



General Assembly

January Session, 2021

Raised Bill No. 6491

LCO No. 3557



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING NONLETHAL ELECTRONIC DEFENSE WEAPONS.

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

1 Section 1. Subsection (a) of section 29-38 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) Any person who knowingly has, in any vehicle owned, operated
5 or occupied by such person, any weapon, any pistol or revolver for
6 which a proper permit has not been issued as provided in section 29-28
7 or any machine gun which has not been registered as required by section
8 53-202, shall be guilty of a class D felony, and the presence of any such
9 weapon, pistol or revolver, or machine gun in any vehicle shall be prima
10 facie evidence of a violation of this section by the owner, operator and
11 each occupant thereof. The word "weapon", as used in this section,
12 means any BB. gun, any blackjack, any metal or brass knuckles, any
13 police baton or nightstick, any dirk knife or switch knife, any knife
14 having an automatic spring release device by which a blade is released
15 from the handle, having a blade of over one and one-half inches in

16 length, any stiletto, any knife the edged portion of the blade of which is
17 four inches or more in length, any martial arts weapon, [or electronic
18 defense weapon,] as defined in section 53a-3, or any other dangerous or
19 deadly weapon or instrument.

20 Sec. 2. Subsection (a) of section 53-206 of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective from*
22 *passage*):

23 (a) Any person who carries upon his or her person any BB. gun,
24 blackjack, metal or brass knuckles, or any dirk knife, or any switch knife,
25 or any knife having an automatic spring release device by which a blade
26 is released from the handle, having a blade of over one and one-half
27 inches in length, or stiletto, or any knife the edged portion of the blade
28 of which is four inches or more in length, any police baton or nightstick,
29 or any martial arts weapon, [or electronic defense weapon,] as defined
30 in section 53a-3, or any other dangerous or deadly weapon or
31 instrument, shall be guilty of a class E felony. Whenever any person is
32 found guilty of a violation of this section, any weapon or other
33 instrument within the provisions of this section, found upon the body
34 of such person, shall be forfeited to the municipality wherein such
35 person was apprehended, notwithstanding any failure of the judgment
36 of conviction to expressly impose such forfeiture.

37 Sec. 3. Section 53a-217 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective from passage*):

39 (a) A person is guilty of criminal possession of a firearm [.] or
40 ammunition [or an electronic defense weapon] when such person
41 possesses a firearm [.] or ammunition [or an electronic defense weapon]
42 and (1) has been convicted of a felony committed prior to, on or after
43 October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61, 53a-
44 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d
45 committed on or after October 1, 2013, (2) has been convicted as
46 delinquent for the commission of a serious juvenile offense, as defined
47 in section 46b-120, (3) has been discharged from custody within the

48 preceding twenty years after having been found not guilty of a crime by
49 reason of mental disease or defect pursuant to section 53a-13, (4) knows
50 that such person is subject to (A) a restraining or protective order of a
51 court of this state that has been issued against such person, after notice
52 has been provided to such person, in a case involving the use, attempted
53 use or threatened use of physical force against another person, or (B) a
54 foreign order of protection, as defined in section 46b-15a, that has been
55 issued against such person in a case involving the use, attempted use or
56 threatened use of physical force against another person, (5) (A) has been
57 confined on or after October 1, 2013, in a hospital for persons with
58 psychiatric disabilities, as defined in section 17a-495, within the
59 preceding sixty months by order of a probate court, or with respect to
60 any person who holds a valid permit or certificate that was issued or
61 renewed under the provisions of section 29-28 or 29-36f in effect prior to
62 October 1, 2013, such person has been confined in such hospital within
63 the preceding twelve months, or (B) has been voluntarily admitted on
64 or after October 1, 2013, to a hospital for persons with psychiatric
65 disabilities, as defined in section 17a-495, within the preceding six
66 months for care and treatment of a psychiatric disability, unless the
67 person (i) was voluntarily admitted solely for being an alcohol-
68 dependent person or a drug-dependent person as those terms are
69 defined in section 17a-680, or (ii) is a police officer who was voluntarily
70 admitted and had his or her firearm [.] or ammunition [or electronic
71 defense weapon] used in the performance of the police officer's official
72 duties returned in accordance with section 7-291d, (6) knows that such
73 person is subject to a firearms seizure order issued pursuant to
74 subsection (d) of section 29-38c after notice and an opportunity to be
75 heard has been provided to such person, or (7) is prohibited from
76 shipping, transporting, possessing or receiving a firearm pursuant to 18
77 USC 922(g)(4). For the purposes of this section, "convicted" means
78 having a judgment of conviction entered by a court of competent
79 jurisdiction, "ammunition" means a loaded cartridge, consisting of a
80 primed case, propellant or projectile, designed for use in any firearm,
81 and a motor vehicle violation for which a sentence to a term of
82 imprisonment of more than one year may be imposed shall be deemed

83 an unclassified felony.

84 (b) Criminal possession of a firearm [,] or ammunition [or an
85 electronic defense weapon] is a class C felony, for which two years of
86 the sentence imposed may not be suspended or reduced by the court,
87 and five thousand dollars of the fine imposed may not be remitted or
88 reduced by the court unless the court states on the record its reasons for
89 remitting or reducing such fine.

| | | |
|---|---------------------|-----------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 29-38(a) |
| Sec. 2 | <i>from passage</i> | 53-206(a) |
| Sec. 3 | <i>from passage</i> | 53a-217 |

Statement of Purpose:

To remove the prohibition on possession of nonlethal electronic defense weapons.

[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.]