



General Assembly

**Amendment**

January Session, 2019

LCO No. 8009



Offered by:

REP. STAFSTROM, 129<sup>th</sup> Dist.

SEN. WINFIELD, 10<sup>th</sup> Dist.

REP. BLUMENTHAL, 147<sup>th</sup> Dist.

To: Subst. House Bill No. 7219

File No. 485

Cal. No. 312

**"AN ACT CONCERNING GHOST GUNS."**

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

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 Section 29-36 of the general statutes is repealed and the  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

5 (a) No person shall remove, deface, alter or obliterate the name of  
6 any maker or model or any maker's number, unique serial number or  
7 other mark of identification on any firearm as defined in section 53a-3.  
8 The possession of any firearm upon which any identifying mark,  
9 number or name has been removed, defaced, altered or obliterated  
10 shall be prima facie evidence that the person owning or in possession  
11 of such firearm has removed, defaced, altered or obliterated the same.

12 (b) Any person who violates any provision of this section shall be  
13 guilty of a class C felony for which two years of the sentence imposed

14 may not be suspended or reduced by the court, and five thousand  
15 dollars of the fine imposed may not be remitted or reduced by the  
16 court unless the court states on the record its reasons for remitting or  
17 reducing such fine, and any firearm found in the possession of any  
18 person in violation of said provision shall be forfeited.

19 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) No person shall complete  
20 the manufacture of a firearm without subsequently (1) obtaining a  
21 unique serial number or other mark of identification from the  
22 Department of Emergency Services and Public Protection pursuant to  
23 subsection (b) of this section, and (2) engraving upon or permanently  
24 affixing to the firearm such serial number or other mark in a manner  
25 that conforms with the requirements imposed on licensed importers  
26 and licensed manufacturers of firearms pursuant to 18 USC 923(i), as  
27 amended from time to time, and any regulation adopted thereunder.

28 (b) Not later than thirty days after a person completes the  
29 manufacture of a firearm or ninety days after the Department of  
30 Emergency Services and Public Protection provides notice in  
31 accordance with section 3 of this act that the system to distribute a  
32 unique serial number or other mark of identification pursuant to this  
33 section is operational, whichever date is later, such person shall notify  
34 the department of such manufacture and provide any identifying  
35 information to the department concerning the firearm and the owner  
36 of such firearm, in a manner prescribed by the Commissioner of  
37 Emergency Services and Public Protection. Upon receiving a properly  
38 submitted request for a unique serial number or other mark of  
39 identification from a person who completes manufacture of a firearm,  
40 the department shall determine if such person is prohibited from  
41 purchasing a firearm and if not, shall issue to such person a unique  
42 serial number or other mark of identification immediately and in no  
43 instance more than three business days after the department receives  
44 such request. Issuance of a unique serial number or other mark of  
45 identification pursuant to this subsection shall not be evidence that the  
46 firearm is otherwise lawfully possessed.

47 (c) No person shall transfer to another person any firearm  
48 manufactured in violation of this section.

49 (d) The provisions of this section shall not apply to (1) the  
50 manufacture of firearms by a federally licensed firearm manufacturer,  
51 (2) (A) any antique firearm, as defined in 18 USC 921, as amended  
52 from time to time, or (B) any firearm manufactured prior to the  
53 effective date of this section, provided such firearm is otherwise  
54 lawfully possessed, or (3) delivery or transfer of a firearm to a law  
55 enforcement agency.

56 (e) No person shall facilitate, aid or abet the manufacture of a  
57 firearm (1) by a person or for a person who is otherwise prohibited by  
58 law from purchasing or possessing a firearm, or (2) that a person is  
59 otherwise prohibited by law from purchasing or possessing.

