



General Assembly

January Session, 2019

Committee Bill No. 5870

LCO No. 4870



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING TRANSFER OF ASSAULT WEAPONS AND
LARGE CAPACITY MAGAZINES.**

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

1 Section 1. Section 53-202d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) (1) (A) Except as provided in subparagraph (B) of this
4 subdivision, any person who lawfully possesses an assault weapon, as
5 defined in subparagraph (A) of subdivision (1) of section 53-202a, prior
6 to October 1, 1993, shall apply by October 1, 1994, or, if such person is
7 a member of the military or naval forces of this state or of the United
8 States and is unable to apply by October 1, 1994, because such member
9 is or was on official duty outside of this state, shall apply within ninety
10 days of returning to the state to the Department of Emergency Services
11 and Public Protection, for a certificate of possession with respect to
12 such assault weapon.

13 (B) No person who lawfully possesses an assault weapon pursuant
14 to subdivision (1), (2) or (4) of subsection (b) of section 53-202c shall be
15 required to obtain a certificate of possession pursuant to this

16 subdivision with respect to an assault weapon used for official duties,
17 except that any person described in subdivision (2) of subsection (b) of
18 section 53-202c who purchases an assault weapon, as defined in
19 subparagraph (A) of subdivision (1) of section 53-202a, for use in the
20 discharge of official duties who retires or is otherwise separated from
21 service shall apply within ninety days of such retirement or separation
22 from service to the Department of Emergency Services and Public
23 Protection for a certificate of possession with respect to such assault
24 weapon.

25 (2) (A) Except as provided in subparagraph (B) of this subdivision,
26 any person who lawfully possesses an assault weapon, as defined in
27 any provision of subparagraphs (B) to (F), inclusive, of subdivision (1)
28 of section 53-202a, on April 4, 2013, under the provisions of sections 53-
29 202a to 53-202k, inclusive, in effect on January 1, 2013, or any person
30 who regains possession of an assault weapon as defined in any
31 provision of said subparagraphs pursuant to subsection (e) of section
32 53-202f, as amended by this act, or any person who lawfully purchases
33 a firearm on or after April 4, 2013, but prior to June 18, 2013, that meets
34 the criteria set forth in subdivision (3) or (4) of subsection (a) of section
35 53-202a of the general statutes, revision of 1958, revised to January 1,
36 2013, shall apply by January 1, 2014, or, if such person is a member of
37 the military or naval forces of this state or of the United States and is
38 unable to apply by January 1, 2014, because such member is or was on
39 official duty outside of this state, shall apply within ninety days of
40 returning to the state to the Department of Emergency Services and
41 Public Protection for a certificate of possession with respect to such
42 assault weapon. Any person who lawfully purchases a semiautomatic
43 pistol that is defined as an assault weapon in any provision of
44 subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-
45 202a that the Commissioner of Emergency Services and Public
46 Protection designates as being designed expressly for use in target
47 shooting events at the Olympic games sponsored by the International
48 Olympic Committee pursuant to regulations adopted under
49 subdivision (4) of subsection (b) of section 53-202b shall apply within

50 ninety days of such purchase to the Department of Emergency Services
51 and Public Protection for a certificate of possession with respect to
52 such assault weapon.

53 (B) No person who lawfully possesses an assault weapon pursuant
54 to subdivision (1), (2) or (4) of subsection (b) of section 53-202c shall be
55 required to obtain a certificate of possession pursuant to this
56 subdivision with respect to an assault weapon used for official duties,
57 except that any person described in subdivision (2) of subsection (b) of
58 section 53-202c who purchases an assault weapon, as defined in any
59 provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of
60 section 53-202a for use in the discharge of official duties who retires or
61 is otherwise separated from service shall apply within ninety days of
62 such retirement or separation from service to the Department of
63 Emergency Services and Public Protection for a certificate of
64 possession with respect to such assault weapon.

65 (3) Any person who obtained a certificate of possession for an
66 assault weapon, as defined in subparagraph (A) of subdivision (1) of
67 section 53-202a, prior to April 5, 2013, that is defined as an assault
68 weapon pursuant to any provision of subparagraphs (B) to (F),
69 inclusive, of subdivision (1) of section 53-202a shall be deemed to have
70 obtained a certificate of possession for such assault weapon for the
71 purposes of sections 53-202a to 53-202k, inclusive, and shall not be
72 required to obtain a subsequent certificate of possession for such
73 assault weapon.

