



Senate

General Assembly

File No. 613

January Session, 2007

Substitute Senate Bill No. 903

Senate, April 30, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING LOST OR STOLEN FIREARMS AND ILLEGAL FIREARMS TRAFFICKING.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) Whenever a person
2 who possesses a firearm, as defined in section 53a-3 of the general
3 statutes, does not have actual physical possession of such firearm, such
4 person shall store or keep such firearm in such a manner as to ensure
5 that there is not a substantial and unjustifiable risk that such firearm
6 will be stolen or otherwise come into the possession of another person
7 without authorization. Such risk must be of such nature and degree
8 that the failure to perceive it constitutes a gross deviation from the
9 standard of care that a reasonable person would observe in the
10 situation.

11 (b) Any person who violates subsection (a) of this section and such
12 firearm is seized or recovered by a law enforcement agency while not
13 in the possession of such person shall commit an infraction and be
14 fined not more than ninety dollars for a first offense, be guilty of a

15 class D felony for a second offense and be guilty of a class C felony for
16 any subsequent offense. Any person who violates subsection (a) of this
17 section for the first offense shall not lose such person's right to hold or
18 obtain a permit under the general statutes.

19 Sec. 2. Section 53-202g of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2007*):

21 (a) Any person who lawfully possesses an assault weapon under
22 sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of
23 section 53a-46a or a firearm, as defined in section 53a-3, that is lost or
24 stolen from [him] such person shall report the loss or theft to [law
25 enforcement authorities] the organized local police department for the
26 town in which the loss or theft occurred or, if such town does not have
27 an organized local police department, to the state police troop having
28 jurisdiction for such town within seventy-two hours of when such
29 person discovered or should have discovered the loss or theft. Such
30 department or troop shall forthwith forward a copy of such report to
31 the Commissioner of Public Safety.

32 (b) Any person who fails to make a report required by subsection (a)
33 of this section within the prescribed time period shall commit an
34 infraction and be fined not more than ninety dollars for a first offense
35 and be guilty of a class D felony for any subsequent offense, except
36 that, if such person intentionally fails to make such report within the
37 prescribed time period, such person shall be guilty of a class C felony.
38 Any person who violates subsection (a) of this section for the first
39 offense shall not lose such person's right to hold or obtain a permit
40 under the general statutes.

41 Sec. 3. Section 29-28 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2007*):

43 (a) No person who sells ten or more pistols or revolvers in a
44 calendar year or is a federally-licensed firearm dealer shall advertise,
45 sell, deliver, or offer or expose for sale or delivery, or have in such
46 person's possession with intent to sell or deliver, any pistol or revolver

47 at retail without having a permit therefor issued as provided in this
48 subsection. The chief of police or, where there is no chief of police, the
49 warden of the borough or the first selectman of the town, as the case
50 may be, may, upon the application of any person, issue a permit in
51 such form as may be prescribed by the Commissioner of Public Safety
52 for the sale at retail of pistols and revolvers within the jurisdiction of
53 the authority issuing such permit. No permit for the sale at retail of
54 any pistol or revolver shall be issued unless the applicant holds a valid
55 eligibility certificate for a pistol or revolver issued pursuant to section
56 29-36f or a valid state permit to carry a pistol or revolver issued
57 pursuant to subsection (b) of this section and the applicant submits
58 documentation sufficient to establish that local zoning requirements
59 have been met for the location where the sale is to take place except
60 that any person selling or exchanging a pistol or revolver for the
61 enhancement of a personal collection or for a hobby or who sells all or
62 part of such person's personal collection of pistols or revolvers shall
63 not be required to submit such documentation for the location where
64 the sale or exchange is to take place.

65 (b) Upon the application of any person having a bona fide residence
66 or place of business within the jurisdiction of any such authority, such
67 chief of police, warden or selectman may issue a temporary state
68 permit to such person to carry a pistol or revolver within the state,
69 provided such authority shall find that such applicant intends to make
70 no use of any pistol or revolver which such applicant may be
71 permitted to carry under such permit other than a lawful use and that
72 such person is a suitable person to receive such permit. No state or
73 temporary state permit to carry a pistol or revolver shall be issued
74 under this subsection if the applicant (1) has failed to successfully
75 complete a course approved by the Commissioner of Public Safety in
76 the safety and use of pistols and revolvers including, but not limited
77 to, a safety or training course in the use of pistols and revolvers
78 available to the public offered by a law enforcement agency, a private
79 or public educational institution or a firearms training school, utilizing
80 instructors certified by the National Rifle Association or the
81 Department of Environmental Protection and a safety or training

