



General Assembly

January Session, 2023

Raised Bill No. 6877

LCO No. 5690



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***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 Section 29-38c of the general statutes is repealed and the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 complaint on oath by any state's attorney or assistant state's
4 attorney or by any [two] police [officers] officer, to any judge of the
5 Superior Court, that such state's attorney, assistant state's attorney or
6 police [officers have] officer has probable cause to believe that a person
7 poses a risk of imminent personal injury to [himself or herself] such
8 person's self or to another person, the judge may issue a risk protection
9 order prohibiting such person from acquiring or possessing a firearm or
10 other deadly weapon or ammunition. As part of or following the
11 issuance of such order, if there is probable cause to believe that (1) such
12 person possesses one or more firearms or other deadly weapons, and (2)
13 such firearm or firearms or other deadly weapon or deadly weapons are
14 within or upon any place, thing or person, such judge shall issue a

15 warrant commanding a police officer to enter into or upon such place or
16 thing, search the same or the person and take into such officer's custody
17 any and all firearms and other deadly weapons and ammunition. No
18 such warrant shall be issued if the applicant for the order is a police
19 officer, unless the application is supported by more than one police
20 officer, under oath on the complaint. Such state's attorney, assistant
21 state's attorney or police officer or officers may not make any such
22 complaint unless such state's attorney, assistant state's attorney or police
23 officer or officers, as applicable, have conducted an independent
24 investigation and determined that such probable cause exists. Upon the
25 issuance of any such order and warrant, if applicable, the judge shall
26 order the clerk of the court to give notice to the Commissioner of
27 Emergency Services and Public Protection of the issuance of such order
28 and warrant, [if] as applicable.

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

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

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

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

83 remove or cancel any record entered into the National Instant Criminal
84 Background Check System associated with such investigation for which
85 there was no finding of probable cause.

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

117 grounds or probable cause for issuance and, in the case of a warrant, the
118 warrant shall command the officer to search within a reasonable time
119 the person, place or thing named for any and all firearms and other
120 deadly weapons and ammunition. A copy of the order and warrant, if
121 applicable, shall be given within a reasonable time to the person named
122 in the order together with a notice informing the person that such
123 person has the right to a hearing under this section, the telephone
124 number for the court clerk who can inform the person of the date and
125 time of such hearing and the right to be represented by counsel at such
126 hearing.

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

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

151 judicial district within which the order was served. The order shall be
152 served and returned with reasonable promptness consistent with due
153 process of law.

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

185 personal injury to [himself or herself] such person's self or to another
186 person, the court shall give notice to the Department of Mental Health
187 and Addiction Services which may take such action pursuant to chapter
188 319i as the department deems appropriate.

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

219 to another person, the order and warrant, if applicable, shall remain in
220 effect. If the court finds that the state has failed to prove by clear and
221 convincing evidence that the petitioner poses a risk of imminent
222 personal injury to [himself or herself] such person's self or to another
223 person, the court shall terminate such order and warrant, if applicable.
224 Any person whose petition is denied may file a subsequent petition in
225 accordance with the provisions of this subsection at least one hundred
226 eighty days after the date on which the court denied the previous
227 petition.

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

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

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

250 (j) For purposes of this section, (1) "ammunition" means a loaded

251 cartridge, consisting of a primed case, propellant or projectile, designed
252 for use in any firearm, (2) "family or household member" means (A) a
253 person eighteen years of age or older who is a: (i) Spouse, (ii) parent, (iii)
254 child, (iv) sibling, (v) grandparent, (vi) grandchild, (vii) step-parent,
255 (viii) step-child, (ix) step-sibling, (x) mother or father-in-law, (xi) son or
256 daughter-in-law, or (xii) brother or sister-in-law of the person who is the
257 subject of an application pursuant to subsection (b) of this section; (B) a
258 person residing with the person who is the subject of the application;
259 (C) a person who has a child in common with the person who is the
260 subject of the application; (D) a person who is dating or an intimate
261 partner of the person who is the subject of the application; or (E) a
262 person who is the legal guardian or former legal guardian of the person
263 who is the subject of the application, (3) "medical professional" means
264 any person who has examined the person who is the subject of the
265 application and who is (A) a physician or physician assistant licensed
266 under chapter 370, (B) an advanced practice registered nurse licensed
267 under chapter 378, (C) a psychologist licensed under chapter 383, or (D)
268 a clinical social worker licensed under chapter 383b, and (4) "deadly
269 weapon" means a deadly weapon, as defined in section 53a-3.

