



Senate

File No. 837

General Assembly

January Session, 2001

(Reprint of File No. 139)

Senate Bill No. 1402
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2001

**AN ACT CONCERNING ASSAULT WEAPONS, A SINGLE STATE
HANDGUN PERMIT, A FIREARMS EVIDENCE DATABANK AND
RESTRAINING AND PROTECTIVE ORDERS IN FIREARMS CASES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 53-202a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) As used in this section and sections 53-202b to 53-202k, inclusive,
4 [and subsection (h) of section 53a-46a,] "assault weapon" means:

5 (1) Any selective-fire firearm capable of fully automatic,
6 semiautomatic or burst fire at the option of the user or any of the
7 following specified semiautomatic firearms: Algimec Agmi; Armalite
8 AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance
9 Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty
10 model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol;
11 Calico models M-900, M-950 and 100-P; Chartered Industries of
12 Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and
13 Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL,
14 FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT;

15 Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR
16 and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol;
17 Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83;
18 MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and
19 Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding
20 stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre
21 Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and
22 G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker
23 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine
24 and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

25 (2) A part or combination of parts designed or intended to convert a
26 firearm into an assault weapon, as defined in subdivision (1) of this
27 subsection, or any combination of parts from which an assault
28 weapon, as defined in subdivision (1) of this subsection, may be
29 rapidly assembled if those parts are in the possession or under the
30 control of the same person;

31 (3) Any semiautomatic firearm not listed in subdivision (1) of this
32 subsection that meets the following criteria:

33 (A) A semiautomatic rifle that has an ability to accept a detachable
34 magazine and has at least two of the following:

35 (i) A folding or telescoping stock;

36 (ii) A pistol grip that protrudes conspicuously beneath the action of
37 the weapon;

38 (iii) A bayonet mount;

39 (iv) A flash suppressor or threaded barrel designed to accommodate
40 a flash suppressor; and

41 (v) A grenade launcher; or

42 (B) A semiautomatic pistol that has an ability to accept a detachable
43 magazine and has at least two of the following:

44 (i) An ammunition magazine that attaches to the pistol outside of
45 the pistol grip;

46 (ii) A threaded barrel capable of accepting a barrel extender, flash
47 suppressor, forward handgrip or silencer;

48 (iii) A shroud that is attached to, or partially or completely encircles,
49 the barrel and that permits the shooter to hold the firearm with the
50 nontrigger hand without being burned;

51 (iv) A manufactured weight of fifty ounces or more when the pistol
52 is unloaded; and

53 (v) A semiautomatic version of an automatic firearm; or

54 (C) A semiautomatic shotgun that has at least two of the following:

55 (i) A folding or telescoping stock;

56 (ii) A pistol grip that protrudes conspicuously beneath the action of
57 the weapon;

58 (iii) A fixed magazine capacity in excess of five rounds; and

59 (iv) An ability to accept a detachable magazine; or

60 (4) A part or combination of parts designed or intended to convert a
61 firearm into an assault weapon, as defined in subdivision (3) of this
62 subsection, or any combination of parts from which an assault
63 weapon, as defined in subdivision (3) of this subsection, may be
64 rapidly assembled if those parts are in the possession or under the
65 control of the same person.

66 (b) As used in this section and sections 53-202b to 53-202k, inclusive,
67 [and subsection (h) of section 53a-46a,] the term "assault weapon" does
68 not include any firearm modified to render it permanently inoperable.

69 Sec. 2. (NEW) (a) (1) For purposes of this section, "armor piercing .50
70 caliber bullet" means any .50 caliber bullet that is (A) designed for the

71 purpose of, (B) held out by the manufacturer or distributor as, or (C)
72 generally recognized as having a specialized capability to penetrate
73 armor or bulletproof glass, including, but not limited to, such bullets
74 commonly designated as "M2 Armor-Piercing" or "AP", "M8 Armor-
75 Piercing Incendiary" or "API", "M20 Armor-Piercing Incendiary Tracer"
76 or "APIT", "M903 Caliber .50 Saboted Light Armor Penetrator" or
77 "SLAP", or "M962 Saboted Light Armor Penetrator Tracer" or "SLAPT".

78 (2) "Incendiary .50 caliber bullet" means any .50 caliber bullet that is
79 (A) designed for the purpose of, (B) held out by the manufacturer or
80 distributor as, or (C) generally recognized as having a specialized
81 capability to ignite upon impact, including, but not limited to, such
82 bullets commonly designated as "M1 Incendiary", "M23 Incendiary",
83 "M8 Armor-Piercing Incendiary" or "API", or "M20 Armor-Piercing
84 Incendiary Tracer" or "APIT".

85 (b) Any person who knowingly distributes, transports or imports
86 into the state, keeps for sale or offers or exposes for sale or gives to any
87 person any ammunition that is an armor piercing .50 caliber bullet or
88 an incendiary .50 caliber bullet shall be guilty of a class D felony,
89 except that a first-time violation of this subsection shall be a class A
90 misdemeanor.

91 (c) The provisions of subsection (b) of this section shall not apply to
92 the following:

93 (1) The sale of such ammunition to the Department of Public Safety,
94 police departments, the Department of Correction or the military or
95 naval forces of this state or of the United States for use in the discharge
96 of their official duties;

97 (2) A person who is the executor or administrator of an estate that
98 includes such ammunition that is disposed of as authorized by the
99 Probate Court; or

100 (3) The transfer by bequest or intestate succession of such
101 ammunition.

102 (d) If the court finds that a violation of this section is not of a serious
103 nature and that the person charged with such violation (1) will
104 probably not offend in the future, (2) has not previously been
105 convicted of a violation of this section, and (3) has not previously had a
106 prosecution under this section suspended pursuant to this subsection,
107 it may order suspension of prosecution in accordance with the
108 provisions of subsection (h) of section 29-33 of the general statutes.

109 Sec. 3. (NEW) Notwithstanding any provision of the general
110 statutes, sections 53-202a to 53-202k, inclusive, of the general statutes,
111 as amended by this act, and section 2 of this act, shall not be construed
112 to limit the transfer or require the registration of an assault weapon as
113 defined in subdivision (3) or (4) of subsection (a) of section 53-202a of
114 the general statutes, as amended by this act, provided such firearm
115 was legally manufactured prior to September 13, 1994.

116 Sec. 4. Section 29-28 of the general statutes is repealed and the
117 following is substituted in lieu thereof:

118 (a) No person who sells ten or more pistols or revolvers in a
119 calendar year or is a federally-licensed firearm dealer shall advertise,
120 sell, deliver, or offer or expose for sale or delivery, or have in [his] such
121 person's possession with intent to sell or deliver, any pistol or revolver
122 at retail without having a permit therefor issued as [hereinafter]
123 provided in this subsection. The chief of police or, where there is no
124 chief of police, the warden of the borough or the first selectman of the
125 town, as the case may be, may, upon the application of any person,
126 issue a permit in such form as may be prescribed by the Commissioner
127 of Public Safety for the sale at retail of pistols and revolvers within the
128 jurisdiction of the authority issuing such permit. No permit for the sale
129 at retail of any pistol or revolver shall be issued unless the applicant
130 holds a valid eligibility certificate for a pistol or revolver issued
131 pursuant to section 29-36f or a valid state permit to carry a pistol or
132 revolver issued pursuant to subsection (b) of this section and the
133 applicant submits documentation sufficient to establish that local
134 zoning requirements have been met for the location where the sale is to

135 take place except that any person selling or exchanging a pistol or
136 revolver for the enhancement of a personal collection or for a hobby or
137 who sells all or part of [his] such person's personal collection of pistols
138 or revolvers shall not be required to submit such documentation for
139 the location where the sale or exchange is to take place.

