



House of Representatives

General Assembly

File No. 592

February Session, 2018

Substitute House Bill No. 5542

House of Representatives, April 19, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 1, 2018*) (a) Except as provided in
2 subsection (e) of this section, no person may sell, offer to sell,
3 otherwise transfer or offer to transfer, purchase, possess, use or
4 manufacture any rate of fire enhancement.

5 (b) Except as provided in subsection (d) of this section, a person
6 who violates any provision of subsection (a) of this section shall be
7 guilty of a class D felony.

8 (c) For purposes of this section, "firearm" means firearm as defined
9 in section 53a-3 of the general statutes, and "rate of fire enhancement"
10 means any device, component, part, combination of parts, attachment
11 or accessory that: (1) Uses energy from the recoil of a firearm to
12 generate a reciprocating action that facilitates repeated function of the
13 trigger, including, but not limited to, a bump stock; (2) repeatedly

14 pulls the trigger of a firearm through the use of a crank, lever or other
15 part, including, but not limited to, a trigger crank; or (3) causes a
16 semiautomatic firearm to fire more than one round per operation of
17 the trigger, where the trigger pull and reset constitute a single
18 operation of the trigger, including, but not limited to, a binary trigger
19 system.

20 (d) Any person who holds a valid permit to carry a pistol or
21 revolver issued pursuant to subsection (b) of section 29-28 of the
22 general statutes, a valid eligibility certificate for a pistol or revolver
23 issued pursuant to section 29-36f of the general statutes or a valid long
24 gun eligibility certificate issued pursuant to section 29-37p of the
25 general statutes and possesses a rate of fire enhancement prior to July
26 1, 2019, shall be guilty of a class D misdemeanor for a first offense and
27 shall be guilty of a class D felony for any subsequent offense.

28 (e) Any person who moves into the state in lawful possession of a
29 rate of fire enhancement, shall, within ninety days, render the rate of
30 fire enhancement permanently inoperable, remove the rate of fire
31 enhancement from this state, or surrender the rate of fire enhancement
32 to the Department of Emergency Services and Public Protection for
33 destruction.

34 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than thirty days
35 after the effective date of this section, the Commissioner of Emergency
36 Services and Public Protection shall, within available appropriations,
37 provide written notification of the provisions of section 1 of this act by:
38 (1) Posting the notification on the department's Internet web site, and
39 (2) providing the notification electronically to federally licensed
40 firearm dealers.

41 (b) Commencing thirty days after the effective date of this section
42 but prior to July 1, 2023, the commissioner shall include a written
43 notification of the provisions of section 1 of this act with: (1) (A) A
44 permit to carry a pistol or revolver issued pursuant to subsection (b) of
45 section 29-28 of the general statutes, (B) an eligibility certificate for a
46 pistol or revolver issued pursuant to section 29-36f of the general

47 statutes, and (C) a long gun eligibility certificate issued pursuant to
 48 section 29-37p of the general statutes; and (2) a notice of expiration
 49 mailed to a holder of such permit or certificate pursuant to (A)
 50 subsection (f) of section 29-30 of the general statutes, (B) subsection (e)
 51 of section 29-36h of the general statutes, or (C) subsection (e) of section
 52 29-37r of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1(a), the exception language, as it pertains to subsection (d), was moved to Section 1(b) for accuracy.

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:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new misdemeanor and felony for possession of a rate of fire enhancement and results in potential cost and potential revenue from fines. To extent that violators are prosecuted, the bill results in a potential cost to the Department of Correction for incarceration or Judicial Department for probation supervision. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900¹ while the average marginal cost for supervision in the community is less than \$700² each year.

The Out Years

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sHB 5542*****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 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 or (2) eligibility certificate for a pistol, revolver, or long gun. By law, a class D misdemeanor is punishable by up to 30 days in prison, a fine up to \$250, or both.

The bill also requires anyone who moves into the state in lawful possession of a rate of fire enhancement to render it 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. (It is unclear which, if any, of the prohibited actions under the bill would apply during the 90-day window.)

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, and long gun eligibility certificate he issues and (b) expiration notice mailed to the holder of any such permit or certificate.

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 facilitates 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)