



# House of Representatives

**File No. 678**

General Assembly

February Session, 2018

**(Reprint of File No. 592)**

Substitute House Bill No. 5542  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
May 3, 2018

**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, other than a licensed firearms  
3 manufacturer under 18 USC 923(i) fulfilling a military contract, may  
4 sell, offer to sell, otherwise transfer or offer to transfer, purchase,  
5 possess, use or manufacture any rate of fire enhancement.

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

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

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

21 (d) Except as provided in subsection (e) of this section, any person  
22 who holds a valid permit to carry a pistol or revolver issued pursuant  
23 to subsection (b) of section 29-28 of the general statutes, a valid  
24 eligibility certificate for a pistol or revolver issued pursuant to section  
25 29-36f of the general statutes, a valid long gun eligibility certificate  
26 issued pursuant to section 29-37p of the general statutes or an  
27 ammunition certificate issued or renewed pursuant to section 29-38n  
28 or section 29-38o of the general statutes and possesses a rate of fire  
29 enhancement prior to July 1, 2019, shall be guilty of a class D  
30 misdemeanor for a first offense and shall be guilty of a class D felony  
31 for any subsequent offense.

32 (e) (1) (A) Except as provided in subparagraph (B) of this  
33 subdivision, any person who moves into the state in lawful possession  
34 of a rate of fire enhancement shall, within ninety days, render the rate  
35 of fire enhancement permanently inoperable, remove the rate of fire  
36 enhancement from this state, or surrender the rate of fire enhancement  
37 to the Department of Emergency Services and Public Protection for  
38 destruction and, during such ninety-day period, shall not be subject to  
39 the penalties in subsection (b) or (d) of this section.

40 (B) Any such person who sells or offers to sell or otherwise transfers  
41 or offers to transfer, except as permitted by subparagraph (A) of this  
42 subdivision, or uses such rate of fire enhancement during such ninety-  
43 day period, shall be subject to the penalties in subsection (b) or (d) of  
44 this section, as applicable.

45 (2) (A) Except as provided in subparagraph (B) of this subdivision,  
46 any military personnel stationed or otherwise residing in this state

47 who is deployed from this state on October 1, 2018, or is under  
48 deployment from this state on said date, and who was in lawful  
49 possession of a rate of firearm enhancement on September 30, 2018,  
50 shall, within ninety days of returning to this state from deployment,  
51 render the rate of fire enhancement permanently inoperable, remove  
52 the rate of fire enhancement from this state or surrender the rate of fire  
53 enhancement to the Department of Emergency Services and Public  
54 Protection for destruction.

55 (B) Except as provided in subparagraph (A) of this subdivision, any  
56 such military personnel who sells or offers to sell or otherwise  
57 transfers or offers to transfer, except as permitted by subparagraph (A)  
58 of this subdivision, or uses such rate of fire enhancement during such  
59 ninety-day period, shall be subject to the penalties in subsection (b) or  
60 (d) of this section, as applicable.

61 (f) If the court finds that a violation of this section is not of a serious  
62 nature and that the person charged with such violation (1) will  
63 probably not offend in the future, (2) has not previously been  
64 convicted of a violation of this section, and (3) has not previously had a  
65 prosecution under this section suspended pursuant to this subsection,  
66 it may order suspension of prosecution in accordance with the  
67 provisions of subsection (h) of section 29-33 of the general statutes.

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

75 (b) Commencing thirty days after the effective date of this section  
76 but prior to July 1, 2023, the commissioner shall include a written  
77 notification of the provisions of section 1 of this act with: (1) (A) A  
78 permit to carry a pistol or revolver issued pursuant to subsection (b) of

79 section 29-28 of the general statutes, (B) an eligibility certificate for a  
80 pistol or revolver issued pursuant to section 29-36f of the general  
81 statutes, (C) a long gun eligibility certificate issued pursuant to section  
82 29-37p of the general statutes, and (D) an ammunition certificate issued  
83 or renewed pursuant to section 29-38n or section 29-38o of the general  
84 statutes; and (2) a notice of expiration mailed to a holder of such  
85 permit or certificate pursuant to (A) subsection (f) of section 29-30 of  
86 the general statutes, (B) subsection (e) of section 29-36h of the general  
87 statutes, or (C) subsection (e) of section 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

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 felony for the sale and possession of a rate of fire enhancement and results in potential cost and potential revenue from fines. To the 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 \$1,900<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

House "A" strikes the underlying bill and the associated fiscal impact and results in the impact described above.

<sup>1</sup> 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.

<sup>2</sup> 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 Out Years***

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

**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)