140 (b) Upon the application of any person having a bona fide residence
141 or place of business within the jurisdiction of any such authority, [or
142 upon the application of any bona fide resident of the United States
143 having a permit or license to carry any firearm issued by the authority
144 of any state or subdivision of the United States,] such chief of police,
145 warden or selectman may issue a temporary state permit to such
146 person to carry a pistol or revolver within the [jurisdiction of the
147 authority issuing the same] state, provided such authority shall find
148 that such applicant intends to make no use of any pistol or revolver
149 which such applicant may be permitted to carry [thereunder] under
150 such permit other than a lawful use and that such person is a suitable
151 person to receive such permit. No state or temporary state permit to
152 carry a pistol or revolver shall be issued under this subsection if the
153 applicant (1) has failed to successfully complete a course approved by
154 the Commissioner of Public Safety in the safety and use of pistols and
155 revolvers including, but not limited to, a safety or training course in
156 the use of pistols and revolvers available to the public offered by a law
157 enforcement agency, a private or public educational institution or a
158 firearms training school, utilizing instructors certified by the National
159 Rifle Association or the Department of Environmental Protection and a
160 safety or training course in the use of pistols or revolvers conducted by
161 an instructor certified by the state or the National Rifle Association, (2)
162 has been convicted of a felony or of a violation of subsection (c) of
163 section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96,
164 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as
165 delinquent for the commission of a serious juvenile offense, as defined
166 in section 46b-120, (4) has been discharged from custody within the
167 preceding twenty years after having been found not guilty of a crime
168 by reason of mental disease or defect pursuant to section 53a-13, (5)

169 has been confined in a hospital for persons with psychiatric
170 disabilities, as defined in section 17a-495, within the preceding twelve
171 months by order of a probate court, (6) is subject to a restraining or
172 protective order issued by a court in a case involving the use,
173 attempted use or threatened use of physical force against another
174 person, (7) is subject to a firearms seizure order issued pursuant to
175 subsection (d) of section 29-38c after notice and hearing, [or] (8) is an
176 alien illegally or unlawfully in the United States, or (9) is less than
177 twenty-one years of age. Nothing in this section shall require any
178 person who holds a valid permit to carry a pistol or revolver on
179 October 1, 1994, to participate in any additional training in the safety
180 and use of pistols and revolvers. Upon issuance of a temporary state
181 permit to the applicant, the local authority shall forward the original
182 application to the commissioner. Not later than sixty days after
183 receiving a temporary state permit, an applicant shall appear at a
184 location designated by the commissioner to receive the state permit.
185 Said commissioner may [, upon application,] then issue, to any holder
186 of any [such] temporary state permit, a state permit to carry a pistol or
187 revolver within the state. [Each permit to carry any pistol or revolver
188 shall be issued in triplicate and one of the copies issued by said
189 commissioner shall be delivered to the person to whom issued, one
190 shall be delivered forthwith to the authority issuing the local permit
191 and one shall be retained by said commissioner, and the local authority
192 issuing any such permit shall forthwith deliver one of such copies to
193 the person to whom issued and one copy to said commissioner and
194 shall retain one of such copies.] Upon issuance of the state permit, the
195 commissioner shall forward a record of such permit to the local
196 authority issuing the temporary state permit. The commissioner shall
197 retain records of all applications, whether approved or denied. The
198 copy of the state permit delivered to the permittee shall be laminated
199 and shall contain a full-face photograph of such permittee. A person
200 holding a state permit issued pursuant to this subsection shall notify
201 the issuing authority within two business days of any change of such
202 person's address. The notification shall include the old address and the
203 new address of such person.

204 (c) No issuing authority may require any sworn member of the
205 Department of Public Safety or an organized local police department to
206 furnish [his] such sworn member's residence address in a permit
207 application. The issuing authority shall allow each such sworn
208 member who has a permit to carry a pistol or revolver [on May 26,
209 1992,] issued by such authority, to revise [his] such member's
210 application to include [his] a business or post office address in lieu of
211 [his] the residence address. The issuing authority shall notify each such
212 member of [his] the right to revise such application.

213 (d) Notwithstanding the provisions of sections 1-210 and 1-211, the
214 name and address of a person issued a permit to sell at retail pistols
215 and revolvers pursuant to subsection (a) of this section or a state or a
216 temporary state permit to carry [pistols and revolvers] a pistol or
217 revolver pursuant to subsection (b) of this section, or a local permit to
218 carry pistols and revolvers issued by local authorities prior to the
219 effective date of this act, shall be confidential and shall not be
220 disclosed, except (1) such information may be disclosed to law
221 enforcement officials acting in the performance of their duties, (2) [an]
222 the issuing authority may disclose such information to the extent
223 necessary to comply with a request made pursuant to section 29-33 for
224 verification that such state or temporary state permit is still valid and
225 has not been suspended or revoked, and the local authority may
226 disclose such information to the extent necessary to comply with a
227 request made pursuant to section 29-33 for verification that a local
228 permit is still valid and has not been suspended or revoked, and (3)
229 such information may be disclosed to the Commissioner of Mental
230 Health and Addiction Services to carry out the provisions of
231 subsection (c) of section 17a-500.

232 (e) The issuance of [a] any permit to carry a pistol or revolver [under
233 subsection (b) of this section] does not thereby authorize the
234 possession or carrying of a pistol or revolver in any premises where
235 the possession or carrying of a pistol or revolver is otherwise
236 prohibited by law or is prohibited by the person who owns or exercises
237 control over such premises.

238 (f) Any bona fide resident of the United States having no bona fide
239 residence or place of business within the jurisdiction of any local
240 authority in the state, but who has a permit or license to carry a pistol
241 or revolver issued by the authority of another state or subdivision of
242 the United States, may apply directly to the Commissioner of Public
243 Safety for a permit to carry a pistol or revolver in this state. All
244 provisions of subsections (b), (c), (d) and (e) of this section shall apply
245 to applications for a permit received by the commissioner under this
246 subsection.

247 Sec. 5. Section 29-28a of the general statutes is repealed and the
248 following is substituted in lieu thereof:

249 (a) Requests for temporary state permits under section 29-28, as
250 amended by this act, shall be submitted to the [issuing authority] chief
251 of police, or, where there is no chief of police, to the warden of the
252 borough or the first selectman of the town, as the case may be, on
253 application forms prescribed by the Commissioner of Public Safety.
254 Upon written request by any person for a temporary state permit not
255 on a prescribed application form, or upon request by any person for
256 such application form, the [issuing] local authority shall supply such
257 forms. When any such request is made in person at the office of the
258 [issuing] local authority, the local authority shall supply such
259 application form immediately. When any such request is made in any
260 other manner, the local authority shall supply such application form
261 not later than one week after receiving such request. If such
262 application form is not supplied within the time [limited] limits
263 required by this section, the request therefor shall constitute a
264 sufficient application. If any [issuing] local authority fails to supply an
265 application form upon the request of any person, such person may
266 request an application form from the Commissioner of Public Safety or
267 any barracks of the Division of State Police, and the time limits and
268 procedures set forth in this section for handling requests for such
269 forms shall be applicable.

270 (b) The [issuing] local authority shall, not later than eight weeks

271 after a sufficient application for a temporary state permit has been
272 made, inform the applicant that [his] such applicant's request for a
273 temporary state permit has been approved or denied. The local
274 authority shall forward a copy of the application indicating approval
275 or denial of the temporary state permit to the Commissioner of Public
276 Safety. If the local authority has denied the application for a temporary
277 state permit, no state permit may be issued. The commissioner shall,
278 not later than eight weeks after receiving an application indicating
279 approval from the local authority, inform the applicant in writing that
280 the applicant's application for a state permit has been approved or
281 denied, or that the results of the national criminal history records
282 check have not been received. If grounds for denial become known
283 after a temporary state permit has been obtained, the temporary state
284 permit shall be immediately revoked pursuant to section 29-32, as
285 amended by this act.

286 Sec. 6. Section 29-29 of the general statutes is repealed and the
287 following is substituted in lieu thereof:

288 (a) No temporary state permit for carrying any pistol or revolver
289 shall be issued under the provisions of section 29-28, as amended by
290 this act, unless the applicant for the same gives to the [issuing] local
291 authority, upon its request, full information concerning [his] the
292 applicant's criminal record, and such [issuing] local authority shall
293 thereupon take a full description of such applicant and make an
294 investigation concerning [his] the applicant's suitability to carry any
295 such weapons. The [issuing] local authority shall take the fingerprints
296 of such applicant unless the [issuing] local authority determines that
297 the fingerprints of such applicant have been previously taken and [his]
298 the applicant's identity established, and such applicant presents
299 identification that the [issuing] local authority verifies as valid. The
300 [issuing] local authority shall record the date the fingerprints were
301 taken in the applicant's file and, within five business days of such date,
302 shall forward such fingerprints to the Commissioner of Public Safety,
303 who shall forward them to the Federal Bureau of Investigation for a
304 national criminal history records check. The [issuing] local authority

305 may, in [his] its discretion, issue [such] a temporary state permit before
306 a [report from said bureau] national criminal history records check
307 relative to such applicant's record has been received. Upon receipt of
308 [such report, the issuing authority] the results of such national criminal
309 history records check, the commissioner shall send a copy of the
310 results of such national criminal history records check to the local
311 authority, which shall inform the applicant and render a decision on
312 the application within one week of the receipt of [the report] such
313 results. If such [report has] results have not been received within eight
314 weeks after a sufficient application for a permit has been made, the
315 [issuing] local authority shall inform the applicant of such delay, in
316 writing. No temporary state permit shall be issued if the [issuing] local
317 authority has reason to believe the applicant has ever been convicted
318 of a felony, or that any other condition exists for which the issuance of
319 a permit for possession of a pistol or revolver is prohibited under state
320 or federal law.

