

Legislative History for Connecticut Act

HB 5512	PA 60	SCAN 1984
House - 999-1001		(3)
Senate - 1146-1147, 1180		(3)
Public Safety - 206-208, 209-210, 281-283		(8)
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Proceedings / Connecticut General Assembly, Senate. 1984 v.27:pt.3.

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House of Representatives

Wednesday, April 4, 1984

Will the Clerk please announce the tally?

CLERK:

House Bill No. 5590, as amended by House Amendment Schedule "A".

Total Number Voting	146
Necessary for Passage	74
Those Voting Yea	146
Those Voting Nay	0
Those Absent and Not Voting	5

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Calendar No. 176, File No. 232, Substitute for House Bill No. 5512, AN ACT CONCERNING THE NOTIFICATION PERIOD FOR PISTOL PERMITS. Favorable Report of the Committee on Public Safety.

REP. KELLY: (115th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Mary Jane Kelly, from West Haven.

REP. KELLY: (115th)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

kbb

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House of Representatives

Wednesday, April 4, 1984

SPEAKER STOLBERG:

Will you remark?

REP. KELLY: (115th)

Yes, Mr. Speaker. Very briefly, this bill just extends from six to eight weeks, the time period by which an issuing authority must notify an applicant for a pistol or a revolver permit of the application's approval or disapproval. And, I urge its passage.

SPEAKER STOLBERG:

Will you remark further on the bill? If not, will members please be seated? Will staff and guests come to the well of the House? The machine will be opened.

CLERK:

The House of Representatives is voting by roll. Will the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Will the members please return to the Chamber immediately.

SPEAKER STOLBERG:

Have all the members voted and is your vote properly recorded? Have all the members voted and is your vote properly recorded? If so, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally?

kbb

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House of Representatives

Wednesday, April 4, 1984

CLERK:

House Bill No. 5512.

Total Number Voting 144

Necessary for Passage 73

Those Voting Yea 136

Those Voting Nay 8

Those Absent and Not Voting 7

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Calendar Page 11, Calendar No. 178, File No. 241,
Substitute for House Bill No. 5503, AN ACT PROVIDING FOR
TECHNICAL ASSISTANCE FOR THE MANAGEMENT OF HAZARDOUS
WASTE. Favorable Report of the Committee on Environment.

REP. GROPPA: (63rd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. John Groppo.

REP. GROPPA: (63rd)

May this item be passed, retaining its place on
the Calendar.

SPEAKER STOLBERG:

The motion is to pass, retain. Is there objection?
Is there objection? Seeing no objection, it's so ordered.

SENATE

WEDNESDAY
APRIL 11, 1984

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ROC

CONCERNING REFERRAL OF ZONING CHANGES TO REGIONAL PLANNING AGENCIES. Favorable report of the Committee on Planning and Development.

THE CHAIR:

Senator Wilber Smith.

SENATOR WILBER SMITH:

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill .

THE CHAIR:

Will you remark, Senator?

SENATOR WILBER SMITH:

Yes, Mr. President. This bill calls for municipal zoning commissions to notify all affected regional planning agencies when that zoning commission proposes any changes in the use of a zone which is within five hundred feet of the boundary of another municipality located within the area of operation of a regional planning agency.

If there is no objection, I would move the bill to Consent.

THE CHAIR:

Is there any objection to placing the item on Consent?
Hearing no objection, the item will go on Consent.

THE CLERK:

Cal. 310, File 232. Substitute for House Bill No. 5512.

1984 GENERAL ASSEMBLY

SENATE

1117

WEDNESDAY
APRIL 11, 1984

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ROC

AN ACT CONCERNING THE NOTIFICATION PERIOD FOR PISTOL PERMITS.
Favorable report of the Committee on Public Safety.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Mr. President, I move adoption of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR AVALLONE:

This bill would increase the period of time in which notice would be given from six to eight weeks for the time period by which an issuing authority must notify an applicant for a pistol or revolver permit for the application's approval or denial.

