

Agency Legislative Proposal - 2014 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

10.21.13 DOC (1) An Act Concerning Peace Officers

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Department of Correction

Liaison: Anne M. Cournoyer and James Neil

Phone: (860) 692-7510

E-mail: Anne.Cournoyer@ct.gov and James.Neil@ct.gov

Lead agency division requesting this proposal:

Office of the Commissioner

Agency Analyst/Drafter of Proposal:

Anne M. Cournoyer

Title of Proposal

An Act Concerning Peace Officers

Statutory Reference

53a-3(9)

Proposal Summary

To modernize the antiquated statute to be more in line with the DOC's mission by broadening the narrowly defined authority of the Commissioner to authorize staff to become peace officers with arrest powers only within a correctional institution.

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/ state/ local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Our agency's mission has taken us beyond the walls of correctional institutions and into the community, thereby a need for the statute to reflect that. Currently the Commissioner can authorize certain employees to make arrests in a correctional institution or facility. However, we have had unprecedented interagency collaboration and partnerships at the municipal, state and federal level on numerous law enforcement efforts to include emergencies. The narrow language in this statute limits our ability to be as effective as we could be in moving our mission forward.

• Origin of Proposal

New Proposal

XX Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/ discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/ advocates/ legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

While we were not met with any opposition with leadership on the Judiciary Committee, this Proposed legislation did not make it out of committee as there were still some waiting on discussions with the NP-4 Union on the matter. These discussions were not timely There has since been new leadership within the Union and are in support of the concept. Further discussions with them will continue as they have asked to partner with us on moving this initiative forward.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Office of the Chief States' Attorney
 Agency Contact (name, title, phone): Kevin Kane, Len Boyle
 Date Contacted: 4/13
 Approve of Proposal YES NO Talks Ongoing

Agency Name: Office of the Attorney General
 Agency Contact (name, title, phone): Terrence O'Neill
 Date Contacted: 4/13
 Approve of Proposal YES NO Talks Ongoing

Agency Name: Connecticut Police Chief's Association
 Agency Contact (name, title, phone): Co-Chairs
 Date Contacted: 4/13
 Approve of Proposal YES NO Talks Ongoing

Agency Name: DESPP
 Agency Contact (name, title, phone): Reuben F. Bradford
 Date Contacted: 4/13
 Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

- * Office of the Chief States' Attorney - Supportive
- * Office of the Attorney General - Supportive
- * Connecticut Police Chief's Association – Supportive as long as staff complete the required POST training
- *DESPP – Has not commented on the initiative

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
 May result in cost savings to municipalities with community partnerships.

State
 May result in cost savings as the DOC would have not have to solely rely on CSP to be taken off the road to respond to correctional institutions to conduct criminal investigations or make arrests.

Federal
 May result in savings through partnership with FBI, US Marshals and other federal law enforcement agencies.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Sec. 53a-3. Definitions. Except where different meanings are expressly specified, the following terms have the following meanings when used in this title:

(1) "Person" means a human being, and, where appropriate, a public or private corporation, a limited liability company, an unincorporated association, a partnership, a government or a governmental instrumentality;

(2) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property;

(3) "Physical injury" means impairment of physical condition or pain;

(4) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ;

(5) "Deadly physical force" means physical force which can be reasonably expected to cause death or serious physical injury;

(6) "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. The definition of "deadly weapon" in this subdivision shall be deemed not to apply to section 29-38 or 53-206;

(7) "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is in the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer;

(8) "Vehicle" means a "motor vehicle" as defined in section 14-1, a snowmobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail;

(9) "**Peace officer**" means a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility or while in the performance of the official's duties on a community assignment or joint law enforcement operation, any investigator in the investigations unit of the office of the State Treasurer or any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code;

(10) "Firefighter" means any agent of a municipality whose duty it is to protect life and property therein as a member of a duly constituted fire department whether professional or volunteer;

(11) A person acts "intentionally" with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct;

