

CT Statutes

Volume 9, Title 29, Chapter 529 Sec 29-27 through 29-38D

Connecticut Firearms Laws

July, 2010

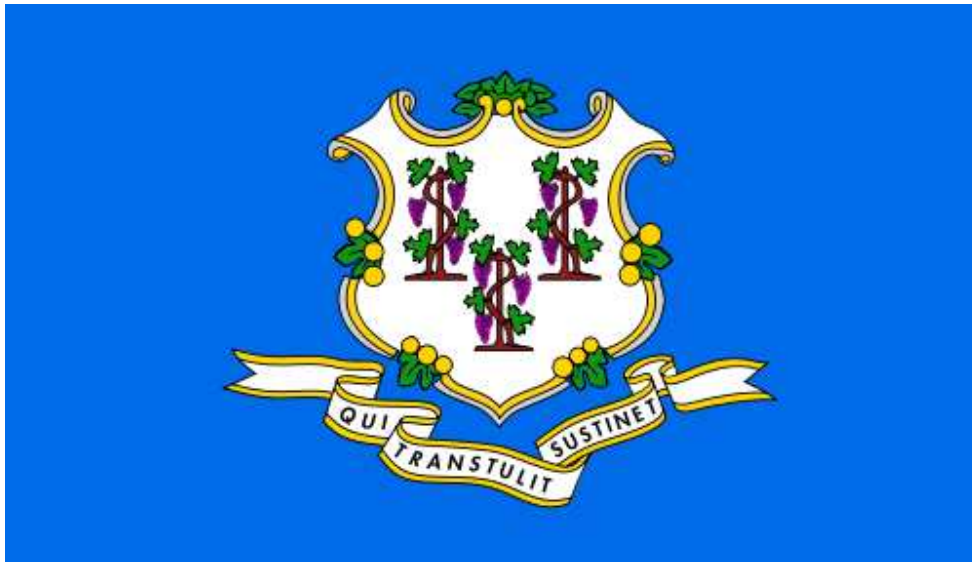


Table of Contents

Sec. 29-27. "Pistol" and "revolver" defined	3
Sec. 29-28. Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents.	3
Sec. 29-28a. Application for permit. Notice of decision to applicant.....	5
Sec. 29-29. Information concerning criminal records of applicants for permits.....	6
Sec. 29-30. Fees for pistol and revolver permits. Expiration and renewal of permits.....	7
Sec. 29-31. Display of permit to sell. Record of sales	8
Sec. 29-32. Revocation of permit. Notification. Confiscation. Penalty for failure to surrender permit	8
Sec. 29-32a. Appeal from refusal or revocation of permit.....	9
Sec. 29-32b. Board of Firearms Permit Examiners. Appeals to board. Hearings	9
Sec. 29-33. Sale, delivery or transfer of pistols and revolvers. Procedure. Penalty.....	11
Sec. 29-34. False statement or information in connection with sale or transfer of pistol or revolver prohibited. Sale or transfer to person under twenty-one years of age prohibited. Temporary transfers. Penalties	13
Sec. 29-35. Carrying of pistol or revolver without permit prohibited. Exceptions.	14
Sec. 29-36. Alteration of firearm identification mark, number or name.....	15
Secs. 29-36a to 29-36e	16
Sec. 29-36f. Eligibility certificate for pistol or revolver.....	16
Sec. 29-36g. Application for eligibility certificate. Criminal history records check. Deadline for approval or denial of application. Form of certificate. Change of address. Confidentiality of name and address of certificate holder. Scope of certificate.	16
Sec. 29-36h. Fee for eligibility certificate. Expiration and renewal of eligibility certificate	17
Sec. 29-36i. Revocation of eligibility certificate.	17
Sec. 29-36j. Purchase or receipt of pistol or revolver without permit or eligibility certificate prohibited. Exceptions.....	18
Sec. 29-36k. Transfer or surrender of firearms by persons ineligible to possess same. Penalty.	18
Sec. 29-36l. Verification of eligibility of persons to receive or possess firearms. State database. Instant criminal background check. Immunity of seller or transferor. Authorization number required.	18
Sec. 29-36m. Regulations.	19
Sec. 29-36n. Protocol concerning transfer or surrender of pistols and revolvers.....	19
Sec. 29-37. Penalties	20
Sec. 29-37a. Sale or delivery at retail of firearm other than pistol or revolver. Procedure.....	20
Sec. 29-37b. Retail dealer to equip pistols and revolvers with gun locking device and provide written warning at time of sale. Penalty.	21
Sec. 29-37c	22
Sec. 29-37d. Firearms dealer to install burglar alarm system on premises of its establishment. Exceptions.....	22
Sec. 29-37e. False statement or information in connection with sale or transfer of firearm other than pistol or revolver prohibited.....	22
Sec. 29-37f. Qualifications of retail store employees who sell firearms.....	22
Sec. 29-37g. Gun show requirements.....	22
Sec. 29-37h.	22
Sec. 29-37i. (Formerly Sec. 29-37c). Responsibilities re storage of loaded firearms with respect to minors.	23
Sec. 29-37j. Purchase of firearm with intent to transfer it to person prohibited from purchasing or possessing.	23
Sec. 29-38. Weapons in vehicles.	23
Sec. 29-38a. Out-of-state purchase or acquisition of rifles or shotguns.	24
Sec. 29-38b. Determination of commitment status of person who applies for or seeks renewal of firearm permit or certificate. Report on status of application.	24
Sec. 29-38c. Seizure of firearms of person posing risk of imminent personal injury to self or others	25
Sec. 29-38d. Interstate transportation of firearms through state.	26

Sec. 29-27. "Pistol" and "revolver" defined. The term "pistol" and the term "revolver", as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

(1949 Rev., S. 4157; July Sp. Sess. P.A. 94-1, S. 14.)

History: July Sp. Sess. P.A. 94-1 made no substantive change.

Cited. 173 C. 254. Cited. 205 C. 370. Cited. 211 C. 258. Cited. 242 C. 318.

Cited. 3 CA 289. Cited. 7 CA 367. Cited. 9 CA 169; judgment reversed, see 205 C. 370; Id., 330. Cited. 11 CA 621. Cited. 24 CA 737. Cited. 25 CA 433; Id., 578. Cited. 30 CA 68. Cited. 36 CA 805. Cited. 43 CA 252.

Sec. 29-28. Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents. (a) No person who sells ten or more pistols or revolvers in a calendar year or is a federally-licensed firearm dealer shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in such person's possession with intent to sell or deliver, any pistol or revolver at retail without having a permit therefor issued as provided in this subsection. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the Commissioner of Public Safety for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit. No permit for the sale at retail of any pistol or revolver shall be issued unless the applicant holds a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f or a valid state permit to carry a pistol or revolver issued pursuant to subsection (b) of this section and the applicant submits documentation sufficient to establish that local zoning requirements have been met for the location where the sale is to take place except that any person selling or exchanging a pistol or revolver for the enhancement of a personal collection or for a hobby or who sells all or part of such person's personal collection of pistols or revolvers shall not be required to submit such documentation for the location where the sale or exchange is to take place.

(b) Upon the application of any person having a bona fide residence or place of business within the jurisdiction of any such authority, such chief of police, warden or selectman may issue a temporary state permit to such person to carry a pistol or revolver within the state, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which such applicant may be permitted to carry under such permit other than a lawful use and that such person is a suitable person to receive such permit. No state or temporary state permit to carry a pistol or revolver shall be issued under this subsection if the applicant (1) has failed to successfully complete a course approved by the Commissioner of Public Safety in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association, (2) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (5) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, (7) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and hearing, (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or (10) is less than twenty-one years of age. Nothing in this section shall require any person who holds a valid permit to carry a pistol or revolver on October 1, 1994, to participate in any additional training in the safety and use of pistols and revolvers. Upon issuance of a temporary state permit to the applicant, the local authority shall forward the original application to the commissioner. Not later than sixty days after receiving a temporary state permit, an applicant shall appear at a location designated by the commissioner to receive the state permit. Said commissioner may then issue, to any holder of any temporary state permit, a state permit to carry a pistol or revolver within the state. Upon issuance of the state permit, the commissioner shall make available to the permit holder a copy of the law regarding the permit holder's responsibility to report the loss or theft of a firearm and the penalties associated with the failure to comply with such law. Upon issuance of the state permit, the commissioner shall forward a record of such permit to the local authority issuing the temporary state permit. The commissioner shall retain records of all applications, whether approved or denied. The copy of the state permit delivered to the permittee shall be laminated and shall contain a full-face photograph of such permittee. A person holding a state permit issued pursuant to this subsection shall notify the issuing authority within two business days of any change of such person's address. The notification shall include the old address and the new address of such person.

(c) No issuing authority may require any sworn member of the Department of Public Safety or an organized local police department to furnish such sworn member's residence address in a permit application. The issuing authority shall allow each such sworn member who has a permit to carry a pistol or revolver issued by such authority, to revise such member's application to include a business or post office address in lieu of the residence address. The issuing authority shall notify each such member of the right to revise such application.

(d) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a permit to sell at retail pistols and revolvers pursuant to subsection (a) of this section or a state or a temporary state permit to carry a pistol or revolver pursuant to subsection (b) of this section, or a local permit to carry pistols and revolvers issued by local authorities prior to October 1, 2001, shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, (2) the issuing authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that such state or temporary state permit is still valid and has not been suspended or revoked, and the local authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that a local permit is still valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500.

(e) The issuance of any permit to carry a pistol or revolver does not thereby authorize the possession or carrying of a pistol or revolver in any premises where the possession or carrying of a pistol or revolver is otherwise prohibited by law or is prohibited by the person who owns or exercises control over such premises.

(f) Any bona fide resident of the United States having no bona fide residence or place of business within the jurisdiction of any local authority in the state, but who has a permit or license to carry a pistol or revolver issued by the authority of another state or subdivision of the United States, may apply directly to the Commissioner of Public Safety for a permit to carry a pistol or revolver in this state. All provisions of subsections (b), (c), (d) and (e) of this section shall apply to applications for a permit received by the commissioner under this subsection.

(1949 Rev., S. 4158, 4159; 1959, P.A. 615, S. 19; P.A. 77-614, S. 486, 610; P.A. 90-155, S. 1; P.A. 92-130, S. 4, 10; P.A. 93-172, S. 1; July Sp. Sess. P.A. 94-1, S. 4; P.A. 98-129, S. 6; P.A. 99-212, S. 19; P.A. 01-130, S. 4; P.A. 05-283, S. 4; P.A. 07-163, S. 2.)

History: 1959 act corrected typographical error; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 90-155 added provision re compliance with local zoning requirements; P.A. 92-130 divided section into two Subsecs., inserting new language as Subsec. (b) to prohibit issuing authority from requiring police officers to furnish their residence addresses in permit applications and to require issuing authority to allow police officers who have a permit to carry a pistol or revolver on May 26, 1992, to revise such applications to include business or post office address in lieu of residence address; P.A. 93-172 amended Subsec. (a) to require copy of state permit delivered to permittee to be laminated and contain full-face photograph of permittee; July Sp. Sess. P.A. 94-1 amended Subsec. (a) to require any person "who sells ten or more pistols or revolvers in a calendar year or is a federally-licensed firearm dealer" to obtain a permit for the sale at retail of pistols and revolvers and to prohibit the issuance of such permit unless the applicant holds a valid eligibility certificate or valid permit to carry, designated as Subsec. (b) existing provisions re application for and issuance of permit to carry and amended said Subsec. to replace provision prohibiting the issuance of such permit to an alien with provision prohibiting the issuance of such permit to any applicant who comes within any of the six specified circumstances, add provision exempting current permit holders from additional training and add provision requiring a permit holder to notify the issuing authority of any change of address, redesignated former Subsec. (b) as Subsec. (c) and added Subsec. (d) re confidentiality of name and address of permit holders; P.A. 98-129 added new Subsec. (b)(3) prohibiting the issuance of a permit to an applicant who has been convicted as delinquent of a serious juvenile offense, renumbering the remaining Subdivs. accordingly, and replacing in Subdiv. (5) "hospital for mental illness" with "hospital for persons with psychiatric disabilities", added Subsec. (d)(3) authorizing the disclosure of such information to the Commissioner of Mental Health and Addiction Services to carry out the provisions of Sec. 17a-500(c), and added new Subsec. (e) to provide that the issuance of a permit to carry a pistol or revolver does not thereby authorize the possession or carrying of a pistol or revolver where prohibited by law or by the person who owns or exercises control over the premises; P.A. 99-212 added new Subsec. (b)(7) prohibiting the issuance of a permit to an applicant who is subject to a firearms seizure order issued pursuant to Sec. 29-38c(d) after notice and hearing, renumbering remaining Subdiv. accordingly, and made provisions gender neutral; P.A. 01-130 amended Subsecs. (a), (b) and (d) to establish state permits for sale at retail and state permits to carry pistols and revolvers in place of local permits for sale and local permits to carry, added Subsec. (b)(9) prohibiting a state permit to carry from being issued to persons under age 21, added Subsec. (f) providing for out-of-state residents to obtain state permits to carry, and made technical and conforming changes throughout; P.A. 05-283 added new Subsec. (b)(8) prohibiting the issuance of a permit to an applicant who is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922 (g)(4), redesignated existing Subdivs. (8) and (9) as Subdivs. (9) and (10); P.A. 07-163 amended Subsec. (b) to add provision requiring commissioner, upon issuance of state permit, to make available to permit holder a copy of the law requiring reporting of

the loss or theft of a firearm and penalties for failure to comply with the law.