82 course in the use of pistols or revolvers conducted by an instructor
83 certified by the state or the National Rifle Association, (2) has been
84 convicted of a felony or of a violation of subsection (c) of section 21a-
85 279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
86 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for
87 the commission of a serious juvenile offense, as defined in section 46b-
88 120, (4) has been discharged from custody within the preceding twenty
89 years after having been found not guilty of a crime by reason of mental
90 disease or defect pursuant to section 53a-13, (5) has been confined in a
91 hospital for persons with psychiatric disabilities, as defined in section
92 17a-495, within the preceding twelve months by order of a probate
93 court, (6) is subject to a restraining or protective order issued by a
94 court in a case involving the use, attempted use or threatened use of
95 physical force against another person, (7) is subject to a firearms
96 seizure order issued pursuant to subsection (d) of section 29-38c after
97 notice and hearing, (8) is prohibited from shipping, transporting,
98 possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is
99 an alien illegally or unlawfully in the United States, or (10) is less than
100 twenty-one years of age. Nothing in this section shall require any
101 person who holds a valid permit to carry a pistol or revolver on
102 October 1, 1994, to participate in any additional training in the safety
103 and use of pistols and revolvers. Upon issuance of a temporary state
104 permit to the applicant, the local authority shall forward the original
105 application to the commissioner. Not later than sixty days after
106 receiving a temporary state permit, an applicant shall appear at a
107 location designated by the commissioner to receive the state permit.
108 Said commissioner may then issue, to any holder of any temporary
109 state permit, a state permit to carry a pistol or revolver within the state.
110 Upon issuance of the state permit, the commissioner shall make
111 available to the permit holder a copy of the laws regarding the permit
112 holder's responsibility to store a firearm and to report the loss or theft
113 of a firearm and the penalties associated with the failure to comply
114 with such laws. Upon issuance of the state permit, the commissioner
115 shall forward a record of such permit to the local authority issuing the
116 temporary state permit. The commissioner shall retain records of all

117 applications, whether approved or denied. The copy of the state permit
118 delivered to the permittee shall be laminated and shall contain a full-
119 face photograph of such permittee. A person holding a state permit
120 issued pursuant to this subsection shall notify the issuing authority
121 within two business days of any change of such person's address. The
122 notification shall include the old address and the new address of such
123 person.

124 (c) No issuing authority may require any sworn member of the
125 Department of Public Safety or an organized local police department to
126 furnish such sworn member's residence address in a permit
127 application. The issuing authority shall allow each such sworn
128 member who has a permit to carry a pistol or revolver issued by such
129 authority, to revise such member's application to include a business or
130 post office address in lieu of the residence address. The issuing
131 authority shall notify each such member of the right to revise such
132 application.

133 (d) Notwithstanding the provisions of sections 1-210 and 1-211, the
134 name and address of a person issued a permit to sell at retail pistols
135 and revolvers pursuant to subsection (a) of this section or a state or a
136 temporary state permit to carry a pistol or revolver pursuant to
137 subsection (b) of this section, or a local permit to carry pistols and
138 revolvers issued by local authorities prior to October 1, 2001, shall be
139 confidential and shall not be disclosed, except (1) such information
140 may be disclosed to law enforcement officials acting in the
141 performance of their duties, (2) the issuing authority may disclose such
142 information to the extent necessary to comply with a request made
143 pursuant to section 29-33 for verification that such state or temporary
144 state permit is still valid and has not been suspended or revoked, and
145 the local authority may disclose such information to the extent
146 necessary to comply with a request made pursuant to section 29-33 for
147 verification that a local permit is still valid and has not been suspended
148 or revoked, and (3) such information may be disclosed to the
149 Commissioner of Mental Health and Addiction Services to carry out
150 the provisions of subsection (c) of section 17a-500.

151 (e) The issuance of any permit to carry a pistol or revolver does not
152 thereby authorize the possession or carrying of a pistol or revolver in
153 any premises where the possession or carrying of a pistol or revolver is
154 otherwise prohibited by law or is prohibited by the person who owns
155 or exercises control over such premises.