(12) A person acts "knowingly" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists;

(13) A person acts "recklessly" with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation;

(14) A person acts with "criminal negligence" with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation;

(15) "Machine gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a submachine gun;

(16) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger;

(17) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

(18) "Pistol" or "revolver" means any firearm having a barrel less than twelve inches;

(19) "Firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged;

(20) "Electronic defense weapon" means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device;

(21) "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star;

(22) "Employee of an emergency medical service organization" means an ambulance driver, emergency medical technician or paramedic as defined in section 19a-175;

(23) "Railroad property" means all tangible property owned, leased or operated by a railroad carrier including, but not limited to, a right-of-way, track, roadbed, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal or any other structure or appurtenance or equipment owned, leased or used in the operation of a railroad carrier including a train, locomotive, engine, railroad car, signals or safety device or work equipment or rolling stock.

Agency Legislative Proposal - 2014 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

10.21.13_DOC (3)_ An Act Providing Authorized Department of Correction Staff Access To Firearm Data

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Department of Correction

Liaison: Anne M. Cournoyer and James Neil

Phone: (860) 692-7510

E-mail: Anne.Cournoyer@ct.gov and James.Neil@ct.gov

Lead agency division requesting this proposal:

Office of the Commissioner

Agency Analyst/Drafter of Proposal:

Anne M. Cournoyer

Title of Proposal

An Act Providing Authorized Department of Correction Staff Access To Firearm Data

Statutory Reference

29-28, 29-36g and 53-202d

Proposal Summary

To provide authorized DOC staff access to the newly established firearms registry maintained by DESPP.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/ state/ local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

We are seeking access to the Firearms database that includes the names and addresses for those who have registered weapons, along with the particular firearms that were registered for DOC's parole officers and other authorized staff. This is a critical issue for officer safety, particularly parole officers, as these officers are completing home investigations for offenders and are also entering unfamiliar residences in order to apprehend fugitives. In addition, parole officers have the authority to arrest offenders and remand them to custody for technical or criminal violations of parole, conduct searches of offenders' residences and property under their control, are required and certified to carry firearms, transport offenders, work cooperatively on joint operations with police and other law enforcement agencies. They are authorized to use force when necessary and are required to carry OC spray, batons and handcuffs in order to do so. They perform many duties that are indistinguishable from those performed by probation officers, and probation officers do have access to this data base. Our request for a change in legislation is much like that of the federal probation officers in PA12-177.

- **Origin of Proposal** XX New Proposal Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: DESPP
 Agency Contact (name, title, phone): Reuben Bradford, Commissioner
 Date Contacted:

Approve of Proposal YES NO X Talks Ongoing

Agency Name: AAG's Steve Sarnoski and Steve Strom
 Agency Contact (name, title, phone): 860.808.5450
 Date Contacted:

Approve of Proposal X YES NO Talks Ongoing

Summary of Affected Agency's Comments

The AAG's for both agencies are in support of DOC access to the database.

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
 n/a

State
 n/a

Federal
 n/a

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

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 Emergency Services and Public Protection 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 Emergency Services and Public Protection 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 Energy and 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 or 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 Emergency Services and Public Protection 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, including, but not limited to, authorized Department of Correction employees acting in the performance of their official duties, employees of the United States Probation Office 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 Emergency Services and Public Protection 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.

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 Emergency Services and Public Protection 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 Emergency Services and Public Protection, 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 Emergency Services and Public Protection 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 Emergency Services and Public Protection 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, including, but not limited to, authorized Department of Correction employees acting in the performance of their official duties, employees of the United States Probation Office acting in the performance of their duties, (2) the Commissioner of Emergency Services and Public Protection 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. 53-202d. Certificate of possession of assault weapon. Certificate of transfer of assault weapon to gun dealer. Circumstances where possession of assault weapon authorized. (a) Any person who lawfully possesses an assault weapon, as defined in section 53-202a, prior to October 1, 1993, shall apply by October 1, 1994, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 1994, because he or she is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection, for a certificate of possession with respect to such assault weapon. The certificate shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department shall adopt regulations in accordance with the provisions of chapter 54 to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a certificate of possession shall be confidential and shall not be disclosed, except such records may be disclosed to (1) law enforcement agencies, to include authorized Department of Correction employees acting in the performance of their official duties and employees of the United States Probation Office acting in the performance of their duties, and (2) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500.