See Sec. 53-202 re penalties for illegal use or possession of machine guns.

See Sec. 53-206 re penalties for carrying or sale of dangerous weapons.

After defendant's loaded revolver was removed from his waistband while he was seated in his car after midnight in a high crime area, officer justified in seizure and arrest of defendant under the circumstances of speedy information by informant. 157 C. 114. Search of defendant's car, upon his arrest for breach of the peace, which yielded weapon was incidental to his arrest and properly made. Id., 222. Cited. 163 C. 176. This section has the effect of placing the burden of proof on alleged violators constituting a denial of due process and is therefore invalid. 165 C. 577, 597. Cited. 170 C. 81. State must prove beyond reasonable doubt that proper permit had not been issued, since that is essential element of the crime. Id., 234. Cited. 172 C. 21; Id., 94. Cited. 174 C. 22; Id., 405. Cited. 178 C. 534. Cited. 179 C. 516. Cited. 193 C. 7. Cited. 209 C. 322. Cited. 222 C. 621.

Cited. 9 CA 169; judgment reversed, see 205 C. 370; Id., 330. Cited. 17 CA 556. Cited. 25 CA 433. Cited. 36 CA 576. Cited. 38 CA 434. Cited. 39 CA 224; Id., 242.

Separate and distinct crime from the carrying of dangerous weapons on the person. 10 CS 272. Cited. 22 CS 173; Id., 201. Cited. 23 CS 82. Cited. 35 CS 659. Cited. 42 CS 157.

Cited. 5 Conn. Cir. Ct. 119.

Subsec. (b):

Purpose of statutory scheme is to protect the public from individuals whose conduct has shown them to be lacking the essential character or temperament necessary to be entrusted with a weapon. 46 CS 550.

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.

(1963, P.A. 115; P.A. 77-614, S. 486, 610; P.A. 81-342, S. 2; P.A. 84-60; P.A. 01-130, S. 5.)

History: P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 81-342 amended Subsec. (a) by adding the provision that a person may request an application from the commissioner of public safety or a state police barracks if the issuing authority fails to supply an application upon request; P.A. 84-60 amended Subsec. (b), extending the notification period for the granting or denial of a permit from six to eight weeks; P.A. 01-130 amended Subsecs. (a) and (b) to substitute "local" authority for "issuing" authority to reflect change from local to state permit and make technical and conforming changes, added provisions re chief of police, warden and first selectman in Subsec. (a) and added provisions re forwarding of copy of application to and notice to applicant from Commissioner of Public Safety in Subsec. (b).

Cited. 193 C. 7.

Cited. 9 CA 169; judgment reversed, see 205 C. 370. Cited. 25 CA 433.

Cited. 42 CS 157.

Subsec. (b):

Time limit is directory provision not mandatory. 42 CS 157.

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.

(1949 Rev., S. 4160; P.A. 92-130, S. 6, 10; P.A. 98-129, S. 5; P.A. 01-130, S. 6; P.A. 01-175, S. 22, 32.)

History: P.A. 92-130 required issuing authority to record date fingerprints were taken, authorized forwarding of fingerprints to FBI for national criminal history records check, authorized issuing authority to issue permit before report from FBI is received, required issuing authority to inform applicant and render a decision on application within one week of receipt of report, and, if report has not been received within eight weeks after application is made, to inform applicant of delay, and prohibited issuance of permit if issuing authority has reason to believe applicant has been convicted of a felony; P.A. 98-129 relieved the issuing authority of the requirement that it take the fingerprints of the applicant if it determines that the fingerprints of the applicant have been previously taken and the applicant's identity established and the applicant presents identification that the issuing authority verifies as valid and made the submission of the fingerprints to the Federal Bureau of Investigation by the issuing authority mandatory rather than discretionary; P.A. 01-130 substituted "local" authority for "issuing" authority to reflect change from local permit to state permit, adding new Subsecs., designated as (d) and (e), re commissioner's investigation of applicants and required receipt of results of national criminal history records check before state permit issued, and made technical and conforming changes; P.A. 01-175 made technical changes throughout, designated existing language as Subsecs. (a) to (c), amended Subsec. (a) by adding language re state and national criminal history records checks, and amended Subsec. (b) by adding language re method of positive identification and criminal history records checks pursuant to Sec. 29-17a, effective July 1, 2001.

Cited. 193 C. 7. Cited. 200 C. 453. Cited. 209 C. 322.

Cited. 7 CA 457. Cited. 9 CA 169; judgment reversed, see 205 C. 370.

Cited. 39 CS 202. Cited. 42 CS 157.

Sec. 29-30. Fees for pistol and revolver permits. Expiration and renewal of permits. (a) The fee for each permit originally issued under the provisions of subsection (a) of section 29-28 for the sale at retail of pistols and revolvers shall be one hundred dollars and for each renewal thereof one hundred dollars. The fee for each state permit originally issued under the provisions of subsection (b) of section 29-28 for the carrying of pistols and revolvers shall be seventy dollars plus sufficient funds as required to be transmitted to the Federal Bureau of Investigation to cover the cost of a national criminal history records check. The local authority shall forward sufficient funds for the national criminal history records check to the commissioner no later than five business days after receipt by the local authority of the application for the temporary state permit. Thirty-five dollars shall be retained by the local authority. Upon approval by the local authority of the application for a temporary state permit, thirty-five dollars shall be sent to the commissioner. The fee to renew each state permit originally issued under the provisions of subsection (b) of section 29-28 shall be thirty-five dollars. Upon deposit of such fees in the General Fund, ten dollars of each fee shall be credited within thirty days to the appropriation for the Department of Public Safety to a separate nonlapsing account for the purposes of the issuance of permits under subsections (a) and (b) of section 29-28.

(b) A local permit originally issued before October 1, 2001, whether for the sale at retail of pistols and revolvers or for the carrying of pistols and revolvers, shall expire five years after the date it becomes effective and each renewal thereof shall expire five years after the expiration date of the permit being renewed. On and after October 1, 2001, no local permit for the carrying of pistols and revolvers shall be renewed.

(c) A state permit originally issued under the provisions of section 29-28 for the carrying of pistols and revolvers shall expire five years after the date such permit becomes effective and each renewal thereof shall expire five years after the expiration date of the state permit being renewed and such renewal shall not be contingent on the renewal or issuance of a local permit. A temporary state permit issued for the carrying of pistols and revolvers shall expire sixty days after the date it becomes effective, and may not be renewed.

(d) The renewal fee required pursuant to subsection (a) of this section shall apply for each renewal which is requested not earlier than thirty-one days before, and not later than thirty-one days after, the expiration date of the state permit being renewed.

(e) No fee or portion thereof paid under the provisions of this section for issuance or renewal of a state permit shall be refundable except if such permit for which the fee or portion thereof was paid was not issued or renewed. The portion of the fee expended on the national criminal history records check for any such permit that was not issued or renewed shall not be refunded.

(f) The issuing authority shall send a notice of the expiration of a state permit to carry a pistol or revolver, issued pursuant to section 29-28, to the holder of such permit, by first class mail, not less than ninety days before such expiration, and shall enclose with such notice a form for the renewal of said state permit. A state permit to carry a pistol or revolver, issued pursuant to section 29-28, shall be valid for a period of ninety days after the expiration date, except this provision shall not apply to any state permit to carry a pistol or revolver which has been revoked or for which revocation is pending, pursuant to section 29-32.

(1949 Rev., S. 4161; 1953, S. 2132d; 1959, P.A. 271; P.A. 73-468, S. 1; P.A. 80-297, S. 10, 20; P.A. 81-222, S. 1; P.A. 89-180, S. 1, 2; P.A. 93-172, S. 2; July Sp. Sess. P.A. 94-1, S. 5; P.A. 98-129, S. 4; P.A. 99-212, S. 11; P.A. 01-130, S. 7.)

History: 1959 act added Subsecs. (b), (c) and (d); P.A. 73-468 increased permit fees in Subsec. (a) from \$2 to \$6 for originals and from \$1 to \$5 for renewals, increased duration of permits' validity in Subsec. (b) from one to five years, changed expiration date in Subsec. (c) from 31 days after local permit expires to five years and added Subsec. (e) re refunds of fees paid; P.A. 80-297 raised fee for original and renewal permits to \$15 each in Subsec. (a); P.A. 81-222 added Subsec. (f) requiring that notice of expiration of a permit to carry a pistol or revolver be sent at least 90 days before expiration and providing such a permit shall be valid for 90 days after the expiration date; P.A. 89-180 amended Subsec. (a) to increase fees for original and renewal permits from \$15 to \$25; P.A. 93-172 amended Subsec. (a) to increase fees for original and renewal permits to \$35 and to require \$10 of each fee to be credited to appropriation to department of public safety for purpose of photographing permittee and laminating state permits for carrying pistols and revolvers; July Sp. Sess. P.A. 94-1 amended Subsec. (a) to increase the fee for a permit for the sale at retail of pistols and revolvers and for the renewal thereof to \$100 and to require that the \$10 credited to the appropriation to the department of public safety be credited within 30 days and be credited "to a separate nonlapsing account for the purposes of the issuance of permits under subsections (a) and (b) of section 29-28" rather than "for the purpose of photographing the permittee and laminating state permits for the carrying of pistols and revolvers issued under the provisions of subsection (a) of section 29-28"; P.A.

98-129 amended Subsec. (a) to delete provision requiring that \$10 of each fee be credited to the appropriation to the Department of Public Safety; P.A. 99-212 amended Subsec. (a) to restore provision requiring that \$10 of each fee be credited to the appropriation for the Department of Public Safety for purposes of issuance of permits under Sec. 29-28(a) and (b) and to make provisions gender neutral; P.A. 01-130 amended Subsec. (a) to increase fee for permit to carry from \$35 to \$70 plus the cost of national criminal history records check and to add provisions re allocation of funds between local authority and commissioner, amended Subsec. (b) to add provision prohibiting renewal of local permit to carry on and after October 1, 2001, amended Subsec. (c) to add provision re the expiration of temporary state permits, amended Subsec. (e) to add provision re nonrefund of fee expended on national criminal history records check and made technical changes throughout to reflect the change from local permits to state permits.

Cited. 193 C. 7, 8, 12.

Cited. 9 CA 169; judgment reversed, see 205 C. 370.

Sec. 29-31. Display of permit to sell. Record of sales. No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity. The vendor of any pistol or revolver shall keep a record of each pistol or revolver sold in a book kept for that purpose, which record shall be in such form as is prescribed by the Commissioner of Public Safety and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, and shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for at least six years.

(1949 Rev., S. 4162; P.A. 77-614, S. 486, 610.)

