



**Substitute House Bill No. 7219**

**Public Act No. 19-6**

***AN ACT CONCERNING GHOST GUNS.***

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

Section 1. Section 29-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) No person shall remove, deface, alter or obliterate the name of any maker or model or any maker's number, unique serial number or other mark of identification on any firearm as defined in section 53a-3. The possession of any firearm upon which any identifying mark, number or name has been removed, defaced, altered or obliterated shall be prima facie evidence that the person owning or in possession of such firearm has removed, defaced, altered or obliterated the same.

(b) Any person who violates any provision of this section shall be guilty of a class C felony for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine, and any firearm found in the possession of any person in violation of said provision shall be forfeited.

Sec. 2. (NEW) (*Effective October 1, 2019*) (a) No person shall complete

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the manufacture of a firearm without subsequently (1) obtaining a unique serial number or other mark of identification from the Department of Emergency Services and Public Protection pursuant to subsection (b) of this section, and (2) engraving upon or permanently affixing to the firearm such serial number or other mark in a manner that conforms with the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to 18 USC 923(i), as amended from time to time, and any regulation adopted thereunder.

(b) Not later than thirty days after a person completes the manufacture of a firearm or ninety days after the Department of Emergency Services and Public Protection provides notice in accordance with section 3 of this act that the system to distribute a unique serial number or other mark of identification pursuant to this section is operational, whichever date is later, such person shall notify the department of such manufacture and provide any identifying information to the department concerning the firearm and the owner of such firearm, in a manner prescribed by the Commissioner of Emergency Services and Public Protection. Upon receiving a properly submitted request for a unique serial number or other mark of identification from a person who completes manufacture of a firearm, the department shall determine if such person is prohibited from purchasing a firearm and if not, shall issue to such person a unique serial number or other mark of identification immediately and in no instance more than three business days after the department receives such request. Issuance of a unique serial number or other mark of identification pursuant to this subsection shall not be evidence that the firearm is otherwise lawfully possessed.

(c) The provisions of subsections (a) and (b) of this section shall not apply to the manufacture of a firearm manufactured using an unfinished frame or lower receiver on which a serial number or other mark has been engraved or permanently affixed pursuant to

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subsection (c) of section 5 of this act.

(d) No person shall transfer to another person any firearm manufactured in violation of this section.

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

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

(g) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the custody of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and

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the case shall be brought to trial. If such person satisfactorily completes such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a of the general statutes. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

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

(i) For purposes of this section, "manufacture" means to fabricate or construct a firearm including the initial assembly, "firearm" means firearm, as defined in section 53a-3 of the general statutes, and "law enforcement agency" means law enforcement agency, as defined in section 29-1i of the general statutes.

Sec. 3. (NEW) (*Effective from passage*) Not later than October 1, 2019, the Department of Emergency Services and Public Protection, in consultation with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives as needed, shall develop and maintain a system to

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distribute a unique serial number or other mark of identification to any person requesting such number or mark pursuant to section 2 or 5 of this act, and provide written notification that such system is operational by: (1) Posting the notification on the department's Internet web site, and (2) providing the notification electronically to federally licensed firearm dealers. The department shall maintain identifying information of the person requesting the number or mark and of the firearm or unfinished frame or lower receiver for which each such number or mark is requested.

Sec. 4. (NEW) (*Effective October 1, 2019*) (a) No person shall manufacture any firearm from polymer plastic that, after removal of grips, stocks and magazines, is not as detectible as the security exemplar, by walk-through metal detectors calibrated and operated to detect the security exemplar.

(b) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the custody of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes

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such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a of the general statutes. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(c) Any person who violates any provision of this section shall be guilty of a class C felony for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine, and any firearm found in the possession of any person in violation of any provision of this section shall be forfeited.

(d) For purposes of this section, "firearm" means firearm, as defined in section 53a-3 of the general statutes, but does not include the frame or receiver of any such weapon and "security exemplar" means "security exemplar" as defined in 18 USC 922(p), as amended from time to time, and any regulation adopted thereunder.

