STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION
OFFICE OF THE COMMISSIONER

Judiciary Committee Testimony
March 14, 2022

Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, and distinguished members of the Judiciary Committee, my name is James Rovella, and I am the Commissioner of Emergency Services and Public Protection. Thank you for allowing me to testify today in strong support of Governor Lamont's proposal, Senate Bill 16, An Act Addressing Gun Violence and Juvenile Crime. Combined with the $72.5 million in the Governor's budget, surplus, and ARPA packages, SB 16's common-sense proposals represent a targeted and comprehensive approach to public safety.

The Department of Emergency Services and Public Protection (DESPP) appreciates that these proposals fit in to the administration's historic support for public safety. Among other efforts, the administration has trained an increasingly diverse and historic number of state and municipal police officers, funded police departments and probation services during the pandemic, supported hospital-based violence intervention programs with Medicaid funding, and worked with neighboring states to trace illegal firearms.

While Connecticut remains one of the safest states in the country, DESPP and the administration recognize that public safety must remain a top priority and adapt to new and emerging challenges. Here and around the country, rising crime is often the symptom of a population reeling from two years of COVID-19 and of streets awash in illegal guns. SB 16 proposes to fund community violence intervention programs, support municipal police departments, shore up the justice system's response to certain crimes, and slow the proliferation of illegal firearms.

DESPP supports each of these proposals and will discuss each one in turn.

<u>Gun Tracing Task Force</u> (Section 1)

Like the US as a whole, Connecticut experienced an uptick in certain crimes involving firearms during the pandemic, even as overall violent crime decreased in 2020. In keeping with the administration's focus on regional coordination, DESPP entered last year into a memorandum of understanding with New York, New Jersey, and Pennsylvania to exchange tracing information on illegal guns. Section 1 reestablishes the Gun Tracing Task Force to work with local, state and federal partners to exchange information, identify persons illegally trafficking firearms, track firearms sold or distributed illegally and prosecute such persons. This proposal will also require

statistical information to be captured and reported annually to the Governor and both the public safety and judiciary committees.

<u>Ghost Guns</u> (Section 2)

On June 3rd, 2019, Public Act 19-6, An Act Concerning Ghost Guns, was signed into law by the Governor following bipartisan passage in the General Assembly. The intention of the Act was to prevent people from making their own home-made guns without a serial number and thus circumventing the ability for DESPP to track them. These home-made guns are "ghosts" because no one knows they exist besides the manufacturer. Similarly, PA 19-6 prevents persons prohibited from possessing firearms from purchasing a kit and with minor effort, making their own firearm.

Current law makes it illegal for anyone to possess a ghost gun manufactured after October 1, 2019, without first registering and serializing it with the state. It is nearly impossible to determine when a gun was made, however, absent the person's inculpatory statement or somehow finding a dated receipt which could be tied to the gun. This loophole enables people, including minors and prohibited purchasers, to buy and build a gun without a background check.

This proposal will address this vulnerability in current law. It would require anyone who possesses a non-serialized firearm after January 1, 2023 to register it with the Special Licensing and Firearms Unit (SLFU). With the exception of firearms manufactured before December 16, 1968, anyone who possesses a firearm that is not serialized or declared after this date, will be in violation of the law. This language shields people with older and potentially valuable antique firearms from engraving them and harming their value, while also obtaining an accounting of how many non-serialized firearms are in existence and allowing the current law to be enforced.

<u>Modified Firearm Carry</u> (Section 3)

Gun owners are allowed to open- and concealed-carry essentially everywhere in Connecticut, even in many sensitive locations like polling places and protests. Police officers cannot ask those openly brandishing weapons, even on the streets of our center cities, for their permit unless they suspect they have committed a crime. Throughout our nation, we have seen instances of protestors and counter-protestors arming themselves and seeking confrontations, leading to disastrous results for everyone.