321 (b) The commissioner may investigate any applicant for a state
322 permit and shall investigate each applicant for renewal of a state
323 permit to ensure that such applicant is eligible under state law for such
324 permit or for renewal of such permit.

325 (c) No state permit may be issued unless either the local authority or
326 the commissioner has received the results of the national criminal
327 history records check.

328 Sec. 7. Section 29-30 of the general statutes is repealed and the
329 following is substituted in lieu thereof:

330 (a) The fee for each permit originally issued under the provisions of
331 subsection (a) of section 29-28, as amended by this act, for the sale at
332 retail of pistols and revolvers shall be one hundred dollars and for
333 each renewal thereof one hundred dollars. The fee for each state
334 permit originally issued under the provisions of subsection (b) of
335 section 29-28, as amended by this act, for the carrying of pistols and
336 revolvers shall be [thirty-five dollars and for each renewal thereof

337 thirty-five dollars. Such fees shall be paid to the authority issuing the
338 same and by such authority to the municipality wherein issued or the
339 state, as the case may be] seventy dollars plus sufficient funds as
340 required to be transmitted to the Federal Bureau of Investigation to
341 cover the cost of a national criminal history records check. The local
342 authority shall forward sufficient funds for the national criminal
343 history records check to the commissioner no later than five business
344 days after receipt by the local authority of the application for the
345 temporary state permit. Thirty-five dollars shall be retained by the
346 local authority. Upon approval by the local authority of the application
347 for a temporary state permit, thirty-five dollars shall be sent to the
348 commissioner. The fee to renew each state permit originally issued
349 under the provisions of subsection (b) of section 29-28, as amended by
350 this act, shall be thirty-five dollars. Upon deposit of such fees in the
351 General Fund, ten dollars of each fee shall be credited within thirty
352 days to the appropriation for the Department of Public Safety to a
353 separate nonlapsing account for the purposes of the issuance of
354 permits under subsections (a) and (b) of section 29-28, as amended by
355 this act.

356 (b) A local permit originally issued [under the provisions of section
357 29-28] before the effective date of this act, whether for the sale at retail
358 of pistols and revolvers or for the carrying of pistols and revolvers,
359 shall expire five years after the date it becomes effective and each
360 renewal thereof shall expire five years after the expiration date of the
361 permit being renewed. On and after the effective date of this act, no
362 local permit for the carrying of pistols and revolvers shall be renewed.

363 (c) A state permit originally issued under the provisions of section
364 29-28, as amended by this act, for the carrying of pistols and revolvers
365 shall expire five years after the date [it] such permit becomes effective
366 and each renewal thereof shall expire five years after the expiration
367 date of the state permit being renewed and such renewal shall not be
368 contingent on the renewal or issuance of a local permit. A temporary
369 state permit issued for the carrying of pistols and revolvers shall expire
370 sixty days after the date it becomes effective, and may not be renewed.

371 (d) The renewal fee required pursuant to subsection (a) of this
372 section shall apply for each renewal which is requested not earlier than
373 thirty-one days before, and not later than thirty-one days after, the
374 expiration date of the state permit being renewed.

375 (e) No fee or portion thereof paid under the provisions of this
376 section for issuance or renewal of a state permit shall be refundable
377 except if [the] such permit for which the fee or portion thereof was
378 paid was not issued or renewed. The portion of the fee expended on
379 the national criminal history records check for any such permit that
380 was not issued or renewed shall not be refunded.

381 (f) The issuing authority shall send a notice of the expiration of a
382 state permit to carry a pistol or revolver, issued pursuant to section 29-
383 28, as amended by this act, to the holder of such permit, by first class
384 mail, not less than ninety days before such expiration, and shall
385 enclose [therein] with such notice a form for the renewal of said state
386 permit. A state permit to carry a pistol or revolver, issued pursuant to
387 section 29-28, as amended by this act, shall be valid for a period of
388 ninety days [from] after the expiration date, except this provision shall
389 not apply to any state permit to carry a pistol or revolver which has
390 been revoked or for which revocation is pending, pursuant to section
391 29-32, as amended by this act.

392 Sec. 8. Section 29-32 of the general statutes is repealed and the
393 following is substituted in lieu thereof:

394 (a) For the purposes of this section, "conviction" means the entry of a
395 judgment of conviction by any court of competent jurisdiction.

396 (b) Any state permit or temporary state permit for the carrying of
397 any pistol or revolver may be revoked by the [authority issuing the
398 same] Commissioner of Public Safety for cause and shall be revoked by
399 [the authority issuing the same] said commissioner upon conviction of
400 the holder of such permit of a felony or of any misdemeanor specified
401 in subsection (b) of section 29-28, as amended by this act, or upon the
402 occurrence of any event which would have disqualified the holder

403 from being issued the state permit or temporary state permit pursuant
404 to subsection (b) of section 29-28, as amended by this act. [For the
405 purposes of this section, "conviction" means the entry of a judgment of
406 conviction by any court of competent jurisdiction.] Upon the
407 revocation of any state permit or temporary state permit, the person
408 whose state permit or temporary state permit is revoked shall be
409 notified in writing and such state permit or temporary state permit
410 shall be forthwith delivered to the [authority issuing the same. Upon
411 the revocation of any local permit, the authority issuing the same shall
412 forthwith notify the Commissioner of Public Safety and, upon the
413 revocation of any permit issued by said commissioner, he shall
414 forthwith notify the authority issuing such local permit, if any, which
415 the records of said commissioner show as having issued a currently
416 valid permit to the holder of the revoked state permit] commissioner.
417 Any law enforcement authority shall confiscate and immediately
418 forward to the commissioner any state permit or temporary state
419 permit that is illegally possessed by any person. The commissioner
420 may revoke the state permit or temporary state permit based upon the
421 commissioner's own investigation or upon the request of any law
422 enforcement agency. Any person who fails to surrender [such] any
423 permit within five days of notification in writing of revocation thereof
424 shall be guilty of a class C misdemeanor.

425 (c) Any local permit for the carrying of a pistol or revolver issued
426 prior to the effective date of this act may be revoked by the authority
427 issuing the same for cause, and shall be revoked by the authority
428 issuing the same upon conviction of the holder of such permit of a
429 felony or of any misdemeanor specified in subsection (b) of section 29-
430 28, as amended by this act, or upon the occurrence of any event which
431 would have disqualified the holder from being issued such local
432 permit. Upon the revocation of any local permit, the person whose
433 local permit is revoked shall be notified in writing and such permit
434 shall be forthwith delivered to the authority issuing the same. Upon
435 the revocation of any local permit, the authority issuing the same shall
436 forthwith notify the commissioner. Upon the revocation of any permit

437 issued by the commissioner, the commissioner shall forthwith notify
438 any local authority which the records of the commissioner show as
439 having issued a currently valid local permit to the holder of the permit
440 revoked by the commissioner. Any person who fails to surrender such
441 permit within five days of notification in writing or revocation thereof
442 shall be guilty of a class C misdemeanor.

