

File No. 638

(Reprint of File No. 419)

House Bill No. 5750
As Amended by House
Amendment Schedules
"A", "B" and "C"

Approved by the Legislative Commissioner
April 29, 1998

AN ACT CONCERNING BODY ARMOR.

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

1 Section 1. (NEW) (a) A person is guilty of
2 criminal possession of body armor when he
3 possesses body armor and has been (1) convicted of
4 a capital felony, a class A felony, except a
5 conviction under section 53a-196a of the general
6 statutes, a class B felony, except a conviction
7 under section 53a-86, 53a-122 or 53a-196b of the
8 general statutes, a class C felony, except a
9 conviction under section 53a-87, 53a-152 or
10 53a-153 of the general statutes, or a class D
11 felony under sections 53a-60 to 53a-60c,
12 inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103,
13 53a-103a, 53a-114, 53a-136 or 53a-216 of the
14 general statutes, or (2) convicted as delinquent
15 for the commission of a serious juvenile offense,
16 as defined in section 46b-120 of the general
17 statutes, as amended.
18 (b) For the purposes of this section, "body
19 armor" means any material designed to be worn on
20 the body and to provide bullet penetration
21 resistance and "convicted" means having a judgment

22 of conviction entered by a court of competent
23 jurisdiction.

24 (c) Criminal possession of body armor is a
25 class A misdemeanor.

26 Sec. 2. (NEW) (a) No person, firm or
27 corporation shall sell or deliver body armor to
28 another person unless the transferee meets in
29 person with the transferor to accomplish the sale
30 or delivery.

31 (b) The provisions of subsection (a) of this
32 section shall not apply to the sale or delivery of
33 body armor to a sworn member or authorized
34 official of an organized local police department
35 or of the Division of State Police within the
36 Department of Public Safety, to an authorized
37 official of a municipality or the Department of
38 Administrative Services that purchases body armor
39 on behalf of an organized local police department
40 or said Division of State Police or to a member of
41 the National Guard or the armed forces reserve.

42 (c) As used in this section, "body armor"
43 means any material designed to be worn on the body
44 and to provide bullet penetration resistance.

45 (d) Any person, firm or corporation that
46 violates the provisions of this section shall be
47 guilty of a class B misdemeanor.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5750

STATE IMPACT Potential Cost, Potential Minimal
Revenue Gain, see explanation
below

MUNICIPAL IMPACT None

STATE AGENCY(S) Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

The bill's provisions concerning criminal penalties related to the possession or sale of body armor under certain circumstances would result in increased pressures on the criminal justice system. There could also be a revenue gain from criminal fines. Over the long term, these pressures would lead to a need for increased criminal justice resources, especially for incarceration and community supervision. It should be noted that SHB 5021 (the revised Appropriations Act for FY 1998-99 as favorably reported by Appropriations) includes \$5.4 million to address overcrowding in the state's prisons and jails. In addition, the Public Defender Services Commission is currently under suit by the American Civil Liberties Union relating to the adequacy of funding for public defenders. Increases in criminal penalties will at some point require additional funds for criminal justice agencies in order to maintain adequate enforcement of other criminal laws.

House Amendments "A", "B" and "C" altered certain provisions in the original bill, but did not alter the fiscal impact stated above.

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OLR AMENDED BILL ANALYSIS

HB 5750 (as amended by House "A," "B," and "C")*

AN ACT CONCERNING BODY ARMOR

SUMMARY: This bill makes it a class A misdemeanor for anyone who has ever been convicted of certain specific felonies or convicted as delinquent for a serious juvenile offense to possess body armor. It also prohibits selling body armor without meeting the purchaser in person. The bill defines "body armor" as material designed to be worn on the body and to provide bullet penetration resistance.

*House Amendment "A" exempts from the sale restriction authorized officials, as well as sworn officers, of state and local police departments and Department of Administrative Services and municipal officials who purchase body armor on behalf of state or local police.

*House Amendment "B" replaces the portion of the original bill that made it a crime to use body armor while committing a felony with the provision criminalizing possession by people who have been convicted of certain crimes.

*House Amendment "C" extends the sale exemption to members of the National Guard or armed forces reserve.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Criminal Possession of Body Armor**

The bill makes it a class A misdemeanor for someone to possess body armor if they have ever been convicted by a court of competent jurisdiction:

1. of a capital felony (death penalty case);
2. of a class A felony other than employing a minor in an obscene performance;
3. of a class B felony other than 1st degree promoting prostitution, 1st degree larceny, or promoting a minor in an obscene performance;

serious juvenile offenses face more severe consequences than other juveniles.

Legislative History

On April 13 the House referred the bill (File 419) to the Public Safety Committee, which favorably reported it without change on April 21.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0

Public Safety Committee

Joint Favorable Report
Yea 21 Nay 0