



House of Representatives

General Assembly

File No. 485

January Session, 2019

Substitute House Bill No. 7219

House of Representatives, April 8, 2019

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING GHOST GUNS.

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

1 Section 1. Section 29-36 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) No person shall complete the manufacture of a firearm without
4 (1) obtaining a unique serial number or other mark of identification
5 from the Department of Emergency Services and Public Protection
6 pursuant to section 2 of this act, and (2) engraving upon or
7 permanently affixing to the firearm such serial number or other mark
8 in a manner that conforms with the requirements imposed on licensed
9 importers and licensed manufacturers of firearms pursuant to 18 USC
10 923(i), as amended from time to time, and any regulation adopted
11 thereunder.

12 (b) No individual shall manufacture any firearm from polymer
13 plastic that, after removal of grips, stocks and magazines, is not as
14 detectible as the Security Exemplar, by walk-through metal detectors

15 calibrated and operated to detect the Security Exemplar. For purposes
16 of this subsection, "firearm" does not include the frame or receiver of
17 any such weapon and "Security Exemplar" means an object that is (1)
18 constructed of 3.7 ounces of material type 17-4 PH stainless steel, in a
19 shape resembling a handgun, or such lesser amount of material which
20 the Attorney General of the United States determines is detectable in
21 view of advances in state-of-the-art developments in weapons
22 detection technology, and (2) suitable for testing and calibrating metal
23 detectors.

24 (c) Not later than thirty days after a person completes manufacture
25 of a firearm pursuant to this section, such person shall notify the
26 Department of Emergency Services and Public Protection of such
27 manufacture and provide any identifying information to the
28 department concerning the firearm and the owner of such firearm, in a
29 manner prescribed by the Commissioner of Emergency Services and
30 Public Protection.

31 [(a)] (d) No person shall remove, deface, alter or obliterate the name
32 of any maker or model or any maker's number, unique serial number
33 or other mark of identification on any firearm. [as defined in section
34 53a-3.] The possession of any firearm upon which any identifying
35 mark, number or name has been removed, defaced, altered or
36 obliterated shall be prima facie evidence that the person owning or in
37 possession of such firearm has removed, defaced, altered or obliterated
38 the same.

39 (e) No person shall transfer to another person any firearm
40 manufactured as described in this section, except as provided in
41 subdivision (3) of subsection (f) of this section.

42 (f) The provisions of this section shall not apply to (1) manufacture
43 of firearms by a federally licensed firearm manufacturer, (2) any
44 antique firearm, as defined in 18 USC 921, as amended from time to
45 time, or (3) delivery or transfer of a firearm to a law enforcement
46 agency. Any firearm delivered or transferred to a law enforcement
47 agency pursuant to this subsection shall be destroyed by the law

48 enforcement agency.

49 (g) No person shall facilitate, aid or abet the manufacture of a
50 firearm (1) by a person or for a person who is otherwise prohibited by
51 law from purchasing or possessing a firearm, or (2) that a person is
52 otherwise prohibited by law from purchasing or possessing.

53 [(b)] (h) Any person who violates any provision of this section shall
54 be guilty of a class C felony for which two years of the sentence
55 imposed may not be suspended or reduced by the court, and five
56 thousand dollars of the fine imposed may not be remitted or reduced
57 by the court unless the court states on the record its reasons for
58 remitting or reducing such fine, and any firearm found in the
59 possession of any person in violation of said provision shall be
60 forfeited.

61 (i) For purposes of this section, "manufacture" means to fabricate or
62 construct a firearm including the initial assembly, "firearm" means
63 firearm, as defined in section 53a-3, and "law enforcement agency"
64 means law enforcement agency, as defined in section 29-1i.

65 Sec. 2. (NEW) (*Effective from passage*) Not later than October 1, 2019,
66 the Department of Emergency Services and Public Protection shall
67 develop and maintain a system to distribute a unique serial number or
68 other mark of identification to any individual requesting such number
69 or mark in accordance with section 29-36 of the general statutes, as
70 amended by this act. The department shall maintain identifying
71 information of the individual requesting the number or mark and of
72 the firearm for which each such number or mark is requested.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	29-36
Sec. 2	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1(b), "Attorney General" was changed to "Attorney General of the United States" for clarity and to conform with 18 USC 922(p).

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 20 \$	FY 21 \$
Department of Emergency Services and Public Protection	GF - Cost	Less than 10,000	Less than 10,000
Judicial Dept. (Probation); Correction, Dept.	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

There is a cost expected to be less than \$10,000 to the Department of Emergency Services and Public Protection (DESPP) resulting from the bill, which requires DESPP develop and maintain a system for providing serial numbers for ghost guns. The agency would likely have to modify an existing agreement with the third party vendor that currently provides services related to firearm serial numbers, resulting in a minimal cost.

The bill also expands the felony of alteration of a firearm and results in a potential cost from incarceration or potential revenue gain 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. As of February 2019, there are 10 offenders incarcerated for the current offense and 16 on probation. 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

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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.

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 detectable 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 detectable 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)