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7 Attorneys for Plaintiffs

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 LEONARD FYOCK, SCOTT)
HOCHSTETLER, WILLIAM DOUGLAS,)
12 DAVID PEARSON, BRAD SEIFERS, and)
ROD SWANSON,)

13 Plaintiffs)

14 vs.)

15 THE CITY OF SUNNYVALE, THE)
16 MAYOR OF SUNNYVALE, ANTHONY)
SPITALERI in his official capacity, THE)
17 CHIEF OF THE SUNNYVALE)
DEPARTMENT OF PUBLIC SAFETY,)
18 FRANK GRGURINA, in his official)
capacity, and DOES 1-10,)

19 Defendants.)
20)
21)

CASE NO: CV13-05807 RMW
SUPPLEMENTAL DECLARATION OF
CLINTON B. MONFORT IN SUPPORT
OF PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

Date: February 21, 2014
Time: 9:00 A.M.
Location: San Jose Courthouse
Courtroom 6 - 4th Floor
280 South 1st Street
San Jose, CA 95113

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DECLARATION OF CLINTON B. MONFORT

I, Clinton B. Monfort, am an attorney licensed to practice law before the Northern District of California. I am an associate attorney at the law firm Michel & Associates, P.C., attorneys of record for Plaintiffs in this action. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

1. Attached hereto as Exhibit “G” is a true and correct copy of excerpts from the deposition of Dr. Christopher S. Koper from *Tardy v. O’Malley*, United States District Court, District of Maryland, Case No. CCB-13-2841.¹
2. Attached hereto as Exhibit “H” is a true and correct copy of Cal. Penal Code § 32310.
3. Attached hereto as Exhibit “I” is a true and correct copy of 2013 Conn. Acts P.A. 13-3 § 23.
4. Attached hereto as Exhibit “J” is a true and correct copy of Haw. Rev. Stat. § 134-8(c).
5. Attached hereto as Exhibit “K” is a true and correct copy of 2013 Md. Sess. Laws ch. 427, § 1.
6. Attached hereto as Exhibit “L” is a true and correct copy of Mass. Gen. Laws Ann. Ch. 140, §§ 121, 131M.
7. Attached hereto as Exhibit “M” is a true and correct copy of 2013 N.Y. Sess. Laws ch. 1, §§ 38, 41-b.
8. In or about January 2014 through February 2014, I researched and reviewed state capacity-based magazine statutes in the United States. I am aware and informed that six states restrict magazines with capacity over ten rounds. See Exhibits “H” through “M.”
9. Attached hereto as Exhibit “N” is a true and correct copy of 2013 Colo. Stats. H.B. 13-1224.

¹ If there are any objections whether these are true and correct copies of parts of the relevant deposition transcript, or upon request of the Court, Plaintiffs will immediately lodge a certified copy of the transcript to the Court and Defendants.

1 10. Attached hereto as Exhibit "O" is a true and correct copy of N.J. Stat. Ann. §§
2 2C:39-1(y), 2C:39-3(j).

3 11. In or about January 2014 through February 2014, I researched and reviewed state
4 capacity-based magazine statutes in the United States. I am aware and informed that two states
5 have capacity restrictions of 15 rounds. See Exhibits "N" through "O."

6 12. In or about January 2014 through February 2014, I researched and reviewed state
7 capacity-based magazine statutes in the United States. I am aware and informed that forty-two
8 states do not have capacity-based magazine restrictions.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed within
10 the United States on February 10, 2014.

11
12 
13 Clinton B. Monfort

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LEONARD FYOCK, SCOTT)
HOCHSTETLER, WILLIAM DOUGLAS,) CASE NO: CV13-05807 RMW
DAVID PEARSON, BRAD SEIFERS, and)
ROD SWANSON,) CERTIFICATE OF SERVICE

Plaintiffs,

vs.

THE CITY OF SUNNYVALE, THE)
MAYOR OF SUNNYVALE, ANTHONY)
SPITALERI, in his official capacity, THE)
CHIEF OF THE SUNNYVALE)
DEPARTMENT OF PUBLIC SAFETY,)
FRANK GRGURINA, in his official)
capacity, and DOES 1-10,)

Defendants.

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of

**SUPPLEMENTAL DECLARATION OF CLINTON B. MONFORT IN SUPPORT OF
PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Roderick M. Thompson
Anthony P. Schoenberg
Rochelle L. Woods
Farella Braun + Martel LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
aschoenberg@fbm.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 10, 2014.

/s/ C. D. Michel
C. D. Michel
Attorney for Plaintiffs

EXHIBIT “G”

In The Matter Of:

*Shawn J. Tardy, et al. vs.
Martin J. O'Malley, et al.*

Christopher S. Koper, Ph.D.

Vol. 1

February 3, 2014

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

SHAWN J. TARDY, et al.

Plaintiffs

Case No.

vs.