443 Sec. 9. Section 29-35 of the general statutes is repealed and the
444 following is substituted in lieu thereof:

445 (a) No person shall carry any pistol or revolver upon one's person,
446 except when such person is within the dwelling house or place of
447 business of such person, without a permit to carry the same issued as
448 provided in section 29-28, as amended by this act. The provisions of
449 this subsection shall not apply to the carrying of any pistol or revolver
450 by any parole officer or peace officer of this state, or parole officer or
451 peace officer of any other state while engaged in the pursuit of official
452 duties, or federal marshal or federal law enforcement agent, or to any
453 member of the armed forces of the United States, as defined by section
454 27-103, or of this state, as defined by section 27-2, when on duty or
455 going to or from duty, or to any member of any military organization
456 when on parade or when going to or from any place of assembly, or to
457 the transportation of pistols or revolvers as merchandise, or to any
458 person transporting any pistol or revolver while contained in the
459 package in which it was originally wrapped at the time of sale and
460 while transporting the same from the place of sale to the purchaser's
461 residence or place of business, or to any person removing such
462 person's household goods or effects from one place to another, or to
463 any person while transporting any such pistol or revolver from such
464 person's place of residence or business to a place or individual where
465 or by whom such pistol or revolver is to be repaired or while returning
466 to such person's place of residence or business after the same has been
467 repaired, or to any person transporting a pistol or revolver in or
468 through the state for the purpose of taking part in competitions, taking
469 part in formal pistol or revolver training, repairing such pistol or
470 revolver or attending any meeting or exhibition of an organized

471 collectors' group if such person is a bona fide resident of the United
472 States and is permitted to possess and carry a pistol or revolver in the
473 state or subdivision of the United States in which such person resides,
474 or to any person transporting a pistol or revolver to and from a testing
475 range at the request of the issuing authority, or to any person
476 transporting an antique pistol or revolver, as defined in section 29-33.
477 For the purposes of this subsection, "formal pistol or revolver training"
478 means pistol or revolver training at a locally approved or permitted
479 firing range or training facility, and "transporting a pistol or revolver"
480 means transporting a pistol or revolver that is unloaded and, if such
481 pistol or revolver is being transported in a motor vehicle, is not readily
482 accessible or directly accessible from the passenger compartment of the
483 vehicle or, if such pistol or revolver is being transported in a motor
484 vehicle that does not have a [passenger compartment, is] compartment
485 separate from the passenger compartment, such pistol or revolver shall
486 be contained in a locked container other than the glove compartment
487 or console. Nothing in this section shall be construed to prohibit the
488 carrying of a pistol or revolver during formal pistol or revolver
489 training or repair.

490 (b) The holder of a permit issued pursuant to section 29-28, as
491 amended by this act, shall carry such permit upon one's person while
492 carrying such pistol or revolver.

493 Sec. 10. (NEW) (a) As used in this section:

494 (1) "Firearms evidence databank" means a computer-based system
495 that scans a test fire and stores an image of such test fire in a manner
496 suitable for retrieval and comparison to other test fires and to other
497 evidence in a case;

498 (2) "Handgun" means any firearm capable of firing rim-fire or
499 center-fire ammunition and designed or built to be fired with one
500 hand;

501 (3) "Laboratory" means the Division of Scientific Services forensic
502 science laboratory within the Department of Public Safety;

503 (4) "Police department" means the Division of State Police within the
504 Department of Public Safety or an organized local police department;

505 (5) "Test fire" means discharged ammunition consisting of a
506 cartridge case or a bullet or a fragment thereof, collected after a
507 handgun is fired and containing sufficient microscopical characteristics
508 to compare to other discharged ammunition or to determine the
509 handgun from which the ammunition was fired.

510 (b) (1) The Division of Scientific Services shall establish a firearms
511 evidence databank. Test fire evidence submitted to the laboratory or
512 collected from handguns submitted to the laboratory shall be entered
513 into such databank in accordance with specific procedures adopted by
514 the Commissioner of Public Safety, in the regulations adopted
515 pursuant to subsection (f) of this section.

516 (2) The firearms evidence databank may be used by laboratory
517 personnel to (A) compare two or more cartridge cases, bullets or other
518 projectiles submitted to the laboratory or produced at the laboratory
519 from a handgun, or (B) upon the request of a police department as part
520 of a criminal case investigation, verify by microscopic examination any
521 resulting match, and shall produce a report stating the results of such a
522 search.

523 (3) Any image of a cartridge case, bullet or fragment thereof that is
524 not matched by a search of the databank shall be stored in the
525 databank for future searches.

526 (4) The Division of Scientific Services may permit a firearms section
527 of a police department that complies with all laboratory guidelines and
528 regulations adopted by the commissioner pursuant to subsection (f) of
529 this section regarding the operation of the firearms evidence databank
530 to (A) collect test fires from handguns that come into the custody of the
531 police department, (B) set up a remote terminal to enter test fire images
532 directly into the databank, and (C) search the databank.

533 (c) (1) Except as provided in subdivision (4) of subsection (b) of this

534 section and subsection (d) of this section, a police department shall
535 submit to the laboratory any handgun that comes into police custody
536 as the result of a criminal investigation, as found property, or for
537 destruction, prior to the return or the destruction of the handgun.

538 (2) The laboratory shall collect a test fire from each submitted
539 handgun within sixty days of submission. The laboratory shall label
540 the test fire with the handgun manufacturer, type of weapon, serial
541 number, date of the test fire and name of the person collecting the test
542 fire.

543 (d) (1) A police department shall collect a test fire from every
544 handgun issued by that department to an employee not later than six
545 months after the effective date of this section. On and after the effective
546 date of this section, a police department shall collect a test fire from
547 every handgun to be issued by that department before the handgun is
548 so issued. Any police department may request the assistance of the
549 Division of State Police or the laboratory to collect a test fire.

550 (2) The police department shall seal the test fire in a tamper-evident
551 manner and label the package with the handgun manufacturer,
552 handgun type, serial number and the name of the person collecting the
553 test fire. The police department shall submit the test fire and two intact
554 cartridges of the same type of ammunition used for the test fire to the
555 laboratory.

556 (e) The laboratory may share the information in the firearms
557 evidence databank with other law enforcement agencies, both within
558 and outside the state, and may participate in a national firearms
559 evidence databank program.

560 (f) The commissioner shall adopt regulations, in accordance with the
561 provisions of chapter 54 of the general statutes, to carry out the
562 purposes of this section.

563 Sec. 11. Subsection (b) of section 46b-15 of the general statutes is
564 repealed and the following is substituted in lieu thereof:

565 (b) The application form shall allow the applicant, at the applicant's
566 option, to indicate whether the respondent holds a permit to carry a
567 pistol or revolver or possesses one or more firearms. The application
568 shall be accompanied by an affidavit made under oath which includes
569 a brief statement of the conditions from which relief is sought. Upon
570 receipt of the application the court shall order that a hearing on the
571 application be held not later than fourteen days from the date of the
572 order. The court, in its discretion, may make such orders as it deems
573 appropriate for the protection of the applicant and such dependent
574 children or other persons as the court sees fit. Such order may include
575 temporary child custody or visitation rights and such relief may
576 include but is not limited to an order enjoining the respondent from (1)
577 imposing any restraint upon the person or liberty of the applicant; (2)
578 threatening, harassing, assaulting, molesting, sexually assaulting or
579 attacking the applicant; or (3) entering the family dwelling or the
580 dwelling of the applicant. If an applicant alleges an immediate and
581 present physical danger to the applicant, the court may issue an ex
582 parte order granting such relief as it deems appropriate. If a
583 postponement of a hearing on the application is requested by either
584 party and granted, the order shall not be continued except upon
585 agreement of the parties or by order of the court for good cause shown.

586 Sec. 12. Subsection (e) of section 46b-15 of the general statutes is
587 repealed and the following is substituted in lieu thereof:

588 (e) The applicant shall cause notice of the hearing pursuant to
589 subsection (b) of this section and a copy of the application and of any
590 ex parte order issued pursuant to subsection (b) of this section to be
591 served on the respondent not less than five days before the hearing.
592 Upon the granting of an ex parte order, the clerk of the court shall
593 provide two certified copies of the order to the applicant and a copy to
594 the Family Division. Upon the granting of an order after notice and
595 hearing, the clerk of the court shall provide two certified copies of the
596 order to the applicant and a copy to the Family Division and a copy to
597 the respondent. Every order of the court made in accordance with this
598 section after notice and hearing shall contain the following language:

599 "This court had jurisdiction over the parties and the subject matter
600 when it issued this protection order. Respondent was afforded both
601 notice and opportunity to be heard in the hearing that gave rise to this
602 order. Pursuant to the Violence Against Women Act of 1994, 18 USC
603 2265, this order is valid and enforceable in all fifty states, any territory
604 or possession of the United States, the District of Columbia, the
605 Commonwealth of Puerto Rico and tribal lands." The clerk of the court
606 shall send a certified copy of any ex parte order and of any order after
607 notice and hearing to the [appropriate] law enforcement agency for the
608 town in which the applicant resides and, if the respondent resides in a
609 town different than the town in which the applicant resides, to the law
610 enforcement agency for the town in which the respondent resides,
611 within forty-eight hours of [its] the issuance of such order. If the
612 applicant is employed in a town different than the town in which the
613 applicant resides, the clerk of the court shall, upon the request of the
614 applicant, send a certified copy of any such order, to the law
615 enforcement agency for the town in which the applicant is employed
616 within forty-eight hours of the issuance of such order.

