



Senate

General Assembly

File No. 701

January Session, 2009

Substitute Senate Bill No. 358

Senate, April 20, 2009

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 PROHIBITING THE TRANSFER OF MACHINE GUNS TO MINORS.

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

1 Section 1. Subsection (c) of section 53-202 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (c) Any person who (1) possesses or uses a machine gun for an
5 offensive or aggressive purpose, or (2) notwithstanding the provisions
6 of subdivision (3) of subsection (h) of this section, transfers, sells or
7 gives a machine gun to a person under sixteen years of age, including
8 the temporary transfer of a machine gun to such person for use in
9 target shooting or on a firing or shooting range or for any other
10 purpose, shall be fined not more than one thousand dollars or
11 imprisoned not less than five years nor more than ten years or be both
12 fined and imprisoned.

| | | |
|---|------------------------|-----------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2009</i> | 53-202(c) |

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 10 \$ | FY 11 \$ |
|--|-------------------|-------------------|-------------------|
| Judicial Dept. | GF - Revenue Gain | Potential Minimal | Potential Minimal |
| Judicial Dpt (Probation); Correction, Dept. | GF - Cost | Potential Minimal | Potential Minimal |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes it a violation of state law, punishable by imprisonment for up to 10 years and/or a fine of up to \$1,000, for selling, giving or transferring a machine gun to any person under the age of 16.

It is anticipated that few offenses would be prosecuted each year and, consequently, any revenue gain from criminal fines under the bill would be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

The Out Years

The annualized ongoing cost identified above would continue into the future subject to inflation; the annualized ongoing revenue would remain constant since fine amounts are set by statute.

OLR Bill Analysis**sSB 358*****AN ACT PROHIBITING THE TRANSFER OF MACHINE GUNS TO MINORS.*****SUMMARY:**

This bill bars anyone from selling, giving, or transferring machine guns to people under age 16, including temporarily transferring the firearms to these minors to use in target shooting, at a firing or shooting range, or for any other purpose. The prohibition applies notwithstanding the state law authorizing the transfer, possession, and acquisition of machine guns in accordance with the National Firearms Act (NFA), provided they are duly registered with the Department of Public Safety (DPS).

A violation of the bill carries a \$1,000 fine, imprisonment for up to 10 years, or both. The same penalty applies, under existing law, to possessing or using a machine gun for an offensive or aggressive purpose.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Federal Law***

At the federal level, machine guns are regulated by the NFA (26 USC § 5801 *et seq.*) and 1968 Gun Control Act, as amended by the 1986 Firearms Owners' Protection Act (18 USC § 921 *et seq.*). Among other things, federal law (1) requires all machine guns, except antique firearms, not in the U.S. government's possession to be registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives and (2) bars private individuals from transferring or acquiring machine guns except those lawfully possessed and registered before May 19, 1986.

State Law

Under Connecticut law, private citizens may own machine guns, provided the firearms are duly registered pursuant to federal and state law. Failure to register a machine gun with DPS is presumed possession for an offensive or aggressive purpose, a violation punishable by a fine of up to \$1,000, imprisonment for five to 10 years, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 3 (03/31/2009)

Judiciary Committee

Motion to Reconsider

Passed - Voice Vote (04/01/2009)

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 4 (04/01/2009)