60 (f) If the court finds that a violation of this section is not of a serious  
61 nature and that the person charged with such violation (1) will  
62 probably not offend in the future, (2) has not previously been  
63 convicted of a violation of this section, and (3) has not previously had a  
64 prosecution under this section suspended pursuant to this subsection,  
65 the court may order suspension of prosecution. The court shall not  
66 order suspension of prosecution unless the accused person has  
67 acknowledged that he or she understands the consequences of the  
68 suspension of prosecution. Any person for whom prosecution is  
69 suspended shall agree to the tolling of any statute of limitations with  
70 respect to such violation and to a waiver of his or her right to a speedy  
71 trial. Such person shall appear in court and shall be released to the  
72 custody of the Court Support Services Division for such period, not  
73 exceeding two years, and under such conditions as the court shall  
74 order. If the person refuses to accept, or, having accepted, violates such  
75 conditions, the court shall terminate the suspension of prosecution and  
76 the case shall be brought to trial. If such person satisfactorily completes  
77 such person's period of probation, he or she may apply for dismissal of  
78 the charges against such person and the court, on finding such  
79 satisfactory completion, shall dismiss such charges. If the person does

80 not apply for dismissal of the charges against such person after  
81 satisfactorily completing such person's period of probation, the court,  
82 upon receipt of a report submitted by the Court Support Services  
83 Division that the person satisfactorily completed such person's period  
84 of probation, may on its own motion make a finding of such  
85 satisfactory completion and dismiss such charges. Upon dismissal, all  
86 records of such charges shall be erased pursuant to section 54-142a of  
87 the general statutes. An order of the court denying a motion to dismiss  
88 the charges against a person who has completed such person's period  
89 of probation or terminating the participation of a defendant in such  
90 program shall be a final judgment for purposes of appeal.

91 (g) Any person who violates any provision of this section shall be  
92 guilty of a class C felony for which two years of the sentence imposed  
93 may not be suspended or reduced by the court, and five thousand  
94 dollars of the fine imposed may not be remitted or reduced by the  
95 court unless the court states on the record its reasons for remitting or  
96 reducing such fine, and any firearm found in the possession of any  
97 person in violation of any provision of this section shall be forfeited.

98 (h) For purposes of this section, "manufacture" means to fabricate or  
99 construct a firearm including the initial assembly, "firearm" means  
100 firearm, as defined in section 53a-3 of the general statutes, and "law  
101 enforcement agency" means law enforcement agency, as defined in  
102 section 29-1i of the general statutes.

103 Sec. 3. (NEW) (*Effective from passage*) Not later than October 1, 2019,  
104 the Department of Emergency Services and Public Protection, in  
105 consultation with the federal Bureau of Alcohol, Tobacco, Firearms  
106 and Explosives as needed, shall develop and maintain a system to  
107 distribute a unique serial number or other mark of identification to any  
108 person requesting such number or mark pursuant to section 2 or 5 of  
109 this act, and provide written notification that such system is  
110 operational by: (1) Posting the notification on the department's Internet  
111 web site, and (2) providing the notification electronically to federally  
112 licensed firearm dealers. The department shall maintain identifying

113 information of the person requesting the number or mark and of the  
114 firearm or unfinished frame or lower receiver for which each such  
115 number or mark is requested.

116 Sec. 4. (NEW) (*Effective October 1, 2019*) (a) No person shall  
117 manufacture any firearm from polymer plastic that, after removal of  
118 grips, stocks and magazines, is not as detectible as the security  
119 exemplar, by walk-through metal detectors calibrated and operated to  
120 detect the security exemplar.

121 (b) If the court finds that a violation of this section is not of a serious  
122 nature and that the person charged with such violation (1) will  
123 probably not offend in the future, (2) has not previously been  
124 convicted of a violation of this section, and (3) has not previously had a  
125 prosecution under this section suspended pursuant to this subsection,  
126 the court may order suspension of prosecution. The court shall not  
127 order suspension of prosecution unless the accused person has  
128 acknowledged that he or she understands the consequences of the  
129 suspension of prosecution. Any person for whom prosecution is  
130 suspended shall agree to the tolling of any statute of limitations with  
131 respect to such violation and to a waiver of his or her right to a speedy  
132 trial. Such person shall appear in court and shall be released to the  
133 custody of the Court Support Services Division for such period, not  
134 exceeding two years, and under such conditions as the court shall  
135 order. If the person refuses to accept, or, having accepted, violates such  
136 conditions, the court shall terminate the suspension of prosecution and  
137 the case shall be brought to trial. If such person satisfactorily completes  
138 such person's period of probation, he or she may apply for dismissal of  
139 the charges against such person and the court, on finding such  
140 satisfactory completion, shall dismiss such charges. If the person does  
141 not apply for dismissal of the charges against such person after  
142 satisfactorily completing such person's period of probation, the court,  
143 upon receipt of a report submitted by the Court Support Services  
144 Division that the person satisfactorily completed such person's period  
145 of probation, may on its own motion make a finding of such  
146 satisfactory completion and dismiss such charges. Upon dismissal, all

