



# Senate

General Assembly

**File No. 383**

January Session, 2013

Senate Bill No. 506

*Senate, April 8, 2013*

The Committee on Public Safety and Security reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT REQUIRING CRIMINAL BACKGROUND CHECKS FOR ALL PRIVATE FIREARM SALES.***

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

1 Section 1. Section 29-37a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) No person, firm or corporation may [deliver, at retail,] sell,  
4 deliver or otherwise transfer any firearm, as defined in section 53a-3,  
5 other than a pistol or revolver, to any person unless such person makes  
6 application on a form prescribed and furnished by the Commissioner  
7 of Emergency Services and Public Protection, which shall be attached  
8 by the [vendor] transferor to the federal sale or transfer document and  
9 filed and retained by the [vendor] transferor for at least twenty years  
10 or, if such transferor is a federally licensed firearms dealer, until such  
11 [vendor] transferor goes out of business. Such application shall be  
12 available for inspection during normal business hours by law  
13 enforcement officials.

14       **(b)** No sale, [or] delivery or other transfer of any firearm shall be  
15 made until the expiration of two weeks from the date of the  
16 application, and until the person, firm or corporation making such  
17 sale, delivery or transfer has ~~[insured]~~ ensured that such application  
18 has been completed properly and has obtained an authorization  
19 number from the Commissioner of Emergency Services and Public  
20 Protection for such sale, delivery or transfer. The Department of  
21 Emergency Services and Public Protection shall make every effort,  
22 including performing the national instant criminal background check,  
23 to determine if the applicant is eligible to receive such firearm. If it is  
24 determined that the applicant is ineligible to receive such firearm, the  
25 Commissioner of Emergency Services and Public Protection shall  
26 immediately notify the person, firm or corporation to whom such  
27 application was made and no such firearm shall be sold, [or] delivered  
28 or otherwise transferred to such applicant by such person, firm or  
29 corporation. When any firearm is delivered in connection with [the]  
30 any sale or purchase, such firearm shall be enclosed in a package, the  
31 paper or wrapping of which shall be securely fastened, and no such  
32 firearm when delivered on any sale or purchase shall be loaded or  
33 contain any gunpowder or other explosive or any bullet, ball or shell.

34       **[(b)] (c)** Upon the sale, delivery or other transfer of the firearm, the  
35 [purchaser] transferee shall sign in triplicate a receipt for such firearm,  
36 which shall contain the name, [and] address and date and place of  
37 birth of such [purchaser] transferee, the date of such sale, delivery or  
38 transfer and the caliber, make, model and manufacturer's number and  
39 a general description thereof. Not later than twenty-four hours after  
40 such sale, delivery or transfer, the [vendor] transferor shall send by  
41 first class mail or electronically transfer one receipt to the  
42 Commissioner of Emergency Services and Public Protection and one  
43 receipt to the chief of police or, where there is no chief of police, the  
44 warden of the borough or the first selectman, of the town in which the  
45 [purchaser] transferee resides, and shall retain one receipt, together  
46 with the original application, for at least five years.

47       **(d)** The waiting period specified in subsection **[(a)] (b)** of this section

48 during which a sale, delivery or other transfer may not be made [and  
49 the provisions of this subsection] shall not apply to any federal  
50 marshal, parole officer or peace officer, or to the [delivery at retail]  
51 sale, delivery or other transfer of (1) any firearm to a holder of a valid  
52 state permit to carry a pistol or revolver issued under the provisions of  
53 section 29-28 or a valid eligibility certificate issued under the  
54 provisions of section 29-36f, (2) any firearm to an active member of the  
55 armed forces of the United States or of any reserve component thereof,  
56 (3) any firearm to a holder of a valid hunting license issued pursuant to  
57 chapter 490, or (4) antique firearms. For the purposes of this [section]  
58 subsection, "antique firearm" means any firearm which was  
59 manufactured in or before 1898 and any replica of such firearm,  
60 provided such replica is not designed or redesigned for using rimfire  
61 or conventional centerfire fixed ammunition except rimfire or  
62 conventional centerfire fixed ammunition which is no longer  
63 manufactured in the United States and not readily available in the  
64 ordinary channel of commercial trade.

65 (e) The provisions of this section shall not apply to the sale, delivery  
66 or other transfer of a firearm between (1) an individual and such  
67 individual's parent, spouse, child, sibling, grandparent or grandchild,  
68 (2) a federally-licensed firearm manufacturer and a federally-licensed  
69 firearm dealer, (3) a federally-licensed firearm importer and a  
70 federally-licensed firearm dealer, or (4) federally-licensed firearm  
71 dealers.

72 Sec. 2. Subsection (a) of section 53-202g of the general statutes is  
73 repealed and the following is substituted in lieu thereof (*Effective July*  
74 *1, 2013*):

75 (a) Any person who lawfully possesses an assault weapon under  
76 sections [29-37j and] 53-202a to 53-202k, inclusive, [and subsection (h)  
77 of section 53a-46a] or a firearm, as defined in section 53a-3, that is lost  
78 or stolen from such person shall report the loss or theft to the  
79 organized local police department for the town in which the loss or  
80 theft occurred or, if such town does not have an organized local police

81 department, to the state police troop having jurisdiction for such town  
 82 within seventy-two hours of when such person discovered or should  
 83 have discovered the loss or theft. Such department or troop shall  
 84 forthwith forward a copy of such report to the Commissioner of  
 85 Emergency Services and Public Protection. The provisions of this  
 86 subsection shall not apply to the loss or theft of an antique firearm as  
 87 defined in subsection [(b)] (d) of section 29-37a, as amended by this act.

