

Relevant Gun Statutes

Connecticut General Statutes

Sec. 29-27. "Pistol" and "revolver" defined. The term "pistol" and the term "revolver", as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

(1949 Rev., S. 4157; July Sp. Sess. P.A. 94-1, S. 14.)

History: July Sp. Sess. P.A. 94-1 made no substantive change.

Cited. 173 C. 254. Cited. 205 C. 370. Cited. 211 C. 258. Cited. 242 C. 318.

Cited. 3 CA 289. Cited. 7 CA 367. Cited. 9 CA 169; judgment reversed, see 205 C. 370; Id., 330. Cited. 11 CA 621. Cited. 24 CA 737. Cited. 25 CA 433; Id., 578. Cited. 30 CA 68. Cited. 36 CA 805. Cited. 43 CA 252.

Sec. 29-36k. Transfer or surrender of firearms by persons ineligible to possess same. Penalty. (a) Not later than two business days after the occurrence of any event that makes a person ineligible to possess a pistol or revolver or other firearm, such person shall (1) transfer in accordance with section 29-33 all pistols and revolvers which such person then possesses to any person eligible to possess a pistol or revolver and transfer in accordance with any applicable state and federal laws all other firearms to any person eligible to possess such other firearms by obtaining an authorization number for the sale or transfer of the firearm from the Commissioner of Public Safety, and submit a sale or transfer of firearms form to said commissioner within two business days, or (2) deliver or surrender such pistols and revolvers and other firearms to the Commissioner of Public Safety. The commissioner shall exercise due care in the receipt and holding of such pistols and revolvers and other firearms.

(b) Such person, or such person's legal representative, may, at any time up to one year after such delivery or surrender, transfer such pistols and revolvers in accordance with the provisions of section 29-33 to any person eligible to possess a pistol or revolver and transfer such other firearms in accordance with any applicable state and federal laws to any person eligible to possess such other firearms. Upon notification in writing by the transferee and such person, the Commissioner of Public Safety shall within ten days deliver such pistols and revolvers or other firearms to the transferee. If, at the end of such year, such pistols and revolvers or other firearms have not been so transferred, the commissioner shall cause them to be destroyed.

(c) Any person who fails to transfer or surrender any such pistols and revolvers and other firearms as provided in this section shall be subject to the penalty provided for in

section 53a-217 or 53a-217c.

(July Sp. Sess. P.A. 94-1, S. 13; P.A. 02-120, S. 6.)

History: P.A. 02-120 amended Subsec. (a) to make provisions applicable to a person ineligible to possess a firearm other than a pistol or revolver, adding in Subdiv. (1) the requirement that such person transfer in accordance with state and federal laws such other firearms to any person eligible to possess such other firearms by obtaining an authorization number from the Commissioner of Public Safety and submit a sale or transfer of firearms form to the commissioner within two business days and including in Subdiv. (2) the delivery or surrender of "other firearms", amended Subsec. (b) to make provisions applicable to "other firearms", to authorize the transfer of such other firearms in accordance with applicable state and federal laws to any person eligible to possess such other firearms and to make a technical change for purposes of gender neutrality and amended Subsec. (c) to make provisions applicable to the failure to transfer or surrender "other firearms" and to add reference to penalty in Sec. 53a-217, effective June 7, 2002.

Sec. 29-37i. (Formerly Sec. 29-37c). Responsibilities re storage of loaded firearms with respect to minors. No person shall store or keep any loaded firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person (1) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure or (2) carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person. For the purposes of this section, "minor" means any person under the age of sixteen years.

(P.A. 90-144, S. 1.)

History: Sec. 29-37c transferred to Sec. 29-37i in 1993.

See Sec. 52-571g re strict liability for unsafe storage of firearm.

See Sec. 53a-217a re criminally negligent storage of firearm.

Cited. 242 C. 211.

