

STATE OF CONNECTICUT
AGENCY LEGISLATIVE PROPOSAL
2010 SESSION

Document Name (e.g., OPM051.doc; OPM052.doc)

Agency DEPARTMENT OF PUBLIC SAFETY	Agency Priority (necessary)
Contact Person	Telephone
Email Address	
Title of Proposal AAC CHANGES TO CRIMINAL POSSESSION OF FIREARMS	Statutory Reference Proposal Type X New X Resubmittal
ATTACH COPY OF FULLY DRAFTED BILL <i>(Required for review)</i>	

APPROVAL OF OTHER AFFECTED AGENCY <i>(Attach additional approvals if necessary)</i>	
Agency N/A	Agency Contact (Name and Title)
Attach Summary of Agency Comments	Contact Date
Summary of Proposal (Include background information) Proposal adds all court orders prohibiting the possession of firearms to be specifically enforceable within C.G.S. 53a-217 and 53a-217c.	

Reason for Proposal (Include significant policy and programmatic impacts)

This proposal will allow the DPS Special Licensing and Firearms Unit's Revocations Unit and/or any law enforcement officer to take criminal enforcement action against persons subjected to any court order (ie Conditions of Probation imposed by the court) who are found to be in non-compliance with any specified firearm restrictions. Specific to investigations performed by the DPS Special Licensing and Firearms Unit, information relative to such court orders will be invaluable in determining the denial/revocation of pistol permits and denial of all firearm purchases.

Significant Fiscal Impacts

Municipal: None

Federal: None

State: None

Sec. 53a-217. Criminal possession of a firearm or electronic defense weapon: Class D felony. (a) A person is guilty of criminal possession of a firearm or electronic defense weapon when such person possesses a firearm or electronic defense weapon and (1) has been convicted of a felony, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) knows that such person is subject to a restraining or protective order of a court of this state or to a foreign order of protection, as defined in 46b-15a, that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (4) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person (5) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18USC 922 (g)(4), **or (5) knows that such person is subject to any other order issued by a court of competent jurisdiction prohibiting such possession.** For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction.

(b) Criminal possession of a firearm or electronic defense weapon is a class D felony, for which two years of the sentence imposed may not be suspended or reduced by the court.

Sec. 53a-217c. Criminal possession of a pistol or revolver: Class D felony.

(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in section 29-27, and (1) 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, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) 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, (4) 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, (5) knows that such person is subject to a restraining or protective order of a court of

this state or to a foreign order of protection, as defined in 46b-15a, that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, or (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922 (g)(4), [or] (8) is an alien illegally or unlawfully in the United States **or (9) knows that such person is subject to any other order issued by a court of competent jurisdiction prohibiting such possession.** For the purposes of this section, "convicted," means having a judgment of conviction entered by a court of competent jurisdiction.

(b) Criminal possession of a pistol or revolver is a class D felony.