I would move that it be placed on the Consent Calendar.

THE CHAIR:

Any objection to placing on Consent? Hearing none,
it is so ordered.

THE CLERK:

Cal. 311, File 264. Substitute for House Bill No. 5584.

AN ACT ESTABLISHING A RIGHT TO A TRAFFIC SIGN CAUTIONING
ABOUT THE PRESENCE OF A DEAF CHILD. Favorable report of the

SENATE

WEDNESDAY
APRIL 11, 1984

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ROC

SENATOR OWENS:

Yes. While the senators are coming back to the chamber, I would just like to make an announcement that after the public hearing of the Judiciary tomorrow at twelve o'clock, there will be a committee meeting and that's for the record.

Thank you.

THE CHAIR:

Any other announcements? The Clerk will now call the Consent Calendar for today.

THE CLERK:

The following is a list of items on today's Consent Calendar:

Page one - Cal. 27. Page two - Cals. 144, 165 and 168.
Page three - Cals. 181, 209 and 211. Page four - Cals. 232 and 235. Page five - Cals. 240, 242, 245. Page six - Nothing.
Page seven - Cals. 278, 279 and 280. Page eight - Cal. 285.
Page nine - Cals. 287, ~~288~~, 289, 291 and 292. Page ten - Cals. 293, 294, 295 and 296. Page eleven - Cals. 299, 300, 301, 302 and 303. Page twelve - Cals. ^{304,} 307, 308. Page thirteen - Cals. 309, 310, 311 and 314. Page fourteen - Cals. 316, 317, 318, 319. Page fifteen - Cals. 320, 321, 322, 324. Page SB461
sixteen - Cals. 325, 328, 330. Page seventeen - Cal. 331. HB5724

SB 15, SB 56, SB 53, SB 285, SB 109, HB 5410, HB 5402, SB 370, SB 71, SB 167, SB 540, SB 374
SB 557, SB 361, SB 102, SB 127, SB 433, HB 5929, HB 5535, HB 5540, HB 5706
HB 5708, HB 5715, HB 5371, HB 5784, HB 5590, HB 5508, HB 5686, HB 5078, HB 5768
HB 5227, HB 5549, HB 5631, HB 5512, HB 5584, HB 5700, HB 5705, HB 5712, HB 5715,
HB 5709, HB 5714, HB 5165, HB 5677, HB 5147, HB 5560, HB 5762, HB 5202, HB 5520;

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REV. FURARA: (continued)

own way. And that is his right. In our church there is a 26 year old young woman who is confined to a wheel chair. She can make the shift from one seat to another to ride a chair lift and would be with us each week to share and to grow. She cannot because the Connecticut law says that a chair lift that is available to the citizens of 37 other states is not available to her because she lives here in this states. These are real stories, not emotional ammunition. These are real people with real needs, real lives, real needs for freedom. Help us change a law that was established by well intentioned people to a new one also written by good intentions, but that will open rather than close doors.

You know, we are beginners in this process and if we fail this year, for one reason or another we have not proceeded in the correct manner or represented our ideas too soon or too late, we will not stop here. We will continue to press for a law that will bring to each citizen of this state the access that they need. We will spend what we have saved for that chair lift to inform, to convince, to change the minds of those that disagree. We will succeed because simply we are all brothers and sisters and yes, we are each other's keepers and we journey the same roads. We fight the same battles and we will win. Thank you.

REP. SWIESZKOWSKI: Are there any questions? If not, thank you, sir. The next speaker will be Mr. Crook.

MR. ROBERT CROOK: Mr. Chairman, members of the committee, my name is Robert Crook, I'm legislative director for the Connecticut Sportsmens' Alliance. I'd like to speak on two bills today. The first being HB5512, An Act Concerning the Notification Period for Pistol Permits. We oppose this bill. The concept of the pistol permit law in this state is to give the issuing authority, particularly the Chief of Police the power to grant or deny issuance of a permit. This power is given to the chief because he is the most knowledgeable person on the ground of the applicant.