History: P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979.

Cited. 193 C. 7.

Cited. 9 CA 169; judgment reversed, see 205 C. 370.

Where offense lay not in failure to keep record of sale, but in failure to keep it in book and form prescribed by state police commissioner, minimum sentence of two years reduced to one year as too severe. 22 CS 25.

Sec. 29-32. Revocation of permit. Notification. Confiscation. Penalty for failure to surrender permit. (a) For the purposes of this section, "conviction" means the entry of a judgment of conviction by any court of competent jurisdiction.

(b) Any state permit or temporary state permit for the carrying of any pistol or revolver may be revoked by the Commissioner of Public Safety for cause and shall be revoked by said commissioner upon conviction of the holder of such permit of a felony or of any misdemeanor specified in subsection (b) of section 29-28 or upon the occurrence of any event which would have disqualified the holder from being issued the state permit or temporary state permit pursuant to subsection (b) of section 29-28. Upon the revocation of any state permit or temporary state permit, the person whose state permit or temporary state permit is revoked shall be notified in writing and such state permit or temporary state permit shall be forthwith delivered to the commissioner. Any law enforcement authority shall confiscate and immediately forward to the commissioner any state permit or temporary state permit that is illegally possessed by any person. The commissioner may revoke the state permit or temporary state permit based upon the commissioner's own investigation or upon the request of any law enforcement agency. Any person who fails to surrender any permit within five days of notification in writing of revocation thereof shall be guilty of a class C misdemeanor.

(c) Any local permit for the carrying of a pistol or revolver issued prior to October 1, 2001, may be revoked by the authority issuing the same for cause, and shall be revoked by the authority issuing the same upon conviction of the holder of such permit of a felony or of any misdemeanor specified in subsection (b) of section 29-28 or upon the occurrence of any event which would have disqualified the holder from being issued such local permit. Upon the revocation of any local permit, the person whose local permit is revoked shall be notified in writing and such permit shall be forthwith delivered to the authority issuing the same. Upon the revocation of any local permit, the authority issuing the same shall forthwith notify the commissioner. Upon the revocation of any permit issued by the commissioner, the commissioner shall forthwith notify any local authority which the records of the commissioner show as having issued a currently valid local permit to the

holder of the permit revoked by the commissioner. Any person who fails to surrender such permit within five days of notification in writing or revocation thereof shall be guilty of a class C misdemeanor.

(1949 Rev., S. 4163; P.A. 73-468, S. 2; P.A. 77-361; 77-614, S. 486, 610; P.A. 82-464, S. 2; July Sp. Sess. P.A. 94-1, S. 6; P.A. 01-130, S. 8.)

History: P.A. 73-468 deleted reference to permits issued under Sec. 29-28, specified that revocation must be "for cause", deleted provision which required that revocation of one permit constitutes automatic revocation of the other and clarified required notice to local authorities when state permit is revoked; P.A. 77-361 required that person whose permit is revoked be notified of the revocation and established failure to surrender permit as required as a class C misdemeanor; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 82-464 provided for the mandatory revocation of a permit upon the conviction of the holder of a felony; July Sp. Sess. P.A. 94-1 provided for the mandatory revocation of a permit upon the conviction of the holder of any misdemeanor specified in Sec. 29-28(b) or upon the occurrence of any event which would have disqualified the holder from being issued the permit pursuant to Sec. 29-28(b); P.A. 01-130 added Subsec. (a) defining "conviction", designated existing provisions as Subsec. (b) and reflected the change from local permits to state permits by substituting the Commissioner of Public Safety for local authorities and adding "state permit or temporary state permit", where applicable, and adding provisions re confiscation of permits illegally possessed and revocation of permits, and added Subsec. (c) re the revocation of local permits.

Cited. 193 C. 7. Revocation of pistol permit is required despite defendant's conviction of an offense prior to effective date of the public act requiring revocation. 243 C. 250.

Cited. 9 CA 169; judgment reversed, see 205 C. 370.

Meets requirements of procedural due process without providing for notice and hearing before revocation. 36 CS 108.

Sec. 29-32a. Appeal from refusal or revocation of permit. Section 29-32a is repealed.

(1959, P.A. 263, S. 1; 615, S. 24; 1967, P.A. 633, S. 1.)

Sec. 29-32b. Board of Firearms Permit Examiners. Appeals to board. Hearings. (a) There shall be established a Board of Firearms Permit Examiners, within the Department of Public Safety for administrative purposes only, hereinafter referred to as the board, to be comprised of seven members appointed by the Governor to serve during his term and until their successors are appointed and qualify. With the exception of public members, the members shall be appointed from nominees of the Commissioner of Public Safety, the Connecticut State Association of Chiefs of Police, the Commissioner of Environmental Protection, The Connecticut State Rifle and Revolver Association, Inc., and Ye Connecticut Gun Guild, Inc., and each of said organizations shall be entitled to representation on the board. At least one member of the board shall be a lawyer licensed to practice in this state, who shall act as chairman of the board during the hearing of appeals brought under this section.

(b) Any person aggrieved by any refusal to issue or renew a permit or certificate under the provisions of section 29-28 or 29-36f, or by any limitation or revocation of a permit or certificate issued under any of said sections, or by a refusal or failure of any issuing authority to furnish an application as provided in section 29-28a, may, within ninety days after receipt of notice of such refusal, limitation or revocation, or refusal or failure to supply an application as provided in section 29-28a, and without prejudice to any other course of action open to such person in law or in equity, appeal to the board. On such appeal the board shall inquire into and determine the facts, de novo, and unless it finds that such a refusal, limitation or revocation, or such refusal or failure to supply an application, as the case may be, would be for just and proper cause, it shall order such permit or certificate to be issued, renewed or restored, or the limitation removed or modified, as the case may be. If the refusal was for failure to document compliance with local zoning requirements, under subsection (a) of section 29-28, the board shall not issue a permit.

(c) Any person aggrieved by the action of an issuing authority may file with the board a clear and concise statement of the facts on which he relies for relief, and shall state the relief sought by the appellant. The receipt by the board of the appellant's statement shall initiate the appeals process, and no appeal may be rejected for mere lack of formality. The board shall, within ten days next following receipt of the appeal, set a time and place at which the appeal shall be heard. The board, while such appeal is pending, may request such additional information from the appellant and from the issuing authority as it deems reasonably necessary to conduct a fair and impartial hearing, and shall require of the issuing authority from whose decision or action the appeal is being sought a statement in writing setting forth the reasons for such failure, refusal, revocation or limitation. Failure or refusal of the issuing authority to furnish such written statement, or to supply the appellant with an application, at least ten days prior to the hearing shall be cause for the board to grant the relief sought, forthwith and without further hearing.

(d) The board shall hold hearings at such times and places as it in its discretion reasonably determines to be required, but not less than once every ninety days, and shall give reasonable notice of the time and place of the hearing to the appellant and to the issuing authority. The board shall have the power to compel attendance at its sessions.

(e) All appeals hearings shall be conducted in an informal manner, but otherwise according to the rules of evidence, and all witnesses shall be sworn by the chairman. The board shall cause a verbatim transcript of the hearing to be kept in such manner as it may determine, and shall furnish such transcript to any party appealing its decision as hereinafter set forth. The statements of witnesses made under oath shall be privileged. Decisions of the board shall be by majority vote and shall be communicated in writing to the appellant and to the issuing authority within twenty days after the rendering of the decision. If any issuing authority neglects or refuses to comply with a decision of the board within ten days after notice of the board's decision has been given to such issuing authority, the board shall apply to the Superior Court for a writ of mandamus to enforce the board's decision.

(f) Any person aggrieved by the decision of the board may appeal therefrom in accordance with the provisions of section 4-183.

(g) The board shall serve without compensation, but its members shall be entitled to reasonable subsistence and travel allowances in the performance of their duties.

(1967, P.A. 633, S. 2; P.A. 76-435, S. 39, 82; 76-436, S. 609, 681; P.A. 77-603, S. 16, 125; 77-614, S. 486, 509, 610; P.A. 90-155, S. 2; July Sp. Sess. P.A. 94-1, S. 11; P.A. 98-129, S. 10; June Sp. Sess. P.A. 98-1, S. 120, 121; P.A. 99-212, S. 13.)

History: P.A. 76-435 replaced director of fisheries and game with commissioner of environmental protection in Subsec. (a); P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial districts in Subsec. (f), effective July 1, 1978; P.A. 77-603 replaced previous detailed appeal provisions in Subsec. (f) with requirement that appeals be made in accordance with Sec. 4-183; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, increased number of board members from five to seven and placed board of firearms permit examiners in the department of public safety for administrative purposes only, effective January 1, 1979; P.A. 90-155 amended Subsec. (b) by adding provision re refusal for failure to document compliance with local zoning requirements; July Sp. Sess. P.A. 94-1 amended Subsec. (b) to make provisions applicable with respect to the issuance of a certificate under Sec. 29-36f; P.A. 98-129 amended Subsec. (b) to delete references to Secs. 53-206 and 53-206a; June Sp. Sess. P.A. 98-1 repealed Sec. 10 of P.A. 98-129, thereby nullifying the changes in P.A. 98-129, effective June 24, 1998 (Revisor's note: In 1999 the words "refusal or failure or any issuing authority" in Subsec. (b) were replaced editorially with "refusal or failure of any issuing authority" to correct a typographical error in P.A. 90-155); P.A. 99-212 amended Subsec. (b) to delete references to Secs. 53-206 and 53-206a and make provisions gender neutral.

See title 2c re termination under "Sunset Law".

See Sec. 4-9a for definition of "public member".

See Sec. 4-38f for definition of "administrative purposes only".

Cited. 193 C. 7.

Cited. 9 CA 169; judgment reversed, see 205 C. 370.

Meets requirements of procedural due process. 36 CS 108. Cited. 39 CS 202. Board's determination as to plaintiff's suitability to possess a permit is subject to great deference. 46 CS 550.

Subsec. (a):

Cited. 209 C. 322.

Subsec. (b):

Cited. 209 C. 322.

Cited. 35 CS 28.

Subsec. (c):

Cited. 209 C. 322.

Cited. 14 CA 376.

Cited. 35 CS 28.

Subsec. (d):

Cited. 14 CA 376.

Subsec. (e):

Cited. 14 CA 376.

Cited. 42 CS 157.

Subsec. (f):

Cited. 14 CA 376.

Cited. 35 CS 28. Cited. 42 CS 157.

Sec. 29-33. Sale, delivery or transfer of pistols and revolvers. Procedure. Penalty. (a) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver to any person who is prohibited from possessing a pistol or revolver as provided in section 53a-217c.

(b) On and after October 1, 1995, no person may purchase or receive any pistol or revolver unless such person holds a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, a valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 or a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f or is a federal marshal, parole officer or peace officer.

(c) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver except upon written application on a form prescribed and furnished by the Commissioner of Public Safety. Such person, firm or corporation shall insure that all questions on the application are answered properly prior to releasing the pistol or revolver and shall retain the application, which shall be attached to the federal sale or transfer document, for at least twenty years or until such vendor goes out of business. Such application shall be available for inspection during normal business hours by law enforcement officials. No sale, delivery or other transfer of any pistol or revolver shall be made unless the person making the purchase or to whom the same is delivered or transferred is personally known to the person selling such pistol or revolver or making delivery or transfer thereof or provides evidence of his identity in the form of a motor vehicle operator's license, identity card issued pursuant to section 1-1h or valid passport. No sale, delivery or other transfer of any pistol or revolver shall be made until the person, firm or corporation making such transfer obtains an authorization number from the Commissioner of Public Safety. Said commissioner shall perform the national instant criminal background check and make a reasonable effort to determine whether there is any reason that would prohibit such applicant from possessing a pistol or revolver as provided in section 53a-217c. If the commissioner determines the existence of such a reason, the commissioner shall deny the sale and no pistol or revolver shall be sold, delivered or otherwise transferred by such person, firm or corporation to such applicant.

(d) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver, other than at wholesale, unless such pistol or revolver is equipped with a reusable trigger lock, gun lock or gun locking device appropriate for such pistol or revolver, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or by electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal. No pistol or revolver shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell when such pistol or revolver is sold, delivered or otherwise transferred.

