



Senate Bill No. 195

Public Act No. 12-72

AN ACT CONCERNING THE STORAGE OF STOLEN PROPERTY BY LAW ENFORCEMENT AGENCIES AND THE PAYMENT FOR PROPERTY RECEIVED BY PRECIOUS METALS OR STONES DEALERS.

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

Section 1. Subdivision (1) of subsection (b) of section 54-36a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) (1) Whenever property is seized in connection with a criminal arrest or seized pursuant to a search warrant without an arrest, the law enforcement agency seizing such property shall file, on forms provided for this purpose by the Office of the Chief Court Administrator, an inventory of the property seized. The inventory, together with the uniform arrest report, in the case of an arrest, shall be filed with the clerk of the court for the geographical area in which the criminal offense is alleged to have been committed; except, when the property is stolen property and, in the opinion of the law enforcement officer, does not exceed [two hundred fifty] one thousand dollars in value, or when an attempt was made to steal the property but the property at all times remained on the premises in a sealed container, the filing of an inventory shall not be required and such property may

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be returned to the owner. In the case of property seized in connection with a search warrant without an arrest, the inventory shall be attached to the warrant and shall be filed with the clerk of the court for the geographical area in which the search warrant was issued. If any criminal proceeding is transferred to another court location, then the clerk with whom the inventory is filed shall transfer such inventory to the clerk of the court location to which such action is transferred.

Sec. 2. Section 21-100 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) No person may engage in or carry on the business of purchasing gold or gold-plated ware, silver or silver-plated ware, platinum ware, watches, jewelry, precious stones, bullion or coins unless such person is licensed as a precious metals or stones dealer by the licensing authority of the municipality in which such person intends to carry on such business; except that the provisions of this subsection shall not apply to the purchase of such items from a wholesaler by a manufacturer or retail seller whose primary place of business is located in this state. Such person shall pay an annual fee of ten dollars for such license. The license may be revocable for cause, which shall include, but not be limited to, failure to comply with any requirements for licensure specified by the licensing authority at the time of issuance. The licensing authority shall refuse to issue a license under this subsection to a person who has been convicted of a felony and may require any applicant for a license to submit to state and national criminal history records checks. If the licensing authority requires such criminal history records checks, such checks shall be conducted in accordance with section 29-17a. For the purposes of this subsection "wholesaler" means a person in the business of selling tangible personal property to be resold at retail or raw materials to be manufactured into suitable forms for use by consumers.

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(b) Any person who wilfully engages in the business of a precious metals or stones dealer [.] unless licensed in accordance with this section or after notice that such person's license has been suspended or revoked [.] shall be guilty of a class D felony.

(c) Each such licensee shall keep a record in which such licensee shall note at the time of each transaction a description of the property purchased and the price paid for them, the name and address of the person selling the goods and the date and hour any such property was received. Each such licensee shall demand positive identification from the person selling the article and the type or form of identification received shall be noted in the record. Any state police officer or municipal police officer shall have access to the record required to be kept under this section and may inspect the place where the business is carried on as well as any goods purchased or received. The licensee shall maintain a place of business within this state, at which the goods purchased or received and the required records shall be available for such inspection.

(d) No licensee may purchase any property from a minor unless such minor is accompanied by a parent or guardian.

(e) Each such licensee may only pay for property received by check or money order and no cash shall be transferred to either party in the course of a transaction subject to the provisions of this section. Any licensee who pays cash or cashes a check or money order shall be guilty of a class A misdemeanor. No licensee may advertise that he or she will pay for property received with cash.

(f) Any precious metals or stones dealer who was licensed in any city or town as a pawnbroker pursuant to section 21-40 on March 31, 2011, and who continues to hold such license, may pay for property received pursuant to a precious metals or stones dealer license issued in accordance with this section in the manner authorized under section

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21-42 until July 1, 2021, provided such precious metals or stones dealer complies with all other provisions of this section relating to precious metals or stones dealers.

[(f)] (g) At the time of making any purchase each licensee shall deliver to the person selling property a receipt containing the information required to be recorded in subsection (c) of this section, the amount paid for any property sold and the name and address of the purchaser.

[(g)] (h) Upon request of the licensing authority each such licensee shall make a weekly sworn statement, describing the goods received and setting forth the name and address of each person from whom goods were purchased, to the licensing authority of each municipality in which the licensee transacted business that week. Such sworn statement shall not be deemed a public [records] record for the purposes of the Freedom of Information Act, as defined in section 1-200.

[(h)] (i) Any person who violates any provision of this section, for which no other penalty is provided, shall be fined not more than one thousand dollars.