



General Assembly

**Amendment**

February Session, 2006

LCO No. **5064**

**\*SB0010505064HRO\***

Offered by:

REP. DELGOBBO, 70<sup>th</sup> Dist.

REP. GREENE, 105<sup>th</sup> Dist.

To: Subst. Senate Bill No. **105**

File No. 372

Cal. No. 416

**"AN ACT PROHIBITING THE SALE OF ELECTRONIC DEFENSE WEAPONS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2006*) Any firearm, as defined  
4 in section 53a-3 of the general statutes which is forfeited to the state in  
5 accordance with section 26-23, 26-24, 26-85, 26-90 or 53a-217e of the  
6 general statutes, as amended by this act, and which is not retained for  
7 appropriate use shall be sold at public auction by the Commissioner of  
8 Administrative Services or the commissioner's designee or destroyed.  
9 Except as provided in this section, pistols and revolvers, as defined in  
10 section 53a-3 of the general statutes, including those that are antiques,  
11 as defined in section 29-33 of the general statutes, or curios or relics, as  
12 defined in the Code of Federal Regulations, Title 27, Chapter 1, Part  
13 178 or modern pistols and revolvers which have a retail value of one  
14 hundred dollars or more, shall be sold at public auction, provided such  
15 pistols and revolvers are sold only to persons who have a valid permit

16 to sell a pistol or revolver, or a valid permit to carry a pistol or  
17 revolver, issued in accordance with section 29-28 of the 2006  
18 supplement to the general statutes. Rifles and shotguns, as defined in  
19 section 53a-3 of the general statutes, shall be sold only to persons  
20 qualified under federal law to purchase such rifles and shotguns.  
21 Pistols and revolvers which have a retail value of less than one  
22 hundred dollars and inoperable rifles, shotguns or pistols and  
23 revolvers and accoutrements such as magazines, which have an altered  
24 identification mark, number or name, as defined in section 29-36 of the  
25 general statutes, shall be destroyed. The proceeds of any sale in  
26 accordance with this section shall be paid to the State Treasurer and  
27 deposited by the State Treasurer into the Conservation Fund  
28 established under section 22a-27h of the 2006 supplement to the  
29 general statutes.

30 Sec. 502. Section 26-23 of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective October 1, 2006*):

32 Any weapon, article or implement, capable of being used for the  
33 purpose of taking, catching or holding any fish, crustacean, wild or  
34 game bird, wild or game quadruped, reptile or amphibian, which is  
35 abandoned, discarded or thrown away in an attempt to destroy or  
36 conceal evidence or to prevent apprehension, may be seized and taken  
37 into possession by any conservation officer. If the owner or person  
38 having custody of any such article at the time it is abandoned,  
39 discarded or thrown away fails to claim such article within one year  
40 after it comes into the possession of such officer, such article shall be  
41 forfeited to the state and may be retained for use by the commissioner,  
42 may be sold at public auction or may be destroyed at the discretion of  
43 said commissioner, provided any firearm shall be subject to the  
44 provisions of section 501 of this act. The proceeds from such sales shall  
45 be paid to the State Treasurer to be credited to the [General Fund]  
46 Conservation Fund established under section 22a-27h of the 2006  
47 supplement to the general statutes.

48 Sec. 503. Section 26-24 of the general statutes is repealed and the

49 following is substituted in lieu thereof (*Effective October 1, 2006*):

50 Any hunting, fishing or trapping weapon, device, implement or  
51 article seized and held as evidence by the commissioner and not  
52 claimed by the owner thereof within a period of one year from the date  
53 of such seizure, subject to the provisions of section 501 of this act, may  
54 be retained for use by the commissioner or assigned by said  
55 commissioner to any other state agency, or may be sold at public  
56 auction by the Commissioner of Administrative Services at the request  
57 of said commissioner, or may be destroyed at the discretion of said  
58 commissioner. The proceeds of any such sale shall be paid to the  
59 Treasurer and credited to the [General Fund] Conservation Fund  
60 established under section 22a-27h of the 2006 supplement to the  
61 general statutes.

62 Sec. 504. Section 26-85 of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective October 1, 2006*):

64 No person shall use or attempt to use or possess any jacklight for  
65 the purpose of taking any deer. For the purpose of establishing a prima  
66 facie case under the provisions of this section, a jacklight shall be  
67 construed as any artificial light when used in conjunction with any  
68 rifle larger than a twenty-two long rifle, or with a shotgun and ball  
69 shells or shot larger than No. 2 shot or with a bow and arrow or  
70 crossbow, in any area frequented by deer or where deer are known to  
71 be present, or in any deer habitat, and possession of such articles in  
72 any such place, or any road, lane or passageway adjacent to such place,  
73 by any person during the period from one-half hour after sunset to  
74 sunrise shall be prima facie evidence of a violation of this section. Any  
75 person who kills or wounds any deer with any firearm or other  
76 weapon by the aid or use of any artificial light during the period from  
77 one-half hour after sunset to sunrise shall be subject to the provisions  
78 of this section. Any person who violates any provision of this section  
79 shall be fined not less than two hundred dollars nor more than five  
80 hundred dollars or be imprisoned not less than thirty days nor more  
81 than six months or be both fined and imprisoned, for the first offense,

