



General Assembly

January Session, 2001

Amendment

LCO No. 7600

Offered by:

SEN. JEPSEN, 27th Dist.

SEN. PENN, 23rd Dist.

SEN. NICKERSON, 36th Dist.

To: Senate Bill No. 1402

File No. 139

Cal. No. 165

"AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 53-202a of the general statutes is repealed and the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

5 (a) As used in this section and sections 53-202b to 53-202k, inclusive,
6 as amended by this act, [and subsection (h) of section 53a-46a,] "assault
7 weapon" means:

8 (1) Any selective-fire firearm capable of fully automatic,
9 semiautomatic or burst fire at the option of the user or any of the
10 following specified semiautomatic firearms: Algimec Agmi; Armalite
11 AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance
12 Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty
13 model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol;

14 Calico models M-900, M-950 and 100-P; Chartered Industries of
15 Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and
16 Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL,
17 FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT;
18 Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR
19 and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol;
20 Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83;
21 MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and
22 Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding
23 stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre
24 Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and
25 G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker
26 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine
27 and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

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

34 (3) All weapons that are variations, with minor differences, of those
35 weapons listed in subdivision (1) of this subsection, including, but not
36 limited to: Armalite AR-10, M15, or Golden Eagle types; Bushmaster
37 AR15 or XM15 types; Colt AR-10 or Match Target types; DPMS
38 Panther type; DS Arms SA 58 type; Eagle Arms M15 or EA-15 types;
39 Fulton Armory AR15 type; Hesse Arms HAR 15A2 or HAR-25 types;
40 Intratec TEC DC-9 or AB-10 types; Knight's SR-15, SR-25, or RAS types;
41 Les Baer Ultimate AR type; Olympic Arms AR-15, Car-97 or PCR
42 types; Professional Ordinance, Inc. Carbon 15 rifle or Carbon 15 pistol
43 types; Rock River Arms, Inc. Standard A2, Car A2, Standard A-4
44 Flattop, Car A-4 Flattop, NM A2-DCM Legal or LE Tactical Carbine
45 types; Special Weapons SW-5/45 type; Wilson Combat AR-15, Urban
46 Tactical, Tactical Precision and Tactical Carbine types;

47 (4) Any semiautomatic firearm not listed in subdivision (1) of this
48 subsection that meets the following criteria:

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

51 (i) A folding or telescoping stock;

52 (ii) A pistol grip that protrudes conspicuously beneath the action of
53 the weapon;

54 (iii) A bayonet mount;

55 (iv) A flash suppressor or threaded barrel designed to accommodate
56 a flash suppressor; and

57 (v) A grenade launcher; or

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

60 (i) An ammunition magazine that attaches to the pistol outside of
61 the pistol grip;

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

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

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

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

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

71 (i) A folding or telescoping stock;

72 (ii) A pistol grip that protrudes conspicuously beneath the action of
73 the weapon;

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

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

76 (D) Any semiautomatic firearm capable of firing fifty caliber
77 ammunition;

78 (5) A part or combination of parts designed or intended to convert a
79 firearm into an assault weapon, as defined in subdivisions (3) and (4)
80 of this subsection, or any combination of parts from which an assault
81 weapon as defined in subdivisions (3) and (4) of this subsection, may
82 be rapidly assembled if those parts are in the possession or under the
83 control of the same person.

84 (b) As used in this section and sections 53-202b to 53-202k, inclusive,
85 as amended by this act, [and subsection (h) of section 53a-46a,] the
86 term "assault weapon" does not include any firearm modified to
87 render it permanently inoperable.

88 Sec. 2. Section 53-202b of the general statutes is repealed and the
89 following is substituted in lieu thereof:

90 (a) (1) Any person who, within this state, distributes, transports or
91 imports into the state, keeps for sale, or offers or exposes for sale, or
92 who gives any assault weapon, except as provided by sections [29-37j
93 and] 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-
94 46a,] shall be guilty of a class C felony and shall be sentenced to a term
95 of imprisonment of which two years may not be suspended or
96 reduced.

