadly
177 weapon or deadly weapons and any ammunition seized pursuant to
178 the warrant issued under subsection (a) of this section continue to be
179 held by the state until such time that the court shall terminate such
180 order pursuant to subsection (f) of this section and order the firearm or
181 firearms or other deadly weapon or deadly weapons and any
182 ammunition seized to be returned as soon as practicable to the person
183 named in the warrant, provided such person is otherwise legally able
184 to possess such firearm or firearms or other deadly weapon or deadly
185 weapons and ammunition. If the court finds that the state has failed to

186 prove by clear and convincing evidence that the petitioner poses a risk
187 of imminent personal injury to [himself or herself] such person's self or
188 to another person, the court shall terminate such order and warrant, if
189 applicable, and order the firearm or firearms or other deadly weapon
190 or deadly weapons and any ammunition seized to be returned as soon
191 as is practicable to the person named in the warrant, provided such
192 person is otherwise legally [able] eligible to possess such firearm or
193 firearms or other deadly weapon or deadly weapons and ammunition.
194 If the court finds that the person poses a risk of imminent personal
195 injury to [himself or herself] such person's self or to another person,
196 the court shall give notice to the Department of Mental Health and
197 Addiction Services which may take such action pursuant to chapter
198 319i as the department deems appropriate.

199 (f) A risk protection order, and warrant, if applicable, shall continue
200 to apply and the firearm or firearms or other deadly weapon or deadly
201 weapons and any ammunition held pursuant to subsection (e) of this
202 section shall continue to be held by the state until such time that the
203 person named in the order and warrant, if applicable, successfully
204 petitions the court to terminate such order and warrant, if applicable.
205 The person named in the order may first petition the court of the
206 geographical area where the proceeding was originally conducted for a
207 hearing to terminate such order, and warrant if applicable, at least one
208 hundred eighty days after the hearing held pursuant to subsection (e)
209 of this section. Upon the filing of such petition, the court shall (1)
210 provide to the petitioner a hearing date that is on the twenty-eighth
211 day following the filing of such petition or the business day nearest to
212 such day if such twenty-eighth day is not a business day, (2) notify the
213 Division of Criminal Justice of the filing of such petition, and (3) direct
214 the law enforcement agency for the town in which the petitioner
215 resides to determine, not later than fourteen days after the filing of
216 such petition, whether there is probable cause to believe that the
217 petitioner poses a risk of imminent personal injury to [himself or
218 herself] such person's self or to another person. No finding of probable
219 cause may be found solely because the petitioner is subject to an

220 existing risk protection order or warrant. If the law enforcement
221 agency finds no probable cause, the agency shall so notify the court
222 which shall cancel the hearing and terminate the order and warrant, if
223 applicable. If the law enforcement agency finds probable cause, the
224 agency shall notify the court of such finding and the hearing shall
225 proceed as scheduled. At such hearing the state shall have the burden
226 of proving all material facts by clear and convincing evidence. If the
227 court, following such hearing, finds by clear and convincing evidence
228 that the petitioner poses a risk of imminent personal injury to [himself
229 or herself] such person's self or to another person, the order and
230 warrant, if applicable, shall remain in effect. If the court finds that the
231 state has failed to prove by clear and convincing evidence that the
232 petitioner poses a risk of imminent personal injury to [himself or
233 herself] such person's self or to another person, the court shall
234 terminate such order and warrant, if applicable. Any person whose
235 petition is denied may file a subsequent petition in accordance with
236 the provisions of this subsection at least one hundred eighty days after
237 the date on which the court denied the previous petition.

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

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

252 (i) Notwithstanding the provisions of section 29-36k, the

253 Commissioner of Emergency Services and Public Protection holding
254 any firearm or firearms or other deadly weapon or deadly weapons
255 and any ammunition seized pursuant to a warrant issued under this
256 section, or any local police department holding on behalf of said
257 commissioner any such firearm or firearms or other deadly weapon or
258 deadly weapons or ammunition, shall not destroy any such firearm or
259 other deadly weapon or ammunition until at least one year has passed
260 since date of the termination of a warrant under subsection (e) of this
261 section.

