



## STATE OF CONNECTICUT

### DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION

#### OFFICE OF THE COMMISSIONER

##### Judiciary Committee Testimony

March 6, 2023

Senator Winfield, Representative Stafstrom, and distinguished members of the Judiciary Committee, my name is James Rovella, Commissioner of Emergency Services and Public Protection. Thank you for allowing me to comment today in strong support of Governor Lamont's proposal, House Bill 6667, An Act Addressing Gun Violence.

Connecticut is one of the safest states in the country, but even one incident of gun violence — community violence, mass shooting, suicide, domestic violence, accidental fatal or nonfatal injury — is too many. What is worse, gun violence impacts places and people unevenly in our state. Our gun-safety laws, among the strongest of any state in the country, contribute to Connecticut having one of the lowest firearm mortality rates and a violent crime rate less than half the US rate. That said, our laws have not had a comprehensive update in a decade, since the searing aftermath of the tragic mass shooting at Sandy Hook Elementary School. Since then, loopholes and weaknesses in enforcement have emerged that undermine our whole system, and new technology has been developed that is not directly addressed by existing law. Keeping residents safe requires that we revise our laws to keep them current, strong, and enforceable.

The strength of Connecticut's gun-safety laws is due in large part to the ways state policymakers have responded, swiftly, resolutely, and mostly in a bipartisan manner, to protect our residents from gun violence as it has evolved over time. Recent examples include the ban on bump stocks, safe storage of firearms in the home and motor vehicles, requirements that ghost guns be serialized and registered, and updates to our first-in-the-nation red flag law, to name a few (Public Acts 18-29, 19-5, 19-6, 19-7, 21-67).

Governor Lamont's bill before you is a comprehensive approach that will make Connecticut residents safer by accomplishing four goals: (1) preventing and reducing community gun violence, (2) stopping mass shootings, (3) saving lives from suicide and domestic violence, and (4) strengthening user safety protections. The package of proposals focuses on modifying our existing laws to ensure that they are enforceable and incorporating new elements where necessary.

**I. Preventing and reducing community gun violence**

**A. Invests \$2.5 million in community violence intervention.**

Last year, Governor Lamont signed legislation into law establishing a statewide community gun violence intervention and prevention program that is being overseen by the Connecticut Department of Public Health's Office of Injury and Violence Prevention with input from the Commission on Community Gun Violence Intervention and Prevention (Public Act 22-119). DPH has begun to operate the program and is on the way to award grants to community-based violence intervention organizations to stop cycles of violence through community-centered, hospital-based, and law enforcement-partnered strategies.

The \$2.5 million appropriation in this bill builds on the foundation established last year and increases funding for community organizations performing this life-saving work.

**B. Aligns the state's open carry laws with the reasonable expectations of many Connecticut residents**

Many Connecticut residents are surprised to learn that state law currently allows people with permits to openly carry firearms on the street, in stores and restaurants, and in other public and private locations. Public safety challenges result from this law. Law enforcement, potentially in high-risk situations, are compelled to distinguish rapidly between whether a person with an open, visible firearm represents a credible public safety threat or is practicing open carry. Additionally, the presence of a visible firearm in an argument between people can instigate or aggravate the situation, precipitating a community violence incident.

The proposal generally bans the open carry of firearms in public, except for a list of enumerated exceptions, and prohibits the carry of firearms in alcohol-serving establishments. The mixing of alcohol and firearms can intensify tense situations, potentially leading to irreversible tragedy.

This policy will help prevent the intimidation of residents at certain locations such as protests and polling places. Additionally, it will aid law enforcement responding to calls for service attain clarity over the situation more rapidly, for their safety and that of others.

**C. Prohibits the bulk purchase of handguns**

Under current law, there are no limits on the number of firearms consumers can purchase within any period of time. This makes it easier for criminals to purchase firearms in bulk ("straw purchases") before illegally selling them on the underground market, where many guns used in crimes are obtained.

National gun-tracing data analysis released last month by the Justice Department finds a shrinking "time to crime" period: the time from the last known retail sale of a firearm to when it is recovered in a crime. Between 2017 and 2021, nearly 25% of traced crime guns had a time-to-crime period of less than a year, and 46% had a time-to-crime of three years or fewer. Shorter time-to-crime periods are indicators of illegal trafficking and provide crucial intelligence to investigators.

To discourage the illegal straw purchasing of guns and distribution to the illegal market, the legislation limits the number of handguns an individual can purchase to one per 30-day period. This proposal is limited to handguns and does not apply to rifles or other long guns, which are more often used for hunting.