Sec. 53a-18. Use of reasonable physical force or deadly physical force generally. The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(1) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person, except a person entrusted with the care and supervision of a minor for school purposes as described in subdivision (6) of this section, may use

reasonable physical force upon such minor or incompetent person when and to the extent that he reasonably believes such to be necessary to maintain discipline or to promote the welfare of such minor or incompetent person.

(2) An authorized official of a correctional institution or facility may, in order to maintain order and discipline, use such physical force as is reasonable and authorized by the rules and regulations of the Department of Correction.

(3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use reasonable physical force when and to the extent that he reasonably believes such to be necessary to maintain order, but he may use deadly physical force only when he reasonably believes such to be necessary to prevent death or serious physical injury.

(4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use reasonable physical force upon such person to the extent that he reasonably believes such to be necessary to thwart such result.

(5) A duly licensed physician or psychologist, or a person acting under his direction, may use reasonable physical force for the purpose of administering a recognized form of treatment which he reasonably believes to be adapted to promoting the physical or mental health of the patient, provided the treatment (A) is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian or other person entrusted with his care and supervision, or (B) is administered in an emergency when the physician or psychologist reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(6) A teacher or other person entrusted with the care and supervision of a minor for school purposes may use reasonable physical force upon such minor when and to the extent he reasonably believes such to be necessary to (A) protect himself or others from immediate physical injury, (B) obtain possession of a dangerous instrument or controlled substance, as defined in subdivision (9) of section 21a-240, upon or within the control of such minor, (C) protect property from physical damage or (D) restrain such minor or remove such minor to another area, to maintain order.

(1969, P.A. 828, S. 18; 1971, P.A. 871, S. 4; P.A. 73-205, S. 6; P.A. 89-186, S. 1, 2; P.A. 90-43; P.A. 92-260, S. 3.)

History: 1971 act specified that force used in Subdivs. (1), (3), (4) and (5) must be "reasonable" physical force; P.A. 73-205 deleted language specifically forbidding use of "deadly physical force" in Subdiv. (1); P.A. 89-186 added new Subdiv. (6) re the use of reasonable physical force by a teacher or other person entrusted with the care and supervision of a minor for school purposes and amended Subdiv. (1) accordingly; P.A. 90-43 applied provisions of Subdiv. (5) to psychologists; P.A. 92-260 amended Subdivs.

(1), (3), (4) and (6) to make technical change by replacing "it is necessary" with "such to be necessary".

A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. Cited. 204 C. 240. Cited. 209 C. 75. Cited. 234 C. 455. Cited. 242 C. 211.

Cited. 8 CA 517; Id., 667. Cited. 23 CA 615. Cited. 24 CA 195. Cited. 45 CA 390.

Cited. 43 CS 46.

Subdiv. (1):

Cited. 20 CA 75.

Subdiv. (5):

Cited. 201 C. 211.

Sec. 53a-19. Use of physical force in defense of person. (a) Except as provided in subsections (b) and (c) of this section, a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm.

(b) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling, as defined in section 53a-100, or place of work and was not the initial aggressor, or if he or she is a peace officer or a special policeman appointed under section 29-18b or a private person assisting such peace officer or special policeman at his or her direction, and acting pursuant to section 53a-22, or (2) by surrendering possession of property to a person asserting a claim of right thereto, or (3) by complying with a demand that he or she abstain from performing an act which he or she is not obliged to perform.

(c) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using physical force when (1) with intent to cause physical injury or death to another person, he provokes the use of physical force by such other person, or (2) he is the initial aggressor, except that his use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person

notwithstanding continues or threatens the use of physical force, or (3) the physical force involved was the product of a combat by agreement not specifically authorized by law.

(1969, P.A. 828, S. 19; 1971, P.A. 871, S. 5; P.A. 92-260, S. 4; P.A. 05-180, S. 1; P.A. 06-196, S. 184.)

History: 1971 act specified that "reasonable" physical force is justified in Subsec. (a); P.A. 92-260 made technical changes; P.A. 05-180 amended Subsec. (b) to include a special policeman appointed under Sec. 29-18b within the purview of Subdiv. (1) and make technical changes for the purpose of gender neutrality; P.A. 06-196 made a technical change in Subsec. (b)(1), effective June 7, 2006.