(e) Upon the sale, delivery or other transfer of any pistol or revolver, the person making the purchase or to whom the same is delivered or transferred shall sign a receipt for such pistol or revolver which shall contain the name and address of such person, the date of sale, the caliber, make, model and manufacturer's number and a general description of such pistol or revolver, the identification number of such person's permit to carry pistols or revolvers, issued pursuant to subsection (b) of section 29-28, permit to sell at retail pistols or revolvers, issued pursuant to subsection (a) of said section, or eligibility certificate for a pistol or revolver, issued pursuant to section 29-36f, if any, and the authorization number designated for the transfer by the Department of Public Safety. The person, firm or corporation selling such pistol

or revolver or making delivery or transfer thereof shall give one copy of the receipt to the person making the purchase of such pistol or revolver or to whom the same is delivered or transferred, shall retain one copy of the receipt for at least five years, and shall send, by first class mail, or electronically transmit, within forty-eight hours of such sale, delivery or other transfer, one copy of the receipt to the Commissioner of Public Safety and one copy of the receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, of the town in which the transferee resides.

(f) The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver which was manufactured in or before 1898 and any replica of such pistol or revolver provided such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition except rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and not readily available in the ordinary channel of commercial trade.

(g) The provisions of this section shall not apply to the sale, delivery or transfer of pistols or revolvers between (1) a federally-licensed firearm manufacturer and a federally-licensed firearm dealer, (2) a federally-licensed firearm importer and a federally-licensed firearm dealer, or (3) federally-licensed firearm dealers.

(h) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his right to a speedy trial. Such person shall appear in court and shall be released to the custody of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed his period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(i) Any person who violates any provision of this section shall be guilty of a class D felony, except that any person who sells, delivers or otherwise transfers a pistol or revolver in violation of the provisions of this section, knowing that such pistol or revolver is stolen or that the manufacturer's number or other mark of identification on such pistol or revolver has been altered, removed or obliterated, shall be guilty of a class B felony, and any pistol or revolver found in the possession of any person in violation of any provision of this section shall be forfeited.

(1949 Rev., S. 4164; February, 1965, P.A. 36; P.A. 75-42; P.A. 77-614, S. 486, 610; P.A. 82-113; July Sp. Sess. P.A. 94-1, S. 1; P.A. 98-129, S. 1; P.A. 99-212, S. 15; P.A. 00-99, S. 136, 154; P.A. 02-132, S. 12.)

History: 1965 act made provisions applicable to firms and corporations as well as to persons, required that applications be in triplicate, specifying persons who are to receive copies, required that no sales or deliveries be made until one week after copies mailed, replacing requirement that none be made on date of filing, added provision prohibiting sales and deliveries if applicant has been convicted of a felony, required that purchaser sign receipts in quadruplicate rather than triplicate with two rather than one to go to state police commissioner and added provisions setting forth exceptions to provisions for holders of state permits and various law enforcement officers and for antique weapons; P.A. 75-42 increased period after application during which sales and deliveries are prohibited from one week to two weeks; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 82-113 amended the definition of "antique pistol or revolver"; July Sp. Sess. P.A. 94-1 substantially revised section including making provisions applicable to all sales, deliveries and transfers, not just those "at retail", dividing Sec. into Subsecs., amending Subsec. (a) to prohibit the sale, delivery or transfer to any person prohibited from possessing a pistol or revolver as provided in Sec. 53a-217c, rather than only to any alien, amending Subsec. (b) to require the transferor to retain the original application for at least 5 years, rather than at least 6 years, prohibit the sale, delivery or transfer unless the transferee is personally known to the transferor or provides evidence of his identity, require the municipal authority or commissioner to make a reasonable effort to determine if there is any reason that would prohibit the applicant from possessing a pistol or revolver and prohibit the sale, delivery or transfer of a pistol or revolver if any such reason exists, rather than only if the applicant has been convicted of a felony, amending Subsec. (d) to require the receipt to contain the identification number of the person's permit to carry, permit to sell or eligibility certificate, if any, and the authorization

number for the transfer, require the transferor to retain a copy of the receipt for at least 5 years, rather than at least 6 years, require the transferor to send a copy of the receipt to the chief of police, warden or first selectman of the town where the transfer took place, rather than to the authority issuing the permit for the sale of such pistol or revolver, require the transferor to send copies within 48 hours, rather than within 24 hours, of such sale, delivery or transfer, amending Subsec. (e) to make the waiting period not apply with respect to the holder of a valid permit to sell or eligibility certificate and require the transferor to verify the validity of the permit or certificate, adding Subsec. (g) to make section inapplicable to certain transfers between federally licensed manufacturers, importers or dealers, adding Subsec. (h) to authorize a court to suspend prosecution in certain cases, and adding Subsec. (i) to place penalty provision, formerly in Sec. 29-37(a), in section and increase penalty to a class D felony or, if the pistol or revolver is stolen or has an altered identification number, a class B felony; P.A. 98-129 amended Subsec. (c) to delete provision requiring that when a pistol or revolver is sold, delivered or transferred it be enclosed in a package with the paper or wrapping securely fastened and to add provision prohibiting the sale, delivery or other transfer of a pistol or revolver, other than at wholesale, unless such pistol or revolver is equipped with a reusable trigger lock, gun lock or gun locking device and specifying criteria for the materials and locking mechanism of such lock or device; P.A. 99-212 added new Subsec. (b) re prohibition on purchase or receipt of pistol or revolver without having a valid permit or eligibility certificate or being a federal marshal, sheriff, parole officer or peace officer, formerly Sec. 29-36j(a), redesignating former Subsecs. (b), (c) and (d) as Subsecs. (c), (d) and (e), respectively, amended Subsec. (c) to replace provision requiring seller or transferor to send one copy of the application to the police chief, first selectman or warden in municipality where applicant resides and one copy to the Commissioner of Public Safety and retain the application for at least 5 years with provision requiring seller or transferor to attach the application to the federal sale or transfer document and retain it for at least 20 years or until the vendor goes out of business, to add provision requiring seller or transferor to insure all questions on the application are answered properly and to make application available for inspection during normal business hours by law enforcement officials, to replace prohibition on transfer of pistol or revolver until the expiration of two weeks from the mailing of the copies of the application with prohibition on transfer until the transferor obtains an authorization number, to delete the role of "the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be," in determining whether there is a reason that would prohibit the applicant possessing a pistol or revolver and in notifying the seller or transferor of any such reason, to require the commissioner to perform the national instant criminal background check and to require the commissioner to deny the sale rather than forthwith notify the person, firm or corporation to whom such application was made if a reason exists that would prohibit the applicant possessing the pistol or revolver, amended Subsec. (e) to delete the requirement that the receipt contain the occupation of the transferee, to authorize the transferor to electronically transmit a copy of the receipt to the commissioner and the police chief, warden or first selectman and to require one copy of the receipt be sent to the police chief, warden or first selectman of the town "in which the transferee resides" rather than the town "in which the sale, delivery or other transfer took place" and deleted former Subsec. (e) re persons to whom the waiting period did not apply; P.A. 00-99 deleted reference to sheriff in Subsec. (b), effective December 1, 2000; P.A. 02-132 amended Subsec. (h) by replacing "Office of Adult Probation" with "Court Support Services Division".

Cited. 193 C. 7.

Cited. 9 CA 169; judgment reversed, see 205 C. 370.

Sec. 29-34. False statement or information in connection with sale or transfer of pistol or revolver prohibited. Sale or transfer to person under twenty-one years of age prohibited. Temporary transfers. Penalties. (a) No person shall make any false statement or give any false information connected with any purchase, sale, delivery or other transfer of any pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class D felony.

(b) No person shall sell, barter, hire, lend, give, deliver or otherwise transfer to any person under the age of twenty-one years any pistol or revolver, except that a pistol or revolver may be temporarily transferred to any person only for the use by such person in target shooting or on a firing or shooting range, provided such use is otherwise permitted by law and is under the immediate supervision of a person eligible to possess a pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class D felony for which one year of the sentence imposed may not be suspended or reduced by the court.

(c) Any pistol or revolver found in the possession of any person in violation of any provision of this section shall be forfeited.

(1949 Rev., S. 4165; July Sp. Sess. P.A. 94-1, S. 2; July Sp. Sess. P.A. 94-2, S. 12; P.A. 99-212, S. 5.)

History: July Sp. Sess. P.A. 94-1 made the provisions of the section applicable to any "other transfer" of a pistol or revolver and to persons who "otherwise transfer" a pistol or revolver, increased the minimum age of a person to whom a pistol or revolver may be transferred from 18 to 21 years of age, and added exception re the temporary transfer of a pistol or revolver to any person for use in target shooting or on a firing or shooting range and under certain conditions; July Sp.

Sess. P.A. 94-2 designated existing provisions re making a false statement or giving false information as Subsec. (a) and amended said Subsec. to add penalty provisions formerly located in Sec. 29-37(a), designated existing provisions re prohibiting the sale, delivery or transfer of any pistol or revolver to a person under the age of 21 years as Subsec. (b) and amended said Subsec. to add provision that a violation thereof is a class D felony with a 1-year nonsuspendable sentence and added Subsec. (c) re forfeiture of a pistol or revolver, formerly located in Sec. 29-37(a); P.A. 99-212 amended Subsec. (a) to increase the penalty to a class D felony, replacing penalty of a fine of not more than \$500 or imprisonment of not more than 3 years or both.

Cited. 193 C. 7.

Cited. 9 CA 169; judgment reversed, see 205 C. 370.

Sec. 29-35. Carrying of pistol or revolver without permit prohibited. Exceptions. (a) No person shall carry any pistol or revolver upon his or her person, except when such person is within the dwelling house or place of business of such person, without a permit to carry the same issued as provided in section 29-28. The provisions of this subsection shall not apply to the carrying of any pistol or revolver by any parole officer or peace officer of this state, or parole officer or peace officer of any other state while engaged in the pursuit of official duties, or federal marshal or federal law enforcement agent, or to any member of the armed forces of the United States, as defined in section 27-103, or of this state, as defined in section 27-2, when on duty or going to or from duty, or to any member of any military organization when on parade or when going to or from any place of assembly, or to the transportation of pistols or revolvers as merchandise, or to any person transporting any pistol or revolver while contained in the package in which it was originally wrapped at the time of sale and while transporting the same from the place of sale to the purchaser's residence or place of business, or to any person removing such person's household goods or effects from one place to another, or to any person while transporting any such pistol or revolver from such person's place of residence or business to a place or individual where or by whom such pistol or revolver is to be repaired or while returning to such person's place of residence or business after the same has been repaired, or to any person transporting a pistol or revolver in or through the state for the purpose of taking part in competitions, taking part in formal pistol or revolver training, repairing such pistol or revolver or attending any meeting or exhibition of an organized collectors' group if such person is a bona fide resident of the United States and is permitted to possess and carry a pistol or revolver in the state or subdivision of the United States in which such person resides, or to any person transporting a pistol or revolver to and from a testing range at the request of the issuing authority, or to any person transporting an antique pistol or revolver, as defined in section 29-33. For the purposes of this subsection, "formal pistol or revolver training" means pistol or revolver training at a locally approved or permitted firing range or training facility, and "transporting a pistol or revolver" means transporting a pistol or revolver that is unloaded and, if such pistol or revolver is being transported in a motor vehicle, is not readily accessible or directly accessible from the passenger compartment of the vehicle or, if such pistol or revolver is being transported in a motor vehicle that does not have a compartment separate from the passenger compartment, such pistol or revolver shall be contained in a locked container other than the glove compartment or console. Nothing in this section shall be construed to prohibit the carrying of a pistol or revolver during formal pistol or revolver training or repair.

(b) The holder of a permit issued pursuant to section 29-28 shall carry such permit upon one's person while carrying such pistol or revolver.

