



House of Representatives

General Assembly

File No. 575

January Session, 2021

Substitute House Bill No. 6491

House of Representatives, April 22, 2021

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 ELECTRONIC DEFENSE WEAPONS.

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

1 Section 1. Section 29-38 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) Any person who knowingly has, in any vehicle owned, operated
4 or occupied by such person, any weapon, any pistol or revolver for
5 which a proper permit has not been issued as provided in section 29-28
6 or any machine gun which has not been registered as required by section
7 53-202, shall be guilty of a class D felony, and the presence of any such
8 weapon, pistol or revolver, or machine gun in any vehicle shall be prima
9 facie evidence of a violation of this section by the owner, operator and
10 each occupant thereof. The word "weapon", as used in this section,
11 means any BB. gun, any blackjack, any metal or brass knuckles, any
12 police baton or nightstick, any dirk knife or switch knife, any knife
13 having an automatic spring release device by which a blade is released
14 from the handle, having a blade of over one and one-half inches in
15 length, any stiletto, any knife the edged portion of the blade of which is

16 four inches or more in length, any martial arts weapon or electronic
17 defense weapon, as defined in section 53a-3, as amended by this act, or
18 any other dangerous or deadly weapon or instrument.

19 (b) The provisions of this section shall not apply to: (1) Any officer
20 charged with the preservation of the public peace while engaged in the
21 pursuit of such officer's official duties; (2) any security guard having a
22 baton or nightstick in a vehicle while engaged in the pursuit of such
23 guard's official duties; (3) any person enrolled in and currently
24 attending a martial arts school, with official verification of such
25 enrollment and attendance, or any certified martial arts instructor,
26 having any such martial arts weapon in a vehicle while traveling to or
27 from such school or to or from an authorized event or competition; (4)
28 any person having a BB. gun in a vehicle provided such weapon is
29 unloaded and stored in the trunk of such vehicle or in a locked container
30 other than the glove compartment or console; (5) any person having a
31 knife, the edged portion of the blade of which is four inches or more in
32 length, in a vehicle if such person is (A) any member of the armed forces
33 of the United States, as defined in section 27-103, or any reserve
34 component thereof, or of the armed forces of the state, as defined in
35 section 27-2, when on duty or going to or from duty, (B) any member of
36 any military organization when on parade or when going to or from any
37 place of assembly, (C) any person while transporting such knife as
38 merchandise or for display at an authorized gun or knife show, (D) any
39 person while lawfully removing such person's household goods or
40 effects from one place to another, or from one residence to another, (E)
41 any person while actually and peaceably engaged in carrying any such
42 knife from such person's place of abode or business to a place or person
43 where or by whom such knife is to be repaired, or while actually and
44 peaceably returning to such person's place of abode or business with
45 such knife after the same has been repaired, (F) any person holding a
46 valid hunting, fishing or trapping license issued pursuant to chapter 490
47 or any saltwater fisherman while having such knife in a vehicle for
48 lawful hunting, fishing or trapping activities, or (G) any person
49 participating in an authorized historic reenactment; (6) any person
50 having an electronic defense weapon, as defined in section 53a-3, as

51 amended by this act, in a vehicle, who is twenty-one years of age or
52 older and possesses a permit or certificate issued under the provisions
53 of section 29-28, 29-36f, 29-37p or 29-38n; or [(6)] (7) any person having
54 a dirk knife or police baton in a vehicle while lawfully moving such
55 person's household goods or effects from one place to another, or from
56 one residence to another.

57 Sec. 2. Section 53-206 of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective July 1, 2022*):

59 (a) Any person who carries upon his or her person any BB. gun,
60 blackjack, metal or brass knuckles, or any dirk knife, or any switch knife,
61 or any knife having an automatic spring release device by which a blade
62 is released from the handle, having a blade of over one and one-half
63 inches in length, or stiletto, or any knife the edged portion of the blade
64 of which is four inches or more in length, any police baton or nightstick,
65 or any martial arts weapon or electronic defense weapon, as defined in
66 section 53a-3, as amended by this act, or any other dangerous or deadly
67 weapon or instrument, shall be guilty of a class E felony. Whenever any
68 person is found guilty of a violation of this section, any weapon or other
69 instrument within the provisions of this section, found upon the body
70 of such person, shall be forfeited to the municipality wherein such
71 person was apprehended, notwithstanding any failure of the judgment
72 of conviction to expressly impose such forfeiture.

