
OLR Bill Analysis

sHB 7042 (as amended by House "A")*

AN ACT CONCERNING IMPLEMENTATION OF THE FIREARM INDUSTRY RESPONSIBILITY ACT.

SUMMARY

This bill requires firearm industry members to establish, implement, and enforce certain measures ("reasonable controls") designed to (1) prevent the in-state sales or distribution of firearms and specified related products to certain people (e.g., straw purchasers or people banned by law from possessing firearms) or in a way that is reasonably foreseeable to promote conversion into an illegal product and (2) ensure compliance with certain existing firearm-related laws. It also places certain restrictions on firearm industry members, such as prohibiting them from purposely and knowingly advertising industry products in a way that promotes unlawful sales or use or an unreasonable public safety risk.

The bill allows a person who has suffered harm due to a violation, a municipality, or the state to sue a firearm industry member under these provisions. The bill specifies the available court relief for prevailing plaintiffs in these lawsuits, such as compensatory damages, punitive damages, or costs and attorney's fees.

Separately, the bill shortens the look-back period, from 20 to eight years, for certain in-state misdemeanor convictions to disqualify someone from being issued a handgun permit, handgun eligibility certificate, or long gun eligibility certificate.

The bill also adds certain misdemeanor convictions that occur in other jurisdictions to the list of offenses that disqualify a person from being issued these firearm credentials. These other jurisdictions are (1) other states; (2) a federal, tribal, or military court; or (3) any foreign jurisdiction. More specifically, the bill prohibits issuing these firearm

credentials to those who had a misdemeanor conviction in these jurisdictions in the preceding eight years that a reasonable reviewer would believe constituted:

1. violence against another person causing physical injury;
2. extreme indifference to human life that created a risk of serious physical injury, or criminal negligence that caused the death of another person (other than by a motor vehicle);
3. physical threats or conduct made toward a specific person that would cause them to reasonably fear for their safety;
4. engaging in or inciting a riot; and
5. possession of controlled substances or hallucinogenic substances, excluding up to four ounces of cannabis, up to one-half ounce of psilocybin, or nicotine.

Additionally, the bill specifies that unlawfully discharging a firearm does not include intentionally discharging a firearm for lawful self-defense or defending another person.

Existing law allows the Department of Energy and Environmental Protection (DEEP) commissioner to adopt regulations and issue orders in the interest of public safety to prevent unreasonable conduct and abuses by hunters and to provide reasonable control for their actions and behaviors. The bill specifically prohibits the regulations or orders from prohibiting or being construed to prohibit intentionally discharging a firearm for lawful self-defense or defending another person.

*House Amendment "A" makes changes to the underlying provisions on firearm industry members, such as specifying that (1) reasonable controls apply to in-state sales or distribution; (2) the controls must prevent sales designed in a way that is reasonably foreseeable, not just foreseeable, to promote conversion into an illegal product; and (3) the ban on certain advertising, marketing, or promotions only applies if the industry member purposely and

knowingly promoted certain unlawful or unsafe practices. The amendment also adds the provisions on (1) misdemeanor convictions as disqualifiers for specified firearm credentials (§§ 4-6) and (2) self-defense and defense of others (§§ 7 & 8).

EFFECTIVE DATE: October 1, 2025, and the provisions on firearm industry members apply to civil actions filed on or after that date.

§§ 1-3 — REQUIREMENTS AND RESTRICTIONS FOR FIREARM INDUSTRY MEMBERS

The bill establishes the following requirements and restrictions for firearm industry members.

Under the bill, a “firearm industry member” is a person, entity, or association (e.g., corporation or trade association) engaged in the manufacture, distribution, importation, marketing, or sale (wholesale or retail) of “firearm industry products.” These products are firearms, ammunition or firearm magazines, unfinished frames or lower receivers (generally used to make “ghost guns”), or parts of firearm enhancement (e.g., “bump stocks”) that are or were (1) sold, made, or distributed in the state or (2) possessed in the state and it was known by the firearm industry member that the product would be sold, made, distributed, or possessed in the state.

Reasonable Controls

The bill requires firearm industry members to establish, implement, and enforce “reasonable controls.” These are procedures, acts, and practices that are designed, implemented, and enforced (collectively, “designed” for this analysis) to do the following.

Prevention of Certain Sales. The controls must be designed to prevent the sale or distribution in the state of firearm industry products to:

1. straw purchasers (generally, people who engage in conduct, or attempt to do so, that violates the state prohibition on false statements or information related to firearm purchases, sales, or transfers, or the federal prohibition on buying firearms for or on

- behalf of someone who is prohibited from owning them or who meets certain other criteria);
2. firearm traffickers (people who engage, conspire, or attempt to engage in conduct that is illegal firearm trafficking under state or federal law);
 3. people prohibited from possessing firearms under state or federal law; or
 4. people whom the industry member reasonably believes are at substantial risk of (a) using a firearm industry product to harm themselves or others or (b) possessing or using these products unlawfully.

The controls also must be designed to prevent the sale or distribution in Connecticut of firearm industry products that are designed in a way that is reasonably foreseeable to promote the product's conversion from a legal into an illegal product.

Compliance With Bill and Other Laws. The controls must be designed to ensure compliance with the laws on the following firearm-related credentials: (1) local permits for retail firearm sales, (2) handgun permits, (3) handgun or long gun eligibility certificates, and (4) ammunition certificates.

The controls must also be designed to ensure compliance with the bill's requirements and restrictions.

