



General Assembly

January Session, 2005

Raised Bill No. 1133

LCO No. 3545

03545_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT REVISING STATUTES RELATIVE TO FIREARMS.

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

1 Section 1. Subdivision (19) of section 53a-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (19) "Firearm" means (A) any [sawed-off shotgun, machine gun,
5 rifle, shotgun, pistol, revolver or other] weapon, whether loaded or
6 unloaded, [from which a shot may be discharged] that can or is
7 designed to or may be readily converted to expel a projectile by the
8 action of an explosive or other discharge and includes, but is not
9 limited to, a sawed-off shotgun, machine gun, assault weapon, rifle,
10 shotgun, pistol or revolver, or (B) the frame or receiver of any weapon
11 described or specified in subparagraph (A) of this subdivision.
12 "Firearm" does not include any BB gun or paintball gun, or any
13 weapon described or specified in subparagraph (A) of this subdivision
14 that has been rendered permanently inoperable.

15 Sec. 2. Section 29-27 of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2005*):

17 As used in sections 29-28 to 29-38, inclusive, as amended by this act:

18 (1) [The term "pistol" and the term] "Pistol" or "revolver" [, as used
19 in sections 29-28 to 29-38, inclusive, mean] means any firearm having
20 a barrel less than twelve inches in length.

21 (2) "Transfer" means the movement of any firearm, whether
22 temporarily or permanently, from the possession of one person, firm
23 or corporation to the possession of another person, firm or corporation,
24 with or without documentation of such movement. "Transfer" does
25 not include the lending or borrowing of a legally-owned firearm
26 between nonlicensed persons authorized by the provisions of this
27 chapter to possess firearms. For the purposes of this subdivision,
28 "nonlicensed person" means a person who is not licensed as a firearms
29 dealer by the federal government.

30 Sec. 3. Subsection (d) of section 29-36l of the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective*
32 *October 1, 2005*):

33 (d) (1) The Department of Public Safety shall be the point of contact
34 for initiating a background check through the National Instant
35 Criminal Background Check System (NICS), established under section
36 103 of the Brady Handgun Violence Prevention Act, on individuals
37 purchasing firearms.

38 (2) The Department of Public Safety, Department of Mental Health
39 and Addiction Services and the Judicial Department shall enter into a
40 memorandum of understanding with the National Instant Criminal
41 Background Check System division of the Federal Bureau of
42 Investigation for the purpose of effectuating the implementation of
43 such system in the state. The Department of Public Safety shall report
44 the name, date of birth and physical description of any person denied a
45 permit or eligibility certificate under the provisions of sections 29-28 to
46 29-38, inclusive, as amended by this act, or denied possession of a
47 firearm pursuant to 18 USC 922(g)(4) to the National Instant Criminal

48 Background Check System Index, Denied Persons Files.

49 Sec. 4. Section 52-571f of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2005*):

51 Any person who sells, delivers or otherwise transfers, as defined in
52 section 29-27, as amended by this act, a firearm, as defined in section
53 53a-3, as amended by this act, to a person knowing that such other
54 person is prohibited from possessing such firearm shall be strictly
55 liable for damages for the injury or death of another person resulting
56 from the use of such firearm by any person.

57 Sec. 5. Subsection (a) of section 53-206d of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2005*):

60 (a) (1) No person shall carry a pistol, revolver, machine gun,
61 shotgun, rifle or other firearm, which is loaded and from which a shot
62 may be discharged, upon his person (A) while under the influence of
63 intoxicating liquor or any drug, or both, or (B) while the ratio of
64 alcohol in the blood of such person is [ten-hundredths] eight-
65 hundredths of one per cent or more of alcohol, by weight.

66 (2) Any person who violates any provision of this subsection shall
67 be guilty of a class B misdemeanor.

68 Sec. 6. Subsection (a) of section 53a-217 of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2005*):

71 (a) A person is guilty of criminal possession of a firearm or
72 electronic defense weapon when such person possesses a firearm or
73 electronic defense weapon and (1) has been convicted of a felony, (2)
74 has been convicted as delinquent for the commission of a serious
75 juvenile offense, as defined in section 46b-120, (3) knows that such
76 person is subject to a restraining or protective order of a court of this
77 state or to a foreign order of protection, as defined in section 46b-15a,

78 that has been issued against such person, after notice and an
79 opportunity to be heard has been provided to such person, in a case
80 involving the use, attempted use or threatened use of physical force
81 against another person, [or] (4) knows that such person is subject to a
82 firearms seizure order issued pursuant to subsection (d) of section 29-
83 38c after notice and an opportunity to be heard has been provided to
84 such person, (5) is prohibited from shipping, transporting, possessing
85 or receiving a firearm pursuant to 18 USC 922(g)(4), or (6) has been
86 denied a permit or eligibility certificate under the provisions of
87 sections 29-28 to 29-38, inclusive, as amended by this act, or a
88 certificate of possession of an assault weapon under section 53-202d.
89 For the purposes of this section, "convicted" means having a judgment
90 of conviction entered by a court of competent jurisdiction.