The proposal makes it easier for law enforcement officers to request to see the gun permits of those openly carrying firearms, and bans the carrying of firearms in polling places, public buildings, public transit, and open carrying at demonstrations (such as marches, rallies, vigils, sit-ins, protests, etc.) It allows municipalities to adopt an ordinance specifying that a law enforcement officer may make such a request only if such officer has reasonable suspicion of a crime.

<u>Assault Weapons Laws</u> (Sections 4 - 8)

Since the enactment of the 2013 assault weapon statute, people have exploited weaknesses in the law to purchase firearms that are substantially the same as banned assault weapons. Gun manufacturers have developed new technology to evade restrictions in Connecticut and other

states, necessitating an update to our statutes. While assault weapons are not the most common type of firearm used in individual incidents of gun violence, they are frequently seen in horrific mass shootings, including several around the country over the past few years. Therefore, additional safety measures are needed for assault weapons.

A way in which manufacturers circumvent the law is by creating new models of firearm that are not classified as either a pistol, rifle, or shotgun, and therefore are entirely exempt from the assault weapon ban. Those dangerous weapons are commonly referred to as “others.” For all intents and purposes, “others” look like and are the functional equivalent of an assault weapon. They are not classified as pistols because they have a barrel slightly longer than 12 inches, and they are not classified as rifles because the shoulder stock of the firearm is labeled as a "stabilizing brace" or "forearm grip." Due to the brace or grip being smaller, the firearm is therefore more easily concealed and dangerous. Many models even use an extendable "stabilizing brace" which can perform the exact function of a rifle's shoulder stock when extended.

Another angle used to obtain assault weapons is to purchase assault weapons manufactured prior to September 13, 1994. Those older assault weapons were exempted by the legislature in the current statutes. We are finding, however, that assault weapons are entering the state due to the mere fact that they are exempted. Crucially, pre-ban weapons are not subject to the registration requirement for post-1994 assault weapons, and after entering the state they can be transferred freely.

The last loophole addressed is the issue of rimfire rifles. There are certain rimfire rifles that operate and appear in the functional equivalent manner of an assault weapon, while technically evading the ban. The proposed language creates parity amongst the centerfire rifles, requiring one feature to classify a rimfire rifle as an assault weapon.

With the proposal, the owners of these otherwise legally possessed firearms would be allowed to register them with the SLFU by January 1, 2023. Much like with the 2013 expansion of the assault weapons ban, existing owners would be able to keep and continue to use any assault weapons they currently possess.

<u>Loaded Firearm Transport</u> (Section 9)

The current language in the statute only allows shotguns and rifles to be transported or carried in a vehicle or snow mobile while unloaded. Section 9 aims to address the firearms which do not meet this definition, but are functionally equivalent, “others.” “Others” operate and appear in the same manner as an assault weapon or rifle, but due to the legal definition are not required to be unloaded. This proposal would create parity in the law. Pistols would be exempted, if carried by a lawfully permitted person.

<u>Gun Dealers</u> (Sections 10 - 24)

Both state and federal statutes currently require a gun dealer to obtain a license from the Bureau of Alcohol Tobacco and Firearms and Explosives (BATF) and local authority before conducting business. Although the gun dealers must register with the SLFU, the state has no licensing authority over them. While most Connecticut gun dealers take their obligations under state law seriously, a few do not scrupulously follow Connecticut’s laws. The lack of state

licensing for gun dealers makes it difficult for the DESPP to enforce those laws, and lax security or inventory tracking can lead to diversion of guns into the wrong hands.

The Governor's proposal creates a statewide licensing system for all gun dealers in Connecticut, so the DESPP can provide oversight and guidance to gun dealers as they comply with state law. Existing businesses would be grandfathered in and receive a license without needing to pay the application fee. SLFU will have the authority to fine, suspend or revoke a state license. The gun dealers will have the ability to appeal any revocation to the Board of Firearm Permit Examiners using the same mechanism afforded to persons whose pistol permit is revoked.