Cited. 166 C. 226. A defendant is entitled to a theory of defense instruction as a matter of law where evidence under this section is before jury. 178 C. 704. Cited. 182 C. 66. Duty of retreat where aggressor is co-occupant of dwelling discussed. 185 C. 372. Cited. 188 C. 237; Id., 653. Cited. 194 C. 376. Cited. 196 C. 519. Cited. 198 C. 454. Cited. 199 C. 383. Cited. 200 C. 743. Cited. 203 C. 466. Cited. 204 C. 240. Cited. 206 C. 621. Cited. 207 C. 191. Cited. 209 C. 34; Id., 75; Id., 322. Determined failure to instruct jury that defense of self-defense was applicable to lesser included offense was harmless error and reversed judgment of appellate court in *State v. Hall*, 17 CA 502. 213 C. 579. Cited. Id., 593. Cited. 219 C. 295. Cited. 220 C. 602. Cited. 226 C. 917. Cited. 227 C. 518. Cited. 228 C. 335; Id., 851. Cited. 231 C. 484. Cited. 232 C. 537. Cited. 233 C. 1; Id., 517. Cited. 234 C. 381. Cited. 235 C. 274. Cited. 242 C. 211. Subjective-objective test under section applies only to defendant: subjectively, defendant must believe that the use of deadly force is necessary, and objectively, that belief must be reasonable. 264 C. 723.

Cited. 1 CA 609. Cited. 5 CA 590. Cited. 7 CA 223; Id., 457. Cited. 8 CA 667. Cited. 10 CA 643. Cited. 13 CA 139. Cited. 15 CA 34. Cited. 16 CA 264. Cited. 17 CA 200; Id., 326; Id., 502; judgment reversed, see 213 C. 579. Cited. 19 CA 576; Id., 609. Cited. 20 CA 430. Cited. 23 CA 28; Id., 615. Cited. 24 CA 195; Id., 541; Id., 586; Id., 624. Cited. 25 CA 456. Cited. 27 CA 49. Cited. 28 CA 469; Id., 833; judgment reversed, see 227 C. 518. Cited. 29 CA 262. Cited. 30 CA 95; judgment reversed, see 228 C. 147; Id., 406; judgment reversed, see 228 C. 335. Cited. 31 CA 58; Id., 140. Cited. 32 CA 687. Cited. 33 CA 616; Id., 782. Cited. 34 CA 58; judgment reversed, see 232 C. 537; Id., 368; see also 233 C. 517. Cited. 36 CA 506. Cited. 39 CA 563. Cited. 40 CA 189; Id., 805. Cited. 41 CA 255; Id., 584. Cited. 42 CA 348. Cited. 43 CA 488. Cited. 44 CA 62. Cited. 45 CA 390. Cited. 46 CA 216. Sufficiency of jury instructions re duty to retreat discussed. 48 CA 755. Statute construed to apply to person who also is usually lodged in those premises at night. 54 CA 26.

Cited. 34 CS 612. Use of deadly force not justified when attack by assailants on third person had stopped and assailants were leaving. 35 CS 570. Cited. 38 CS 619. Cited. 43 CS 46.

Subsec. (a):

Cited. 186 C. 654. Cited. 187 C. 199. Cited. 225 C. 916. Not only must defendant's belief in the type of threat facing him have been reasonable, but the degree of force used in response must be evaluated for reasonableness as well. 256 C. 193.

Cited. 3 CA 289. Cited. 5 CA 338. Cited. 22 CA 521. Cited. 25 CA 456. Cited. 29 CA 754. Cited. 31 CA 385. The subjective-objective inquiry into defendant's belief regarding the necessary degree of force requires jury to make two separate affirmative determinations in order for defendant's claim of self-defense to succeed. 68 CA 19. In the case of self-defense, eyewitness testimony of prior specific acts of violence perpetrated on defendant by his or her victim are admissible to show defendant's state of mind at the time of the killing. Id., 828. State proved beyond a reasonable doubt that the defendant was not justified in using deadly physical force. 75 CA 80. Where a particular jury instruction, when viewed in isolation, could have been construed as dictating a purely objective standard, it was held that the charge as a whole, adequately instructed jury as to both the subjective and objective aspects of the test involved in a self-defense analysis. Id., 500. Trial court improperly instructed jury on defendant's claim of self-defense by removing from its consideration the disputed factual issue of whether defendant used nondeadly force in self-defense. New trial ordered. 97 CA 679.

