



OLR RESEARCH REPORT

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SUMMARY OF GUN PROVISIONS IN PUBLIC ACT 13-3

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This report summarizes the gun provisions in [Public Act 13-3](#). The act has extensive school security and mental health services provisions not discussed in the report.

SUMMARY

Public Act 13-3 makes extensive changes in the state's gun (firearm) laws. In doing so, it increases the Department of Emergency Services and Public Protection's (DESPP) enforcement responsibilities. The major changes pertain to assault weapons, long guns (rifles and shotguns), large capacity magazines (LCMs), and gun crimes.

The act, among other things:

1. significantly expands the state's assault weapons ban, adding numerous weapons by name and feature, and requiring anyone who lawfully possessed any of the newly banned weapons before April 4, 2013 to apply to register them by January 1, 2014 to be allowed to keep them (§§ 25-31);
2. bans the sale, purchase, or transfer of LCMs that can hold more than 10 bullets but allows anyone in lawful possession of LCMs before January 1, 2014 to keep them if they apply to declare them to DESPP by January 1, 2014 (§ 24);

3. mandates the establishment of a DESPP state deadly weapon offender registry, by January 1, 2014, for people convicted of crimes involving deadly weapons or found not guilty of such crimes by reason of mental disease or defect (§§ 18-22);
4. requires anyone buying a long gun from an unlicensed person (nondealer) to undergo a national criminal background check, just like anyone buying from a gun dealer (§ 1);
5. starting October 1, 2013, requires anyone buying ammunition to have a state-issued gun credential (i.e., handgun permit, gun dealer permit, handgun or long gun eligibility certificate, or ammunition certificate) (§ 14);
6. prohibits sale of ammunition or ammunition magazines to anyone under age 18 (§ 14);
7. increases the penalty for gun-trafficking, illegal gun possession, and several other gun-related crimes, in some cases increasing, and in others establishing, mandatory minimum prison terms (§§ 42-50, & 52-53);
8. prohibits inmates convicted of violent crimes from using earned risk reduction credits to become eligible for parole sooner than they otherwise could (§ 59);
9. expands the law banning people from getting gun credentials or possessing firearms on mental health grounds, affecting both voluntary and involuntary commitments (§§ 57-58);
10. limits the number of gun permits a person can apply for to one in any 12-month period, and limits application to the town where the applicant has a permanent residence (§ 57);
11. expands the ban on the sale or other transfer of armor-piercing bullets (§ 32);
12. prohibits people from storing firearms on their premises if they know or should know that someone living there is ineligible to possess firearms under state or federal law, unless they secure it in such a way that the person cannot access them (§§ 54-56);

13. adds a retired Superior Court judge and a Department of Mental Health and Addiction Services (DMHAS) nominee to the seven-member Board of Firearms Permit Examiners (Firearms Board)(§ 60); and
14. appropriates \$1 million to DESPP for FY 14 to fund the statewide firearms trafficking task force (§ 63).

The act also prohibits gun dealers from selling or delivering long guns to anyone under age 18 (age 21 for semiautomatic centerfire rifles that can accept more than five rounds of ammunition) (§ 1). It does not set a minimum age for nondealer sales. But, starting April 1, 2014, it prohibits anyone from buying or receiving a long gun unless he or she has a state-issued gun permit or certificate. Under the act, the minimum age for getting the long gun eligibility certificate is 18; under existing law, the minimum age for the gun permit and gun eligibility certificate is 21.

Some provisions discussed in the summary of this report contain exemptions for certain federal firearm licensees and law enforcement entities and officials. These exemptions are included in the body of the report.

The act makes numerous technical and conforming changes.

EFFECTIVE DATE: Various, see below.

§ 1 — LONG GUN SALES AND TRANSFERS

Procedures Governing Private Sales and Other Transactions

The act generally subjects long gun sales and other transfers by nondealers (sometimes called private or secondary sales), which were unregulated under prior law, to the same degree of regulation as sales by gun dealers, including criminal history background checks, documentation and reporting, and record retention requirements. (A provision in existing law seemingly meant to impose criminal background check requirements on private sales of long guns at gun shows was ambiguous.) The provisions do not apply to the sale, delivery, or transfer of long guns between federally licensed (1) manufacturers and gun dealers, (2) importers and gun dealers, and (3) gun dealers (lines 164-168).

Specifically, the act requires:

1. any prospective buyer of a long gun to complete a DESPP firearm purchase application and undergo a national instant criminal background system (NICS) check;
2. anyone selling or transferring a long gun to document the transaction with DESPP and maintain copies of the record for at least 20 years, available for inspection by law enforcement officials;
3. the prospective seller to get authorization for the transfer of the firearm;
4. the firearm to be unloaded and securely packaged when transferred; and
5. the buyer to sign a sales receipt for the firearm when he or she takes possession of it, and the seller to send one copy to DESPP, one to the police chief, and maintain one copy with the application for at least five years (lines 27-60).

The act adds a buyer's date and place of birth to the information already required on the sales receipt, namely, the (1) buyer's name and address; (2) firearm make, model, serial number, caliber, and general description; and (3) firearm transfer date (lines 61-74).

Minimum Age Established for Long Gun Sales at Retail

The act bars gun dealers from selling, delivering, or transferring long guns to anyone under age (1) 18 or (2) 21 if the long gun is a semiautomatic centerfire rifle that has or can accept a magazine that can hold more than five rounds of ammunition. This stricter limitation does not apply to employees or members of local police departments, DESPP, or Department of Correction (DOC) or state or U. S. military members, for use in the discharge of their duties.

State-Issued Credential Required to Acquire Long Gun

Beginning April 1, 2014, the act requires anyone, except a federal marshal, parole officer, or peace officer, buying or receiving a long gun, including an antique long gun, whether from a dealer or nondealer, to hold a valid state-issued gun permit or certificate. It creates a long gun eligibility certificate (described below) and requires the buyer to present this certificate or a handgun permit, gun dealer permit, or handgun eligibility certificate when buying a long gun (lines 18-26).

Under prior law, no credential was required to buy long guns, but anyone without a credential buying a long gun, except an antique firearm, from a dealer had to wait two weeks for its delivery unless he or she was (1) an active armed forces member or reservist or (2) a federal marshal, parole officer, or peace officer. In a conforming change, the act eliminates the two-week waiting period, starting April 1, 2014.

NICS Check Required for All Long Gun Transactions

Existing law requires DESPP to make every effort, including performing a NICS check, to ensure that a person applying to buy a long gun is eligible to acquire the firearm. And gun dealers must get DESPP authorization to sell or deliver the firearm.

The act requires nondealers, before transferring or selling long guns, to either get (1) DESPP authorization or (2) an eligibility determination under a NICS check conducted by a gun dealer (lines 75-89). Starting on January 1, 2014, the act authorizes (but does not require) gun dealers to conduct, and charge up to \$20 for, NICS checks. Either the transferor or transferee may request the check.

Dealer-Initiated NICS Checks. The person requesting a NICS check must provide the prospective transferee's name, gender, race, date of birth, and state of residence to the dealer who consents to do the check. If necessary to verify the transferee's identity, either party may also provide a unique number, such as the transferor's Social Security number, and additional identifiers, such as the person's height, weight, eye and hair color, and place of birth. The prospective transferee must also show the dealer his or her state-issued gun credential (lines 90-110).

The dealer must initiate the criminal history record check by contacting the NICS operations center and immediately notifying the prospective transferor or transferee of its response. If the response indicates the prospective transferee is eligible to receive the firearm, the prospective transferor may sell, deliver, or transfer it; otherwise, he or she cannot do so (lines 111-124). (But there is no requirement for the dealer to notify DESPP or any law enforcement official if the system notifies him or her that a prospective buyer is ineligible.)

Documentation and Record Retention Requirements. In all cases, when the transaction is completed, the transferor or transferee must complete a DESPP-prescribed form containing the:

1. transferor's name, address, and firearm permit or certificate number, if any;
2. transferee's name, address, date and place of birth, and firearm permit or certificate number;
3. sale or transfer date;
4. caliber, make, model, and manufacturer's number and a general description of the gun; and
5. the NICS transaction number.

The act imposes similar transmission and retention requirements for the form as already apply to sales of long guns by dealers, namely that the seller transmit one copy of the form to the DESPP commissioner and one to the transferee's police chief within 24 hours of the sale or transfer, and maintain one copy for at least five years (lines 125-141).

