



General Assembly

**Amendment**

January Session, 2023

LCO No. 8718



Offered by:

REP. STAFSTROM, 129<sup>th</sup> Dist.

SEN. WINFIELD, 10<sup>th</sup> Dist.

To: Subst. House Bill No. 6667

File No. 641

Cal. No. 398

(As Amended)

**"AN ACT ADDRESSING GUN VIOLENCE."**

1 Strike subdivision (1) of subsection (a) of section 1 in its entirety and  
2 insert the following in lieu thereof:

3 "(a) (1) No person shall carry any pistol or revolver upon [his or her]  
4 such person's person, except when such person is within [the dwelling  
5 house or place of business of such person] such person's dwelling house,  
6 on land leased or owned by such person or within the place of business  
7 of such person, without a permit to carry the same issued as provided  
8 in section 29-28, as amended by this act."

9 Strike subsection (c) of section 2 in its entirety and insert the following  
10 in lieu thereof:

11 "(c) Any person violating any provision of subdivision (2) of  
12 subsection (a) of section 29-35, as amended by this act, shall be guilty of

13 a class B misdemeanor for a first offense and a class A misdemeanor for  
14 any subsequent offense. The court may order suspension of prosecution  
15 in addition to any other diversionary programs available to the  
16 defendant, if the court finds that a violation of said subdivision is not of  
17 a serious nature and that the person charged with such violation (1) will  
18 probably not offend in the future, (2) has not previously been convicted  
19 of a violation of this section, and (3) has not previously had a  
20 prosecution under this section suspended pursuant to this subsection.  
21 The court shall not order suspension of prosecution unless the accused  
22 person has acknowledged that he or she understands the consequences  
23 of the suspension of prosecution. Any person for whom prosecution is  
24 suspended shall agree to the tolling of any statute of limitations with  
25 respect to such violation and to a waiver of his or her right to a speedy  
26 trial. Such person shall appear in court and shall be released to the  
27 supervision of the Court Support Services Division for such period, not  
28 exceeding two years, and under such conditions as the court shall order.  
29 If the person refuses to accept, or, having accepted, violates such  
30 conditions, the court shall terminate the suspension of prosecution and  
31 the case shall be brought to trial. If such person satisfactorily completes  
32 such person's period of probation, he or she may apply for dismissal of  
33 the charges against such person and the court, on finding such  
34 satisfactory completion, shall dismiss such charges. If the person does  
35 not apply for dismissal of the charges against such person after  
36 satisfactorily completing such person's period of probation, the court,  
37 upon receipt of a report submitted by the Court Support Services  
38 Division that the person satisfactorily completed such person's period  
39 of probation, may on its own motion make a finding of such satisfactory  
40 completion and dismiss such charges. Upon dismissal, all records of  
41 such charges shall be erased pursuant to section 54-142a. An order of the  
42 court denying a motion to dismiss the charges against a person who has  
43 completed such person's period of probation or terminating the  
44 participation of a defendant in such program shall be a final judgment  
45 for purposes of appeal."

46 Strike section 27 in its entirety and insert the following in lieu thereof:

47 "Sec. 27. Section 53-202w of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

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

58 (2) "Lawfully possesses", with respect to a large capacity magazine,  
59 means that a person has (A) actual and lawful possession of the large  
60 capacity magazine, (B) constructive possession of the large capacity  
61 magazine pursuant to a lawful purchase of a firearm that contains a  
62 large capacity magazine that was transacted prior to or on April 4, 2013,  
63 regardless of whether the firearm was delivered to the purchaser prior  
64 to or on April 4, 2013, which lawful purchase is evidenced by a writing  
65 sufficient to indicate that (i) a contract for sale was made between the  
66 parties prior to or on April 4, 2013, for the purchase of the firearm, or (ii)  
67 full or partial payment for the firearm was made by the purchaser to the  
68 seller of the firearm prior to or on April 4, 2013, or (C) actual possession  
69 under subparagraph (A) of this subdivision, or constructive possession  
70 under subparagraph (B) of this subdivision, as evidenced by a written  
71 statement made under penalty of false statement on such form as the  
72 Commissioner of Emergency Services and Public Protection prescribes;  
73 and

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

76 (b) Except as provided in this section, on and after April 5, 2013, any  
77 person who, within this state, distributes, imports into this state, keeps  
78 for sale, offers or exposes for sale, or purchases a large capacity

79 magazine shall be guilty of a class D felony. On and after April 5, 2013,  
80 any person who, within this state, transfers a large capacity magazine,  
81 except as provided in subsection (f) of this section, shall be guilty of a  
82 class D felony.

83 (c) Except as provided in this section and section 53-202x<sub>z</sub> [(1) Any  
84 person who possesses a large capacity magazine on or after January 1,  
85 2014, that was obtained prior to April 5, 2013, shall commit an infraction  
86 and be fined not more than ninety dollars for a first offense and shall be  
87 guilty of a class D felony for any subsequent offense, and (2) any person  
88 who possesses a large capacity magazine on or after January 1, 2014, that  
89 was obtained on or after April 5, 2013, shall be guilty of a class D felony]  
90 any person who possesses a large capacity magazine shall be guilty of a  
91 (1) class D felony if such person is ineligible to possess a firearm under  
92 state or federal law, or (2) class A misdemeanor if such person is not  
93 ineligible to possess a firearm under state or federal law. (d) A large  
94 capacity magazine may be possessed, purchased or imported by:

95 (1) The Department of Emergency Services and Public Protection,  
96 police departments, the Department of Correction, the Division of  
97 Criminal Justice, the Department of Motor Vehicles, the Department of  
98 Energy and Environmental Protection or the military or naval forces of  
99 this state or of the United States;

