



General Assembly

January Session, 2001

Amendment

LCO No. 7938

Offered by:
REP. LAWLOR, 99th Dist.

To: Senate Bill No. 1402

File No. 139

Cal. No. 582

"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 Section 53-202a of the general statutes is repealed and the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) Any semiautomatic firearm not listed in subdivision (1) of this
35 subsection that meets the following criteria:

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

38 (i) A folding or telescoping stock;

39 (ii) A pistol grip that protrudes conspicuously beneath the action of
40 the weapon;

41 (iii) A bayonet mount;

42 (iv) A flash suppressor or threaded barrel designed to accommodate
43 a flash suppressor; and

44 (v) A grenade launcher; or

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

47 (i) An ammunition magazine that attaches to the pistol outside of
48 the pistol grip;

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

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

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

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

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

58 (i) A folding or telescoping stock;

59 (ii) A pistol grip that protrudes conspicuously beneath the action of
60 the weapon;

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

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

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

69 (b) As used in this section and sections 53-202b to 53-202k, inclusive,
70 as amended by this act, [and subsection (h) of section 53a-46a,] the
71 term "assault weapon" does not include any firearm modified to

72 render it permanently inoperable.

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

75 (a) (1) Any person who, within this state, distributes, transports or
76 imports into the state, keeps for sale, or offers or exposes for sale, or
77 who gives any assault weapon, except as provided by sections [29-37j
78 and] 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-
79 46a,] shall be guilty of a class C felony and shall be sentenced to a term
80 of imprisonment of which two years may not be suspended or
81 reduced.

82 (2) Any person who transfers, sells or gives any assault weapon to a
83 person under eighteen years of age in violation of subdivision (1) of
84 this subsection shall be sentenced to a term of imprisonment of six
85 years, which shall not be suspended or reduced and shall be in
86 addition and consecutive to the term of imprisonment imposed under
87 subdivision (1) of this subsection.

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

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

93 (2) A person who is the executor or administrator of an estate that
94 includes an assault weapon for which a certificate of possession has
95 been issued under section 53-202d, as amended by this act, which is
96 disposed of as authorized by the Probate Court, if the disposition is
97 otherwise permitted by sections [29-37j and] 53-202a to 53-202k,
98 inclusive, as amended by this act; or [and subsection (h) of section 53a-
99 46a;]

100 (3) The transfer by bequest or intestate succession of an assault
101 weapon for which a certificate of possession has been issued under

102 section 53-202d, as amended by this act.

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

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

112 (a) Except as provided in section 53-202e, any person who, within
113 this state, possesses any assault weapon, except as provided in sections
114 [29-37j and] 53-202a to 53-202k, inclusive, as amended by this act, [and
115 subsection (h) of section 53a-46a,] shall be guilty of a class D felony
116 and shall be sentenced to a term of imprisonment of which one year
117 may not be suspended or reduced; except that a first-time violation of
118 this subsection shall be a class A misdemeanor if (1) the person
119 presents proof that [he] such person lawfully possessed the assault
120 weapon, as defined in subdivision (1) or (2) of subsection (a) of section
121 53-202a, as amended by this act, prior to October 1, 1993, or the person
122 presents proof that such person lawfully possessed the assault
123 weapon, as defined in subdivision (3) or (4) of subsection (a) of section
124 53-202a, as amended by this act, prior to October 1, 2001, and (2) the
125 person has otherwise possessed the firearm in compliance with
126 subsection (d) of section 53-202d, as amended by this act.

127 (b) The provisions of subsection (a) of this section shall not apply to
128 the possession of assault weapons by members or employees of the
129 Department of Public Safety, police departments, the Department of
130 Correction or the military or naval forces of this state or of the United
131 States for use in the discharge of their official duties; nor shall anything
132 in sections [29-37j and] 53-202a to 53-202k, inclusive, as amended by
133 this act, [and subsection (h) of section 53a-46a] prohibit the possession

134 or use of assault weapons by sworn members of these agencies when
135 on duty and the use is within the scope of their duties.

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

140 (1) The person is eligible under sections [29-37j and] 53-202a to 53-
141 202k, inclusive, as amended by this act, [and subsection (h) of section
142 53a-46a] to apply for a certificate of possession for the assault weapon,
143 as defined in subdivision (1) or (2) of subsection (a) of section 53-202a,
144 as amended by this act, by July 1, 1994;

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

148 (3) The person is otherwise in compliance with sections [29-37j and]
149 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-46a] as
150 amended by this act.