Subsec. (b):

Cited. 186 C. 654. Cited. 229 C. 916, see also 35 CA 520. Defendant's knowledge of ability to retreat is measured according to the subjective standard of defendant's actual knowledge. Defendant accused of felony murder may not rely on a claim of self-defense. 254 C. 184. Subdiv. (1) allows state to rebut self-defense claim by showing that defendant could have retreated safely before using deadly force; it does not follow that defendant is statutorily or constitutionally entitled to use evidence of retreat after using deadly force to bolster self-defense claim without permitting jury to consider other possible reasons for the flight. 279 C. 414.

Subdiv. (1) cited. 31 CA 385. Cited. 34 CA 610. Cited. 40 CA 624. Cited. 43 CA 488. Cited. 44 CA 62. Retreat exception applies to a dwelling, not to a superior right to being outside the dwelling. 47 CA 91.

Subsec. (c):

Subdiv. (2) cited. 221 C. 58. Subdiv. (3) cited. Id. Subdiv. (2): Person who first uses physical force is not necessarily the initial aggressor under this section. Judgment of appellate court in *State v. Jimenez*, 30 CA 406, reversed. 228 C. 335. There was no occasion for trial court to instruct the jury on initial aggressor doctrine under Subdiv. (2) when the state did not claim that defendant was the initial aggressor. 246 C. 268.

Subdiv. (1): Provocation element carries with it requirement that actor act with specific intent to elicit use of physical force by another. 19 CA 609. Subdiv. (2) cited. Id. Cited. 22 CA 521. Subdiv. (2) cited. 35 CA 699. Jury could have reasonably concluded

from evidence presented that defendant was not justified in using deadly force against the victim because he was the initial aggressor. 75 CA 80.

Cited. 41 CS 525.

Sec. 53a-20. Use of physical force in defense of premises. A person in possession or control of premises, or a person who is licensed or privileged to be in or upon such premises, is justified in using reasonable physical force upon another person when and to the extent that he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of a criminal trespass by such other person in or upon such premises; but he may use deadly physical force under such circumstances only (1) in defense of a person as prescribed in section 53a-19, or (2) when he reasonably believes such to be necessary to prevent an attempt by the trespasser to commit arson or any crime of violence, or (3) to the extent that he reasonably believes such to be necessary to prevent or terminate an unlawful entry by force into his dwelling as defined in section 53a-100, or place of work, and for the sole purpose of such prevention or termination.

(1969, P.A. 828, S. 20; 1971, P.A. 871, S. 6; P.A. 73-639, S. 2; P.A. 92-260, S. 5.)

History: 1971 act specified use of "reasonable" physical force; P.A. 73-639 allowed use of deadly physical force when necessary to prevent crime of violence and deleted language allowing use of deadly physical force "not earlier in time" than necessary to prevent or terminate unlawful entry in dwelling or workplace by force; P.A. 92-260 made technical changes by replacing "believes it is necessary" and "believes it necessary" with "believes such to be necessary".

A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. Cited. 199 C. 383. Cited. 203 C. 466., Cited. 204 C. 240. Cited. 209 C. 75. Cited. 242 C. 211.

Cited. 2 CA 617. Cited. 8 CA 667. Cited. 23 CA 615. Cited. 24 CA 195. Cited. 45 CA 390.

Common-law right referred to; unnecessary to decide whether Sec. 53a-23 creates an exception. 34 CS 531. Cited. 43 CS 46.