Sec. 5. (NEW) (*Effective from passage*) (a) No person shall purchase or receive or sell, deliver or otherwise transfer an unfinished frame or lower receiver, except as provided in: (1) Subsections (b) and (c) of this section; or (2) subsection (d) of this section; or (3) subsection (e) of this section.

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(b) The procedures for the purchase or receipt or sale, delivery or other transfer of an unfinished frame or lower receiver shall be the same procedures as apply to the purchase or receipt or sale, delivery or other transfer of a pistol or revolver under subsections (b) to (e), inclusive, of section 29-33 of the general statutes, provided such purchase or receipt or sale, delivery or other transfer of an unfinished frame or lower receiver is in accordance with the provisions of subsection (c) of this section.

(c) (1) No person shall sell, deliver or otherwise transfer an unfinished frame or lower receiver pursuant to subsection (b) of this section that does not have a unique serial number or other mark of identification, obtained pursuant to: (A) The serial numbering program of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or (B) subdivisions (2) and (3) of this subsection.

(2) A person may obtain a unique serial number or other mark of identification for an unfinished frame or lower receiver by providing to the Department of Emergency Services and Public Protection any identifying information concerning the unfinished frame or lower receiver and the owner of such unfinished frame or lower receiver, in a manner prescribed by the Commissioner of Emergency Services and Public Protection. Upon receiving a properly submitted request for a unique serial number or other mark of identification for an unfinished frame or lower receiver, the Department of Emergency Services and Public Protection shall determine if such person is prohibited from purchasing a firearm, and if not, shall issue to such person a unique serial number or other mark of identification immediately and in no instance more than (A) three business days after the Department of Emergency Services and Public Protection receives such request, or (B) ten business days after the system to distribute a unique serial number or other mark of identification pursuant to section 3 of this act is operational, whichever date is later.

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(3) Such unique serial number or other mark of identification shall be engraved upon or permanently affixed to the unfinished frame or lower receiver in a manner that conforms with the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to 18 USC 923(i), as amended from time to time, and any regulation adopted thereunder.

(d) The provisions of subsections (a) to (c), inclusive, of this section shall not apply to the sale, delivery or transfer of any unfinished frame or lower receiver between (1) a federally licensed firearm manufacturer and a federally licensed firearm dealer, (2) a federally licensed firearm importer and a federally licensed firearm dealer, or (3) federally licensed firearm dealers.

(e) Any person may arrange in advance to deliver and transfer an unfinished frame or lower receiver to a police department or the Department of Emergency Services and Public Protection.

(f) On and after October 1, 2019, no person shall possess an unfinished frame or lower receiver unless such person is eligible to purchase a firearm under state and federal law.

(g) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the



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custody of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a of the general statutes. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(h) Any person who violates any provision of this section shall be guilty of a class C felony for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine, except that any person who sells, delivers or otherwise transfers an unfinished frame or lower receiver in violation of the provisions of this section knowing that such unfinished frame or lower receiver is stolen or that the manufacturer's number or other mark of identification on such unfinished frame or lower receiver has been altered, removed or obliterated, shall be guilty of a class B felony for which three years of the sentence imposed may not be suspended or reduced by the court, and ten thousand dollars of the fine imposed

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may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine, and any unfinished frame or lower receiver found in the possession of any person in violation of any provision of this section shall be forfeited.

(i) For purposes of this section, "unfinished frame or lower receiver" means a blank, casting or machined body intended to be turned into the frame or lower receiver of a firearm, as defined in section 53a-3 of the general statutes, with additional machining, and which has been formed or machined to the point where most major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm, even if the fire-control cavity area of such blank, casting or machined body is still completely solid and unmachined. An "unfinished frame or lower receiver" is not a firearm, as defined in 18 USC 921(a), as amended from time to time.