



Senate

General Assembly

File No. 562

February Session, 2016

Substitute Senate Bill No. 455

Senate, April 7, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING WEAPONS IN VEHICLES.

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

1 Section 1. Subsection (b) of section 29-38 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (b) The provisions of this section shall not apply to: (1) Any officer
5 charged with the preservation of the public peace while engaged in the
6 pursuit of such officer's official duties; (2) any security guard having a
7 baton or nightstick in a vehicle while engaged in the pursuit of such
8 guard's official duties; (3) any person enrolled in and currently
9 attending a martial arts school, with official verification of such
10 enrollment and attendance, or any certified martial arts instructor,
11 having any such martial arts weapon in a vehicle while traveling to or
12 from such school or to or from an authorized event or competition; (4)
13 any person having a BB. gun in a vehicle provided such weapon is
14 unloaded and stored in the trunk of such vehicle or in a locked
15 container other than the glove compartment or console; [and] (5) any

16 person having a knife, the edged portion of the blade of which is four
 17 inches or more in length, in a vehicle if such person is (A) any member
 18 of the armed forces of the United States, as defined in section 27-103, or
 19 any reserve component thereof, or of the armed forces of the state, as
 20 defined in section 27-2, when on duty or going to or from duty, (B) any
 21 member of any military organization when on parade or when going
 22 to or from any place of assembly, (C) any person while transporting
 23 such knife as merchandise or for display at an authorized gun or knife
 24 show, (D) any person while lawfully removing such person's
 25 household goods or effects from one place to another, or from one
 26 residence to another, (E) any person while actually and peaceably
 27 engaged in carrying any such knife from such person's place of abode
 28 or business to a place or person where or by whom such knife is to be
 29 repaired, or while actually and peaceably returning to such person's
 30 place of abode or business with such knife after the same has been
 31 repaired, (F) any person holding a valid hunting, fishing or trapping
 32 license issued pursuant to chapter 490 or any saltwater fisherman
 33 while having such knife in a vehicle for lawful hunting, fishing or
 34 trapping activities, or (G) any person participating in an authorized
 35 historic reenactment; or (6) any person having a dirk knife or police
 36 baton in a vehicle while lawfully moving such person's household
 37 goods or effects from one place to another, or from one residence to
 38 another.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	29-38(b)

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact associated with codifying case law regarding the transportation of weapons in vehicles.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 455*****AN ACT CONCERNING WEAPONS IN VEHICLES.*****SUMMARY:**

This bill codifies case law by exempting, from the existing ban on carrying certain weapons in a vehicle, someone having a dirk knife or police baton in a vehicle while lawfully moving his or her household goods or effects from one place to another or from one residence to another.

Under existing law, subject to various exceptions, it is a class D felony for someone to knowingly have certain weapons in a vehicle the person owns, operates, or occupies.

EFFECTIVE DATE: October 1, 2016

BACKGROUND***Related Case***

In *State v. Deciccio* (315 Conn. 79 (2014)), the state Supreme Court overturned the conviction of a man found guilty by a jury of violating CGS § 29-38 for transporting a dirk knife (a double-edged dagger-like knife) and police baton in his vehicle while moving his belongings from one residence to a new one. In its unanimous ruling, the court held that possession of the weapons is protected by the Second Amendment and the existing “statutory scheme, which categorically bars the transportation of those weapons by motor vehicle from a former residence to a new residence, impermissibly infringes on that constitutional right.”

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 43 Nay 0 (03/21/2016)