91 Sec. 7. Subsection (a) of section 53a-217c of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective*
93 *October 1, 2005*):

94 (a) A person is guilty of criminal possession of a pistol or revolver
95 when such person possesses a pistol or revolver, as defined in section
96 29-27, and (1) has been convicted of a felony or of a violation of
97 subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-
98 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (2) has been
99 convicted as delinquent for the commission of a serious juvenile
100 offense, as defined in section 46b-120, (3) has been discharged from
101 custody within the preceding twenty years after having been found
102 not guilty of a crime by reason of mental disease or defect pursuant to
103 section 53a-13, (4) has been confined in a hospital for persons with
104 psychiatric disabilities, as defined in section 17a-495, within the
105 preceding twelve months by order of a probate court, (5) knows that
106 such person is subject to a restraining or protective order of a court of
107 this state or to a foreign order of protection, as defined in section 46b-
108 15a, that has been issued against such person, after notice and an
109 opportunity to be heard has been provided to such person, in a case
110 involving the use, attempted use or threatened use of physical force

111 against another person, (6) knows that such person is subject to a
112 firearms seizure order issued pursuant to subsection (d) of section 29-
113 38c after notice and an opportunity to be heard has been provided to
114 such person, [or] (7) is prohibited from shipping, transporting,
115 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (8) has
116 been denied a permit or eligibility certificate under the provisions of
117 sections 29-28 to 29-38, inclusive, as amended by this act, or a
118 certificate of possession of an assault weapon under section 53-202d, or
119 [(7)] (9) is an alien illegally or unlawfully in the United States. For the
120 purposes of this section, "convicted" means having a judgment of
121 conviction entered by a court of competent jurisdiction.

122 Sec. 8. Subsection (b) of section 29-28 of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective*
124 *October 1, 2005*):

125 (b) Upon the application of any person having a bona fide residence
126 or place of business within the jurisdiction of any such authority, such
127 chief of police, warden or selectman may issue a temporary state
128 permit to such person to carry a pistol or revolver within the state,
129 provided such authority shall find that such applicant intends to make
130 no use of any pistol or revolver which such applicant may be
131 permitted to carry under such permit other than a lawful use and that
132 such person is a suitable person to receive such permit. No state or
133 temporary state permit to carry a pistol or revolver shall be issued
134 under this subsection if the applicant (1) has failed to successfully
135 complete a course approved by the Commissioner of Public Safety in
136 the safety and use of pistols and revolvers including, but not limited
137 to, a safety or training course in the use of pistols and revolvers
138 available to the public offered by a law enforcement agency, a private
139 or public educational institution or a firearms training school, utilizing
140 instructors certified by the National Rifle Association or the
141 Department of Environmental Protection and a safety or training
142 course in the use of pistols or revolvers conducted by an instructor
143 certified by the state or the National Rifle Association, (2) has been

144 convicted of a felony or of a violation of subsection (c) of section 21a-
145 279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
146 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for
147 the commission of a serious juvenile offense, as defined in section 46b-
148 120, (4) has been discharged from custody within the preceding twenty
149 years after having been found not guilty of a crime by reason of mental
150 disease or defect pursuant to section 53a-13, (5) has been confined in a
151 hospital for persons with psychiatric disabilities, as defined in section
152 17a-495, within the preceding twelve months by order of a probate
153 court, (6) is subject to a restraining or protective order issued by a
154 court in a case involving the use, attempted use or threatened use of
155 physical force against another person, (7) is subject to a firearms
156 seizure order issued pursuant to subsection (d) of section 29-38c after
157 notice and hearing, (8) is prohibited from shipping, transporting,
158 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is
159 an alien illegally or unlawfully in the United States, or [(9)] (10) is less
160 than twenty-one years of age. Nothing in this section shall require any
161 person who holds a valid permit to carry a pistol or revolver on
162 October 1, 1994, to participate in any additional training in the safety
163 and use of pistols and revolvers. Upon issuance of a temporary state
164 permit to the applicant, the local authority shall forward the original
165 application to the commissioner. Not later than sixty days after
166 receiving a temporary state permit, an applicant shall appear at a
167 location designated by the commissioner to receive the state permit.
168 Said commissioner may then issue, to any holder of any temporary
169 state permit, a state permit to carry a pistol or revolver within the state.
170 Upon issuance of the state permit, the commissioner shall forward a
171 record of such permit to the local authority issuing the temporary state
172 permit. The commissioner shall retain records of all applications,
173 whether approved or denied. The copy of the state permit delivered to
174 the permittee shall be laminated and shall contain a full-face
175 photograph of such permittee. A person holding a state permit issued
176 pursuant to this subsection shall notify the issuing authority within
177 two business days of any change of such person's address. The

178 notification shall include the old address and the new address of such
179 person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	53a-3(19)
Sec. 2	<i>October 1, 2005</i>	29-27
Sec. 3	<i>October 1, 2005</i>	29-361(d)
Sec. 4	<i>October 1, 2005</i>	52-571f
Sec. 5	<i>October 1, 2005</i>	53-206d(a)
Sec. 6	<i>October 1, 2005</i>	53a-217(a)
Sec. 7	<i>October 1, 2005</i>	53a-217c(a)
Sec. 8	<i>October 1, 2005</i>	29-28(b)

Statement of Purpose:

To modify the definition of "firearm" for purposes of title 53a of the general statutes, to define "transfer" of a firearm, to conform the blood/alcohol ratio for the carrying of a firearm while under the influence of intoxicating liquor to the same standard as the offense of driving while under the influence and to prohibit the possession of firearms and issuance of a permit to carry a pistol or revolver to any person adjudicated as mentally ill or committed to a mental institution.

[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.]