97 (2) Any person who transfers, sells or gives any assault weapon to a
98 person under eighteen years of age in violation of subdivision (1) of
99 this subsection shall be sentenced to a term of imprisonment of six
100 years, which shall not be suspended or reduced and shall be in
101 addition and consecutive to the term of imprisonment imposed under

102 subdivision (1) of this subsection.

103 (b) The provisions of subsection (a) of this section shall not apply to:

104 (1) The sale of assault weapons to the Department of Public Safety,
105 police departments, the Department of Correction or the military or
106 naval forces of this state or of the United States for use in the discharge
107 of their official duties;

108 (2) A person who is the executor or administrator of an estate that
109 includes an assault weapon for which a certificate of possession has
110 been issued under section 53-202d, as amended by this act, which is
111 disposed of as authorized by the Probate Court, if the disposition is
112 otherwise permitted by sections [29-37j and] 53-202a to 53-202k,
113 inclusive, as amended by this act; or [and subsection (h) of section 53a-
114 46a;]

115 (3) The transfer by bequest or intestate succession of an assault
116 weapon for which a certificate of possession has been issued under
117 section 53-202d, as amended by this act.

118 (c) If the court finds that a violation of this section is not of a serious
119 nature and that the person charged with such violation (1) will
120 probably not offend in the future, (2) has not previously been
121 convicted of a violation of this section, and (3) has not previously had a
122 prosecution under this section suspended pursuant to this subsection,
123 it may order suspension of prosecution in accordance with the
124 provisions of subsection (h) of section 29-33 of the general statutes.

125 Sec. 3. Section 53-202c of the general statutes is repealed and the
126 following is substituted in lieu thereof:

127 (a) Except as provided in section 53-202e, any person who, within
128 this state, possesses any assault weapon, except as provided in sections
129 [29-37j and] 53-202a to 53-202k, inclusive, as amended by this act, [and
130 subsection (h) of section 53a-46a,] shall be guilty of a class D felony
131 and shall be sentenced to a term of imprisonment of which one year

132 may not be suspended or reduced; except that a first-time violation of
133 this subsection shall be a class A misdemeanor if (1) the person
134 presents proof that [he] such person lawfully possessed the assault
135 weapon, as defined in subdivisions (1) and (2) of subsection (a) of
136 section 53-202a, as amended by this act, prior to October 1, 1993, or the
137 person presents proof that such person lawfully possessed the assault
138 weapon, as defined in subdivisions (3) to (5), inclusive, of subsection
139 (a) of section 53-202a, as amended by this act, prior to October 1, 2001,
140 and (2) the person has otherwise possessed the firearm in compliance
141 with subsection (d) of section 53-202d, as amended by this act.

142 (b) The provisions of subsection (a) of this section shall not apply to
143 the possession of assault weapons by members or employees of the
144 Department of Public Safety, police departments, the Department of
145 Correction or the military or naval forces of this state or of the United
146 States for use in the discharge of their official duties; nor shall anything
147 in sections [29-37j and] 53-202a to 53-202k, inclusive, as amended by
148 this act, [and subsection (h) of section 53a-46a] prohibit the possession
149 or use of assault weapons by sworn members of these agencies when
150 on duty and the use is within the scope of their duties.

151 (c) The provisions of subsection (a) of this section shall not apply to
152 the possession of an assault weapon, as defined in subdivision (1) or
153 (2) of subsection (a) of section 53-202a, as amended by this act, by any
154 person prior to July 1, 1994, if all of the following are applicable:

155 (1) The person is eligible under sections [29-37j and] 53-202a to 53-
156 202k, inclusive, as amended by this act, [and subsection (h) of section
157 53a-46a] to apply for a certificate of possession for the assault weapon,
158 as defined in subdivision (1) or (2) of subsection (a) of section 53-202a,
159 as amended by this act, by July 1, 1994;

160 (2) The person lawfully possessed the assault weapon, as defined in
161 subdivision (1) or (2) of subsection (a) of section 53-202a, as amended
162 by this act, prior to October 1, 1993; and

163 (3) The person is otherwise in compliance with sections [29-37j and]

164 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-46a] as
165 amended by this act.