Other exceptions are made for law enforcement agencies, returns and exchanges, estate transfers, and transfers to museums.

**D. Stop the flow of illegal “ghost guns” into communities**

In 2019, Connecticut enacted landmark legislation banning untraceable ghost guns unless they are engraved and serialized with the state. The policy applies only to ghost guns assembled after law’s 2019 effective date, however, grandfathering in ghost guns assembled pre-law. This provision creates a major loophole that undermines law enforcement’s ability to prosecute people in possession of non-serialized ghost guns because prosecutors must prove the gun was assembled post-enactment of the law.

Fewer than two dozen ghost guns have been registered with the state since the law went into effect. By comparison, 58 ghost guns were seized in Hartford alone in 2022, and several other cities are reporting growing numbers of seizures.

This legislation updates the law to eliminate this exemption and require all ghost guns — including those assembled pre-law — to be registered with the state. Eliminating this exemption will better enable police and prosecutors to enforce this ban. Pre-law ghost guns need not be engraved with a serial number, only registered.

**E. Ensure gun stores take their obligations seriously**

Most Connecticut gun dealers take their obligations under state law seriously. Others may not scrupulously follow Connecticut's laws. Regardless, there is no certainty on this matter because there is no state licensing of gun dealers. Lax security or inventory tracking can lead to guns winding up in the wrong hands. Importantly, this makes it difficult for DESPP to enforce our state laws.

This legislation creates a state licensing system under DESPP for all gun dealers, in addition to their local zoning permits and federal license, so the state can provide oversight and guidance to gun dealers complying with state law and respond quickly and effectively when bad actors threaten public safety. Existing businesses would receive a license without needing to pay the application fee. Adverse licensing decisions would be reviewed by the Board of Firearms Permit Examiners.

**II. Stopping mass shootings**

**A. Close three loopholes in the state’s assault weapons ban**

Connecticut’s assault weapons ban was adopted in 1993 and has undergone modifications over the years, particularly in 2013 (Public Acts 93-306 and 13-3). Loopholes have emerged in the law, and firearm manufacturers and dealers are taking advantage by making slight modifications to firearms in order to skirt the assault weapons ban. The legislation closes three major loopholes and creates a new registration period for these weapons to allow current owners to continue possessing them and bar future purchases and sales.

**i. *Pre-September 13, 1994, firearms***

These firearms, often referred to as “pre-ban weapons,” have been grandfathered in under Connecticut’s 1993 assault weapons ban. Pre-ban weapons, which include AR-15 pistols and rifles, are legal to be sold, possessed, and carried into the state regardless of whether they have forward pistol grips, flash

suppressors, barrel shrouds, or other features banned under the 2013 law. Gun dealers in other states are known to collect pre-ban weapons and ship them to Connecticut for sale at premium prices. These weapons are available today on private gun sale websites or at gun stores in the state.

**Image 1** A legal pre-ban Colt AR-15 available February 7, 2023 on gunbroker.com



**ii. So-called “other” weapons:**

This category includes those firearms modified by manufacturers in order to evade the 2013 law through a technical loophole. The law regulates three specific categories of firearms: pistols, rifles, and shotguns. These categories as defined by Connecticut law do not encompass all firearms. Because the definition is non-exhaustive, manufacturers are selling weapons specifically designed to fall into this loophole, such as having a barrel length longer than 12 inches to avoid classification as a pistol and a so-called “pistol brace” on the back to avoid classification as a rifle.

**Image 2** Two legal “other” weapons with pistol braces



**iii. Rimfire rifles**

This category includes those firearms that are typically used for hunting but may be customized into assault-weapon-style rifles to evade bans like Connecticut's. Because rifles subject to Connecticut's assault weapons laws are specified as centerfire, rimfire rifles are currently allowed if they have fewer than two banned features. Thus, rimfire rifles possessing a banned feature are emerging as a popular product bypassing Connecticut's existing assault weapons ban.

**Image 3** A CT legal Smith and Wesson M&P 15-22 Sport rimfire rifle



### **B. Strengthening penalties related to the state's ban on large-capacity magazines**

In 2013, Connecticut banned large-capacity magazines and required that anyone who owned such items before the ban to register them with the state by January 1, 2014. The penalty for a first-time offense for possession of an unregistered large-capacity magazine obtained before the law's 2013 effective date is an infraction, or a \$90 fine. (Any subsequent offense is a class D felony carrying more serious penalties.) Penalties for large-capacity magazines obtained post-2013 are more severe: a first-time offense is a Class D felony. Because of the lower penalty for pre-2013 magazines on a first offense, prosecutors must prove in court whether the unregistered magazine was obtained pre- or post-2013. And since magazines are not serialized like firearms, this is nearly impossible to prove.