Restrictions

The bill prohibits firearm industry members from:

1. providing a firearm industry product to another industry member when they have reasonable cause to believe that the other member is violating the bill;
2. purposely and knowingly directing their advertising, marketing, or promotions of firearm industry products in Connecticut in a way that they know would promote unlawful sales, unlawful

use, or unreasonable risk to public safety; or

3. knowingly violating state or federal laws on the manufacture, distribution, importation, marketing, or sale (wholesale or retail) of industry products.

Civil Lawsuits

Under the bill, if firearm industry members act, or fail to act, in violation of these provisions, they are subject to liability in a lawsuit. The case may be brought by any of the following:

1. someone who was harmed in the state due to a firearm industry member's violation of the bill's requirements or restrictions,
2. a municipality's corporation counsel or other chief legal officer (in the municipality's name), or
3. the attorney general (in the state's name).

The plaintiff must file the case in the judicial district where the act, omission, or harm allegedly happened. If someone other than the attorney general brings the case, he or she must notify the attorney general within 30 days after filing it.

Under the bill, if a court determines that a firearm industry member violated the bill's requirements or restrictions, it may award any or all of the following:

1. injunctive relief that is sufficient to prevent the industry member or other defendants from further violations,
2. compensatory damages,
3. punitive damages,
4. restitution,
5. costs and reasonable attorney's fees, and
6. any other appropriate relief needed to enforce the law on firearm-

related credentialing (and other provisions within chapter 529) and remedy the harm.

§§ 4-6 — IN-STATE MISDEMEANORS AS DISQUALIFIERS

Under existing law, if individuals have convictions for certain in-state misdemeanors, they are prohibited from obtaining a handgun permit, handgun eligibility certificate, or long gun eligibility certificate. The bill limits the ineligibility to convictions during the prior eight years, rather than the prior 20 years as under current law. These misdemeanors are as follows:

1. criminally negligent homicide (excluding deaths caused by motor vehicles) (CGS § 53a-58);
2. third-degree assault (CGS § 53a-61);
3. third-degree assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability (CGS § 53a-61a);
4. second-degree threatening (CGS § 53a-62) (in some cases, this crime is a felony, also barring eligibility for these credentials);
5. first-degree reckless endangerment (CGS § 53a-63);
6. second-degree unlawful restraint (CGS § 53a-96);
7. first-degree riot (CGS § 53a-175);
8. second-degree riot (CGS § 53a-176);
9. inciting to riot (CGS § 53a-178); and
10. second-degree stalking (CGS § 53a-181d).

Under existing law, convictions for the following misdemeanors are also disqualifying: (1) illegal drug possession (CGS § 21a-279) on or after October 1, 2015, or (2) any law that has been designated a family violence crime (no matter when the conviction occurred).

BACKGROUND

Related Federal Law and State Supreme Court Case

Federal law (the Protection of Lawful Commerce in Arms Act or PLCAA) generally protects licensed gun manufacturers, sellers, or trade associations from civil liability in federal or state court resulting from the criminal or unlawful misuse of firearms or ammunition by third parties. The law includes six exceptions, including cases in which a manufacturer or seller knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought (15 U.S.C. §§ 7901-7903). This exception is sometimes referred to as the “predicate exception.”

In a case involving the alleged unlawful marketing of a firearm, the Connecticut Supreme Court held that the plaintiffs (estate administrators for certain victims of the Sandy Hook shooting) could proceed with their Connecticut Unfair Trade Practices Act (CUTPA) claim under the PLCAA’s predicate exception (*Soto v. Bushmaster Firearms Int’l, LLC*, 331 Conn. 53 (2019)). The defendants later sought review in the U.S. Supreme Court, but the Court declined to hear the appeal. (The case eventually resulted in a settlement.)

Unlawfully Discharging a Firearm

By law, a person unlawfully discharges a firearm when he or she intentionally, negligently, or carelessly discharges a firearm in a way likely to cause bodily injury or death to individuals or domestic animals, or the wanton destruction of property. Violators are guilty of a class C misdemeanor, punishable by up to three months imprisonment, up to a \$500 fine, or both.

Justified Use of Force to Defend Self or Others

By law, a person is generally justified in using reasonable physical force to defend himself, herself, or a third person from what he or she reasonably believes to be the use or imminent use of force, and may use the degree of force reasonably believed necessary. Generally, a person can instead use deadly force if he or she reasonably believes that

someone is using or about to use deadly physical force or inflict great bodily harm on them or someone else.

But despite these provisions, a person cannot use deadly force if he or she can avoid doing so with complete safety by (1) retreating, with certain exceptions (such as not having to do so at the person's home); (2) surrendering possession to property the other person claims to own; or (3) obeying a demand to not take an action he or she is not otherwise required to take.

The law provides certain other exceptions to the justified use of physical force, such as if the person provoked the attack with intent to cause injury or death to someone else (CGS § 53a-19).

Hunting Regulations

By law, the DEEP commissioner may adopt regulations and issue orders on various hunting-related prohibitions and restrictions. Among other things, these regulations and orders may prohibit (1) carrying loaded firearms and hunting within specified distances of buildings; (2) discharging firearms and other hunting devices within specified distances of buildings and, when within this distance, discharging them towards individuals, buildings, and livestock; and (3) damaging property, livestock, and agricultural crops.

Related Bills

sHB 7137 (File 782), favorably reported by the Judiciary Committee, adds certain misdemeanor convictions that occur in other jurisdictions to the list of offenses that disqualify a person from being issued long gun and handgun eligibility certificates and handgun permits.

sHB 7194 (File 752), favorably reported by the Judiciary Committee, has identical provisions as this bill (§§ 7 & 8) on self-defense or the defense of others.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 31 Nay 10 (04/07/2025)

