

Governor Malloy's Common Sense Gun Safety Reforms

Why is the gun used at Sandy Hook not classified as an “assault weapon” under today’s law? Why are background checks required when someone buys a gun in a store, but not when they buy it privately or at a gun show? Why is there no limit on the size of a magazine that can be used in a semiautomatic weapon?

These are questions that Governor Malloy believes can and should be answered now. While some problems are more complicated and require further study- including the intersection of mental health and gun ownership- there are clear, common sense steps we can take right now to improve Connecticut’s gun laws.

While the tragedy at Sandy Hook Elementary School provided a devastating reminder of the need for more sensible policy, the problem of gun violence is not confined to one community. Communities throughout our state, particularly in our largest cities, continue to suffer from the scourge of gun violence regularly. The time to act is now.

The Connecticut Constitution gives law-abiding citizens the right to bear arms in defense of themselves and the state. This proposal endorses reasonable measures to improve public safety, while preserving citizens’ constitutional rights.

The following is a plan that outlines what the Governor believes are common sense, essential first steps in making our communities, our schools, and our families safer.

1. Make Background Checks Universal and Comprehensive

Require Universal Background Checks

Under current state law, to purchase a firearm from a firearm dealer, the purchaser must pass a federal background check, and unless the purchaser is in possession of a permit or hunting license, wait 14 days. But private sales between individuals or at gun shows can allow purchasers to bypass these requirements. To ensure that firearms stay in the hands of responsible citizens and remove inconsistencies in the current law, background checks should be performed prior to the transfer in ownership of any firearm in any circumstance, including the many gun transfers that occur between private parties. Under this proposal, private sellers may only transfer a firearm if the buyer produces proof of a federal background check, which can be obtained at a federal firearm dealer. Additionally, all private transfers of firearms should be recorded with law enforcement.

Expand the List of Crimes that Make an Individual Ineligible to Own a Gun

Eligibility to own a firearm requires a demonstration that an individual is a responsible citizen. Today, the list of non-felony misdemeanors that make an individual ineligible for a firearm permit include criminally negligent homicide, third-degree assault, second-degree threatening, first-degree reckless endangerment, second-degree unlawful restraint, first-degree riot, second-degree riot, inciting to riot, second-degree stalking and offenses involving the possession of controlled substances. Eligibility requirements should be expanded to exempt individuals that have been convicted of *any* offense involving a firearm, the use of force, or the threat of force, and other serious non-felony offenses, such as convictions for use of a controlled substance or operating a vehicle under the influence of drugs or alcohol within the past five years. Any permitted individual who is convicted of one of these offenses should be subject to the revocation of their firearm permit.

Keep Background Checks Updated

The Governor will charge state agencies with determining the best methods of exchanging information to ensure that background checks contain the most up-to-date information about applicants. In addition, the Governor will direct state agencies to work with the Judicial Branch to review the process and speed by which firearms are retrieved after the conviction of an offense that makes an individual ineligible to own a gun.

Expand Permitting Requirement to Firearms Other than Traditional Hunting and Sporting Rifles and Shotguns

Today, a permit is required to carry a handgun, but nothing other than a background check and waiting period is required to purchase, carry, and use other semiautomatic weapons. The permitting that is currently required for pistols and revolvers should be expanded to include rifles and shotguns other than traditional hunting and sporting weapons. Under this proposal, traditional hunting and sporting weapons include rifles or shotguns that are manually operated by bolt, pump, lever, or slide action or semiautomatic shotguns that hold a maximum of three shells.

Institute Objective Uniform Standards

Today there are no objective, uniform standards law enforcement must use to grant or revoke firearm permits. The Governor will direct the Criminal Justice Policy Advisory Commission (CJPAC) to develop reasonable, objective, and uniform standards. For the reinstatement of a suspended or revoked permit, the Board of Firearm Permit Examiners lacks adequate procedures and expertise to sufficiently assess the risk an individual poses to themselves or others. The Board of Firearm Permit Examiners should be restructured to include individuals with expertise in assessing such risk. In addition, the Governor will direct CJPAC to develop guidelines regarding behavioral risk for the board to use when determining whether to reinstate a permit.

2. Ban Large Capacity Magazines

Under current Connecticut law there is no limit to the number of rounds that can be discharged from a firearm before having to reload. High capacity magazines like the ones used in the Sandy Hook shooting increase the destructive power of any firearm that accepts a detachable magazine. Large capacity magazines and other ammunition feeding devices that hold over ten rounds should be banned. Individuals in possession of magazines or other feeding devices with a capacity of greater than 10 rounds should have until October 1, 2013 to sell out of state, turn over to local law enforcement or permanently modify so that it no longer holds more than 10 rounds.

3. Strengthen the Ban on Military-Style Assault Weapons

Under today's definition of an assault weapon, many military-style weapons -including the one used in the Sandy Hook shooting- are not captured. We should expand the definition of assault weapons to include semiautomatic weapons with *any* additional military-style feature and ban the purchase and sale of such weapons. The assault weapon ban should exempt law enforcement officers, correction officials, and military and naval personnel discharging their official duties.