74 (4) The certificate of possession shall contain a description of the
75 firearm that identifies it uniquely, including all identification marks,
76 the full name, address, date of birth and thumbprint of the owner, and
77 any other information as the department may deem appropriate.

78 (5) The department shall adopt regulations, in accordance with the
79 provisions of chapter 54, to establish procedures with respect to the
80 application for and issuance of certificates of possession pursuant to
81 this section. Notwithstanding the provisions of sections 1-210 and 1-

82 211, the name and address of a person issued a certificate of possession
83 shall be confidential and shall not be disclosed, except such records
84 may be disclosed to (A) law enforcement agencies and employees of
85 the United States Probation Office acting in the performance of their
86 duties and parole officers within the Department of Correction acting
87 in the performance of their duties, and (B) the Commissioner of Mental
88 Health and Addiction Services to carry out the provisions of
89 subsection (c) of section 17a-500.

90 (b) (1) No assault weapon, as defined in subparagraph (A) of
91 subdivision (1) of section 53-202a, possessed pursuant to a certificate of
92 possession issued under this section may be sold or transferred on or
93 after January 1, 1994, to any person within this state other than to a
94 licensed gun dealer, as defined in subsection (f) of section 53-202f, as
95 amended by this act, or as provided in section 53-202e, or as provided
96 in subsection (g) of section 53-202f, as amended by this act, or by
97 bequest or intestate succession, or, upon the death of a testator or
98 settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible
99 to possess the assault weapon.

100 (2) No assault weapon, as defined in any provision of
101 subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-
102 202a, possessed pursuant to a certificate of possession issued under
103 this section may be sold or transferred on or after April 5, 2013, to any
104 person within this state other than to a licensed gun dealer, as defined
105 in subsection (f) of section 53-202f, as amended by this act, or as
106 provided in section 53-202e, or as provided in subsection (g) of section
107 53-202f, as amended by this act, or by bequest or intestate succession,
108 or, upon the death of a testator or settlor: (A) To a trust, or (B) from a
109 trust to a beneficiary who is eligible to possess the assault weapon.

110 (c) Any person who obtains title to an assault weapon for which a
111 certificate of possession has been issued under this section by (1)
112 transfer pursuant to subsection (g) of section 53-202f, as amended by
113 this act, or (2) bequest or intestate succession, shall, within ninety days

114 of obtaining title, apply to the Department of Emergency Services and
115 Public Protection for a certificate of possession as provided in
116 subsection (a) of this section, render the assault weapon permanently
117 inoperable, sell the assault weapon to a licensed gun dealer or remove
118 the assault weapon from the state.

119 (d) Any person who moves into the state in lawful possession of an
120 assault weapon, shall, within ninety days, either render the assault
121 weapon permanently inoperable, sell the assault weapon to a licensed
122 gun dealer or remove the assault weapon from this state, except that
123 any person who is a member of the military or naval forces of this state
124 or of the United States, is in lawful possession of an assault weapon
125 and has been transferred into the state after October 1, 1994, may,
126 within ninety days of arriving in the state, apply to the Department of
127 Emergency Services and Public Protection for a certificate of
128 possession with respect to such assault weapon.

129 (e) If an owner of an assault weapon sells or transfers the assault
130 weapon to a licensed gun dealer, such dealer shall, at the time of
131 delivery of the assault weapon, execute a certificate of transfer and
132 cause the certificate of transfer to be mailed or delivered to the
133 Commissioner of Emergency Services and Public Protection. The
134 certificate of transfer shall contain: (1) The date of sale or transfer; (2)
135 the name and address of the seller or transferor and the licensed gun
136 dealer, their Social Security numbers or motor vehicle operator license
137 numbers, if applicable; (3) the licensed gun dealer's federal firearms
138 license number and seller's permit number; (4) a description of the
139 assault weapon, including the caliber of the assault weapon and its
140 make, model and serial number; and (5) any other information the
141 commissioner prescribes. The licensed gun dealer shall present such
142 dealer's motor vehicle operator's license or Social Security card, federal
143 firearms license and seller's permit to the seller or transferor for
144 inspection at the time of purchase or transfer. The Commissioner of
145 Emergency Services and Public Protection shall maintain a file of all
146 certificates of transfer at the commissioner's central office.