(1949 Rev., S. 4166; 1957, P.A. 163, S. 35; 1959, P.A. 179; 1963, P.A. 437; P.A. 81-45; 81-222, S. 2; P.A. 88-128, S. 1; P.A. 99-212, S. 2; P.A. 00-99, S. 77, 154; P.A. 01-130, S. 9; P.A. 03-19, S. 68.)

History: 1959 act exempted parole officers from provisions of section; 1963 act exempted persons en route to or at competitions, meetings, exhibitions etc. from provisions of section if persons are U.S. residents and have permits from other states; P.A. 81-45 clarified exemption for sheriffs, parole officers or peace officers by specifying those of this state, or of any other state while engaged in the pursuit of official duties, and added exemption for federal marshal or federal law enforcement agent; P.A. 81-222 provided an exemption for any person carrying a pistol or revolver to and from a testing range at the request of the issuing authority or carrying an antique pistol or revolver; P.A. 88-128 added Subsec. (b) to require a permit holder to carry his permit while carrying his pistol or revolver; P.A. 99-212 replaced "carrying" with "transporting" in list of exceptions other than in exceptions for sheriffs, parole officers, peace officers, federal marshals, federal law enforcement agents, members of the armed forces and members of any military organization, added exception for transporting a pistol or revolver in or through the state for the purpose of "taking part in formal pistol or revolver training" or "repairing such pistol or revolver", revised exception re out-of-state resident by replacing condition that such person have "a permit or license to carry any firearm issued by the authority of any other state or subdivision of the United States" with condition that such person "is permitted to possess and carry a pistol or revolver in the state or subdivision of the United States in which such person resides", added definitions of "formal pistol or revolver training" and "transporting a pistol or revolver" and made provisions of section gender neutral; P.A. 00-99 deleted references to sheriff in Subsec. (a), effective December 1, 2000; P.A. 01-130 amended definition of "transporting a pistol or revolver" in Subsec. (a) re providing for a locked container if motor vehicle does not have compartment separate from passenger

compartment; P.A. 03-19 made technical changes in Subsec. (a), effective May 12, 2003.

Seizure of loaded revolver from defendant's person and arrest under this section by police lieutenant on information by reliable person that defendant was armed is justifiable action. 157 C. 114. Cited. 162 C. 3. Cited. 168 C. 395. State must introduce evidence that pistol which defendant was carrying was less than twelve inches in length in order to prove that defendant has violated this section. 173 C. 254. Cited. 179 C. 576. Burden not on state to disprove every listed exception in statute. 181 C. 388. Cited. 182 C. 262. Cited. 186 C. 261; Id., 654. Cited. 189 C. 303. Cited. 190 C. 1. Cited. 192 C. 85. Cited. 193 C. 7. Cited. 195 C. 651. Cited. 196 C. 122; Id., 157. Cited. 207 C. 191. Cited. 208 C. 689. Cited. 209 C. 322. Cited. 211 C. 258. Cited. 214 C. 540. Cited. 215 C. 739. Cited. 217 C. 73. Cited. 220 C. 385. Cited. 221 C. 315; Id., 915. Cited. 222 C. 718. Cited. 225 C. 270. Cited. 227 C. 518. Cited. 228 C. 234. Cited. 229 C. 125. Cited. 231 C. 43. Cited. 233 C. 1; Id., 215; Id., 813. Cited. 234 C. 324. Cited. 235 C. 274; Id., 397; Id., 595. Cited. 240 C. 395. Cited. 242 C. 318.

Cited. 3 CA 225; Id., 289. Cited. 6 CA 189; Id., 402. Cited. 7 CA 367. Cited. 8 CA 667. Cited. 9 CA 169; judgment reversed, see 205 C. 370; Id., 330. Cited. 10 CA 532; Id., 683; Id., 697. Cited. 12 CA 662. Cited. 13 CA 139. Cited. 14 CA 140. Cited. 15 CA 330; Id., 749. Cited. 17 CA 243. Cited. 19 CA 576. Cited. 22 CA 507. Cited. 24 CA 408; Id., 685; Id., 692; Id., 737. Cited. 25 CA 433; Id., 578; Id., 734. Cited. 26 CA 65; Id., 367. Cited. 27 CA 263; Id., 403. Cited. 28 CA 833; judgment reversed, see 227 C. 518. Cited. 30 CA 26; Id., 68. Cited. 31 CA 385; Id., 614. Cited. 32 CA 724. Cited. 34 CA 103; Id., 223. Cited. 35 CA 541. Cited. 36 CA 345; Id., 483; Id., 576; Id., 805; Id., 831. Cited. 37 CA 276. Cited. 38 CA 247. Cited. 39 CA 82; Id., 224; Id., 242; Id., 563. Cited. 40 CA 60; Id., 151; Id., 189. Cited. 41 CA 515; Id., 565; Id., 831. Cited. 42 CA 41. Cited. 43 CA 252. Cited. 44 CA 790. Cited. 45 CA 261; Id., 282. Cited. 46 CA 640. Evidence presented at trial was insufficient to support conviction of carrying pistol without a license because state did not prove beyond a reasonable doubt that gun barrel was less than twelve inches in length. 48 CA 193.

Cited. 27 CS 275. Cited. 35 CS 516.

Subsec. (a):

Cited. 224 C. 546. Cited. 237 C. 518. "Place of business" means premises containing a business in which a person has a proprietary, controlling or possessory interest not a location at which a person is merely employed. 260 C. 219. "Place of business" exception to handgun permit requirement inapplicable to taxicab. 270 C. 198.

Cited. 20 CA 137. Cited. 22 CA 321. Cited. 26 CA 242. Cited. 33 CA 521. Cited. 35 CA 138. Cited. 38 CA 750. Cited. 42 CA 768. Cited. 45 CA 591. Cited. 46 CA 216. Cumulative evidence established beyond a reasonable doubt that defendant's firearm had a barrel less than twelve inches long. 69 CA 1. Jury instructions that improperly included an explanation of the principles of constructive possession did not violate defendant's due process rights where such instructions had no probable effect on the jury. 71 CA 656. Court upheld prior rulings that convictions under both this subsec. and Sec. 53a-217(a)(1) do not constitute double jeopardy. 83 CA 377.

Sec. 29-36. Alteration of firearm identification mark, number or name. (a) No person shall remove, deface, alter or obliterate the name of any maker or model or any maker's number or other mark of identification on any firearm as defined in section 53a-3. The possession of any firearm upon which any identifying mark, number or name has been removed, defaced, altered or obliterated shall be prima facie evidence that the person owning or in possession of such firearm has removed, defaced, altered or obliterated the same.

(b) Any person who violates any provision of this section shall be fined not more than one thousand dollars or imprisoned not more than five years or both and any firearm found in the possession of any person in violation of said provision shall be forfeited.

(1949 Rev., S. 4167; P.A. 97-56, S. 1.)

History: P.A. 97-56 designated existing provisions as Subsec. (a), amended said Subsec. (a) to replace "pistol or revolver" with "firearm" and include defacing an identifying mark, number or name as a prohibited act and added Subsec. (b) re the penalty for a violation, revising the penalty formerly located in Sec. 29-37(a) to include all firearms.

Cited. 193 C. 7. Cited. 237 C. 348.

Cited. 9 CA 169; judgment reversed, see 205 C. 370. Cited. 19 CA 51. Cited. 42 CA 768. Possession of weapon on which the identification mark has been altered or obliterated is "prima facie" evidence that the person in possession of weapon altered or obliterated the identification number. Further, statute does not, by its language, limit application of the inference to situations in which accused is in actual possession of a pistol. 70 CA 232.

Subsec. (a):

Provision re possession as prima facie evidence of alteration is permissive inference, not mandatory presumption. 246 C. 339.

Secs. 29-36a to 29-36e. Reserved for future use.

Sec. 29-36f. Eligibility certificate for pistol or revolver. (a) Any person who is twenty-one years of age or older may apply to the Commissioner of Public Safety for an eligibility certificate for a pistol or revolver.

(b) The Commissioner of Public Safety shall issue an eligibility certificate unless said commissioner finds that the applicant: (1) Has failed to successfully complete a course approved by the Commissioner of Public Safety in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association; (2) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120; (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13; (5) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court; (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person; (7) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and hearing; (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or unlawfully in the United States.

(July Sp. Sess. P.A. 94-1, S. 7; P.A. 98-129, S. 14; P.A. 99-212, S. 20; P.A. 05-283, S. 5.)

History: P.A. 98-129 added new Subsec. (b)(3) prohibiting the issuance of an eligibility certificate to an applicant who has been convicted as delinquent for the commission of a serious juvenile offense, renumbering the remaining Subdivs. accordingly, and replacing in Subdiv. (5) "hospital for mental illness" with "hospital for persons with psychiatric disabilities"; P.A. 99-212 added new Subsec. (b)(7) prohibiting the issuance of an eligibility certificate to an applicant who is subject to a firearms seizure order issued pursuant to Sec. 29-38c(d) after notice and hearing, renumbering remaining Subdiv. accordingly, and made provisions gender neutral; P.A. 05-283 added new Subsec. (b)(8) prohibiting the issuance of an eligibility certificate to an applicant who is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922 (g)(4), and redesignated existing Subdiv. (8) as Subdiv. (9).

Sec. 29-36g. Application for eligibility certificate. Criminal history records check. Deadline for approval or denial of application. Form of certificate. Change of address. Confidentiality of name and address of certificate holder. Scope of certificate. (a) Requests for eligibility certificates under section 29-36f shall be submitted to the Commissioner of Public Safety on application forms prescribed by the commissioner. No eligibility certificate for a pistol or revolver shall be issued under the provisions of said section unless the applicant for such certificate gives to the Commissioner of Public Safety, upon the commissioner's request, full information concerning the applicant's criminal record and relevant information concerning the applicant's mental health history. The commissioner shall require each applicant to submit to state and national criminal history records checks. The commissioner shall take a full description of such applicant. The commissioner 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. The commissioner shall record the date the fingerprints were taken in the applicant's file and shall conduct criminal history records checks in accordance with section 29-17a. The commissioner shall, within sixty days of receipt of the national criminal history records check from the Federal Bureau of Investigation, either approve the application and issue the eligibility certificate or deny the application and notify the applicant of the reason for such denial in writing.

(b) (1) With respect to any application for an eligibility certificate filed with the Commissioner of Public Safety on or before July 1, 1995, the commissioner shall, not later than October 1, 1995, (A) approve the application and issue the eligibility certificate, (B) issue a temporary eligibility certificate, or (C) deny the application and notify the applicant of the reason for such denial in writing.

(2) With respect to any application for an eligibility certificate filed with the Commissioner of Public Safety after July 1, 1995, the commissioner shall, within ninety days, (A) approve the application and issue the eligibility certificate, (B) issue a temporary eligibility certificate, or (C) deny the application and notify the applicant of the reason for such denial in writing.

(3) A temporary certificate issued under this subsection shall be valid until such time as the commissioner either approves or denies the application.

(c) An eligibility certificate for a pistol or revolver shall be of such form and content as the commissioner may prescribe, shall be signed by the certificate holder and shall contain an identification number, the name, address, place and date of birth, height, weight and eye color of the certificate holder and a full-face photograph of the certificate holder.

(d) A person holding an eligibility certificate issued by the commissioner shall notify the commissioner within two business days of any change of his address. The notification shall include his old address and his new address.

(e) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued an eligibility certificate for a pistol or revolver under the provisions of section 29-36f shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, (2) the Commissioner of Public Safety may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that such certificate is still valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500.

(f) An eligibility certificate for a pistol or revolver shall not authorize the holder thereof to carry a pistol or revolver upon his person in circumstances for which a permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28 is required under section 29-35.

(July Sp. Sess. P.A. 94-1, S. 8; P.A. 98-129, S. 7; P.A. 01-175, S. 23, 32; P.A. 07-217, S. 133.)

History: P.A. 98-129 added Subsec. (e)(3) authorizing the disclosure of such information to the Commissioner of Mental Health and Addiction Services to carry out the provisions of Sec. 17a-500(c); P.A. 01-175 amended Subsec. (a) by making technical changes and adding provisions re fingerprinting and state and national criminal history records checks in accordance with Sec. 29-17a, effective July 1, 2001; P.A. 07-217 made technical changes in Subsec. (b), effective July 12, 2007.