270 Sec. 2. Subsection (b) of section 29-28 of the general statutes is
271 repealed and the following is substituted in lieu thereof (*Effective October*
272 *1, 2023*):

273 (b) Upon the application of any person having a bona fide permanent
274 residence within the jurisdiction of any such authority, such chief of
275 police or, where there is no chief of police, such chief executive officer
276 or designated resident state trooper or state police officer, as applicable,
277 may issue a temporary state permit to such person to carry a pistol or
278 revolver within the state, provided such authority shall find that such
279 applicant intends to make no use of any pistol or revolver which such
280 applicant may be permitted to carry under such permit other than a
281 lawful use and that such person is a suitable person to receive such
282 permit. If the applicant has a bona fide permanent residence within the
283 jurisdiction of any federally recognized Native American tribe within
284 the borders of the state, and such tribe has a law enforcement unit, as

285 defined in section 7-294a, the chief of police of such law enforcement
286 unit may issue a temporary state permit to such person pursuant to the
287 provisions of this subsection, and any chief of police of any other law
288 enforcement unit having jurisdiction over an area containing such
289 person's bona fide permanent residence shall not issue such temporary
290 state permit if such tribal law enforcement unit accepts applications for
291 temporary state permits. No state or temporary state permit to carry a
292 pistol or revolver shall be issued under this subsection if the applicant
293 (1) has failed to successfully complete a course approved by the
294 Commissioner of Emergency Services and Public Protection in the
295 safety and use of pistols and revolvers including, but not limited to, a
296 safety or training course in the use of pistols and revolvers available to
297 the public offered by a law enforcement agency, a private or public
298 educational institution or a firearms training school, utilizing instructors
299 certified by the National Rifle Association or the Department of Energy
300 and Environmental Protection and a safety or training course in the use
301 of pistols or revolvers conducted by an instructor certified by the state
302 or the National Rifle Association, (2) has been convicted of (A) a felony,
303 or (B) a misdemeanor violation of section 21a-279 on or after October 1,
304 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a,
305 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the
306 preceding twenty years, (3) has been convicted as delinquent for the
307 commission of a serious juvenile offense, as defined in section 46b-120,
308 (4) has been discharged from custody within the preceding twenty years
309 after having been found not guilty of a crime by reason of mental disease
310 or defect pursuant to section 53a-13, (5) (A) has been confined in a
311 hospital for persons with psychiatric disabilities, as defined in section
312 17a-495, within the preceding sixty months by order of a probate court,
313 or (B) has been voluntarily admitted on or after October 1, 2013, or has
314 been committed under emergency certificate pursuant to section 17a-
315 502 on or after October 1, 2023, to a hospital for persons with psychiatric
316 disabilities, as defined in section 17a-495, within the preceding six
317 months for care and treatment of a psychiatric disability and not solely
318 for being an alcohol-dependent person or a drug-dependent person, as
319 those terms are defined in section 17a-680, (6) is subject to a restraining

320 or protective order issued by a court in a case involving the use,
321 attempted use or threatened use of physical force against another
322 person, including an ex parte order issued pursuant to section 46b-15 or
323 46b-16a, (7) is subject to a firearms seizure order issued prior to June 1,
324 2022, pursuant to section 29-38c, as amended by this act, after notice and
325 hearing, or a risk protection order or risk protection investigation order
326 issued on or after June 1, 2022, pursuant to section 29-38c, as amended
327 by this act, (8) is prohibited from shipping, transporting, possessing or
328 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally
329 or unlawfully in the United States, or (10) is less than twenty-one years
330 of age. Nothing in this section shall require any person who holds a
331 valid permit to carry a pistol or revolver on October 1, 1994, to
332 participate in any additional training in the safety and use of pistols and
333 revolvers. No person may apply for a temporary state permit to carry a
334 pistol or revolver more than once within any twelve-month period, and
335 no 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. 3. Subsection (b) of section 29-36f of the general statutes is
363 repealed and the following is substituted in lieu thereof (*Effective October*
364 *1, 2023*):

