



Connecticut's “Red Flag” Firearm Law

Overview

“Red flag” laws, also known as risk protection order (RPO) or extreme risk laws, allow courts to (1) prevent people who may pose a danger to themselves or their community from acquiring firearms and (2) temporarily seize those that the person at risk already possesses. These laws generally establish a process by which law enforcement, the individual's family members, designated individuals, and in some cases medical professionals, may file these petitions with the courts.

In 1999, Connecticut became the first state to pass a red flag law ([PA 99-212](#)). Since then, 18 other states and the District of Columbia have enacted these laws (*Stateline*, an initiative of the Pew Charitable Trusts, “[States Want to Make it Easier to Use Red Flag Laws](#),” June 27, 2022). Connecticut expanded the scope of its red flag law in 2021 to, among other things, establish a process for family members and others to ask the court for an RPO investigation ([CGS § 29-38c](#), as amended by [PA 21-67](#)). These provisions took effect on June 1, 2022.

How Does Connecticut's RPO Law Work?

State law establishes two ways to ask the court for an RPO. The first is initiated by a police investigation into someone at risk. If two or more officers (or a state's attorney or assistant state's attorney) have probable cause to believe that the person poses a risk of imminent personal injury to themselves or another person, they may bring a complaint under oath to a judge to seek an RPO prohibiting that person from getting firearms, deadly weapons, or ammunition and, when applicable, a warrant to search for and confiscate these items (i.e., a risk warrant). In determining whether to issue the order, the judge considers specific factors, including (1) any recent threat or violent act the person directed toward themselves or another person and (2) whether the person committed any recent acts of animal cruelty.

The second way is initiated by qualifying family or household members or medical professionals. The law allows these individuals to apply directly to court for an RPO investigation if they have a good faith belief that someone poses such a risk. Their application and accompanying affidavit must be made under oath and, among other things, include facts supporting their belief that the person poses this imminent risk. After receiving the application and affidavit, if the court finds there is a good faith belief that the person poses this risk, it orders the police to conduct the investigation. If the police subsequently

determine there is probable cause to believe that the person poses an imminent risk, they apply to the court for an RPO and, when applicable, a risk warrant.

What Happens if the Judge Issues an RPO?

If the judge is satisfied that the law's standards have been met, he or she issues the RPO directed to the police. If the court has probable cause to believe that the person has any firearms, deadly weapons, or ammunition, the judge must also issue a risk warrant that allows the police to search for and seize these items. According to the Judicial Branch, the police commonly search the person's home, workplace, and vehicle or boat. The police hold the seized items until the court hearing to determine if the state should continue to hold them or return them.

The court provides the person a copy of the order along with a notice of his or her right to a hearing and legal representation. This order is in effect for up to 14 days after the RPO or risk warrant is served. During that time, the court holds a hearing to determine whether the order should continue and, if applicable, whether the state should return the person's firearms, deadly weapons, or ammunition.

At the hearing, the court decides whether the person poses an imminent risk. (The law requires the state to prove all material facts by clear and convincing evidence.) If the court finds that the state failed to prove that the person poses such a risk, it terminates the order and warrant and orders the items' return as soon as practicable (as long as the person is otherwise legally able to possess them).

If the court finds that the person poses this risk, it may order that the RPO stay in effect and that the state continue to hold the items. The order, and any hold on the person's items, continues until he or she successfully petitions the court to terminate the order and risk warrant. He or she may do so starting 180 days after the hearing. If the court denies the petition, the person must wait at least 180 days before filing another one. The court must terminate the order if it finds that the state failed to prove, based on clear and convincing evidence, that the person poses a threat to themselves or others.

What Happens to the Seized Firearms, Weapons, and Ammunition?

The law allows the owner of any firearm or ammunition seized under these provisions (or the person's legal representative) to transfer them to federally licensed firearms dealers. These transfers must follow specified procedures and the state agency holding the items must transfer them within 10 days of receiving notice.

