



# OLR RESEARCH REPORT

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2013-R-0186

## SENTENCING FOR GUN-RELATED CRIMES

By: Christopher Reinhart, Chief Attorney

You asked for sentencing information for gun-related crimes.

### SUMMARY

The Judicial Branch provided us with average sentencing data for 25 gun-related crimes with convictions during 2012, including conviction for attempt or conspiracy to commit and accessory to these crimes. Although the convictions occurred in 2012, the crimes might not have been committed that year.

The 25 crimes (734 convictions) range from permitting violations to committing manslaughter with a firearm. The number of convictions vary greatly by crime. There are very few convictions for some crimes, such as using a facsimile firearm near emergency personnel, 3<sup>rd</sup> degree sexual assault with a firearm, and criminal use of a firearm or electronic defense weapon (each with one conviction). And some gun-related crimes do not appear in this report because there were no convictions in 2012, such as certain permitting violations ([CGS § 29-28](#)), violating safe storage as to minors provisions ([CGS § 29-37i](#)), and 3<sup>rd</sup> degree burglary with a firearm ([CGS § 53a-103a](#)). For some crimes, such as carrying a pistol without a permit, there are a large number of convictions (211).

Because the statutorily authorized penalties for these crimes vary greatly, the sentences judges imposed vary greatly. The longest average sentences in 2012 are for 1<sup>st</sup> degree manslaughter with a firearm, a class

B felony punishable by five to 40 years in prison. For this crime, eight convictions received an average prison sentence of 334.5 months (27 years and 10.5 months) without any portion of the sentence suspended and five convictions received a partially suspended sentence after an average 244.8 months (20 years and four months) in prison. The shortest sentences are for carrying a loaded firearm under the influence, a class B misdemeanor punishable by up to six months in prison. For this crime, two convictions received an average 2.5 months in prison without any suspended sentence and one received a partially suspended sentence after 1.5 months in prison.

## **UNDERSTANDING THE DATA**

The data used in this report is based on individual charges, not individual cases. An individual may (1) be convicted of multiple offenses in the same case and (2) have convictions in multiple cases during a year.

We do not have data on individual cases or the impact plea bargaining may have on sentencing for a specific charge. Someone convicted of several charges may receive a harsh sentence for one crime and a lesser sentence for another. The same may occur under a plea bargain. As an example, we identified one individual currently in prison whose most serious conviction is for carrying a pistol without a permit (CGS § 29-35) but he has a total of 14 convictions. While carrying a pistol without a permit is punishable by a maximum of five years, his total prison sentence for all of the crimes is 50 years.

This report focuses on prison sentences and does not include other consequences of a conviction, such as fines and probation terms. Table 1 shows the penalties for the various classifications of crime in Connecticut.

**Table 1: Table on Penalties**

<b>Felony</b>	<b>Prison Term</b>	<b>Fine</b>
Class A felony (murder with special circumstances)	Life without the possibility of release	Up to \$20,000
Class A felony (murder)	25 to 60 years	Up to \$20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony (1st degree manslaughter with a firearm)	Five to 40 years	Up to \$15,000
Class B felony	One to 20 years	Up to \$15,000
Class C felony	One to 10 years	Up to \$10,000
Class D felony	One to 5 years	Up to \$5,000
Class A misdemeanor	Up to one year	Up to \$2,000
Class B misdemeanor	Up to six months	Up to \$1,000
Class C misdemeanor	Up to three months	Up to \$500
Class D misdemeanor	Up to 30 days	Up to \$250

The Judicial Branch data includes convictions of attempt or conspiracy to commit a crime as well as those convicted as an accomplice. Attempt or conspiracy “are crimes of the same grade and degree as the most serious offense which is attempted or is an object of the conspiracy, except that an attempt or conspiracy to commit a class A felony is a class B felony” ([CGC § 53a-51](#)). Someone convicted of attempt or conspiracy to commit a crime that carries a mandatory minimum sentence, other than a class A felony, is subject to that mandatory minimum sentence (see *State v. Moran*, 264 Conn. 593 (2003)).

Someone criminally liable as an accomplice can be prosecuted and punished as if he or she were the principal offender ([CGS § 53a-8](#)). It appears that someone who is an accomplice in committing a crime that is punishable by a mandatory minimum sentence would be subject to that mandatory minimum.

## **GUN-RELATED CONVICTIONS AND SENTENCING IN 2012**

The Judicial Branch provided us with average sentencing data for gun-related crimes in 2012. The data identified 25 gun-related crimes with convictions in 2012. This does not include hunting crimes. We also exclude crimes that punish possessing or carrying a variety of weapons, such as possessing a weapon in a motor vehicle or on school grounds. These crimes punish possessing firearms and other weapons, such as metal knuckles and certain knives. It is likely that some convictions of these crimes involve firearms but it is unclear how many.