To make the law enforceable, the proposal eliminates the first-offense provision, making all penalties for this statute a class D felony.

### **C. Increasing the age to purchase all firearms to 21**

Under existing federal and state laws, anyone seeking to purchase handguns must be 21 or older, and anyone seeking to purchase most types of long guns must be 18 or older.

The proposal would align these age limits by enacting a 21-or-older requirement for the purchase of all types of firearms. Raising the age allows young people's brains to develop — especially parts of the brain managing impulse control, judgment, and long-range planning — before they are legally able to purchase a long gun.

A person aged 18, 19, or 20 could still go hunting with a long gun owned by a parent or other person, as the purchase requirements will not impact the ability of anyone under the age of 21 to use firearms as permitted under existing law.

### **III. Saving lives from suicide and domestic violence**

#### **A. Requiring a ten-day waiting period before purchasing a firearm**

Current state law allows residents with the appropriate documentation to walk into a gun store, purchase an unlimited number of firearms, and walk out with them immediately.

In conjunction with the above bulk purchase limit, this proposal institutes a ten-day waiting period on sales of all firearms in Connecticut. Delaying instant access to firearms creates a cooling-off period that can help prevent impulsive acts of gun violence and suicides.

#### **B. Requiring safe storage regardless of who lives at a given residence**

In 2019, Governor Lamont signed the landmark Ethan’s Law, a crucial step toward ensuring firearms are stored safely in the home (Public Act 19-5). That law currently requires safe storage of a firearm when minors, people prohibited from possessing firearms, or people likely to cause harm have access to a residence. The current law helps protect against firearms falling into the wrong hands of the specified populations but lacks application to all situations and individuals presenting high risk resulting from an unsecured firearm in a residence.

This proposal makes firearm owners responsible for storing firearms safely in all situations regardless of who has access to the residence. The added protection will better guard against firearms from being stolen and used in future crimes.

#### **C. Making commission of a family violence crime or being a fugitive an automatic disqualifier for holding a pistol permit**

Anyone who has been convicted of a domestic violence offense is automatically disqualified from owning a gun under federal law, but not from holding a state permit, and the definitions differ. Consequently, the DESPP must hold a time-consuming suitability hearing in each case.

The proposal makes commission of a family violence crime in Connecticut, or a federal misdemeanor crime of a domestic violence, or being a fugitive into an automatic disqualifier for obtaining a pistol permit. A similar provision applies to someone who is a fugitive from justice.

### **IV. Strengthening User Safety Protections**

#### **A. Prohibiting the carrying of any loaded long gun in a vehicle**

Current law prohibits carrying or possessing a loaded shotgun, rifle, or muzzleloader in a vehicle. This commonsense protection helps prevent any of the aforementioned firearms from inadvertently discharging, leading to fatal or non-fatal injuries of people in or near the vehicle. The current law, however, is narrowed to the types of firearms listed.

The proposal clarifies that all long guns, including the so-called “other” firearms covered earlier in this testimony, must be carried unloaded when inside a vehicle.

**B. Increasing education requirements for firearm licenses**

Firearm permits can currently be obtained with only a short course approved by the National Rifle Association. Crucially, there is no requirement that these courses inform users on how to follow Connecticut's high standards for responsible gun ownership; education that is needed to help gunowners remain current on state laws.

The proposal requires that firearm safety courses include at least four hours of classroom training, including at least two hours of instruction on state laws on ownership and use of firearms as well as two hours of live-fire training. To ensure instructional courses meet minimum standards, they will need to be DESPP-approved.

**C. Improving the design safety standards for semiautomatic handguns**

Users sometimes miss that a semiautomatic pistol may still have a round chambered when the magazine is removed. This issue can lead to accidents when a gun is being disassembled or cleaned. Modern models can have a "loaded chamber indicator," a visual indication that a round is chambered, and a "magazine disconnect lockout," a switch that prevents the trigger being pulled if the magazine has been removed.

This proposal requires that all semiautomatic handguns sold in the state after January 1, 2024, possess both a loaded chamber indicator and a magazine disconnect lockout.

**D. Requiring trigger locks for all firearm purchases**

The proposal requires that all guns, not only handguns, be sold with a trigger lock to enable safe storage.