



General Assembly

January Session, 2001

Amendment

LCO No. 7552

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 In line 100, after "state" insert "or temporary state"

2 In line 203, strike "and is eligible under federal law"

3 In line 204, strike "to possess a pistol or revolver"

4 Strike lines 272 to 293, inclusive, in their entirety, and renumber the
5 following sections accordingly.

6 After line 394, insert the following:

7 "Sec. 7. Section 53-202a of the general statutes is repealed and the
8 following is substituted in lieu thereof:

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

12 (1) Any selective-fire firearm capable of fully automatic,
13 semiautomatic or burst fire at the option of the user or any of the
14 following specified semiautomatic firearms: Algimec Agmi; Armalite
15 AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance
16 Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty
17 model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol;
18 Calico models M-900, M-950 and 100-P; Chartered Industries of
19 Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and
20 Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL,
21 FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT;
22 Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR
23 and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol;
24 Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83;
25 MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and
26 Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding
27 stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre
28 Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and
29 G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker
30 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine
31 and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

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

38 (3) All weapons that are variations, with minor differences, of those
39 weapons listed in subdivision (1) of this subsection, including, but not
40 limited to: Armalite AR-10, M15, or Golden Eagle types; Bushmaster
41 AR15 or XM15 types; Colt AR-10 or Match Target types; DPMS
42 Panther type; DS Arms SA 58 type; Eagle Arms M15 or EA-15 types;
43 Fulton Armory AR15 type; Hesse Arms HAR 15A2 or HAR-25 types;
44 Intratec TEC DC-9, AB-10, Sport-22 or TEC-22 types; Knight's SR-15,
45 SR-25, or RAS types; Les Baer Ultimate AR type; Olympic Arms AR-15,

46 Car-97 or PCR types; Professional Ordinance, Inc. Carbon 15 rifle or
47 Carbon 15 pistol types; Rock River Arms, Inc. Standard A2, Car A2,
48 Standard A-4 Flattop, Car A-4 Flattop, NM A2-DCM Legal or LE
49 Tactical Carbine types; Special Weapons SW-5/45 type; Wilson
50 Combat AR-15, Urban Tactical, Tactical Precision and Tactical Carbine
51 types;

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

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

56 (i) A folding or telescoping stock;

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

59 (iii) A bayonet mount;

60 (iv) A flash suppressor or threaded barrel designed to accommodate
61 a flash suppressor; and

62 (v) A grenade launcher; or

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

65 (i) An ammunition magazine that attaches to the pistol outside of
66 the pistol grip;

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

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

72 (iv) A manufactured weight of fifty ounces or more when the pistol

73 is unloaded; and

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

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

76 (i) A folding or telescoping stock;

77 (ii) A pistol grip that protrudes conspicuously beneath the action of
78 the weapon;

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

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

81 (D) Any semiautomatic firearm capable of firing fifty caliber
82 ammunition.

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

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

93 Sec. 8. Section 53-202b of the general statutes is repealed and the
94 following is substituted in lieu thereof:

95 (a) (1) Any person who, within this state, distributes, transports or
96 imports into the state, keeps for sale, or offers or exposes for sale, or
97 who gives any assault weapon, except as provided by sections [29-37]
98 and] 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-
99 46a,] shall be guilty of a class C felony and shall be sentenced to a term
100 of imprisonment of which two years may not be suspended or

101 reduced.

102 (2) Any person who transfers, sells or gives any assault weapon to a
103 person under eighteen years of age in violation of subdivision (1) of
104 this subsection shall be sentenced to a term of imprisonment of six
105 years, which shall not be suspended or reduced and shall be in
106 addition and consecutive to the term of imprisonment imposed under
107 subdivision (1) of this subsection.

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

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

113 (2) A person who is the executor or administrator of an estate that
114 includes an assault weapon for which a certificate of possession has
115 been issued under section 53-202d, as amended by this act, which is
116 disposed of as authorized by the Probate Court, if the disposition is
117 otherwise permitted by sections [29-37j and] 53-202a to 53-202k,
118 inclusive, as amended by this act; or [and subsection (h) of section 53a-
119 46a;]

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

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

130 Sec. 9. Section 53-202c of the general statutes is repealed and the

131 following is substituted in lieu thereof:

132 (a) Except as provided in section 53-202e, any person who, within
133 this state, possesses any assault weapon, except as provided in sections
134 [29-37j and] 53-202a to 53-202k, inclusive, as amended by this act, [and
135 subsection (h) of section 53a-46a,] shall be guilty of a class D felony
136 and shall be sentenced to a term of imprisonment of which one year
137 may not be suspended or reduced; except that a first-time violation of
138 this subsection shall be a class A misdemeanor if (1) the person
139 presents proof that [he] such person lawfully possessed the assault
140 weapon, as defined in subdivisions (1) and (2) of subsection (a) of
141 section 53-202a, as amended by this act, prior to October 1, 1993, or the
142 person presents proof that such person lawfully possessed the assault
143 weapon, as defined in subdivisions (3) to (5), inclusive, of subsection
144 (a) of section 53-202a, as amended by this act, prior to October 1, 2001,
145 and (2) the person has otherwise possessed the firearm in compliance
146 with subsection (d) of section 53-202d, as amended by this act.