73 (b) The provisions of this section shall not apply to (1) any officer
74 charged with the preservation of the public peace while engaged in the
75 pursuit of such officer's official duties; (2) the carrying of a baton or
76 nightstick by a security guard while engaged in the pursuit of such
77 guard's official duties; (3) the carrying of a knife, the edged portion of
78 the blade of which is four inches or more in length, by (A) any member
79 of the armed forces of the United States, as defined in section 27-103, or
80 any reserve component thereof, or of the armed forces of the state, as
81 defined in section 27-2, when on duty or going to or from duty, (B) any
82 member of any military organization when on parade or when going to
83 or from any place of assembly, (C) any person while transporting such

84 knife as merchandise or for display at an authorized gun or knife show,
85 (D) any person who is found with any such knife concealed upon one's
86 person while lawfully removing such person's household goods or
87 effects from one place to another, or from one residence to another, (E)
88 any person while actually and peaceably engaged in carrying any such
89 knife from such person's place of abode or business to a place or person
90 where or by whom such knife is to be repaired, or while actually and
91 peaceably returning to such person's place of abode or business with
92 such knife after the same has been repaired, (F) any person holding a
93 valid hunting, fishing or trapping license issued pursuant to chapter 490
94 or any saltwater fisherman carrying such knife for lawful hunting,
95 fishing or trapping activities, or (G) any person while participating in an
96 authorized historic reenactment; (4) the carrying by any person enrolled
97 in or currently attending, or an instructor at, a martial arts school of a
98 martial arts weapon while in a class or at an authorized event or
99 competition or while transporting such weapon to or from such class,
100 event or competition; (5) the carrying of a BB. gun by any person taking
101 part in a supervised event or competition of the Boy Scouts of America
102 or the Girl Scouts of America or in any other authorized event or
103 competition while taking part in such event or competition or while
104 transporting such weapon to or from such event or competition; (6) the
105 carrying of an electronic defense weapon, as defined in section 53a-3, as
106 amended by this act, by any person who is twenty-one years of age or
107 older and possesses a permit or certificate issued under the provisions
108 of section 29-28, 29-36f, 29-37p or 29-38n; and [(6)] (7) the carrying of a
109 BB. gun by any person upon such person's own property or the property
110 of another person provided such other person has authorized the
111 carrying of such weapon on such property, and the transporting of such
112 weapon to or from such property.

113 Sec. 3. (NEW) (*Effective July 1, 2022*) Any person who sells or transfers
114 an electronic defense weapon, as defined in section 53a-3 of the general
115 statutes, as amended by this act, to any person who is under twenty-one
116 years of age or does not possess a permit or certificate issued under the
117 provisions of section 29-28, 29-36f, 29-37p or 29-38n of the general
118 statutes shall be guilty of a class D felony.

119 Sec. 4. Subdivision (20) of section 53a-3 of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective July 1,*
121 *2022*):

122 (20) "Electronic defense weapon" means a weapon which by
123 electronic impulse or current is capable of immobilizing a person
124 temporarily, [but is not capable of inflicting death or serious physical
125 injury,] including a stun gun or other conductive energy device;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	29-38
Sec. 2	<i>July 1, 2022</i>	53-206
Sec. 3	<i>July 1, 2022</i>	New section
Sec. 4	<i>July 1, 2022</i>	53a-3(20)

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 22 \$	FY 23 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes changes to laws regarding electronic defense weapons and results in a potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200¹ 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 the number of violations.

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 6491*****AN ACT CONCERNING ELECTRONIC DEFENSE WEAPONS.*****SUMMARY**

This bill makes changes in the laws governing electronic defense weapons. Specifically, it does the following:

1. allows individuals over age 21 who possess certain firearm credentials to carry an electronic defense weapon;
2. expands what is considered an “electronic defense weapon” to include those that are incapable of inflicting death or serious physical injury; and
3. makes it a class D felony (punishable by up to five years imprisonment, up to a \$5,000 fine, or both) to sell or transfer these weapons to anyone who is under age 21 or does not possess a valid firearm credential.

Current law generally prohibits individuals from carrying electronic defense weapons in motor vehicles or on their persons (because they are classified as dangerous weapons). The bill exempts from this prohibition individuals who are at least age 21 and have an eligibility certificate or permit to carry or sell handguns or long guns or ammunition certificate (i.e., valid firearm credentials).

Under current law, “electronic defense weapon” means a weapon that, by electronic impulse or current, can temporarily immobilize a person but is incapable of inflicting death or serious physical injury (including a stun gun or other conductive energy device). The bill expands the definition by eliminating the requirement that the weapon be incapable of inflicting death or serious physical injury.

EFFECTIVE DATE: July 1, 2022

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (04/06/2021)