88 Sec. 3. Subsection (c) of section 53-202aa of the general statutes is  
 89 repealed and the following is substituted in lieu thereof (*Effective July*  
 90 *1, 2013*):

91 (c) For the purposes of this section, "firearm" means "firearm" as  
 92 defined in section 53a-3, but does not include a rifle or shotgun or an  
 93 antique firearm as defined in subsection [(b)] (d) of section 29-37a, as  
 94 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	29-37a
Sec. 2	<i>July 1, 2013</i>	53-202g(a)
Sec. 3	<i>July 1, 2013</i>	53-202aa(c)

**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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Department of Emergency Services and Public Protection	GF - Cost	185,000	185,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	65,626	62,626

**Municipal Impact:** None

**Explanation**

The bill, which requires approval by the Department of Emergency Services and Public Protection (DESPP) prior to the transfer of any firearm other than a pistol or revolver to non-family members, is anticipated to result in a Personal Services cost to DESPP of approximately \$175,000, plus fringe benefit costs of \$65,626, in both FY 14 and FY 15. DESPP would require four additional staff members in its Special Licensing and Firearms Unit to support the increase in requests for transfer authorization numbers.

Additionally, DESPP is likely to incur Other Expenses costs of \$10,000 in both FY 14 and FY 15 arising from the technology resources needed to support the requirements for increased firearm transfer approvals.

**The Out Years**

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<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

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

**OLR Bill Analysis****SB 506*****AN ACT REQUIRING CRIMINAL BACKGROUND CHECKS FOR ALL PRIVATE FIREARM SALES.*****SUMMARY:**

This bill subjects private or second-hand sales and transfers of long guns (shot guns and rifles), which are currently unregulated, to the same degree of regulation as sales and transfers by gun dealers (federally licensed firearm dealers).

Thus, a person acquiring a long gun from anyone, not just from a dealer, must undergo a criminal history background check, and the State Police must approve the sale or transfer by providing an authorization number.

Also, unless exempt, anyone acquiring a long gun from a nondealer, not just from a dealer, must wait two weeks from the date he or she applies to purchase or acquire the firearm before the seller can deliver it to him or her.

The bill also requires anyone buying a long gun from any seller to complete a receipt for the firearm and dealers to document sales and transfers with state and local police and keep the documentation for five years. It eliminates exemptions in current law to these requirements for certain transactions with dealers.

The bill exempts, from all of the transfer procedures and provisions, transactions between family members and between federal firearm licensees.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2013

## **LONG GUN TRANSFER PROCEDURES**

### ***Application to Buy Firearms***

As is currently the case for long gun purchases from a gun dealer, the bill requires anyone buying or otherwise acquiring a long gun from a nondealer to complete a Department of Emergency Services and Public Protection (DESPP) application (currently Form DPS-67-C) for the firearm. It requires the transferor to attach the form to the federal sale or transfer document and maintain it for at least 20 years. By law, dealers must maintain the application for at least 20 years or until they go out of business. (The federal transfer document is available to federal licensees. It is unclear if it is available to nondealers.)

### ***Waiting Period, Documentation, and Record Retention***

With some exceptions, current law prohibits a dealer from selling or transferring a long gun to anyone until (1) two weeks after the application date and (2) the State Police provides an authorization number for the sale or transfer. Also:

1. upon delivery of the firearm, the person must sign a receipt for it (currently Form DPS-3-C);
2. within 24 hours of the delivery, the dealer must transfer one copy of the receipt to the DESPP commissioner and one to the police chief (or borough warden or first selectman, where applicable) in the town where the buyer or transferee resides; and
3. the dealer must maintain one copy of the receipt together with the original application for five years.

Current law exempts from all these provisions (except the authorization number requirement) transactions with (1) federal marshals and parole and peace officers; (2) anyone who holds a valid eligibility certificate, handgun permit, or hunting license; (3) U.S. Armed Forces members or Reservists; and (4) anyone acquiring

antique firearms.

The bill retains the waiting period exemptions for the above-mentioned people buying long guns from gun dealers and extends it to second-hand purchases by these individuals. It eliminates the other exemptions and subjects everyone, whether buying from a dealer or other person, to the requirements.

The bill exempts from all of its provisions the sale, delivery, or transfer of long guns between (1) federal firearm licensees (manufacturers, dealers, and importers) and (2) an individual and his or her parent, spouse, child, sibling, grandparent, or grandchild.

### ***Packaging of Long Guns***

As is currently the case for dealer sales, when a nondealer sells or transfers a long gun, the bill requires the firearm to be empty and enclosed in a securely fastened package.

## **BACKGROUND**

### ***Application to Purchase a Firearm***

Anyone buying a long gun from a dealer must complete Form DPS-67-C—Application to Purchase a Firearm. The applicant must provide certain information on the form, including his or her name, date of birth, and social security number, and other specified information to help determine eligibility to possess a firearm.

### ***Receipt for Firearm***

Anyone taking possession of a long gun from a dealer must sign a receipt for the firearm, providing information on the firearm (e.g., caliber and gauge, barrel length, manufacturer's name); the transaction; and the seller and buyer.

### ***Related Bills***

SB 710, reported favorably by the Public Safety and Security Committee establishes a (1) permit for anyone who sells long guns at retail and (2) gun show permit for anyone putting on a gun show.

SB 897, reported favorably by the Public Safety and Security Committee (1) requires gun show promoters to notify the public safety commissioner when they plan to hold a gun show and (2) makes miscellaneous changes.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/19/2013)