Sec. 29-36h. Fee for eligibility certificate. Expiration and renewal of eligibility certificate. (a) The fee for each eligibility certificate for a pistol or revolver originally issued under the provisions of section 29-36f shall be thirty-five dollars and for each renewal thereof thirty-five dollars, which fees shall be paid to the Commissioner of Public Safety. Upon deposit of such fees in the General Fund, the fees shall be credited to the appropriation to the Department of Public Safety to a separate nonlapsing account for the purposes of the issuance of eligibility certificates under said section.

(b) An eligibility certificate originally issued under the provisions of section 29-36f, shall expire five years after the date it becomes effective and each renewal thereof shall expire five years after the expiration date of the certificate being renewed.

(c) The renewal fee shall apply for each renewal which is requested not earlier than thirty-one days before, and not later than thirty-one days after, the expiration date of the certificate being renewed.

(d) No fee or portion thereof paid under the provisions of this section for issuance or renewal of an eligibility certificate shall be refundable except if the eligibility certificate for which the fee or portion thereof was paid was not issued or renewed.

(e) The Commissioner of Public Safety shall send a notice of the expiration of an eligibility certificate issued pursuant to section 29-36f, to the holder of such certificate, by first class mail, at the address of such person as shown by the records of the commissioner, not less than ninety days before such expiration, and shall enclose therein a form for the renewal of said certificate. An eligibility certificate issued pursuant to said section, shall be valid for a period of ninety days from the expiration date, except this provision shall not apply to any certificate which has been revoked or for which revocation is pending, pursuant to section 29-36i.

(July Sp. Sess. P.A. 94-1, S. 9.)

Sec. 29-36i. Revocation of eligibility certificate. (a) Any eligibility certificate for a pistol or revolver shall be revoked by the Commissioner of Public Safety upon the occurrence of any event which would have disqualified the holder from being issued the certificate pursuant to section 29-36f.

(b) Upon the revocation of any eligibility certificate, the person whose eligibility certificate is revoked shall be notified in

writing and such certificate shall be forthwith delivered to the Commissioner of Public Safety. Any person who fails to surrender such certificate within five days of notification in writing of revocation thereof shall be guilty of a class C misdemeanor.

(July Sp. Sess. P.A. 94-1, S. 10.)

Sec. 29-36j. Purchase or receipt of pistol or revolver without permit or eligibility certificate prohibited.

Exceptions. Section 29-36j is repealed, effective October 1, 1999.

(July Sp. Sess. P.A. 94-1, S. 12; P.A. 99-212, S. 22.)

Sec. 29-36k. Transfer or surrender of firearms by persons ineligible to possess same. Penalty. (a) Not later than two business days after the occurrence of any event that makes a person ineligible to possess a pistol or revolver or other firearm, such person shall (1) transfer in accordance with section 29-33 all pistols and revolvers which such person then possesses to any person eligible to possess a pistol or revolver and transfer in accordance with any applicable state and federal laws all other firearms to any person eligible to possess such other firearms by obtaining an authorization number for the sale or transfer of the firearm from the Commissioner of Public Safety, and submit a sale or transfer of firearms form to said commissioner within two business days, or (2) deliver or surrender such pistols and revolvers and other firearms to the Commissioner of Public Safety. The commissioner shall exercise due care in the receipt and holding of such pistols and revolvers and other firearms.

(b) Such person, or such person's legal representative, may, at any time up to one year after such delivery or surrender, transfer such pistols and revolvers in accordance with the provisions of section 29-33 to any person eligible to possess a pistol or revolver and transfer such other firearms in accordance with any applicable state and federal laws to any person eligible to possess such other firearms. Upon notification in writing by the transferee and such person, the Commissioner of Public Safety shall within ten days deliver such pistols and revolvers or other firearms to the transferee. If, at the end of such year, such pistols and revolvers or other firearms have not been so transferred, the commissioner shall cause them to be destroyed.

(c) Any person who fails to transfer or surrender any such pistols and revolvers and other firearms as provided in this section shall be subject to the penalty provided for in section 53a-217 or 53a-217c.

(July Sp. Sess. P.A. 94-1, S. 13; P.A. 02-120, S. 6.)

History: P.A. 02-120 amended Subsec. (a) to make provisions applicable to a person ineligible to possess a firearm other than a pistol or revolver, adding in Subdiv. (1) the requirement that such person transfer in accordance with state and federal laws such other firearms to any person eligible to possess such other firearms by obtaining an authorization number from the Commissioner of Public Safety and submit a sale or transfer of firearms form to the commissioner within two business days and including in Subdiv. (2) the delivery or surrender of "other firearms", amended Subsec. (b) to make provisions applicable to "other firearms", to authorize the transfer of such other firearms in accordance with applicable state and federal laws to any person eligible to possess such other firearms and to make a technical change for purposes of gender neutrality and amended Subsec. (c) to make provisions applicable to the failure to transfer or surrender "other firearms" and to add reference to penalty in Sec. 53a-217, effective June 7, 2002.

Sec. 29-36l. Verification of eligibility of persons to receive or possess firearms. State database. Instant criminal background check. Immunity of seller or transferor. Authorization number required. (a) The Commissioner of Public Safety shall establish a state database within one year of October 1, 1994, that any person, firm or corporation who sells or otherwise transfers pistols or revolvers may access, by telephone or other electronic means in addition to the telephone, for information to be supplied immediately, on whether a permit to carry a pistol or revolver, issued pursuant to subsection (b) of section 29-28, a permit to sell at retail a pistol or revolver, issued pursuant to subsection (a) of section 29-28, or an eligibility certificate for a pistol or revolver, issued pursuant to section 29-36f, is valid and has not been revoked or suspended.

(b) Upon establishment of the database, the commissioner shall notify each person, firm or corporation holding a permit to sell at retail pistols or revolvers issued pursuant to subsection (a) of section 29-28 of the existence and purpose of the system and the means to be used to access the database.

(c) The Department of Public Safety shall establish days and hours during which the telephone number or other electronic means shall be operational for purposes of responding to inquiries, taking into consideration the normal business hours of retail firearm businesses.

(d) (1) The Department of Public Safety shall be the point of contact for initiating a background check through the National Instant Criminal Background Check System (NICS), established under section 103 of the Brady Handgun Violence Prevention Act, on individuals purchasing firearms.

(2) The Department of Public Safety, Department of Mental Health and Addiction Services and Judicial Department shall, in accordance with state and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the state. The Department of Public Safety shall report the name, date of birth and physical description of any person prohibited from possessing a firearm pursuant to 18 USC 922(g) or (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(e) Any person, firm or corporation that contacts the Department of Public Safety to access the database established under this section and determine if a person is eligible to receive or possess a firearm shall not be held civilly liable for the sale or transfer of a firearm to a person whose receipt or possession of such firearm is unlawful or for refusing to sell or transfer a firearm to a person who may lawfully receive or possess such firearm if such person, firm or corporation relied, in good faith, on the information provided to such person, firm or corporation by said department, unless the conduct of such person, firm or corporation was unreasonable or reckless.

(f) Any person, firm or corporation that sells, delivers or otherwise transfers any firearm pursuant to section 29-33 or 29-37a, shall contact the Department of Public Safety to access the database established under this section and receive an authorization number for such sale, delivery or transfer. The provisions of this subsection shall not apply to: (1) Any sale, delivery or transfer of an antique firearm manufactured in or before 1898, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or before 1898; (2) any sale, delivery or transfer of any replica of any firearm described in subdivision (1) of this subsection if such replica uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; (3) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 USC 921 et seq.; (4) the transfer of firearms to and from gunsmiths for purposes of repair only; and (5) any sale, delivery or transfer of any firearm to any agency of the United States, the state of Connecticut or any local government.

(July Sp. Sess. P.A. 94-1, S. 16; P.A. 99-212, S. 7; P.A. 05-283, S. 1.)

History: P.A. 99-212 added Subsec. (c) re establishment of days and hours during which the telephone number or other electronic means shall be operational to respond to inquiries, added Subsec. (d) re designation of the Department of Public Safety as the point of contact for initiating background checks through the National Instant Criminal Background Check System, added Subsec. (e) re immunity of sellers and transferors who contact the Department of Public Safety to access the database and rely in good faith on the information provided and added Subsec. (f) re requirement that sellers and transferors contact the department to access the database and receive an authorization number and re exempt transactions; P.A. 05-283 amended Subsec. (d) to designate existing provisions as Subdiv. (1) and to add Subdiv. (2) re memorandum of understanding with the Federal Bureau of Investigation for purpose of implementing the National Instant Criminal Background Check System.

Sec. 29-36m. Regulations. The Commissioner of Public Safety shall adopt regulations in accordance with the provisions of chapter 54 to carry out the provisions of sections 18-81i, 29-27, 29-28, subsection (a) of section 29-30, section 29-32, subsection (b) of section 29-32b, sections 29-33, 29-34, 29-36f to 29-36l, inclusive, subsection (a) of section 29-37, subsections (a) and (b) of section 53-202d and section 53a-217c.

(July Sp. Sess. P.A. 94-1, S. 17.)

Sec. 29-36n. Protocol concerning transfer or surrender of pistols and revolvers. (a) The Commissioner of Public Safety, in conjunction with the Chief State's Attorney and the Connecticut Police Chiefs Association, shall develop a protocol to ensure that persons who become ineligible to possess a pistol or revolver have, in accordance with section 29-36k, transferred such pistol or revolver to a person eligible to possess such pistol or revolver or have delivered or surrendered such pistol or revolver to said commissioner.

(b) The Commissioner of Public Safety, in conjunction with the Chief State's Attorney and the Connecticut Police Chiefs Association, shall update the protocol developed pursuant to subsection (a) of this section to reflect the provisions of sections 29-7h, 29-28, 29-28a, 29-29, 29-30, 29-32 and 29-35, subsections (b) and (e) of section 46b-15, subsections (c) and (d) of section 46b-38c and sections 53-202a, 53-202l, 53-202m and 53a-217 and shall include in such protocol specific instructions for the transfer of pistols and revolvers when the assistance of more than one law enforcement agency is necessary to effect the requirements of section 29-36k.

(P.A. 99-212, S. 10; P.A. 01-130, S. 14; P.A. 02-120, S. 2.)

History: P.A. 01-130 designated existing provisions as Subsec. (a) and added Subsec. (b) re updating the protocol; P.A. 02-120 amended Subsec. (b) to require protocol to include specific instructions for transfer of pistols and revolvers when assistance of more than one law enforcement agency is necessary to effect the requirements of Sec. 29-36k.

Sec. 29-37. Penalties. (a) Any person violating any provision of section 29-28 or 29-31 shall be fined not more than five hundred dollars or imprisoned not more than three years or both, and any pistol or revolver found in the possession of any person in violation of any of said provisions shall be forfeited.

(b) Any person violating any provision of subsection (a) of section 29-35 may be fined not more than one thousand dollars and shall be imprisoned not less than one year or more than five years, and, in the absence of any mitigating circumstances as determined by the court, one year of the sentence imposed may not be suspended or reduced by the court. The court shall specifically state the mitigating circumstances, or the absence thereof, in writing for the record. Any pistol or revolver found in the possession of any person in violation of any provision of subsection (a) of section 29-35 shall be forfeited.

(c) Any person violating any provision of subsection (b) of section 29-35 shall have committed an infraction and shall be fined thirty-five dollars.

(1949 Rev., S. 4168; P.A. 81-222, S. 3; P.A. 88-128, S. 2; July Sp. Sess. P.A. 94-1, S. 15; July Sp. Sess. P.A. 94-2, S. 13; P.A. 97-56, S. 2; P.A. 07-217, S. 134.)