Penalties for Violating the Long Gun Provisions

Prior law did not specify a penalty for transferring a long gun at retail in violation of the law's requirements. The act generally makes it a class D felony to violate such requirements or any of the provisions specified above pertaining to long gun sales, whether at retail or otherwise (see Table on Penalties). It makes it a class B felony if the transferor knows that the firearm is stolen or the manufacturer's number or serial number has been altered, removed, or obliterated. In addition to these felony penalties, anyone who violates the act's or existing law's requirements for long gun sales must forfeit any long guns found on his or her person (lines 199-206).

The act allows a court to suspend prosecution for a first time minor violation of these provisions, under the same procedures as apply to such suspensions under existing law for handgun sale violations (lines 169-176).

EFFECTIVE DATE: Upon passage

§§ 2-7 — LONG GUN ELIGIBILITY CERTIFICATE

Eligibility Criteria for Getting a Long Gun Certificate

An applicant for a long gun eligibility certificate must be at least age 18 (lines 207-209), whereas, by law, an applicant for the handgun eligibility certificate must be at least age 21. With the exception of the minimum age requirement, the eligibility criteria for getting a long gun eligibility certificate are the same as the provisions for getting a handgun eligibility certificate under existing law and the act.

The act (lines 210-245) requires the DESPP commissioner to issue the certificate unless he finds that the applicant:

1. has failed to successfully complete a DESPP-approved course in firearm use and safety;
2. was discharged from custody in the preceding 20 years after a finding of not guilty of a crime by reason of mental disease or defect;
3. was confined by the probate court to a mental hospital at any time in the 60 months before applying for a certificate;
4. was voluntarily admitted to a psychiatric hospital within the preceding six months for care and treatment of a psychiatric disability and not solely for alcohol or drug-dependency;
5. is subject to a restraining or protective order involving the use, attempted use, or threatened use of physical force;
6. is subject to a firearms seizure order, after notice and hearing;
7. is prohibited by federal law from possessing or shipping firearms because he or she was adjudicated a “mental defective” or committed to a mental institution (except in cases where the U.S. Treasury Department grants relief from this disability);
8. is an illegal alien or unlawfully in the country;
9. has been convicted of a serious juvenile offense (CGS § [46b-120\(10\)](#)); or
10. has been convicted of any felony or specified misdemeanors.

Disqualifying Misdemeanors. The disqualifying misdemeanors are:

1. criminally negligent homicide (excluding deaths caused by motor vehicles) (CGS § [53a-58](#));
2. first-degree assault (CGS § [53a-61](#));
3. third-degree assault of a blind, elderly, or pregnant person or person with intellectual disability (CGS § [53a-61a](#));
4. second-degree threatening (CGS § [53a-62](#));
5. first-degree reckless endangerment (CGS § [53a-63](#));
6. second-degree unlawful restraint (CGS § [53a-96](#));
7. first-degree riot (CGS § [53a-175](#));
8. second-degree riot (CGS § [53a-176](#));
9. inciting to riot (CGS § [53a-178](#));
10. second-degree stalking (CGS § [53a-181d](#)); and
11. a first offense for possessing (a) controlled or hallucinogenic substances (other than a narcotic substance or marijuana) or (b) more than one-half ounce but less than four ounces of a cannabis-type substance (CGS § [21a-279\(c\)](#)).

Application and Processing of Long Gun Eligibility Certificate

The long gun eligibility certificate, like the existing handgun eligibility certificate, (1) is issued by the State Police, (2) is valid for five years, and (3) cost \$35 to get and renew. But there is no provision for a temporary long gun eligibility certificate as there is for a handgun eligibility certificate.

The act subjects applications for a long gun eligibility certificate to the same process governing applications for handgun eligibility certificates. Thus, applicants must provide the DESPP commissioner with full information on their criminal record and mental health history, and the commissioner must take their fingerprints or other means of positive identification required by the State Police. The commissioner must (1) conduct state and national criminal history record checks on applicants and (2) within 60 days of getting the results from the FBI, either approve

the application and issue the certificate or deny it and notify the applicant of the reason for the denial in writing. The certificate must be in a form and content prescribed by the commissioner and contain an identification number, a full-face photograph of the owner, and his or her name, address, place and date of birth, height, weight, and eye color.

The act requires the owner to notify the DESPP commissioner not later than two business days after any address change of the new and old addresses (lines 275-279).

Appeals

Anyone aggrieved by an issuing official's adverse action on a long gun eligibility certificate or application, including a revocation, may appeal to the Firearms Board, following statutory procedures for appealing decisions on existing gun credentials (§ 6).

Under the act, a long gun eligibility certificate, just like the handgun eligibility certificate, may be revoked upon the occurrence of any event that would have been grounds for denying a certificate. And if the certificate is revoked, DESPP must notify the owner, who must deliver it to the commissioner. Failure to deliver the certificate within five days of the notification is a class A misdemeanor. The DESPP commissioner must include information about such certificates in the database he currently maintains for sellers to verify the validity of a purchaser's gun credential (§ 5).

Name and Address of Long Gun Certificate Owner Confidential

The name and address of anyone issued a long gun eligibility certificate, like the handgun eligibility certificate or permit, is confidential, except that (1) the information is disclosable to law enforcement officials performing their duties, including U.S. probation officers; (2) the DESPP commissioner may disclose it to the extent necessary to comply with a request to verify the validity of a prospective gun buyer's gun credential; and (3) the information may be disclosed to the DMHAS commissioner to carry out her statutory gun-related responsibilities (lines 280-295).

EFFECTIVE DATE: July 1, 2013

§ 9 — SALE OF CONTRABAND LONG GUNS AT AUCTION

By law, the state may sell at public auction guns that the court determines to be contraband. Existing law provides that rifles and shotguns may be sold at such auctions only to people qualified under federal law to purchase them. The act also requires the purchaser to have a long gun eligibility certificate.

EFFECTIVE DATE: July 1, 2013

§§ 8, 10-11, 57-58 — MENTAL HEALTH AND ELIGIBILITY FOR GUN CREDENTIALS

The act expands the universe of people ineligible for a gun permit or handgun eligibility certificate on mental health grounds in two ways. It prohibits issuing a long gun eligibility certificate on the same grounds as apply to the gun permit and handgun certificate.

Under prior law, a person confined in a psychiatric hospital by probate court order within the preceding 12 months of an application was ineligible for a gun permit or handgun eligibility certificate. The act extends this period to 60 months. The act also makes ineligible anyone who voluntarily admitted himself or herself to a psychiatric hospital, on or after October 1, 2013, during the preceding six months. But someone is not ineligible solely for voluntary admissions for alcohol or drug treatment (§§ 57-58).

The act makes conforming changes to the responsibilities of the DESPP and DMHAS commissioners and psychiatric hospitals regarding such voluntary admissions. Thus, as is the case regarding involuntary commitments occurring within the applicable period:

1. DMHAS must maintain information on voluntary admissions and make that information available to the DESPP commissioner to carry out his obligations pertaining to gun credentials (lines 463-487);
2. the DESPP commissioner must verify from DMHAS that a person applying for a gun credential was not subject to such a voluntary admission, and DMHAS must report such information to DESPP (lines 376-397);

3. if the DESPP commissioner determines that an applicant was subject to voluntary admission, he must report the status of the person's application to DMHAS (lines 398-414);
4. the DMHAS commissioner must obtain from DESPP the status of any such applications for anyone who has been voluntarily admitted (lines 488-498);
5. DMHAS must advise the psychiatric hospital to which a person has been voluntarily admitted of the status of a gun application, as reported by DESPP (lines 504-514); and
6. the DMHAS commissioner and the hospital must maintain as confidential any such information they receive on the status of permit applications (lines 515-521).

As part of this process, the act requires psychiatric hospitals, without delay, to notify the DMHAS commissioner when a person is voluntarily admitted to the hospital for care and treatment of a psychiatric disability, other than admission solely for alcohol or drug treatment. At a minimum, the hospital must provide the person's name, address, sex, date of birth, and date of admission. The DMHAS commissioner must maintain such identifying information on all voluntary admissions occurring on and after July 1, 2013 (lines 436-447).

EFFECTIVE DATE: The provisions changing the eligibility criteria for gun permits and eligibility certificates, and requiring psychiatric hospitals to notify DMHAS about voluntary admissions, are effective October 1, 2013; the other provisions are effective July 1, 2013.

§§ 12-13 — TECHNICAL OR CONFORMING CHANGES

EFFECTIVE DATE: Upon passage

§§ 14-17 — AMMUNITION SALES

The act generally prohibits selling ammunition or ammunition magazines to anyone under age 18. It defines (1) ammunition as a loaded cartridge, consisting of a primed case, propellant, or projectile, designed for use in any firearm and (2) ammunition magazines as a firearm magazine, belt, drum, feed strip, or similar device that accepts ammunition (lines 553-554).

