



General Assembly

Amendment

February Session, 2022

LCO No. 5691



Offered by:

REP. STAFSTROM, 129th Dist.
REP. WALKER, 93rd Dist.
REP. NOLAN, 39th Dist.
REP. BLUMENTHAL, 147th Dist.

To: Subst. House Bill No. 5417

File No. 525

Cal. No. 387

**"AN ACT CONCERNING JUVENILE JUSTICE AND SERVICES,
FIREARMS BACKGROUND CHECKS, AND LARCENY OF A MOTOR
VEHICLE."**

1 Strike subsection (c) of section 1 in its entirety and substitute the
2 following in lieu thereof:

3 "(c) (1) Upon the arrest of any child by an officer, such officer may
4 [(1)] (A) release the child to the custody of the child's parent or parents,
5 guardian or some other suitable person or agency, [(2)] (B) at the
6 discretion of the officer, release the child to the child's own custody, or
7 [(3)] (C) using the form prescribed pursuant to section 46b-133p, as
8 amended by this act, seek a court order to detain the child in a juvenile
9 residential center. No child may be placed in a juvenile residential center
10 unless a judge of the Superior Court determines, based on the available
11 facts, that [(A)] (i) there is probable cause to believe that the child has

12 committed the acts alleged, [(B)] (ii) there is no appropriate less
13 restrictive alternative available, and [(C)] (iii) there is [(i)] (I) probable
14 cause to believe that the level of risk that the child poses to public safety
15 if released to the community prior to the court hearing or disposition
16 cannot be managed in a less restrictive setting, [(ii)] (II) a need to hold
17 the child in order to ensure the child's appearance before the court or
18 compliance with court process, as demonstrated by the child's previous
19 failure to respond to the court process, or [(iii)] (III) a need to hold the
20 child for another jurisdiction. No child shall be held in any juvenile
21 residential center unless an order to detain is issued by a judge of the
22 Superior Court. If any such judge declines to detain a child, such judge
23 shall articulate the reasons in writing upon the form submitted in
24 accordance with subparagraph (C) of this subdivision for not holding
25 the child in a juvenile residential center.

26 (2) A judge of the Superior Court may order any child who is released
27 into the custody of his or her parent or guardian or some other suitable
28 person or agency after being charged with a second or subsequent
29 delinquency offense involving a motor vehicle, as defined in section
30 46b-133j, as amended by this act, or property theft, to be electronically
31 monitored by using a global positioning system device until such child's
32 case is disposed of or earlier upon order of the court. Any failure by the
33 child to adhere to the judge's order concerning electronic monitoring
34 may result in immediate detention of such child."

35 Change the effective date of section 5 to "Effective June 1, 2023"

36 In line 332, after "investigations," insert "as provided in subsection (o)
37 of this section or orders to detain pursuant to section 46b-133, as
38 amended by this act,"

39 In line 352, strike "Records of cases of juvenile matters"

40 Strike lines 353 to 355, inclusive, in their entirety

41 In line 365, after "marshal" insert "or adult probation officer"

42 In line 376, after "Administrator." insert "On and after October 1, 2022,
43 such form shall instruct any judge who declines to detain such child to
44 articulate in writing, upon such form, the reasons for such declination."

45 In line 382, after "Branch" insert ", the Division of Criminal Justice, the
46 Division of State Police within the Department of Emergency Services
47 and Public Protection and each municipal police department'"

48 Strike sections 19 to 21, inclusive, in their entirety and renumber the
49 remaining sections and internal references accordingly

50 After the last section, add the following and renumber sections and
51 internal references accordingly:

52 "Sec. 501. Section 46b-124 of the 2022 supplement to the general
53 statutes is amended by adding subsection (o) as follows (*Effective June 1,*
54 *2022*):

55 (NEW) (o) A law enforcement official conducting a legitimate
56 criminal investigation may have direct electronic access to the following
57 information concerning a child who is subject to such investigation: (1)
58 Pending juvenile delinquency charges; and (2) any suspended detention
59 orders or prior juvenile adjudications during the ninety days prior to the
60 initiation of such investigation.

61 Sec. 502. (*Effective from passage*) Not later than March 1, 2023, the
62 executive director of the Court Support Services Division of the Judicial
63 Branch shall report on the progress being made toward the
64 implementation of the provisions of section 46b-124 of the general
65 statutes, as amended by this act, to the joint standing committee of the
66 General Assembly having cognizance of matters relating to the judiciary
67 in accordance with the provisions of section 11-4a of the general statutes.

68 Sec. 503. Subsection (a) of section 46b-133p of the 2022 supplement to
69 the general statutes is repealed and the following is substituted in lieu
70 thereof (*Effective from passage*):

71 (a) Any law enforcement officer who sought a court order to detain a

72 child pursuant to subdivision (3) of subsection (c) of section 46b-133, as
73 amended by this act, shall attach, along with the summons, a copy of the
74 completed form to detain that is prescribed by Office of the Chief Court
75 Administrator. On and after October 1, 2022, such form shall instruct
76 any judge who declines to detain such child to articulate in writing,
77 upon such form, the reasons for such declination.