262 (j) For purposes of this section, (1) "ammunition" means a loaded
263 cartridge, consisting of a primed case, propellant or projectile,
264 designed for use in any firearm, (2) "family or household member"
265 means (A) a person eighteen years of age or older who is a: (i) Spouse,
266 (ii) parent, (iii) child, (iv) sibling, (v) grandparent, (vi) grandchild, (vii)
267 step-parent, (viii) step-child, (ix) step-sibling, (x) mother or father-in-
268 law, (xi) son or daughter-in-law, or (xii) brother or sister-in-law of the
269 person who is the subject of an application pursuant to subsection (b)
270 of this section; (B) a person residing with the person who is the subject
271 of the application; (C) a person who has a child in common with the
272 person who is the subject of the application; (D) a person who is dating
273 or an intimate partner of the person who is the subject of the
274 application; or (E) a person who is the legal guardian or former legal
275 guardian of the person who is the subject of the application, (3)
276 "medical professional" means any person who has examined the
277 person who is the subject of the application and who is (A) a physician
278 or physician assistant licensed under chapter 370, (B) an advanced
279 practice registered nurse licensed under chapter 378, (C) a psychologist
280 licensed under chapter 383, or (D) a clinical social worker licensed
281 under chapter 383b, and (4) "deadly weapon" [means a deadly
282 weapon, as defined] has the same meaning as provided in section 53a-
283 3.

284 Sec. 2. (NEW) (*Effective from passage*) (a) Upon complaint on oath by
285 any assistant state's attorney or by any police officer, to any judge of

286 the Superior Court, that such assistant state's attorney or police officer
287 has probable cause to believe that a child, as defined in section 46b-120
288 of the general statutes, poses a risk of imminent personal injury to
289 other individuals and that such child possesses one or more firearms
290 or other deadly weapons and such firearm or firearms or other deadly
291 weapon or deadly weapons are within or upon any place, thing or
292 person, such judge may issue a risk warrant commanding a police
293 officer to enter into or upon such place or thing, search the same or the
294 child and take into such officer's custody any and all firearms and
295 other deadly weapons and ammunition. Such assistant state's attorney
296 or police officer shall not make such complaint unless such assistant
297 state's attorney or police officer has conducted an independent
298 investigation and determined that such probable cause exists and that
299 there is no reasonable alternative available to prevent such child from
300 causing imminent personal injury to others with such firearm or
301 firearms or deadly weapon or deadly weapons.

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

315 (2) Upon receipt of an application and affidavit pursuant to this
316 subsection, if the court finds that there is a good faith belief that a child
317 poses a risk of imminent personal injury to another person and
318 possesses one or more firearms or deadly weapons, the court shall

319 order a risk warrant investigation to determine if the child who is the
320 subject of the application poses a risk of imminent personal injury to
321 another person and that the child possesses one or more firearms or
322 deadly weapons. Upon issuance by the court of an order for a risk
323 warrant investigation, the court shall immediately give notice of the
324 order and transmit the order and the application and affidavit on
325 which the order is based to the law enforcement agency for the town in
326 which the child who is the subject of the investigation resides.

327 (3) Upon receipt of a risk warrant investigation order of a child, the
328 law enforcement agency shall immediately investigate whether the
329 child who is the subject of the investigation poses a risk of imminent
330 personal injury to another person and whether the child possesses one
331 or more firearms or deadly weapons. If the law enforcement agency
332 determines that there is probable cause to believe that the child who is
333 the subject of the investigation poses a risk of imminent personal
334 injury to another person and the child possesses one or more firearms
335 or deadly weapons, such law enforcement agency shall seek a risk
336 warrant pursuant to subsection (a) of this section not later than twenty-
337 four hours after receiving the risk warrant investigation order or, if the
338 law enforcement agency needs additional time to complete the
339 investigation, as soon thereafter as is practicable. If the law
340 enforcement agency determines that there is no probable cause to
341 believe that the child who is the subject of the investigation poses a
342 risk of imminent personal injury to another person and that the child
343 who is the subject of the investigation possesses one or more firearms
344 or deadly weapons, the law enforcement agency shall notify the court
345 and the applicant of such determination, in writing, not later than
346 forty-eight hours after receiving the investigation order, if practicable,
347 or, if the law enforcement agency needs additional time to complete
348 the risk warrant investigation, as soon thereafter as is practicable.

