

# Statutorily mandated time periods for obtaining Permit to Carry in Connecticut

At this time there are a number of cities and towns that are telling applicants for Connecticut Permits to Carry Pistols and Revolvers that the process is taking longer than 8 weeks. Some local issuing authorities are going so far as to say applications for these permits are only available during certain hours. It is important to be aware of the time frames mandated by law and to hold local issuing authorities accountable to this law.

If any of the mandated requirements or times contained in Sections 29-28a or 29-29 (b) or (c) are not followed, the applicant would have immediate standing to file an appeal with the Board of Firearms Permit Examiners.

## Summary of time periods to remember

- Must be immediately given an application for a permit to carry upon requesting an application in person - CGS §29-28a
- The local issuing authority must supply an application within 1 week (7 days) after requesting an application in any other manner - CGS §29-28a
- No later than 5 days after positively identifying you and, if necessary, taking your fingerprints the local issuing authority must by law submit your information to the State Bureau of Identification to conduct a background check - CGS §29-29(b)
- No later than 1 week (7 days) after receiving results of national background check, the local issuing authority must by law notify you of it's decision - CGS §29-29(c)
- No later than 8 weeks (56 days) after submitting a sufficient application you must be informed as to whether you were approved or denied an application, CGS §29-28a(b)
- The 8 week deadline can only be extended if the issuing authority hasn't received the result of the *national* criminal history check, in which case, they must notify you in writing within 8 weeks (56 days) of submitting a sufficient application - CGS §29-28a(b)

## Requesting an application for a Permit to Carry

From reading the law there are a number of different time limits. We can see from CGS §29-28a(a) that when arriving at any local issuing authority and requesting an application for a Permit to Carry in permit, they must supply with one immediately. There are rumors that some local authorities are insisting on only having applications available at certain, very inconvenient, times. These restrictions are clearly a violation of the law.

A request by e-mail, telephone, mail, carrier pigeon, telegraph, semaphore, smoke signals, or other means must result in an application being supplied to you within 7 days of the request being received. Now if the local authority has no way of receiving a request via semaphore, smoke signal, telegraph or carrier pigeon, it is unreasonable to consider the request valid. In effect, the request was never made. The law is silent on the method in which the application must be supplied, but sending the application via e-mail or USPS should be sufficient.

**This is the most important part:** if the application is not supplied to the requester within 7 days of the request being received, the act of requesting an application "shall constitute a sufficient application." This means, if it can be proven that the issuing authority received a request for an application and an application was never received, then the request *IS* a sufficient application for a Permit to Carry. The

local issuing authority will then have 8 weeks to approve or deny that application. (*More on this 8 week time period, later*)

For those with internet access, the current application is available from the Department of Public Safety website and may be downloaded to expedite the process.

[http://www.ct.gov/dps/lib/dps/special\\_licensing\\_and\\_firearms/dps-799-c.pdf](http://www.ct.gov/dps/lib/dps/special_licensing_and_firearms/dps-799-c.pdf)

## **Submitting an application**

Generally speaking, 8 weeks (56 days) after submitting a sufficient application the local issuing authority *MUST* inform the applicant whether they have been approved or denied a temporary Permit to Carry. CGS §29-28a(b) is very clear on this point. If the issuing authority is unable to issue a temporary Permit to Carry within this 8 weeks because they have not received the result of the *national* background check, then according to CGS §29-29(c), the local issuing authority must notify you in writing of that fact. This is the only statutory exception to this 8 week maximum limit.

Upon receiving the application, the local issuing authority must either take the fingerprints of the applicant or, having determined fingerprints were previously taken, the issuing authority can positively identify you in some other manner and record the date and location the fingerprints were previously taken. Once they've either taken the fingerprints or recorded the required information, the issuing authority then has 5 days to submit your information to the State Police Bureau of Identification to conduct the records check.

## **Case where decision must come BEFORE 8 weeks**

From the time the local issuing authority receives the results of the national criminal history check, they have 7 days to render a decision on whether to issue you a temporary permit to carry.

**Example:** Suppose on March 5th, 2010 a sufficient application for a Permit to Carry was properly filled out and submitted with all required fees and fingerprints. The local issuing authority waits the maximum amount of time they can before submitting your information to the State. This means that your information is sent to the State on March 10th, 2010. The State performs the required background checks and receives the results of the national criminal history check by March 15th, 2010. The state promptly mails out the results to the local issuing authority who receives the results March 17th, 2010. The local issuing authority now has 7 days to either approve or deny your application for a Permit to Carry Pistols and Revolvers. This means that you have to either be approved or denied a temporary Permit to Carry by March 24th, 2010. Assuming the issuing authority notifies you by mail, you could receive the notification on March 26th and after a trip to the local issuing authority and DPS can be in possession of your 5-year state issued Permit to Carry Pistols and Revolvers.

## **Suggestions**

Keep copies of all documents submitted as part of your application for a Permit to Carry Pistols and Revolvers.