78 Sec. 504 Section 29-36a of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective from passage*):

80 (a) No person shall complete the manufacture of a firearm without
81 subsequently (1) obtaining a unique serial number or other mark of
82 identification from the Department of Emergency Services and Public
83 Protection pursuant to subsection (b) of this section, and (2) engraving
84 upon or permanently affixing to the firearm such serial number or other
85 mark in a manner that conforms with the requirements imposed on
86 licensed importers and licensed manufacturers of firearms pursuant to
87 18 USC 923(i), as amended from time to time, and any regulation
88 adopted thereunder.

89 (b) Not later than thirty days after a person completes the
90 manufacture of a firearm, [or ninety days after the Department of
91 Emergency Services and Public Protection provides notice in
92 accordance with section 29-36b that the system to distribute a unique
93 serial number or other mark of identification pursuant to this section is
94 operational, whichever date is later,] such person shall notify the
95 department of such manufacture and provide any identifying
96 information to the department concerning the firearm and the owner of
97 such firearm, in a manner prescribed by the Commissioner of
98 Emergency Services and Public Protection. Upon receiving a properly
99 submitted request for a unique serial number or other mark of
100 identification from a person who completes manufacture of a firearm,
101 the department shall determine if such person is prohibited from
102 purchasing a firearm and if not, shall issue to such person a unique serial
103 number or other mark of identification immediately and in no instance
104 more than three business days after the department receives such

105 request. Issuance of a unique serial number or other mark of
106 identification pursuant to this subsection shall not be evidence that the
107 firearm is otherwise lawfully possessed.

108 (c) (1) On and after January 1, 2023, no person shall possess a firearm
109 without a serial number or other mark of identification unless (A) such
110 person has declared possession of such firearm pursuant to subdivision
111 (2) or (3) of this subsection, or (B) such person has applied to obtain a
112 unique serial number or other mark of identification from the
113 Department of Emergency Services and Public Protection pursuant to
114 subsections (a) and (b) of this section and such person has not yet
115 received such serial number or other mark of identification.

116 (2) Any person who, prior to January 1, 2023, lawfully possesses a
117 firearm without a serial number or other mark of identification
118 manufactured prior to October 1, 2019, shall apply by January 1, 2023,
119 or, if such person is a member of the military or naval forces of this state
120 or of the United States and is unable to apply by January 1, 2023, because
121 such member is or was on official duty outside of this state, shall apply
122 within ninety days of returning to the state to the Department of
123 Emergency Services and Public Protection to declare possession of such
124 firearm. Such application shall be made on such form or in such manner
125 as the Commissioner of Emergency Services and Public Protection
126 prescribes.

127 (3) Any person who moves into the state in lawful possession of a
128 firearm without a serial number or other mark of identification shall,
129 within ninety days, either (A) obtain a unique serial number or other
130 mark of identification from the department and engrave upon or
131 permanently affix to the firearm such serial number or other mark
132 pursuant to subsection (a) of this section, (B) render such firearm
133 permanently inoperable, (C) sell such firearm to a licensed gun dealer,
134 or (D) remove such firearm from the state, except that any person who
135 is a member of the military or naval forces of this state or of the United
136 States, is in lawful possession of a firearm without a serial number or
137 other mark of identification and has been transferred into the state after

138 January 1, 2023, may, within ninety days of arriving in the state, apply
139 to the Department of Emergency Services and Public Protection to
140 declare possession of such firearm.

141 (4) For purposes of this subsection, "lawfully possesses", with respect
142 to a firearm without a serial number or other mark of identification,
143 means that a person has (A) actual and lawful possession of such
144 firearm, (B) constructive possession of such firearm pursuant to a lawful
145 purchase that was transacted prior to or on the date preceding the
146 effective date of this section, regardless of whether the firearm was
147 delivered to the purchaser prior to or on the date preceding the effective
148 date of this section, which lawful purchase is evidenced by a writing
149 sufficient to indicate that (i) a contract for sale was made between the
150 parties prior to or on the date preceding the effective date of this section,
151 for the purchase of the firearm, or (ii) full or partial payment for the
152 firearm was made by the purchaser to the seller of the firearm prior to
153 or on the date preceding the effective date of this section, or (C) actual
154 possession under subparagraph (A) of this subdivision, or constructive
155 possession under subparagraph (B) of this subdivision, as evidenced by
156 a written statement made under penalty of false statement on such form
157 as the Commissioner of Emergency Services and Public Protection
158 prescribes.