The act creates an ammunition certificate (see below). Starting October 1, 2013, it generally prohibits the sale of ammunition or ammunition magazines to anyone unless the buyer has and presents to the seller:

1. a handgun permit, gun dealer sale permit, or long gun or handgun eligibility certificate or
2. an ammunition certificate and a driver's license, passport, or other valid government-issued identification containing his or her photograph and date of birth.

A violation is a class D felony.

These restrictions and requirements do not apply to sales or other transfers of ammunition magazines between federally licensed gun (1) dealers, (2) manufacturers and dealers, or (3) importers and dealers (lines 571-576).

Ammunition Certificate

The act sets the minimum age for applying for an ammunition certificate at 18. The applicant must ask the DESPP commissioner to issue the certificate and to conduct a national criminal history records check, using only the person's name and date of birth.

After conducting the check, the commissioner must issue the certificate unless he determines, based on the check results, that the person would not be eligible to get a long gun eligibility certificate. But if the person would be ineligible for the long gun eligibility certificate due to certain misdemeanor convictions, the person is ineligible for the ammunition certificate only for violations committed on or after July 1, 2013.

The certificate must be in a DESPP commissioner-prescribed form. It must contain an identification number and the certificate holder's name, address, date of birth, and signature.

The act's provisions on several matters regarding ammunition certificates are similar to provisions in the act and existing law for handgun and long gun eligibility certificates. This includes matters concerning fees, the requirement to report address changes, confidentiality of the person's name and address with exceptions, and revocation of certificates.

For example, the fee for the initial and renewal certificate is \$35, and the certificate is valid for five years. The act specifies that this fee is in addition to fees for the background check.

Unlike the case with the handgun and long gun eligibility certificates, the DESPP commissioner is not required to notify ammunition certificate holders at least 90 days in advance of the date the certificate is set to expire.

EFFECTIVE DATE: The restrictions on ammunition sales took effect upon passage; the provisions creating an ammunition certificate are effective July 1, 2013.

§ 18-20 — ESTABLISHMENT OF DEADLY WEAPON OFFENDER REGISTRY

By January 1, 2014, the act requires DESPP to establish and maintain a registry of people convicted or found not guilty by reason of mental disease or defect of an offense committed with a deadly weapon, notwithstanding any pending appeal (lines 732-735).

Under law and the act, a “deadly weapon” is any weapon, loaded or unloaded, from which a shot may be discharged, a switchblade knife, gravity knife, bill, blackjack, bludgeon, or metal knuckles. Under the act, an offense committed with a deadly weapon means a violation of (1) any of specified statutes or (2) any felony statute, provided the court finds that, at the time of the offense, the offender used a deadly weapon, or was armed with and threatened to use, displayed, or represented by words or conduct that he or she possessed, a deadly weapon. The act requires the court, before accepting a plea of guilty or *nolo contendere* (no contest) from a person for a deadly weapon offense, to inform him or her of the registration consequences of the plea and determine that the person fully understands them (lines 809-813).

Table 1 lists the offenses in category (1) above that the act designates as deadly weapon offenses.

Table 1: Deadly Weapon Offenses

Offenses	Cite
Interference with the legislative process	2-1e(c)
Possessing or carrying a handgun where prohibited by law or the person who owns or exercises control over the premises	29-28(e)
Sell or otherwise transfer handgun to ineligible person, violation of transfer procedures	29-33(a) to (e)
Failure to document handgun transfer with DESPP	29-33(e)
Sell or transfer handgun in violation of statutory transfer procedures	29-33(i)
Make false statement or give false information in connection with purchase, sale, delivery or other transfer of handgun	29-34
Illegally sell, barter, hire, lend, give, deliver, or otherwise transfer handgun to anyone under age 21	29-34
Carry a handgun without a permit	29-35(a)
Remove, deface, alter or obliterate the name of any maker or model or any maker's number or other mark of identification mark on any firearm	29-36
Failure of ineligible person to transfer, deliver, or surrender handguns	29-36k
Violation of transfer procedures for long guns; failure to document transfer	29-37a
False statement or information in connection with sale or transfer of long gun	29-37e
Noncompliance with law governing sale, delivery, or transfer of firearms at gun show	29-37g(c)
Buys a firearm intending to transfer it to ineligible person ("strawman purchase")	29-37j
Ineligible person soliciting, employing, or assisting anyone in strawman purchasing	29-37j
Possess or use a machine gun in the perpetration or attempted perpetration of a violent crime	53-202(b)
Uses or possesses a machine gun for an offensive or aggressive purpose	53-202(c)
Transfer, sell, or give a machine gun to a person under age 16	53-202(c)
Illegally sells, gives, distributes, transports, or imports assault weapon	53-202b
Failure to register machine gun	53-202(g)
Illegally possesses assault weapon	53-202c
Commit a class A, B, or C felony with an assault weapon	53-202j
Commit an A, B, or C felony with firearm other than assault weapon	53-202k

Table 1 (continued)

Offenses	Cite
Knowingly distribute, transport, import, or keep for sale armor piercing .50 caliber bullet or incendiary .50 caliber bullet	53-202f
Firearm trafficking	53-202aa
Unlawful training in use of firearms, explosives, or incendiary devices or techniques capable of causing injury	53-206b
Sell, deliver, or provide firearm to another person to engage in conduct constituting an offense or under circumstances in which he should know that such other person intends to use such firearm in such conduct	53a-8(b)
Manslaughter in the 1 st degree with a firearm	53a-55a
Manslaughter in the 2 nd degree with a firearm	53a-56a
Assault in the 2 nd degree with a firearm	53a-60a
Assault of an elderly, blind, disabled, or pregnant person or a person with intellectual disability in the 2 nd degree with a firearm	53a-60c
Sexual assault in the 3 rd degree with a firearm	53a-72b
Kidnapping in the 1 st degree with a firearm	53a-92a
Kidnapping in the 2 nd degree with a firearm	53a-94a
Burglary in the 2 nd degree with a firearm	53a-102a
Burglary in the 3 rd degree with a firearm	53a-103a
Possession of a sawed off shotgun or silencer	53a-211
Stealing a firearm	53a-212
Criminal use of a firearm or electronic defense weapon	53a-216
Criminal possession of a firearm or electronic defense weapon	53a-217
Criminally negligent storage of a firearm	53a-217a
Illegal possession of a weapon on school grounds	53a-217b
Criminal possession of a handgun	53a-217c
Second or subsequent violation of failure to report the loss or theft of a firearm	53-202g
A violation of any statute that constitutes a felony, provided the court finds that, at the time of the violation, the person used a firearm or was armed with and threatened to use displayed, or represented by words or conduct that he or she possessed, a firearm.	

Registration

People Required to Register. Anyone convicted, or found not guilty by reason of mental disease or defect, of a deadly weapon offense and released into the community, on or after January 1, 2014, must register with DESPP within 14 calendar days after being released into the community. Anyone in the DOC commissioner's custody must register before release as the DOC commissioner directs. The obligation to register applies whether the person lives in or out of state or the case is on appeal (lines 794-801). The registration is for five years (lines 806-807).

Registration Procedure. When an offender appears to register, DESPP must photograph him or her, arrange for him or her to be fingerprinted, and include the photograph and a complete set of fingerprints in the registry. If the offender, by law, must submit to the taking of a blood or other biological sample for DNA analysis and has not done so, the commissioner must also require a sample to be taken for analysis (lines 874-884).

Registration Contents. The registration information for each registrant must be provided on forms and at locations indicated by the DESPP commissioner. It must include:

1. the offender's name, including any aliases or other name by which he or she has been legally known;
2. identifying information, including a physical description;
3. current home and email address;
4. criminal history record, including a description of the offense and the conviction date; and
5. the date of release from incarceration, if the offender served a prison term.

DESPP may require the offender to provide documentation to verify the contents of the registration (lines 885-887). The offender must sign and date the registration and DESPP must maintain it for five years (lines 806-807 & 861-872). DESPP must include in the registry the most recent photograph of each registrant taken by DESPP, DOC, a law enforcement agency, or the Judicial Department's Court Support Services Division (lines 768-772).

Registration Forms. In cooperation with DOC, the Office of the Chief Court Administrator, and the Psychiatric Security Review Board, DESPP must develop appropriate forms for agencies and individuals to use to report registration information, including address changes. During the registration period, registrants must complete and return any forms mailed to them to verify their home address and retake photographs if the DESPP commissioner requests this.