147 records of such charges shall be erased pursuant to section 54-142a of  
148 the general statutes. An order of the court denying a motion to dismiss  
149 the charges against a person who has completed such person's period  
150 of probation or terminating the participation of a defendant in such  
151 program shall be a final judgment for purposes of appeal.

152 (c) Any person who violates any provision of this section shall be  
153 guilty of a class C felony for which two years of the sentence imposed  
154 may not be suspended or reduced by the court, and five thousand  
155 dollars of the fine imposed may not be remitted or reduced by the  
156 court unless the court states on the record its reasons for remitting or  
157 reducing such fine, and any firearm found in the possession of any  
158 person in violation of any provision of this section shall be forfeited.

159 (d) For purposes of this section, "firearm" means firearm, as defined  
160 in section 53a-3 of the general statutes, but does not include the frame  
161 or receiver of any such weapon and "security exemplar" means  
162 "security exemplar" as defined in 18 USC 922(p), as amended from  
163 time to time, and any regulation adopted thereunder.

164 Sec. 5. (NEW) (*Effective from passage*) (a) No person shall purchase or  
165 receive or sell, deliver or otherwise transfer an unfinished frame or  
166 lower receiver, except as provided in: (1) Subsections (b) and (c) of this  
167 section; or (2) subsection (d) of this section; or (3) subsection (e) of this  
168 section.

169 (b) The procedures for the purchase or receipt or sale, delivery or  
170 other transfer of an unfinished frame or lower receiver shall be the  
171 same procedures as apply to the purchase or receipt or sale, delivery or  
172 other transfer of a pistol or revolver under subsections (b) to (e),  
173 inclusive, of section 29-33 of the general statutes, provided such  
174 purchase or receipt or sale, delivery or other transfer of an unfinished  
175 frame or lower receiver is in accordance with the provisions of  
176 subsection (c) of this section.

177 (c) (1) No person shall sell, deliver or otherwise transfer an  
178 unfinished frame or lower receiver pursuant to subsection (b) of this

179 section that does not have a unique serial number or other mark of  
180 identification, obtained pursuant to: (A) The serial numbering program  
181 of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or  
182 (B) subdivisions (2) and (3) of this subsection.

183 (2) A person may obtain a unique serial number or other mark of  
184 identification for an unfinished frame or lower receiver by providing  
185 to the Department of Emergency Services and Public Protection any  
186 identifying information concerning the unfinished frame or lower  
187 receiver and the owner of such unfinished frame or lower receiver, in a  
188 manner prescribed by the Commissioner of Emergency Services and  
189 Public Protection. Upon receiving a properly submitted request for a  
190 unique serial number or other mark of identification for an unfinished  
191 frame or lower receiver, the Department of Emergency Services and  
192 Public Protection shall determine if such person is prohibited from  
193 possessing a firearm, and if not, shall issue to such person a unique  
194 serial number or other mark of identification immediately and in no  
195 instance more than (A) three business days after the Department of  
196 Emergency Services and Public Protection receives such request, or (B)  
197 ten business days after the system to distribute a unique serial number  
198 or other mark of identification pursuant to section 3 of this act is  
199 operational, whichever date is later.

200 (3) Such unique serial number or other mark of identification shall  
201 be engraved upon or permanently affixed to the unfinished frame or  
202 lower receiver in a manner that conforms with the requirements  
203 imposed on licensed importers and licensed manufacturers of firearms  
204 pursuant to 18 USC 923(i), as amended from time to time, and any  
205 regulation adopted thereunder.

206 (d) The provisions of subsections (a) to (c), inclusive, of this section  
207 shall not apply to the sale, delivery or transfer of any unfinished frame  
208 or lower receiver between (1) a federally licensed firearm  
209 manufacturer and a federally licensed firearm dealer, (2) a federally  
210 licensed firearm importer and a federally licensed firearm dealer, or (3)  
211 federally licensed firearm dealers.