147 (f) Any person who has been issued a certificate of possession for an
148 assault weapon under this section may possess the assault weapon
149 only under the following conditions:

150 (1) At that person's residence, place of business or other property
151 owned by that person, or on property owned by another person with
152 the owner's express permission;

153 (2) While on the premises of a target range of a public or private
154 club or organization organized for the purpose of practicing shooting
155 at targets;

156 (3) While on a target range which holds a regulatory or business
157 license for the purpose of practicing shooting at that target range;

158 (4) While on the premises of a licensed shooting club;

159 (5) While attending any exhibition, display or educational project
160 which is about firearms and which is sponsored by, conducted under
161 the auspices of, or approved by a law enforcement agency or a
162 nationally or state recognized entity that fosters proficiency in, or
163 promotes education about, firearms;

164 (6) While transporting the assault weapon between any of the places
165 set forth in this subsection, or to any licensed gun dealer, as defined in
166 subsection (f) of section 53-202f, as amended by this act, for servicing
167 or repair pursuant to subsection (c) of section 53-202f, as amended by
168 this act, or for purposes of a transfer pursuant to subsection (g) of
169 section 53-202f, as amended by this act, provided the assault weapon is
170 transported as required by section 53-202f, as amended by this act;

171 (7) With respect to a nonresident of this state, while transporting a
172 semiautomatic pistol that is defined as an assault weapon in any
173 provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of
174 section 53-202a that the Commissioner of Emergency Services and
175 Public Protection designates as being designed expressly for use in
176 target shooting events at the Olympic games sponsored by the

177 International Olympic Committee pursuant to regulations adopted
178 under subdivision (4) of subsection (b) of section 53-202b, into or
179 through this state in order to attend any exhibition, display or
180 educational project described in subdivision (5) of this subsection, or to
181 participate in a collegiate, Olympic or target pistol shooting
182 competition in this state which is sponsored by, conducted under the
183 auspices of, or approved by a law enforcement agency or a nationally
184 or state recognized entity that fosters proficiency in, or promotes
185 education about, firearms, provided (A) such pistol is transported into
186 or through this state not more than forty-eight hours prior to or after
187 such exhibition, display, project or competition, (B) such pistol is
188 unloaded and carried in a locked carrying case and the ammunition for
189 such pistol is carried in a separate locked container, (C) such
190 nonresident has not been convicted of a felony in this state or of an
191 offense in another state that would constitute a felony if committed in
192 this state, and (D) such nonresident has in his or her possession a pistol
193 permit or firearms registration card if such permit or card is required
194 for possession of such pistol under the laws of his or her state of
195 residence.

196 Sec. 2. Section 53-202f of the general statutes is amended by adding
197 subsection (g) as follows (*Effective October 1, 2019*):

198 (NEW) (g) (1) Any licensed gun dealer, as defined in subsection (f)
199 of this section, may take possession of any assault weapon from any
200 person to whom has been issued a certificate of possession for such
201 weapon pursuant to sections 53-202a to 53-202k, inclusive, for
202 purposes of transferring such assault weapon to another person
203 pursuant to subdivision (2) of this subsection.

204 (2) Any licensed gun dealer may transfer possession of any assault
205 weapon received pursuant to subdivision (1) of this subsection to a
206 person who lawfully possesses another assault weapon and to whom
207 has previously been issued a certificate of possession for such weapon
208 pursuant to sections 53-202a to 53-202k, inclusive.

