



STATE OF CONNECTICUT
SENTENCING COMMISSION

Testimony on SB 455, An Act Concerning Weapons in Vehicles.

Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee. For the record, my name is Alex Tsarkov and I am the Executive Director of the Connecticut Sentencing Commission. I would like to thank the committee for raising SB 455, AN ACT CONCERNING WEAPONS IN VEHICLES.

SB 455 aims to amend Connecticut's weapon in a motor vehicle statute (C.G.S. § 29-38) to comply with the Connecticut Supreme Court's narrow ruling in State v. DeCiccio, 315 Conn. 79 (2014). In DeCiccio, the defendant was convicted of two counts of having a weapon in a motor vehicle for using his vehicle to transport a dirk knife and a police baton from his former residence to his new residence.

The Connecticut Supreme Court held that Connecticut's weapon in a motor vehicle statute violates the Second Amendment to the extent that it acts as a complete prohibition on the transportation of dirk knives and police batons between residences. The court concluded that, "*possession of a dirk knife and a police baton in a person's home is protected by the second amendment*" and that, "*...our 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.*" DeCiccio, 315 Conn. at 83.

SB 455 is designed to rectify the now unconstitutional portion of § 29-38 in accordance with the court's narrow holding. The proposal amends the weapon in a motor vehicle statute by providing for an exception to C.G.S. § 29-38 in allowing an individual to possess dirk knives and police batons in a motor vehicle if that individual is in the

process of moving from once residence into another. In essence, this bill aims to codify an existing ruling from our State's highest court.

The Commission respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report to strengthen this legislation and to accurately reflect the holding of State v. DeCiccio. We ask that the new language of subparagraph (H) be placed under a new subdivision (6). This would mirror the Court's narrow holding with respect to dirk knives and police batons.

The bill as written places the new language of subparagraph (H) under subdivision (5), which only applies to "any person having a knife, the edged portion of the blade of which is four inches or more in length." This is problematic for two reasons. First, "a police baton in a vehicle" does not fit within the framework of subdivision (5). Subdivision (5) refers exclusively to knives and therefore it is inconsistent to include a provision regarding police batons under subdivision (5). Second, the DeCiccio court's analysis dealt specifically with dirk knives and not with "knives, the edged portion of the blade of which is four inches or more in length." Thus, the bill--as drafted--would not apply to dirk knives, the edged portion of the blade of which is less than four inches in length.

This proposal as suggested by the JFS language was unanimously endorsed by the Sentencing Commission's 23 members. I thank the Committee for raising this legislation and urge the Committee's JOINT FAVORABLE SUBSTITUTE Report.