



General Assembly

Amendment

February Session, 2012

LCO No. 3927

SB0019503927SD0

Offered by:

SEN. HARTLEY, 15th Dist.

REP. DARGAN, 115th Dist.

To: Senate Bill No. 195

File No. 32

Cal. No. 73

"AN ACT CONCERNING THE STORAGE OF STOLEN PROPERTY."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 21-100 of the 2012 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2012*):

6 (a) No person may engage in or carry on the business of purchasing
7 gold or gold-plated ware, silver or silver-plated ware, platinum ware,
8 watches, jewelry, precious stones, bullion or coins unless such person
9 is licensed as a precious metals or stones dealer by the licensing
10 authority of the municipality in which such person intends to carry on
11 such business; except that the provisions of this subsection shall not
12 apply to the purchase of such items from a wholesaler by a
13 manufacturer or retail seller whose primary place of business is located
14 in this state. Such person shall pay an annual fee of ten dollars for such
15 license. The license may be revocable for cause, which shall include,

16 but not be limited to, failure to comply with any requirements for
17 licensure specified by the licensing authority at the time of issuance.
18 The licensing authority shall refuse to issue a license under this
19 subsection to a person who has been convicted of a felony and may
20 require any applicant for a license to submit to state and national
21 criminal history records checks. If the licensing authority requires such
22 criminal history records checks, such checks shall be conducted in
23 accordance with section 29-17a. For the purposes of this subsection
24 "wholesaler" means a person in the business of selling tangible
25 personal property to be resold at retail or raw materials to be
26 manufactured into suitable forms for use by consumers.

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

31 (c) No licensee shall purchase gold or gold-plated ware, silver or
32 silver-plated ware, platinum ware, watches, jewelry, precious stones,
33 bullion or coins without receiving proof of the identity of the person
34 selling the property if such person is not a wholesaler. Such
35 identification shall include a photograph, an address, if available on
36 the identification, and an identifying number, including, but not
37 limited to, date of birth.

38 [(c) Each such licensee shall keep a record in which such licensee
39 shall note at the time of each transaction a description of the property
40 purchased and the price paid for them, the name and address of the
41 person selling the goods and the date and hour any such property was
42 received. Each such licensee shall demand positive identification from
43 the person selling the article and the type or form of identification
44 received shall be noted in the record.]

45 (d) Each licensee shall maintain a record-keeping system in which
46 shall be entered in English, at the time the licensee purchases any
47 property, a description of the property and the name, the residence

48 address, the proof of identity as required by this section and a general
49 description of the person from whom, and the date and hour when, the
50 property was purchased and in which, if the property does not contain
51 any identifiable numbers or markings, shall be included a digital
52 photograph of such property. Each entry in such record-keeping
53 system shall be numbered consecutively. Such number shall be visible
54 in the digital photograph required by this subsection and shall be
55 retained with the property purchased or received until the sale or other
56 disposition of the property. Any state police officer or municipal police
57 officer shall have access to the record required to be kept under this
58 section and may inspect the place where the business is carried on as
59 well as any [goods] property purchased or received. Any state police
60 officer or municipal police officer who performs such an examination
61 may require any employee on the premises to provide proof of such
62 employee's identity. All records maintained pursuant to this section
63 shall be retained by the licensee for not less than two years. The
64 licensee shall maintain a place of business within this state, at which
65 the [goods] property purchased or received and the required records
66 shall be available for such inspection.

67 (e) Except as provided in subsection (f) of this section, the
68 description of any property purchased by a licensee under this section
69 shall include, but not be limited to, all distinguishing marks, names of
70 any kind, including brand and model names, model and serial
71 numbers, engravings, etchings, affiliation with any institution or
72 organization, dates, initials, color, vintage or image represented.

73 (f) The licensing authority may provide for an exemption from the
74 requirements of subsections (d) and (e) of this section, or establish
75 additional or different requirements concerning the description of any
76 property purchased by a licensee, upon consideration of the nature of
77 the property, transaction or business, including, but not limited to,
78 articles in bulk lots or articles of minimal value.

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

81 [(e)] (h) Each such licensee may only pay for property received by
82 check or money order and no cash shall be transferred to either party
83 in the course of a transaction subject to the provisions of this section.
84 The licensee shall retain the electronic copy of such check or other
85 record issued by the financial institution that processed such check,
86 and such copy or record shall be subject to inspection in accordance
87 with this section as part of the record-keeping system. The licensee
88 shall indicate on each such instrument the number or numbers
89 associated with such property in the record-keeping system required
90 to be maintained pursuant to this section. Any licensee who pays cash
91 or cashes a check or money order shall be guilty of a class A
92 misdemeanor. No licensee may advertise that he or she will pay for
93 property received with cash.