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 (B) a misdemeanor violation of section 21a-279 on or after October 1,
378 2015, or (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a,
379 53a-62, 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, or has
388 been committed under emergency certificate pursuant to section 17a-

389 502 on or after October 1, 2023, to a hospital for persons with psychiatric
390 disabilities, as defined in section 17a-495, within the preceding six
391 months for care and treatment of a psychiatric disability and not solely
392 for being an alcohol-dependent person or a drug-dependent person as
393 those terms are defined in section 17a-680; (6) is subject to a restraining
394 or protective order issued by a court in a case involving the use,
395 attempted use or threatened use of physical force against another
396 person, including an ex parte order issued pursuant to section 46b-15 or
397 section 46b-16a; (7) is subject to a firearms seizure order issued prior to
398 June 1, 2022, pursuant to section 29-38c, as amended by this act, after
399 notice and hearing, or a risk protection order or risk protection
400 investigation order issued on or after June 1, 2022, pursuant to section
401 29-38c, as amended by this act; (8) is prohibited from shipping,
402 transporting, possessing or receiving a firearm pursuant to 18 USC
403 922(g)(4); or (9) is an alien illegally or unlawfully in the United States.

404 Sec. 4. Subsection (b) of section 29-37p of the general statutes is
405 repealed and the following is substituted in lieu thereof (*Effective October*
406 *1, 2023*):

407 (b) The Commissioner of Emergency Services and Public Protection
408 shall issue a long gun eligibility certificate unless said commissioner
409 finds that the applicant: (1) Has failed to successfully complete a course
410 approved by the Commissioner of Emergency Services and Public
411 Protection in the safety and use of firearms including, but not limited to,
412 a safety or training course in the use of firearms available to the public
413 offered by a law enforcement agency, a private or public educational
414 institution or a firearms training school, utilizing instructors certified by
415 the National Rifle Association or the Department of Energy and
416 Environmental Protection and a safety or training course in the use of
417 firearms conducted by an instructor certified by the state or the National
418 Rifle Association; (2) has been convicted of (A) a felony, (B) a
419 misdemeanor violation of section 21a-279 on or after October 1, 2015, or
420 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,
421 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d during the
422 preceding twenty years; (3) has been convicted as delinquent for the

423 commission of a serious juvenile offense, as defined in section 46b-120;
424 (4) has been discharged from custody within the preceding twenty years
425 after having been found not guilty of a crime by reason of mental disease
426 or defect pursuant to section 53a-13; (5) has been confined in a hospital
427 for persons with psychiatric disabilities, as defined in section 17a-495,
428 within the preceding sixty months by order of a probate court; (6) has
429 been voluntarily admitted or, on or after October 1, 2023, has been
430 committed under emergency certificate pursuant to section 17a-502 to a
431 hospital for persons with psychiatric disabilities, as defined in section
432 17a-495, within the preceding six months for care and treatment of a
433 psychiatric disability and not solely for being an alcohol-dependent
434 person or a drug-dependent person as those terms are defined in section
435 17a-680; (7) is subject to a restraining or protective order issued by a
436 court in a case involving the use, attempted use or threatened use of
437 physical force against another person, including an ex parte order
438 issued pursuant to section 46b-15 or 46b-16a; (8) is subject to a firearms
439 seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as
440 amended by this act, after notice and hearing, or a risk protection order
441 or risk protection investigation order issued on or after June 1, 2022,
442 pursuant to section 29-38c, as amended by this act; (9) is prohibited from
443 shipping, transporting, possessing or receiving a firearm pursuant to 18
444 USC 922(g)(4); or (10) is an alien illegally or unlawfully in the United
445 States.