A registrant who changes his or her name or address must notify the DESPP commissioner in writing of the changes, without undue delay (lines 814-820). DESPP must revise a registrant's information whenever the court notifies the commissioner that it has issued an order for the name change of a registrant (lines 773-780). The act treats being on the gun offender registry the same as being on the sex offender registry with respect to court approval of name changes (§§ 21 & 22). The DESPP commissioner must develop a protocol for notifying other state agencies, the Judicial Department, and local police departments whenever (1) a registered person changes his or her name and notifies him or (2) he determines that a registered person has changed his or her name (lines 781-788).

On receiving registration information, DESPP must enter it in the registry and inform the local police department or state police troop having jurisdiction where the registrant previously lived, lives, or plans to relocate, as applicable (lines 740-748).

The commissioner must ensure that the name and home address of each registrant is available through the Connecticut On-Line Law Enforcement Communication Teleprocessing system. If a registrant moves to another state, DESPP may notify that state's state police agency or such other agency that maintains registry information, if known (lines 748-755).

Registration Suspension

DESPP may suspend the registration of anyone incarcerated, under civil commitment, or living out of state. During that time, it may withdraw the registration information from access to law enforcement agencies. When the registrant is released from incarceration or civil

commitment or resumes living in the state, DESPP must reinstate the registration and redistribute the registration information in accordance with the act. Suspension of registration does not affect the expiration date of the registration (lines 756-767).

Confidentiality of Gun Offender Registry Information

The registry information is not a public record for purposes of the Freedom of Information Act. It is disclosable only as authorized under the public act. If disclosed, any further disclosure must be as authorized under the registration provisions (lines 789-793).

Registration Updates

People required to register must do so annually within 20 days after each anniversary date of the initial registration date. They must go to the local police department or state police troop in whose jurisdiction they live to verify and update the registration, as appropriate. The department or troop, as applicable, may defer the appearance to a later date for good cause. Not later than 30 calendar days before each anniversary date, DESPP must mail written notice of the requirement to the registrant and applicable police department or troop. Within 30 calendar days after the anniversary date, the troop or department must notify the commissioner on DESPP-prescribed forms whether the registrant appeared. If the registrant's appearance was deferred, the form must show the new date and describe the good cause for the deferral (lines 826-851).

Failure to (1) inform the DESPP commissioner of a name or address change or (2) register and update one's status as required is a class D felony. But a person's failure to notify the commissioner without undue delay of a name or address change is subject to the penalty only if the failure continues for five business days (lines 852-860).

EFFECTIVE DATE: January 1, 2014

§§ 23-24 — LARGE CAPACITY MAGAZINES

LCM Sales Banned; Possession Banned, Unless LCM Declared

Effective April 4, 2013, the act, with exceptions, makes it a class D felony to keep, offer, or expose LCMs for sale or to buy, distribute, or bring them into Connecticut (§ 23(a)(3)(b)).

The act defines an LCM as any firearm magazine, belt, drum, feed strip, or similar device that can, or can be readily restored or converted to accept, more than 10 rounds of ammunition. It excludes:

1. feeding devices permanently altered so that they cannot hold more than 10 rounds of ammunition,
2. .22 caliber tube ammunition feeding devices,
3. tubular magazines contained in a lever-action firearm, or
4. permanently inoperable magazines (lines 973-980).

People who possess LCMs before January 1, 2014 can keep them if they declare them to the DESPP commissioner by January 1, 2014 (§ 24).

Beginning January 1, 2014, the act, with exceptions, makes it a crime to possess undeclared LCMs (§ 23(c)). Anyone who possesses an undeclared LCM on or after January 1, 2014 lawfully obtained before April 4, 2013 is guilty of (1) an infraction punishable by a \$90 fine for a first offense and (2) a class D felony for any subsequent offense. Anyone who possesses an undeclared LCM on or after January 1, 2014 that was obtained after April 4, 2013 is guilty of a class D felony (§ 23(c)).

The court may order suspension of prosecution of violations of the above LCM provisions in accordance with the act if it finds that the violation is not serious and the violator (1) will probably not offend again, (2) has not previously been convicted of a violation of the provisions, and (3) has not previously had a prosecution for a violation suspended (§ 23(g)).

Exemptions from the LCM Ban

The following may possess, purchase, or import LCMs:

1. members or employees of DESPP, police departments, DOC, or the state or U.S. military or naval forces (a) for use in the discharge of their official duties or (b) when off duty;
2. NRC employees or any person, firm, corporation, contractor, or subcontractor providing security at a nuclear power plant in Connecticut;

3. in-state manufacturers of LCMs that manufacture or transport them in Connecticut to sell (a) to the above-mentioned exempt persons and entities or (b) out of state (lines 1006-1020).

The following may also possess LCMs:

1. anyone who declared possession of the magazine;
2. executors or administrators of an estate that includes legally decalres LCMs, which are disposed of as authorized by the probate court, if the disposition is otherwise permitted (lines 1022-1034);
3. gun dealers; or
4. gunsmiths employed by gun dealers, who possess lawfully possessed LCMs for servicing or repair.

“Lawful possession” means (1) actual possession or (2) constructive possession under a lawful purchase of a firearm that contains an LCM that was transacted prior to April 4, 2013, even if the firearm was delivered after that date (lines 981-987).

The act generally prohibits transfers of LCMs, but it allows transfers of (1) declared LCMs by bequest or intestate succession, (2) LCMs to DESPP or local police departments, and (3) LCMs to gun dealers (lines 1036-1043).

Declaring Possession of LCMs

Anyone who lawfully possessed an LCM before January 1, 2014, must apply to DESPP by January 1, 2014 to declare its possession in order to legally keep it. Lawful possession means (1) actual and lawful possession or (2) constructive possession under a lawful purchase of a firearm that contains an LCM that was transacted before the April 4, 2013 even if the firearm was delivered after that date. Servicemembers unable to apply by January 1, 2014 because of out-of-state official duty have 90 days after returning to Connecticut to declare possession of such magazines. Applications must be made on such form or in such manner as DESPP prescribes (§ 24 (a)).

In addition to the prescribed LCM application form, DESPP must design or amend the applications, or any renewal application, for existing gun credentials and long gun eligibility certificates to allow an applicant to declare possession of an LCM upon these same applications. DESPP may adopt regulations to establish application procedures (§ 24(b) and (c)).

Name and Address of People who Declare LCMs Confidential

The act makes confidential the name and address of people who declare possession of LCMs. The information is disclosable only to (1) law enforcement agencies and U.S. probation officers to carry out their duties and (2) the DMHAS commissioner to carry out statutory duties pertaining to gun laws (§ 24 (c)).

Restrictions on Declared LCMs

The act limits where a person can possess a declared LCM. The person may possess it only:

1. at his or her residence;
2. at his or her business place or other property he or she owns, provided the LCM contains no more than 10 bullets;
3. at a target range of a public or private club or organization organized to practice target shooting;
4. at a target range that holds a regulatory or business license for practicing target shooting;
5. while on the premises of a licensed shooting club;
6. while transporting the LCM between any of the above-mentioned places or to a gun dealer, provided the LCM contains no more than 10 bullets and is transported in compliance with the bill; or
7. under a valid handgun permit, provided the LCM (a) is in a handgun lawfully possessed by the person before the bill took effect, (b) does not extend beyond the bottom of the pistol grip, and (c) contains no more than 10 bullets.

A violation of the provision imposing restrictions on declared LCMs is a class C misdemeanor (§ 24(f)).

Nonresidents Who Move to Connecticut with LCMs

Anyone, except servicemembers, who moves into Connecticut in lawful possession of an LCM has 90 days to either permanently disable it, sell it to a gun dealer, or take it out of state. Servicemembers transferred here after January 1, 2014, have 90 days after their arrival to declare possession of an LCM (§ 24(d)).

Dealer Responsibilities Regarding Transferred LCMs

The act requires gun dealers to whom an LCM is transferred to execute a certificate of transfer at the time of delivery.

For transfers made before January 1, 2014, the dealer must give DESPP monthly reports, on such form as the commissioner prescribes, on the number of transfers he or she has accepted.

For transfers made on or after January 1, 2014, the dealer must mail or deliver the transfer certificates to DESPP. The certificate of transfer must contain:

1. the LCM sale or transfer date;
2. the gun dealer and transferor's name and address and their Social Security or motor vehicle operator license numbers, if applicable;
3. the gun dealer's federal firearms license number; and
4. a description of the LCM.

The gun dealer must present his or her dealer's federal firearms license and seller's permit to the seller or transferor of the LCM for inspection at the time of purchase or transfer.

The commissioner must maintain a file of all certificates of transfer at his central office (§ 24(e)).

