
OLR Bill Analysis

sHB 5540

AN ACT CONCERNING GHOST GUNS.

SUMMARY

This bill subjects a firearm's unfinished "frame or lower receiver" to existing firearm regulation and restrictions by broadening the current definition of "firearm" to include them.

Under the bill, a "frame or lower receiver" means the part of the firearm that provides the action or housing for the hammer, bolt, or breechblock and firing mechanism. It includes a frame or lower receiver blank, casting, or machined body that requires further machining or molding to be used as part of a functional firearm, and which is designed and intended to be used to assemble a functional firearm (i.e., fit together a firearm's component parts to construct the firearm).

With the exception of firearm manufacturers, the bill also:

1. prohibits anyone from completing the manufacture or assembly of a firearm (i.e., ghost gun) without obtaining a serial number or identification mark from the Department of Emergency Services and Public Protection (DESPP) for it;
2. prohibits the manufacture or assembly of a firearm from polymer plastic unless the (a) firearm complies with the bill's requirements for serial numbers or identification marks and (b) plastic is embedded with 3.7 oz. of material type 17-4 PH stainless steel;
3. prohibits transferring manufactured or assembled firearms (i.e., ghost guns) except to law enforcement;
4. requires DESPP to develop and maintain a system to distribute

serial numbers or identification marks for such firearms;

5. prohibits removing, defacing, altering, or obliterating a unique serial number on any firearm (the law already prohibits such actions related to other identifying marks on a firearm); and
6. prohibits knowingly facilitating, aiding, or abetting the manufacture or assembly of a firearm under the bill by an individual or for an individual who is otherwise lawfully prohibited from owning or possessing a firearm.

Under the bill, anyone who violates the bill's provisions related to (1) manufacturing or assembling firearms, (2) transferring such firearms, or (3) removing a firearm's serial number, is guilty of a class C felony, punishable by up to 10 years imprisonment, up to a \$10,000 fine, or both. Two years of the sentence may not be suspended or reduced by the court and \$5,000 may not be remitted or reduced. Any firearm found in violation of the bill must be forfeited.

EFFECTIVE DATE: October 1, 2018 except the provision requiring DESPP to create a system to distribute serial numbers is effective upon passage.

FIREARM REGULATION AND RESTRICTIONS

By adding unfinished frames and lower receivers to the definition of "firearm", the bill subjects such parts to the regulations and restrictions of pistols and revolvers (i.e., handgun) or long guns, depending on the barrel length. By law, a handgun is a firearm with a barrel less than 12 inches, while a long gun is a firearm other than a handgun.

Among other things, existing law generally prohibits:

1. individuals from purchasing a firearm without a valid permit or eligibility certificate (CGS §§ 29-33(b), -37a(c));
2. retailers from selling, delivering, or transferring a firearm without DESPP authorization, which requires a national criminal background check (CGS §§ 29-33(c), -37a(d)); and

3. certain individuals from possessing firearms (e.g., convicted felons, individuals subject to a restraining order, and individuals found not guilty of a crime by reason of a “mental disease or defect”) (CGS §§ 53a-217c, 29-28(b)).

Additionally, the (1) frame or lower receiver would also be subject to temporary seizure or revocation under certain circumstances (e.g., when a family violence crime has been committed or person is an imminent threat to hurt him or herself or others) and (2) owner’s firearm credential may be subject to revocation or nonrenewal for, among other things, committing certain crimes (CGS §§ 29-32, 29-38c, & 46b-38b(a)).

MANUFACTURE OR ASSEMBLY OF A FIREARM

The bill prohibits anyone from completing the manufacture or assembly of a firearm without (1) first obtaining a unique serial number or other identification mark from DESPP and (2) engraving or permanently affixing the serial number or mark on the firearm in a way that conforms to the serial number requirements federal law and associated regulations impose on licensed firearm importers and manufacturers.

Under the bill, within 30 days of completing the manufacture or assembly of a firearm, the individual must notify DESPP and provide any identifying information concerning the firearm and the owner to the department in a manner the DESPP commissioner provides.

Under the bill, “manufacture” means to newly fabricate or construct a firearm and “assembly” means the fitting together of the firearm’s component parts to construct a firearm.

DESPP System

Under the bill, DESPP must develop and maintain a system to distribute a unique serial number or other identification mark to anyone requesting one. DESPP must maintain identifying information of the individual requesting the number or mark.

Transfers to Law Enforcement

The bill generally prohibits anyone from transferring such manufactured or assembled firearms, except when delivering or transferring them to a law enforcement agency. A law enforcement agency must destroy any firearm delivered or transferred to it.

Under the bill, “law enforcement agency” means the State Police or any municipal police department.

Exemption

The bill’s requirements regarding serial numbers and identification marks do not apply to federally licensed firearm manufacturers manufacturing or assembling firearms.

ALTERATIONS

Current law prohibits individuals from removing, defacing, altering, or obliterating any maker’s name, model, number, or other identifying mark on a firearm. The bill extends the prohibition to unique serial numbers. As under current law, possessing a firearm with an altered serial number is prima facie evidence that the individual owning or possessing the firearm has altered the firearm.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 25 Nay 16 (04/03/2018)