From this knowledge he makes the decision of whether the applicant is "a suitable person", the key phrase in the

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MR. CROOK: (continued)

statutes. In that way the Chief can determine how many and who has a permit within reasonable grounds. The check and balance to the system is the border fire arms permit examiners to whom the applicant can complain if the statutes are not adhered to. Most cases appeal their revocations, but in all cases the board has supported the issuing authority in over 90% of the cases. The system is excellent it's restrictive, yet fair and it's rated by gun owners and many chiefs of police as the best in the nation.

This bill attempts to weaken that system. Without a specific time period for processing documents, the chief retains the power, but he has no responsibility to the individual. No objection could be raised by the individual to the board of permit firearms examiners for a grievance with such a lose term as sufficient. In most instances, six weeks is sufficient for the chief to process the paperwork. Processing time begins on receipt of the completed application and has three stops before completion. The state police, the FBI, the State Police in return. FBI people tell us that they work on a three day turn around time under normal circumstances.

Yet, in this bill, the statement of purpose indicates that they are the ones that are at fault. Regardless the six weeks designated time appears and has worked on a reasonable basis. But assuming that this is not enough to provide an indication of the flexibility of the system, this quote from the laws pertaining to firearms and the dangerous weapons that white booklet that you have on your desk put out by the board of firearms permit examiners should put the question to rest. On page 6, question 18, the question is asked.

How long after I make application must I be notified of the issuing authority's decision. The answer is, "the law mandates that the issuing authority shall inform the applicant that his request for a permit has been approved or denied not later than six weeks after the application has been made. At times there may be minor administrative delays, delays in fingerprint processing, etc. If you are informed by the issuing authority of such a delay, wait a reasonable time, two to three weeks, before contacting the Board of Firearms Permit Examiners."

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MR. CROOK: (continued)

In reality what the system is saying is that the Chief of Police has eight weeks now with no demonstrable effort on the part of the applicant. We think the system is fair, flexible and balanced. Passage of this bill would be unfair to the public and would cause significant problems. Thank you.

REP. SWIESZKOWSKI: Any questions of Mr. Crook. Thank you, sir.

MR. CROOK: The second one, Mr. Chairman, is SB 545, An Act Concerning Sale by the State of Confiscated Firearms. The concept of this, the state is currently selling firearms. The Department of Administrative Services auctions to the general public those firearms confiscated by the DEP in the case of deer poaching. We believe that increased revenue could be realized if firearms from all sources were auctioned. To give you some data, ceased firearms, these are state police and local police firearms are destroyed at the rate of 1000 or 1500 a year.

Composition is 60% handguns and 40% rifles and shotguns. The average value of these firearms is \$100 to \$150 an item. The fiscal impact is \$80,000 a year. This figure is low when you compare it to the actual value received from DEP auctions. The forensic laboratory, the state police retain sample firearms for their investigative purposes. The bill requires that handguns be sold only to those with a valid permit to sell or carry and there is an attachment in my testimony showing required forms. Handguns with less than a current retail value of \$100 or junk handguns would continue to be destroyed and illegal long guns or sawed offs would continue to be destroyed.

Shotguns and rifles will be sold only to those persons qualified under federal law to purchase. There is a precedent for this state's auctioning firearms include Maryland, Indiana, Michigan, Maine and California. Objections to the bill are few. Support manufacturers and firearms dealers have no objections. Connecticut Chief of Police supported this bill in 1983. The legislative

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MR. CROOK: (continued)

history of the bill is good. It passed the Judiciary Committee in 1982, 18 to 1, the Finance Committee 25 to 7 and passed the Senate 29 to 6. Last year it was JF'd out of Judiciary 20 to 1, JF'd Finance 25 to 8 and passed the Senate 34 to 2. There are some administrative procedures run by the surplus center. I think that those could be ironed out very, very easily. The important point is that it doesn't cost the state anything to auction off the firearms. The proceeds for running the auction or the cost for running the auction, \$3400 to \$3500, come out of the proceeds generated by the auction.

