

MCÉLROY, DEUTSCH, MULVANEY & CARPENTER, LLP

To: Sandy Hook Advisory Commission

Date: July 12, 2013

From: Louis R. Pepe
Daniel J. Klau

Re: 2013 Legislative Acts Relevant To The Mission Of The Sandy Hook Advisory Commission

This memorandum (revised from July 1, 2013) summarizes legislation enacted during the 2013 session of the Connecticut General Assembly which may be of interest to the Sandy Hook Advisory Commission and relevant to its mission.¹

I. PUBLIC SAFETY

A. FIREARMS

[Public Act 13-3](#)—*An Act Concerning Gun Violence Prevention And Children’s Safety*—is the most significant piece of legislation passed during the past session in terms of its relevance to the SHAC. PA 13-3 makes extensive changes to the state's firearm laws. The major changes concern assault weapons, long guns (rifles and shotguns), large capacity magazines (LCMs), and gun crimes. Among other things, the act:

1. Significantly expands the state's assault weapons ban;
2. Bans the sale, purchase, or transfer of LCMs that can hold more than 10 bullets, but allows people who lawfully possess them to declare them to the Department of Emergency Services and Public Protection's (“DESPP”) and keep them;
3. Mandates the establishment of a DESPP deadly weapon offender registry of people convicted of a crime involving a deadly weapon, or found not guilty of such a crime by reason of mental disease or defect;²
4. Requires anyone buying a long gun from someone who is not a gun dealer to undergo a national criminal background check;³

¹ This memorandum was prepared using information published by the Office of Legislative Research (click [here](#) and [here](#)) and our own independent analysis of bills enacted during the 2013 legislative session.

² The creation of a deadly weapon offender registry should not be confused with a general firearm registry. With the exception of “assault weapons” (the definition of which includes certain semi-automatic positions), *See* PA 13-3, sec. 25-31, Connecticut law does not require the registration of firearms.

³ Existing law requires state and national criminal background checks for any person buying a pistol or revolver. *See* Conn. Gen. Stat. § 29-36g. Public Act 13-3 does not alter this requirement.

5. Starting October 1, 2013, requires anyone buying ammunition to have a state-issued gun credential;
6. Prohibits the sale of ammunition or ammunition magazines to anyone under age 18;
7. Increases the penalty for gun-trafficking and several other gun-related crimes;
8. Expands the law banning people from getting gun credentials or possessing firearms on mental health grounds;
9. Expands the ban on the sale or other transfer of armor-piercing bullets;
10. Prohibits people from storing firearms on their premises if they know or should know that a resident is ineligible to possess firearms, unless they secure it so that the person cannot access them;
11. Adds two members to the seven-member Board of Firearms Permit Examiners; and
12. Appropriates \$1 million to DESPP for FY 14 to fund the statewide firearms trafficking task force).

PA 13-3 also prohibits gun dealers from selling or delivering long guns to anyone under age 18 (age 21 for semiautomatic centerfire rifles that can accept more than five rounds of ammunition). It does not set a minimum age for nondealer sales. But, starting April 1, 2014, it prohibits anyone from buying or receiving a long gun unless he or she has a state-issued gun permit or certificate. Under the law, the minimum age for getting the long gun eligibility certificate is 18; under existing law, the minimum age for the gun permit and gun eligibility certificate is 21.

IMPORTANT NOTE: [Public Act 13-220](#)—*An Act Concerning Revisions To The Gun Violence Prevention And Children’s Safety Act*—adopted after PA 13-3, made a number changes to that act, largely affecting assault weapons. In particular, PA13-220 allows people to possess and register assault weapons they purchased or placed on consignment on or before April 4, 2013, the day PA 13-3 took effect, but did not receive until after that date. PA-13-220 expands the list of law enforcement officials who can possess the banned weapons. It also exempts federally licensed curios and collectors, and it also excludes Olympic target pistols.

B. MENTAL HEALTH

Public Act 13-3 also makes significant changes to the State’s mental health laws. These changes include:

1. Requiring regional/local boards of education to provide in-service training program for teachers and other educational personnel concerning, inter alia: i) the relationship of drugs and alcohol use to health and personality development; ii) health and mental health risk reduction; iii) school violence prevention.
2. Establishing a task force to study the provision of behavioral health services in the state, with a particular focus on persons between the ages of 16 and 25.
3. Directing the Commissioner of DMHAS to implement an assertive community treatment program to provide behavioral health support in three cities.
4. Directing the Commissioner of DMHAS to provide case management and case coordination services to not more than one hundred persons with mental illness who are involved in the Probate Court system and who, on June 30, 2013, are not receiving such services.
5. Directing the Commissioner of DCF to establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children.
6. Requiring every health carrier to conduct utilization reviews to assure effectiveness of their mental health programs.

