



General Assembly

Amendment

January Session, 2007

LCO No. 8965

SB0093808965HRO

Offered by:

REP. WITKOS, 17th Dist.
REP. FERRARI, 62nd Dist.
REP. CHAPIN, 67th Dist.
REP. DELGOBBO, 70th Dist.

REP. GREENE, 105th Dist.
REP. HARKINS, 120th Dist.
REP. BACKER, 121st Dist.

To: Subst. Senate Bill No. 938

File No. 69

Cal. No. 664

"AN ACT CONCERNING A STUDY OF LIMITING THE PURCHASE OF HANDGUNS TO ONE PER MONTH."

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

3 "Sec. 501. (NEW) (*Effective October 1, 2007*) 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 general
18 statutes. Rifles and shotguns, as defined in section 53a-3 of the general
19 statutes, shall be sold only to persons qualified under federal law to
20 purchase such rifles and shotguns. Pistols and revolvers which have a
21 retail value of less than one hundred dollars and inoperable rifles,
22 shotguns or pistols and revolvers and accoutrements such as
23 magazines, which have an altered identification mark, number or
24 name, as defined in section 29-36 of the general statutes, shall be
25 destroyed. The proceeds of any sale in accordance with this section
26 shall be paid to the State Treasurer and deposited by the State
27 Treasurer into the Conservation Fund established under section 22a-
28 27h of the general statutes.

29 Sec. 502. Section 26-23 of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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

47 following is substituted in lieu thereof (*Effective October 1, 2007*):

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

59 Sec. 504. Section 26-85 of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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

108 Sec. 505. Section 26-90 of the general statutes is repealed and the
109 following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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

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

147 Sec. 506. Subdivision (2) of subsection (h) of section 53a-217e of the

148 general statutes is repealed and the following is substituted in lieu
149 thereof (*Effective October 1, 2007*):

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