And in conclusion, we think that this bill will increase revenue to the state, salvage valuable firearms for collection and use, continue destruction of junk firearms register those that are retained and standardize the state's confiscated firearms policy. Thank you.

REP. GIBSON: Thank you. Are there any questions. Mr. Crook, you didn't say how you did in Public Safety last year with all the different numbers out of the different committees. I just thought I'd mention that. OUR next speaker will be Michael O'Brien and following Michael O'Brien will be Dr. Whitcomb and maybe he could move over to the majority mike.

MR. MICHAEL O'BRIEN: I am Michael O'Brien from East Haven. I wish to speak on SB 545 which I am in favor of. And I won't go into it. I will just say that I wish to confirm the same testimony that Robert Crook gave. Now I'll move to HB 5512. This would allow the local police forces to take all the time they want. We went through this thing about 20 years ago. The state was a mess until they finally passed the act that put the six weeks and put the -- and made the Firearms Permit Board to take care of questions that arose.

To show you what is going on right now and if we had no Firearms Permit Board, we would have to take it into a court, there is one department that inquired about someone that was in the Armed Services. They sent out to Indianapolis to get his record. Now those records were burned about five six years ago, millions of records were destroyed and while down in Washington, the Department

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MR. O'BRIEN: (continued)

of Defense, they have duplicates, they are hard to get hold of and really no one there has such to give these out. In reality, what it would have meant, they said they would not give the permit until they heard from Indianapolis which means you would never get the permit because they cannot give what they don't have. They said we must have an answer from them. Now this is what's going on right now where we have a Firearms Permit Board. If we let them have all the time we want, there's no way you're going to appeal. And I know two or three departments have said they had said it before we set this up, that they would not issue them and if they had this length of time, they would do it.

They will not issue them and I feel that this bill should be defeated. The people that apply for permits are checked by local state and the FBI. If in all that check you cannot plan whether a man is suitable, then there's something wrong. You're asking for something that is not practical to give. We don't know ourselves whether anybody from the highest one in the country to the lowest one in the country, what he's going to do tomorrow. We have to go on what we know in his past record. But we don't want to know what he did, what his grandmother had for breakfast or any of that thing to find out whether he's a suitable person.

This would allow that particular department that used that ploy not to give them to continue with it and it would be legal for them to do it. I move that 5512 be defeated. Thank you.

REP. GIBSON: Thank you, are there any questions? Okay, our next speaker is Dr. Whitcomb and following Dr. Whitcomb would John Storm.

DR. REYNOLDS: Mr. Chairman and members of the Public Safety Committee of the Legislature of the State of Connecticut, my name is Whitcomb Reynolds and my license to practice medicine dates from 1934. The subject of my remarks is the expression of support for bill 5581 to amend the law which regulates the operation of vertical wheelchair or stairway lifts or similiar devices in churches and other public buildings. The survival of the

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DEP. CHIEF RON LORENGER: Good evening Madam Chairman, members of the Public Safety Committee. My name is Ron Lorenger Deputy Chief of Police, Hartford. I speak to you today in support of House Bill 5512 which amends section 29-28-a regarding notice of decisions to applicants for pistol permits. The Hartford Police Department last year received 81 applications for permits to carry pistols and revolvers. As part of our responsibilities under a companion statute we are compelled to obtain fingerprints from the applicant for the purpose of ascertaining criminal history record information. This process which requires the cooperation of the identification section of the Federal Bureau of Investigation is an often protracted one and one which is clearly beyond local control.

Our experience is that fingerprint return and record information may take up to the entire six weeks allotted and in some cases even longer. Current statutory timetable simply cannot be met by local police departments. We therefore believe that to carry out responsibilities require more time. It is precisely our need to obtain multi-state information from the federal authorities that results in the delay. This requirement is, however, fully justified. Only the FBI has full access to the records of multi-state offenders. Offenders who could have been convicted by a felony elsewhere who would seek application for a permit to carry a lethal force.