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

158 (e) The provisions of subsection (a) of this section shall not apply to
159 the possession of an assault weapon, as defined in subdivision (3) or
160 (4), of subsection (a) of section 53-202a, as amended by this act, by any
161 person prior to July 1, 2002, if all of the following are applicable:

162 (1) The person is eligible under sections 53-202a to 53-202k,
163 inclusive, as amended by this act, to apply for a certificate of

164 possession for the assault weapon, as defined in subdivision (3) or (4)
165 of subsection (a) of section 53-202a, as amended by this act, by July 1,
166 2002;

167 (2) The person lawfully possessed the assault weapon, as defined in
168 subdivision (3) or (4), of subsection (a) of section 53-202a, as amended
169 by this act, prior to October 1, 2001; and

170 (3) The person is otherwise in compliance with sections 53-202a to
171 53-202k, inclusive, as amended by this act.

172 (f) If the court finds that a violation of this section is not of a serious
173 nature and that the person charged with such violation (1) will
174 probably not offend in the future, (2) has not previously been
175 convicted of a violation of this section, and (3) has not previously had a
176 prosecution under this section suspended pursuant to this subsection,
177 it may order suspension of prosecution in accordance with the
178 provisions of subsection (h) of section 29-33 of the general statutes.

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

181 (a) (1) Any person who lawfully possesses an assault weapon, as
182 defined in subdivision (1) or (2) of subsection (a) of section 53-202a, as
183 amended by this act, prior to October 1, 1993, shall apply by October 1,
184 1994, or, if such person is a member of the military or naval forces of
185 this state or of the United States and is unable to apply by October 1,
186 1994, because [he or she] such member is or was on official duty
187 outside of this state, shall apply within ninety days of returning to the
188 state to the Department of Public Safety, for a certificate of possession
189 with respect to such assault weapon.

190 (2) Any person who lawfully possesses an assault weapon, as
191 defined in subdivision (3) or (4) of subsection (a) of section 53-202a, as
192 amended by this act, prior to October 1, 2001, shall apply by October 1,
193 2002, or, if such person is a member of the military or naval forces of
194 this state or of the United States and is unable to apply by October 1,

195 2002, because such member is or was on official duty outside of this
196 state, shall apply within ninety days of returning to the state to the
197 Department of Public Safety, for a certificate of possession with respect
198 to such assault weapon.

199 (3) Any person who registered a firearm as an assault weapon
200 pursuant to the provisions of the law in effect prior to October 1, 2001,
201 and the firearm is thereafter defined as an assault weapon pursuant to
202 subdivision (3) or (4) of subsection (a) of section 53-202a, as amended
203 by this act, shall be deemed to have registered such assault weapon for
204 purposes of sections 53-202a to 53-202k, inclusive, as amended by this
205 act, and shall not be required to reregister such assault weapon.

206 (4) The certificate shall contain a description of the firearm that
207 identifies it uniquely, including all identification marks, the full name,
208 address, date of birth and thumbprint of the owner, and any other
209 information as the department may deem appropriate. The department
210 shall adopt regulations in accordance with the provisions of chapter 54
211 [not later than January 1, 1994,] to establish procedures with respect to
212 the application for and issuance of certificates of possession pursuant
213 to this section. Notwithstanding the provisions of sections 1-210 and 1-
214 211, the name and address of a person issued a certificate of possession
215 shall be confidential and shall not be disclosed, except such records
216 may be disclosed to (1) law enforcement agencies, and (2) the
217 Commissioner of Mental Health and Addiction Services to carry out
218 the provisions of subsection (c) of section 17a-500.

219 (b) No assault weapon, as defined in subdivision (1) or (2) of
220 subsection (a) of section 53-202a, as amended by this act, possessed
221 pursuant to this section may be sold or transferred on or after January
222 1, 1994, to any person within this state other than to a licensed gun
223 dealer, as defined in subsection (d) of section 53-202f, as amended by
224 this act, or as provided in section 53-202e, or by bequest or intestate
225 succession. No assault weapon, as defined in subdivision (3) or (4) of
226 subsection (a) of section 53-202a, as amended by this act, possessed
227 pursuant to this section may be sold or transferred on or after January