Sec. 53a-21. Use of physical force in defense of property. A person is justified in using reasonable physical force upon another person when and to the extent that he reasonably believes such to be necessary to prevent an attempt by such other person to

commit larceny or criminal mischief involving property, or when and to the extent he reasonably believes such to be necessary to regain property which he reasonably believes to have been acquired by larceny within a reasonable time prior to the use of such force; but he may use deadly physical force under such circumstances only in defense of person as prescribed in section 53a-19.

(1969, P.A. 828, S. 21; 1971, P.A. 871, S. 7; P.A. 92-260, S. 6.)

History: 1971 act specified use of "reasonable" physical force; P.A. 92-260 made technical changes by replacing "believes it necessary" with "believes such to be necessary".

A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. An act injurious to the physical well-being of a child is prohibited; the statute is not unconstitutionally vague. 192 C. 37. Cited. 204 C. 240. Cited. 209 C. 75. Cited. 226 C. 601.

Cited. 2 CA 617. Cited. 8 CA 667. Cited. 16 CA 455. Cited. 19 CA 445. Cited. 23 CA 615. Cited. 24 CA 195. Cited. 29 CA 283; judgment reversed, see 228 C. 795. Cited. 31 CA 58. Cited. 32 CA 687. Cited. 34 CA 368; see also 233 C. 517. Cited. 45 CA 390.

Cited. 34 CS 612.

Sec. 53a-22. Use of physical force in making arrest or preventing escape. (a) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of physical force to make an arrest or to prevent an escape from custody. A peace officer, special policeman appointed under section 29-18b or an authorized official of the Department of Correction or the Board of Pardons and Paroles who is effecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using the physical force prescribed in subsections (b) and (c) of this section unless such warrant is invalid and is known by such officer to be invalid.

(b) Except as provided in subsection (a) of this section, a peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using physical force upon another person when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from

the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

(c) A peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using deadly physical force upon another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such to be necessary to: (1) Defend himself or herself or a third person from the use or imminent use of deadly physical force; or (2) effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible, he or she has given warning of his or her intent to use deadly physical force.

(d) Except as provided in subsection (e) of this section, a person who has been directed by a peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction or the Board of Pardons and Paroles to assist such peace officer, special policeman or official to effect an arrest or to prevent an escape from custody is justified in using reasonable physical force when and to the extent that he or she reasonably believes such to be necessary to carry out such peace officer's, special policeman's or official's direction.

(e) A person who has been directed to assist a peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction or the Board of Pardons and Paroles under circumstances specified in subsection (d) of this section may use deadly physical force to effect an arrest or to prevent an escape from custody only when: (1) He or she reasonably believes such to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or (2) he or she is directed or authorized by such peace officer, special policeman or official to use deadly physical force, unless he or she knows that the peace officer, special policeman or official himself or herself is not authorized to use deadly physical force under the circumstances.

(f) A private person acting on his or her own account is justified in using reasonable physical force upon another person when and to the extent that he or she reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of an arrested person whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; but he or she is not justified in using deadly physical force in such circumstances, except in defense of person as prescribed in section 53a-19.

(1969, P.A. 828, S. 23; 1971, P.A. 826; 871, S. 8; P.A. 86-231; 86-403, S. 87, 132; P.A. 92-260, S. 7; May Sp. Sess. P.A. 94-6, S. 23, 28; P.A. 04-257, S. 119; P.A. 05-108, S. 6; 05-180, S. 2.)

History: 1971 acts applied provisions of Subsecs. (a) to (f) to authorized officials of