In addition to PA 13-3, the legislature enacted [Public Act 13-178](#)—*An Act Concerning The Mental, Emotional and Behavioral Health Of Youths*. The act requires DCF to develop a comprehensive plan to meet the mental, emotional and behavioral needs of the State’s children. It requires the Office of Early Childhood Development (OEC) to provide recommendations to several legislative committees on coordinating home visitation programs that offer services to vulnerable families with young children and, further, to design and implement a public information and education campaign on children’s mental, emotional and behavioral health issues. The act also requires training for school resource officers, mental health providers, pediatricians, and child care providers.

C. SCHOOL SECURITY

Public Act 13-3 also includes significant legislation concerning school security. The act:

1. Establishes a School Safety Infrastructure Council to create school safety infrastructure standards.
2. Makes the failure of an application for state funds for school building projects to satisfy the new infrastructure standards grounds for denying the application.
3. Directs DESPP, Dept. of Construction Services and Dept. of Education to jointly

administer a school security infrastructure competitive grant program to reimburse towns for school infrastructure-related expenses.

4. Directs DESPP, in consultation with DOE, to develop school security and safety plan standards.
5. Directs each local and regional board of education to develop and implement a school security and safety plan for each school under its jurisdiction.
6. Directs the principal of each school to establish a committee to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school.
7. Directs Commissioner of DMHAS, in consultation with Commissioner of Education, to administer a mental health first aid training program to help attendees recognize signs of mental disorders in children and young adults.

The legislature also enacted [Public Act 13-188](#)—*An Act Concerning School Safety*. PA 13-188 allows cities, towns, or boards of education to hire only active or retired police officers to provide armed security at public schools. It allows only a sworn member of a local police department or a retired state or local police officer to use a firearm when providing public school security. Local officers must be certified by the Police Officer Standards and Training (POST) Council to be eligible for the position. Retired officers must, among other requirements, receive annual POST training and successfully complete annual firearms training from a certified instructor.

II. DOMESTIC VIOLENCE AND SEXUAL ASSAULT

[Public Act 13-214](#)—*An Act Concerning Domestic Violence And Sexual Assault*—makes several modifications to the State’s domestic violence and sexual assault laws. Among other things, it:

1. Revises the protocol for surrendering a firearm by a person who is subject to a restraining or protective order;
2. Permits a sexual assault victim to terminate a rental agreement without penalty under some circumstances;
3. Requires probation officers to provide notice of suspected probation violations to assigned victim advocates, if the officer has the advocate's contact information; and
4. Requires that the family violence training program for judges, Judicial Branch personnel, and court clerks be available to guardians *ad litem*.

III. CHILD ABUSE REPORTING

[Public Act 13-297](#)—*An Act Concerning Criminal Penalties For Failure To Report Child Abuse*—makes it a form of risk of injury to a child for a person to intentionally and unreasonably interfere with or prevent a person who is required to report suspected child abuse and neglect (a mandated reporter) from carrying out this obligation. The act also makes it a crime for mandated reporters to fail to report suspected child abuse or neglect to DCF. Currently, this inaction subjects them to fines between \$500 and \$2,500. The law makes it a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$ 2,000, or both.

IV. AMENDMENTS TO FREEDOM OF INFORMATION ACT

[Public Act 13-311](#)—*An Act Limiting The Disclosure Of Certain Records Of Law Enforcement Agencies And Establishing A Task Force Concerning Victim Privacy Under The Freedom Of Information Act*—amends the state Freedom of Information Act to exempt from disclosure a photograph, film, video, digital, or other visual image depicting a homicide victim, to the extent that the record could reasonably be expected to constitute an unwarranted invasion of the victim or surviving family members' personal privacy.

The law also exempts from disclosure under FOIA, (1) law enforcement records, compiled in detecting or investigating a crime, that would disclose the identity of minor witnesses and (2) the portion of a recording or audio tape that describes a homicide victim's condition. The audio recording exemption (1) does not extend to 9-1-1 or other calls for assistance made by a member of the public to a law enforcement agency and (2) expires on May 7, 2014.