94 (i) Any precious metals or stones dealer who was licensed in any
95 city or town as a pawnbroker pursuant to section 21-40 on March 31,
96 2011, and who continues to hold such license, may pay for property
97 received pursuant to a precious metals or stones dealer license issued
98 in accordance with this section in the manner authorized under section
99 21-42 until July 1, 2021, provided such precious metals or stones dealer
100 complies with all other provisions of this section relating to precious
101 metals or stones dealers.

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

107 [(g)] Upon request of the licensing authority each such licensee shall
108 make a weekly sworn statement, describing the goods received and
109 setting forth the name and address of each person from whom goods
110 were purchased, to the licensing authority of each municipality in
111 which the licensee transacted business that week.]

112 (k) Each licensee shall submit to the licensing authority, on a weekly

113 basis or more frequently at the option of the licensee, a sworn
114 statement of his or her transactions, describing the property purchased
115 and setting forth the nature and terms of the transaction and the name
116 and residence address and a description of the person from whom the
117 property was purchased. Such statement shall be in an electronic
118 format prescribed by the licensing authority. The licensing authority
119 may grant exemptions from the requirement of submitting such
120 statements in an electronic format for good cause shown. Such sworn
121 statement shall not be deemed a public [records] record for the
122 purposes of the Freedom of Information Act, as defined in section 1-
123 200.

124 (l) No licensee shall sell or dispose of any property acquired in any
125 transaction in the course of business in less than ten days after the date
126 of the submission of the statement concerning such transaction in
127 accordance with subsection (k) of this section. Upon the sale or
128 disposition of such property, such licensee shall, if such property is not
129 sold at retail at the place of business of such licensee, include a record
130 of such sale or disposition in the record-keeping system required by
131 this section.

132 (m) Whenever property is seized from the place of business of a
133 precious metals or stones dealer by a law enforcement officer, the
134 officer shall give the dealer a duly signed receipt for the property
135 containing a case number, a description of the property, the reason for
136 the seizure, the name and address of the officer, the name and address
137 of the person claiming a right to the property prior to the dealer and
138 the name of the dealer. If the dealer claims an ownership interest in
139 such property, the dealer may request the return of such property by
140 filing a request for such property with the law enforcement agency in
141 accordance with the provisions of section 54-36a. If the seller of any
142 property purchased by the dealer is convicted of any offense arising
143 out of the dealer's acquisition of the property and the dealer suffered
144 an economic loss as a result of such offense, the court may, at the time
145 of sentencing, order restitution to the dealer pursuant to subsection (c)
146 of section 53a-28, which order may be enforced in accordance with

147 section 53a-28a.

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

151 Sec. 502. Section 21-46a of the 2012 supplement to the general
 152 statutes is repealed and the following is substituted in lieu thereof
 153 (*Effective October 1, 2012*):

154 Whenever property is seized from the place of business of a
 155 pawnbroker [, precious metals or stones dealer or secondhand dealer]
 156 by a law enforcement officer, such officer shall give the pawnbroker [,
 157 precious metals or stones dealer or secondhand dealer] a duly signed
 158 receipt for the property containing a case number, a description of the
 159 property, the reason for the seizure, the name and address of the
 160 officer, the name and address of the person claiming a right to the
 161 property prior to the pawnbroker [, precious metals or stones dealer or
 162 secondhand dealer] and the name of the pawnbroker. [, precious
 163 metals or stones dealer or secondhand dealer.] If the pawnbroker [,
 164 precious metals or stones dealer or secondhand dealer] claims an
 165 ownership interest in such property, he or she may request the return
 166 of such property by filing a request for such property with the law
 167 enforcement agency in accordance with the provisions of section 54-
 168 36a. If the person who deposited, pledged or sold any property
 169 received by a pawnbroker [or dealer] is convicted of any offense
 170 arising out of such pawnbroker's [or dealer's] acquisition, retention or
 171 disposition of the property and such pawnbroker [or dealer] suffered
 172 an economic loss as a result of such offense, the court, at the time of
 173 sentencing, may order restitution to such pawnbroker [or dealer]
 174 pursuant to subsection (c) of section 53a-28 and such order may be
 175 enforced in accordance with section 53a-28a."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2012	21-100

Sec. 502	<i>October 1, 2012</i>	21-46a
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