166 (d) The provisions of subsection (a) of this section shall not apply to
167 a person who is the executor or administrator of an estate that includes
168 an assault weapon for which a certificate of possession has been issued
169 under section 53-202d, as amended by this act, if the assault weapon is
170 possessed at a place set forth in subdivision (1) of subsection (d) of
171 section 53-202d, as amended by this act, or as authorized by the
172 Probate Court.

173 (e) The provisions of subsection (a) of this section shall not apply to
174 the possession of an assault weapon, as defined in subdivisions (3) to
175 (5), inclusive, of subsection (a) of section 53-202a, as amended by this
176 act, by any person prior to July 1, 2002, if all of the following are
177 applicable:

178 (1) The person is eligible under sections 53-202a to 53-202k,
179 inclusive, as amended by this act, to apply for a certificate of
180 possession for the assault weapon, as defined in subdivisions (3) to (5),
181 inclusive, of subsection (a) of section 53-202a, as amended by this act,
182 by July 1, 2002;

183 (2) The person lawfully possessed the assault weapon, as defined in
184 subdivisions (3) to (5), inclusive, of subsection (a) of section 53-202a, as
185 amended by this act, prior to October 1, 2001; and

186 (3) The person is otherwise in compliance with sections 53-202a to
187 53-202k, inclusive, as amended by this act.

188 (f) If the court finds that a violation of this section is not of a serious
189 nature and that the person charged with such violation (1) will
190 probably not offend in the future, (2) has not previously been
191 convicted of a violation of this section, and (3) has not previously had a
192 prosecution under this section suspended pursuant to this subsection,
193 it may order suspension of prosecution in accordance with the
194 provisions of subsection (h) of section 29-33 of the general statutes.

195 Sec. 4. Section 53-202d of the general statutes is repealed and the
196 following is substituted in lieu thereof:

197 (a) (1) Any person who lawfully possesses an assault weapon, as
198 defined in subdivision (1) or (2) of subsection (a) of section 53-202a, as
199 amended by this act, prior to October 1, 1993, shall apply by October 1,
200 1994, or, if such person is a member of the military or naval forces of
201 this state or of the United States and is unable to apply by October 1,
202 1994, because [he or she] such member is or was on official duty
203 outside of this state, shall apply within ninety days of returning to the
204 state to the Department of Public Safety, for a certificate of possession
205 with respect to such assault weapon.

206 (2) Any person who lawfully possesses an assault weapon, as
207 defined in subdivisions (3) to (5), inclusive, of subsection (a) of section
208 53-202a, as amended by this act, prior to October 1, 2001, shall apply
209 by October 1, 2002, or, if such person is a member of the military or
210 naval forces of this state or of the United States and is unable to apply
211 by October 1, 2002, because such member is or was on official duty
212 outside of this state, shall apply within ninety days of returning to the
213 state to the Department of Public Safety, for a certificate of possession
214 with respect to such assault weapon.

215 (3) Any person who registered a firearm as an assault weapon
216 pursuant to the provisions of the law in effect prior to October 1, 2001,
217 and the firearm is thereafter defined as an assault weapon pursuant to
218 subdivisions (3) to (5), inclusive, of subsection (a) of section 53-202a, as
219 amended by this act, shall be deemed to have registered such assault
220 weapon for purposes of sections 53-202a to 53-202k, inclusive, as
221 amended by this act, and shall not be required to reregister such
222 assault weapon.

223 (4) The certificate shall contain a description of the firearm that
224 identifies it uniquely, including all identification marks, the full name,
225 address, date of birth and thumbprint of the owner, and any other
226 information as the department may deem appropriate. The department

227 shall adopt regulations in accordance with the provisions of chapter 54
228 [not later than January 1, 1994,] to establish procedures with respect to
229 the application for and issuance of certificates of possession pursuant
230 to this section. Notwithstanding the provisions of sections 1-210 and 1-
231 211, the name and address of a person issued a certificate of possession
232 shall be confidential and shall not be disclosed, except such records
233 may be disclosed to (1) law enforcement agencies, and (2) the
234 Commissioner of Mental Health and Addiction Services to carry out
235 the provisions of subsection (c) of section 17a-500.