(b) No assault weapon possessed pursuant to this section may be sold or transferred on or after January 1, 1994, to any person within this state other than to a licensed gun dealer, as defined in subsection (d) of section 53-202f, or as provided in section 53-202e, or by bequest or intestate succession. Any person who obtains title to an assault weapon for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within ninety days of obtaining title, apply to the Department of Emergency Services and Public Protection for a certificate of possession as provided in subsection (a) of this section, render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from the state. Any person who moves into the state in lawful possession of an assault weapon, shall, within ninety days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this state, except any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of an

assault weapon and has been transferred into the state after October 1, 1994, may, within ninety days of arriving in the state, apply to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon.

(c) If an owner of an assault weapon sells or transfers the weapon to a licensed gun dealer, he or she shall, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Commissioner of Emergency Services and Public Protection. The certificate shall contain: (1) The date of sale or transfer; (2) the name and address of the seller or transferor and the licensed gun dealer, their Social Security numbers or motor vehicle operator license numbers, if applicable; (3) the licensed gun dealer's federal firearms license number and seller's permit number; (4) a description of the weapon, including the caliber of the weapon and its make, model and serial number; and (5) any other information the commissioner prescribes. The licensed gun dealer shall present his or her motor vehicle operator's license or Social Security card, federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer. The Commissioner of Emergency Services and Public Protection shall maintain a file of all certificates of transfer at said commissioner's central office.

(d) A person who has been issued a certificate of possession of an assault weapon under this section may possess it only under the following conditions:

(1) At that person's residence, place of business or other property owned by that person, or on property owned by another with the owner's express permission;

(2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;

(3) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range;

(4) While on the premises of a licensed shooting club;

(5) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms; or

(6) While transporting the assault weapon between any of the places mentioned in this subsection, or to any licensed gun dealer, as defined in subsection (d) of section 53-202f, for servicing or repair pursuant to subsection (c) of section 53-202f, provided the assault weapon is transported as required by section 53-202f.



Agency Legislative Proposal - 2014 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

BOPP01 – An Act Concerning Pardons and Bond Forfeitures

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Board of Pardons and Paroles

Liaison: **Richard Sparaco**

Phone: **(203) 509-9171**

E-mail: Richard.Sparaco@ct.gov

Lead agency division requesting this proposal:

Board of Pardons and Paroles

Agency Analyst/Drafter of Proposal:

Richard Sparaco

Title of Proposal

An Act Concerning Pardons and Bond Forfeitures

Statutory Reference

54-125d

Proposal Summary - To clarify the Board of Pardons and Parole Board's authority to grant a pardon (conditioned, provisional or absolute) for bond forfeiture(s). Currently the Board has the authority to pardon (conditioned, provisional or absolute) criminal convictions, but there is no explicit statutory language to allow for a pardon of bond forfeiture(s).

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Although Motor Vehicle statutes define "bond forfeiture" as a conviction, the Board has repeatedly been challenged regarding its statutory authority to pardon bond forfeiture(s). Some Judicial Districts and State's Attorney's consider bond forfeiture a conviction; others do not. The Board has been repeatedly challenged by those who do not. This legislation will clarify the matter.



- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share: **N/A**

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **N/A**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State

None

Federal

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts: NONE**



Insert fully drafted bill here

Section 54-130a of the general statutes is repealed and the following is substituted in lieu therefore (Effective July 1, 2014):

Sec. 54-130a. (Formerly Sec. 18-26). Jurisdiction and authority to grant commutations of punishment, releases and pardons. (a) Jurisdiction over the granting of, and the authority to grant, commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense, including bond forfeitures, against the state and commutations from the penalty of death shall be vested in the Board of Pardons and Paroles.

