
OLR Bill Analysis

sHB 5542 (as amended by House "A")*

AN ACT CONCERNING BUMP STOCKS AND OTHER MEANS OF ENHANCING THE RATE OF FIRE OF A FIREARM.

SUMMARY

This bill generally makes it a class D felony for anyone, except a licensed firearms manufacturer fulfilling a military contract, to sell, offer to sell, otherwise transfer, or offer to transfer, purchase, possess, use, or manufacture a "rate of fire enhancement" (e.g., a bump stock). By law, a class D felony is punishable by up to five years in prison, a fine up to \$5,000, or both.

However, the bill also provides a reduced penalty (a class D misdemeanor) for a first time offender who possesses a rate of fire enhancement before July 1, 2019 and holds a valid (1) permit to carry a pistol or revolver; (2) eligibility certificate for a pistol, revolver, or long gun; or (3) ammunition certificate. By law, a class D misdemeanor is punishable by up to 30 days in prison, a fine up to \$250, or both.

The bill makes an exception for (1) anyone who moves into the state in lawful possession of a rate of fire enhancement and (2) any military personnel stationed or otherwise residing in the state who is deployed from the state on October 1, 2018 or is under deployment from this state on that date and legally possessed a rate of fire enhancement on September 30, 2018. It requires any such person or military personnel to render the rate of fire enhancement in their possession permanently inoperable, remove it from this state, or surrender it to the Department of Emergency Services and Public Protection (DESPP) for destruction, within 90 days of moving into the state or returning to the state from deployment. Under the bill, the penalties described above do not apply during the 90-day period, unless the person or military personnel uses, sells, offers to sell, otherwise transfers, or offers to transfer, except as permitted, such rate of fire enhancement during this grace period.

The bill also requires the DESPP commissioner to:

1. within 30 days after the bill passes and within available appropriations, provide written notice of the bill's provisions on its website and electronically to federally licensed firearms dealers and
2. for the period starting 30 days after the bill passes until July 1 2023, include a written notice of the bill's provisions with each
 - (a) permit to carry a pistol or revolver, eligibility certificate for a pistol or revolver, long gun eligibility certificate, and ammunition certificate he issues and
 - (b) expiration notice mailed to the holder of any such permit or certificate.

The bill gives the court specific discretion to suspend prosecution in any case where a violation is not of a serious nature and the person charged with the violation (1) is not likely to offend in the future and (2) has not been previously convicted of a violation of these provisions or had a prosecution of any such violation suspended.

*House Amendment "A" strikes the underlying bill and replaces it with similar provisions and in doing so (1) creates an exception for licensed firearms manufacturers fulfilling a military contract, (2) makes ammunition certificate holders eligible for the reduced penalty for a first time offense, (3) requires the commissioner to include written notification of the bill's provisions with any ammunition certificate issued, (4) applies the 90-day grace period to certain military personnel returning to the state from deployment, (5) specifies the conditions under which penalties apply during the grace period, (6) gives the court discretion to suspend prosecution in certain cases, and (7) makes technical changes.

EFFECTIVE DATE: October 1, 2018, except the DESPP notification provision is effective upon passage.

RATE OF FIRE ENHANCEMENT

Under the bill, "rate of fire enhancement" means any device, component, part, combination of parts, attachment, or accessory that:

1. uses energy from a firearm's recoil to generate a reciprocating action that causes repeated function of the trigger, including a bump stock;
2. repeatedly pulls a firearm's trigger through the use of a crank, lever, or other part, including a trigger crank; or
3. causes a semiautomatic firearm to fire more than one round per operation of the trigger, where the trigger pull and reset constitute a single operation of the trigger, including a binary trigger system.

By law, "firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 5 (04/03/2018)