617 Sec. 13. Subsections (c) and (d) of section 46b-38c of the general
618 statutes are repealed and the following is substituted in lieu thereof:

619 (c) Each such local family violence intervention unit shall: (1) Accept
620 referrals of family violence cases from a judge or prosecutor, (2)
621 prepare written or oral reports on each case for the court by the next
622 court date to be presented at any time during the court session on that
623 date, (3) provide or arrange for services to victims and offenders, (4)
624 administer contracts to carry out said services, and (5) establish
625 centralized reporting procedures. All information provided to a family
626 relations officer in a local family violence intervention unit shall be for
627 the sole purpose of preparation of the report for each case and
628 recommendation of services and shall otherwise be confidential and
629 retained in the files of such unit, and not be subject to subpoena or
630 other court process for use in any other proceeding or for any other
631 purpose, except that if the victim has indicated that the defendant
632 holds a permit to carry a pistol or revolver or possesses one or more

633 firearms, the family relations officer shall disclose such information to
634 the court and the prosecuting authority.

635 (d) In all cases of family violence, a written or oral report and
636 recommendation of the local intervention unit shall be available to a
637 judge at the first court date appearance to be presented at any time
638 during the court session on that date. A judge of the Superior Court
639 may consider and impose the following conditions to protect the
640 parties, including but not limited to: (1) Issuance of a protective order
641 pursuant to subsection (e) of this section; [such order shall be an order
642 of the court, and the clerk of the court shall cause (A) a certified copy
643 of such order to be sent to the victim, and (B) a certified copy of such
644 order to be sent within forty-eight hours of its issuance to the
645 appropriate law enforcement agency;] (2) prohibition against
646 subjecting the victim to further violence; (3) referral to a family
647 violence education program for batterers; and (4) immediate referral
648 for more extensive case assessment. Such protective order shall be an
649 order of the court, and the clerk of the court shall cause (A) a certified
650 copy of such order to be sent to the victim, and (B) a certified copy of
651 such order to be sent within forty-eight hours of its issuance to the law
652 enforcement agency for the town in which the victim resides and, if the
653 defendant resides in a town different than the town in which the
654 victim resides, to the law enforcement agency for the town in which
655 the defendant resides. If the victim is employed in a town different
656 than the town in which the victim resides, the clerk of the court shall,
657 upon the request of the victim, send a certified copy of such order to
658 the law enforcement agency for the town in which the victim is
659 employed within forty-eight hours of the issuance of such order.

660 Sec. 14. Section 29-36n of the general statutes is repealed and the
661 following is substituted in lieu thereof:

662 (a) The Commissioner of Public Safety, in conjunction with the Chief
663 State's Attorney and the Connecticut Police Chiefs Association, shall
664 develop a protocol to ensure that persons who become ineligible to
665 possess a pistol or revolver have, in accordance with section 29-36k,

666 transferred such pistol or revolver to a person eligible to possess such
667 pistol or revolver or have delivered or surrendered such pistol or
668 revolver to said commissioner.

669 (b) The Commissioner of Public Safety, in conjunction with the
670 Chief State's Attorney and the Connecticut Police Chiefs Association,
671 shall update the protocol developed pursuant to subsection (a) of this
672 section to reflect the provisions of this act.

673 Sec. 15. Section 53a-217 of the general statutes is repealed and the
674 following is substituted in lieu thereof:

675 (a) A person is guilty of criminal possession of a firearm or
676 electronic defense weapon when such person possesses a firearm or
677 electronic defense weapon and (1) has been convicted of a felony, [or]
678 (2) has been convicted as delinquent for the commission of a serious
679 juvenile offense, as defined in section 46b-120, (3) knows that such
680 person is subject to a restraining or protective order issued by a court,
681 after notice and an opportunity to be heard has been provided to such
682 person, in a case involving the use, attempted use or threatened use of
683 physical force against another person, or (4) knows that such person is
684 subject to a firearms seizure order issued pursuant to subsection (d) of
685 section 29-38c after notice and an opportunity to be heard has been
686 provided to such person. For the purposes of this section, "convicted"
687 means having a judgment of conviction entered by a court of
688 competent jurisdiction.

689 (b) Criminal possession of a firearm or electronic defense weapon is
690 a class D felony, for which two years of the sentence imposed may not
691 be suspended or reduced by the court.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Indeterminate Cost

Affected Agencies: Department of Public Safety (Division of Scientific Services), Various Criminal Justice Agencies

Municipal Impact: Potential Minimal Cost to the 89 Municipalities with Organized Police Departments

Explanation

State and Municipal Impact:

This bill results in indeterminate costs to the state and in potential minimal costs to municipalities with organized police departments.

The bill expands the list of weapons that are considered assault weapons and also makes the distribution or sale of armor piercing and incendiary .50 caliber bullets illegal. Violation of the provision regarding the distribution of the ammunition is a class D felony, except that a first time violation is a class A misdemeanor. This results in additional costs to the state that cannot be determined at this time, but that are not anticipated to be significant.

The bill then creates a single handgun permit system by eliminating the local handgun carrying permit and prohibiting local permit renewals after October 1, 2001, and by requiring anyone wanting to carry a handgun to obtain a state permit from the Department of

Public Safety (DPS). This results in no fiscal impact to the state or municipalities. It increases the state handgun permit fee from \$35 to \$70, plus enough for a national criminal history records check. It gives \$35 of the fee to DPS and \$35 to the permit applicant's municipality, the same amount both currently get for the permits they issue. This makes the impact revenue neutral for both the state and municipalities.

It also requires the Division of Scientific Services in the Department of Public Safety (DPS) to establish a firearms evidence databank. This results in minimal costs to the state and in potential minimal costs to municipalities with organized police departments that could be absorbed within existing resources. This evidence consists of the unique markings and impressions that each gun leaves on bullets and bullet casings. DPS has already established a firearms evidence databank and routinely records and enters firearms data.

The commissioner of DPS is required to adopt regulations on the procedures for testing and storing the data. Regulations would be adopted with minimal cost and within existing resources, since the Division of Scientific Services already has established such standards.

The bill also requires local police departments to submit all handguns that come into their possession for laboratory test firings. The division may give approval to local police departments to collect and input firearms data if they meet the commissioner's guidelines. Local departments must also test the handguns they issue to their employees for inclusion in the database and provide this within six months for currently issued handguns. DPS will conduct the tests upon request. Many local police departments already send such handguns to DPS for testing and disposal. This could result in minimal costs to the municipalities with organized police departments that are anticipated to be absorbed within existing resources.

House Amendment "A" eliminates the original bill, which has no fiscal impact on the state or municipalities and replaces it with the current language.

OLR Bill Analysis

SB 1402 (File 139, as amended by House "A")*

AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT.**SUMMARY:**

This bill expands the number of assault weapons covered by current restrictions, creates a single-permit handgun regulation system, establishes a firearms evidence data bank, and tightens the controls over people possessing firearms in family violence situations.

The bill extends the current restrictions on firearms with certain characteristics by designating them as assault weapons. With exceptions, the bill also makes it a crime (a class A misdemeanor for a first offense and a class D felony for subsequent ones) to give away; transport or bring into the state; or keep, offer, or expose for sale armor-piercing .50-caliber bullets.

The bill creates a single gun permit system, and makes other changes in the gun possession laws. It requires the Department of Public Safety's Division of Scientific Services to establish a firearms evidence databank. The division must take and store in the databank computer-based images of handgun "test fire" evidence—discharged ammunition and the unique markings or impressions each gun leaves on bullets and bullet casings. It must enter the ballistic data in the databank in accordance with procedures and regulations the public safety commissioner must adopt. The division may let police departments that comply with the guidelines and regulations enter data directly into, and search, the database. It may (1) use the database to search for matching gun fingerprints, (2) share databank information with law enforcement agencies throughout the country, and (3) participate in a national firearms evidence databank program.

