



OLR RESEARCH REPORT

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AN ACT CONCERNING CRIMES WITH A FIREARM

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You asked for a summary of sSB 998—*An Act Concerning Crimes With a Firearm* (LCO 4681).

SUMMARY

This bill requires local police departments (or resident state troopers or constables who perform law enforcement duties where there is no police department) to establish and maintain a gun offender registry. It defines 33 gun offenses and requires people convicted of any one of them, on or after October 1, 2011, to register as gun offenders in the town where they live and update the information annually, unless their conviction is overturned or they are pardoned. The bill applies even if a gun offender's case is on appeal. (For a list of gun offenses, see Table 1 at the end of the report.)

The bill requires courts to inform people convicted of these gun offenses of the registration requirement. It specifies information the registry must maintain, registration deadlines, and responsibilities of law enforcement units. It subjects gun offenders who provide false information to the registry or fail to register to a fine of up to \$1,000, imprisonment for up to one year, or both.

The bill requires that registration information on registered offenders be expunged four years after conviction or release from prison, depending on whether the sentence included incarceration. But if a person's conviction is reversed or he or she is pardoned, he or she may apply for expungement at any time.

The bill takes effect October 1, 2011.

ESTABLISHMENT OF GUN REGISTRY

The bill requires each local police department or, where there is no police department, the resident state trooper or constable who performs law enforcement duties, to (1) establish and maintain a gun offender registry and (2) maintain registry data for four years following the date of an offender's (a) conviction, if the offender's sentence did not include imprisonment, or (b) release from prison (§ 3(i)).

At the end of the applicable retention period, the department or official must expunge the offender's registration record.

COURT RESPONSIBILITIES

The bill requires any state court that convicts a person of a gun offense to (1) enter an order certifying that the defendant is a gun offender, (2) advise the defendant of his or her duty to register, and (3) order him or her to comply with the registration requirements (§ 2).

REGISTRATION PROCEDURES AND DATA

The bill requires gun offenders to register in person with the appropriate law enforcement official or department in the town where they live no later than 48 hours after the date they are (1) sentenced, if the sentence does not include imprisonment, or (2) released from prison (§ 3). The registration must include:

1. the gun offender's name, any aliases he or she has used, and any other name by which he or she has been legally known;
2. a description of the offense for which the gun offender was convicted;
3. the date of conviction and the date of release from prison, if applicable;
4. identifying information, including a physical description;
5. residence address;
6. the names of any other city, town, or borough where the gun offender has registered; and
7. any other information the law enforcement official or department requires under the registration law (§ 3).

The law enforcement official or department may (1) photograph the offender and include the photograph in the registration and (2) require documentation from him or her to verify the contents of the registration (§§ 3(d) & (e)). The offender must sign and date the registration.

REGISTRATION UPDATES

No later than 20 days after each anniversary of an initial registration, the bill requires the gun offender to personally appear at the law enforcement department or before the official where he or she is registered and verify and update the registration, as appropriate. If in prison or hospitalized during the 20-day period, he or she must do so no later than 48 hours after release (§ 3).

If a registered offender changes his or her residence address and his or her current residence address is in Connecticut, he or she must, no later than 48 hours after the change, personally appear before the pertinent law enforcement official or at the department to update his or her registration (§ 3).

Registered offenders must provide registration updates during the entire registration period if they continue to live in Connecticut.

USE OF GUN REGISTRATION DATA

Police departments or law enforcement officials may make gun registry information available to federal, state, or local law enforcement agencies. And they may cooperate with such agencies and state courts to facilitate the implementation of the gun registry (§ 4).

VIOLATIONS

The bill imposes penalties for (1) failing to register, (2) failing to verify information, and (3) providing false information in the registration or verification. The penalty is a fine of up to \$1,000, imprisonment for up to one year, or both (§ 5).

EXPUNGEMENT OF RECORDS

Anyone whose gun offense conviction is reversed on appeal, set aside by law, or pardoned by the governor may request expungement of his or her registration information and release from the obligations under the bill. (In Connecticut, it is the Board of Pardons and Paroles, not the governor, that grants pardons.) The person must request expungement in writing and provide a certified copy of the (1) court order reversing and dismissing the conviction or (2) certificate of pardon (§ 5).

Table 1: Gun Offenses Under sSB 998

Statute	Offense
2-1e(c)	Interfering with the legislative process (involves the use of any weapon, not just firearms)
29-33(a)	Transfer handgun to prohibited person
29-33(b)	Obtain handgun without a permit
29-33(i)	Transfer handgun in violation of law's transfer procedures; transfer handgun in violation of law knowing it was stolen or defaced
29-34	Make false statement in connection with sale or transfer of handgun & sell or transfer handgun to anyone under age 21
29-35(a)	Carry handgun without a permit
29-36	Alter a firearm's identification mark, number, or name
29-36k	Failure to transfer firearm after becoming ineligible to possess it
29-37e	Make false statements when buying or selling firearm other than handgun
29-37j	Buy handgun with intent to transfer to prohibited person
53-202(b)	Possess machine gun in commission of violent crime
53-202(c)	Possess machine gun for offensive or aggressive purpose or transfer machine gun to someone under age 16
53-202(g)	Failure to register machine gun
53-202b	Sell or transfer of assault weapon
53-202c	Possess assault weapons
53-202j	Commit Class A, B, or C felony with assault weapon
53-202k	Commit a Class A, B, or C felony with firearm
53-202aa	Firearms trafficking
53a-8(b)	Knowingly provide firearm to anyone to engage in illegal activity
53a-55a	1 st degree manslaughter with firearm
53a-56a	2 nd degree manslaughter with firearm
53a-60a	2 nd degree assault with firearm
53a-60c	2 nd degree assault of elderly, blind, disabled, pregnant, or mentally retarded person with firearm
53a-72b	3 rd degree sexual assault with firearm
53a-92a	1 st degree kidnapping with firearm
53a-94a	2 nd degree kidnapping with firearm
53a-102a	2 nd degree burglary with firearm
53a-103a	3 rd degree burglary with firearm
53a-211	Possess sawed-off shotgun or silencer
53a-212	Stealing a firearm
53a-217a	Criminally negligent storage of firearms
53a-217b	Possess weapon on school grounds
53a-217c	Criminal possession of handgun

VR: ek