



General Assembly

January Session, 2009

Committee Bill No. 353

LCO No. 4646

04646SB00353JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE MICROSTAMPING OF SEMIAUTOMATIC PISTOLS.

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

1 Section 1. Section 29-33 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) No person, firm or corporation shall sell, deliver or otherwise
4 transfer any pistol or revolver to any person who is prohibited from
5 possessing a pistol or revolver as provided in section 53a-217c.

6 (b) On and after October 1, 1995, no person may purchase or receive
7 any pistol or revolver unless such person holds a valid permit to carry
8 a pistol or revolver issued pursuant to subsection (b) of section 29-28, a
9 valid permit to sell at retail a pistol or revolver issued pursuant to
10 subsection (a) of section 29-28 or a valid eligibility certificate for a
11 pistol or revolver issued pursuant to section 29-36f or is a federal
12 marshal, parole officer or peace officer.

13 (c) No person, firm or corporation shall sell, deliver or otherwise
14 transfer any pistol or revolver except upon written application on a

15 form prescribed and furnished by the Commissioner of Public Safety.
16 Such person, firm or corporation shall insure that all questions on the
17 application are answered properly prior to releasing the pistol or
18 revolver and shall retain the application, which shall be attached to the
19 federal sale or transfer document, for at least twenty years or until
20 such vendor goes out of business. Such application shall be available
21 for inspection during normal business hours by law enforcement
22 officials. No sale, delivery or other transfer of any pistol or revolver
23 shall be made unless the person making the purchase or to whom the
24 same is delivered or transferred is personally known to the person
25 selling such pistol or revolver or making delivery or transfer thereof or
26 provides evidence of his identity in the form of a motor vehicle
27 operator's license, identity card issued pursuant to section 1-1h or
28 valid passport. No sale, delivery or other transfer of any pistol or
29 revolver shall be made until the person, firm or corporation making
30 such transfer obtains an authorization number from the Commissioner
31 of Public Safety. Said commissioner shall perform the national instant
32 criminal background check and make a reasonable effort to determine
33 whether there is any reason that would prohibit such applicant from
34 possessing a pistol or revolver as provided in section 53a-217c. If the
35 commissioner determines the existence of such a reason, the
36 commissioner shall deny the sale and no pistol or revolver shall be
37 sold, delivered or otherwise transferred by such person, firm or
38 corporation to such applicant.

39 (d) No person, firm or corporation shall sell, deliver or otherwise
40 transfer any pistol or revolver, other than at wholesale, unless such
41 pistol or revolver is equipped with a reusable trigger lock, gun lock or
42 gun locking device appropriate for such pistol or revolver, which lock
43 or device shall be constructed of material sufficiently strong to prevent
44 it from being easily disabled and have a locking mechanism accessible
45 by key or by electronic or other mechanical accessory specific to such
46 lock or device to prevent unauthorized removal. No pistol or revolver
47 shall be loaded or contain therein any gunpowder or other explosive
48 or any bullet, ball or shell when such pistol or revolver is sold,

49 delivered or otherwise transferred.

50 (e) On and after January 1, 2011, no person, firm or corporation shall
51 sell, deliver or otherwise transfer any semiautomatic pistol at retail
52 unless such semiautomatic pistol is designed and equipped with a
53 microscopic array of characters that identify the make, model and
54 serial number of the pistol in two or more places on the interior surface
55 or internal working parts of the pistol and that are transferred by
56 imprinting on each cartridge case when the pistol is fired, provided the
57 Attorney General certifies that the technology used to create the
58 imprint is available to more than one manufacturer unencumbered by
59 any patent restrictions. For the purposes of this subsection,
60 "semiautomatic pistol" means a pistol the operating mode of which
61 uses the energy of the explosive in a fixed cartridge to extract a fired
62 cartridge and chamber a fresh cartridge with each single pull of the
63 trigger.

64 [(e)] (f) Upon the sale, delivery or other transfer of any pistol or
65 revolver, the person making the purchase or to whom the same is
66 delivered or transferred shall sign a receipt for such pistol or revolver
67 which shall contain the name and address of such person, the date of
68 sale, the caliber, make, model and manufacturer's number and a
69 general description of such pistol or revolver, the identification
70 number of such person's permit to carry pistols or revolvers, issued
71 pursuant to subsection (b) of section 29-28, permit to sell at retail
72 pistols or revolvers, issued pursuant to subsection (a) of said section,
73 or eligibility certificate for a pistol or revolver, issued pursuant to
74 section 29-36f, if any, and the authorization number designated for the
75 transfer by the Department of Public Safety. The person, firm or
76 corporation selling such pistol or revolver or making delivery or
77 transfer thereof shall give one copy of the receipt to the person making
78 the purchase of such pistol or revolver or to whom the same is
79 delivered or transferred, shall retain one copy of the receipt for at least
80 five years, and shall send, by first class mail, or electronically transmit,
81 within forty-eight hours of such sale, delivery or other transfer, one

82 copy of the receipt to the Commissioner of Public Safety and one copy
83 of the receipt to the chief of police or, where there is no chief of police,
84 the warden of the borough or the first selectman of the town, as the
85 case may be, of the town in which the transferee resides.