236 (b) No assault weapon, as defined in subdivision (1) or (2) of
237 subsection (a) of section 53-202a, as amended by this act, possessed
238 pursuant to this section may be sold or transferred on or after January
239 1, 1994, to any person within this state other than to a licensed gun
240 dealer, as defined in subsection (d) of section 53-202f, as amended by
241 this act, or as provided in section 53-202e, or by bequest or intestate
242 succession. No assault weapon, as defined in subdivisions (3) to (5),
243 inclusive, of subsection (a) of section 53-202a, as amended by this act,
244 possessed pursuant to this section may be sold or transferred on or
245 after January 1, 2002, to any person within this state other than to a
246 licensed gun dealer, as defined in subsection (d) of section 53-202f, as
247 amended by this act, or as provided in section 53-202e, or by bequest
248 or intestate succession. Any person who obtains title to an assault
249 weapon for which a certificate of possession has been issued under this
250 section by bequest or intestate succession shall, within ninety days of
251 obtaining title, apply to the Department of Public Safety for a
252 certificate of possession as provided in subsection (a) of this section,
253 render the weapon permanently inoperable, sell the weapon to a
254 licensed gun dealer or remove the weapon from the state. Any person
255 who moves into the state in lawful possession of an assault weapon,
256 shall, within ninety days, either render the weapon permanently
257 inoperable, sell the weapon to a licensed gun dealer or remove the
258 weapon from this state. [, except any] Any person who is a member of
259 the military or naval forces of this state or of the United States, is in
260 lawful possession of an assault weapon, as defined in subdivision (1)

261 or (2) of subsection (a) of section 53-202a, as amended by this act, and
262 has been transferred into the state after October 1, 1994, may, within
263 ninety days of arriving in the state, apply to the Department of Public
264 Safety for a certificate of possession with respect to such assault
265 weapon. Any person who is a member of the military or naval forces
266 of this state or of the United States, is in lawful possession of an assault
267 weapon, as defined in subdivisions (3) to (5), inclusive, of subsection
268 (a) of section 53-202a, as amended by this act, and has been transferred
269 into the state after October 1, 2002, may, within ninety days of arriving
270 in the state, apply to the Department of Public Safety for a certificate of
271 possession with respect to such assault weapon.

272 (c) If an owner of an assault weapon sells or transfers the weapon to
273 a licensed gun dealer, [he] such dealer shall, at the time of delivery of
274 the weapon, execute a certificate of transfer and cause the certificate to
275 be mailed or delivered to the Commissioner of Public Safety. The
276 certificate shall contain: (1) The date of sale or transfer; (2) the name
277 and address of the seller or transferor and the licensed gun dealer,
278 their social security numbers or motor vehicle operator license
279 numbers, if applicable; (3) the licensed gun dealer's federal firearms
280 license number and seller's permit number; (4) a description of the
281 weapon, including the caliber of the weapon and its make, model and
282 serial number; and (5) any other information the commissioner
283 prescribes. The licensed gun dealer shall present [his] such dealer's
284 motor vehicle operator's license or social security card, federal firearms
285 license and seller's permit to the seller or transferor for inspection at
286 the time of purchase or transfer. The Commissioner of Public Safety
287 shall maintain a file of all certificates of transfer at [his] the
288 commissioner's central office.

289 (d) A person who has been issued a certificate of possession of an
290 assault weapon under this section may possess it only under the
291 following conditions:

292 (1) At that person's residence, place of business or other property
293 owned by that person, or on property owned by another with the

294 owner's express permission;

295 (2) While on the premises of a target range of a public or private
296 club or organization organized for the purpose of practicing shooting
297 at targets;

298 (3) While on a target range which holds a regulatory or business
299 license for the purpose of practicing shooting at that target range;

300 (4) While on the premises of a licensed shooting club;

301 (5) While attending any exhibition, display or educational project
302 which is about firearms and which is sponsored by, conducted under
303 the auspices of, or approved by a law enforcement agency or a
304 nationally or state recognized entity that fosters proficiency in, or
305 promotes education about, firearms; or

306 (6) While transporting the assault weapon between any of the places
307 mentioned in this subsection, or to any licensed gun dealer, as defined
308 in subsection (d) of section 53-202f, as amended by this act, for
309 servicing or repair pursuant to subsection (c) of section 53-202f, as
310 amended by this act, provided the assault weapon is transported as
311 required by section 53-202f, as amended by this act.