212 (e) Any person may arrange in advance to deliver and transfer an  
213 unfinished frame or lower receiver to a police department or the  
214 Department of Emergency Services and Public Protection.

215 (f) On and after October 1, 2019, no person shall possess an  
216 unfinished frame or lower receiver unless such person is eligible to  
217 possess a firearm under state and federal law.

218 (g) If the court finds that a violation of this section is not of a serious  
219 nature and that the person charged with such violation (1) will  
220 probably not offend in the future, (2) has not previously been  
221 convicted of a violation of this section, and (3) has not previously had a  
222 prosecution under this section suspended pursuant to this subsection,  
223 the court may order suspension of prosecution. The court shall not  
224 order suspension of prosecution unless the accused person has  
225 acknowledged that he or she understands the consequences of the  
226 suspension of prosecution. Any person for whom prosecution is  
227 suspended shall agree to the tolling of any statute of limitations with  
228 respect to such violation and to a waiver of his or her right to a speedy  
229 trial. Such person shall appear in court and shall be released to the  
230 custody of the Court Support Services Division for such period, not  
231 exceeding two years, and under such conditions as the court shall  
232 order. If the person refuses to accept, or, having accepted, violates such  
233 conditions, the court shall terminate the suspension of prosecution and  
234 the case shall be brought to trial. If such person satisfactorily completes  
235 such person's period of probation, he or she may apply for dismissal of  
236 the charges against such person and the court, on finding such  
237 satisfactory completion, shall dismiss such charges. If the person does  
238 not apply for dismissal of the charges against such person after  
239 satisfactorily completing such person's period of probation, the court,  
240 upon receipt of a report submitted by the Court Support Services  
241 Division that the person satisfactorily completed such person's period  
242 of probation, may on its own motion make a finding of such  
243 satisfactory completion and dismiss such charges. Upon dismissal, all  
244 records of such charges shall be erased pursuant to section 54-142a of  
245 the general statutes. An order of the court denying a motion to dismiss



246 the charges against a person who has completed such person's period  
247 of probation or terminating the participation of a defendant in such  
248 program shall be a final judgment for purposes of appeal.

249 (h) Any person who violates any provision of this section shall be  
250 guilty of a class C felony for which two years of the sentence imposed  
251 may not be suspended or reduced by the court, and five thousand  
252 dollars of the fine imposed may not be remitted or reduced by the  
253 court unless the court states on the record its reasons for remitting or  
254 reducing such fine, except that any person who sells, delivers or  
255 otherwise transfers an unfinished frame or lower receiver in violation  
256 of the provisions of this section knowing that such unfinished frame or  
257 lower receiver is stolen or that the manufacturer's number or other  
258 mark of identification on such unfinished frame or lower receiver has  
259 been altered, removed or obliterated, shall be guilty of a class B felony  
260 for which three years of the sentence imposed may not be suspended  
261 or reduced by the court, and ten thousand dollars of the fine imposed  
262 may not be remitted or reduced by the court unless the court states on  
263 the record its reasons for remitting or reducing such fine, and any  
264 unfinished frame or lower receiver found in the possession of any  
265 person in violation of any provision of this section shall be forfeited.

266 (i) For purposes of this section, "unfinished frame or lower receiver"  
267 means a blank, casting or machined body intended to be turned into  
268 the frame or lower receiver of a firearm, as defined in section 53a-3 of  
269 the general statutes, with additional machining, and which has been  
270 formed or machined to the point where most major machining  
271 operations have been completed to turn the blank, casting or machined  
272 body into a frame or lower receiver of a firearm, even if the fire-control  
273 cavity area of such blank, casting or machined body is still completely  
274 solid and unmachined. An "unfinished frame or lower receiver" is not  
275 a firearm, as defined in 18 USC 921(a), as amended from time to time."

This act shall take effect as follows and shall amend the following sections:

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Section 1	<i>October 1, 2019</i>	29-36
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2019</i>	New section
Sec. 5	<i>from passage</i>	New section