The bill also creates a single gun permit system by (1) eliminating the local gun-carrying permit—prohibiting renewals after October 1, 2001—and (2) requiring anyone wanting to carry handguns to get the five-year state permit, which the Department of Public Safety (DPS)

currently issues. Under current law, the local permit is a prerequisite for the state permit. The bill creates a locally- issued temporary state permit, which is valid statewide, as a prerequisite for the five-year state permit.

The bill increases the state gun permit fee from \$35 to \$70. It gives \$35 to DPS and \$35 to the local officials, the same amount they now get for the permits they issue. It requires permit applicants to pay for the required Federal Bureau of Investigation (FBI) criminal background check (currently \$24). Currently, the permit-issuing authority pays for this investigation.

The bill conforms the law to practice by explicitly requiring people to be at least age 21 to get a gun permit (the same age for getting an eligibility certificate to obtain handguns).

The bill requires law enforcement authorities to confiscate illegal gun permits and send them immediately to the DPS commissioner, who may revoke them on his own investigation or at the authorities' request.

The bill makes it clear that when a handgun is being carried in a vehicle that does not have a compartment separate from the passenger compartment, the gun must be kept in a locked container other than the glove compartment or console.

By law, a court may issue a restraining or protective order to safeguard victims of family violence. If the target of any such order uses, attempts, or threatens to use physical force against another, he (1) loses his eligibility to carry a pistol or revolver and (2) must surrender any permit or eligibility certificate he has to carry such weapons.

The bill makes him guilty of criminal possession of a firearm (any weapon from which a shot may be fired) or electronic defense weapon if he possesses the weapons knowing that he is the target of such an order issued after notice and the opportunity for a hearing. It also makes him guilty of this crime if he is subject to a firearms seizure order issued by a court after notice and the opportunity for a hearing.

The bill requires restraining order applications to have a space for applicants to indicate, at their discretion, whether the target of the

order holds a permit to carry a pistol or revolver or possesses one or more firearms.

It requires local family violence intervention units' family relations officers (courts refer family violence offenders to them for counseling and other services) to disclose to the court and prosecutors information that a family violence offender has a pistol or revolver permit or possesses one or more firearms. The requirement creates an exception to current law, which requires family relations officers to generally keep information that they receive confidential.

The bill requires the public safety commissioner, chief state's attorney, and Connecticut Police Chiefs Association to work together to update the protocol they developed to ensure people who become ineligible to possess a pistol or revolver either transfer it to someone eligible to possess it or surrender it to the commissioner.

Lastly, the bill specifies the law enforcement officers who by law must receive a certified copy of any restraining or protective order within 48 hours of its issuance.

*House Amendment "A" adds the assault weapons, firearms databank, and restraining order provisions.

EFFECTIVE DATE: October 1, 2001

ASSAULT WEAPONS

Current law designates as assault weapons, if they are not permanently inoperable, any:

1. of a specific list of firearms;
2. selective-fire firearm capable of fully automatic, semi-automatic, or burst fire at the user's option; and
3. part or parts either designed or intended to convert a firearm into an assault weapon or from which an assault weapon may be assembled rapidly, if they are in one person's possession.

The bill also adds any:

1. semiautomatic rifle that can accept a detachable magazine if the rifle has any two of the following features: (a) a folding or telescoping stock, (b) a pistol grip that protrudes conspicuously beneath the action of the weapon, (c) a bayonet mount, (d) a flash suppressor or threaded barrel designed to accommodate a flash suppressor, and (e) a grenade launcher;
2. semiautomatic pistol that can accept a detachable magazine if the pistol has any of the following features: (a) an ammunition magazine that attaches to the pistol outside of the pistol grip; (b) a threaded barrel that can accept a barrel extender, flash suppressor, forward handgrip, or silencer; (c) a shroud attached to, or partially or completely encircling the barrel and permitting the shooter to hold the firearm with the nontrigger hand without being burned; (d) a manufactured weight of 50 ounces or more when unloaded; and (e) a semiautomatic version of an automatic firearm;
3. semiautomatic shotgun with any two of the following features: (a) a folding or telescoping stock, (b) a pistol grip conspicuously protruding beneath the action of the weapon, (c) a fixed magazine capacity in excess of five rounds, and (d) the ability to accept a detachable magazine;
4. any semiautomatic firearm that can fire .50-caliber ammunition;
5. part or parts either designed or intended to convert any firearm into one of the newly covered assault weapons or from which such a weapon may be assembled rapidly if they are in one person's possession.

With some exceptions, it is illegal to sell, transport, or possess assault weapons. People who owned any of the currently designated weapons before October 1, 1993 can keep them if they applied for a Department of Public Safety certificate by October 1, 1994. Members of the military on out-of-state official duty had 90 days after returning to apply.

The bill stipulates that it must not be construed to limit the transfer or require registration of any of the newly designated assault weapons legally manufactured before September 13, 1994. Because this bill contains no provisions for people who own any of these newly designated assault weapons to apply for a certificate of possession, it

appears that they cannot keep any of these weapons legally manufactured after September 13, 1994 but must relinquish them. But neither current law nor the bill contains any procedures for relinquishing an assault weapon for which a certificate of possession was not issued.

Crimes and Penalties

The law requires a mandatory, minimum eight-year sentence for anyone who uses, threatens to use, display, or purports to have an assault weapon while committing a class A, B, or C felony, with this sentence in addition and consecutive to any imprisonment for the felony.

The use of an assault weapon in a crime punishable by death is one of the aggravating circumstances justifying the death penalty.

Carrying Assault Weapons

A person cannot (1) carry a concealed loaded assault weapon and (2) knowingly have in a vehicle he operates, owns, or occupies (a) a loaded assault weapon or (b) an unloaded assault weapon that is not in the trunk or in a case or container that is inaccessible to the vehicle's occupants. A violation carries a \$500 fine, imprisonment for up to three years, or both.

ARMOR-PIERCING BULLETS

The bill makes it a crime to knowingly give away; transport or bring into the state; or keep, offer, or expose for sale armor-piercing .50-caliber bullets or incendiary .50-caliber bullets. A first violation is a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both. Any subsequent violation is class D felony, punishable by imprisonment for one to five years, a fine of up to \$5,000, or both.

The bill defines "incendiary .50-caliber bullet" as any .50-caliber bullet designed for, held out by the manufacturer or distributor as, or generally recognized as having the capability to ignite upon impact. They include bullets commonly designated as "M1 Incendiary," "M23 Incendiary," "M8 Armor-Piercing Incendiary" or "API" or "M20 Armor-Piercing Tracer" or "APIT." The bill defines armor-piercing

bullet as one that is .50-caliber and is designed for, held out by the manufacturer or distributor as, or generally recognized as having the capability to penetrate armor or bulletproof glass. They include such bullets commonly designated as "M2 Armor-Piercing," or "AP," "M8 Armor-Piercing Incendiary," or "API," "M20 Armor-Piercing Incendiary Tracer," or "APIT," "M903 Caliber .50 Saboted Light Armor Penetrator" or "SLAP," or "M962 Saboted Light Armor Penetrator Tracer" or "SLAPT."

The bill exempts:

1. ammunition sales to DPS, police departments, the DOC, or the Connecticut or U.S. military or navy for their official duties;
2. disposition of ammunition by estate executors or administrators as authorized by probate court; and
3. ammunition transfers by bequest or intestate succession.

Suspension Of Prosecution For Minor Violations

The bill allows the court to suspend prosecution for minor violations of the .50-caliber bullet provisions. The court must find that the violator (1) will probably not offend again and (2) never violated or had a prosecution suspended before for violating these provisions. For suspension to occur, the violator must state that he understands the consequences, agree to the temporary suspension of any statute of limitations, and waive his right to a speedy trial.

The bill requires the court to place the accused on probation for up to two years and allows it to impose other conditions. The court must terminate the suspension if the accused violates the conditions.

The bill requires the court to dismiss the charges if it finds that the accused completes probation successfully and requests dismissal. The court may, in its discretion, dismiss the charges without such a request after it receives a report from the Office of Adult Probation. A dismissal requires that the charges be erased. A court's decision to deny a motion to dismiss or terminate a suspension is final for appeal purposes.

FIREARMS EVIDENCE DATABANK

Databank's Purpose

The databank must be a computer-based system that scans and stores images of handgun "test fires" so they can be retrieved and compared to other test fire images and other evidence in a case. The bill defines "test fire" as a discharged cartridge case, or bullet or fragment of such collected from a handgun and containing sufficient microscopic characteristics to compare to other discharged ammunition or to determine the handgun from which it was fired.