Domestic Violence and Pistol Permit Disqualifiers (Sections 25 - 27)

The proposed language seeks to automatically disqualify a person's ability to possess a pistol permit for domestic violence convictions, someone who is a fugitive from justice and who has been adjudicated as a mental defective, or who has been committed to a mental institution. These disqualifiers already prohibit a person from purchasing or possessing a firearm according to federal law. The proposed language creates uniformity amongst federal and state law. There can be no legal use for a permit if you are federally prohibited from possessing firearms.

Safe Storage (Section 28)

Accidental deaths and illegally possessed weapons frequently originate from improperly stored firearms. This common-sense change extends the existing requirement that handguns be sold with trigger locks to all firearms.

Juvenile Detention (Section 29)

Current state law authorizes a maximum of six hours that law enforcement can detain a juvenile. That limit was imposed in accordance with federal requirements that no longer apply to Connecticut. The proposed bill allows police to detain a juvenile for up to eight hours if an officer is waiting on a judge to sign an order of detention, or if the officer is actively engaged in contacting the juvenile's parent or guardian. That change provides greater flexibility under limited circumstances during the development of a detention order petition and protects against a juvenile being released unsupervised to the street too soon, before a parent or guardian can be located or a judge can review a complete detention order petition, because an inflexible time limit has expired.

Juvenile Investigations (Section 30)

After arresting a child, officers can currently follow a protocol to get access to the child's arrest record to determine if applying for an order of detention is appropriate. Section 30 would allow officers to access the most recent records directly — within the last 90 days — to ensure that the necessary information can be accessed quickly when a youth has engaged in repeated recent criminal behavior.

The Judicial Branch's recently-created after-hours protocol would continue in the short term. This proposal will create a durable solution that allows direct access to recent records under prescribed circumstances, with the intention of providing judges detailed information to review. DESPP understands that the proposal as currently drafted may need tweaking to enable

efficient implementation. The administration has begun conversations with the Judicial Branch to determine the most effective path forward and looks forward to working with the Committee to finalize this provision.

Serious Juvenile Offenses (Section 31)

Section 31 adds failing to stop a motor vehicle when signaled, evading responsibility leading to death or a serious injury, and burglary in the second degree to the statutory list of Serious Juvenile Offenses. Additionally, a second violation of auto theft (Larceny 1–3) would be considered a Serious Juvenile Offense.

This proposal ensures that offenses of a similar level of seriousness are treated similarly, primarily entailing that a judge must sign off on any release from detention of a youth accused of one of these offenses. To that end, the policy seeks a balanced approach by focusing on a narrow set of offenses, providing for a review of the young person's needs to determine whether services and supports are needed, and retaining discretion to provide juvenile justice system responses if appropriate. This change does not impact the transferability of any offenses to adult court.

Electronic Monitoring (Section 32)

Most youth who interact with the juvenile justice system are appropriate for programs, services, and diversion, with the goal of never touching the system again. A small proportion of the population has more serious needs, however, and are appropriate for responses that can lead to meaningful behavior change. Several concerning incidents of repeated criminal behavior by youth have occurred that raise the need for focused revisions to certain statutes.

To that end, section 32 mandates that children arrested for auto theft or related offenses after an earlier adjudication for one of these offenses would be placed on electronic monitoring. This form of supervision avoids placing youth in secure facilities. Instead, they would remain the community, with access to pro-social supports, while adhering to the conditions of a suspended detention order.

DESPP understands that similar proposals have been included in other bills. The Department would be happy to discuss the most efficient and effective way to structure this provision with the Committee or other interested legislators.

Community Violence Intervention (Section 33)

Combined with the $3.6 million in funding in the Governor's American Rescue Plan package, section 33 would establish statewide coordination, evaluation, and increased funding for all models of community violence intervention programs. DESPP would refer the Committee to the testimony of Commissioner Juthani for details on this effort.

Thank you for the opportunity to provide testimony on the Governor's critical legislative proposal. Along with the rest of the administration, DESPP looks forward to working with the Committee to build public safety legislation that will prioritize addressing these challenges.