§§ 25-31 — ASSAULT WEAPONS

The act made a number of changes to expand the number and types of weapons designated as assault weapons. Effective upon passage, the act expands the ban on assault weapons by, among other things, expanding the list of weapons banned by name, replacing the two-feature test that defined some weapons as assault weapons with a one-feature test, and banning some weapons based on their capacity to accept LCMs. Anyone who lawfully possessed any of the newly banned weapons before April 4, 2013 can keep them by applying to register them with DESPP by January 1, 2014.

Definition of Assault Weapon

Prior law defined an “assault weapon” as:

1. any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the user’s option;
2. any of a list of named semiautomatic firearms;
3. any unlisted semi-automatic rifle or pistol that can accept a detachable magazine (one that can be removed without disassembling the firearm action) and has at least two of five specified features (commonly called the two-feature test);
4. any semi-automatic shotgun that has at least two of four specified features; or
5. a part or combination of parts designed or intended to convert a firearm into an assault weapon if the parts may be rapidly assembled and are in the possession or under the control of the same person.

The act changes each part of this definition (except # 5), retained the list of semiautomatic weapons banned by name, and banned additional ones by name. Anyone who lawfully possessed and registered an assault weapon possessed before October 1, 1993 that is also covered by the new definition is not required to get a new certificate for it.

Rifles

Semiautomatic Centerfire Rifles Banned by Name. The act bans the following semiautomatic centerfire rifles, or copies or duplicates with the capability of any such rifles that were in production before or on April 4, 2013 (see Table 2).

Table 2: Semiautomatic Centerfire Rifles Banned by Name

AK-47 or -74	Fabrique Nationale/FN 308 Match and L1A1 Sporter	Remington Tactical Rifle Model 7615
AKM	Galil and Galil Sporter	Rock River Arms LAR-15 or LAR-47
AKS-74U	Hi-Point Carbine Rifles	SA 85 or SA 93
AR-10 or -15	HK USC	SAR-8, SAR-4800 and SR9
ARM	HK-PSG-1	SIG Sauer 551-A1, 556, 516, 716 and M400 Rifles
Armalite M15	IZHMASH Saiga AK	SLG 95 or SLR 95 or 96
Barrett M107A1 or REC7	Kel-Tec Sub-2000, SU Rifles, and RFB	Smith and Wesson M&P15 Rifles
Beretta Storm	MAADI AK47	TNW M230 and M2HB
Bushmaster Carbon 15, XM15, ACR Rifles, MOE Rifles	MAK90	Valmet M62S, M71S and M78S
Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles	MISR	Vector Arms AK-47 or UZI
Colt Match Target Rifles	NHM90 and NHM91	VEPR
Daewoo AR 100 and AR 110C	Norinco 56, 56S, 84S and 86S	WASR-10
Doublestar AR Rifles	Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles	Wilkinson Arms Linda Carbine
DPMS Tactical Rifles	Poly Technologies AKS and AK47	WUM

Semiautomatic Centerfire Rifles Banned by Features. Prior law banned semiautomatic rifles that can accept a detachable magazine and two of five specified features. The act replaces the two-feature test with a one-feature test, banning all semiautomatic centerfire rifles that can accept a detachable magazine and at least one of five specified features. The ban applies, regardless of the date the firearm was produced (see Table 3).

Table 3: Semiautomatic Centerfire Rifles Banned by Feature

<i>Prior Law (two-feature test) Any semiautomatic rifle with at least two of the following features was defined as an assault weapon</i>	<i>The Act (one-feature test) Any semiautomatic centerfire rifle with at least one of the following features is defined as an assault weapon</i>
A folding or telescoping stock	A folding or telescoping stock
A pistol grip that protrudes conspicuously beneath the action of the firearm	Any grip of the weapon, including a pistol grip, thumbhole stock, or other stock that would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing
	A forward pistol grip
A flash suppressor or threaded barrel designed to accommodate a flash suppressor	A flash suppressor
Grenade launcher	A grenade launcher or flare launcher
Bayonet mount	

Semiautomatic Rifles Banned by Bullet Capacity and Length.

The act also bans semiautomatic centerfire rifles that (1) have a fixed magazine and can accept more than 10 rounds of ammunition or (2) are less than 30 inches long.

Pistols

Semiautomatic Pistols Banned by Name. The act bans the following semiautomatic pistols, or copies or duplicates of them that have the same capability in production before or on April 4, 2013 (see Table 4).

Table 4: Semiautomatic Pistols Banned by Name

American Spirit AR-15	Draco AK-47	Kel-Tec PLR-16 Pistol
Bushmaster Carbon 15	DSA SA58 PKP FAL	Masterpiece Arms MPA Pistols
Calico Liberty III and III Tactical Pistols	German Sport 522 PK	Mini-Draco AK-47
Chiappa Firearms Mfour-22	HCR AK-47	Olympic Arms AR-15
Centurion 39 AK,	Intratec TEC-DC9 and AB-10	Rock River Arms LAR 15
Colefire Magnum	IO Inc. Hellpup AK-47,	Sig Sauer P516 and P556 pistols
Doublestar Corporation AR,		Thompson TA5 pistols
DPMS AR-15	I.O. Inc. PPS-43C	Velocity Arms VMA Pistols
		Yugo Krebs Krink

Semiautomatic Pistols Banned by Feature. The act bans semiautomatic pistols that can accept a detachable magazine and have at least one, instead of two, specified characteristics as shown below (see Table 5).

Table 5: Semiautomatic Pistols Banned by Feature

<i>Prior Law (Two-Feature Test) Any semiautomatic pistol with at least two of the following features was defined as an assault weapon</i>	<i>The Act (One-Feature Test) Any semiautomatic centerfire pistol with at least one of the following features is defined as an assault weapon</i>
An ammunition magazine that attaches to the pistol outside of the pistol grip	The ability to accept a detachable ammunition magazine that attaches outside the pistol grip
A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer	A threaded barrel capable of accepting a flash suppressor, forward pistol grip, or silencer
A shroud attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned	A shroud attached to, or partially or completely encircling, the barrel and permitting the shooter to fire the firearm without being burned, except a slide that encloses the barrel
A manufactured weight of 50 ounces or more when unloaded	A second hand grip
A semiautomatic version of an automatic firearm	

Semiautomatic Pistols Banned by Bullet Capacity. The act bans semiautomatic pistols with a fixed magazine that can accept more than 10 rounds of ammunition.

Shotguns

Semiautomatic Shotguns Banned by Features. Prior law banned semiautomatic shotguns that had at least two of the following features:

1. a folding or telescopic stock,
2. a pistol grip that protrudes conspicuously beneath the action of the weapon,
3. a fixed magazine capacity of more than five rounds, and
4. the ability to accept a detachable magazine.

The act instead bans semiautomatic shotguns that have both of the following features:

1. a folding or telescoping stock and
2. any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing.

Shotguns Banned by Capability. The act bans any (1) semiautomatic shotgun that can accept a detachable magazine and (2) shotgun with a revolving cylinder.

Other Shotguns Banned. The act bans all semiautomatic IZHMASH Saiga 12 shotguns or copies or duplicates of them that have their capability and were in production before or on April 4, 2013.

Parts Considered an Assault Weapon in Some Circumstances

The act also bans a part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession by, or under the control of, the same person.

Exclusions from Definition of Assault Weapon

The act excludes from the definition of assault weapons any parts or combination of parts of an assault weapon, which are not assembled as an assault weapon, when possessed by a licensed gun dealer or gunsmith in the dealer's employ for purpose of servicing or repair.

Prohibitions on Possession of Assault Weapons

The act extends the existing penalties for criminal possession of an assault weapon to the newly added weapons. With some exceptions (discussed below), the act, beginning on April 4, 2013 makes it a (1) class D felony with a mandatory minimum one-year prison term, to possess any of the newly defined assault weapons, except a first-time violation is a class A misdemeanor if the violator presents proof that he or she owned the weapon on or before April 3, 2013 and otherwise complies with the act and (2) class C felony, with a mandatory minimum

two-year prison term to give anyone any of the newly defined assault weapons or to bring into the state; sell, keep, offer, or expose for sale; or distribute any of them. In the case of transfers, sales, or gifts to people under age 18, the act requires the court to impose an additional six-year mandatory minimum, in addition and consecutive to the term for the underlying offense (§§ 26 & 27).

Certificate of Possession for Continued Possession. Under the act, anyone who lawfully possessed one of the newly banned assault weapons before April 4, 2013 may apply to DESPP by January 1, 2014 for a certificate of possession that allows him or her to keep the firearm, provided he or she is eligible and otherwise complies with the act. Lawful possession means (1) actual possession or (2) constructive possession under a lawful purchase transacted before April 4, 2013, even if the weapon was delivered after that date. Members of the state or U.S. military (servicemembers) unable to apply by January 1, 2014 because they were out of state on official duty have 90 days after returning to Connecticut to apply for the certificate.

