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**OLR Bill Analysis****sHB 6330*****AN ACT CONCERNING LOOK-A-LIKE FIREARMS.*****SUMMARY:**

This bill makes it an infraction to:

1. alter, change, deface, remove, paint, emboss, or in any way obliterate any coloration or markings required by any state or federal law or regulation for any look-a-like firearm to make it look like a real firearm;
2. possess a look-a-like firearm altered in violation of the bill (with exceptions for look-a-like firearms used in theatrical productions, including motion pictures and television and stage productions); or
3. possess any look-a-like firearm in or on public or private elementary or secondary school property.

Each local and regional board of education must require each school under its jurisdiction to provide written notice to students of these prohibitions.

The bill does not apply to any look-a-like firearm used by the departments of Correction or Emergency Services and Public Protection, police departments, or state or U.S. military or naval forces in the discharge of their official duties.

Under existing law, which this bill does not change, it is illegal to (1) sell, carry, or brandish a facsimile firearm or (2) possess a firearm or deadly weapon on school grounds (see BACKGROUND).

EFFECTIVE DATE: July 1, 2013

**DEFINITIONS**

The bill defines a “look-a-like firearm” as any imitation firearm, simulated firearm, replica of a firearm or other device which substantially duplicates or is so similar in color and overall appearance to an existing real firearm as to lead a reasonable person to perceive that it is a real firearm.

The law defines “firearm” as a sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged (CGS § 53a-3).

## **BACKGROUND**

### ***Facsimile Firearms***

Under the law, it is a class B misdemeanor (punishable by up to six months in prison, a fine of up to \$1,000, or both) to:

1. give, offer for sale, or sell a facsimile firearm unless it cannot reasonably be perceived to be a real firearm;
2. carry, draw, exhibit, or brandish a facsimile firearm or simulate a firearm in a threatening manner to frighten, vex, or harass another person, except in self-defense; and
3. draw, exhibit, or brandish a facsimile firearm or simulate a firearm in the presence of a peace officer, firefighter, emergency medical technician, or paramedic in order to impede him or her in the performance of his or her duties (CGS § 53-206c).

A facsimile firearm is (1) a nonfunctional imitation of an original firearm manufactured, designed, and produced since 1898, or (2) any nonfunctional representation of a firearm other than an original firearm imitation, provided that it could be perceived to be a real firearm. The term does not include any look-a-like, nonfiring, collector replica of an antique firearm developed before 1898, or traditional BB or pellet-firing air gun that, through air pressure, expels a metallic or paint-contained projectile.

### ***Weapon Possession on School Grounds***

Under the law, it is a class D felony (punishable by up to five years

in prison, up to a \$5,000 fine, or both) for a person to possess a firearm or deadly weapon in or on public or private elementary or secondary school property or at a school-sponsored activity if he or she is not licensed or privileged to do so. This does not include otherwise lawful firearm possession (1) by a person for use in a program approved by school officials in or on school property or at a school-sponsored activity, (2) by a person in accordance with an agreement with school officials, (3) by a peace officer while engaged in his or her official duties, or (4) by a person while crossing school property to gain access to public or private lands open to hunting or for other lawful purposes, as long as the firearm is not loaded and the local or regional board of education permits such entry (CGS § 53a-217b).

A deadly weapon is any weapon, whether loaded or unloaded, from which a shot may be fired, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.

### ***Federal Look-A-Like Firearm Marking Requirements***

Federal law prohibits anyone from manufacturing, entering into commerce, shipping, transporting, or receiving any toy, look-a-like, or imitation firearm without a blaze orange plug permanently affixed to its barrel or an alternate marking or device if it is not possible to affix such a plug to its barrel. The law allows the Secretary of Commerce to waive this requirement for toy, look-alike, and imitation firearms that will only be used in the theatrical, movie, or television industry (15 USC § 5001).

### ***Infraction***

An infraction is punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. An infraction is not a crime and violators can pay the fine by mail without making a court appearance.

## **COMMITTEE ACTION**

Children Committee

Joint Favorable Substitute

Yea 9 Nay 2 (03/07/2013)