446 Sec. 5. Section 29-38b of the general statutes is repealed and the
447 following is substituted in lieu thereof (*Effective October 1, 2023*):

448 (a) The Commissioner of Emergency Services and Public Protection,
449 in fulfilling his obligations under sections 29-28 to 29-38, inclusive, as
450 amended by this act, and section 53-202d, shall verify that any person
451 who, on or after October 1, 1998, applies for or seeks renewal of a permit
452 to sell at retail a pistol or revolver, a permit to carry a pistol or revolver,
453 an eligibility certificate for a pistol or revolver or a certificate of
454 possession for an assault weapon, or who, on or after July 1, 2013,
455 applies for or seeks renewal of a long gun eligibility certificate, has not
456 been confined in a hospital for persons with psychiatric disabilities, as

457 defined in section 17a-495, within the preceding sixty months by order
458 of a probate court or has not been voluntarily admitted or has been
459 committed under emergency certificate pursuant to section 17a-502 to a
460 hospital for persons with psychiatric disabilities, as defined in section
461 17a-495, within the preceding six months for care and treatment of a
462 psychiatric disability and not solely for being an alcohol-dependent
463 person or a drug-dependent person as those terms are defined in section
464 17a-680, by making an inquiry to the Department of Mental Health and
465 Addiction Services in such a manner so as to only receive a report on the
466 commitment or admission status of the person with respect to whom the
467 inquiry is made including identifying information in accordance with
468 the provisions of subsection (b) of section 17a-500, as amended by this
469 act.

470 (b) If the Commissioner of Emergency Services and Public Protection
471 determines pursuant to subsection (a) of this section that a person has
472 been confined in a hospital for persons with psychiatric disabilities, as
473 defined in section 17a-495, within the preceding sixty months by order
474 of a probate court or has been voluntarily admitted or has been
475 committed under emergency certificate pursuant to section 17a-502 to a
476 hospital for persons with psychiatric disabilities, as defined in section
477 17a-495, within the preceding six months for care and treatment of a
478 psychiatric disability and not solely for being an alcohol-dependent
479 person or a drug-dependent person as those terms are defined in section
480 17a-680, said commissioner shall report the status of such person's
481 application for or renewal of a permit to sell at retail a pistol or revolver,
482 a permit to carry a pistol or revolver, an eligibility certificate for a pistol
483 or revolver, a certificate of possession for an assault weapon or a long
484 gun eligibility certificate to the Commissioner of Mental Health and
485 Addiction Services for the purpose of fulfilling his responsibilities under
486 subsection (c) of section 17a-500.

487 Sec. 6. Section 53a-217 of the general statutes is repealed and the
488 following is substituted in lieu thereof (*Effective October 1, 2023*):

489 (a) A person is guilty of criminal possession of a firearm, ammunition

490 or an electronic defense weapon when such person possesses a firearm,
491 ammunition or an electronic defense weapon and (1) has been convicted
492 of (A) a felony committed prior to, on or after October 1, 2013, (B) a
493 misdemeanor violation of section 21a-279 on or after October 1, 2015, or
494 (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62,
495 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or
496 after October 1, 2013, and during the preceding twenty years, (2) has
497 been convicted as delinquent for the commission of a serious juvenile
498 offense, as defined in section 46b-120, (3) has been discharged from
499 custody within the preceding twenty years after having been found not
500 guilty of a crime by reason of mental disease or defect pursuant to
501 section 53a-13, (4) knows that such person is subject to (A) a restraining
502 or protective order of a court of this state that has been issued against
503 such person, after notice has been provided to such person, in a case
504 involving the use, attempted use or threatened use of physical force
505 against another person, or (B) a foreign order of protection, as defined
506 in section 46b-15a, that has been issued against such person in a case
507 involving the use, attempted use or threatened use of physical force
508 against another person, (5) (A) has been confined on or after October 1,
509 2013, in a hospital for persons with psychiatric disabilities, as defined in
510 section 17a-495, within the preceding sixty months by order of a probate
511 court, or with respect to any person who holds a valid permit or
512 certificate that was issued or renewed under the provisions of section
513 29-28, as amended by this act, or 29-36f, as amended by this act, in effect
514 prior to October 1, 2013, such person has been confined in such hospital
515 within the preceding twelve months, or (B) has been voluntarily
516 admitted on or after October 1, 2013, or has been committed under
517 emergency certificate pursuant to section 17a-502 on or after October 1,
518 2023, to a hospital for persons with psychiatric disabilities, as defined in
519 section 17a-495, within the preceding six months for care and treatment
520 of a psychiatric disability, unless the person (i) was [voluntarily]
521 admitted or committed solely for being an alcohol-dependent person or
522 a drug-dependent person as those terms are defined in section 17a-680,
523 or (ii) is a police officer who was voluntarily admitted and had his or
524 her firearm, ammunition or electronic defense weapon used in the