department of correction and specified authority to use physical force to prevent escape from custody in Subsec. (a) and deleted former Subsec. (g) which had allowed peace officers employed in correctional facilities to use force to prevent a prisoner's escape and specified use of "reasonable" physical force; P.A. 86-231 amended Subdiv. (2) of Subsec. (c) to add provision that the felony involve the infliction or threatened infliction of serious physical injury and that the officer or official give a warning if feasible of his intent to use deadly physical force; P.A. 86-403 made technical change in Subsec. (b); P.A. 92-260 made technical changes by replacing "believes it necessary", "believes that such is necessary" and "believes it is necessary" with "believes such to be necessary"; May Sp. Sess. P.A. 94-6 amended Subsecs. (a) to (e), inclusive, to add authorized officials of the Board of Parole, effective July 1, 1994; P.A. 04-257 amended Subsecs. (a) to (e), inclusive, to delete references to an authorized official of the Board of Parole, effective June 14, 2004; P.A. 05-108 amended Subsecs. (a) to (e), inclusive, to restore references to an authorized official of the Board of Pardons and Paroles, effective June 7, 2005; P.A. 05-180 amended Subsecs. (a) to (e), inclusive, to include a special policeman appointed under Sec. 29-18b within the purview of said Subsecs. and made technical changes for the purpose of gender neutrality throughout.

See Sec. 53a-23 re unjustified use of force to resist arrest.

A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. 178 C. 704. Cited. 204 C. 240. Cited. 209 C. 75.

Cited. 8 CA 667. Cited. 23 CA 615. Cited. 24 CA 195. Cited. 45 CA 390.

Cited. 43 CS 46.

Subsec. (f):

Does not require person making the arrest to have been present at the time the felony was committed for defense of citizen's arrest to apply. 63 CA 228.

Defendant's firing of warning shot at fleeing assailants constituted use of deadly force proscribed by statute. To permit persons to fire warning shots would frustrate purpose of statute to limit use of guns to emergency situations to protect persons from death or great bodily harm. 35 CS 570. Cited. 39 CS 392.

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) a restraining or protective order of a court of this state 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 (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (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, or (5) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4). 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.

(P.A. 82-464, S. 1; P.A. 86-287, S. 5; P.A. 91-212; P.A. 98-129, S. 12; P.A. 99-212, S. 1; P.A. 01-130, S. 15; P.A. 03-98, S. 4; P.A. 05-147, S. 4; 05-283, S. 2.)

History: P.A. 86-287 added reference to electronic defense weapons; P.A. 91-212 replaced "pistol, revolver" with "firearm" and made technical changes; P.A. 98-129 amended Subsec. (a) to add Subdiv. (2) prohibiting possession by a person who has been convicted as delinquent for the commission of a serious juvenile offense; P.A. 99-212 made provisions applicable to a person convicted of any felony rather than only of a capital felony and specified class A, B, C and D felonies; P.A. 01-130 amended Subsec. (a) to add Subdiv. (3) re possession by a person who knows he or she is subject to a restraining or protective order issued after notice and an opportunity to be heard in a case involving the use, attempted use or threatened use of physical force against another person and add Subdiv. (4) re possession by a person who knows he or she is subject to a firearms seizure order issued pursuant to Sec. 29-38c after notice and an opportunity to be heard; P.A. 03-98 amended Subsec. (a)(3) by replacing "protective order issued by a court" with "protective order of a court of this state" and adding provisions re foreign order of protection and re order that has been issued against such person; P.A. 05-147 amended Subsec. (a)(3) to designate existing provisions re a restraining or protective order as Subpara. (A), designate existing provisions re a foreign order of protection as Subpara. (B) and amend said Subpara. (B) to delete the requirement that the foreign order of protection has been issued "after notice and an opportunity to be heard has been provided to such person"; P.A. 05-283 amended Subsec. (a) to add Subdiv. (5) re possession by a person who is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4).

Cited. 200 C. 453. Cited. 221 C. 915. Cited. 227 C. 363. Cited. 229 C. 164; Id., 385. Cited. 231 C. 235. Cited. 234 C. 324; Id., 455. Cited. 235 C. 274; Id., 402. Cited. 238 C. 389. Cited. 242 C. 143; Id., 648. Cited. 247 C. 318.

