



General Assembly

**Substitute Bill No. 5540**

February Session, 2018



**AN ACT CONCERNING GHOST GUNS.**

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

1 Section 1. Section 53a-3 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 Except where different meanings are expressly specified, the  
4 following terms have the following meanings when used in this title:

5 (1) "Person" means a human being, and, where appropriate, a public  
6 or private corporation, a limited liability company, an unincorporated  
7 association, a partnership, a government or a governmental  
8 instrumentality;

9 (2) "Possess" means to have physical possession or otherwise to  
10 exercise dominion or control over tangible property;

11 (3) "Physical injury" means impairment of physical condition or  
12 pain;

13 (4) "Serious physical injury" means physical injury which creates a  
14 substantial risk of death, or which causes serious disfigurement,  
15 serious impairment of health or serious loss or impairment of the  
16 function of any bodily organ;

17 (5) "Deadly physical force" means physical force which can be  
18 reasonably expected to cause death or serious physical injury;

19 (6) "Deadly weapon" means any weapon, whether loaded or  
20 unloaded, from which a shot may be discharged, or a switchblade  
21 knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. The  
22 definition of "deadly weapon" in this subdivision shall be deemed not  
23 to apply to section 29-38 or 53-206;

24 (7) "Dangerous instrument" means any instrument, article or  
25 substance which, under the circumstances in which it is used or  
26 attempted or threatened to be used, is capable of causing death or  
27 serious physical injury, and includes a "vehicle", as that term is defined  
28 in this section, and includes a dog that has been commanded to attack,  
29 except a dog owned by a law enforcement agency of the state or any  
30 political subdivision thereof or of the federal government when such  
31 dog is in the performance of its duties under the direct supervision,  
32 care and control of an assigned law enforcement officer;

33 (8) "Vehicle" means a "motor vehicle", as defined in section 14-1, a  
34 snowmobile, any aircraft, or any vessel equipped for propulsion by  
35 mechanical means or sail;

36 (9) "Peace officer" means a member of the Division of State Police  
37 within the Department of Emergency Services and Public Protection or  
38 an organized local police department, a chief inspector or inspector in  
39 the Division of Criminal Justice, a state marshal while exercising  
40 authority granted under any provision of the general statutes, a  
41 judicial marshal in the performance of the duties of a judicial marshal,  
42 a conservation officer or special conservation officer, as defined in  
43 section 26-5, a constable who performs criminal law enforcement  
44 duties, a special policeman appointed under section 29-18, 29-18a or  
45 29-19, an adult probation officer, an official of the Department of  
46 Correction authorized by the Commissioner of Correction to make  
47 arrests in a correctional institution or facility, any investigator in the  
48 investigations unit of the office of the State Treasurer, a United States

49 marshal or deputy marshal, any special agent of the federal  
50 government authorized to enforce the provisions of Title 21 of the  
51 United States Code, or a member of a law enforcement unit of the  
52 Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of  
53 Connecticut created and governed by a memorandum of agreement  
54 under section 47-65c who is certified as a police officer by the Police  
55 Officer Standards and Training Council pursuant to sections 7-294a to  
56 7-294e, inclusive;

57 (10) "Firefighter" means any agent of a municipality whose duty it is  
58 to protect life and property therein as a member of a duly constituted  
59 fire department whether professional or volunteer;

60 (11) A person acts "intentionally" with respect to a result or to  
61 conduct described by a statute defining an offense when his conscious  
62 objective is to cause such result or to engage in such conduct;

63 (12) A person acts "knowingly" with respect to conduct or to a  
64 circumstance described by a statute defining an offense when he is  
65 aware that his conduct is of such nature or that such circumstance  
66 exists;

67 (13) A person acts "recklessly" with respect to a result or to a  
68 circumstance described by a statute defining an offense when he is  
69 aware of and consciously disregards a substantial and unjustifiable  
70 risk that such result will occur or that such circumstance exists. The  
71 risk must be of such nature and degree that disregarding it constitutes  
72 a gross deviation from the standard of conduct that a reasonable  
73 person would observe in the situation;

74 (14) A person acts with "criminal negligence" with respect to a result  
75 or to a circumstance described by a statute defining an offense when  
76 he fails to perceive a substantial and unjustifiable risk that such result  
77 will occur or that such circumstance exists. The risk must be of such  
78 nature and degree that the failure to perceive it constitutes a gross  
79 deviation from the standard of care that a reasonable person would

80 observe in the situation;

81 (15) "Machine gun" means a weapon of any description, irrespective  
82 of size, by whatever name known, loaded or unloaded, from which a  
83 number of shots or bullets may be rapidly or automatically discharged  
84 from a magazine with one continuous pull of the trigger and includes  
85 a submachine gun;

86 (16) "Rifle" means a weapon designed or redesigned, made or  
87 remade, and intended to be fired from the shoulder and designed or  
88 redesigned and made or remade to use the energy of the explosive in a  
89 fixed metallic cartridge to fire only a single projectile through a rifled  
90 bore for each single pull of the trigger;

91 (17) "Shotgun" means a weapon designed or redesigned, made or  
92 remade, and intended to be fired from the shoulder and designed or  
93 redesigned and made or remade to use the energy of the explosive in a  
94 fixed shotgun shell to fire through a smooth bore either a number of  
95 ball shot or a single projectile for each single pull of the trigger;

96 (18) "Pistol" or "revolver" means any firearm having a barrel less  
97 than twelve inches;

98 (19) "Firearm" means any sawed-off shotgun, machine gun, rifle,  
99 shotgun, pistol, revolver or other weapon, whether loaded or  
100 unloaded from which a shot may be discharged, and any unfinished  
101 "frame or lower receiver", as that term is defined in this section;