82 and for each subsequent offense shall be fined not less than two  
83 hundred dollars nor more than one thousand dollars or imprisoned  
84 not more than one year, or be both fined and imprisoned. Any firearm,  
85 shell, cartridge and any other weapon and portable lights, batteries  
86 and any other device used, or intended to be used by, and found by  
87 the trial court to have been in the possession of, any person charged  
88 with a violation of any provision of this section, when such person is  
89 convicted, or upon the forfeiture of any bond taken upon any such  
90 complaint, shall be ordered by the trial court to be forfeited to the state  
91 and all such articles shall, by order of said court, be turned over to the  
92 commissioner and, subject to the provisions of section 501 of this act,  
93 may be retained for use by the department or assigned by the  
94 commissioner to any other state agency, may be sold at public auction  
95 by the Commissioner of Administrative Services at the request of the  
96 commissioner or may be destroyed at the discretion of the  
97 commissioner. The proceeds of any such sale shall be paid to the State  
98 Treasurer and [by him] credited to the [General Fund] Conservation  
99 Fund established under section 22a-27h of the 2006 supplement to the  
100 general statutes. If a motor vehicle is used to transport such person to  
101 or toward or away from the place where the illegal act was committed,  
102 the operator's license of such person or, if he has no such license, the  
103 privilege to obtain such license shall be suspended by the  
104 Commissioner of Motor Vehicles for a period of one year from the date  
105 of such conviction or forfeiture of such bond. Said commissioner, after  
106 a hearing is held thereon, may issue to such person a restricted, limited  
107 operator's license if such license is required by such person to earn a  
108 livelihood. Said commissioner shall suspend such license for the  
109 remainder of the original suspension period if such restricted license is  
110 used for purposes other than those determined by said commissioner.

111 Sec. 505. Section 26-90 of the general statutes is repealed and the  
112 following is substituted in lieu thereof (*Effective October 1, 2006*):

113 (a) No person shall make any material false statement or sign the  
114 name of another when making application for any permit authorized  
115 under any provision of this part nor shall any person make any

116 material false statement or sign the name of another when reporting  
117 the killing of any deer as required under the provisions of this part.  
118 Any person who makes any material false statement or signs the name  
119 of another when reporting the killing of any deer or when making  
120 application for any permit authorized under any provision of this part,  
121 whether or not such permit is issued, shall be deemed to have  
122 committed such offense in the town listed as the town of killing on the  
123 deer-killing report or the town listed on the application form as being  
124 the town in which the property is located or, if such property is listed  
125 as being located in more than one town, criminal jurisdiction may be  
126 taken in any such town.

127 (b) Any person who violates any provision of this part, or any  
128 regulation issued by the commissioner pursuant thereto, for which no  
129 other penalty is provided shall be fined not less than twenty-five  
130 dollars nor more than two hundred dollars or imprisoned not more  
131 than sixty days or be both fined and imprisoned, and the possession of  
132 each quadruped or part thereof taken in violation of any such  
133 provision shall be a separate offense. Any firearm, shell, cartridge and  
134 any other weapon and any other device used, or intended to be used,  
135 and found by the trial court to have been in the possession of any  
136 person charged with a violation of this section or any provision of  
137 section 26-82 or section 26-86a, when such person is convicted, or upon  
138 the forfeiture of any bond taken upon any such complaint, shall be  
139 ordered by the trial court to be forfeited to the state and all such  
140 articles shall, by order of said court, be turned over to the  
141 commissioner and, subject to the provisions of section 501 of this act,  
142 may be retained for use by the department or assigned by the  
143 commissioner to any other state agency, may be sold by the  
144 Commissioner of Administrative Services at the request of the  
145 commissioner or may be destroyed at the discretion of the  
146 commissioner. All money collected as a result of any such sale shall be  
147 transmitted to the State Treasurer and [by him be deposited to the  
148 General Fund] be credited to the Conservation Fund established under  
149 section 22a-27h of the 2006 supplement to the general statutes.

150 Sec. 506. Subdivision (2) of subsection (h) of section 53a-217e of the  
151 general statutes is repealed and the following is substituted in lieu  
152 thereof (*Effective October 1, 2006*):

153 (2) Any person arrested for a violation of subsection (b), (c) or (d) of  
154 this section or subsection (b) of section 53-206d, except as provided in  
155 section 26-85 shall surrender any firearm, bow, crossbow, bolt or high  
156 velocity air gun in the person's possession while hunting at the time of  
157 the alleged violation. Such property shall be confiscated at the time of  
158 arrest by a police officer or conservation officer. Upon nolle or  
159 dismissal of charges or acquittal of such person of such violation, such  
160 property shall be returned to the person within five business days and  
161 in the same condition as when the firearm, bow, crossbow or high  
162 velocity air gun was surrendered. Notwithstanding the provisions of  
163 sections 54-33g and 54-36a, the property shall be turned over to the  
164 Commissioner of Environmental Protection upon conviction of such  
165 person for such violation. Said commissioner shall (A) retain the  
166 property for use by personnel of the Department of Environmental  
167 Protection, (B) convey the property to the Commissioner of  
168 Administrative Services for sale at public auction, the proceeds of  
169 which shall be credited to the [Criminal Injuries Compensation Fund]  
170 Conservation Fund established pursuant to section [54-215] 22a-27h of  
171 the 2006 supplement to the general statutes, or (C) destroy the  
172 property."