100 (2) A sworn and duly certified member of an organized police  
101 department, the Division of State Police within the Department of  
102 Emergency Services and Public Protection or the Department of  
103 Correction, a chief inspector or inspector in the Division of Criminal  
104 Justice, a salaried inspector of motor vehicles designated by the  
105 Commissioner of Motor Vehicles, a conservation officer or special  
106 conservation officer appointed by the Commissioner of Energy and  
107 Environmental Protection pursuant to section 26-5, or a constable who  
108 is certified by the Police Officer Standards and Training Council and  
109 appointed by the chief executive authority of a town, city or borough to  
110 perform criminal law enforcement duties, for use by such sworn  
111 member, inspector, officer or constable in the discharge of such sworn

112 member's, inspector's, officer's or constable's official duties or when off  
113 duty;

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

116 (4) A nuclear facility licensed by the United States Nuclear  
117 Regulatory Commission for the purpose of providing security services  
118 at such facility, or any contractor or subcontractor of such facility for the  
119 purpose of providing security services at such facility;

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

123 (6) Any person, firm or corporation engaged in the business of  
124 manufacturing large capacity magazines in this state that manufactures,  
125 purchases, tests or transports large capacity magazines in this state for  
126 sale within this state to persons specified in subdivisions (1) to (5),  
127 inclusive, of this subsection or for sale outside this state, or a federally-  
128 licensed firearm manufacturer engaged in the business of  
129 manufacturing firearms or large capacity magazines in this state that  
130 manufactures, purchases, tests or transports firearms or large capacity  
131 magazines in this state for sale within this state to persons specified in  
132 subdivisions (1) to (5), inclusive, of this subsection or for sale outside  
133 this state.

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

135 (1) A licensed gun dealer;

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

139 (3) A person, firm, corporation or federally-licensed firearm  
140 manufacturer described in subdivision (6) of subsection (d) of this  
141 section that possesses a large capacity magazine that is lawfully

142 possessed by another person for the purpose of servicing or repairing  
143 the large capacity magazine;

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

146 (5) Any person who is the executor or administrator of an estate that  
147 includes a large capacity magazine, or the trustee of a trust that includes  
148 a large capacity magazine, the possession of which has been declared to  
149 the Department of Emergency Services and Public Protection pursuant  
150 to section 53-202x, which is disposed of as authorized by the Probate  
151 Court, if the disposition is otherwise permitted by this section and  
152 section 53-202x.

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

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

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

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

163 (4) The transfer of a large capacity magazine prior to October 1, 2013,  
164 from a licensed gun dealer, pawnbroker licensed under section 21-40, or  
165 consignment shop operator, as defined in section 21-39a, to any person  
166 who (A) possessed the large capacity magazine prior to or on April 4,  
167 2013, (B) placed a firearm that such person legally possessed, with the  
168 large capacity magazine included or attached, in the possession of such  
169 dealer, pawnbroker or operator prior to or on April 4, 2013, pursuant to  
170 an agreement between such person and such dealer, pawnbroker or  
171 operator for the sale of the firearm to a third person, and (C) is eligible

172 to possess the firearm on the date of such transfer.

173 (g) [If] The court may order suspension of prosecution in addition to  
174 any other diversionary programs available to the defendant, if the court  
175 finds that a violation of this section is not of a serious nature and that  
176 the person charged with such violation (1) will probably not offend in  
177 the future, (2) has not previously been convicted of a violation of this  
178 section, and (3) has not previously had a prosecution under this section  
179 suspended pursuant to this subsection, it may order suspension of  
180 prosecution in accordance with the provisions of subsection (h) of  
181 section 29-33."

182 Strike subdivision (1) of subsection (b) of section 46 in its entirety and  
183 insert the following in lieu thereof:

184 "(b) (1) The local authority shall, not later than eight weeks after a  
185 sufficient application for a temporary state permit has been made,  
186 inform the applicant that such applicant's request for a temporary state  
187 permit has been approved or denied, and if denied, supply to the  
188 applicant a detailed written reason for such denial. The local authority  
189 shall forward a copy of the application indicating approval or denial of  
190 the temporary state permit to the Commissioner of Emergency Services  
191 and Public Protection. If the local authority has denied the application  
192 for a temporary state permit, no state permit may be issued. If the local  
193 authority has failed to expressly deny the application or issue a  
194 temporary state permit during the eight-week period following the  
195 submission of such application, upon presentation by the applicant of  
196 an affidavit attesting to such failure to expressly deny the application at  
197 least (A) thirty-two weeks, in the case of an application filed on or before  
198 March 30, 2024, and (B) sixteen weeks, in the case of an application filed  
199 on or after April 1, 2024, after submission of such application, the  
200 commissioner shall accept such affidavit in lieu of a temporary state  
201 permit and notify the local authority immediately of the receipt of such  
202 affidavit. The commissioner shall, not later than eight weeks after  
203 receiving an application indicating approval from the local authority, or  
204 an affidavit attesting to a failure to expressly deny the application,

205 inform the applicant in detailed writing that the applicant's application  
206 for a state permit has been approved or denied, or that the results of the  
207 national criminal history records check have not been received. If  
208 grounds for denial become known after a temporary state permit has  
209 been obtained, the temporary state permit shall be immediately revoked  
210 pursuant to section 29-32. The failure of the issuing authority to  
211 complete the review of an application for a temporary state permit shall  
212 not be grounds for the commissioner to deny issuance of a state permit."