Cited. 6 CA 189. Cited. 11 CA 11. Cited. 15 CA 161; Id., 342. Cited. 19 CA 48. Cited. 26 CA 367. Cited. 29 CA 207. Cited. 30 CA 249; Id., 340. Cited. 33 CA 521. Cited. 34 CA 236. Cited. 35 CA 781. Cited. 36 CA 805. Cited. 37 CA 276. Cited. 39 CA 82. Cited. 40 CA 151. Cited. 45 CA 584. Weapons possessed by convicted murderer are

contraband and cannot be given away by the convicted murderer. 65 CA 360.

Replica antique pistol, which fired a .44 caliber ball propelled by a black powder charge, instead of a bullet from a fixed cartridge, constituted a weapon under section; defendant's claim of implicit "antique gun exception" to prohibitions of section rejected. 49 CS 248.

Subsec. (a):

Cited. 228 C. 384. Cited. 241 C. 413.

Cited. 15 CA 330; Id., 749. Cited. 19 CA 576. Cited. 20 CA 137. Cited. 24 CA 685. Cited. 30 CA 26. Cited. 42 CA 768. Cited. 45 CA 390. Court upheld prior rulings that convictions under both Sec. 29-35(a) and Subdiv. (1) do not constitute double jeopardy. 83 CA 377.

Sec. 53a-217a. Criminally negligent storage of a firearm: Class D felony. (a) A person is guilty of criminally negligent storage of a firearm when he violates the provisions of section 29-37i and a minor obtains the firearm and causes the injury or death of himself or any other person. For the purposes of this section, "minor" means any person under the age of sixteen years.

(b) The provisions of this section shall not apply if the minor obtains the firearm as a result of an unlawful entry to any premises by any person.

(c) Criminally negligent storage of a firearm is a class D felony.

(P.A. 90-144, S. 2.)

History: (Revisor's note: In codifying public act 90-144 the internal reference in Subsec. (a) to "section 29-37c" was changed editorially by the Revisors to "section 29-37i" for accuracy).

Section not vague as applied to defendant's conduct; he cannot mount a facial challenge to the statute. 242 C. 211.

Sec. 53a-217b. Possession of a weapon on school grounds: Class D felony. (a) A person is guilty of possession of a weapon on school grounds when, knowing that such

person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in section 53a-3, (1) in or on the real property comprising a public or private elementary or secondary school, or (2) at a school-sponsored activity as defined in subsection (h) of section 10-233a.

(b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity, (2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a peace officer, as defined in subdivision (9) of section 53a-3, while engaged in the performance of such peace officer's official duties, or (4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education.

(c) Possession of a weapon on school grounds is a class D felony.

(June Sp. Sess. P.A. 92-1, S. 1; P.A. 93-416, S. 7; P.A. 94-221, S. 1; P.A. 98-129, S. 15; P.A. 01-84, S. 8, 26.)

History: P.A. 93-416 amended Subsecs. (a) and (c) to replace reference to offense of "possession of a firearm on school grounds" with revised name of "possession of a weapon on school grounds" due to inclusion of deadly weapon in offense in Subsec. (a); P.A. 94-221 amended Subsec. (a) to add Subdiv. (2) re school-sponsored activities and amended Subdiv. (5) of Subsec. (b) to substitute "permitted by" the board of education for "not prohibited by school officials" and, notwithstanding the provisions of Subsec. (b), provided for the prohibition by boards of education of the possession of firearms by students in or on school property or at a school-sponsored activity; P.A. 98-129 amended Subsec. (a) to add element that the person know that he is not licensed or privileged to possess a weapon on school grounds and amended Subsec. (b) to delete former Subdiv. (1) that had made provisions of Subsec. (a) inapplicable to the lawful possession of a firearm by a person holding a valid state or local permit to carry such firearm, renumbering the remaining Subdivs. accordingly, and deleted provision that had authorized boards of education and supervisory agents of private schools to prohibit the possession of firearms by students in or on school property or at a school-sponsored activity; P.A. 01-84 amended Subsec. (b) to exempt in Subdiv. (1) possession of a firearm for use in an approved program "at such school-sponsored activity" and made technical changes for purposes of gender neutrality in Subsecs. (a) and (b), effective July 1, 2001.

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 or 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) a restraining or protective order of a court of this state 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 (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against 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, (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. 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.