209 Sec. 3. Section 53-202w of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective October 1, 2019*):

211 (a) As used in this section and section 53-202x:

212 (1) "Large capacity magazine" means any firearm magazine, belt,
213 drum, feed strip or similar device that has the capacity of, or can be
214 readily restored or converted to accept, more than ten rounds of
215 ammunition, but does not include: (A) A feeding device that has been
216 permanently altered so that it cannot accommodate more than ten
217 rounds of ammunition, (B) a .22 caliber tube ammunition feeding
218 device, (C) a tubular magazine that is contained in a lever-action
219 firearm, or (D) a magazine that is permanently inoperable;

220 (2) "Lawfully possesses", with respect to a large capacity magazine,
221 means that a person has (A) actual and lawful possession of the large
222 capacity magazine, (B) constructive possession of the large capacity
223 magazine pursuant to a lawful purchase of a firearm that contains a
224 large capacity magazine that was transacted prior to or on April 4,
225 2013, regardless of whether the firearm was delivered to the purchaser
226 prior to or on April 4, 2013, which lawful purchase is evidenced by a
227 writing sufficient to indicate that (i) a contract for sale was made
228 between the parties prior to or on April 4, 2013, for the purchase of the
229 firearm, or (ii) full or partial payment for the firearm was made by the
230 purchaser to the seller of the firearm prior to or on April 4, 2013, or (C)
231 actual possession under subparagraph (A) of this subdivision, or
232 constructive possession under subparagraph (B) of this subdivision, as
233 evidenced by a written statement made under penalty of false
234 statement on such form as the Commissioner of Emergency Services
235 and Public Protection prescribes; and

236 (3) "Licensed gun dealer" means a person who has a federal firearms
237 license and a permit to sell firearms pursuant to section 29-28.

238 (b) Except as provided in this section, on and after April 5, 2013, any
239 person who, within this state, distributes, imports into this state, keeps

240 for sale, offers or exposes for sale, or purchases a large capacity
241 magazine shall be guilty of a class D felony. On and after April 5, 2013,
242 any person who, within this state, transfers a large capacity magazine,
243 except as provided in subsection (f) or (g) of this section, shall be guilty
244 of a class D felony.

245 (c) Except as provided in this section and section 53-202x: (1) Any
246 person who possesses a large capacity magazine on or after January 1,
247 2014, that was obtained prior to April 5, 2013, shall commit an
248 infraction and be fined not more than ninety dollars for a first offense
249 and shall be guilty of a class D felony for any subsequent offense, and
250 (2) any person who possesses a large capacity magazine on or after
251 January 1, 2014, that was obtained on or after April 5, 2013, shall be
252 guilty of a class D felony.

253 (d) A large capacity magazine may be possessed, purchased or
254 imported by:

255 (1) The Department of Emergency Services and Public Protection,
256 police departments, the Department of Correction, the Division of
257 Criminal Justice, the Department of Motor Vehicles, the Department of
258 Energy and Environmental Protection or the military or naval forces of
259 this state or of the United States;

260 (2) A sworn and duly certified member of an organized police
261 department, the Division of State Police within the Department of
262 Emergency Services and Public Protection or the Department of
263 Correction, a chief inspector or inspector in the Division of Criminal
264 Justice, a salaried inspector of motor vehicles designated by the
265 Commissioner of Motor Vehicles, a conservation officer or special
266 conservation officer appointed by the Commissioner of Energy and
267 Environmental Protection pursuant to section 26-5, or a constable who
268 is certified by the Police Officer Standards and Training Council and
269 appointed by the chief executive authority of a town, city or borough
270 to perform criminal law enforcement duties, for use by such sworn
271 member, inspector, officer or constable in the discharge of such sworn

272 member's, inspector's, officer's or constable's official duties or when off
273 duty;

274 (3) A member of the military or naval forces of this state or of the
275 United States;

276 (4) A nuclear facility licensed by the United States Nuclear
277 Regulatory Commission for the purpose of providing security services
278 at such facility, or any contractor or subcontractor of such facility for
279 the purpose of providing security services at such facility;

280 (5) Any person who is sworn and acts as a policeman on behalf of
281 an armored car service pursuant to section 29-20 in the discharge of
282 such person's official duties; or

283 (6) Any person, firm or corporation engaged in the business of
284 manufacturing large capacity magazines in this state that
285 manufactures, purchases, tests or transports large capacity magazines
286 in this state for sale within this state to persons specified in
287 subdivisions (1) to (5), inclusive, of this subsection or for sale outside
288 this state, or a federally-licensed firearm manufacturer engaged in the
289 business of manufacturing firearms or large capacity magazines in this
290 state that manufactures, purchases, tests or transports firearms or large
291 capacity magazines in this state for sale within this state to persons
292 specified in subdivisions (1) to (5), inclusive, of this subsection or for
293 sale outside this state.