349 (c) A risk warrant may issue only on an affidavit sworn to by the
350 complainant before the judge and establishing the grounds for issuing
351 the warrant, which shall be part of the juvenile court file. The file shall

352 be considered a record of a juvenile matter and shall have the same
353 confidentiality protections applicable to juvenile matters involving
354 delinquency pursuant to subsections (c) and (d) of section 46b-124 of
355 the general statutes. In determining whether there is probable cause
356 for a risk warrant, the judge shall consider: (1) Recent threats or acts of
357 violence by such child directed toward other persons; and (2) recent
358 acts of cruelty to animals as provided in subsection (b) of section 53-
359 247 of the general statutes, by such child. In evaluating whether such
360 recent threats or acts of violence constitute probable cause to believe
361 that such child poses a risk of imminent personal injury to others, the
362 judge may consider other factors, including, but not limited to, (A) the
363 reckless use, display or brandishing of a firearm or other deadly
364 weapon by such child, (B) a history of the use, attempted use or
365 threatened use of physical force by such child against other persons,
366 (C) prior involuntary confinement of such child in a hospital for
367 persons with psychiatric disabilities, and (D) the illegal use of
368 controlled substances or abuse of alcohol by such child. If the judge is
369 satisfied that the grounds for the complaint exist or that there is
370 probable cause to believe that such grounds exist, the judge shall issue
371 a risk warrant naming or describing the child, and the place or thing to
372 be searched. The warrant shall be directed to any police officer of a
373 regularly organized police department or any state police officer. The
374 warrant shall state the grounds or probable cause for issuance and
375 shall command the officer to search within a reasonable time the child,
376 place or thing named for any and all firearms and other deadly
377 weapons and ammunition. A copy of the warrant shall be served upon
378 the child and the child's parent or guardian named in the warrant not
379 later than three days before the hearing scheduled pursuant to
380 subsection (e) of this section, together with a notice informing the child
381 and the child's parent or guardian that such child has the right to a
382 hearing and the right to be represented by counsel at the hearing.

383 (d) The municipal or state police agency that executed the warrant
384 shall file a copy of the application for the warrant and all affidavits
385 upon which the warrant is based with the clerk of the juvenile court

386 serving the town where the child resides and with the assistant state's
387 attorney's office for such juvenile court not later than the next business
388 day following the execution of the warrant. The clerk of the juvenile
389 court shall not disclose any information pertaining to the application
390 for the warrant or any affidavits upon which the warrant is based. The
391 warrant shall be executed and returned with reasonable promptness
392 consistent with due process of law and shall be accompanied by a
393 written inventory of all firearms and other deadly weapons and
394 ammunition seized.

395 (e) Not later than fourteen days after the issuance of a warrant
396 under this section, the juvenile court serving the town where the child
397 named in the risk warrant resides shall hold a hearing to determine
398 whether the firearm or firearms or other deadly weapon or deadly
399 weapons and ammunition should be returned to the rightful owner of
400 any such firearm, deadly weapon or ammunition, or, if the state
401 should continue to hold any such firearm, deadly weapon or
402 ammunition. The judge hearing the matter may exclude from the room
403 in which such hearing is held any person whose presence, in the
404 court's opinion, is not necessary pursuant to subsection (b) of section
405 46b-122 of the general statutes. At such hearing, the state shall have the
406 burden of proving all material facts by clear and convincing evidence.
407 If, after such hearing, the court finds by clear and convincing evidence
408 that the child poses a risk of imminent personal injury to another
409 person, the court may order that the firearm or firearms or other
410 deadly weapon or deadly weapons and any ammunition seized
411 pursuant to the warrant issued under subsection (a) of this section
412 continue to be held by the state until further order of the court.

413 (f) If the court finds that the state has failed to prove by clear and
414 convincing evidence that the child poses a risk of imminent personal
415 injury to another person and that the child possesses one or more
416 firearms or deadly weapons, the court shall order the firearm or
417 firearms or other deadly weapon or deadly weapons and any
418 ammunition seized to be returned as soon as is practicable to the

419 rightful owner of any such firearm, deadly weapon or ammunition,
420 provided such owner is otherwise legally eligible to possess such
421 items.

422 (g) For the purposes of this section, "ammunition", "family or
423 household member" and "medical professional" have the same
424 meanings as provided in subsection (j) of section 29-38c of the general
425 statutes, as amended by this act, and "deadly weapon" has the same
426 meaning as provided in section 53a-3 of the general statutes.