159 (5) The department may adopt regulations, in accordance with the
160 provisions of chapter 54, to establish procedures with respect to
161 applications under this subsection. Notwithstanding the provisions of
162 sections 1-210 and 1-211, the name and address of a person who has
163 declared possession of a firearm without a serial number or other mark
164 of identification shall be confidential and shall not be disclosed, except
165 such records may be disclosed to (A) law enforcement agencies and
166 employees of the United States Probation Office acting in the
167 performance of their duties and parole officers within the Department
168 of Correction acting in the performance of their duties, and (B) the
169 Commissioner of Mental Health and Addiction Services to carry out the
170 provisions of subsection (c) of section 17a-500.

171 (6) (A) Except as provided in this subsection, no person within this
172 state shall distribute, import into this state, keep for sale, offer or expose
173 for sale, or purchase a firearm without a serial number or other mark of
174 identification.

175 (B) The provisions of subparagraph (A) of this section shall not apply
176 to the transfer of a firearm without a serial number or other mark of
177 identification (i) the possession of which has been declared to the
178 department pursuant to this section, by bequest or intestate succession,
179 or, upon the death of a testator or settlor: (I) To a trust, or (II) from a
180 trust to a beneficiary; or (ii) to a police department or the Department of
181 Emergency Services and Public Protection.

182 (d) The provisions of subsections [(a) and (b)] (a), (b) and (c) of this
183 section shall not apply to the manufacture of a firearm manufactured
184 using an unfinished frame or lower receiver on which a serial number
185 or other mark has been engraved or permanently affixed pursuant to
186 subsection (c) of section 53-206j.

187 [(d)] (e) No person shall transfer to another person any firearm
188 manufactured or possessed in violation of this section.

189 [(e)] (f) The provisions of this section shall not apply to (1) the
190 manufacture of firearms by a federally licensed firearm manufacturer,
191 (2) (A) any antique firearm, as defined in 18 USC 921, as amended from
192 time to time, or (B) any firearm manufactured prior to [the effective date
193 of this section] December 16, 1968, provided such firearm is otherwise
194 lawfully possessed, or (3) delivery or transfer of a firearm to a law
195 enforcement agency.

196 [(f)] (g) No person shall facilitate, aid or abet the manufacture of a
197 firearm (1) by a person or for a person who is otherwise prohibited by
198 law from purchasing or possessing a firearm, or (2) that a person is
199 otherwise prohibited by law from purchasing or possessing.

200 [(g)] (h) If the court finds that a violation of this section is not of a
201 serious nature and that the person charged with such violation (1) will

202 probably not offend in the future, (2) has not previously been convicted
203 of a violation of this section, and (3) has not previously had a
204 prosecution under this section suspended pursuant to this subsection,
205 the court may order suspension of prosecution. The court shall not order
206 suspension of prosecution unless the accused person has acknowledged
207 that he or she understands the consequences of the suspension of
208 prosecution. Any person for whom prosecution is suspended shall agree
209 to the tolling of any statute of limitations with respect to such violation
210 and to a waiver of his or her right to a speedy trial. Such person shall
211 appear in court and shall be released to the custody of the Court Support
212 Services Division for such period, not exceeding two years, and under
213 such conditions as the court shall order. If the person refuses to accept,
214 or, having accepted, violates such conditions, the court shall terminate
215 the suspension of prosecution and the case shall be brought to trial. If
216 such person satisfactorily completes such person's period of probation,
217 he or she may apply for dismissal of the charges against such person
218 and the court, on finding such satisfactory completion, shall dismiss
219 such charges. If the person does not apply for dismissal of the charges
220 against such person after satisfactorily completing such person's period
221 of probation, the court, upon receipt of a report submitted by the Court
222 Support Services Division that the person satisfactorily completed such
223 person's period of probation, may on its own motion make a finding of
224 such satisfactory completion and dismiss such charges. Upon dismissal,
225 all records of such charges shall be erased pursuant to section 54-142a.
226 An order of the court denying a motion to dismiss the charges against a
227 person who has completed such person's period of probation or
228 terminating the participation of a defendant in such program shall be a
229 final judgment for purposes of appeal.

230 [(h)] (i) Any person who violates any provision of this section shall
231 be guilty of a class C felony for which two years of the sentence imposed
232 may not be suspended or reduced by the court, and five thousand
233 dollars of the fine imposed may not be remitted or reduced by the court
234 unless the court states on the record its reasons for remitting or reducing
235 such fine, and any firearm found in the possession of any person in

236 violation of any provision of this section shall be forfeited.

237 [(i)] (j) For purposes of this section, "manufacture" means to fabricate
238 or construct a firearm including the initial assembly, "firearm" means
239 firearm, as defined in section 53a-3 and "law enforcement agency"
240 means law enforcement agency, as defined in section 29-1i."

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| This act shall take effect as follows and shall amend the following sections: | | |
| Sec. 501 | <i>June 1, 2022</i> | 46b-124 |
| Sec. 502 | <i>from passage</i> | New section |
| Sec. 503 | <i>from passage</i> | 46b-133p(a) |
| Sec. 504 | <i>from passage</i> | New section |