



General Assembly

February Session, 2006

Raised Bill No. 5818

LCO No. 3289

03289_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING LOST OR STOLEN FIREARMS.

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

1 Section 1. (NEW) (*Effective October 1, 2006*) Whenever a person who
2 possesses a firearm, as defined in section 53a-3 of the general statutes,
3 does not have actual physical possession of such firearm, such person
4 shall store or keep such firearm in such a manner as to ensure that
5 there is not a substantial and unjustifiable risk that such firearm will be
6 stolen or otherwise come into the possession of another person without
7 authorization.

8 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) Any person who
9 possesses a firearm, as defined in section 53a-3 of the general statutes,
10 that is stolen from such person or that such person loses shall report
11 such theft or loss to the organized local police department for the town
12 in which the theft or loss occurred or, if such town does not have an
13 organized local police department, to the state police troop having
14 jurisdiction for such town, not later than seventy-two hours after such
15 person knew or should have known of such theft or loss. Such
16 department or troop shall forthwith forward a copy of such report to
17 the Commissioner of Public Safety.

18 (b) Any person who fails to make a report required by subsection (a)
19 of this section within the prescribed time period shall be fined not
20 more than five hundred dollars, except that, if such person
21 intentionally fails to make such report within the prescribed time
22 period, such person shall be guilty of a class A misdemeanor for the
23 first offense and a class D felony for any subsequent offense.

24 Sec. 3. Section 29-33 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2006*):

26 (a) No person, firm or corporation shall sell, deliver or otherwise
27 transfer any pistol or revolver to any person who is prohibited from
28 possessing a pistol or revolver as provided in section 53a-217c, as
29 amended.

30 (b) On and after October 1, 1995, no person may purchase or receive
31 any pistol or revolver unless such person holds a valid permit to carry
32 a pistol or revolver issued pursuant to subsection (b) of section 29-28,
33 as amended, a valid permit to sell at retail a pistol or revolver issued
34 pursuant to subsection (a) of section 29-28, as amended, or a valid
35 eligibility certificate for a pistol or revolver issued pursuant to section
36 29-36f, as amended, or is a federal marshal, parole officer or peace
37 officer.

38 (c) No person, firm or corporation shall sell, deliver or otherwise
39 transfer any pistol or revolver except upon written application on a
40 form prescribed and furnished by the Commissioner of Public Safety.
41 Such person, firm or corporation shall insure that all questions on the
42 application are answered properly prior to releasing the pistol or
43 revolver and shall retain the application, which shall be attached to the
44 federal sale or transfer document, for at least twenty years or until
45 such vendor goes out of business. Such application shall be available
46 for inspection during normal business hours by law enforcement
47 officials. No sale, delivery or other transfer of any pistol or revolver
48 shall be made unless the person making the purchase or to whom the
49 same is delivered or transferred is personally known to the person

50 selling such pistol or revolver or making delivery or transfer thereof or
51 provides evidence of his identity in the form of a motor vehicle
52 operator's license, identity card issued pursuant to section 1-1h, as
53 amended, or valid passport. No sale, delivery or other transfer of any
54 pistol or revolver shall be made until the person, firm or corporation
55 making such transfer obtains an authorization number from the
56 Commissioner of Public Safety. Said commissioner shall perform the
57 national instant criminal background check and make a reasonable
58 effort to determine whether there is any reason that would prohibit
59 such applicant from possessing a pistol or revolver as provided in
60 section 53a-217c, as amended. If the commissioner determines the
61 existence of such a reason, the commissioner shall deny the sale and no
62 pistol or revolver shall be sold, delivered or otherwise transferred by
63 such person, firm or corporation to such applicant.

64 (d) No person, firm or corporation shall sell, deliver or otherwise
65 transfer any pistol or revolver, other than at wholesale, unless such
66 pistol or revolver is equipped with a reusable trigger lock, gun lock or
67 gun locking device appropriate for such pistol or revolver, which lock
68 or device shall be constructed of material sufficiently strong to prevent
69 it from being easily disabled and have a locking mechanism accessible
70 by key or by electronic or other mechanical accessory specific to such
71 lock or device to prevent unauthorized removal. No pistol or revolver
72 shall be loaded or contain therein any gunpowder or other explosive
73 or any bullet, ball or shell when such pistol or revolver is sold,
74 delivered or otherwise transferred.

75 (e) Upon the sale, delivery or other transfer of any pistol or revolver,
76 the person making the purchase or to whom the same is delivered or
77 transferred shall sign a receipt for such pistol or revolver which shall
78 contain the name and address of such person, the date of sale, the
79 caliber, make, model and manufacturer's number and a general
80 description of such pistol or revolver, the identification number of
81 such person's permit to carry pistols or revolvers, issued pursuant to
82 subsection (b) of section 29-28, as amended, permit to sell at retail

83 pistols or revolvers, issued pursuant to subsection (a) of said section
84 29-28, or eligibility certificate for a pistol or revolver, issued pursuant
85 to section 29-36f, as amended, if any, and the authorization number
86 designated for the transfer by the Department of Public Safety. The
87 person, firm or corporation selling such pistol or revolver or making
88 delivery or transfer thereof shall give one copy of the receipt to the
89 person making the purchase of such pistol or revolver or to whom the
90 same is delivered or transferred, shall retain one copy of the receipt for
91 at least five years, and shall send, by first class mail, or electronically
92 transmit, within forty-eight hours of such sale, delivery or other
93 transfer, one copy of the receipt to the Commissioner of Public Safety
94 and one copy of the receipt to the chief of police or, where there is no
95 chief of police, the warden of the borough or the first selectman of the
96 town, as the case may be, of the town in which the transferee resides.