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

429 (a) (1) The Office of the Chief Court Administrator shall revise and
430 simplify the process for filing an application for relief under section
431 46b-15. The Office of the Chief Court Administrator shall ensure that
432 any person seeking to file an application for relief is provided with a
433 one-page, plain language explanation of how to apply for relief under
434 section 46b-15.

435 (2) The Office of the Chief Court Administrator shall develop and
436 make available to the public educational materials concerning the risk
437 protection order and warrant processes set forth in section 29-38c, as
438 amended by this act, relating to a person who poses a risk of imminent
439 personal injury to [himself or herself] such person's self or to another
440 person, or concerning the risk protection warrant processes set forth in
441 section 2 of this act relating to a child who poses a risk of imminent
442 personal injury to another person. The Office of the Chief Court
443 Administrator shall develop and make available to the public in hard
444 copy and electronically on the Internet web site of the Judicial Branch a
445 form to enable a family or household member or medical professional,
446 each as defined in section 29-38c, as amended by this act, to apply to
447 have a risk protection order investigation ordered and a one-page,
448 plain language explanation of how to apply for such order or warrant.
449 The form shall contain questions designed to solicit information
450 significant to a determination. The public educational materials and

451 form shall prominently advise the applicant that a risk protection
452 order or warrant may be sought through and with the assistance of a
453 municipal or state police agency or a state's attorney's office, and of the
454 benefits of doing so.

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

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

469 (b) Upon the application of any person having a bona fide
470 permanent residence within the jurisdiction of any such authority,
471 such chief of police or, where there is no chief of police, such chief
472 executive officer or designated resident state trooper or state police
473 officer, as applicable, may issue a temporary state permit to such
474 person to carry a pistol or revolver within the state, provided such
475 authority shall find that such applicant intends to make no use of any
476 pistol or revolver which such applicant may be permitted to carry
477 under such permit other than a lawful use and that such person is a
478 suitable person to receive such permit. If the applicant has a bona fide
479 permanent residence within the jurisdiction of any federally
480 recognized Native American tribe within the borders of the state, and
481 such tribe has a law enforcement unit, as defined in section 7-294a, the
482 chief of police of such law enforcement unit may issue a temporary
483 state permit to such person pursuant to the provisions of this

484 subsection, and any chief of police of any other law enforcement unit
485 having jurisdiction over an area containing such person's bona fide
486 permanent residence shall not issue such temporary state permit if
487 such tribal law enforcement unit accepts applications for temporary
488 state permits. No state or temporary state permit to carry a pistol or
489 revolver shall be issued under this subsection if the applicant (1) has
490 failed to successfully complete a course approved by the
491 Commissioner of Emergency Services and Public Protection in the
492 safety and use of pistols and revolvers including, but not limited to, a
493 safety or training course in the use of pistols and revolvers available to
494 the public offered by a law enforcement agency, a private or public
495 educational institution or a firearms training school, utilizing
496 instructors certified by the National Rifle Association or the
497 Department of Energy and Environmental Protection and a safety or
498 training course in the use of pistols or revolvers conducted by an
499 instructor certified by the state or the National Rifle Association, (2)
500 has been convicted of (A) a felony, or (B) a misdemeanor violation of
501 section 21a-279 on or after October 1, 2015, or (C) a misdemeanor
502 violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-
503 175, 53a-176, 53a-178 or 53a-181d during the preceding twenty years,
504 (3) has been convicted as delinquent for the commission of a serious
505 juvenile offense, as defined in section 46b-120, (4) has been discharged
506 from custody within the preceding twenty years after having been
507 found not guilty of a crime by reason of mental disease or defect
508 pursuant to section 53a-13, (5) (A) has been confined in a hospital for
509 persons with psychiatric disabilities, as defined in section 17a-495,
510 within the preceding sixty months by order of a probate court, or (B)
511 has been voluntarily admitted on or after October 1, 2013, or has been
512 committed under an emergency certificate pursuant to section 17a-502
513 on or after October 1, 2023, to a hospital for persons with psychiatric
514 disabilities, as defined in section 17a-495, within the preceding six
515 months for care and treatment of a psychiatric disability and not solely
516 for being an alcohol-dependent person or a drug-dependent person, as
517 those terms are defined in section 17a-680, (6) is subject to a restraining
518 or protective order issued by a court in a case involving the use,