312 Sec. 5. Section 53-202f of the general statutes is repealed and the
313 following is substituted in lieu thereof:

314 (a) While transporting an assault weapon between any of the places
315 mentioned in subdivisions (1) to (6), inclusive, of subsection (d) of
316 section 53-202d, as amended by this act, no person shall carry a loaded
317 assault weapon concealed from public view or knowingly have, in any
318 motor vehicle owned, operated or occupied by [him] such person (1) a
319 loaded assault weapon, or (2) an unloaded assault weapon unless such
320 weapon is kept in the trunk of such vehicle or in a case or other
321 container which is inaccessible to the operator of or any passenger in
322 such vehicle. Any person who violates the provisions of this subsection
323 shall be fined not more than five hundred dollars or imprisoned not

324 more than three years or both.

325 (b) Any licensed gun dealer, as defined in subsection (d) of this
326 section, who lawfully possesses an assault weapon pursuant to section
327 53-202d, as amended by this act, in addition to the uses allowed in
328 section 53-202d, as amended by this act, may transport the assault
329 weapon between dealers or out of the state, display it at any gun show
330 licensed by a state or local governmental entity or sell it to a resident
331 outside the state. Any transporting of the assault weapon allowed by
332 this subsection must be done as required by subsection (a) of this
333 section.

334 (c) (1) Any licensed gun dealer, as defined in subsection (d) of this
335 section, may take possession of any assault weapon for the purposes of
336 servicing or repair from any person to whom has been issued a
337 certificate of possession for such weapon pursuant to sections [29-37j
338 and] 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-
339 46a] as amended by this act.

340 (2) Any licensed gun dealer may transfer possession of any assault
341 weapon received pursuant to subdivision (1) of this subsection, to a
342 gunsmith for purposes of accomplishing service or repair of the same.
343 Transfers are permissible only to the following persons:

344 (A) A gunsmith who is in the dealer's employ;

345 (B) A gunsmith with whom the dealer has contracted for
346 gunsmithing services, provided the gunsmith receiving the assault
347 weapon holds a dealer's license issued pursuant to Chapter 44,
348 commencing with Section 921, of Title 18 of the United States Code and
349 the regulations issued pursuant thereto.

350 (d) The term "licensed gun dealer", as used in sections [29-37j and]
351 53-202a to 53-202k, inclusive, as amended by this act, [and subsection
352 (h) of section 53a-46a] means a person who has a federal firearms
353 license and a permit to sell firearms pursuant to section 29-28.

354 Sec. 6. Section 53-202g of the general statutes is repealed and the
355 following is substituted in lieu thereof:

356 Any person who lawfully possesses an assault weapon under
357 sections [29-37j and] 53-202a to 53-202k, inclusive, [and subsection (h)
358 of section 53a-46a] that is stolen from [him] such person shall report
359 the theft to law enforcement authorities within seventy-two hours of
360 when such person discovered or should have discovered the theft.

361 Sec. 7. Section 53-202i of the general statutes is repealed and the
362 following is substituted in lieu thereof:

363 Nothing in sections [29-37j and] 53-202a to 53-202k, inclusive, as
364 amended by this act, [and subsection (h) of section 53a-46a] shall be
365 construed to prohibit any person, firm or corporation engaged in the
366 business of manufacturing assault weapons in this state from
367 manufacturing or transporting assault weapons in this state for sale
368 within this state in accordance with subdivision (1) of subsection (b) of
369 section 53-202b, as amended by this act, or for sale outside this state.

370 Sec. 8. (NEW) (a) (1) For purposes of this section, "armor piercing
371 fifty caliber bullet" means any fifty caliber bullet that is (A) designed
372 for the purpose of, (B) held out by the manufacturer or distributor as,
373 or (C) generally recognized as having a specialized capability to
374 penetrate armor or bulletproof glass, including, but not limited to,
375 such bullets commonly designated as "M2 Armor-Piercing" or "AP",
376 "M8 Armor-Piercing Incendiary" or "API", "M20 Armor-Piercing
377 Incendiary Tracer" or "APIT", "M903 Caliber .50 Saboted Light Armor
378 Penetrator" or "SLAP", or "M962 Saboted Light Armor Penetrator
379 Tracer" or "SLAPT".