86 [(f)] (g) The provisions of this section shall not apply to antique
87 pistols or revolvers. An antique pistol or revolver, for the purposes of
88 this section, means any pistol or revolver which was manufactured in
89 or before 1898 and any replica of such pistol or revolver provided such
90 replica is not designed or redesigned for using rimfire or conventional
91 centerfire fixed ammunition except rimfire or conventional centerfire
92 fixed ammunition which is no longer manufactured in the United
93 States and not readily available in the ordinary channel of commercial
94 trade.

95 [(g)] (h) The provisions of this section shall not apply to the sale,
96 delivery or transfer of pistols or revolvers between (1) a federally-
97 licensed firearm manufacturer and a federally-licensed firearm dealer,
98 (2) a federally-licensed firearm importer and a federally-licensed
99 firearm dealer, or (3) federally-licensed firearm dealers.

100 [(h)] (i) If the court finds that a violation of this section is not of a
101 serious nature and that the person charged with such violation (1) will
102 probably not offend in the future, (2) has not previously been
103 convicted of a violation of this section, and (3) has not previously had a
104 prosecution under this section suspended pursuant to this subsection,
105 it may order suspension of prosecution. The court shall not order
106 suspension of prosecution unless the accused person has
107 acknowledged that he understands the consequences of the suspension
108 of prosecution. Any person for whom prosecution is suspended shall
109 agree to the tolling of any statute of limitations with respect to such
110 violation and to a waiver of his right to a speedy trial. Such person
111 shall appear in court and shall be released to the custody of the Court
112 Support Services Division for such period, not exceeding two years,
113 and under such conditions as the court shall order. If the person

114 refuses to accept, or, having accepted, violates such conditions, the
115 court shall terminate the suspension of prosecution and the case shall
116 be brought to trial. If such person satisfactorily completes his period of
117 probation, he may apply for dismissal of the charges against him and
118 the court, on finding such satisfactory completion, shall dismiss such
119 charges. If the person does not apply for dismissal of the charges
120 against him after satisfactorily completing his period of probation, the
121 court, upon receipt of a report submitted by the Court Support
122 Services Division that the person satisfactorily completed his period of
123 probation, may on its own motion make a finding of such satisfactory
124 completion and dismiss such charges. Upon dismissal, all records of
125 such charges shall be erased pursuant to section 54-142a. An order of
126 the court denying a motion to dismiss the charges against a person
127 who has completed his period of probation or terminating the
128 participation of a defendant in such program shall be a final judgment
129 for purposes of appeal.

130 [(i)] (j) Any person who violates any provision of this section shall
131 be guilty of a class D felony, except that any person who sells, delivers
132 or otherwise transfers a pistol or revolver in violation of the provisions
133 of this section, knowing that such pistol or revolver is stolen or that the
134 manufacturer's number or other mark of identification on such pistol
135 or revolver has been altered, removed or obliterated, shall be guilty of
136 a class B felony, and any pistol or revolver found in the possession of
137 any person in violation of any provision of this section shall be
138 forfeited.

139 Sec. 2. Subsection (d) of section 53-202l of the general statutes is
140 repealed and the following is substituted in lieu thereof (*Effective*
141 *October 1, 2009*):

142 (d) If the court finds that a violation of this section is not of a serious
143 nature and that the person charged with such violation (1) will
144 probably not offend in the future, (2) has not previously been
145 convicted of a violation of this section, and (3) has not previously had a

146 prosecution under this section suspended pursuant to this subsection,
 147 it may order suspension of prosecution in accordance with the
 148 provisions of subsection [(h)] (i) of section 29-33, as amended by this
 149 act.

150 Sec. 3. Section 54-66a of the general statutes is repealed and the
 151 following is substituted in lieu thereof (*Effective October 1, 2009*):

152 Any bail bond posted in any criminal proceeding in this state shall
 153 be automatically terminated and released whenever the defendant: (1)
 154 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
 155 granted admission to the pretrial alcohol education system pursuant to
 156 section 54-56g; (3) is granted admission to the pretrial family violence
 157 education program pursuant to section 46b-38c; (4) is granted
 158 admission to the community service labor program pursuant to section
 159 53a-39c; (5) is granted admission to the pretrial drug education
 160 program pursuant to section 54-56i; (6) has the complaint or
 161 information filed against such defendant dismissed; (7) is acquitted; (8)
 162 is sentenced by the court; (9) is granted admission to the pretrial school
 163 violence prevention program pursuant to section 54-56j; or (10) is
 164 charged with a violation of section 29-33, as amended by this act, and
 165 prosecution has been suspended pursuant to subsection [(h)] (i) of
 166 section 29-33, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	29-33
Sec. 2	<i>October 1, 2009</i>	53-2021(d)
Sec. 3	<i>October 1, 2009</i>	54-66a

Statement of Purpose:
 To facilitate the linking of used cartridge cases to the firearm that fired them by requiring the microstamping of semiautomatic pistols.

[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.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; REP. AYALA, 128th Dist.

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