



House of Representatives

General Assembly

File No. 171

February Session, 2012

House Bill No. 5096

House of Representatives, March 29, 2012

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE FIREARMS EVIDENCE DATABANK.

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

1 Section 1. Section 29-7h of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) As used in this section:

4 (1) "Firearms evidence databank" means a computer-based system
5 that [scans a test fire and stores an image of such test fire in a manner
6 suitable for retrieval and comparison to other test fires and to other
7 evidence in a case] stores images of fired components of ammunition
8 in a manner suitable for retrieval and comparison to images of other
9 fired components of ammunition stored in the databank;

10 (2) "Handgun" means any firearm capable of firing rim-fire or
11 center-fire ammunition and designed or built to be fired with one
12 hand;

13 (3) "Laboratory" means the Division of Scientific Services forensic
14 science laboratory within the Department of Emergency Services and
15 Public Protection;

16 (4) "Police department" means the Division of State Police within the
17 Department of Emergency Services and Public Protection or an
18 organized local police department;

19 (5) ["Test fire"] "Fired components of ammunition" means
20 discharged ammunition consisting of a cartridge case or a bullet or a
21 fragment thereof, collected after a handgun is fired and containing
22 sufficient microscopical characteristics to compare to other discharged
23 ammunition or to determine the handgun from which the ammunition
24 was fired.

25 (b) (1) The Division of Scientific Services shall establish a firearms
26 evidence databank. [Test fire evidence submitted to the laboratory or
27 collected from handguns submitted to the laboratory shall] Evidence
28 consisting of fired components of ammunition may be entered into
29 such databank in accordance with specific procedures adopted by the
30 Commissioner of Emergency Services and Public Protection, in the
31 regulations adopted pursuant to subsection (f) of this section.

32 (2) The firearms evidence databank may be used by laboratory
33 personnel to (A) compare two or more cartridge cases, bullets or other
34 projectiles submitted to the laboratory or produced at the laboratory
35 from a handgun, or (B) upon the request of a police department as part
36 of a criminal case investigation, verify by microscopic examination any
37 resulting match, and shall produce a report stating the results of such a
38 search.

39 (3) Any image of a [cartridge case, bullet or fragment thereof] fired
40 component of ammunition that is not matched by a search of the
41 databank shall be stored in the databank for future searches.

42 (4) The Division of Scientific Services may permit a firearms section
43 of a police department that complies with all laboratory guidelines and

44 regulations adopted by the commissioner pursuant to subsection (f) of
45 this section regarding the operation of the firearms evidence databank
46 to (A) [collect test fires from] test fire handguns that come into the
47 custody of the police department and collect fired components of
48 ammunition from such test fires, (B) set up a remote terminal to enter
49 [test fire] images of fired components of ammunition directly into the
50 databank, and (C) search the databank.

51 (c) (1) Except as provided in subdivision (4) of subsection (b) of this
52 section and subsection (d) of this section, a police department shall
53 submit to the laboratory any handgun that comes into police custody
54 as the result of a criminal investigation, [, as found property, or for
55 destruction, prior to the return or the destruction of the handgun.]

56 (2) The laboratory shall [collect a test fire from] test fire each
57 submitted handgun [within sixty days of submission] and collect fired
58 components of ammunition from such test fires. The laboratory shall
59 label the [test fire] fired components of ammunition with the handgun
60 manufacturer, type of weapon, serial number, date of the test fire and
61 name of the person test firing the handgun and collecting the [test fire]
62 fired components of ammunition.

63 (d) (1) [A police department shall collect a test fire from every
64 handgun issued by that department to an employee not later than six
65 months after October 1, 2001.] On and after October 1, 2001, a police
66 department shall [collect a test fire from] test fire every handgun to be
67 issued by that department before the handgun is so issued and collect
68 the fired components of ammunition from such test fire. Any police
69 department may request the assistance of the Division of State Police
70 or the laboratory [to collect a test fire] in test firing a handgun and
71 collecting such fired components of ammunition.

72 (2) The police department shall seal the [test fire] fired components
73 of ammunition in a tamper-evident manner and label the package with
74 the handgun manufacturer, handgun type, serial number and [the]
75 name of the person test firing the handgun and collecting the [test fire]
76 fired components of ammunition. The police department shall submit

77 the [test fire] fired components of ammunition and two intact
78 cartridges [of the same type of ammunition used for the test fire to the
79 laboratory] that are representative samples of the ammunition used by
80 the department in its service handguns.

81 (e) The laboratory may share the information in the firearms
82 evidence databank with other law enforcement agencies, both within
83 and outside the state, and may participate in a national firearms
84 evidence databank program.

85 (f) The commissioner shall adopt regulations, in accordance with the
86 provisions of chapter 54, to carry out the purposes of this section.

| | | |
|---|-----------------|-------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2012 | 29-7h |

PS *Joint Favorable*

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 13 \$ | FY 14 \$ |
|--|--------------------|--------------------|--------------------|
| Department of Emergency Services and Public Protection | GF - Savings | Less than \$15,000 | Less than \$15,000 |

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill will result in savings of less than \$15,000 annually by removing requirements for submitting all ballistic test materials to federal databases. The current law requires roughly \$15,000 of personnel resources at the Division of Scientific Services for compliance annually.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR BILL ANALYSIS**HB 5096*****AN ACT CONCERNING THE FIREARMS EVIDENCE DATABANK.*****SUMMARY:**

This bill makes changes in the laws pertaining to the state's firearms evidence databank, which is a computerized system that stores discharged ammunition from handguns (pistols and revolvers) submitted to the state forensic science laboratory.

Among other things, the bill (1) eliminates the mandate for entering all ballistic data as defined in the law and instead gives personnel discretion in data entry and (2) eliminates the 60-day deadline for testing and inputting ballistic data on guns submitted to the laboratory.

The bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2012

FIREARMS EVIDENCE DATABANK***Definition***

Under current law, the databank is a computer-based system that scans and stores images of handgun "test fires." The bill renames "test fires" as "fired components of ammunition" and makes conforming changes to reflect the new label.

"Fired components of ammunition," currently referred to as "test fire," means discharged ammunition consisting of a cartridge case or a bullet fragment, collected after a handgun is fired and containing sufficient microscopical characteristics to compare to other discharged ammunition or to determine the handgun from which the ammunition was fired.

Data Input

The bill allows, rather than requires, DESPP forensic science laboratory personnel to enter evidence of fired components of ammunition into the databank.

Subjects of and Deadline for Test Fires

Under current law, police departments must submit to the laboratory any handguns in their custody that were found, ordered destroyed by a court, or pertain to a criminal investigation before returning or destroying them. The bill eliminates the requirement to submit guns that were found or ordered destroyed.

Under current law, the laboratory must collect a test fire from each handgun submitted within 60 days of submission. The bill eliminates this deadline.

Department-Issued Firearms

By law, police departments must collect a test fire from all handguns they issue to their employees. Under current law, they must submit two intact cartridges of the same type of ammunition used for the test fire. The bill instead requires them to submit two cartridges that are representative samples of the ammunition the department uses in its service handguns.

BACKGROUND**Firearm Discharge**

When a firearm is discharged, it leaves unique markings on the bullets and shell casings. The bullets and shell casings are ballistic data. Ballistic identification systems make it possible to link bullets and shell casings recovered at crime scenes. They can identify the make, model, and serial number of the gun that fired a bullet.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/15/2012)