

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 25-43—sHB 7042

Judiciary Committee

**AN ACT CONCERNING IMPLEMENTATION OF THE FIREARM
INDUSTRY RESPONSIBILITY ACT, FIREARMS PERMITS AND
ELIGIBILITY CERTIFICATES AND SELF-DEFENSE**

SUMMARY: This act creates a cause of action against firearm industry members that fail to (1) establish, implement, and enforce certain measures (“reasonable controls”) related to product sales and marketing or (2) comply with certain related restrictions. For example, the controls must be designed to prevent in-state firearm sales to people banned by law from possessing them. Under the act, a firearm industry member that violates any of these provisions can be sued by a municipality, the state, or anyone harmed by the violation. The act specifies the available court relief for prevailing plaintiffs in these civil lawsuits (see **BACKGROUND**), such as compensatory damages, punitive damages, or costs and attorney’s fees.

Separately, the act shortens the lookback period, from 20 to 8 years, for certain in-state misdemeanor convictions to disqualify someone from being issued certain firearm-related credentials, such as a handgun permit. The act also adds certain misdemeanor convictions (e.g., those involving violence or possession of certain drugs) that occur in other jurisdictions to the list of offenses that disqualify a person from being issued these credentials.

Additionally, the act specifies that the misdemeanor crime of unlawfully discharging a firearm (see **BACKGROUND**) does not include intentionally discharging a firearm for lawful self-defense or to lawfully defend another person.

Existing law allows the Department of Energy and Environmental Protection 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. For example, these regulations and orders may prohibit discharging firearms within specified distances of buildings and, when within this distance, discharging them towards people, buildings, and livestock. The act specifically bars the regulations or orders from prohibiting or being construed to prohibit intentionally discharging a firearm for lawful self-defense or to lawfully defend another person.

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 act establishes specified requirements and restrictions for firearm industry members. Under the act, a “firearm industry member” is a person, entity, or

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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 rates 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 the firearm industry member knew that the product would be sold, made, distributed, or possessed in the state.

Reasonable Controls

The act requires firearm industry members to establish, implement, and enforce “reasonable controls.” Under the act, these are procedures, acts, and practices that are designed, implemented, and enforced (collectively, “designed” below) 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 (a) state prohibition on false statements or information related to firearm purchases, sales, or transfers or (b) federal prohibition on buying firearms for or on behalf of someone to whom firearm sales are barred by federal law 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 Act and Other Laws. The controls must be designed to ensure compliance with state 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 act’s requirements and restrictions.

Restrictions

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

1. injunctive relief 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 of the General Statutes) and remedy the harm.

§§ 4-6 — MISDEMEANORS AS DISQUALIFIERS

In-State Convictions

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. These convictions also disqualify people from obtaining an ammunition certificate (for which the eligibility criteria, by law, is generally tied to the criteria for long gun eligibility certificates).

The act limits the ineligibility to convictions during the prior eight years, rather than the prior 20 years as under prior 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

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- 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).

By law, convictions for the following misdemeanors are also generally 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).

Out-of-State Convictions

The act also adds certain misdemeanor convictions that occur in other jurisdictions to the list of offenses that disqualify a person from being issued any of these four firearm credentials. These other jurisdictions are (1) other states; (2) a federal, tribal, or military court; or (3) any foreign jurisdiction. More specifically, the act prohibits issuing these firearm credentials to those who had a misdemeanor conviction in these jurisdictions in the prior 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 a course of conduct causing someone else to reasonably fear for their safety;
- 4. engaging in or inciting a riot; or
- 5. possession of controlled or hallucinogenic substances, excluding less than four ounces of cannabis, less than one-half ounce of psilocybin, or nicotine.

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

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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 (see [Table on Penalties](#)).