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

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

160 (1) The person is eligible under sections [29-37j and] 53-202a to 53-
161 202k, inclusive, as amended by this act, [and subsection (h) of section
162 53a-46a] to apply for a certificate of possession for the assault weapon,

163 as defined in subdivision (1) or (2) of subsection (a) of section 53-202a,
164 as amended by this act, by July 1, 1994;

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

168 (3) The person is otherwise in compliance with sections [29-37j and]
169 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-46a] as
170 amended by this act.

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

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

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

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

191 (3) The person is otherwise in compliance with sections 53-202a to
192 53-202k, inclusive, as amended by this act.

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

200 Sec. 10. Section 53-202d of the general statutes is repealed and the
201 following is substituted in lieu thereof:

202 (a) (1) Any person who lawfully possesses an assault weapon, as
203 defined in subdivision (1) or (2) of subsection (a) of section 53-202a, as
204 amended by this act, prior to October 1, 1993, shall apply by October 1,
205 1994, or, if such person is a member of the military or naval forces of
206 this state or of the United States and is unable to apply by October 1,
207 1994, because [he or she] such member is or was on official duty
208 outside of this state, shall apply within ninety days of returning to the
209 state to the Department of Public Safety, for a certificate of possession
210 with respect to such assault weapon.

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

220 (3) Any person who registered a firearm as an assault weapon
221 pursuant to the provisions of the law in effect prior to October 1, 2001,
222 and the firearm is thereafter defined as an assault weapon pursuant to
223 subdivisions (3) to (5), inclusive, of subsection (a) of section 53-202a, as
224 amended by this act, shall be deemed to have registered such assault

225 weapon for purposes of sections 53-202a to 53-202k, inclusive, as
226 amended by this act, and shall not be required to reregister such
227 assault weapon.

228 (4) The certificate shall contain a description of the firearm that
229 identifies it uniquely, including all identification marks, the full name,
230 address, date of birth and thumbprint of the owner, and any other
231 information as the department may deem appropriate. The department
232 shall adopt regulations in accordance with the provisions of chapter 54
233 [not later than January 1, 1994,] to establish procedures with respect to
234 the application for and issuance of certificates of possession pursuant
235 to this section. Notwithstanding the provisions of sections 1-210 and 1-
236 211, the name and address of a person issued a certificate of possession
237 shall be confidential and shall not be disclosed, except such records
238 may be disclosed to (1) law enforcement agencies, and (2) the
239 Commissioner of Mental Health and Addiction Services to carry out
240 the provisions of subsection (c) of section 17a-500.

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

259 licensed gun dealer or remove the weapon from the state. Any person
260 who moves into the state in lawful possession of an assault weapon,
261 shall, within ninety days, either render the weapon permanently
262 inoperable, sell the weapon to a licensed gun dealer or remove the
263 weapon from this state; [, except any] Any person who is a member of
264 the military or naval forces of this state or of the United States, is in
265 lawful possession of an assault weapon, as defined in subdivision (1)
266 or (2) of subsection (a) of section 53-202a, as amended by this act, and
267 has been transferred into the state after October 1, 1994, may, within
268 ninety days of arriving in the state, apply to the Department of Public
269 Safety for a certificate of possession with respect to such assault
270 weapon. Any person who is a member of the military or naval forces
271 of this state or of the United States, is in lawful possession of an assault
272 weapon, as defined in subdivisions (3) to (5), inclusive, of subsection
273 (a) of section 53-202a, as amended by this act, and has been transferred
274 into the state after October 1, 2002, may, within ninety days of arriving
275 in the state, apply to the Department of Public Safety for a certificate of
276 possession with respect to such assault weapon.

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

293 commissioner's central office.