519 attempted use or threatened use of physical force against another
520 person, including an ex parte order issued pursuant to section 46b-15
521 or 46b-16a, (7) is subject to a firearms seizure order issued prior to June
522 1, 2022, pursuant to section 29-38c, as amended by this act, after notice
523 and hearing, or a risk protection order or risk protection investigation
524 order issued on or after June 1, 2022, pursuant to section 29-38c, as
525 amended by this act, (8) is prohibited from shipping, transporting,
526 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is
527 an alien illegally or unlawfully in the United States, or (10) is less than
528 twenty-one years of age. Nothing in this section shall require any
529 person who holds a valid permit to carry a pistol or revolver on
530 October 1, 1994, to participate in any additional training in the safety
531 and use of pistols and revolvers. No person may apply for a temporary
532 state permit to carry a pistol or revolver more than once within any
533 twelve-month period, and no temporary state permit to carry a pistol
534 or revolver shall be issued to any person who has applied for such
535 permit more than once within the preceding twelve months. Any
536 person who applies for a temporary state permit to carry a pistol or
537 revolver shall indicate in writing on the application, under penalty of
538 false statement in such manner as the issuing authority prescribes, that
539 such person has not applied for a temporary state permit to carry a
540 pistol or revolver within the past twelve months. Upon issuance of a
541 temporary state permit to carry a pistol or revolver to the applicant,
542 the local authority shall forward the original application to the
543 commissioner. Not later than sixty days after receiving a temporary
544 state permit, an applicant shall appear at a location designated by the
545 commissioner to receive the state permit. The commissioner may then
546 issue, to any holder of any temporary state permit, a state permit to
547 carry a pistol or revolver within the state. Upon issuance of the state
548 permit, the commissioner shall make available to the permit holder a
549 copy of the law regarding the permit holder's responsibility to report
550 the loss or theft of a firearm and the penalties associated with the
551 failure to comply with such law. Upon issuance of the state permit, the
552 commissioner shall forward a record of such permit to the local
553 authority issuing the temporary state permit. The commissioner shall

554 retain records of all applications, whether approved or denied. The
555 copy of the state permit delivered to the permittee shall be laminated
556 and shall contain a full-face photograph of such permittee. A person
557 holding a state permit issued pursuant to this subsection shall notify
558 the issuing authority within two business days of any change of such
559 person's address. The notification shall include the old address and the
560 new address of such person.

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

564 (b) The Commissioner of Emergency Services and Public Protection
565 shall issue an eligibility certificate unless said commissioner finds that
566 the applicant: (1) Has failed to successfully complete a course
567 approved by the Commissioner of Emergency Services and Public
568 Protection in the safety and use of pistols and revolvers including, but
569 not limited to, a safety or training course in the use of pistols and
570 revolvers available to the public offered by a law enforcement agency,
571 a private or public educational institution or a firearms training school,
572 utilizing instructors certified by the National Rifle Association or the
573 Department of Energy and Environmental Protection and a safety or
574 training course in the use of pistols or revolvers conducted by an
575 instructor certified by the state or the National Rifle Association; (2)
576 has been convicted of (A) a felony, (B) a misdemeanor violation of
577 section 21a-279 on or after October 1, 2015, or (C) a misdemeanor
578 violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-
579 175, 53a-176, 53a-178 or 53a-181d during the preceding twenty years;
580 (3) has been convicted as delinquent for the commission of a serious
581 juvenile offense, as defined in section 46b-120; (4) has been discharged
582 from custody within the preceding twenty years after having been
583 found not guilty of a crime by reason of mental disease or defect
584 pursuant to section 53a-13; (5) (A) has been confined in a hospital for
585 persons with psychiatric disabilities, as defined in section 17a-495,
586 within the preceding sixty months by order of a probate court; or (B)

587 has been voluntarily admitted on or after October 1, 2013, or has been
588 committed under an emergency certificate pursuant to section 17a-502
589 on or after October 1, 2023, to a hospital for persons with psychiatric
590 disabilities, as defined in section 17a-495, within the preceding six
591 months for care and treatment of a psychiatric disability and not solely
592 for being an alcohol-dependent person or a drug-dependent person as
593 those terms are defined in section 17a-680; (6) is subject to a restraining
594 or protective order issued by a court in a case involving the use,
595 attempted use or threatened use of physical force against another
596 person, including an ex parte order issued pursuant to section 46b-15
597 or section 46b-16a; (7) is subject to a firearms seizure order issued prior
598 to June 1, 2022, pursuant to section 29-38c, as amended by this act, after
599 notice and hearing, or a risk protection order or risk protection
600 investigation order issued on or after June 1, 2022, pursuant to section
601 29-38c, as amended by this act; (8) is prohibited from shipping,
602 transporting, possessing or receiving a firearm pursuant to 18 USC
603 922(g)(4); or (9) is an alien illegally or unlawfully in the United States.