525 performance of the police officer's official duties returned in accordance
526 with section 7-291d, (6) knows that such person is subject to a firearms
527 seizure order issued prior to June 1, 2022, pursuant to section 29-38c, as
528 amended by this act, after notice and an opportunity to be heard has
529 been provided to such person, or a risk protection order or risk
530 protection investigation order issued on or after June 1, 2022, pursuant
531 to section 29-38c, as amended by this act, or (7) is prohibited from
532 shipping, transporting, possessing or receiving a firearm pursuant to 18
533 USC 922(g)(4). For the purposes of this section, "convicted" means
534 having a judgment of conviction entered by a court of competent
535 jurisdiction, "ammunition" means a loaded cartridge, consisting of a
536 primed case, propellant or projectile, designed for use in any firearm,
537 and a motor vehicle violation for which a sentence to a term of
538 imprisonment of more than one year may be imposed shall be deemed
539 an unclassified felony.

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

546 Sec. 7. Section 53a-217c of the general statutes is repealed and the
547 following is substituted in lieu thereof (*Effective October 1, 2023*):

548 (a) A person is guilty of criminal possession of a pistol or revolver
549 when such person possesses a pistol or revolver, as defined in section
550 29-27, and (1) has been convicted of (A) a felony committed prior to, on
551 or after October 1, 2013, (B) a misdemeanor violation of section 21a-279
552 committed on or after October 1, 2015, or (C) a misdemeanor violation
553 of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-
554 176, 53a-178 or 53a-181d committed during the preceding twenty years,
555 (2) has been convicted as delinquent for the commission of a serious
556 juvenile offense, as defined in section 46b-120, (3) has been discharged
557 from custody within the preceding twenty years after having been

558 found not guilty of a crime by reason of mental disease or defect
559 pursuant to section 53a-13, (4) (A) has been confined prior to October 1,
560 2013, in a hospital for persons with psychiatric disabilities, as defined in
561 section 17a-495, within the preceding twelve months by order of a
562 probate court, or has been confined on or after October 1, 2013, in a
563 hospital for persons with psychiatric disabilities, as defined in section
564 17a-495, within the preceding sixty months by order of a probate court,
565 or, with respect to any person who holds a valid permit or certificate
566 that was issued or renewed under the provisions of section 29-28, as
567 amended by this act, or 29-36f, as amended by this act, in effect prior to
568 October 1, 2013, such person has been confined in such hospital within
569 the preceding twelve months, or (B) has been voluntarily admitted on
570 or after October 1, 2013, or has been committed under emergency
571 certificate pursuant to section 17a-502 on or after October 1, 2023, to a
572 hospital for persons with psychiatric disabilities, as defined in section
573 17a-495, within the preceding six months for care and treatment of a
574 psychiatric disability, unless the person (i) was [voluntarily] admitted
575 or committed solely for being an alcohol-dependent person or a drug-
576 dependent person as those terms are defined in section 17a-680, or (ii) is
577 a police officer who was voluntarily admitted and had his or her
578 firearm, ammunition or electronic defense weapon used in the
579 performance of the police officer's official duties returned in accordance
580 with section 7-291d, (5) knows that such person is subject to (A) a
581 restraining or protective order of a court of this state that has been issued
582 against such person, after notice has been provided to such person, in a
583 case involving the use, attempted use or threatened use of physical force
584 against another person, or (B) a foreign order of protection, as defined
585 in section 46b-15a, that has been issued against such person in a case
586 involving the use, attempted use or threatened use of physical force
587 against another person, (6) knows that such person is subject to a
588 firearms seizure order issued prior to June 1, 2022, pursuant to section
589 29-38c, as amended by this act, after notice and an opportunity to be
590 heard has been provided to such person, or a risk protection order or
591 risk protection investigation order issued on or after June 1, 2022,
592 pursuant to section 29-38c, as amended by this act, (7) is prohibited from