The bill defines a handgun as any gun capable of firing rim-fire or center-fire ammunition and designed or built to be fired with one hand.

Laboratory personnel must enter in the databank, according to the commissioner's regulations, test fire data they get or collect from handguns submitted to them. They may use the database to search for matching test fire images. If they conduct any search at a police department's request, they must produce a report of the results. They must store for future searches any test fire image not matched by a databank search.

Local Police Responsibilities

The bill requires police departments to submit to the laboratory all handguns that come into their custody as found property, for destruction, or as the result of a criminal investigation before they return or destroy them. The laboratory must test fire the guns and collect ballistic data from them within 60 days of getting them. It must label the data with the manufacturer's name, weapon type, serial number, date of the test, and the tester's name.

The division may permit a police department firearms section that complies with the commissioner's guidelines and regulations for operating a databank to collect ballistic data from handguns that come into its custody, set up a remote terminal to enter the data directly into the data bank, and search the databank.

By April 1, 2002, police departments must test handguns they have already issued to employees and submit to the laboratory the ballistic data from each test in a sealed tamper-evident package along with two

intact cartridges of the same type of ammunition used in the test. On and after October 1, 2001, they must do the same for handguns before they issue them. They must label the package with the same information that the laboratory must include. They may ask the State Police to help with the tests.

GUN PERMIT SYSTEM

Under current law, anyone wanting to carry handguns must first get a local permit from his police chief, or if there is none, his borough warden or first selectman. The local permit allows him to carry the gun only in the town. If he wants to carry the gun elsewhere in the state, he must get a DPS permit. Both permits are valid for five years, but as long as the state permit remains valid, the local permit does not have to be renewed.

The bill establishes a two-step, one-permit system—terminating local permit renewals on October 1, 2001 and requiring anyone wanting to carry handguns to get the DPS five-year state permit. It uses the same officials and maintains many of the elements of the current system. Under the bill, the local official issues a nonrenewable, 60-day temporary state permit, which is a prerequisite for the five-year state permit. DPS issues the five-year permit. The temporary state permit, unlike the current local permit, is valid statewide.

Permit Application Procedures

Temporary State Permit. The bill requires Connecticut residents to apply for gun permits to the local official now issuing local permits. The local official may issue a temporary state permit after following the same process for issuing local permits currently.

As with current applicants for state or local permits, the temporary state permit applicant must complete an application, providing information on himself and his criminal record, and submit to fingerprinting unless the official is satisfied it was done already. The official must determine that the applicant wants to get guns for lawful purposes and investigate his suitability to carry them.

The bill conforms the law to local permit-issuing practice by requiring the official, within, five business days of taking the fingerprints, to send them to DPS for forwarding to the FBI with a request for a

national criminal history background check. Current law requires the official to send the fingerprints directly to the FBI. DPS must send the applicant a copy of the FBI response.

In a process paralleling that for local permits, the bill (1) gives the official eight weeks to approve or deny the application and, if he does not get the response in eight weeks, he must inform the applicant in writing; (2) requires him to issue or deny the application within one week after he gets the FBI response; and (3) allows him to issue the permit before getting the response. When he issues the permit, he must send the original application to the commissioner. He must also send him (at some unspecified time) a copy showing whether he denied or approved the permit request.

Permit-Issuing Criteria. As is currently the case with state and local permits, the local official cannot issue a temporary state permit to anyone who fails to meet the criteria in law (see BACKGROUND). If the official chooses to issue a permit before he receives the FBI background check, he cannot issue one to anyone whom he believes is a convicted felon or is otherwise barred from getting a permit to possess handguns under state or federal law. (Federal law has no permit requirement for handgun possession. Also, by law, which this bill does not change, people applying for eligibility certificates to acquire handguns must meet criteria in state law only.) Under current law, the prohibition applies only to convicted felons.

Five-Year State Permit. The bill allows the commissioner to issue the five-year state permit to a person holding a temporary state permit. Within 60 days after getting the temporary permit, the applicant must go to a location the commissioner designates to receive the five-year state permit. The commissioner has eight weeks from the time he gets a temporary permit application to inform the applicant if his five-year permit application has been denied or that the FBI response has not been received.

The bill eliminates DPS' discretion to issue the five-year state permit before getting the FBI response, and it bars DPS from issuing the five-year permit to an applicant denied a temporary permit.

The bill allows, rather than requires, the commissioner to investigate first-time permit applicants, and it conforms the law to practice by requiring him also to investigate people renewing permits. It

eliminates current law's description of the nature of this investigation.

Permit-Revocation Criteria- The bill allows the commissioner to revoke the temporary state permit for cause, upon conviction for a felony or specified misdemeanors, or upon the occurrence of any event that would have disqualified the applicant from getting the permit under state law. These are the same grounds on which he can now revoke the five-year permit. If grounds for denial become known after an applicant gets a permit, DPS must revoke it immediately following the bill's procedures.

Upon revocation, the permittee must surrender his permit to the commissioner within five days of notification in writing. As under current law, failure to surrender a permit is a class C misdemeanor.

Out-Of-State Residents

Out-of-state residents licensed or permitted to carry guns in another state must apply directly to the commissioner and are subject to the provisions governing resident applicants. DPS acts as the local official with regard to these applicants; in this case, it appears that DPS must conduct the investigations and issue temporary permits.

Permit Fees

Under current law, the fee for both the local and state gun permit is \$35. The bill eliminates the local fee and increases the state fee to \$70, plus enough money for the FBI background check (see BACKGROUND). It gives \$35 of the fee to DPS and \$35 to the local official issuing the temporary state permit. In the case of nonresidents who must apply directly to DPS, it appears the entire \$70 goes to DPS. The bill retains the \$35 fee for permit renewals.

The local authority must send the fingerprints and the money for the background check to the commissioner within five business days of getting an application. He must send \$35 to DPS when he approves the application. The bill retains the \$35 fee for permit renewals.

The bill makes any portion of the fee used for the national background check nonrefundable. Under current law, the entire fee is refundable if the permit is not issued or renewed.

Notification Requirements For Expired Permits

The bill eliminates a requirement for the local official to notify anyone with a local permit at least 90 days before its expiration. It eliminates the additional 90-day grace period for such permits.

CRIMINAL POSSESSION OF A FIREARM OR ELECTRONIC DEFENSE WEAPON

By law, a family violence offender who is the target of a protective or restraining order because he used, attempted, or threatened to use physical force against another during the commission of the crime must (1) surrender any permit or eligibility certificate he has to carry a pistol or revolver and (2) transfer any such weapons that he possesses to a person eligible to carry them or to the public safety commissioner within two business days of becoming subject to the order.

Failure to surrender a permit or eligibility certificate is punishable by up to three months imprisonment, a \$500 fine, or both. Failure to transfer the weapons is punishable by up to five years imprisonment, a \$5,000 fine, or both.

The person is guilty of criminal possession of a pistol or revolver if he keeps the weapons after he has received notice of the order and has been given an opportunity to be heard. Criminal possession of a pistol or revolver carries a penalty of up to five years imprisonment, a \$5,000 fine, or both.

The bill makes it criminal possession of a firearm or electronic defense weapon for anyone to possess such weapons knowing that he is (1) the target of a civil restraining or criminal protective order, which was issued by a court, after notice and the opportunity for a hearing, in a case involving the use, attempted use, or threatened use of physical force against another person or (2) the subject of a firearms seizure order issued by a court after notice and the opportunity for a hearing.

LAW ENFORCEMENT OFFICERS WHO MUST RECEIVE ORDERS

By law, the court must send a certified copy of any restraining or protective order to an appropriate law enforcement agency within 48 hours of its issuance. The bill specifically requires the court to send the copies of restraining orders to the law enforcement agency in the town

where the (1) restraining order applicant lives or works or (2) family violence offender lives.

The court must send copies of protective orders to the town where the domestic violence victim lives, and if requested, works. It also requires a copy to be sent to the town where the offender lives if it is different from the town where the victim lives.

BACKGROUND

Exemptions to Assault Weapons Restrictions

The law allows the sale of assault weapons to police departments, the Department of Correction (DOC) and DPS, and the U.S. and Connecticut military and navy for official use. It exempts possession by employees or members of these agencies, and it does not prohibit possession or use by sworn members of these agencies when on duty and in the scope of their duties.

The law allows an executor or administrator of an estate that includes an assault weapon for which a certificate has been issued to (1) possess the weapon at his residence, business, or other place he owns; on another person's property with permission; or as authorized by the probate court and (2) dispose of the weapon, as authorized by the probate court, provided the bill otherwise permits it.