Table 2 displays each of these 25 crimes in numerical order by statutory citation, their penalties, number of convictions, average sentences, and whether the judge suspended any portion of a prison sentence imposed.

**Table 2: Convictions and Average Sentences for Gun-Related Crimes in 2012**

<b>ILLEGALLY TRANSFERRING A PISTOL OR REVOLVER (<a href="#">CGS § 29-33</a>)</b>		
<b>Penalty: D felony</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	9	37.3
Sentence Partially Suspended	9	27.3
Prison Sentence Fully Suspended	4	-
No Prison Sentence	0	-
<b>Total</b>	<b>22</b>	<b>-</b>
<b>CARRYING A PISTOL WITHOUT A PERMIT (<a href="#">CGS § 29-35(a)</a>)</b>		
<b>Penalty: One to five years in prison (one-year mandatory minimum unless mitigating circumstances exist), a fine of up to \$1,000, or both (see <a href="#">CGS § 29-37</a>)</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	90	39.0
Sentence Partially Suspended	107	17.3
Prison Sentence Fully Suspended	13	-
No Prison Sentence	1	-
<b>Total</b>	<b>211</b>	<b>-</b>
<b>FAILING TO CARRY A PISTOL PERMIT (<a href="#">CGS § 29-35(b)</a>)</b>		
<b>Penalty: infraction (see <a href="#">CGS § 29-37</a> for penalty)</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	0	-
Sentence Partially Suspended	1	12.0
Prison Sentence Fully Suspended	0	-
No Prison Sentence	2	-
<b>Total</b>	<b>3</b>	<b>-</b>

Table 2 (continued)

<b>ALTERING FIREARM IDENTIFICATION MARK, NUMBER, OR NAME (CGS § 29-36)</b>		
<b>Penalty:</b> Up to five years in prison, up to \$1,000 fine, or both		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	7	20.6
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	3	-
No Prison Sentence	0	-
<b>Total</b>	<b>10</b>	<b>-</b>
<b>MAKING A FALSE STATEMENT RELATED TO TRANSFERRING A FIREARM OTHER THAN A PISTOL OR REVOLVER (CGS § 29-37e)</b>		
<b>Penalty:</b> D felony		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	0	-
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	4	-
No Prison Sentence	0	-
<b>Total</b>	<b>4</b>	<b>-</b>
<b>ILLEGALLY TRANSFERRING AN ASSAULT WEAPON (CGS § 53-202b(a)(1))</b>		
<b>Penalty:</b> C felony with a two-year mandatory minimum		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	1	24.0
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>1</b>	<b>-</b>
<b>ILLEGALLY POSSESSING AN ASSAULT WEAPON—1<sup>st</sup> TIME VIOLATOR WHERE POSSESSION WAS PREVIOUSLY LEGAL (CGS § 53-202c)</b>		
<b>Penalty:</b> A misdemeanor		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	1	12.0
Sentence Partially Suspended	2	*
Prison Sentence Fully Suspended	0	-
No Prison Sentence	-	-
<b>Total</b>	<b>3</b>	<b>-</b>

Table 2 (continued)

<b>ILLEGALLY POSSESSING AN ASSAULT WEAPON (CGS § 53-202c)</b>		
<b>Penalty: D felony with a one-year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	0	-
Sentence Partially Suspended	4	12.75
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>4</b>	<b>-</b>
<b>USING A FIREARM TO COMMIT A CLASS A, B, OR C FELONY (CGS § 53-202k)</b>		
<b>Penalty: Mandatory minimum five years in addition and consecutive to any term imposed for the underlying felony</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	10	60
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>10</b>	<b>-</b>
<b>TRAFFICKING IN FIREARMS (CGS § 53-202aa)</b>		
<b>Penalty: C felony if involves less than five firearms, B felony if involves five or more</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	3	100.0
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>3</b>	<b>-</b>
<b>ILLEGALLY DISCHARGING A FIREARM (CGS § 53-203)</b>		
<b>Penalty: C misdemeanor</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	9	*
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	7	-
No Prison Sentence	6	-
<b>Total</b>	<b>22</b>	<b>-</b>

Table 2 (continued)