228 1, 2002, to any person within this state other than to a licensed gun
229 dealer, as defined in subsection (d) of section 53-202f, as amended by
230 this act, or as provided in section 53-202e, or by bequest or intestate
231 succession. Any person who obtains title to an assault weapon for
232 which a certificate of possession has been issued under this section by
233 bequest or intestate succession shall, within ninety days of obtaining
234 title, apply to the Department of Public Safety for a certificate of
235 possession as provided in subsection (a) of this section, render the
236 weapon permanently inoperable, sell the weapon to a licensed gun
237 dealer or remove the weapon from the state. Any person who moves
238 into the state in lawful possession of an assault weapon, shall, within
239 ninety days, either render the weapon permanently inoperable, sell the
240 weapon to a licensed gun dealer or remove the weapon from this state.
241 [, except any] Any person who is a member of the military or naval
242 forces of this state or of the United States, is in lawful possession of an
243 assault weapon, as defined in subdivision (1) or (2) of subsection (a) of
244 section 53-202a, as amended by this act, and has been transferred into
245 the state after October 1, 1994, may, within ninety days of arriving in
246 the state, apply to the Department of Public Safety for a certificate of
247 possession with respect to such assault weapon. Any person who is a
248 member of the military or naval forces of this state or of the United
249 States, is in lawful possession of an assault weapon, as defined in
250 subdivision (3) or (4) of subsection (a) of section 53-202a, as amended
251 by this act, and has been transferred into the state after October 1, 2002,
252 may, within ninety days of arriving in the state, apply to the
253 Department of Public Safety for a certificate of possession with respect
254 to such assault weapon.

255 (c) If an owner of an assault weapon sells or transfers the weapon to
256 a licensed gun dealer, [he] such dealer shall, at the time of delivery of
257 the weapon, execute a certificate of transfer and cause the certificate to
258 be mailed or delivered to the Commissioner of Public Safety. The
259 certificate shall contain: (1) The date of sale or transfer; (2) the name
260 and address of the seller or transferor and the licensed gun dealer,
261 their social security numbers or motor vehicle operator license

262 numbers, if applicable; (3) the licensed gun dealer's federal firearms
263 license number and seller's permit number; (4) a description of the
264 weapon, including the caliber of the weapon and its make, model and
265 serial number; and (5) any other information the commissioner
266 prescribes. The licensed gun dealer shall present [his] such dealer's
267 motor vehicle operator's license or social security card, federal firearms
268 license and seller's permit to the seller or transferor for inspection at
269 the time of purchase or transfer. The Commissioner of Public Safety
270 shall maintain a file of all certificates of transfer at [his] the
271 commissioner's central office.

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

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

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

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

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

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

289 (6) While transporting the assault weapon between any of the places
290 mentioned in this subsection, or to any licensed gun dealer, as defined
291 in subsection (d) of section 53-202f, as amended by this act, for

292 servicing or repair pursuant to subsection (c) of section 53-202f, as
293 amended by this act, provided the assault weapon is transported as
294 required by section 53-202f, as amended by this act.

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

297 (a) While transporting an assault weapon between any of the places
298 mentioned in subdivisions (1) to (6), inclusive, of subsection (d) of
299 section 53-202d, as amended by this act, no person shall carry a loaded
300 assault weapon concealed from public view or knowingly have, in any
301 motor vehicle owned, operated or occupied by [him] such person (1) a
302 loaded assault weapon, or (2) an unloaded assault weapon unless such
303 weapon is kept in the trunk of such vehicle or in a case or other
304 container which is inaccessible to the operator of or any passenger in
305 such vehicle. Any person who violates the provisions of this subsection
306 shall be fined not more than five hundred dollars or imprisoned not
307 more than three years or both.

308 (b) Any licensed gun dealer, as defined in subsection (d) of this
309 section, who lawfully possesses an assault weapon pursuant to section
310 53-202d, as amended by this act, in addition to the uses allowed in
311 section 53-202d, as amended by this act, may transport the assault
312 weapon between dealers or out of the state, display it at any gun show
313 licensed by a state or local governmental entity or sell it to a resident
314 outside the state. Any transporting of the assault weapon allowed by
315 this subsection must be done as required by subsection (a) of this
316 section.

317 (c) (1) Any licensed gun dealer, as defined in subsection (d) of this
318 section, may take possession of any assault weapon for the purposes of
319 servicing or repair from any person to whom has been issued a
320 certificate of possession for such weapon pursuant to sections [29-37]
321 and] 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-
322 46a] as amended by this act.

323 (2) Any licensed gun dealer may transfer possession of any assault

324 weapon received pursuant to subdivision (1) of this subsection, to a
325 gunsmith for purposes of accomplishing service or repair of the same.
326 Transfers are permissible only to the following persons:

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

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

333 (d) The term "licensed gun dealer", as used in sections [29-37j and]
334 53-202a to 53-202k, inclusive, as amended by this act, [and subsection
335 (h) of section 53a-46a] means a person who has a federal firearms
336 license and a permit to sell firearms pursuant to section 29-28.

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

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

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

346 Nothing in sections [29-37j and] 53-202a to 53-202k, inclusive, as
347 amended by this act, [and subsection (h) of section 53a-46a] shall be
348 construed to prohibit any person, firm or corporation engaged in the
349 business of manufacturing assault weapons in this state from
350 manufacturing or transporting assault weapons in this state for sale
351 within this state in accordance with subdivision (1) of subsection (b) of
352 section 53-202b, as amended by this act, or for sale outside this state."