

CAGV Legislator Briefing

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CT
Against
Gun
Violence

Strengthen CT Extreme Risk Protection Order (aka Risk Warrant) Law

What is being proposed?

Three modifications to Conn. Gen. Statute Sec. 29-38c, the extreme risk law for issuing “risk warrants” to remove firearms from individuals deemed to be at imminent risk of personal injury to self or others:

1. Require a court hearing to demonstrate that the imminent risk of harm no longer exists before firearms are returned upon expiration of the risk warrant.
2. Allow a risk warrant to be issued to prevent an individual from coming into possession of a firearm if that individual has demonstrated an interest in acquiring a firearm and who is at imminent risk of harm to self or others, even if the individual is not currently in possession of a firearm.
3. Allow a risk warrant to be issued when the risk of imminent harm applies to someone in the residence other than the gun owner.

Why are these changes being proposed?

Under current law, the subject of a risk warrant is able to retrieve his firearms upon expiration of the warrant without any burden of proof that he no longer represents an imminent threat of harm (warrants can be in force for up to one year). Because there is no guarantee that the risk will have been mitigated within the duration of the warrant, public safety is in jeopardy if firearms are returned without ascertaining if the imminent risk no longer pertains.

Under current law, an ERPO can only be issued if the subject is already in possession a firearm. The law should be expanded to protect against situations where an individual would be at risk of imminent harm if he had a firearm and when the individual has demonstrated or threatened an intent to acquire a firearm. Public safety is put at risk if firearms can be removed only after the fact. The same burden of proof of imminent risk of harm would apply.

While the current firearm storage law (Public Act 19-5) requires a firearm to be securely stored if anyone who resides in the home is at imminent risk of harm to self or others, a risk warrant can only be issued against the person who possesses the firearms. Given that more than 80% of youth firearm suicides may involve a gun belonging to a family memberⁱ, an extra measure of prevention would be achieved if a risk warrant could be issued when the risk of imminent harm applies to someone in the residence other than the gun owner.

Did you know?

As reported in a 2017 Duke/Yale/UCONN study, for every 10 to 20 risk warrants issued in Connecticut, one suicide is prevented.

ⁱ Harvard T.H. Chan School of Public Health www.hsph.harvard.edu/means-matter/means-matter/youth-access/