<b>CARRYING OR USING A FACSIMILE FIREARM (CGS § 53-206c(c))</b>		
<b>Penalty: B misdemeanor</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	4	*
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	7	-
No Prison Sentence	5	-
<b>Total</b>	<b>16</b>	<b>-</b>
<b>USING A FACSIMILE FIREARM NEAR EMERGENCY PERSONNEL (CGS § 53-206c(d))</b>		
<b>Penalty: B misdemeanor</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	0	-
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	1	-
No Prison Sentence	0	-
<b>Total</b>	<b>1</b>	<b>-</b>
<b>CARRYING A LOADED FIREARM UNDER THE INFLUENCE OF DRUGS OR ALCOHOL (CGS § 53-206d(a))</b>		
<b>Penalty: B misdemeanor</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	2	2.5
Sentence Partially Suspended	1	1.5
Prison Sentence Fully Suspended	5	-
No Prison Sentence	3	-
<b>Total</b>	<b>11</b>	<b>-</b>
<b>1<sup>ST</sup> DEGREE MANSLAUGHTER WITH A FIREARM (CGS § 53a-55a)</b>		
<b>Penalty: B felony punishable by five to 40 years in prison, with a five-year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	8	334.5
Sentence Partially Suspended	5	244.8
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>13</b>	<b>-</b>

Table 2 (continued)

<b>2<sup>ND</sup> DEGREE MANSLAUGHTER WITH A FIREARM (CGS § 53a-56a)</b>		
<b>Penalty: C felony with a one-year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	3	120
Sentence Partially Suspended	0	-
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>3</b>	<b>-</b>
<b>2<sup>ND</sup> DEGREE ASSAULT WITH A FIREARM (CGS § 53a-60a)</b>		
<b>Penalty: D felony with a one year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	6	35.0
Sentence Partially Suspended	4	15.8
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>10</b>	<b>-</b>
<b>3<sup>RD</sup> DEGREE SEXUAL ASSAULT WITH A FIREARM (CGS § 53a-72b)</b>		
<b>Penalty: C felony with a two-year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	0	-
Sentence Partially Suspended	1	36.0
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>1</b>	<b>-</b>
<b>1<sup>ST</sup> DEGREE KIDNAPPING WITH A FIREARM (CGS § 53a-92a)</b>		
<b>Penalty: A felony punishable by 10 to 25 years in prison with one-year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	5	240.0
Sentence Partially Suspended	2	108.0
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>7</b>	<b>-</b>



Table 2 (continued)

<b>2ND DEGREE BURLARY WITH A FIREARM (CGS § 53a-102a)</b>		
<b>Penalty: C felony with a one-year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	1	60.0
Sentence Partially Suspended	2	36.0
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>3</b>	<b>-</b>
<b>POSSESSING A SAWED-OFF SHOTGUN OR SILENCER (CGS § 53a-211)</b>		
<b>Penalty: D felony</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	6	38.0
Sentence Partially Suspended	5	10.2
Prison Sentence Fully Suspended	4	-
No Prison Sentence	0	-
<b>Total</b>	<b>15</b>	<b>-</b>
<b>STEALING A FIREARM (CGS § 53a-212)</b>		
<b>Penalty: D felony</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	23	25.1
Sentence Partially Suspended	21	17.2
Prison Sentence Fully Suspended	16	-
No Prison Sentence	1	-
<b>Total</b>	<b>61</b>	<b>-</b>
<b>CRIMINAL USE OF A FIREARM OR ELECTRONIC DEFENSE WEAPON (CGS § 53a-216)</b>		
<b>Penalty: D felony with a five-year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	0	-
Sentence Partially Suspended	1	10.0
Prison Sentence Fully Suspended	0	-
No Prison Sentence	0	-
<b>Total</b>	<b>1</b>	<b>-</b>

Table 2 (continued)

<b>CRIMINAL POSSESSION OF A FIREARM OR ELECTRONIC DEFENSE WEAPON (CGS § 53a-217)</b>		
<b>Penalty: D felony with a two-year mandatory minimum</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	123	39.6
Sentence Partially Suspended	64	29.2
Prison Sentence Fully Suspended	3	-
No Prison Sentence	0	-
<b>Total</b>	<b>190</b>	<b>-</b>
<b>CRIMINAL POSSESSION OF A PISTOL OR REVOLVER (CGS § 53a-217c)</b>		
<b>Penalty: D felony</b>		
<b>Type of Prison Sentence</b>	<b>Convictions</b>	<b>Average Prison Sentence (months)</b>
Sentence with No Portion Suspended	57	38.5
Sentence Partially Suspended	29	22.4
Prison Sentence Fully Suspended	21	-
No Prison Sentence	2	-
<b>Total</b>	<b>109</b>	<b>-</b>

\*Records for this crime indicate a sentence above the statutory maximum. We cannot determine the correct average sentence at this time and the Judicial Branch is attempting to identify the problem.

CR:ro