



General Assembly

January Session, 2007

Raised Bill No. 7383

LCO No. 5218

05218 _____ JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PERSISTENT FIREARMS OFFENDERS.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) A persistent firearms
2 offender is a person who stands convicted of a felony involving the use
3 or possession of a firearm or deadly weapon, as defined in section 53a-
4 3 of the general statutes, or a pistol or revolver, as defined in section
5 29-27 of the general statutes, and has been, prior to the commission of
6 the present crime, convicted of an offense involving the use or
7 possession of a firearm or a pistol or revolver.

8 (b) When any person has been found to be a persistent firearms
9 offender, and the court is of the opinion that such person's history and
10 character and the nature and circumstances of such person's criminal
11 conduct indicate that extended incarceration will best serve the public
12 interest, the court, in lieu of imposing the sentence authorized by
13 section 53a-35a of the general statutes for the crime of which the
14 person presently stands convicted, may impose the sentence of
15 imprisonment authorized by said section for the next more serious
16 degree of felony, provided the sentence imposed may not be less than
17 two years and provided further two years of the sentence so imposed

18 may not be suspended or reduced by the court.

19 Sec. 2. Subsection (b) of section 29-37 of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective*
21 *October 1, 2007*):

22 (b) Any person violating any provision of subsection (a) of section
23 29-35, for a first offense, may be fined not more than one thousand
24 dollars and shall be imprisoned not less than one year [nor] or more
25 than five years, and, in the absence of any mitigating circumstances as
26 determined by the court, one year of the sentence imposed may not be
27 suspended or reduced by the court, and, for any subsequent offense,
28 may be fined not more than five thousand dollars and shall be
29 imprisoned not less than two years or more than ten years and two
30 years of the sentence imposed may not be suspended or reduced by
31 the court. The court shall specifically state the mitigating
32 circumstances, or the absence thereof, in writing for the record. Any
33 pistol or revolver found in the possession of any person in violation of
34 any provision of subsection (a) of section 29-35 shall be forfeited.

35 Sec. 3. Section 53a-217 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2007*):

37 (a) A person is guilty of criminal possession of a firearm or
38 electronic defense weapon when such person possesses a firearm or
39 electronic defense weapon and (1) has been convicted of a felony, (2)
40 has been convicted as delinquent for the commission of a serious
41 juvenile offense, as defined in section 46b-120, (3) knows that such
42 person is subject to (A) a restraining or protective order of a court of
43 this state that has been issued against such person, after notice and an
44 opportunity to be heard has been provided to such person, in a case
45 involving the use, attempted use or threatened use of physical force
46 against another person, or (B) a foreign order of protection, as defined
47 in section 46b-15a, that has been issued against such person in a case
48 involving the use, attempted use or threatened use of physical force
49 against another person, (4) knows that such person is subject to a

50 firearms seizure order issued pursuant to subsection (d) of section 29-
51 38c after notice and an opportunity to be heard has been provided to
52 such person, or (5) is prohibited from shipping, transporting,
53 possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the
54 purposes of this section, "convicted" means having a judgment of
55 conviction entered by a court of competent jurisdiction.

56 (b) Criminal possession of a firearm or electronic defense weapon is,
57 for a first offense, a class [D] C felony, for which two years of the
58 sentence imposed may not be suspended or reduced by the court, and,
59 for any subsequent offense, a class B felony, for which five years of the
60 sentence imposed may not be suspended or reduced by the court.

61 Sec. 4. Section 53a-217c of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2007*):

63 (a) A person is guilty of criminal possession of a pistol or revolver
64 when such person possesses a pistol or revolver, as defined in section
65 29-27, and (1) has been convicted of a felony or of a violation of
66 subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-
67 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (2) has been
68 convicted as delinquent for the commission of a serious juvenile
69 offense, as defined in section 46b-120, (3) has been discharged from
70 custody within the preceding twenty years after having been found
71 not guilty of a crime by reason of mental disease or defect pursuant to
72 section 53a-13, (4) has been confined in a hospital for persons with
73 psychiatric disabilities, as defined in section 17a-495, within the
74 preceding twelve months by order of a probate court, (5) knows that
75 such person is subject to (A) a restraining or protective order of a court
76 of this state that has been issued against such person, after notice and
77 an opportunity to be heard has been provided to such person, in a case
78 involving the use, attempted use or threatened use of physical force
79 against another person, or (B) a foreign order of protection, as defined
80 in section 46b-15a, that has been issued against such person in a case
81 involving the use, attempted use or threatened use of physical force

82 against another person, (6) knows that such person is subject to a
83 firearms seizure order issued pursuant to subsection (d) of section 29-
84 38c after notice and an opportunity to be heard has been provided to
85 such person, (7) is prohibited from shipping, transporting, possessing
86 or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien
87 illegally or unlawfully in the United States. For the purposes of this
88 section, "convicted" means having a judgment of conviction entered by
89 a court of competent jurisdiction.

90 (b) Criminal possession of a pistol or revolver is, for a first offense, a
91 class [D] C felony and, for any subsequent offense, a class B felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	29-37(b)
Sec. 3	<i>October 1, 2007</i>	53a-217
Sec. 4	<i>October 1, 2007</i>	53a-217c

Statement of Purpose:

To provide enhanced penalties for repeat firearm offenders.

[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.]