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

607 (b) The Commissioner of Emergency Services and Public Protection
608 shall issue a long gun eligibility certificate unless said commissioner
609 finds that the applicant: (1) Has failed to successfully complete a
610 course approved by the Commissioner of Emergency Services and
611 Public Protection in the safety and use of firearms including, but not
612 limited to, a safety or training course in the use of firearms available to
613 the public offered by a law enforcement agency, a private or public
614 educational institution or a firearms training school, utilizing
615 instructors certified by the National Rifle Association or the
616 Department of Energy and Environmental Protection and a safety or
617 training course in the use of firearms conducted by an instructor
618 certified by the state or the National Rifle Association; (2) has been
619 convicted of (A) a felony, (B) a misdemeanor violation of section 21a-

620 279 on or after October 1, 2015, or (C) a misdemeanor violation of
621 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,
622 53a-178 or 53a-181d during the preceding twenty years; (3) has been
623 convicted as delinquent for the commission of a serious juvenile
624 offense, as defined in section 46b-120; (4) has been discharged from
625 custody within the preceding twenty years after having been found
626 not guilty of a crime by reason of mental disease or defect pursuant to
627 section 53a-13; (5) has been confined in a hospital for persons with
628 psychiatric disabilities, as defined in section 17a-495, within the
629 preceding sixty months by order of a probate court; (6) has been
630 voluntarily admitted or, on or after October 1, 2023, has been
631 committed under an emergency certificate pursuant to section 17a-502
632 to a hospital for persons with psychiatric disabilities, as defined in
633 section 17a-495, within the preceding six months for care and
634 treatment of a psychiatric disability and not solely for being an alcohol-
635 dependent person or a drug-dependent person as those terms are
636 defined in section 17a-680; (7) is subject to a restraining or protective
637 order issued by a court in a case involving the use, attempted use or
638 threatened use of physical force against another person, including an
639 ex parte order issued pursuant to section 46b-15 or 46b-16a; (8) is
640 subject to a firearms seizure order issued prior to June 1, 2022,
641 pursuant to section 29-38c, as amended by this act, after notice and
642 hearing, or a risk protection order or risk protection investigation
643 order issued on or after June 1, 2022, pursuant to section 29-38c, as
644 amended by this act; (9) is prohibited from shipping, transporting,
645 possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (10)
646 is an alien illegally or unlawfully in the United States.

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

649 (a) The Commissioner of Emergency Services and Public Protection,
650 in fulfilling his obligations under sections 29-28 to 29-38, inclusive, as
651 amended by this act, and section 53-202d, shall verify that any person
652 who, on or after October 1, 1998, applies for or seeks renewal of a

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

671 (b) If the Commissioner of Emergency Services and Public
672 Protection determines pursuant to subsection (a) of this section that a
673 person has been confined in a hospital for persons with psychiatric
674 disabilities, as defined in section 17a-495, within the preceding sixty
675 months by order of a probate court or has been voluntarily admitted or
676 has been committed under an emergency certificate pursuant to
677 section 17a-502 to a hospital for persons with psychiatric disabilities, as
678 defined in section 17a-495, within the preceding six months for care
679 and treatment of a psychiatric disability and not solely for being an
680 alcohol-dependent person or a drug-dependent person as those terms
681 are defined in section 17a-680, said commissioner shall report the
682 status of such person's application for or renewal of a permit to sell at
683 retail a pistol or revolver, a permit to carry a pistol or revolver, an
684 eligibility certificate for a pistol or revolver, a certificate of possession
685 for an assault weapon or a long gun eligibility certificate to the
686 Commissioner of Mental Health and Addiction Services for the

687 purpose of fulfilling his responsibilities under subsection (c) of section
688 17a-500.