Record the dates of all communication with the local issuing authority or the Department of Public Safety. Include the date that documents were submitted and any proof that documents were received by issuing authorities.

When submitting your application for a Permit to Carry, submit the last two pages of this document filled out along with your application.

Date: \_\_\_\_\_

To Whom It May Concern:

I recently submitted a completed application for a Temporary Permit to Carry Pistols and Revolvers to your department on \_\_\_\_\_, 20\_\_\_\_. For the record, I have also submitted a complete set of fingerprints and paid the mandated fees to acquire the state and national criminal history records checks.

In an attempt to monitor and remain informed regarding my application, together with any attempt to protect any appeal or due process rights, I would like to be notified of the following:

- The date my fingerprints and payment left your department or town for submission to the Department of Public Safety as mandated by §29-29(b) of the Connecticut General Statutes,
- The date, if available, that the national criminal history records check results were returned to the Department of Public Safety, and
- The date that the national criminal history records check results were received by your agency or town

There is in place an administrative appeal process to the Board of Firearms Permit Examiners, where standing to bring an appeal begins at various stages of the permit process. To protect any appeal or due process rights, I find it necessary to monitor the dates in question.

I am including the applicable sections of the Connecticut General Statutes, (CGS §29-28a and §29-29) which establish the reasons for this request.

Thank you for your time on this topic,

Name: \_\_\_\_\_

Addr.: \_\_\_\_\_

\_\_\_\_\_, CT

Email: \_\_\_\_\_

Tel.: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Sec. 29-28a. Application for permit. Notice of decision to applicant.** (a) Requests for temporary state permits under section 29-28 shall be submitted to the chief of police, or, where there is no chief of police, to the warden of the borough or the first selectman of the town, as the case may be, on application forms prescribed by the Commissioner of Public Safety. Upon written request by any person for a temporary state permit not on a prescribed application form, or upon request by any person for such application form, the local authority shall supply such forms. When any such request is made in person at the office of the local authority, the local authority shall supply such application form immediately. When any such request is made in any other manner, the local authority shall supply such application form not later than one week after receiving such request. If such application form is not supplied within the time limits required by this section, the request therefor shall constitute a sufficient application. If any local authority fails to supply an application form upon the request of any person, such person may request an application form from the Commissioner of Public Safety or any barracks of the Division of State Police, and the time limits and procedures set forth in this section for handling requests for such forms shall be applicable.

(b) The local authority shall, not later than eight weeks after a sufficient application for a temporary state permit has been made, inform the applicant that such applicant's request for a temporary state permit has been approved or denied. The local authority shall forward a copy of the application indicating approval or denial of the temporary state permit to the Commissioner of Public Safety. If the local authority has denied the application for a temporary state permit, no state permit may be issued. The commissioner shall, not later than eight weeks after receiving an application indicating approval from the local authority, inform the applicant in writing that the applicant's application for a state permit has been approved or denied, or that the results of the national criminal history records check have not been received. If grounds for denial become known after a temporary state permit has been obtained, the temporary state permit shall be immediately revoked pursuant to section 29-32.

**Sec. 29-29. Information concerning criminal records of applicants for permits.** (a) No temporary state permit for carrying any pistol or revolver shall be issued under the provisions of section 29-28 unless the applicant for such permit gives to the local authority, upon its request, full information concerning the applicant's criminal record. The local authority shall require the applicant to submit to state and national criminal history records checks. The local authority shall take a full description of such applicant and make an investigation concerning the applicant's suitability to carry any such weapons.

(b) The local authority shall take the fingerprints of such applicant or conduct any other method of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Investigation, unless the local authority determines that the fingerprints of such applicant have been previously taken and the applicant's identity established, and such applicant presents identification that the local authority verifies as valid. The local authority shall record the date the fingerprints were taken in the applicant's file and, within five business days of such date, shall forward such fingerprints or other positive identifying information to the State Police Bureau of Identification which shall conduct criminal history records checks in accordance with section 29-17a.

(c) The local authority may, in its discretion, issue a temporary state permit before a national criminal history records check relative to such applicant's record has been received. Upon receipt of the results of such national criminal history records check, the commissioner shall send a copy of the results of such national criminal history records check to the local authority, which shall inform the applicant and render a decision on the application within one week of the receipt of such results. If such results have not been received within eight weeks after a sufficient application for a permit has been made, the local authority shall inform the applicant of such delay, in writing. No temporary state permit shall be issued if the local authority has reason to believe the applicant has ever been convicted of a felony, or that any other condition exists for which the issuance of a permit for possession of a pistol or revolver is prohibited under state or federal law.

(d) The commissioner may investigate any applicant for a state permit and shall investigate each applicant for renewal of a state permit to ensure that such applicant is eligible under state law for such permit or for renewal of such permit.

(e) No state permit may be issued unless either the local authority or the commissioner has received the results of the national criminal history records check.