Individuals who lawfully purchased these firearms before the date of enactment should have until October 1, 2013 to register their firearms with the state police and be granted a certificate of possession and obtain a permit. These registered firearms should be subject to existing ownership laws concerning banned assault weapons. While being transported, registered military-style assault weapons must be unloaded and, if transported in a vehicle, kept in the trunk or in a case inaccessible to the vehicle operator or passengers. If an individual chooses to sell or transfer an assault weapon, it may be sold only to a licensed firearm dealer or out of state.

As noted above, this proposal would reduce the number of military-style features that define an assault weapon for rifles and pistols under section 53-202a from two to one. Under this proposal, the following descriptions constitute an illegal, military-style assault weapon:

- ✓ A semiautomatic rifle that has an ability to accept a detachable magazine and has at least one of the following: a folding or telescoping stock; a pistol grip that protrudes conspicuously beneath the action of the weapon; a thumbhole stock; a bayonet mount; a flash suppressor, muzzle brake, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle brake, or muzzle compensator, a grenade launcher, second hand grip or protruding grip that can be held by the nontrigger hand, or
- ✓ A semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following: An ammunition magazine that attaches to the pistol outside of the pistol grip; a threaded barrel capable of accepting a barrel

extender, flash suppressor, forward handgrip or silencer; a shroud that is attached to, or partially or completely encircles the barrel that permits the shooter to hold the firearm with the nontrigger hand without being burned; a manufactured weight of fifty ounces or more when the pistol is unloaded; and a semiautomatic version of an automatic firearm; or

- ✓ A semiautomatic shotgun that has at least one of the following: A folding or telescoping stock; a pistol grip that protrudes conspicuously beneath the action of the weapon; a thumbhole stock; a fixed magazine capacity in excess of five rounds; an ability to accept a detachable magazine; and second hand grip or protruding grip that can be held by the nontrigger hand

4. Safer Storage: Best Practices and Legal Requirements

Strengthen Current Safe Storage Law

A cornerstone of responsible gun ownership is the safe storage of firearms. Gun owners are not the only individuals who live with firearms. To keep legally owned guns from falling into the wrong hands, we should amend the current statutes that refer only to minors to encompass all individuals ineligible to own a firearm except under the strict supervision of the owner, whether or not the weapon is loaded.

Increase Awareness

Information about safe storage techniques and requirements should be required to be a part of the certified firearms training courses and materials should be included with renewed permits, firearm and ammunition purchases, and at gun clubs and ranges.

Sandy Hook Advisory Commission:

The Governor will ask the Sandy Hook Advisory Commission to identify best practices in safe storage techniques and make recommendations as to whether any additional requirements should be mandated by law. The Governor will direct DESPP to post such recommendations for best practices on their website.

5. Improve Enforcement of Existing Laws

Prioritize the Prosecution of Gun Related Crimes

Laws only increase safety to the extent they are followed and enforced. Today, many of the crimes committed in our large cities involve legal firearms that were sold or transferred illegally. Current law requires precedence to be given to the investigation and prosecution of crimes involving firearms and the Governor will work with law enforcement and state's attorneys to prioritize the enforcement of these existing laws.

Report Illegal Activity

It is often difficult for police to know when firearms laws are not followed until tragedy strikes. This proposal would establish a mandatory reporting system of illegal gun activity. Gun permit holders, firearm safety instructors and employees of gun retailers, gun clubs, and gun ranges should be required to report to the police when an individual is seen or known to be engaging in unlawful behavior involving a firearm. Offenses that should be reported if seen or known to the mandated reporter should include engaging in a straw purchase, the illegal transfer or purchase of a firearm, the unsafe storage of a firearm, and the possession of banned magazines. Instruction on the mandatory reporting standards as well as guidelines for safe storage, rules governing transfer or sale of firearms, and rules governing loss or theft of firearms should be given during the permitting process and refreshed upon renewal.

Sandy Hook Advisory Commission:

While issues related to mental illness and behavioral health are complicated, it is clear that keeping guns out of the hands of those whose behaviors indicate that they pose a risk to themselves or others is essential to protecting the public safety. The Governor will ask the Sandy Hook Advisory Commission to examine whether behavioral criteria should be included in the proposed mandatory reporting law, and whether physicians, behavioral health professionals, social workers, and other professionals should be included as mandatory reporters of illegal gun activity.

Under current law, there is a process for law enforcement to seize the firearms of an individual who poses a risk of imminent danger to self or others. The Governor will direct CJPAC to propose a strategy for increasing awareness about who to call when citizens know or encounter an individual who poses such a risk.

Record Firearm and Ammunition Transfers

To better anticipate and respond to criminal activity involving firearms, law enforcement needs more accurate information about what firearms and firepower are present in the state. Firearms and ammunition dealers should be required to maintain electronic records of all firearms and ammunition purchased and sold and should be required to routinely transfer such information to law enforcement.

In order to assist law enforcement in identifying potential threats or illegal conduct, individuals should be required to present a driver's license, hunting license, or firearm permit that should be recorded with each purchase and should be maintained in the dealers' electronic records.

By executive action, the state Department of Emergency Services and Public Protection will be required to regularly report to the Governor and General Assembly on such transfers.