



General Assembly

Amendment

February Session, 2018

LCO No. 5475



Offered by:

REP. TONG, 147th Dist.

REP. STAFSTROM, 129th Dist.

To: Subst. House Bill No. 5540

File No. 591

Cal. No. 392

"AN ACT CONCERNING GHOST GUNS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 53a-3 of the general statutes is repealed and the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

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

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

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

13 (3) "Physical injury" means impairment of physical condition or

14 pain;

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

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

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

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

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

38 (9) "Peace officer" means a member of the Division of State Police
39 within the Department of Emergency Services and Public Protection or
40 an organized local police department, a chief inspector or inspector in
41 the Division of Criminal Justice, a state marshal while exercising
42 authority granted under any provision of the general statutes, a
43 judicial marshal in the performance of the duties of a judicial marshal,
44 a conservation officer or special conservation officer, as defined in

45 section 26-5, a constable who performs criminal law enforcement
46 duties, a special policeman appointed under section 29-18, 29-18a or
47 29-19, an adult probation officer, an official of the Department of
48 Correction authorized by the Commissioner of Correction to make
49 arrests in a correctional institution or facility, any investigator in the
50 investigations unit of the office of the State Treasurer, a United States
51 marshal or deputy marshal, any special agent of the federal
52 government authorized to enforce the provisions of Title 21 of the
53 United States Code, or a member of a law enforcement unit of the
54 Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of
55 Connecticut created and governed by a memorandum of agreement
56 under section 47-65c who is certified as a police officer by the Police
57 Officer Standards and Training Council pursuant to sections 7-294a to
58 7-294e, inclusive;

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

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

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

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

76 (14) A person acts with "criminal negligence" with respect to a result

77 or to a circumstance described by a statute defining an offense when
78 he fails to perceive a substantial and unjustifiable risk that such result
79 will occur or that such circumstance exists. The risk must be of such
80 nature and degree that the failure to perceive it constitutes a gross
81 deviation from the standard of care that a reasonable person would
82 observe in the situation;

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

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

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

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

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

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

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

110 (22) "Employee of an emergency medical service organization"
111 means an ambulance driver, emergency medical technician or
112 paramedic, as defined in section 19a-175;

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

120 (24) "Frame or receiver" means the part of a sawed-off shotgun,
121 machine gun, rifle, shotgun, pistol, revolver or other weapon, whether
122 loaded or unloaded from which a shot may be discharged, that
123 provides the action or housing for the hammer, bolt or breechblock
124 and firing mechanism, and includes a frame or receiver blank, casting
125 or machined body that requires further machining or molding and
126 which is designed and intended to be used in the "manufacture" or
127 "assembly" of a functional firearm, as those terms are defined in
128 section 29-36, as amended by this act.

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

131 (a) (1) No individual shall complete the manufacture of a firearm
132 without (A) obtaining a unique serial number or other mark of
133 identification from the Department of Emergency Services and Public
134 Protection pursuant to section 3 of this act, and (B) engraving upon or
135 permanently affixing to the firearm such serial number or other mark
136 in a manner that conforms with the requirements imposed on licensed
137 importers and licensed manufacturers of firearms pursuant to 18 USC
138 923(i), as amended from time to time, and any regulation adopted
139 thereunder.

140 (2) No individual shall complete the assembly of a firearm, unless
141 such firearm (A) is a firearm to which a unique serial number or other
142 mark of identification is permanently affixed to such firearm, or (B)
143 was legally manufactured prior to October 1, 2018, without (i)
144 obtaining a serial number or other mark of identification from the
145 Department of Emergency Services and Public Protection pursuant to
146 section 3 of this act, and (ii) engraving upon or permanently affixing to
147 such firearm a unique serial number or other mark of identification in
148 a manner that conforms with the requirements imposed on licensed
149 importers and licensed manufacturers of firearms pursuant to 18 USC
150 923(i), as amended from time to time, and any regulation adopted
151 thereunder.

152 (b) No individual shall complete the manufacture or assembly of
153 any firearm from polymer plastic, unless such plastic is embedded
154 with at least three point seven ounces of material type 17-4 PH
155 stainless steel and such firearm is engraved or otherwise marked with
156 a unique serial number or other mark of identification pursuant to
157 subsection (a) of this section.

158 (c) Not later than thirty days after an individual completes
159 manufacturing or assembling a firearm pursuant to this section, such
160 individual shall notify the Department of Emergency Services and
161 Public Protection and provide any identifying information to said
162 department concerning the firearm and the owner of such firearm, in a
163 manner provided by the Commissioner of Emergency Services and
164 Public Protection.

165 [(a)] (d) No [person] individual shall remove, deface, alter or
166 obliterate the name of any maker or model or any maker's number,
167 unique serial number or other mark of identification on any firearm,
168 [as defined in section 53a-3.] The possession of any firearm upon
169 which any identifying mark, number or name has been removed,
170 defaced, altered or obliterated shall be prima facie evidence that the
171 [person] individual owning or in possession of such firearm has
172 removed, defaced, altered or obliterated the same.

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

176 (f) The provisions of this section shall not apply to (1) manufacture
177 or assembly of firearms by a federally licensed firearm manufacturer,
178 (2) (A) any firearm manufactured or assembled prior to October 21,
179 1968, provided such firearm is otherwise lawful, or (B) any replica of a
180 firearm described in subparagraph (A) of this subdivision, or (3)
181 delivery or transfer of a firearm to a law enforcement agency. Any
182 firearm delivered or transferred to a law enforcement agency pursuant
183 to this subsection shall be destroyed by the law enforcement agency.

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

188 [(b)] (h) Any [person] individual who violates any provision of this
189 section shall be guilty of a class C felony for which two years of the
190 sentence imposed may not be suspended or reduced by the court, and
191 five thousand dollars of the fine imposed may not be remitted or
192 reduced by the court unless the court states on the record its reasons
193 for remitting or reducing such fine, and any firearm found in the
194 possession of any [person] individual in violation of said provision
195 shall be forfeited.

196 (i) For purposes of this section, "manufacture" means to newly
197 fabricate or construct a firearm, "assembly" means the fitting together
198 of the component parts of a firearm to construct a firearm, "firearm"
199 means firearm, as defined in section 53a-3, as amended by this act, and
200 "law enforcement agency" means law enforcement agency, as defined
201 in section 29-1i.

202 Sec. 3. (NEW) (*Effective from passage*) The Department of Emergency
203 Services and Public Protection shall develop and maintain a system to
204 distribute a unique serial number or other mark of identification to any

205 individual requesting such number or mark in accordance with section
206 29-36 of the general statutes, as amended by this act. The department
207 shall maintain identifying information of the individual requesting the
208 number or mark and of the firearm for which each such number or
209 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