The certificate must contain a description of the firearm that identifies it uniquely, including all identification marks; the owner's full name, address, date of birth and thumbprint; and any other information DESPP deems appropriate (§§ 27 & 28).

Anyone who obtained a certificate of possession for an assault weapon banned before April 4, 2013 for a weapon defined as an assault weapon by the act is deemed to have obtained a certificate of possession for such assault weapon and must not be required to obtain a separate certificate (§ 28).

Sale of Weapons Issued a Certificate of Possession. Starting on April 4, 2013, the act prohibits anyone with a certificate of possession for any of the newly added assault weapons from (1) selling or transferring the weapon in Connecticut to anyone except a licensed gun dealer or (2) otherwise transferring the weapon except by (a) bequest or intestate succession or (b) prior arrangement to DESPP or a local police department. Anyone who inherits an assault weapon for which a certificate was issued has 90 days to apply for a certificate for it, sell it to a gun dealer, permanently disable it, or take it out of state.

Assault Weapons Brought to the State. Anyone, except servicemembers, who moves into Connecticut in lawful possession of an assault weapon has 90 days to permanently disable it, sell it to a gun dealer, or take it out of state. Servicemembers transferred to Connecticut in lawful possession of an assault weapon may apply to DESPP for a certificate within 90 days of arriving here (lines 1485-1494).

Locations Where Assault Weapons May be Possessed. Anyone who possesses an assault weapon for which a certificate has been issued may possess it only at the following locations:

1. at his or her home, business place, other property he or she owns, or on someone else's property with the owner's permission;
2. while at a target range of a public or private club or organization organized for target shooting;
3. while at a target range that holds a regulatory or business license for target shooting;
4. while on the premises of a licensed shooting club;
5. while attending a firearms exhibition, display, or educational project sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a national- or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or
6. while transporting the assault weapon, in compliance with law, between any of the above places, or to a gun dealer for servicing or repair.

Exemptions

As is the case with previously designated assault weapons, the act permits the sale of the newly designated weapons to DOC, DESPP, police departments, and the state and U.S. military or naval forces for use in their official duties. It exempts the sale of the previously designated and newly defined assault weapons to these individuals for their off-duty use. The act additionally exempts, for use in the discharge of their official duties, sales to and possession of assault weapons by (1) employees of an NRC licensee operating a nuclear power plant in Connecticut for providing security or (2) any person, firm, corporation, contractor, or subcontractor providing security at the plant.

The act exempts possession by employees or members of the above-mentioned entities for official use.

As is the case with assault weapons for which a certificate of possession is issued under existing law, the act allows the newly added weapons to be possessed or received, under defined circumstances, by:

1. executors or administrators of an estate that includes an assault weapon for which a certificate has been issued,
2. licensed gun dealers, and
3. gunsmiths.

Similarly, it allows:

1. individuals to arrange to relinquish a weapon to a police department or DESPP;
2. temporary transfers or possession for certain out-of-state events; and
3. the weapons to be transported to or from a shooting competition or exhibition, display, or educational project about firearms sponsored, conducted by, approved by, or under the auspices of a law enforcement agency or a national- or state-recognized entity that fosters proficiency in firearms use or promotes firearms education.

It is unclear whether the act retains the exemption from transfer restrictions and registration requirements for certain assault weapons defined by criteria, rather than specific name, if they were legally manufactured before September 13, 1994 (CGS § [53-202m](#)).

§ 32 — ARMOR-PIERCING BULLETS

With some exceptions, it is a class D felony (class A misdemeanor for first-violation) to knowingly give anyone; distribute; transport; bring into the state; or keep, offer, or expose for sale any armor-piercing .50 caliber bullets and incendiary .50 caliber bullets. Prior law defined “armor-piercing .50 caliber bullet” as any bullet designed, held out by the manufacturer, or generally recognized as having the specialized capability to penetrate armor or bulletproof glass. These include bullets

commonly designated as “M2 Armor-Piercing” or “AP,” “M8 Armor-Piercing Incendiary” or “API,” M20 Armor-Piercing Incendiary Tracer,” or “APIT,” “M903 Caliber .50 Saboted Light Armor Penetrator” or “SLAP,” and “M962 Saboted Light Armor Penetrator Tracer” or “SLAPT.”

The act expands what constitutes armor-piercing bullets. It adds bullets of any caliber that can be fired from a handgun that (1) has projectile or projectile cores made entirely from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium, excluding other trace substances, or (2) is fully jacketed with a jacket weight of more than 25% of the projectile’s total weight, larger than .22 caliber, and designed and intended for use in a firearm. A bullet does not qualify as armor-piercing if it:

1. has projectile cores composed of soft material such as lead or lead alloys or zinc or zinc alloys,
2. has frangible projectiles designed primarily for sporting purposes,
3. has projectiles or projectile cores that the U.S. attorney general finds to be primarily intended for sporting or industrial purposes, or
4. does not meet federal law’s definition of armor-piercing ammunition.

The act specifies that armor-piercing bullet does not include a shotgun shell.

The act contains the same exemptions as prior law, namely:

1. sale to DESPP, DOC, police departments, or the state or U.S. military or naval forces for use in the discharge of their official duties;
2. disposition by an estate executor or administrator, as ordered by the probate court; and
3. transfer by bequest or intestate succession.

The act also makes it a class D felony to knowingly transport or carry a firearm loaded with an armor piercing or incendiary .50 caliber bullet.

As under existing law, the court may order suspension of prosecution if it finds that a violation is not serious and that the violator (1) will probably not reoffend, (2) has no previous conviction for violating this law, and (3) has not had a prosecution suspended for violating this law.

EFFECTIVE DATE: October 1, 2013

§ 33 — AMMUNITION SEIZURE

The act conforms the law to current practice by allowing police to seize ammunition from people at imminent risk of harming themselves, as they can now do for firearms. It subjects ammunition seizure to the same due process and disposition standards for seized firearms under existing law. By law, any two police officers (or a state's attorney), after investigating and determining probable cause, may get a warrant and seize guns from anyone who poses an imminent risk of injuring himself or herself, or someone else.

The act defines "ammunition" as a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm.

EFFECTIVE DATE: October 1, 2013

§§ 34-35 — AMMUNITION TRANSFERS BY INELIGIBLE PEOPLE

By law, anyone who becomes ineligible to possess firearms must transfer any firearms he or she has to a dealer or other eligible person or deliver or surrender them to the DESPP commissioner within two days of a "triggering event." If the triggering event is the imposition of a restraining or protective order, the transfer must be made to a gun dealer. The act requires the same actions to be taken with regard to ammunition when someone becomes ineligible to possess ammunition or firearms, and subjects violators to the same penalties as for ineligible people who fail to transfer or surrender firearms.

The act requires that the state protocol for surrendering or transferring handguns in this situation also address ammunition. By law, the DESPP commissioner, in conjunction with the chief state's attorney and Connecticut Police Chiefs Association, must adopt such a protocol.

As is the case with firearms, a person has up to one year from the date of delivering or surrendering any ammunition to DESPP to transfer the ammunition to an eligible person; otherwise, the commissioner may order it destroyed.

The act makes other technical and conforming changes.

EFFECTIVE DATE: October 1, 2013

§ 36 — RESTRAINING ORDER FORM TO SHOW AMMUNITION POSSESSION

The act requires the application for a civil restraining order to include a space for an alleged victim of domestic violence to indicate whether the alleged domestic violence offender possesses ammunition. It already must have space to indicate whether the applicant has a gun permit.

EFFECTIVE DATE: October 1, 2013

§ 37 — DOMESTIC VIOLENCE INVESTIGATIONS AND AMMUNITION SEIZURE

The act allows police to seize ammunition under the same circumstances as they can seize firearms when investigating domestic violence crimes. As is currently the case with firearms, the act requires the police, not later than seven days after the seizure, to return the ammunition in its original condition unless the person is ineligible to possess it or the court orders otherwise.

EFFECTIVE DATE: October 1, 2013

§ 38 — FAMILY VIOLENCE INTERVENTION UNIT REPORTS

The act requires family violence intervention units to inform the court if a domestic violence victim indicates that a defendant possesses ammunition. The units must already disclose to the court and prosecutor information obtained from a victim about a defendant having a gun permit or possessing firearms.