380 (2) "Incendiary fifty caliber bullet" means any fifty caliber bullet that
381 is (A) designed for the purpose of, (B) held out by the manufacturer or
382 distributor as, or (C) generally recognized as having a specialized
383 capability to ignite upon impact, including, but not limited to, such
384 bullets commonly designated as "M1 Incendiary", "M23 Incendiary",
385 "M8 Armor-Piercing Incendiary" or "API", or "M20 Armor-Piercing

386 Incendiary Tracer" or "APIT".

387 (b) Any person who knowingly distributes, transports or imports
388 into the state, keeps for sale or offers or exposes for sale or gives to any
389 person any ammunition that is an armor piercing fifty caliber bullet or
390 an incendiary fifty caliber bullet shall be guilty of a class D felony,
391 except that a first-time violation of this subsection shall be a class A
392 misdemeanor.

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

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

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

402 (3) The transfer by bequest or intestate succession of such
403 ammunition.

404 (d) If the court finds that a violation of this section is not of a serious
405 nature and that the person charged with such violation (1) will
406 probably not offend in the future, (2) has not previously been
407 convicted of a violation of this section, and (3) has not previously had a
408 prosecution under this section suspended pursuant to this subsection,
409 it may order suspension of prosecution in accordance with the
410 provisions of subsection (h) of section 29-33 of the general statutes.

411 Sec. 9. (NEW) (a) For purposes of this section, "large capacity
412 ammunition magazine" means any ammunition feeding device with
413 the capacity to accept more than ten rounds, except it does not include
414 (1) a feeding device that has been permanently altered so that it cannot
415 accommodate more than ten rounds, or (2) any .22 caliber tube

416 ammunition feeding device.

417 (b) Any person who distributes, transports or imports into the state,
418 keeps for sale or offers or exposes for sale or gives to any person, a
419 large capacity ammunition magazine shall be guilty of a class D felony,
420 except a first-time violation of this subsection shall be a class A
421 misdemeanor.

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

424 (1) The sale of large capacity ammunition magazines to the
425 Department of Public Safety, police departments, the Department of
426 Correction or the military or naval forces of this state or of the United
427 States for use in the discharge of their official duties;

428 (2) A person who is the executor or administrator of an estate that
429 includes a large capacity ammunition magazine that is disposed of as
430 authorized by the Probate Court;

431 (3) The transfer by bequest or intestate succession of a large capacity
432 ammunition magazine;

433 (4) The importation of a large capacity ammunition magazine by a
434 person who lawfully possessed the large capacity ammunition
435 magazine in the state prior to October 1, 2001, lawfully took it out of
436 the state, and is returning to the state with the large capacity
437 ammunition magazine previously lawfully possessed in this state;

438 (5) The giving of any large capacity ammunition magazine to any
439 licensed gun dealer, as defined in subsection (d) of section 53-202f of
440 the general statutes, as amended by this act, for the purpose of
441 maintenance, repair or modification of such magazine, and the return
442 from such gun dealer to the owner; or

443 (6) The transfer by any licensed gun dealer of any large capacity
444 ammunition magazine received pursuant to subdivision (5) of this
445 subsection, to a gunsmith for purposes of accomplishing service or

446 repair of the same, and the return from such gunsmith to the gun
447 dealer, provided transfers are made only to the following persons: (A)
448 a gunsmith who is in the licensed gun dealer's employ; (B) a gunsmith
449 with whom the licensed gun dealer has contracted for gunsmithing
450 services, provided the gunsmith receiving the large capacity
451 ammunition magazine holds a dealer's license issued pursuant to
452 Chapter 44, commencing with Section 921, of Title 18 of the United
453 States Code and the regulations issued pursuant thereto.

454 (d) If the court finds that a violation of this section is not of a serious
455 nature and that the person charged with such violation (1) will
456 probably not offend in the future, (2) has not previously been
457 convicted of a violation of this section, and (3) has not previously had a
458 prosecution under this section suspended pursuant to this subsection,
459 it may order suspension of prosecution in accordance with subsection
460 (h) of section 29-33 of the general statutes."