If the Department of Emergency Services and Public Protection or a local police department is holding firearms, deadly weapons, or ammunition seized under a risk warrant, they may not destroy them until at least one year has passed since the warrant's termination date.

Who Can Request an Investigation?

- Spouse
- Parent, stepparent, grandparent, or mother- or father-in-law
- Child, stepchild, grandchild, or son- or daughter-in-law
- Sibling, stepsibling, or brother- or sister-in-law
- Someone who has a child in common with the person
- Anyone living with the person
- Dating or intimate partner
- Legal guardian (current or former)
- One of the following medical professionals who has examined the person: a physician or physician assistant, an advanced practice registered nurse, or a psychologist or clinical social worker

**Learn
More**

["Risk Protection Orders and Risk Protection Order Investigations,"](#) (Judicial Branch, June 2022).

[Affidavit for RPO Investigation; Application for RPO Investigation; Petition to Terminate RPO](#)

[PA 21-67, An Act Concerning Risk Protection Orders or Warrants and Disqualifiers for Firearm Permits and Eligibility Certificates](#)



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**APPLICATION FOR RISK PROTECTION ORDER
INVESTIGATION, ORDER, RETURN**JD-CR-198 New 6-22
P.A. 21-67 § 1STATE OF CONNECTICUT
JUDICIAL BRANCH
SUPERIOR COURT
www.jud.ct.gov**This form is available
in other language(s).****For information on ADA accommodations,
contact a court clerk or go to: www.jud.ct.gov/ADA.****Instructions to applicant**

1. Complete the Application, swear to the contents, and sign it before a Clerk, Notary Public, Commissioner of the Superior Court, or other proper officer.
2. Also complete the Affidavit for Risk Protection Order Investigation (JD-CR-199).
3. File this completed Application and the completed Affidavit (JD-CR-199) with the clerk of any GA court.

Instructions to Clerk

1. Upon receipt of an Application and the accompanying Affidavit (JD-CR-199), submit them to a Judge for consideration.
2. If the Judge grants the Application, immediately notify the Justice Support Unit and the appropriate law enforcement agency.
3. If the law enforcement agency is in another GA, also forward a copy of this Application to the GA court in which the law enforcement agency is located.
4. If the law enforcement agency finds, after investigation, no probable cause to believe the subject of the investigation poses a risk, submit the Law Enforcement Agency Notice to the Court to a Judge for the order to remove or cancel the NICS entry.

TO: The Superior Court of the State of Connecticut

GA number	Address of court		Docket number (For Court Use Only)	
Name of applicant		Address of applicant		Phone number of applicant
Name of person allegedly posing risk		Address of person allegedly posing risk		Phone number of person allegedly posing risk
Date of birth	Sex	Race	Other identification information (SSN, SPBI number)	

Application and Affidavit for Risk Protection Order Investigation

I, the applicant listed above, state under oath that I am a family or household member of the person allegedly posing a risk listed above, or I am that person's medical professional. (Select one)

<input type="checkbox"/> Family member A person who is 18 years or older who is a: (Select one) <input type="checkbox"/> Current spouse <input type="checkbox"/> Parent or step-parent <input type="checkbox"/> Child or step-child <input type="checkbox"/> Sibling or step-sibling <input type="checkbox"/> Grandparent <input type="checkbox"/> Grandchild <input type="checkbox"/> Mother- or father-in-law <input type="checkbox"/> Son- or daughter-in-law <input type="checkbox"/> Brother- or sister-in-law	<input type="checkbox"/> Household member A person who is 18 years or older who: (Select one) <input type="checkbox"/> Currently lives with the person <input type="checkbox"/> Has a child in common with the person <input type="checkbox"/> Is dating or is an intimate partner with the person <input type="checkbox"/> Is a legal guardian or former legal guardian of the person <input type="checkbox"/> Medical professional A person who has examined the person and is a: (Select one) <input type="checkbox"/> Physician or Physician Assistant <input type="checkbox"/> Advanced Practice Registered Nurse <input type="checkbox"/> Psychologist <input type="checkbox"/> Clinical Social Worker
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I also state that the person allegedly posing a risk listed above:

- | | | | |
|---|------------------------------|-----------------------------|---------------------------------------|
| 1. Holds a permit to carry a pistol or revolver: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> I don't know |
| 2. Holds an eligibility certificate for a pistol or revolver: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> I don't know |
| 3. Holds long gun eligibility certificate: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> I don't know |
| 4. Holds an ammunition certificate: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> I don't know |
| 5. Currently possesses (has) one or more firearms, ammunition, or deadly weapons (meaning any weapon from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> I don't know |

If yes, list what kinds of:

☐ Firearm(s):

☐ Ammunition:

☐ Deadly Weapon(s):

If yes, also list the address and specific location where the firearm(s), deadly weapon(s), or ammunition are located, if known:

Therefore, I ask the court to order a Risk Protection Order Investigation to determine whether the person listed above poses a risk of imminent personal injury to himself, herself, or another person.

I certify that the information stated in this application is true to the best of my knowledge and belief.

Signature of applicant	Print name	Date
Subscribed and sworn to before me	Signed (Clerk, Notary, Commissioner of the Superior Court)	Date

Print Form

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Reset Form

Name of person allegedly posing risk	Address of person allegedly posing risk	Phone number of person allegedly posing risk
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Order of the Court

After reviewing the attached Application and the accompanying Affidavit (JD-CR-199), the court finds that: *(Select one)*

- ☐ There is not a good faith belief that the person allegedly posing a risk listed in this application poses a risk of imminent personal injury to himself, herself, or another person and denies this application.
- ☐ There is a good faith belief that the person allegedly posing a risk listed in this application poses a risk of imminent personal injury to himself, herself, or another person, and grants this application. The court further orders the law enforcement agency for the town in which the person resides to immediately conduct a Risk Protection Order Investigation.
- ☐ The applicant is not a family or household member or medical professional eligible to apply for a Risk Protection Order Investigation and denies this application.

If the law enforcement agency determines that there is probable cause to believe the person poses a risk of imminent personal injury to himself, herself, or another person, the court further orders the law enforcement agency to seek a Risk Protection Order and to complete and return to the court the Notice section below within 24 hours, or as soon thereafter as is practicable, after receiving this order.

If the law enforcement agency determines, after the Risk Protection Order Investigation, that there is no probable cause to believe that the person poses a risk of imminent personal injury to himself, herself, or another person, the court orders the law enforcement agency to complete and return to the court the Notice section below within 48 hours, or as soon thereafter as is practicable, after receiving this order.

Signed <i>(Judge)</i>	Print name	Date
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Law Enforcement Agency Notice to the Court

GA number	Address of court	Docket number
Name of person allegedly posing risk	Address of person allegedly posing risk	Phone number of person allegedly posing risk

Under the authority of the attached order for a Risk Protection Order Investigation, I, the officer signing below, conducted an investigation to determine whether the person listed above poses a risk of imminent personal injury to himself, herself, or another person.

After my investigation, I have determined that there: *(Select one)*

- ☐ Is probable cause to believe that the person listed above poses a risk of imminent personal injury to himself, herself, or another person, and I will be seeking a Risk Protection Order for them.
- ☐ Is no probable cause to believe that the person listed above poses a risk of imminent personal injury to himself, herself, or another person, and I will not be seeking a Risk Protection Order for them.

Signature of officer conducting investigation	Print name	Title
Name of law enforcement agency	Police case number <i>(Judge, Assistant Clerk)</i>	Date

Order of the Court *(if law enforcement agency found no probable cause)*

After receiving notice that the law enforcement agency found, after an investigation, that there is no probable cause to believe that the subject of the order poses a risk of imminent personal injury to himself, herself, or another person, the court orders the clerk to **immediately remove or cancel any record entered into the National Instant Criminal Background Check System** associated with this Risk Protection Order Investigation.

Signed <i>(Judge, Assistant Clerk)</i>	Print name	Date
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