The Judicial Department, through the Court Support Services Division, has a family violence intervention unit in each geographical area court. The units accept family violence referrals from judges or prosecutors and prepare written or oral reports on the cases for the court.

EFFECTIVE DATE: October 1, 2013

§§ 39-40 — DISPOSAL OF CONTRABAND AMMUNITION

The act requires ammunition, just like firearms, judged by the court to be contraband or a nuisance, to be turned over to the State Police for destruction, appropriate use, or sale at public auction. It makes conforming changes pertaining to the ammunition sale at auction.

The act requires the DESPP's Statewide Firearms Trafficking Task Force Policy Board to deposit the receipts from the sale of seized ammunition in the General Fund, as it must currently do for receipts for firearm sales. By law, this money must be maintained in a separate nonlapsing forfeit firearms account and appropriated for the statewide firearms trafficking task force.

EFFECTIVE DATE: October 1, 2013

§ 41 — POLICE DUTY TO RETURN STOLEN AMMUNITION TO OWNER

The act requires the police to return to its rightful owner any stolen ammunition seized or recovered with a stolen gun, provided the owner is not prohibited from possessing firearm or ammunition and the agency does not need to keep it as evidence in a criminal prosecution. Prior law required the police to return firearms but was silent on ammunition.

EFFECTIVE DATE: October 1, 2013

§§ 42-43, 46-50, & 52-53 — INCREASED CRIMINAL PENALTIES FOR GUN TRAFFICKING AND OTHER GUN-RELATED OFFENSES

The act increases penalties for several gun-related crimes. Table 6 displays these crimes, their previous classification, and their classification under the act.

Table 6: Increased Penalties for Firearm-Related Crimes

Act §	Crime (CGS §)	Prior Penalty	Penalty Under the Act
42	Trafficking in firearms (53-202aa)	Class C felony if transfer fewer than five firearms Class B felony if transfer five or more firearms	Class B felony, (irrespective of the number of firearms) Mandatory minimum: <ul style="list-style-type: none"> • Three-year prison term • \$10,000 fine unless the court states on the record why it remits or reduces the fine
43	Stealing a firearm (53a-212)	Class D felony	Class C felony Mandatory minimum: <ul style="list-style-type: none"> • Two-year prison term • \$5,000 fine unless the court states on the record why it remits or reduces the fine
46	Failing to surrender a revoked handgun permit (29-32)	Class C misdemeanor	Class A misdemeanor
47	Transferring a pistol or revolver to a prohibited person or violating transfer procedures (29-33)	Class D felony	Class C felony Mandatory minimum: <ul style="list-style-type: none"> • Two-year prison term • \$5,000 fine unless the court states on the record why it remits or reduces the fine
47	Transferring a pistol or revolver to a prohibited person or violating transfer procedures, knowing the transferred weapon is stolen or has an altered identification mark (29-33)	Class B felony	Class B felony Mandatory minimum: <ul style="list-style-type: none"> • three-year prison term • \$10,000 fine unless the court states on the record why it remits or reduces the fine
48	Making a false statement related to a pistol or revolver transfer (29-34(a))	Class D felony	Class C felony Mandatory minimum: <ul style="list-style-type: none"> • Two-year prison term • \$5,000 fine unless the court states on the record why it remits or reduces the fine

Table 6 (continued)

Act §	Crime (CGS §)	Prior Penalty	Penalty Under the Act
48	Transferring a pistol or revolver to someone under age 21 except for target or shooting range use (29-34(b))	Class D felony One-year mandatory minimum prison sentence	Class C felony Mandatory minimum: <ul style="list-style-type: none"> • Two-year prison term • \$5,000 fine unless the court states on the record why it remits or reduces the fine
49	Altering firearm identification mark, number, or name (29-36)	Up to five years in prison, a fine or up to \$ 1,000, or both	Class C felony Mandatory minimum: <ul style="list-style-type: none"> • Two-year prison term • \$5,000 fine unless the court states on the record why it remits or reduces the fine
50	Failing to report loss or theft of firearm (2 nd or subsequent offense)(53-202g)	Class D felony	Class C felony
50	Intentionally failing to report loss or theft of firearm (53-202g)	Class C felony	Class B felony
52	Failing to surrender revoked handgun eligibility certificate (29-36i)	Class C misdemeanor	Class A misdemeanor
53	Buying a firearm intending to transfer it to an ineligible person (straw man transactions)(29-37(a))	Up to five years in prison, fine of up to \$ 1,000, or both	Class C felony Mandatory minimum: <ul style="list-style-type: none"> • Two-year prison term • \$5,000 fine unless the court states on the record why it remits or reduces the fine
53	Ineligible person soliciting a firearm through a “straw man” (29-37(b))	Class B misdemeanor	Class D felony <ul style="list-style-type: none"> • Mandatory minimum: • One-year prison term • \$3,000 fine unless the court states on the record why it remits or reduces the fine (see immediately below for additional penalties)

Table 6 (continued)

Act §	Crime (CGS §)	Prior Penalty	Penalty Under the Act
53	Ineligible person obtaining a firearm from a straw man (29-37j(b))	No current penalty; see immediately below	Class C felony Mandatory minimum: <ul style="list-style-type: none"> • Two-year prison term • \$5,000 fine unless the court states on the record why it remits or reduces the fine
53	Ineligible person soliciting through a straw man involving transfer of more than one firearm (29-37j(b))	Class A misdemeanor	Penalty eliminated (see crime immediately above)
53	Straw man violations when offender had felony conviction in past five years (29-37j(c))	Class D felony	Class B felony Mandatory minimum: <ul style="list-style-type: none"> • Three-year prison term • \$10,000 fine unless the court states on the record why it remits or reduces the fine

§§ 44-45 — POSSESSION CRIMES

By law, separate crimes punish criminal possession of a (1) firearm or electronic defense weapon and (2) handguns. The act expands each of these crimes and increases their penalties so that they punish illegal possession of all of these weapons under very similar circumstances and with the same penalties. The act also punishes possessing ammunition under the same circumstances and with the same penalties.

Criminal Possession of Firearms, Ammunition, or Electronic Defense Weapons

The act increases the penalty for criminal possession of a firearm or electronic defense weapon. It increases the penalty for this crime from a class D to a class C felony. The law already imposes a two-year mandatory minimum sentence. The act also imposes a mandatory minimum \$5,000 fine unless the court states on the record why it remits or reduces the fine. It also expands the circumstances when someone commits this crime, and punishes someone who possesses ammunition under the same circumstances.

Under prior law, a person committed this crime when he or she possessed the weapon and (1) had a prior felony conviction or conviction for a serious juvenile offense, (2) knew he or she was the subject of a restraining or protective order in certain cases or a firearms seizure order after notice and a hearing opportunity, or (3) was prohibited by federal law from having or transporting a firearm. The act makes it illegal for these same people to possess ammunition.

The act also punishes someone who possesses a firearm, ammunition, or an electronic defense weapon when he or she has been:

1. convicted of certain misdemeanors committed on or after October 1, 2013;
2. discharged from custody within the past 20 years after being found not guilty of a crime due to mental disease or defect;
3. confined on or after October 1, 2013 in a hospital for people with psychiatric disabilities under a probate court order within the past (a) 60 months or (b) 12 months if the person has a valid permit or certificate in effect before October 1, 2013; or
4. beginning October 1, 2013, voluntarily admitted to a hospital for people with psychiatric disabilities within the past six months for care and treatment of a psychiatric disability and not solely for being an alcohol- or drug-dependent person.

The misdemeanor convictions the act applies to are for:

1. a first offense of possessing a controlled substance other than a narcotic, a hallucinogen, or between .5 and four ounces of marijuana (an unclassified misdemeanor for a first offense punishable by up to one year in prison, up to a \$1,000 fine, or both);
2. criminally negligent homicide; 3rd degree assault; 3rd degree assault of an elderly, blind, disabled, pregnant, or intellectually disabled person; 2nd degree threatening; 1st degree reckless endangerment; 2nd degree unlawful restraint; 1st degree riot; inciting to riot; and 2nd degree stalking; and
3. 2nd degree riot.

The act defines “ammunition” as a loaded cartridge consisting of a primed case, propellant, or projectile designed for use in a firearm.

Criminal Possession of a Handgun

The act increases the penalty for criminal possession of a handgun from a class D to a class C felony and imposes a mandatory minimum (1) two-year prison sentence and (2) \$5,000 fine unless the court states on the record why it remits or reduces the fine. It expands the circumstances when someone commits this crime.