156 (f) Any bona fide resident of the United States having no bona fide
157 residence or place of business within the jurisdiction of any local
158 authority in the state, but who has a permit or license to carry a pistol
159 or revolver issued by the authority of another state or subdivision of
160 the United States, may apply directly to the Commissioner of Public
161 Safety for a permit to carry a pistol or revolver in this state. All
162 provisions of subsections (b), (c), (d) and (e) of this section shall apply
163 to applications for a permit received by the commissioner under this
164 subsection.

165 Sec. 4. Section 29-33 of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2007*):

167 (a) A person is guilty of firearms trafficking if such person,
168 knowingly and intentionally, directly or indirectly, causes one or more
169 firearms that such person owns, is in possession of or is in control of to
170 come into the possession of or control of another person whom such
171 person knows or has reason to believe is prohibited from owning or
172 possessing any firearm under state or federal law.

173 [(a)] (b) No person, firm or corporation shall sell, deliver or
174 otherwise transfer any pistol or revolver to any person who is
175 prohibited from possessing a pistol or revolver as provided in section
176 53a-217c.

177 [(b)] (c) On and after October 1, 1995, no person may purchase or
178 receive any pistol or revolver unless such person holds a valid permit
179 to carry a pistol or revolver issued pursuant to subsection (b) of section
180 29-28, a valid permit to sell at retail a pistol or revolver issued
181 pursuant to subsection (a) of section 29-28 or a valid eligibility
182 certificate for a pistol or revolver issued pursuant to section 29-36f or is

183 a federal marshal, parole officer or peace officer.

184 [(c)] (d) No person, firm or corporation shall sell, deliver or
185 otherwise transfer any pistol or revolver except upon written
186 application on a form prescribed and furnished by the Commissioner
187 of Public Safety. Such person, firm or corporation shall insure that all
188 questions on the application are answered properly prior to releasing
189 the pistol or revolver and shall retain the application, which shall be
190 attached to the federal sale or transfer document, for at least twenty
191 years or until such vendor goes out of business. Such application shall
192 be available for inspection during normal business hours by law
193 enforcement officials. No sale, delivery or other transfer of any pistol
194 or revolver shall be made unless the person making the purchase or to
195 whom the same is delivered or transferred is personally known to the
196 person selling such pistol or revolver or making delivery or transfer
197 thereof or provides evidence of his identity in the form of a motor
198 vehicle operator's license, identity card issued pursuant to section 1-1h
199 or valid passport. No sale, delivery or other transfer of any pistol or
200 revolver shall be made until the person, firm or corporation making
201 such transfer obtains an authorization number from the Commissioner
202 of Public Safety. Said commissioner shall perform the national instant
203 criminal background check and make a reasonable effort to determine
204 whether there is any reason that would prohibit such applicant from
205 possessing a pistol or revolver as provided in section 53a-217c. If the
206 commissioner determines the existence of such a reason, the
207 commissioner shall deny the sale and no pistol or revolver shall be
208 sold, delivered or otherwise transferred by such person, firm or
209 corporation to such applicant.

210 [(d)] (e) No person, firm or corporation shall sell, deliver or
211 otherwise transfer any pistol or revolver, other than at wholesale,
212 unless such pistol or revolver is equipped with a reusable trigger lock,
213 gun lock or gun locking device appropriate for such pistol or revolver,
214 which lock or device shall be constructed of material sufficiently
215 strong to prevent it from being easily disabled and have a locking
216 mechanism accessible by key or by electronic or other mechanical

217 accessory specific to such lock or device to prevent unauthorized
218 removal. No pistol or revolver shall be loaded or contain therein any
219 gunpowder or other explosive or any bullet, ball or shell when such
220 pistol or revolver is sold, delivered or otherwise transferred.