(b) The board shall have authority to grant pardons, conditioned, provisional or absolute, for any offense, including bond forfeitures, against the state at any time after the imposition and before or after the service of any sentence.

(c) The board may accept an application for a pardon three years after an applicant's conviction of a misdemeanor or violation and five years after an applicant's conviction of a felony, except that the board, upon a finding of extraordinary circumstances, may accept an application for a pardon prior to such dates.

(d) Whenever the board grants an absolute pardon to any person, the board shall cause notification of such pardon to be made in writing to the clerk of the court in which such person was convicted, or the Office of the Chief Court Administrator if such person was convicted in the Court of Common Pleas, the Circuit Court, a municipal court, or a trial justice court.

(e) Whenever the board grants a provisional pardon to any person, the board shall cause notification of such pardon to be made in writing to the clerk of the court in which such person was convicted. The granting of a provisional pardon does not entitle such person to erasure of the record of the conviction of the offense or relieve such person from disclosing the existence of such conviction as may be required.

(f) In the case of any person convicted of a violation for which a sentence to a term of imprisonment may be imposed, the board shall have authority to grant a pardon, conditioned, provisional or absolute, in the same manner as in the case of any person convicted of an offense against the state.



Agency Legislative Proposal - 2014 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

BOPP02 – An Act Repealing Deportation Parole of aliens

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Board of Pardons and Paroles

Liaison: Richard Sparaco

Phone: (203) 509-9171

E-mail: Richard.Sparaco@ct.gov

Lead agency division requesting this proposal:

Board of Pardons and Paroles

Agency Analyst/Drafter of Proposal:

Richard Sparaco

Title of Proposal

An Act Repealing Deportation Parole of aliens

Statutory Reference

54-125d

Proposal Summary – Deportation Parole of aliens was past as part of P.A. 97-256. Under this new law, the Board was to enter into an agreement with United States Immigration and Naturalization Service (now called the Bureau of Immigration and Customs Enforcement) for the deportation of aliens pursuant to 8 USC 1252(b) or * USC 1252a(b). An agreement was drafted and signed off on, but due to several procedural issues that came to light after the agreement was signed, releases in accordance with the 54-125d were never pursued. The main issue was with section (e) of 54-124d which states that *“Any person who is approved deportation under this section shall have his sentence placed in hold status for a period of ten years. If the parolee reenters the United States within such ten-year period, he shall be in violation of his parole agreement, the remainder of the sentence shall be reinstated and he shall be eligible for parole consideration.”* The Board, Department of Correction and Attorney General’s Office could not come up with a workable legal procedure and status for applicable parolees to satisfy this section. Throughout the years, since the passage of this law, the Board has repeatedly received requests from confined offenders and/or their attorneys for review for release under this statute. Many have filed suit against the Board claiming a right to be deported under this statute. Although the suits were found to be without merit, they nonetheless have impacted the Board in terms of time and resources.

Please attach a copy of fully drafted bill (required for review)



PROPOSAL BACKGROUND

- Reason for Proposal

The statute as drafted is flawed procedurally and is not enforceable.

- Origin of Proposal New Proposal Resubmission

*If this is a resubmission, please share: **This was originally proposed in the 2013 session and drafted as part of the Governors Bill 846 – An Act Decreasing Recidivism and Promoting Responsible Integration. The section related to Deportation Parole was removed by the Judiciary Committee prior to the bill being JFS out of committee. The reasons were not clear except it did not have full support. The bill was voted out of committee along party lines.***

- (5) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (6) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (7) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (8) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- Agencies Affected (please list for each affected agency)

Agency Name: **N/A**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State



None

Federal

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts: NONE**

--



Insert fully drafted bill here

Section 54-125d of the general statutes is repealed (Effective July 1, 2014).