Under prior law, a person committed this crime when he or she possessed the weapon and:

1. was previously convicted of a felony or one of the misdemeanors described above,
2. had a prior conviction for a serious juvenile offense,
3. has been discharged from custody within the past 20 years after being found not guilty of a crime due to mental disease or defect,
4. had been confined in a hospital for people with psychiatric disabilities under a probate court order within the past 12 months,
5. knew he or she was the subject of a restraining or protective order in certain cases or a firearms seizure order after notice and a hearing opportunity, or
6. was prohibited by federal law from having or transporting a firearm.

The act:

1. on or after October 1, 2013, expands the look-back period for confinements under probate court orders from 12 to 60 months unless the person has a valid permit or certificate in effect before October 1, 2013 and
2. punishes someone who possesses a handgun when he or she has been voluntarily admitted, on or after October 1, 2013, to a hospital for people with psychiatric disabilities within the past six months for care and treatment of a psychiatric disability and not solely for being an alcohol- or drug-dependent person.

EFFECTIVE DATE: October 1, 2013

§ 51 — INFORMATION DISCLOSURES FOR LONG GUN AND AMMUNITION TRANSFERS

The act allows DESPP to disclose the name and address of someone issued an eligibility certificate to the extent necessary to comply with the act's provisions on long gun and ammunition transfers, to the same extent as currently allowed for handgun and handgun sales and transfers.

EFFECTIVE DATE: July 1, 2013

§§ 52-53 — PENALTIES

For a summary of these provisions, see INCREASED CRIMINAL PENALTIES FOR GUN TRAFFICKING, p. 34.

§§ 54-56 — SAFE STORAGE REQUIREMENTS

The act expands the firearm safe storage laws in two ways. Under prior law, the legal duty to store a loaded firearm securely applied only when a person under age 16 was likely to gain access to it without his or her parent's or guardian's permission. The act extends this duty to anyone who knows or should that a resident of the premises where he or she is storing a loaded firearm (1) is ineligible to possess firearms under state or federal law or (2) poses an imminent risk of hurting himself or herself or others. As under the existing law, the firearm must be locked up or in a location that a reasonable person considers to be secure, or the person carries it on his or her person or close enough so that he or she can readily retrieve it (lines 2237-2350).

As under existing law pertaining to minors, a person is strictly liable for damages if an ineligible or at-risk person gains access to the inappropriately stored firearm and uses it to injure or kill himself or herself or someone else (lines 2353-2360).

As under existing law pertaining to minors, a person is guilty of criminally negligent storage of a firearm if the ineligible or at-risk person obtains the firearm and kills or injures himself or herself or someone else with it. It is also a class D felony unless the minor obtained the firearm by unlawfully entering the premises (lines 2363-2374).

EFFECTIVE DATE: October 1, 2013

§§ 57-58 — GUN PERMIT APPLICATION

Residency Requirement

Under prior law, anyone wanting a gun permit could apply in the town where he or she lived or had a business. The act generally requires an applicant to be a permanent resident of the town to which he or she applies. It eliminates the option of applying in a town where he or she maintains a business.

By law, a gun permit is issued under a two-part process for state residents, with a local official issuing a temporary state permit, after which the State Police issues the five-year state permit (assuming the requirements are met). Existing law, unchanged by the act, allows out-of-state residents to apply directly to DESPP for a gun permit if they have a permit or license to carry a handgun issued by another state (lines 2489-2498).

Number of Gun Permit Applications Limited

The act limits the number of applications that a person can make for a temporary state gun permit to one in any 12-month period. In a corresponding change, it prohibits issuing a permit to someone who applied within the previous 12 months. It requires anyone who applies for a temporary permit to indicate on the application, under penalty of false statement as the issuing authority prescribes, that he or she did not apply for a temporary permit within the past 12 months (lines 2422-2432).

For a summary of the mental health changes, see MENTAL HEALTH AND ELIGIBILITY FOR GUN CREDENTIALS, p. 10.

§ 59 — RISK REDUCTION EARNED CREDITS AND PAROLE FOR VIOLENT OFFENDERS

The act prohibits inmates convicted of certain violent crimes or 2nd degree burglary from using risk reduction earned credits (RREC) that they earn to become eligible for parole sooner than they otherwise could. Thus, it requires inmates convicted of violent crimes to continue to serve 85% of their sentences before being eligible for parole, regardless of any credits they receive. As under prior law, the credits still reduce the inmate's maximum prison sentence.

As under prior law, inmates convicted of other crimes, except the following, can earn RREC:

1. murder (CGS § [53a-54a](#)),
2. capital felony (CGS § [53a-54b](#)),
3. felony murder (CGS § [53a-54c](#)),
4. arson murder (CGS § [53a-54d](#)),
5. first-degree aggravated sexual assault (CGS § [53a-70a](#)), or
6. home invasion (CGS § [53a-100aa](#)).

The DOC commissioner can award RREC of up to five days per month for an inmate for (1) adhering to his or her offender accountability plan, (2) participating in eligible programs and activities, and (3) good conduct and obeying institutional rules as designated by the commissioner (but good conduct and obedience alone is not enough to earn credits). Credits cannot reduce a mandatory minimum sentence. An inmate can lose all or some of his or her credits. For inmates who earn RREC, the credits reduce the inmate's maximum prison sentence, and the inmate's parole eligibility is based on his or her sentence as reduced by the credits.

EFFECTIVE DATE: July 1, 2013

§ 60 — FIREARMS BOARD MEMBERSHIP

The act increases the Firearms Board membership, from seven to nine, by adding one retired Superior Court judge, appointed by the chief court administrator, and a DMHAS nominee, appointed by the governor. The rest of the members, as under prior law, are appointed by the governor from nominees submitted by the DESPP and energy and environmental protection commissioners; Connecticut State Association of Chiefs of Police; Connecticut State Rifle and Revolver Association, Inc.; and Ye Connecticut Gun Guild, Inc. The governor also appoints two public members.

EFFECTIVE DATE: July 1, 2013

§ 61 — BOARD OF FIREARM PERMIT EXAMINERS CONTINUANCES

The act allows the board to grant one continuance, for good cause, to an official whose action on a gun permit or gun eligibility certificate is being appealed. If granted, the appeal is continued until the next scheduled board meeting. Under prior law, an issuing authority's failure or refusal to provide a written statement to the board explaining the reasons for his or her adverse decision at least 10 days before the hearing was automatic cause for the board to grant relief to an appellant.

EFFECTIVE DATE: July 1, 2013

§ 62 — DESPP APPROPRIATION

The act requires the DESPP commissioner to study the feasibility and cost of establishing and maintaining a system to electronically submit, access, and transfer to DESPP information required for gun sales, delivery, or transfers, including information required to determine eligibility for gun credentials. The system must permit electronic access to the state database for checking a person's eligibility to get gun credentials or guns. It must permit gun dealers to directly initiate NICS background checks on firearm purchasers.

The system may permit the electronic submission of other documents and forms related to firearms permitting, including applications (1) to renew gun permits, eligibility certificates, or long gun eligibility certificates; (2) for a certificate of possession for an assault weapon; and (3) to declare possession of LCMs.

The commissioner must submit a report to the legislature by January 1, 2014, on the study results, including recommendations to develop and implement it.

EFFECTIVE DATE: Upon passage

§ 63 — APPROPRIATIONS

The act appropriates \$1 million to DESPP for FY 14 to fund the statewide firearms trafficking task force.

TABLE ON PENALTIES

Crimes

The law authorizes courts to impose fines, imprisonment, or both when sentencing a convicted criminal. They must specify the period of incarceration for anyone so sentenced. The prison terms below represent the range within which a judge must set the sentence. A judge may suspend all or part of a sentence unless the statute specifies it is a mandatory minimum sentence. The judge also sets the exact amount of a fine, up to the limits listed below. Repeated or persistent offenses may result in a higher maximum than specified here.

Table 7: Crime Classification and Penalties

<i>Classification of Crime</i>	<i>Imprisonment</i>	<i>Fine</i>
Capitol felony*	execution or life	—
Class A felony (murder)	25 to 60 years	up to \$20,000
Class A felony	10 to 25 years	up to 20,000
Class B felony	1 to 20 years	up to 15,000
Class C felony	1 to 10 years	up to 10,000
Class D felony	1 to 5 years	up to 5,000
Class A misdemeanor	up to 1 year	up to 2,000
Class B misdemeanor	up to 6 months	up to 1,000
Class C misdemeanor	up to 3 months	up to 500
Class D misdemeanor	up to 30 days	up to 250

* Under [PA 12-5](#), a person can be convicted of (1) capital felony for crimes committed before April 25, 2012 and (2) murder with special circumstances, which replaces the crime of capital felony, for crimes committed on or after that date, punishable with life imprisonment.

VR:mp