294 (e) A large capacity magazine may be possessed by:

295 (1) A licensed gun dealer;

296 (2) A gunsmith who is in a licensed gun dealer's employ, who
297 possesses such large capacity magazine for the purpose of servicing or
298 repairing a lawfully possessed large capacity magazine;

299 (3) A person, firm, corporation or federally-licensed firearm
300 manufacturer described in subdivision (6) of subsection (d) of this

301 section that possesses a large capacity magazine that is lawfully
302 possessed by another person for the purpose of servicing or repairing
303 the large capacity magazine;

304 (4) Any person who has declared possession of the magazine
305 pursuant to section 53-202x; or

306 (5) Any person who is the executor or administrator of an estate that
307 includes a large capacity magazine, or the trustee of a trust that
308 includes a large capacity magazine, the possession of which has been
309 declared to the Department of Emergency Services and Public
310 Protection pursuant to section 53-202x, which is disposed of as
311 authorized by the Probate Court, if the disposition is otherwise
312 permitted by this section and section 53-202x.

313 (f) Subsection (b) of this section shall not prohibit:

314 (1) The transfer of a large capacity magazine, the possession of
315 which has been declared to the Department of Emergency Services and
316 Public Protection pursuant to section 53-202x, by bequest or intestate
317 succession, or, upon the death of a testator or settlor: (A) To a trust, or
318 (B) from a trust to a beneficiary;

319 (2) The transfer of a large capacity magazine to a police department
320 or the Department of Emergency Services and Public Protection;

321 (3) The transfer of a large capacity magazine to a licensed gun dealer
322 in accordance with section 53-202x; [or]

323 (4) The transfer of a large capacity magazine prior to October 1,
324 2013, from a licensed gun dealer, pawnbroker licensed under section
325 21-40, or consignment shop operator, as defined in section 21-39a, to
326 any person who (A) possessed the large capacity magazine prior to or
327 on April 4, 2013, (B) placed a firearm that such person legally
328 possessed, with the large capacity magazine included or attached, in
329 the possession of such dealer, pawnbroker or operator prior to or on
330 April 4, 2013, pursuant to an agreement between such person and such

331 dealer, pawnbroker or operator for the sale of the firearm to a third
332 person, and (C) is eligible to possess the firearm on the date of such
333 transfer; or

334 (5) The transfer of a large capacity magazine pursuant to subsection
335 (g) of this section, the possession of which has been declared to the
336 Department of Emergency Services and Public Protection pursuant to
337 section 53-202x.

338 (g) (1) Any person may transfer a large capacity magazine, the
339 possession of which has been declared to the Department of
340 Emergency Services and Public Protection pursuant to section 53-202x
341 to a licensed gun dealer.

342 (2) A licensed gun dealer who takes possession of a large capacity
343 magazine pursuant to subdivision (1) of this subsection, may transfer
344 ownership of such large capacity magazine to a person who lawfully
345 possesses another large capacity magazine, the possession of which
346 has been declared to the Department of Emergency Services and Public
347 Protection pursuant to section 53-202x.

348 ~~[(g)]~~ (h) If the court finds that a violation of this section is not of a
349 serious nature and that the person charged with such violation (1) will
350 probably not offend in the future, (2) has not previously been
351 convicted of a violation of this section, and (3) has not previously had a
352 prosecution under this section suspended pursuant to this subsection,
353 it may order suspension of prosecution in accordance with the
354 provisions of subsection (h) of section 29-33.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	53-202d
Sec. 2	<i>October 1, 2019</i>	53-202f
Sec. 3	<i>October 1, 2019</i>	53-202w

Statement of Purpose:

To allow the legal transfer of an assault weapon possessed under a certificate of possession and large capacity magazines possessed under a declaration of possession between people who already legally possess such weapons or magazines.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. DUBITSKY, 47th Dist.; REP. FISHBEIN, 90th Dist.

H.B. 5870