



Division of Public Defender Services State of Connecticut

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SELECT COMMITTEE ON CHILDREN March 1, 2012

RAISED BILL 5220, AN ACT CONCERNING LOOK A LIKE FIREARMS

The Office of Chief Public Defender is concerned that this proposal may have unintended consequences that could adversely impact adults and children who possess no criminal intent while on their own private property. The office is also concerned that the enforcement of this proposal could have disparate impact on people of color living in our cities. As currently written, ***Raised Bill 5220, An Act Concerning Look a Like Firearms*** makes it a crime for anyone to possess an item that could reasonably be mistaken for a firearm within 1500 feet of a public or private school even if on private property. This includes toy guns, water pistols, paint ball guns and BB guns that are currently legal for a person over the age of 18 to purchase and possess in their residence or in their own backyard.

There are already laws in effect that protect the community against people who brandish facsimile firearms. C.G.S. §53-206c prohibits exhibiting or brandishing a facsimile to frighten or threaten. While C.G.S. § 53-206c exempts from the definition of facsimile of a firearm, paint ball guns and BB or pellet air guns. The proposed bill would criminalize mere possession of these same "guns" as it does not require that a person exhibit or show them, just that they possess it within 1500 feet of a school.

Passage of this will certainly have a disproportionate impact on persons of color in our state who have populations centered in the city. Connecticut is working hard to mitigate the impact of disproportionate minority contact with the juvenile and criminal justice systems. As has been discussed when enhanced penalties for drug offenses have been debated by the General Assembly, it is hard to find any property in our cities that is not within 1500 feet of a school. Under this legislation, anyone who has a BB or pellet gun or paintball gun that is otherwise legal for them to purchase or own, could be in violation of this proposed law because the gun was in their home or yard near a school. Although suburban populations are proportionally more white and are less likely to be living within 1500 feet of a school, people living here will still be impacted. This proposal, while well intentioned, could be a step backwards in that effort. The Office of Chief Public Defender believes that current law already protects the community against the conduct this proposal is aimed at preventing and urges the committee to study the current statutes before acting on this bill.