History: P.A. 81-222 added Subsec. (b) establishing a mandatory one-year prison sentence for any person violating Sec. 29-35 unless the court finds mitigating circumstances, and requiring the court to state the mitigating circumstances or absence thereof in writing; P.A. 88-128 added Subsec. (c) to provide a penalty for any person violating Sec. 29-35(b); July Sp. Sess. P.A. 94-1 amended Subsec. (a) to delete reference to Sec. 29-33 because that same public act added revised penalty provisions for violations of Sec. 29-33 within that section itself; July Sp. Sess. P.A. 94-2 amended Subsec. (a) to delete reference to Sec. 29-34 because that same public act added penalty provisions for violations of Sec. 29-34 within that section itself; P.A. 97-56 amended Subsec. (a) to delete penalty provision for a violation of Sec. 29-36 because that same public act added penalty provision for violations of that section to Sec. 29-36 itself; P.A. 07-217 made a technical change in Subsec. (b), effective July 12, 2007.

Cited. 179 C. 576. Cited. 186 C. 654. Cited. 193 C. 7. Cited. 209 C. 322.

Cited. 9 CA 169; judgment reversed, see 205 C. 370.

Where offense lay not in failing to keep record of sale of gun but in failing to keep it in book and form prescribed by state police commissioner, minimum sentence of two years reduced to one year as too severe. 22 CS 25. Cited. 27 CS 275.

Subsec. (b):

Cited. 221 C. 315. Cited. 222 C. 718. Cited. 224 C. 546. Cited. 228 C. 234. Cited. 229 C. 125. Cited. 231 C. 43. Cited. 233 C. 813. Cited. 235 C. 397.

Cited. 6 CA 402. Cited. 20 CA 137. Cited. 22 CA 321; Id., 507. Cited. 24 CA 408; Id., 685; Id., 692. Cited. 25 CA 433. Cited. 27 CA 263; Id., 403. Cited. 30 CA 26; Id., 68. Cited. 31 CA 614. Cited. 34 CA 223. Cited. 36 CA 805; Id., 831. Cited. 40 CA 151. Cited. 43 CA 252.

Sec. 29-37a. Sale or delivery at retail of firearm other than pistol or revolver. Procedure. (a) No person, firm or corporation may deliver, at retail, any firearm, as defined in section 53a-3, other than a pistol or revolver, to any person unless such person makes application on a form prescribed and furnished by the Commissioner of Public Safety, which shall be attached by the vendor to the federal sale or transfer document and filed and retained by the vendor for at least twenty years or until such vendor goes out of business. Such application shall be available for inspection during normal business hours by law enforcement officials. No sale or delivery of any firearm shall be made until the expiration of two weeks from the date of the application, and until the person, firm or corporation making such sale, delivery or transfer has insured that such application has been completed properly and has obtained an authorization number from the Commissioner of Public Safety for such sale, delivery or transfer. The Department of Public Safety shall make every effort, including performing the national instant criminal background check, to determine if the applicant is eligible to receive such firearm. If it is determined that the applicant is ineligible to receive such firearm, the Commissioner of Public Safety shall immediately notify the person, firm or corporation to whom such application was made and no such firearm

shall be sold or delivered to such applicant by such person, firm or corporation. When any firearm is delivered in connection with the sale or purchase, such firearm shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no such firearm when delivered on any sale or purchase shall be loaded or contain any gunpowder or other explosive or any bullet, ball or shell.

(b) Upon the delivery of the firearm, the purchaser shall sign in triplicate a receipt for such firearm which shall contain the name and address of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Not later than twenty-four hours after such delivery, the vendor shall send by first class mail or electronically transfer one receipt to the Commissioner of Public Safety and one receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman, of the town in which the purchaser resides, and shall retain one receipt, together with the original application, for at least five years. The waiting period specified in subsection (a) of this section during which delivery may not be made and the provisions of this subsection shall not apply to any federal marshal, parole officer or peace officer, or to the delivery at retail of (1) any firearm to a holder of a valid state permit to carry a pistol or revolver issued under the provisions of section 29-28 or a valid eligibility certificate issued under the provisions of section 29-36f, (2) any firearm to an active member of the armed forces of the United States or of any reserve component thereof, (3) any firearm to a holder of a valid hunting license issued pursuant to chapter 490, or (4) antique firearms. For the purposes of this section, "antique firearm" means any firearm which was manufactured in or before 1898 and any replica of such firearm provided such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition except rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and not readily available in the ordinary channel of commercial trade.

(P.A. 90-340, S. 1; P.A. 99-212, S. 16; P.A. 00-99, S. 78, 154.)

History: P.A. 99-212 inserted Subsec. indicators, amended Subsec. (a) to replace provision requiring that application be made in triplicate and that one copy be mailed to the police chief of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality and that one copy be mailed to the Commissioner of Public Safety with provision requiring that vendor attach the application to the federal sale or transfer document and file and retain it for at least 20 years or until such vendor goes out of business, to add requirement that the application be available for inspection during normal business hours by law enforcement officials, to make the waiting period run from the date of the application rather than the date of the mailing of the copies of the application, to prohibit the sale or delivery until the transferor has insured that the application has been completed properly and has obtained an authorization number, to require the Department of Public Safety to make every effort, including performing the national instant criminal background check, to determine if the applicant is eligible to receive the firearm, to replace provision requiring "such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony," to immediately notify the transferor with provision requiring the Commissioner of Public Safety to immediately notify the transferor if "it is determined that the applicant is ineligible to receive such firearm", and amended Subsec. (b) to delete the requirement that the receipt contain the occupation of the purchaser, to replace requirement that the vendor mail two of the triplicate receipts to the Commissioner of Public Safety and retain the other receipt with the application for at least 6 years with requirement that the vendor send by mail or electronically transfer one receipt to said commissioner and one receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town in which the purchaser resides and retain one receipt together with the original application for at least 5 years, to make the provisions of Subsec. (b) not apply to any federal marshal, sheriff, parole officer or peace officer, to make the transfers enumerated in Subdivs. (1) to (4), inclusive, subject to the provisions of Subsec. (a) other than the waiting period, to include in Subdiv. (1) the holder of a valid eligibility certificate and to replace in Subdiv. (3) "long rifles or shotguns" with "any firearm"; P.A. 00-99 deleted reference to sheriff in Subsec. (b), effective December 1, 2000.

Sec. 29-37b. Retail dealer to equip pistols and revolvers with gun locking device and provide written warning at time of sale. Penalty. (a) Each person, firm or corporation which engages in the retail sale of any pistol or revolver, at the time of sale of any such pistol or revolver, shall (1) equip such pistol or revolver with a reusable trigger lock, gun lock or gun locking device appropriate for such firearm, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or by electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal, and (2) provide to the purchaser thereof a written warning which shall state in block letters not less than one inch in height: "UNLAWFUL STORAGE OF A LOADED FIREARM MAY RESULT IN IMPRISONMENT OR FINE."

(b) Each such person, firm or corporation shall conspicuously post and at all times display the warning specified in subsection (a) of this section in block letters not less than three inches in height.

(c) Any person, firm or corporation which violates any provision of this section shall be fined not less than five hundred dollars for each violation.

(P.A. 90-144, S. 3; P.A. 98-129, S. 2.)

History: P.A. 98-129 amended Subsec. (a) to replace "firearm" with "pistol or revolver" where appearing, require the seller to equip the pistol or revolver with the lock or device rather than to provide the lock or device to the purchaser and require that the lock or device be reusable, be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or other accessory to prevent unauthorized removal, and amended Subsec. (b) to delete requirement that the warning be displayed at each service counter.

Cited. 242 C. 211.

Sec. 29-37c. Transferred to Sec. 29-37i.

Sec. 29-37d. Firearms dealer to install burglar alarm system on premises of its establishment. Exceptions. On and after July 1, 1993, each business organization which engages in the retail sale of firearms, as defined in section 53a-3, as a regular course of trade or business, shall have a burglar alarm system installed on the premises of its establishment in which ten or more firearms are stored and kept for sale. Such alarm system shall be directly connected to the local police department or monitored by a central station and shall activate upon unauthorized entry or interruption to such system. For the purposes of this section, "business organization" means a sole proprietorship, partnership, firm, corporation or other form of business or legal entity. The provisions of this section shall not apply to any person who (1) sells or exchanges a firearm for the enhancement of a personal collection or as a hobby, (2) sells all or part of a personal collection of firearms, or (3) sells firearms from his own residence and keeps for sale not more than ten firearms.

(P.A. 92-48.)

Sec. 29-37e. False statement or information in connection with sale or transfer of firearm other than pistol or revolver prohibited. (a) No person shall make any false statement or give any false information connected with any purchase, sale, delivery or other transfer of any firearm other than a pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class D felony.

(b) Any firearm found in the possession of any person in violation of this section shall be forfeited.

(P.A. 99-212, S. 4.)

Sec. 29-37f. Qualifications of retail store employees who sell firearms. No person, firm or corporation that engages in the retail sale of goods, where the principal part of such trade or business is the retail sale of goods other than firearms, shall employ a person to sell firearms in a retail store unless such person (1) is at least eighteen years of age, (2) has submitted to state and national criminal history records checks and such checks indicate that such person has not been convicted of a felony or a violation specified in subdivision (2) of subsection (b) of section 29-36f, and (3) has successfully completed a course or testing approved by the Commissioner of Public Safety in firearms safety and statutory procedures relating to the sale of firearms. The sale of firearms by such person, firm or corporation shall be accomplished only by an employee qualified pursuant to this section. Any employer who employs a person to sell firearms in violation of the provisions of this section shall be liable for a civil penalty of not more than ten thousand dollars per day for each violation. The Attorney General shall institute a civil action to recover such penalty.

(P.A. 99-212, S. 6.)

Sec. 29-37g. Gun show requirements. (a) For the purposes of this section, (1) "gun show" means any event (A) at which fifty or more firearms are offered or exhibited for sale, transfer or exchange to the public and (B) at which two or more persons are exhibiting one or more firearms for sale, transfer or exchange to the public; and (2) "gun show promoter" means any person who organizes, plans, promotes or operates a gun show.

(b) Not later than thirty days before commencement of a gun show, the gun show promoter shall notify the chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town in which the gun show is to take place of the date, time, duration and location of the gun show.

(c) No person, firm or corporation shall sell, deliver or otherwise transfer a firearm at a gun show until such person, firm or corporation has complied with the provisions of section 29-36f.

(P.A. 99-212, S. 17.)

Sec. 29-37h. Reserved for future use.

Sec. 29-37i. (Formerly Sec. 29-37c). Responsibilities re storage of loaded firearms with respect to minors. No person shall store or keep any loaded firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person (1) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure or (2) carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person. For the purposes of this section, "minor" means any person under the age of sixteen years.

(P.A. 90-144, S. 1.)

History: Sec. 29-37c transferred to Sec. 29-37i in 1993.

See Sec. 52-571g re strict liability for unsafe storage of firearm.

See Sec. 53a-217a re criminally negligent storage of firearm.

Cited. 242 C. 211.

Sec. 29-37j. Purchase of firearm with intent to transfer it to person prohibited from purchasing or possessing. (a) Any person who purchases a firearm, as defined in section 53a-3, pursuant to section 29-33 or 29-37a with the intent to transfer such firearm to any other person who the transferor knows or has reason to believe is prohibited from purchasing or otherwise receiving such a firearm pursuant to section 29-33 or 29-37a shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

(b) Any person prohibited from purchasing or otherwise receiving or possessing a firearm and who solicits, employs or assists any person in violating the provisions of subsection (a) of this section shall be guilty of a class B misdemeanor. If the violation of subsection (a) of this section involves a transfer of more than one firearm, such person shall be guilty of a class A misdemeanor. Each transfer shall constitute a separate offense.

(c) Any person convicted of violating the provisions of subsection (a) or (b) of this section and who was convicted of a felony within the prior five-year period shall be guilty of a class D felony.

(P.A. 93-306, S. 13.)

See Sec. 53-202a re firearms trafficking to persons prohibited from owning or possessing firearms.

Sec. 29-38. Weapons in vehicles. (a) Any person who knowingly has, in any vehicle owned, operated or occupied by such person, any weapon, any pistol or revolver for which a proper permit has not been issued as provided in section 29-28 or any machine gun which has not been registered as required by section 53-202, shall be fined not more than one thousand dollars or imprisoned not more than five years or both, and the presence of any such weapon, pistol or revolver, or machine gun in any vehicle shall be prima facie evidence of a violation of this section by the owner, operator and each occupant thereof. The word "weapon", as used in this section, means any BB. gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches or over in length, any martial arts weapon or electronic defense weapon, as defined in section 53a-3, or any other dangerous or deadly weapon or instrument.

