



PRESS RELEASE

FOR IMMEDIATE RELEASE:

Lawsuit Filed Against Illegal Background Check Fees

Torrington, Connecticut, May 23rd 2013:

In Connecticut Carry's ongoing efforts to educate and to protect the rights of the citizens in Connecticut to bear arms, our legal counsel Attorney Rachel Baird has filed a lawsuit against the Connecticut DESPP and the town of Torrington for illegal collections of fees regarding pistol permits and the right to carry firearms.

Since October 1st, 2009 the Department of Public Safety (now the DESPP) has conspired with local issuing authorities across Connecticut to collect a \$50 fee for each Connecticut State Pistol Permit state background check. In the town of Torrington alone, there have been \$22,250 in fees collected.

Statewide, this results in over \$1 million of background check fees state wide being illegally collected.

The DESPP has alleged repeatedly that they are entitled to this money, even though the Connecticut General Statutes make clear that the local issuing authorities are requesting the background checks and that they are exempt from the fees.

Connecticut Carry challenged this fee by issuing a cease and desist order to the local issuing authorities and to the DESPP. The Town of Windsor published a favorable opinion to each permit applicant that states that they agree that the fee has no basis in law, but that the DESPP might 'deny' permits based on this omission. Many towns and the DESPP have continued to collect this fee despite being informed of the legal issues with the collection.

In response to a FOI request for data related to information on this fee being collected in March, 2012 the DESPP destroyed documents after receiving FOI requests for the records from both Connecticut Carry and American News and Information Services.

In the recent 2013 legislative session, the DESPP requested and received a bill (SB 969) that would allow them to collect this fee, admitting that they lacked the statutory authority to collect the fee in the first place. This proposed legislation followed the cease and desist order from Connecticut Carry.

From the DESPP's legislative proposal:

"[u]nder existing law all criminal history records checks coming from other agencies are not subject to any state fees."

Confirming the intentions for the new statutory fee, and bringing into scrutiny DESPP's current requests for further funding, the DESPP uses as a justification:

[the] "statutory change would create a new and appropriate revenue stream."

This revenue stream would lack accountability since it was not defined via statute. Despite the DESPP collecting over \$1 million dollars in unauthorized fees, they have continually fallen behind in their state background checks for pistol permits causing undue delays in pistol permit issuances.

The actions by the Connecticut DESPP are outrageous, especially when evaluated in parallel to the current requests by the DESPP for more funding and employees because of the completely unreasonable delays in the pistol permit process for applicant statewide.

More information on this issue can be found here: <http://ctcarry.com/BackgroundCheckFee/Fees>

The Cease and Desist can be found here: <http://ctcarry.com/BackgroundCheckFee/Action1>

The current lawsuit's complaint can be found here:

<http://ctcarry.com/Document/Download/ea8bd9fe52ca-43e5-8d57-e7d7e0001173>

To find out more about Connecticut Carry: <http://ctcarry.com>.

Connecticut Carry is dedicated to advancing and protecting the fundamental civil rights of the men and women of Connecticut to keep and bear arms for defense of themselves and the state as guaranteed by the United States Constitution and the Constitution of Connecticut.

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