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

297 (1) At that person's residence, place of business or other property
298 owned by that person, or on property owned by another with the
299 owner's express permission;

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

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

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

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

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

317 Sec. 11. Section 53-202f of the general statutes is repealed and the
318 following is substituted in lieu thereof:

319 (a) While transporting an assault weapon between any of the places
320 mentioned in subdivisions (1) to (6), inclusive, of subsection (d) of
321 section 53-202d, as amended by this act, no person shall carry a loaded

322 assault weapon concealed from public view or knowingly have, in any
323 motor vehicle owned, operated or occupied by [him] such person (1) a
324 loaded assault weapon, or (2) an unloaded assault weapon unless such
325 weapon is kept in the trunk of such vehicle or in a case or other
326 container which is inaccessible to the operator of or any passenger in
327 such vehicle. Any person who violates the provisions of this subsection
328 shall be fined not more than five hundred dollars or imprisoned not
329 more than three years or both.

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

339 (c) (1) Any licensed gun dealer, as defined in subsection (d) of this
340 section, may take possession of any assault weapon for the purposes of
341 servicing or repair from any person to whom has been issued a
342 certificate of possession for such weapon pursuant to sections [29-37j
343 and] 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-
344 46a] as amended by this act.

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

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

350 (B) A gunsmith with whom the dealer has contracted for
351 gunsmithing services, provided the gunsmith receiving the assault
352 weapon holds a dealer's license issued pursuant to Chapter 44,
353 commencing with Section 921, of Title 18 of the United States Code and

354 the regulations issued pursuant thereto.

355 (d) The term "licensed gun dealer", as used in sections [29-37j and]
356 53-202a to 53-202k, inclusive, as amended by this act, [and subsection
357 (h) of section 53a-46a] means a person who has a federal firearms
358 license and a permit to sell firearms pursuant to section 29-28.

359 Sec. 12. Section 53-202g of the general statutes is repealed and the
360 following is substituted in lieu thereof:

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

366 Sec. 13. Section 53-202i of the general statutes is repealed and the
367 following is substituted in lieu thereof:

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

375 Sec. 14. (NEW) (a) (1) For purposes of this section, "armor piercing
376 fifty caliber bullet" means any fifty caliber bullet that is (A) designed
377 for the purpose of, (B) held out by the manufacturer or distributor as,
378 or (C) generally recognized as having a specialized capability to
379 penetrate armor or bulletproof glass, including, but not limited to,
380 such bullets commonly designated as "M2 Armor-Piercing" or "AP",
381 "M8 Armor-Piercing Incendiary" or "API", "M20 Armor-Piercing
382 Incendiary Tracer" or "APIT", "M903 Caliber .50 Saboted Light Armor
383 Penetrator" or "SLAP", or "M962 Saboted Light Armor Penetrator
384 Tracer" or "SLAPT".

385 (2) "Incendiary fifty caliber bullet" means any fifty caliber bullet that
386 is (A) designed for the purpose of, (B) held out by the manufacturer or
387 distributor as, or (C) generally recognized as having a specialized
388 capability to ignite upon impact, including, but not limited to, such
389 bullets commonly designated as "M1 Incendiary", "M23 Incendiary",
390 "M8 Armor-Piercing Incendiary" or "API", or "M20 Armor-Piercing
391 Incendiary Tracer" or "APIT".

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

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

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

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

407 (3) The transfer by bequest or intestate succession of such
408 ammunition.

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

416 Sec. 15. (NEW) (a) For purposes of this section, "large capacity
417 ammunition magazine" means any ammunition feeding device with
418 the capacity to accept more than ten rounds, except it does not include
419 (1) a feeding device that has been permanently altered so that it cannot
420 accommodate more than ten rounds, or (2) any .22 caliber tube
421 ammunition feeding device.

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

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

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

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

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

438 (4) The importation of a large capacity ammunition magazine by a
439 person who lawfully possessed the large capacity ammunition
440 magazine in the state prior to October 1, 2001, lawfully took it out of
441 the state, and is returning to the state with the large capacity
442 ammunition magazine previously lawfully possessed in this state;

443 (5) The giving of any large capacity ammunition magazine to any
444 licensed gun dealer, as defined in subsection (d) of section 53-202f of
445 the general statutes, as amended by this act, for the purpose of

446 maintenance, repair or modification of such magazine, and the return
447 from such gun dealer to the owner; or

448 (6) The transfer by any licensed gun dealer of any large capacity
449 ammunition magazine received pursuant to subdivision (5) of this
450 subsection, to a gunsmith for purposes of accomplishing service or
451 repair of the same, and the return from such gunsmith to the gun
452 dealer, provided transfers are made only to the following persons: (A)
453 a gunsmith who is in the licensed gun dealer's employ; (B) a gunsmith
454 with whom the licensed gun dealer has contracted for gunsmithing
455 services, provided the gunsmith receiving the large capacity
456 ammunition magazine holds a dealer's license issued pursuant to
457 Chapter 44, commencing with Section 921, of Title 18 of the United
458 States Code and the regulations issued pursuant thereto.

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