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

691 (a) A person is guilty of criminal possession of a firearm,
692 ammunition or an electronic defense weapon when such person
693 possesses a firearm, ammunition or an electronic defense weapon and
694 (1) has been convicted of (A) a felony committed prior to, on or after
695 October 1, 2013, (B) a misdemeanor violation of section 21a-279 on or
696 after October 1, 2015, or (C) a misdemeanor violation of section 53a-58,
697 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-
698 181d committed on or after October 1, 2013, and during the preceding
699 twenty years, (2) has been convicted as delinquent for the commission
700 of a serious juvenile offense, as defined in section 46b-120, (3) has been
701 discharged from custody within the preceding twenty years after
702 having been found not guilty of a crime by reason of mental disease or
703 defect pursuant to section 53a-13, (4) knows that such person is subject
704 to (A) a restraining or protective order of a court of this state that has
705 been issued against such person, after notice has been provided to
706 such person, in a case involving the use, attempted use or threatened
707 use of physical force against another person, or (B) a foreign order of
708 protection, as defined in section 46b-15a, that has been issued against
709 such person in a case involving the use, attempted use or threatened
710 use of physical force against another person, (5) (A) has been confined
711 on or after October 1, 2013, in a hospital for persons with psychiatric
712 disabilities, as defined in section 17a-495, within the preceding sixty
713 months by order of a probate court, or with respect to any person who
714 holds a valid permit or certificate that was issued or renewed under
715 the provisions of section 29-28, as amended by this act, or 29-36f, as
716 amended by this act, in effect prior to October 1, 2013, such person has
717 been confined in such hospital within the preceding twelve months, or
718 (B) has been voluntarily admitted on or after October 1, 2013, or has
719 been committed under an emergency certificate pursuant to section

720 17a-502 on or after October 1, 2023, to a hospital for persons with
721 psychiatric disabilities, as defined in section 17a-495, within the
722 preceding six months for care and treatment of a psychiatric disability,
723 unless the person (i) was [voluntarily] admitted or committed solely
724 for being an alcohol-dependent person or a drug-dependent person as
725 those terms are defined in section 17a-680, or (ii) is a police officer who
726 was voluntarily admitted and had his or her firearm, ammunition or
727 electronic defense weapon used in the performance of the police
728 officer's official duties returned in accordance with section 7-291d, (6)
729 knows that such person is subject to a firearms seizure order issued
730 prior to June 1, 2022, pursuant to section 29-38c, as amended by this
731 act, after notice and an opportunity to be heard has been provided to
732 such person, or a risk protection order or risk protection investigation
733 order issued on or after June 1, 2022, pursuant to section 29-38c, as
734 amended by this act, or (7) is prohibited from shipping, transporting,
735 possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the
736 purposes of this section, "convicted" means having a judgment of
737 conviction entered by a court of competent jurisdiction, "ammunition"
738 means a loaded cartridge, consisting of a primed case, propellant or
739 projectile, designed for use in any firearm, and a motor vehicle
740 violation for which a sentence to a term of imprisonment of more than
741 one year may be imposed shall be deemed an unclassified felony.

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

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

750 (a) A person is guilty of criminal possession of a pistol or revolver
751 when such person possesses a pistol or revolver, as defined in section
752 29-27, and (1) has been convicted of (A) a felony committed prior to, on

753 or after October 1, 2013, (B) a misdemeanor violation of section 21a-279
754 committed on or after October 1, 2015, or (C) a misdemeanor violation
755 of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-
756 176, 53a-178 or 53a-181d committed during the preceding twenty
757 years, (2) has been convicted as delinquent for the commission of a
758 serious juvenile offense, as defined in section 46b-120, (3) has been
759 discharged from custody within the preceding twenty years after
760 having been found not guilty of a crime by reason of mental disease or
761 defect pursuant to section 53a-13, (4) (A) has been confined prior to
762 October 1, 2013, in a hospital for persons with psychiatric disabilities,
763 as defined in section 17a-495, within the preceding twelve months by
764 order of a probate court, or has been confined on or after October 1,
765 2013, in a hospital for persons with psychiatric disabilities, as defined
766 in section 17a-495, within the preceding sixty months by order of a
767 probate court, or, with respect to any person who holds a valid permit
768 or certificate that was issued or renewed under the provisions of
769 section 29-28, as amended by this act, or 29-36f, as amended by this act,
770 in effect prior to October 1, 2013, such person has been confined in
771 such hospital within the preceding twelve months, or (B) has been
772 voluntarily admitted on or after October 1, 2013, or has been
773 committed under an emergency certificate pursuant to section 17a-502
774 on or after October 1, 2023, to a hospital for persons with psychiatric
775 disabilities, as defined in section 17a-495, within the preceding six
776 months for care and treatment of a psychiatric disability, unless the
777 person (i) was [voluntarily] admitted or committed solely for being an
778 alcohol-dependent person or a drug-dependent person as those terms
779 are defined in section 17a-680, or (ii) is a police officer who was
780 voluntarily admitted and had his or her firearm, ammunition or
781 electronic defense weapon used in the performance of the police
782 officer's official duties returned in accordance with section 7-291d, (5)
783 knows that such person is subject to (A) a restraining or protective
784 order of a court of this state that has been issued against such person,
785 after notice has been provided to such person, in a case involving the
786 use, attempted use or threatened use of physical force against another
787 person, or (B) a foreign order of protection, as defined in section 46b-