221 [(e)] (f) Upon the sale, delivery or other transfer of any pistol or
222 revolver, the person making the purchase or to whom the same is
223 delivered or transferred shall sign a receipt for such pistol or revolver
224 which shall contain the name and address of such person, the date of
225 sale, the caliber, make, model and manufacturer's number and a
226 general description of such pistol or revolver, the identification
227 number of such person's permit to carry pistols or revolvers, issued
228 pursuant to subsection (b) of section 29-28, permit to sell at retail
229 pistols or revolvers, issued pursuant to subsection (a) of said section,
230 or eligibility certificate for a pistol or revolver, issued pursuant to
231 section 29-36f, if any, and the authorization number designated for the
232 transfer by the Department of Public Safety. The person, firm or
233 corporation selling such pistol or revolver or making delivery or
234 transfer thereof shall give one copy of the receipt to the person making
235 the purchase of such pistol or revolver or to whom the same is
236 delivered or transferred, shall retain one copy of the receipt for at least
237 five years, and shall send, by first class mail, or electronically transmit,
238 within forty-eight hours of such sale, delivery or other transfer, one
239 copy of the receipt to the Commissioner of Public Safety and one copy
240 of the receipt to the chief of police or, where there is no chief of police,
241 the warden of the borough or the first selectman of the town, as the
242 case may be, of the town in which the transferee resides.

243 [(f)] (g) The provisions of this section shall not apply to antique
244 pistols or revolvers. An antique pistol or revolver, for the purposes of
245 this section, means any pistol or revolver which was manufactured in
246 or before 1898 and any replica of such pistol or revolver provided such
247 replica is not designed or redesigned for using rimfire or conventional
248 centerfire fixed ammunition except rimfire or conventional centerfire
249 fixed ammunition which is no longer manufactured in the United
250 States and not readily available in the ordinary channel of commercial

251 trade.

252 ~~[(g)]~~ (h) The provisions of this section shall not apply to the sale,
253 delivery or transfer of pistols or revolvers between (1) a federally-
254 licensed firearm manufacturer and a federally-licensed firearm dealer,
255 (2) a federally-licensed firearm importer and a federally-licensed
256 firearm dealer, or (3) federally-licensed firearm dealers.

257 ~~[(h)]~~ (i) If the court finds that a violation of this section is not of a
258 serious nature and that the person charged with such violation (1) will
259 probably not offend in the future, (2) has not previously been
260 convicted of a violation of this section, and (3) has not previously had a
261 prosecution under this section suspended pursuant to this subsection,
262 it may order suspension of prosecution. The court shall not order
263 suspension of prosecution unless the accused person has
264 acknowledged that he understands the consequences of the suspension
265 of prosecution. Any person for whom prosecution is suspended shall
266 agree to the tolling of any statute of limitations with respect to such
267 violation and to a waiver of his right to a speedy trial. Such person
268 shall appear in court and shall be released to the custody of the Court
269 Support Services Division for such period, not exceeding two years,
270 and under such conditions as the court shall order. If the person
271 refuses to accept, or, having accepted, violates such conditions, the
272 court shall terminate the suspension of prosecution and the case shall
273 be brought to trial. If such person satisfactorily completes his period of
274 probation, he may apply for dismissal of the charges against him and
275 the court, on finding such satisfactory completion, shall dismiss such
276 charges. If the person does not apply for dismissal of the charges
277 against him after satisfactorily completing his period of probation, the
278 court, upon receipt of a report submitted by the Court Support
279 Services Division that the person satisfactorily completed his period of
280 probation, may on its own motion make a finding of such satisfactory
281 completion and dismiss such charges. Upon dismissal, all records of
282 such charges shall be erased pursuant to section 54-142a. An order of
283 the court denying a motion to dismiss the charges against a person
284 who has completed his period of probation or terminating the

285 participation of a defendant in such program shall be a final judgment
286 for purposes of appeal.

287 [(i)] (j) Any person who violates any provision of this section shall
288 be guilty of a class [D] C felony if such person sells, delivers or
289 otherwise transfers five or fewer firearms and a class B felony if such
290 person sells, delivers or otherwise transfers more than five firearms,
291 except that any person who sells, delivers or otherwise transfers a
292 pistol or revolver in violation of the provisions of this section, knowing
293 that such pistol or revolver is stolen or that the manufacturer's number
294 or other mark of identification on such pistol or revolver has been
295 altered, removed or obliterated, shall be guilty of a class [B] A felony,
296 and any pistol or revolver found in the possession of any person in
297 violation of any provision of this section shall be forfeited.

298 Sec. 5. Subsection (d) of section 53-202l of the general statutes is
299 repealed and the following is substituted in lieu thereof (*Effective*
300 *October 1, 2007*):

301 (d) If the court finds that a violation of this section is not of a serious
302 nature and that the person charged with such violation (1) will
303 probably not offend in the future, (2) has not previously been
304 convicted of a violation of this section, and (3) has not previously had a
305 prosecution under this section suspended pursuant to this subsection,
306 it may order suspension of prosecution in accordance with the
307 provisions of subsection [(h)] (i) of section 29-33, as amended by this
308 act.

