



General Assembly

February Session, 2002

**Raised Bill No. 489**

LCO No. 2070

Referred to Committee on Energy and Technology

Introduced by:  
(ET)

**AN ACT CONCERNING SECURITY AT NUCLEAR POWER  
GENERATING FACILITIES.**

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

1 Section 1. Section 53a-20 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 A person in possession or control of premises, or a person who is  
4 licensed or privileged to be in or upon such premises, is justified in  
5 using reasonable physical force upon another person when and to the  
6 extent that [he] such person reasonably believes such to be necessary to  
7 prevent or terminate the commission or attempted commission of a  
8 criminal trespass by such other person in or upon such premises; but  
9 [he] such person may use deadly physical force under such  
10 circumstances only (1) in defense of a person as prescribed in section  
11 53a-19, or (2) when [he] such person reasonably believes such to be  
12 necessary to prevent an attempt by the trespasser to commit arson or  
13 any crime of violence, [or] (3) to the extent that [he] such person  
14 reasonably believes such to be necessary to prevent or terminate an  
15 unlawful entry by force into [his] the dwelling of such person, as  
16 defined in section 53a-100, or place of work, and for the sole purpose

17 of such prevention or termination, or (4) to the extent that such person  
18 reasonably believes that the use of deadly force is necessary to prevent  
19 or terminate an attempt to commit arson, any crime of violence or an  
20 unlawful entry by force into a nuclear power generating facility or the  
21 real estate upon which such facility is located, and for the sole purpose  
22 of such prevention or termination.

23 Sec. 2. Section 53-202b of the general statutes is repealed and the  
24 following is substituted in lieu thereof (*Effective July 1, 2002*):

25 (a) (1) Any person who, within this state, distributes, transports or  
26 imports into the state, keeps for sale, or offers or exposes for sale, or  
27 who gives any assault weapon, except as provided by sections 29-37j  
28 and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a,  
29 as amended, shall be guilty of a class C felony and shall be sentenced  
30 to a term of imprisonment of which two years may not be suspended  
31 or reduced.

32 (2) Any person who transfers, sells or gives any assault weapon to a  
33 person under eighteen years of age in violation of subdivision (1) of  
34 this subsection shall be sentenced to a term of imprisonment of six  
35 years, which shall not be suspended or reduced and shall be in  
36 addition and consecutive to the term of imprisonment imposed under  
37 subdivision (1) of this subsection.

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

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

43 (2) A person who is the executor or administrator of an estate that  
44 includes an assault weapon for which a certificate of possession has  
45 been issued under section 53-202d which is disposed of as authorized  
46 by the Probate Court, if the disposition is otherwise permitted by

47 sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of  
48 section 53a-46a, as amended;

49 (3) The transfer by bequest or intestate succession of an assault  
50 weapon for which a certificate of possession has been issued under  
51 section 53-202d;

52 (4) The sale of assault weapons to any licensee of the Nuclear  
53 Regulatory Commission for use in the maintenance of security by  
54 properly trained personnel at a nuclear power generating facility.

55 Sec. 3. Section 53-202c of the general statutes is repealed and the  
56 following is substituted in lieu thereof (*Effective July 1, 2002*):

57 (a) Except as provided in section 53-202e, any person who, within  
58 this state, possesses any assault weapon, except as provided in sections  
59 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section  
60 53a-46a, as amended, shall be guilty of a class D felony and shall be  
61 sentenced to a term of imprisonment of which one year may not be  
62 suspended or reduced; except that a first-time violation of this  
63 subsection shall be a class A misdemeanor if (1) the person presents  
64 proof that he lawfully possessed the assault weapon prior to October 1,  
65 1993, and (2) the person has otherwise possessed the firearm in  
66 compliance with subsection (d) of section 53-202d.

67 (b) The provisions of subsection (a) of this section shall not apply to  
68 the possession of assault weapons by members or employees of the  
69 Department of Public Safety, police departments, the Department of  
70 Correction or the military or naval forces of this state or of the United  
71 States for use in the discharge of their official duties; nor shall anything  
72 in sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h)  
73 of section 53a-46a prohibit the possession or use of assault weapons by  
74 sworn members of these agencies when on duty and the use is within  
75 the scope of their duties.

76 (c) The provisions of subsection (a) of this section shall not apply to

77 the possession of an assault weapon by any person prior to July 1,  
78 1994, if all of the following are applicable:

79 (1) The person is eligible under sections 29-37j and 53-202a to 53-  
80 202k, inclusive, and subsection (h) of section 53a-46a, as amended, to  
81 apply for a certificate of possession for the assault weapon by July 1,  
82 1994;

83 (2) The person lawfully possessed the assault weapon prior to  
84 October 1, 1993; and

85 (3) The person is otherwise in compliance with sections 29-37j and  
86 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a, as  
87 amended.

88 (d) The provisions of subsection (a) of this section shall not apply to  
89 a person who is the executor or administrator of an estate that includes  
90 an assault weapon for which a certificate of possession has been issued  
91 under section 53-202d, if the assault weapon is possessed at a place set  
92 forth in subdivision (1) of subsection (d) of section 53-202d or as  
93 authorized by the Probate Court.

94 (e) The provisions of subsection (a) of this section shall not apply to  
95 the possession of assault weapons by properly trained personnel or  
96 properly trained security contractors of a licensee of the Nuclear  
97 Regulatory Commission for use in the maintenance of security at a  
98 nuclear power generating facility.

99 Sec. 4. Section 2 of public act 01-130 is repealed and the following is  
100 substituted in lieu thereof (*Effective July 1, 2002*):

101 (a) (1) For purposes of this section, "armor piercing .50 caliber  
102 bullet" means any .50 caliber bullet that is (A) designed for the purpose  
103 of, (B) held out by the manufacturer or distributor as, or (C) generally  
104 recognized as having a specialized capability to penetrate armor or  
105 bulletproof glass, including, but not limited to, such bullets commonly  
106 designated as "M2 Armor-Piercing" or "AP", "M8 Armor-Piercing

107 Incendiary" or "API", "M20 Armor-Piercing Incendiary Tracer" or  
108 "APIT", "M903 Caliber .50 Saboted Light Armor Penetrator" or "SLAP",  
109 or "M962 Saboted Light Armor Penetrator Tracer" or "SLAPT".

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

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

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

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

129 (2) A person who is the executor or administrator of an estate that  
130 includes such ammunition that is disposed of as authorized by the  
131 Probate Court; [or]

132 (3) The transfer by bequest or intestate succession of such  
133 ammunition; or

134 (4) The sale of such ammunition to any licensee of the Nuclear  
135 Regulatory Commission for use in the maintenance of security by  
136 properly trained personnel at a nuclear power generating facility.

137 (d) If the court finds that a violation of this section is not of a serious  
138 nature and that the person charged with such violation (1) will  
139 probably not offend in the future, (2) has not previously been  
140 convicted of a violation of this section, and (3) has not previously had a  
141 prosecution under this section suspended pursuant to this subsection,  
142 it may order suspension of prosecution in accordance with the  
143 provisions of subsection (h) of section 29-33.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>

**Statement of Purpose:**

To modify existing law affecting the use of physical and deadly force and the use of certain assault weapons and ammunition in order to provide greater security protection at nuclear power facilities.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*