788 15a, that has been issued against such person in a case involving the
789 use, attempted use or threatened use of physical force against another
790 person, (6) knows that such person is subject to a firearms seizure
791 order issued prior to June 1, 2022, pursuant to section 29-38c, as
792 amended by this act, after notice and an opportunity to be heard has
793 been provided to such person, or a risk protection order or risk
794 protection investigation order issued on or after June 1, 2022, pursuant
795 to section 29-38c, as amended by this act, (7) is prohibited from
796 shipping, transporting, possessing or receiving a firearm pursuant to
797 18 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United
798 States. For the purposes of this section, "convicted" means having a
799 judgment of conviction entered by a court of competent jurisdiction.

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

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

808 (b) The Commissioner of Mental Health and Addiction Services
809 shall, notwithstanding the provisions of subsection (a) of this section,
810 maintain information, in accordance with section 17a-499, on
811 commitment orders by a probate court, [and shall maintain
812 information, in accordance with] section 17a-506a, as amended by this
813 act, on voluntary admissions, and section 17a-502, on commitment
814 under an emergency certificate, and shall provide such information to
815 the Commissioner of Emergency Services and Public Protection in
816 fulfillment of [his] the commissioner's obligations under sections 29-28
817 to 29-38, inclusive, as amended by this act, and section 53-202d, in such
818 a manner as to report identifying information on the commitment or
819 voluntary admission status, including, but not limited to, name,
820 address, sex, date of birth and date of commitment or admission, for a

821 person who applies for or holds a permit or certificate under said
 822 sections 29-28 to 29-38, inclusive, as amended by this act, and section
 823 53-202d. The Commissioner of Emergency Services and Public
 824 Protection shall maintain as confidential any such information
 825 provided to him and shall use such information only for purposes of
 826 fulfilling his obligations under sections 29-28 to 29-38, inclusive, as
 827 amended by this act, and section 53-202d, except that nothing in this
 828 section shall prohibit said commissioner from entering such
 829 information into evidence at a hearing held in accordance with section
 830 29-32b.

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

833 Whenever a person is voluntarily admitted or committed under an
 834 emergency certificate pursuant to section 17a-502 to a hospital for
 835 persons with psychiatric disabilities, as defined in section 17a-495, for
 836 care and treatment of a psychiatric disability and not solely for being
 837 an alcohol-dependent person or a drug-dependent person as those
 838 terms are defined in section 17a-680, the hospital shall forthwith notify
 839 the Commissioner of Mental Health and Addiction Services of such
 840 admission or commitment and provide identifying information
 841 including, but not limited to, name, address, sex, date of birth and the
 842 date of admission. The commissioner shall maintain such identifying
 843 information on all such admissions occurring on and after October 1,
 844 2013, and commitments occurring on and after October 1, 2023.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-38c
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>June 1, 2023</i>	46b-15e
Sec. 4	<i>October 1, 2023</i>	29-28(b)
Sec. 5	<i>October 1, 2023</i>	29-36f(b)
Sec. 6	<i>October 1, 2023</i>	29-37p(b)
Sec. 7	<i>October 1, 2023</i>	29-38b

Sec. 8	<i>October 1, 2023</i>	53a-217
Sec. 9	<i>October 1, 2023</i>	53a-217c
Sec. 10	<i>October 1, 2023</i>	17a-500(b)
Sec. 11	<i>October 1, 2023</i>	17a-506a

JUD *Joint Favorable Subst.*