(b) The provisions of this section shall not apply to: (1) Any officer charged with the preservation of the public peace while engaged in the pursuit of such officer's official duties; (2) any security guard having a baton or nightstick in a vehicle while engaged in the pursuit of such guard's official duties; (3) any person enrolled in and currently attending a martial arts school, with official verification of such enrollment and attendance, or any certified martial arts instructor, having any such martial arts weapon in a vehicle while traveling to or from such school or to or from an authorized event or competition; (4) any person having a BB. gun in a vehicle provided such weapon is unloaded and stored in the trunk of such vehicle or in a locked container other than the glove compartment or console; and (5) any person having a knife, the edged portion of the blade of which is four inches or over in length, in a vehicle if such person is (A) any member of the armed forces of the United States, as defined in section 27-103, or any reserve component thereof, or of the armed forces of this state, as defined in section 27-2, when on duty or going to or from duty, (B) any member of any military organization when on parade or when going to or from any place of assembly, (C) any person while transporting such knife as merchandise or for display at an authorized gun or knife show, (D) any person while lawfully removing such person's household goods or effects from one place to another, or from one residence to another, (E) any person while actually and peaceably engaged in carrying any such knife from such person's place of abode or business to a place or person where or by whom such knife is to be repaired, or while actually and peaceably returning to such person's place of abode or business with such

knife after the same has been repaired, (F) any person holding a valid hunting, fishing or trapping license issued pursuant to chapter 490 or any salt water fisherman while having such knife in a vehicle for lawful hunting, fishing or trapping activities, or (G) any person participating in an authorized historic reenactment.

(1949 Rev., S. 4169; 1953, S. 2133d; P.A. 86-280, S. 1; P.A. 87-220, S. 2; P.A. 98-129, S. 11; June Sp. Sess. P.A. 98-1, S. 120, 121; P.A. 99-212, S. 14.)

History: P.A. 86-280 included martial arts weapons in definition of weapon and added exception for persons enrolled in and attending a martial arts school while traveling to and from such school; P.A. 87-220 made technical changes and deleted provision including "nunchaku and chinese stars" within meaning of a martial arts weapon since weapons are already included in referenced definition of Sec. 53a-3; P.A. 98-129 deleted reference to a permit for a weapon issued pursuant to Sec. 53-206, redefined "weapon" to add BB. gun and electronic defense weapon and exclude sand bag and slung shot and added exception permitting certain individuals to have a knife with a blade of four inches or more in a vehicle; June Sp. Sess. P.A. 98-1 repealed Sec. 11 of P.A. 98-129, thereby nullifying the changes in P.A. 98-129, effective June 24, 1998; P.A. 99-212 inserted Subsec. indicators, amended Subsec. (a) to delete reference to a permit for a weapon issued pursuant to Sec. 53-206, redefined "weapon" to add BB. gun, police baton or nightstick and electronic defense weapon and delete slung shot and sand bag, rephrased and repositioned provisions and made provisions gender neutral and added new Subsec. (b)(1) and (2) re exceptions for officer charged with preservation of public peace and for security guard having a baton or nightstick in vehicle, designated existing exception for martial arts students as Subdiv. (3) and amended said Subdiv. to include any certified martial arts instructor and include having martial arts weapon in vehicle while traveling to or from an authorized event or competition, and added Subsec. (b)(4) re exceptions for any person having BB. gun that is unloaded and secured in vehicle and for certain persons having knife with a blade of four inches or more in vehicle under certain circumstances.

After defendant's loaded revolver was removed from his waistband while he was seated in his car after midnight in a high crime area, officer justified in seizure and arrest of defendant under the circumstances of speedy information by informant. 157 C. 114. Search of defendant's car, upon his arrest for breach of the peace, which yielded weapon was incidental to his arrest and properly made. Id., 222. Cited. 163 C. 176. This section has the effect of placing the burden of proof on alleged violators constituting a denial of due process and is therefore invalid. 165 C. 577, 597. Cited. 170 C. 81. State must prove beyond reasonable doubt that proper permit had not been issued, since that is essential element of the crime. Id., 234. Cited. 172 C. 21; Id., 94. Cited. 174 C. 22; Id., 405. Cited. 178 C. 534. Cited. 179 C. 516. Cited. 183 C. 148. Cited. 188 C. 406. Cited. 189 C. 35. Cited. 190 C. 259. Cited. 193 C. 7. Cited. 195 C. 668. Cited. 197 C. 358. Cited. 201 C. 190. Cited. 205 C. 262; Id., 370. Cited. 207 C. 565. Cited. 209 C. 98. Cited. 211 C. 258. Cited. 217 C. 73. Cited. 222 C. 718. Cited. 225 C. 650. Cited. 227 C. 363. Cited. 233 C. 215. Cited. 237 C. 348. Cited. 239 C. 56. Cited. 240 C. 489. If defendant knowingly has item in a vehicle and intentionally uses that item in a manner capable of causing serious physical injury, the elements of section have been met, regardless of whether he had a prior intent to do so. 271 C. 785. When item that defendant is charged with having in the vehicle is an otherwise legal item and did not become a dangerous instrument within meaning of section until it was used in self-defense, defendant may raise Sec. 53a-19 as a defense. Id.

Cited. 7 CA 95. Cited. 9 CA 169; judgment reversed, see 205 C. 370; Id., 330. Cited. 10 CA 395. Cited. 11 CA 11; Id., 251; Id., 621. Cited. 12 CA 268. Cited. 13 CA 76; Id., 288. Cited. 15 CA 305. Cited. 17 CA 243; Id., 556. Cited. 19 CA 48. Cited. 21 CA 299. Cited. 23 CA 602. Cited. 25 CA 181; Id., 433. Cited. 30 CA 9; Id., 232. Cited. 38 CA 434. Cited. 45 CA 110. Elements discussed. 47 CA 586. Statute does not require state to prove that defendant possessed the knife in the vehicle; it is sufficient for state to prove beyond a reasonable doubt that defendant knew the knife was in the vehicle. 63 CA 228. Is not a crime to have a hammer in a motor vehicle unless it is intended to be used as a dangerous instrument or for some other illicit purpose. 70 CA 855.

Separate and distinct crime from the carrying of dangerous weapons on the person. 10 CS 272. Cited. 22 CS 173; Id., 201. Cited. 23 CS 82. Cited. 35 CS 659.

Cited. 5 Conn. Cir. Ct. 119.

Sec. 29-38a. Out-of-state purchase or acquisition of rifles or shotguns. Section 29-38a is repealed, effective October 1, 1999.

(1971, P.A. 400, S. 1, 2; P.A. 99-212, S. 22.)

Sec. 29-38b. Determination of commitment status of person who applies for or seeks renewal of firearm permit or certificate. Report on status of application. (a) The Commissioner of Public Safety, in fulfilling his obligations under sections 29-28 to 29-38, inclusive, and section 53-202d, shall verify that any person who, on or after October 1, 1998, applies for or seeks renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an

eligibility certificate for a pistol or revolver or a certificate of possession for an assault weapon has not been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, by making an inquiry to the Department of Mental Health and Addiction Services in such a manner so as to only receive a report on the commitment status of the person with respect to whom the inquiry is made including identifying information in accordance with the provisions of subsection (b) of section 17a-500.

(b) If the Commissioner of Public Safety determines pursuant to subsection (a) of this section that a person has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, said commissioner shall report the status of such person's application for or renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver or a certificate of possession for an assault weapon to the Commissioner of Mental Health and Addiction Services for the purpose of fulfilling his responsibilities under subsection (c) of section 17a-500.

(P.A. 98-129, S. 19.)

History: (Revisor's note: A reference to repealed section "29-38a" in Subsec. (a) was replaced editorially by the Revisors with a reference to section "29-38".)

Sec. 29-38c. Seizure of firearms of person posing risk of imminent personal injury to self or others. (a) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two police officers, to any judge of the Superior Court, that such state's attorney or police officers have probable cause to believe that (1) a person poses a risk of imminent personal injury to himself or herself or to other individuals, (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person, such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or the person and take into such officer's custody any and all firearms. Such state's attorney or police officers shall not make such complaint unless such state's attorney or police officers have conducted an independent investigation and have determined that such probable cause exists and that there is no reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm.

(b) A warrant may issue only on affidavit sworn to by the complainant or complainants before the judge and establishing the grounds for issuing the warrant, which affidavit shall be part of the seizure file. In determining whether grounds for the application exist or whether there is probable cause to believe they exist, the judge shall consider: (1) Recent threats or acts of violence by such person directed toward other persons; (2) recent threats or acts of violence by such person directed toward himself or herself; and (3) recent acts of cruelty to animals as provided in subsection (b) of section 53-247 by such person. In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to himself or herself or to others, the judge may consider other factors including, but not limited to (A) the reckless use, display or brandishing of a firearm by such person, (B) a history of the use, attempted use or threatened use of physical force by such person against other persons, (C) prior involuntary confinement of such person in a hospital for persons with psychiatric disabilities, and (D) the illegal use of controlled substances or abuse of alcohol by such person. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, such judge shall issue a warrant naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer. It shall state the grounds or probable cause for its issuance and it shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms. A copy of the warrant shall be given to the person named therein together with a notice informing the person that such person has the right to a hearing under this section and the right to be represented by counsel at such hearing.

(c) The applicant for the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which the search will be conducted no later than the next business day following the execution of the warrant. Prior to the execution and return of the warrant, the clerk of the court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms seized.

(d) Not later than fourteen days after the execution of a warrant under this section, the court for the geographical area where the person named in the warrant resides shall hold a hearing to determine whether the seized firearms should be returned to the person named in the warrant or should continue to be held by the state. At such hearing the state shall have the burden of proving all material facts by clear and convincing evidence. If, after such hearing, the court finds by clear and convincing evidence that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it may order that the firearm or firearms seized pursuant to the warrant issued under subsection (a) of this section continue to be held by the state for a period not to exceed one year, otherwise the court shall order the seized firearm or firearms to be returned to the person named in the warrant. If the court finds that the person poses a risk of

imminent personal injury to himself or herself or to other individuals, it shall give notice to the Department of Mental Health and Addiction Services which may take such action pursuant to chapter 319i as it deems appropriate.

(e) Any person whose firearm or firearms have been ordered seized pursuant to subsection (d) of this section, or such person's legal representative, may transfer such firearm or firearms in accordance with the provisions of section 29-33 or other applicable state or federal law, to any person eligible to possess such firearm or firearms. Upon notification in writing by such person, or such person's legal representative, and the transferee, the head of the state agency holding such seized firearm or firearms shall within ten days deliver such firearm or firearms to the transferee.

(P.A. 99-212, S. 18.)

Subsec. (d):

No clear and convincing evidence defendant posed a risk of imminent personal injury to himself or others. 50 CS 246.

Sec. 29-38d. Interstate transportation of firearms through state. (a) The provisions of sections 29-35 and 29-38 shall not apply to the interstate transportation of firearms through this state in accordance with 18 USC 926A and 927, as amended from time to time, by any person who is not otherwise prohibited from shipping, transporting, receiving or possessing a firearm. Such person may transport a firearm for any lawful purpose from any place where such person may lawfully possess and carry such firearm through this state to any other place where such person may lawfully possess and carry such firearm provided such transportation is in accordance with subsection (b) of this section.

(b) During the transportation of a firearm through this state as authorized in subsection (a) of this section, such firearm shall be unloaded and neither such firearm nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the vehicle. If the vehicle does not have a compartment separate from the passenger compartment, such firearm shall be unloaded and such firearm and any ammunition being transported shall be contained in a locked container other than the glove compartment or console.

(c) No person who is transporting a firearm through this state in accordance with this section may use or carry such firearm or sell, deliver or otherwise transfer such firearm while in this state.

(P.A. 99-212, S. 3.)