102 (20) "Electronic defense weapon" means a weapon which by  
103 electronic impulse or current is capable of immobilizing a person  
104 temporarily, but is not capable of inflicting death or serious physical  
105 injury, including a stun gun or other conductive energy device;

106 (21) "Martial arts weapon" means a nunchaku, kama, kasari-fundo,  
107 octagon sai, tonfa or chinese star;

108 (22) "Employee of an emergency medical service organization"

109 means an ambulance driver, emergency medical technician or  
110 paramedic, as defined in section 19a-175;

111 (23) "Railroad property" means all tangible property owned, leased  
112 or operated by a railroad carrier including, but not limited to, a right-  
113 of-way, track, roadbed, bridge, yard, shop, station, tunnel, viaduct,  
114 trestle, depot, warehouse, terminal or any other structure or  
115 appurtenance or equipment owned, leased or used in the operation of  
116 a railroad carrier including a train, locomotive, engine, railroad car,  
117 signals or safety device or work equipment or rolling stock;

118 (24) "Frame or lower receiver" means the part of a firearm that  
119 provides the action or housing for the hammer, bolt or breechblock  
120 and firing mechanism, and includes a frame or lower receiver blank,  
121 casting or machined body that requires further machining or molding  
122 to be used as part of a functional firearm, and which is designed and  
123 intended to be used in the "assembly", as that term is defined in section  
124 29-36, as amended by this act, of a functional firearm.

125 Sec. 2. Section 29-36 of the general statutes is repealed and the  
126 following is substituted in lieu thereof (*Effective October 1, 2018*):

127 (a) No individual shall complete the manufacture or assembly of a  
128 firearm without (1) obtaining a unique serial number or other mark of  
129 identification from the Department of Emergency Services and Public  
130 Protection pursuant to section 3 of this act, and (2) engraving upon or  
131 permanently affixing to the firearm such serial number or other mark  
132 in a manner that conforms with the requirements imposed on licensed  
133 importers and licensed manufacturers of firearms pursuant to 18 USC  
134 923(i), as amended from time to time, and any regulation adopted  
135 thereunder.

136 (b) No individual shall complete the manufacture or assembly of  
137 any firearm from polymer plastic, unless such plastic is embedded  
138 with three point seven ounces of material type 17-4 PH stainless steel  
139 and such firearm is engraved or otherwise marked with a unique serial

140 number or other mark of identification pursuant to subsection (a) of  
141 this section.

142 (c) Not later than thirty days after an individual completes  
143 manufacturing or assembling a firearm pursuant to this section, such  
144 individual shall notify the Department of Emergency Services and  
145 Public Protection and provide any identifying information to said  
146 department concerning the firearm and the owner of such firearm, in a  
147 manner provided by the Commissioner of Emergency Services and  
148 Public Protection.

149 (d) No [person] individual shall remove, deface, alter or obliterate  
150 the name of any maker or model or any maker's number, unique serial  
151 number or other mark of identification on any firearm. [as defined in  
152 section 53a-3.] The possession of any firearm upon which any  
153 identifying mark, number or name has been removed, defaced, altered  
154 or obliterated shall be prima facie evidence that the [person] individual  
155 owning or in possession of such firearm has removed, defaced, altered  
156 or obliterated the same.

157 (e) No individual shall transfer to another individual any firearm  
158 manufactured or assembled in accordance with this section, except as  
159 provided in subdivision (2) of subsection (f) of this section.

160 (f) The provisions of this section shall not apply to (1) manufacture  
161 or assembly of firearms by a federally licensed firearm manufacturer,  
162 or (2) delivery or transfer of a firearm to a law enforcement agency.  
163 Any firearm delivered or transferred to a law enforcement agency  
164 pursuant to this subsection shall be destroyed by the law enforcement  
165 agency.

166 (g) No individual shall knowingly facilitate, aid or abet the  
167 manufacture or assembly of a firearm pursuant to this section by an  
168 individual or for an individual who is otherwise prohibited by law  
169 from owning or possessing a firearm.

170 [(b)] (h) Any [person] individual who violates any provision of this

171 section shall be guilty of a class C felony for which two years of the  
 172 sentence imposed may not be suspended or reduced by the court, and  
 173 five thousand dollars of the fine imposed may not be remitted or  
 174 reduced by the court unless the court states on the record its reasons  
 175 for remitting or reducing such fine, and any firearm found in the  
 176 possession of any [person] individual in violation of said provision  
 177 shall be forfeited.

178 (i) For purposes of this section, "manufacture" means to newly  
 179 fabricate or construct a firearm, "assembly" means the fitting together  
 180 of the component parts of a firearm to construct a firearm, "firearm"  
 181 means firearm, as defined in section 53a-3, as amended by this act, and  
 182 "law enforcement agency" means law enforcement agency, as defined  
 183 in section 29-1i.

184 Sec. 3. (NEW) (*Effective from passage*) The Department of Emergency  
 185 Services and Public Protection shall develop and maintain a system to  
 186 distribute a unique serial number or other mark of identification to any  
 187 individual requesting such number or mark in accordance with section  
 188 29-36 of the general statutes, as amended by this act. The department  
 189 shall maintain identifying information of the individual requesting the  
 190 number or mark and of the firearm for which each such number or  
 191 mark is requested.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	53a-3
Sec. 2	<i>October 1, 2018</i>	29-36
Sec. 3	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

In Section 2(a), an extraneous word was deleted and at the end of Section 2(f)(2), "by the law enforcement agency" was added for clarity.

**JUD**      *Joint Favorable Subst.*