309 Sec. 6. Section 54-66a of the general statutes is repealed and the
310 following is substituted in lieu thereof (*Effective October 1, 2007*):

311 Any bail bond posted in any criminal proceeding in this state shall
312 be automatically terminated and released whenever the defendant: (1)
313 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
314 granted admission to the pretrial alcohol education system pursuant to
315 section 54-56g; (3) is granted admission to the pretrial family violence
316 education program pursuant to section 46b-38c; (4) is granted

317 admission to the community service labor program pursuant to section
 318 53a-39c; (5) is granted admission to the pretrial drug education
 319 program pursuant to section 54-56i; (6) has the complaint or
 320 information filed against such defendant dismissed; (7) is acquitted; (8)
 321 is sentenced by the court; (9) is granted admission to the pretrial school
 322 violence prevention program pursuant to section 54-56j; or (10) is
 323 charged with a violation of section 29-33, as amended by this act, and
 324 prosecution has been suspended pursuant to subsection [(h)] (i) of
 325 section 29-33, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	New section
Sec. 2	October 1, 2007	53-202g
Sec. 3	October 1, 2007	29-28
Sec. 4	October 1, 2007	29-33
Sec. 5	October 1, 2007	53-202l(d)
Sec. 6	October 1, 2007	54-66a

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

Explanation

The bill increases and establishes new penalties for various assault weapon and firearm laws. Any revenue from criminal fines imposed under the bill or marginal cost for incarceration and/or probation supervision in the community as a result of the bill would be minimal.

Additionally, the bill requires that any individual that has an assault weapon or a firearm lost or stolen must report it to the local police department in the town where the weapon was lost or stolen. The local police department must forward a copy of the report to the Commissioner of Public Safety. This provision could result in a potential minimal cost to municipalities associated with overtime, or additional training, but is not anticipated to result in a cost to the Department of Public Safety.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation. Potential revenues would continue into the future, subject to the rate of violations.

OLR Bill Analysis**sSB 903*****AN ACT CONCERNING LOST OR STOLEN FIREARMS AND
ILLEGAL FIREARMS TRAFFICKING.*****SUMMARY:**

This bill requires those who lawfully possess a firearm to store or keep it in a way that ensures that there is not a substantial and unjustifiable risk that it will be stolen or otherwise come into the possession of another person without authorization. The penalties for a violation range from an infraction for a first offense to a class D or C felony for a subsequent offense.

The bill requires that any one who lawfully possesses a firearm that is lost or stolen, or an assault weapon that is lost, to file a police report within 72 hours. A first violation is an infraction; a subsequent offense is a class D or C felony.

The bill establishes the crime of firearms trafficking with penalties ranging from a class C felony to a class A felony, depending on the circumstances.

The bill increases the criminal penalties for those who illegally sell, deliver, or transfer handguns from a class D felony to a class C, B, or A felony depending on the circumstances.

Current law makes it a class D felony for anyone to purchase or receive any handgun unless he or she either (1) holds a valid permit to carry it or sell it at retail or a valid eligibility certificate or (2) is a federal marshal, parole officer, or peace officer. The bill appears to eliminate the criminal penalty for this conduct by limiting the penalty to those who sell, deliver, or otherwise transfer a firearm.

The bill requires the public safety commissioner, whenever he

issues a state permit to carry a handgun to make available to the permit holder a copy of the laws regarding the permit holder's responsibility to store a firearm and report its loss or theft and the penalties for noncompliance such laws (§3).

EFFECTIVE DATE: October 1, 2007

§ 1 — STORING A FIREARM

This bill requires that whenever a person who possesses a firearm, does not have actual physical possession of it, he or she must store or keep it in a way that ensures that there is not a substantial and unjustifiable risk that it will be stolen or otherwise come into the possession of another person without authorization. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation (§1).

The bill makes it an infraction if anyone violates this requirement and the firearm is seized or recovered by a law enforcement agency while not in the person's possession. A first offense is an infraction subject to a fine of up to \$90. A second offense is a class D felony, and a third or subsequent offense is a class C felony. The bill specifies that a person may not lose his or her right to hold or obtain a state permit for a first offense.