593 shipping, transporting, possessing or receiving a firearm pursuant to 18
594 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United
595 States. For the purposes of this section, "convicted" means having a
596 judgment of conviction entered by a court of competent jurisdiction.

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

602 Sec. 8. Subsection (b) of section 17a-500 of the general statutes is
603 repealed and the following is substituted in lieu thereof (*Effective October*
604 *1, 2023*):

605 (b) The Commissioner of Mental Health and Addiction Services shall,
606 notwithstanding the provisions of subsection (a) of this section,
607 maintain information, in accordance with section 17a-499, on
608 commitment orders by a probate court, [and shall maintain information,
609 in accordance with] section 17a-506a, as amended by this act, on
610 voluntary admissions, and section 17a-502, on commitment under
611 emergency certificate, and shall provide such information to the
612 Commissioner of Emergency Services and Public Protection in
613 fulfillment of [his] the commissioner's obligations under sections 29-28
614 to 29-38, inclusive, as amended by this act, and section 53-202d, in such
615 a manner as to report identifying information on the commitment or
616 voluntary admission status, including, but not limited to, name,
617 address, sex, date of birth and date of commitment or admission, for a
618 person who applies for or holds a permit or certificate under said
619 sections 29-28 to 29-38, inclusive, as amended by this act, and section 53-
620 202d. The Commissioner of Emergency Services and Public Protection
621 shall maintain as confidential any such information provided to him
622 and shall use such information only for purposes of fulfilling his
623 obligations under sections 29-28 to 29-38, inclusive, as amended by this
624 act, and section 53-202d, except that nothing in this section shall prohibit
625 said commissioner from entering such information into evidence at a

626 hearing held in accordance with section 29-32b.

627 Sec. 9. Section 17a-506a of the general statutes is repealed and the
628 following is substituted in lieu thereof (*Effective October 1, 2023*):

629 Whenever a person is voluntarily admitted or committed under
630 emergency certificate pursuant to section 17a-502 to a hospital for
631 persons with psychiatric disabilities, as defined in section 17a-495, for
632 care and treatment of a psychiatric disability and not solely for being an
633 alcohol-dependent person or a drug-dependent person as those terms
634 are defined in section 17a-680, the hospital shall forthwith notify the
635 Commissioner of Mental Health and Addiction Services of such
636 admission or commitment and provide identifying information
637 including, but not limited to, name, address, sex, date of birth and the
638 date of admission. The commissioner shall maintain such identifying
639 information on all such admissions occurring on and after October 1,
640 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>October 1, 2023</i>	29-28(b)
Sec. 3	<i>October 1, 2023</i>	29-36f(b)
Sec. 4	<i>October 1, 2023</i>	29-37p(b)
Sec. 5	<i>October 1, 2023</i>	29-38b
Sec. 6	<i>October 1, 2023</i>	53a-217
Sec. 7	<i>October 1, 2023</i>	53a-217c
Sec. 8	<i>October 1, 2023</i>	17a-500(b)
Sec. 9	<i>October 1, 2023</i>	17a-506a

Statement of Purpose:

To allow a single police officer to apply for an application for a risk protection order if such order does not include a search and seizure warrant, and add temporary commitments under physicians' emergency certifications to any registry of admissions for patients with psychiatric disabilities that is maintained by the Department of Mental Health and Addiction Services and reviewed for purposes of determining the suitability of a person to purchase or possess a firearm.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]