(July Sp. Sess. P.A. 94-1, S. 3; P.A. 98-129, S. 13; P.A. 99-212, S. 21; P.A. 03-98, S. 5; P.A. 05-147, S. 5; 05-283, S. 3.)

History: P.A. 98-129 amended Subsec. (a) to add new Subdiv. (2) prohibiting the possession of a pistol or revolver by a person who has been convicted as delinquent for the commission of a serious juvenile offense, renumbering the remaining Subdivs. accordingly, and replaced in Subdiv. (4) "hospital for mental illness" with "hospital for persons with psychiatric disabilities"; P.A. 99-212 amended Subsec. (a) to add new Subdiv. (6) prohibiting the possession of a pistol or revolver by a person who knows that such person is subject to a firearms seizure order issued pursuant to Sec. 29-38c(d) after notice and an opportunity to be heard has been provided to such person, renumbering the remaining Subdiv. accordingly, and made provisions gender neutral; P.A. 03-98 amended Subsec. (a) by making a technical change in Subdiv. (1) and replacing "protective order issued by a court" with "protective order of a court of this state" and adding provisions re foreign order of protection and re order that has been issued against such person in Subdiv. (5); P.A. 05-147 amended Subsec. (a)(5) to designate existing provisions re a restraining or protective order as Subpara. (A), designate existing provisions re a foreign order of protection as Subpara. (B) and amend said Subpara. (B) to delete the requirement that the foreign order of protection has been issued "after notice and an opportunity to be heard has been provided to such person"; P.A. 05-283 amended Subsec. (a) to add new Subdiv. (7) prohibiting the possession of a pistol or revolver by a person who is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922 (g)(4) and to redesignate existing Subdiv. (7) as Subdiv. (8).

Operability of the pistol or revolver is not essential element of the offense. 59 CA 112. Where prior felony conviction formed basis of a charge under this section, violation of section could not be established without presenting proof of such conviction. 64 CA 384.

Sec. 53-206d. Carrying a firearm while under the influence of intoxicating liquor or drug prohibited. Hunting while under the influence of intoxicating liquor or drug or while impaired by the consumption of intoxicating liquor prohibited. (a)(1) No person shall carry a pistol, revolver, machine gun, shotgun, rifle or other firearm, which is loaded and from which a shot may be discharged, upon his person (A) while under the influence of intoxicating liquor or any drug, or both, or (B) while the ratio of alcohol in the blood of such person is ten-hundredths of one per cent or more of alcohol, by weight.

(2) Any person who violates any provision of this subsection shall be guilty of a class B misdemeanor.

(b) (1) No person shall engage in hunting while under the influence of intoxicating liquor or any drug, or both, or while impaired by the consumption of intoxicating liquor. A person shall be deemed under the influence when at the time of the alleged offense the person (A) is under the influence of intoxicating liquor or any drug, or both, or (B) has an elevated blood alcohol content. For the purposes of this subdivision, "elevated blood alcohol content" means (i) a ratio of alcohol in the blood of such person that is ten-hundredths of one per cent or more of alcohol, by weight, or (ii) if such person has been convicted of a violation of this subsection, a ratio of alcohol in the blood of such person that is seven-hundredths of one per cent or more of alcohol, by weight. A person shall be deemed impaired when at the time of the alleged offense the ratio of alcohol in the blood of such person was more than seven-hundredths of one per cent of alcohol, by weight, but less than ten-hundredths of one per cent of alcohol, by weight.

(2) Any person who violates any provision of this subsection shall be guilty of a class A misdemeanor.

(3) Enforcement officers of the Department of Environmental Protection are empowered to arrest for a violation of the provisions of this subsection.

(P.A. 98-129, S. 20; P.A. 00-142, S. 3.)

History: P.A. 00-142 amended Subsec. (a) by designating provisions as Subdiv. (1), making technical changes therein, designated former Subsec. (b) as Subsec. (a)(2), making a technical change therein, and added new Subsec. (b) re hunting under the influence.