97 (f) The provisions of this section shall not apply to antique pistols or
98 revolvers. An antique pistol or revolver, for the purposes of this
99 section, means any pistol or revolver which was manufactured in or
100 before 1898 and any replica of such pistol or revolver provided such
101 replica is not designed or redesigned for using rimfire or conventional
102 centerfire fixed ammunition except rimfire or conventional centerfire
103 fixed ammunition which is no longer manufactured in the United
104 States and not readily available in the ordinary channel of commercial
105 trade.

106 (g) The provisions of this section shall not apply to the sale, delivery
107 or transfer of pistols or revolvers between (1) a federally-licensed
108 firearm manufacturer and a federally-licensed firearm dealer, (2) a
109 federally-licensed firearm importer and a federally-licensed firearm
110 dealer, or (3) federally-licensed firearm dealers.

111 (h) If the court finds that a violation of this section is not of a serious
112 nature and that the person charged with such violation (1) will
113 probably not offend in the future, (2) has not previously been
114 convicted of a violation of this section, and (3) has not previously had a

115 prosecution under this section suspended pursuant to this subsection,
116 it may order suspension of prosecution. The court shall not order
117 suspension of prosecution unless the accused person has
118 acknowledged that he understands the consequences of the suspension
119 of prosecution. Any person for whom prosecution is suspended shall
120 agree to the tolling of any statute of limitations with respect to such
121 violation and to a waiver of his right to a speedy trial. Such person
122 shall appear in court and shall be released to the custody of the Court
123 Support Services Division for such period, not exceeding two years,
124 and under such conditions as the court shall order. If the person
125 refuses to accept, or, having accepted, violates such conditions, the
126 court shall terminate the suspension of prosecution and the case shall
127 be brought to trial. If such person satisfactorily completes his period of
128 probation, he may apply for dismissal of the charges against him and
129 the court, on finding such satisfactory completion, shall dismiss such
130 charges. If the person does not apply for dismissal of the charges
131 against him after satisfactorily completing his period of probation, the
132 court, upon receipt of a report submitted by the Court Support
133 Services Division that the person satisfactorily completed his period of
134 probation, may on its own motion make a finding of such satisfactory
135 completion and dismiss such charges. Upon dismissal, all records of
136 such charges shall be erased pursuant to section 54-142a. An order of
137 the court denying a motion to dismiss the charges against a person
138 who has completed his period of probation or terminating the
139 participation of a defendant in such program shall be a final judgment
140 for purposes of appeal.

141 (i) (1) In any prosecution for a violation of subsection (c) of this
142 section, evidence that a law enforcement agency seized or recovered a
143 pistol or revolver that was not in the possession of the owner thereof at
144 the time of such seizure or recovery shall be prima facie evidence that
145 such owner sold, delivered or transferred such pistol or revolver in
146 violation of the provisions of this section.

147 (2) In any prosecution for a violation of subsection (c) of this section,

148 it shall be an affirmative defense that the defendant (A) did not act
149 with criminal negligence in storing or keeping the pistol or revolver, or
150 (B) reported the theft or loss of the pistol or revolver to the organized
151 local police department for the town in which the theft or loss occurred
152 or, if such town does not have an organized local police department, to
153 the state police troop having jurisdiction for such town prior to the
154 seizure or recovery of such pistol or revolver by a law enforcement
155 agency.

156 [(i)] (j) Any person who violates any provision of this section shall
157 be guilty of a class D felony, except that any person who sells, delivers
158 or otherwise transfers a pistol or revolver in violation of the provisions
159 of this section, knowing that such pistol or revolver is stolen or that the
160 manufacturer's number or other mark of identification on such pistol
161 or revolver has been altered, removed or obliterated, shall be guilty of
162 a class B felony, and any pistol or revolver found in the possession of
163 any person in violation of any provision of this section shall be
164 forfeited.

165 Sec. 4. Section 53-202g of the general statutes is repealed. (*Effective*
166 *October 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	29-33
Sec. 4	<i>October 1, 2006</i>	Repealer section

Statement of Purpose:

To require that when a firearm is not in the actual physical possession of the owner it be stored or kept in a manner so as to reduce the risk that it will be stolen or otherwise come into the possession of another person, require the reporting of the loss or theft of a firearm to a law enforcement agency and provide that evidence that a pistol or revolver was found not in the possession of the owner thereof is prima facie

evidence that the owner had transferred such pistol or revolver without proper application and authorization.

[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.]