§ 2 — LOST OR STOLEN ASSAULT WEAPONS AND FIREARMS

The law requires that anyone whose lawfully possessed assault weapon is stolen to report the theft to law enforcement authorities within 72 hours after he or she discovered or should have discovered the theft. The bill expands this requirement to include any firearm and to include lost assault weapons and firearms.

Specifically, the bill requires that any one who lawfully possesses an assault weapon or a firearm, that is lost or stolen from him or her to report the loss or theft to the organized local police department for the town in which the loss or theft occurred or, if such town does not have an organized local police department, to the state police troop having

jurisdiction for such town. The report must be made within 72 hours of when he or she discovered or should have discovered the loss or theft. The bill requires the department or troop to forthwith forward a copy of the report to the commissioner of public safety.

The bill makes it an infraction if anyone does not failure to report within 72 hours an infraction punishable by a fine of up to \$90 for a first offense. A subsequent offense is a class D felony. The intentional failure to report within 72 hours is a class C felony. The bill specifies that a person may not lose his or her right to hold or obtain a state permit for a first offense.

§ 4 — FIREARMS TRAFFICKING

The bill establishes the crime of firearms trafficking. A person commits this offense if he or she, knowingly and intentionally, directly or indirectly, causes one or more firearms that he or she owns, possesses, or controls to come into the possession or control of another person whom he or she knows or has reason to believe is prohibited from owning or possessing firearms under state or federal law.

The bill makes a violation a class C felony if he or she sells, delivers, or otherwise transfers five or fewer firearms and a class B felony if it involves more than five firearms. The bill makes it a class A felony if the offender committed this violation by selling, delivering, or otherwise transferring a pistol or revolver knowing that it is stolen or that the manufacturer's number or other mark of identification on such handgun has been altered, removed, or obliterated.

§ 4 — INCREASES TO PENALTIES FOR EXISTING GUN SALE LAWS

The bill increases the criminal penalty for the following violations:

1. selling, delivering, or otherwise transferring handguns to any one who is prohibited from possessing a handgun by state law;
2. failing to keep the handgun sale and transfer documents for at least 20 years or until the vendor goes out of business;

3. selling, delivering, or otherwise transferring handguns to anyone the transferor does not know or who does not provide evidence of his or her identity in the form of a motor vehicle operator's license, identity card, or valid passport;
4. selling, delivering, or other transferring any handguns without getting an authorization number from the commissioner of public safety;
5. selling, delivering, or otherwise transferring a handgun that does not have the required trigger lock;
6. selling, transferring or delivering a loaded handgun;
7. selling, delivering, or transferring a handgun without giving appropriate documentation to the purchaser or transferee, sending copies of such documentation to specified state and local officials, and retaining one copy of the receipt for at least five years.

The current penalty for violations is a class D felony. The bill increases it to (1) a class C felony if it involves five or fewer handguns; (2) to a class B felony if it involves more than five handguns; and (3) to a class A felony if it involves a handgun the offender knows (1) is stolen or (2) the manufacturer's number or other mark of identification on such pistol or revolver has been altered, removed, or obliterated.

BACKGROUND

Firearm

The law defines a "firearm" as any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged (CGS § 53a-3).

Class D Felony

A class D felony is punishable by a fine of up to \$5,000, a prison term of up to five years, or both.

Class C Felony

A class C felony is punishable by a fine of up to \$10,000, a prison term of up to 10 years, or both.

Class B Felony

A class B felony is punishable by a fine of up to \$15,000, or a prison term of up to 20 years, or both.

Class A Felony

A class A felony is punishable by a fine of up to \$20,000, a prison term of 10 to 25 years, or both.

Pre-Trial Diversion Program

The law authorizes a pre-trial diversion program for certain defendants accused of violating the law the bill amends. It allows a court to put a defendant into this program if it finds that a violation of is not of a serious nature and that the defendant (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this law, and (3) has not previously been prosecuted for such an offense (CGS § 53-202l).

Related Legislation

sHB 7048 (File 202) requires the Department of Public Safety to maintain a database of any person who (1) committed an infraction or was convicted of violating the handgun transfer laws, (2) reported the loss or theft of a firearm, and (3) lost a firearm or whose firearm was stolen but did not discover the loss or theft when a law enforcement agency recovered it and determined that the person owned it.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 3 (04/11/2007)