
OLR Bill Analysis

sHB 7219

AN ACT CONCERNING GHOST GUNS.

SUMMARY

This bill prohibits anyone from completing the manufacture of a firearm without obtaining and engraving or affixing on it a unique serial number or other identification mark from the Department of Emergency Services and Public Protection (DESPP) (i.e., creating a “ghost gun”). The mark or number must be engraved or affixed in a way that conforms to the serial number requirements federal law and associated regulations impose on licensed firearm importers and manufacturers. The bill requires DESPP to develop and maintain a system to distribute such serial numbers or identification marks. It also prohibits:

1. manufacturing a firearm from polymer plastic that is less detectible by a walk-through metal detector than a security exemplar (i.e., an object used to test and calibrate metal detectors);
2. transferring the above “ghost guns” or firearms made from polymer plastic, except to law enforcement; and
3. facilitating, aiding, or abetting the manufacture of a firearm (a) by or for an individual who is otherwise lawfully prohibited from owning or possessing a firearm or (b) that is otherwise unlawful to purchase or possess.

The bill’s provisions do not apply to (1) antique firearms, (2) the manufacture of firearms by a federally licensed firearm manufacturer, or (3) delivery or transfer of a firearm to a law enforcement agency (i.e., State Police or any municipal police department). In the latter circumstance, the law enforcement agency must destroy the firearm.

Additionally, the bill (1) prohibits removing, defacing, altering, or obliterating a unique serial number on any firearm that is not an antique (see BACKGROUND) and (2) makes an exception to current law's prohibition against taking such actions related to other identifying marks on a firearm (i.e., the make or model name, maker's number, or other identifying mark) if the firearm is an antique.

Under the bill, anyone who violates the bill's firearms provisions is guilty of a class C felony, punishable by up to 10 years imprisonment, up to a \$10,000 fine, or both. Two years of the sentence may not be suspended or reduced by the court and \$5,000 of the fine may not be remitted or reduced. Any firearm found in violation of the bill must be forfeited.

EFFECTIVE DATE: October 1, 2019, except the section requiring DESPP to develop a system to distribute serial numbers is effective upon passage.

MANUFACTURE OR ASSEMBLY OF A FIREARM FROM POLYMER PLASTICS

The bill also prohibits anyone from manufacturing a firearm from polymer plastic that, after removing grips, stocks, and magazines, is not as detectible as a security exemplar by a walk-through metal detector calibrated and operated to detect the exemplar. For these purposes, a "firearm" does not include the frame or receiver of such a weapon.

Under the bill, a "security exemplar" is an object suitable for testing and calibrating metal detectors and constructed of (1) 3.7 ounces of material type 17-4 PH stainless steel in the shape of a handgun or (2) a lesser amount of material that the U.S. Attorney General determines is detectible in view of advances in state-of-the-art developments in weapons detection technology.

DESPP Notification

Under the bill, within 30 days of completing the manufacture of any firearm under the bill, the individual must notify DESPP and provide any identifying information concerning the firearm and its owner in a

manner the DESPP commissioner prescribes.

Under the bill, “manufacture” means to fabricate or construct a firearm, including the initial assembly.

DESPP SYSTEM

Under the bill, by October 1, 2019, DESPP must develop and maintain a system to distribute a unique serial number or other identification mark to anyone requesting one in accordance with the bill’s requirements. DESPP must maintain identifying information of the (1) individual requesting the number or mark and (2) firearm for which the number or mark is requested.

BACKGROUND

Antique Firearm

By law, an antique firearm is:

1. any firearm manufactured before 1899, including a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system;
2. any replica of such a firearm if it (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (b) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily commercially available; or
3. any muzzle loading (a) rifle, (b) shotgun, or (c) pistol, designed to use black powder or a black powder substitute and that cannot use fixed ammunition.

The law specifies that “antique firearms” do not include any:

1. weapon that incorporates a firearm frame or receiver,
2. firearm that is converted into a muzzle loading weapon, or
3. muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or

any combination of such parts (18 U.S.C. § 921(16)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 12 (03/20/2019)