

**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 Sec. 29-36f. Eligibility certificate for pistol or revolver. 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. Sec. 29-36h. Fee for eligibility certificate. Expiration and renewal of eligibility certificate.	Statutory Reference Proposal Type <input checked="" type="checkbox"/> New <input type="checkbox"/> Resubmittal
ATTACH COPY OF FULLY DRAFTED BILL (Required for review)	

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)	
Agency N/A	Agency Contact (Name and Title)
Attach Summary of Agency Comments	Contact Date

Summary of Proposal (Include background information)

Additional language to Sec. 29-36f would become compliant with federal law Title 18 U.S.C. 922 g where anyone prohibited including a person without permanent legal status from purchasing a firearm would be denied the sale of a firearm, which this statute presently allows.

Additional Language to Sec 29-36g adds the fees as necessary for submission of fingerprints to Federal Bureau of Investigation as well as Connecticut's State Police Bureau of Identification where fees are required to process fingerprints.

Additional language to Sec. 29-36h and changes to fees. Raise fees to one-hundred dollars for initial application and one-hundred dollars for renewal fees every five years. Also, adds additional language for the use of non-lapsing account to include the administration and investigation of illegal criminal activities.

Reason for Proposal (Include significant policy and programmatic impacts)

Sec. 29-36f would bring the statute in line with the federal purchase laws and close any loop holes that exist in the purchase, sale, transfer laws as they apply to eligibility certificates.

Sec 29-36g adds the fees required by the FBI and State of Connecticut for the processing of fingerprints. The FBI will not except fingerprints without the attached fee required. Additional language in subsection (b), allows for the same time frame as subsection (a) allowing issuance only after the state and federal results have been returned. It also eliminates the necessity of a temporary eligibility certificate, which have never been issued.

Sec 29-36h raises the minimal initial fee from thirty-five to one hundred dollars along with the renewal fee. This fee has not been raised since its inception in 1994 with Public Act 94-1. It also defines uses for the non-lapsing account in adding administration and criminal investigations into the purchase of firearms by those who possess eligibility certificates, therefore giving the regulatory agency the means and ability to properly investigate possible criminal cases involving eligibility certificates and permits.

Significant Fiscal Impacts

Municipal: None

Federal: None

State: Increase in funds to the General Fund

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, or (8) is an alien illegally or unlawfully in the United States or without legal permanent resident status, or (9) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g).

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 [pursuant to C.G.S. 29-17a](#) [and](#) [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) 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, (1) approve the application and issue the eligibility certificate, (2) issue a temporary eligibility certificate or (3) deny the application and notify the applicant of the reason for such denial in writing. With respect to any application for an eligibility certificate filed with the Commissioner of Public Safety after July 1, 1995, the commissioner shall, [within sixty days of notification from the Federal Bureau of Identification](#) [within ninety days], (1) approve the application and issue the eligibility certificate, [(2) issue a temporary eligibility certificate] or (3) deny the application and notify the applicant of the reason for such denial in writing. [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.

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] one hundred dollars and for each renewal thereof [thirty-five] one hundred 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, and the administration and regulation of firearms and permits under Chapter 529 sections 29-28 through 29-32 and 29-33 through 29-38d inclusive and, 53a-217 and 53a-217c.

(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.