



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES
AND PUBLIC PROTECTION
DIVISION OF STATE POLICE
STATE POLICE TRAINING ACADEMY



TRAINING BULLETIN # 2013-01

**Considerations Regarding the Carrying
of Handguns and Other Firearms**

The purpose of this Training Bulletin is to clarify several issues identified by field personnel regarding the carrying of hand guns and other firearms in PLAIN VIEW when the owner has a valid permit to carry per CGS 29-28.

Open Carry of Handguns and Firearms

- In Connecticut, there is NO state statute which makes it illegal for someone with a valid pistol permit to openly carry a pistol in plain view UNLESS this "open carry" creates a "Breach of Peace" situation or the person is under the influence of intoxicating liquor/drugs or both CGS 53-206d.
- As such, State Police personnel should NOT arrest a properly permitted individual merely for publicly carrying a hand gun or firearm in plain view absent exigent circumstances.
- Even though "open carry," unto itself, does not constitute a criminal offense, it may still give rise to reasonable suspicion, justifying a limited investigative detention, when considered in the totality of the circumstances. It is not a shield against police investigation or subsequent prosecution if a criminal offense is developed.
- Further, per CGS 29-28 (e) the issuance of any permit to carry a pistol or revolver does not thereby authorize the possession or carrying of a pistol or revolver in any premises where the possession or carrying of a pistol or revolver is otherwise prohibited by law or is prohibited by the person who owns or exercises control over such premises.

- In other words, the owner or person exercising control over a private premise may deny entrance to anyone possessing a firearm via some type of clearly visible posting and/or verbal communication.

Open Carry of Handguns

- State Police personnel must determine whether the person openly carrying a handgun is actually a valid pistol permit holder by using the firearms permit database or other available resources.
- State Police personnel may approach and request to see the pistol permit of someone who is in possession of a handgun in order to determine the validity of the pistol permit via an “up-to-date” firearms database query.
- If the subject does in fact have a valid pistol permit, then they are in compliance and UNLESS additional attendant facts give rise to a “breach of peace” situation, or other identifiable criminal violation, no further action would be warranted.
- Under CGS 29-35 (b), the holder of a permit issued pursuant to section 29-28 “shall carry such permit upon one's person while carrying such pistol or revolver.” Violation of 29-35(b), Failure to Carry Pistol Permit, is a \$75.00 Infraction.
- If an individual purposefully refuses to produce such permit, or properly identify themselves, then they may be subject to arrest for Interfering with an Officer, CGS 53a-167a, if the elements of that crime are present.

Open Carry of Rifles/Long Guns

- There is NO permit required to openly carry a rifle/long gun.
- Troopers may investigate by asking for identification to determine a subject’s purpose and to query databases to determine if they are precluded from possessing such firearm (i.e. convicted felon).

- UNLESS there is a “breach of peace” situation, criminal violation, or the subject is precluded from possessing such a weapon, no further action would be warranted.
- If an individual purposefully refuses to identify themselves, then they may be subject to arrest for Interfering with an Officer, CGS 53a-167a, if the elements of that crime are present.

Breach of Peace Considerations

Whether or not probable cause exists to support an arrest depends upon the totality of the circumstances known to the Trooper at the time. Particular attention should be paid to those facts and circumstances which support an inference that an individual to be arrested intended to create an unreasonable alarm, a hazardous situation, or recklessly created a risk thereof.

Generally, a complaint from someone that they were merely alarmed or in fear of an openly carried firearm would not rise to the level of a “breach of peace” situation. However, if the subject openly carrying the firearm did so intentionally cause alarm, then there may be sufficient probable cause to make an arrest.

Additionally, if a subject openly carrying a firearm walked into a school, playground, or similar premises causing unreasonable disruption thereby creating a hazardous situation, then they may be subject to arrest. When in doubt as to whether or not to arrest, a Trooper should investigate and apply for an arrest warrant with the court of jurisdiction.

Troopers should be careful to document all of the facts and circumstances which justify any arrest which is made. This includes conducting a thorough investigation that clearly identifies all witness and their statements. Written statements should always be taken from complainants and/or witnesses.

As with all law enforcement action taken by State Police personnel, the safety of both the officer and the general public is of paramount concern.

In addition, a review of A&O Section 19.1.2, “Detaining Suspects and Other Persons”, regarding Terry Stops and Searches, is strongly advised to understand our authority in these instances.

With those principles in mind, and with specific regard to matters involving firearms, State Police personnel should ensure that they strictly follow State Police policies and procedures. Further guidance may be obtained by reviewing the following agency protocols:

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| Pistol Permits | 8.6.1 | Field Seizures |
| | 8.6.1 b | Seizures Involving Arrested Permit Holders |
| Pistol Permits | 8.6.3 | Other Referrals to Special Licenses and Firearms |