The law allows licensed gun dealers to (1) transport any the newly listed weapons between dealers or out of state, display them at gun shows licensed by state or local government entities, or sell them to out-of-state residents; (2) accept them for servicing or repair from anyone with a certificate for them; and (3) transfer them for servicing to a federally licensed gunsmith employed by, or under contract to, them for gunsmithing services.

The law (1) exempts from the possession ban anyone who arranges in advance to relinquish any of the newly listed weapons to a police department or DPS; (2) allows transfer of any of the weapons by bequest or interstate succession if a certificate of possession has been issued for it; (3) allows the temporary transfer or possession of a weapon for which a certificate was issued for certain out-of-state events; and (4) allows transporting the weapon to a shooting competition or exhibition, display, or educational project about firearms that is sponsored, approved, or under the auspices of a law

enforcement agency or a national or state-recognized entity fostering proficiency in or promoting firearm education.

Certificates of Possession for Assault Weapons

By law anyone who lawfully possessed any assault weapons before October 1, 1993 had until October 1, 1994 to apply for a certificate of possession for it. If a member of the U.S. or Connecticut military is unable to apply by the deadline because he is out of state on official duty, he must apply within 90 days of returning.

The certificate of possession must contain a description of the firearm, including all identification marks; the owner's full name, address, date of birth, and thumbprints; and other information DPS considers appropriate. The name and address of the certificate are confidential and may be disclosed only to a law enforcement agency and the mental health commissioner under specified circumstances.

Anyone with a certificate of possession for an assault weapon is prohibited from (1) selling the weapon in-state except to a licensed gun dealer or (2) otherwise transferring the weapon except by bequest or interstate succession or to DPS or a police department. Anyone who inherits an assault weapon for which a certificate has been issued has 90 days to apply for a certificate for the weapon, sell it to a licensed gun dealer, make it permanently inoperable, or take it out of state. Anyone, other than a member of the military or navy, who moves into state in lawful possession of an assault weapon has 90 days to render it permanently inoperable, sell it to a licensed gun dealer, or remove it from the state.

A certificate holder may possess an assault weapon:

1. at his residence, business place, on his property, or on someone else's with permission;
2. while at a (a) target range to practice target shooting, (b) a target range that holds a regulatory or business license for the purpose of practicing shooting at the range, or (c) a licensed shooting club;
3. while attending any exhibition, display, or educational project about firearms sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a national or state-

recognized entity that fosters proficiency in, or promotes education about, firearms; or

4. while transporting it between any of the places mentioned or to a licensed dealer for servicing or repair.

An individual may arrange in advance to relinquish an assault weapon to a police department or DPS. When transporting it, he must comply with the bill's carrying standards.

Certificates of Transfer

When the owner of any assault weapon sells or transfers it to a licensed gun dealer, the dealer must execute a certificate of transfer and send it to the public safety commissioner. The certificate must contain the sale or transfer date; the names and addresses of the seller or transferor and the dealer, their social security numbers or motor vehicle operator license numbers, if applicable; the dealer's firearms license number and seller's permit number; a description of the weapon, including the caliber, make, and serial number; and any other information the public safety commissioner prescribes. The dealer must present his motor vehicle operator's license or social security card, federal firearms license, and seller's permit to the seller or transferor for inspection at the time of sale or transfer. The commissioner must maintain a file of all certificates of transfer at his central office.

Sale and Possession of Assault Weapons

With some exceptions, it is a class C felony, with a mandatory, minimum two-year sentence to distribute, transport, or bring into the state, keep for sale, offer or expose for sale, or give an assault weapon. There is an additional mandatory, minimum six-year sentence for anyone convicted of selling, transferring, or giving the weapon to a minor under age 18.

With some exceptions, it is a class D felony with a mandatory minimum one-year sentence to possess an assault weapon. A first violation is a class A misdemeanor if the person can prove lawful possession of the weapon before October 1, 2001 and has otherwise complied with the bill's conditions for possessing the weapons.

Manufacturers

The assault weapons law specifies that its provisions should not be construed to prohibit anyone who manufactures assault weapons in Connecticut from manufacturing or transporting the weapons in the state for sale out-of-state or in-state to agencies such as the Department of Correction, which are not prohibited from purchasing assault weapons.

People Who Cannot Get a Permit Under State Law

Under state law, a person cannot get a permit to carry handgun if he

1. has failed to complete successfully a DPS-approved handgun safety and use course;
2. has been convicted of a serious juvenile offense;
3. has been discharged from custody within the last 20 years after having been found not guilty of a crime by reason of mental disease or defect;
4. has been confined in a psychiatric hospital in the last 12 months by order of probate court;
5. is subject to a restraining or protective order issued by a court in a case involving the use, attempted use, or threatened use of physical force against someone else;
6. is subject to a gun seizure order issued after notice and hearing;
7. is an illegal alien; or
8. has been convicted of a felony or other specified mostly violent misdemeanors.

People Who Cannot Possess Guns Under Federal Law

Federal law prohibits people from possessing guns on some of the same grounds that state law prohibits them from getting gun permits. The following are not covered in state law:

1. fugitives from justice,
2. anyone who uses illegally or is addicted to any controlled substance,
3. anyone adjudicated mentally defective or committed to a mental institution,
4. anyone dishonorably discharged from the armed forces,
5. anyone who has renounced his citizenship, or
6. anyone ever convicted of a misdemeanor crime of domestic violence.

FBI Fee for Background Checks

When the FBI instituted its \$24 charge for criminal background checks, some towns required applicants to pay this fee. The Superior Court for the Judicial District of Hartford-New Britain ruled that towns were exceeding their authority by requiring applicants to make these payments. The court said it was “clear that the recent change in FBI policy which now requires local police to pay for fingerprint checks was not envisioned when the current gun laws were enacted. Nonetheless action by the General Assembly – not unilateral action by a town or city – is required to change the gun permit fee structure and application process” (*Town of Farmington, et al vs. Board of Firearms Permit Examiners*, CV 95-0550258S, Judicial District of Hartford – New Britain, Feb. 13, 1996).

Restraining and Protective Orders

Protective and restraining orders are designed to protect family or household members from future threats, harassment, intimidation, or injury. Courts may include in these orders any provisions they deem necessary to protect the victim, including enjoining the offender from (1) restraining the victim’s person or liberty; (2) threatening, harassing, assaulting, molesting, or sexually assaulting the victim; or (3) entering the family or the victim’s dwelling.

Family Violence Crime

A family violence crime is any crime between family or household members that either causes physical injury or creates fear that physical injury is about to occur. Family or household members include spouses, former spouses, parents and their children, people age 18 or older related by blood or marriage, people in a dating relationship, people age 16 or older either living together or who have lived together, and people who have a child together whether or not they are or have been married or have lived together. Parental disciplining is not a crime.

Family Violence Intervention Units

The Judicial Department runs a family violence intervention unit in each geographical area of the courts. The units:

1. accept referrals of family violence cases from a judge or prosecutor,
2. prepare written or oral reports on each case for the court,
3. provide or arrange for services to victims and offenders,
4. administer contracts to carry out these services, and
5. establish centralized reporting procedures.

A unit must use information it receives only for preparation of the report for each case and recommending services. The information is otherwise confidential and retained in each unit's files and cannot be subpoenaed or used in any other way in court proceedings.

The unit's report and recommendations must be available to the judge at the first court appearance. The judge may impose conditions to protect the parties, including issuance of a protective order, prohibiting further violence against the victim, referral to a family violence education program for batterers, and immediate referral for more extensive case assessment.

Legislative History

On April 25, May 3, and May 16 the Senate referred the bill to the Planning and Development, Finance, Revenue and Bonding, and Judiciary committees respectively. The committees favorably reported it without changes on April 30, May 9, and May 22 respectively. On May 24, the Senate adopted Senate A and D, which restricted named

assault weapons and other weapons with certain features and exempted weapons used in International Olympic- sponsored events and (2) restricted large capacity magazines and certain bullets. The House rejected the amendments and passed this version.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report
Yea 22 Nay 0

Planning and Development Committee

Joint Favorable Report
Yea 14 Nay 1

Finance, Revenue and Bonding Committee

Joint Favorable Report
Yea 40 Nay 1

Judiciary Committee

Joint Favorable Report
Yea 28 Nay 6