To require us to make decisions on the basis of incomplete examination of records is clearly not within the intent of the current statute. Repeal of the current timetable or extension of the period is clearly in order and in the best interest of the public safety. Thank you.

REP. GIBSON: Thank you very much. Rep. O'Neill.

REP. O'NEILL: Yes, I have a question or two please. I'd like to know by name, by number the dates that you submitted your fingerprint to the FBI identification division and the dates that they were returned and what action you took to insure they should have been returned sooner because there is a regulation within the bureau that any prints received within 72 hours will come back to the submitter.

DEP. CHIEF LORENGER: The last contact we had with the Federal Bureau of Investigation approximately 2 days ago was with

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- DEP. CHIEF LORENGER: (continued)
the form of a tracer. Occasionally, prints do get lost in the mail system from the Bureau of Identification. We do call down on a regular basis to again, begin particulars or tracers to determine where that is in the system. We have now two that have to be reprinted that are, I believe one is back from last October, we're still looking for the fingerprints.
- REP. O'NEILL: You didn't answer my question though. I mean I'd like to know how many you sent in and the names of the individuals and exactly when you got them back and the reason why there was such a delay, because as I just mentioned, you've corresponded with the director of the bureau, I'm not talking about a supervisor. I'm talking about a director of the Bureau, or the assistant director of the identification division. How long has this been going on? Surely, if I'm in charge of a department then something such as that goes on once, or twice, I'll get it rectified then.
- DEP. CHIEF LORENGER: I believe the Federal Bureau of Investigation has been cooperating and doing as much as they can. I believe that prior to 1982 they had a very significant backlog of prints to read. At that time they initiated a cost for the reading of fingerprints of individuals other than the law enforcement agencies for instance on pistol permits and I believe the fee at that time began at \$12. Since that time they've been catching up on a regular basis.
- REP. O'NEILL: Prior to that time they were conducting fingerprint examinations mostly by hand. And now they're doing it by computer. And it would seem that rather than getting it longer it would be back sooner.
- DEP. CHIEF LORENGER: It is improving, I agree that it is improving. The outset if there's a criminal record, I would believe the average is four to five weeks return. Between four and five weeks return.
- REP. O'NEILL: You're going to have to show me that and not just make that statement. I was in the Bureau 26 years and I know for a fact that if an agent under my division and supervision did that, he'd no longer be an agent. And I've known agents who were fired because of that. So for

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- REP. O'NEILL: (continued)
you to make that statement and to base this entire request for a bill upon, you say a fault of the bureau, I want to see it in writing.
- DEP. CHIEF LORENGER: I'm not saying, Rep. O'Neill, that it's the fault of the Bureau, it's a fault of the system.
- REP. O'NEILL: No, you said it was because it was five to six weeks before you get an answer back from the Bureau. It's on the record.
- REP. GIBSON: Excuse me --
- DEP. CHIEF LORENGER: No, I contest that.
- REP. GIBSON: Excuse me, maybe what we could do with this piece of legislation, if I could interrupt, it's obvious that you both seem to know quite a bit about it or what's needed or not needed. You can work out something and then Rep. O'Neill could propose it to the Committee.
- DEP. CHIEF LORENGER: I'd be very happy to do anything --
- REP. O'NEILL: Repeat that again, Madam Chairman.
- REP. GIBSON: Maybe since both of you seem to know quite a bit about this or you both seem to be at different ends, you being connected with the FBI for 26 years and the Deputy Chief in Hartford that seems to have a legitimate problem, maybe it's something that you two could work on to see if you can have it resolved and come back to the Committee with some type of --
- REP. O'NEILL: That's a charming idea.
- REP. GIBSON: Thank you. I look forward to your recommendation.
- DEP. CHIEF LORENGER: Thank you.
- REP. GIBSON: The next speaker will be Bill Pomfret followed by Louis Orsini.
- MR. BILL POMFRET: Madam Chairman, members of the Public Safety Committee. My name is Bill Pomfret. I am the administrator of the Soliders, Sailors, Marine Fund and also the state