1:13-cv-02841-CCB

MARTIN J. O'MALLEY, et al.

Defendants

_____ /

The deposition of CHRISTOPHER S. KOPER,
PH.D. was held on Monday, February 3, 2014, commencing
at 1:48 p.m., at George Mason University, Research
Hall, 4400 University Drive, Fairfax, Virginia 22030,
before Amanda J. Curtiss, CSR, Notary Public.

REPORTED BY: Amanda J. Curtiss, CSR

1 APPEARANCES:

2

3

ON BEHALF OF THE PLAINTIFFS:

4

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ON BEHALF OF DEFENDANT, MARTIN J. O'MALLEY:

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MATTHEW J. FADER, ESQUIRE

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1 and considering mass shootings by the number of people
2 shot as opposed to the number of people killed --

3 A Uh-huh.

4 Q -- and if you assume four or more, can you
5 state to a reasonable degree of scientific probability
6 based upon the evidence available to you that banning
7 assault rifles will reduce the number of incidents of
8 mass shootings?

9 A I can't say that based -- I mean, I can't
10 make a firm projection of that based on any particular
11 available data. There might be data to suggest that
12 there could be some reduction in that, but it's hard to
13 really clearly project what that would be or how
14 difficult it might be to detect statistically.

15 Q We have to work with a legal standard for
16 expert opinion in the reasonable probability range.

17 A Uh-huh.

18 Q I'm not sure in the legal context what, you
19 know, firm means as you mean it, but I'm trying to
20 understand whether you can state your opinion to a
21 reasonable degree of scientific probability that

1 banning assault rifles would reduce the incidents of
2 public shootings, mass shootings.

3 A Again, I mean, all I can say is attacks
4 with those sorts of weapons tend to result in more
5 victims being hit, so it stands to some reason that if
6 you reduced the use of these types of weapons, it could
7 reduce the tallies of victims hit in these incidents.
8 And it's not actually just a matter of the mass
9 shooting incidents. It's also a matter of incidents
10 with high numbers of shots fired, regardless of how
11 many people get hit. So that has to be taken into
12 account as well.

13 And I've tended to focus more on that issue
14 in my research, you know, going back to the Jersey City
15 data, for example, that suggested that about five
16 percent of gunshot victimization stemmed from incidents
17 with more than ten shots fired. And so based on that,
18 one might project a small percentage reduction in
19 shootings overall from this type of legislation.

20 Q Do you have your publication of your
21 New Jersey data? Did you publish that?

1 A Yes. Uh-huh.

2 Q And when we looked at your CV, I know we
3 talked about it briefly, and is this the Reedy and
4 Koper 2003 article?

5 A Yes.

6 Q How many incidents did you study that
7 involved more than ten shots being fired?

8 A In the sample that we had, I believe there
9 were something like maybe six incidents that involved
10 more than ten shots fired.

11 Q And do you recall what the base was of
12 total incidents?

13 A It's in the -- it's in the study.

14 Q Why don't we mark this since we're going to
15 be talking about it? Exhibit 9.

16 (Koper Exhibit 9 was marked for
17 identification.)

18 MR. FADER: And John, maybe in the next
19 five minutes if we can take a little water break.

20 MR. SWEENEY: Now. Let's break right now.

21 (Off the record.)

1 BY MR. SWEENEY:

2 Q Back on the record.

3 While we were on the break, I tried to
4 focus myself on the portions of your 2003 study which
5 we have marked as Exhibit 9. First of all, it appears
6 that there were some -- well, if I look at the data
7 tables that you have on page 153 of Exhibit 9, figure
8 one involves assault incidents with a semi-automatic
9 pistol; correct?

10 A Yes.

11 Q And you had 239 of those; right?

12 A Yes.

13 Q How many of those involved more than ten
14 shots being fired? Where would I find that number?

15 A That would be on page 154 on table one. We
16 had -- one column has minimum shots fired estimates,
17 the other has maximum shots fired estimates if there
18 happened to be a range in the data.

19 Q Am I correct in interpreting this that it's
20 six out of approximately 165 pistol incidents in which
21 more than ten shots were fired?

1 A Yes.

2 Q So that's roughly 3.6 percent? Does that
3 sound about right to you?

4 A Yes.

5 Q Okay. Let me see if I can understand this
6 study a little bit more. Going back to page 153 figure
7 one, outcomes of assault incidents involving
8 semi-automatic pistols, you state handgun type was not
9 associated with attack outcomes; correct?

10 A In this categorical tree, that's correct.

11 Q All right. So regardless of whether
12 someone was using a semi-automatic pistol or a
13 revolver, there was no difference in the outcome be it
14 injury or death?

15 A Overall for the incident, yes.

16 Q All right. And immediately below figure
17 two you state, "Although pistol cases involved higher
18 numbers of shots, they were not significantly more
19 likely to result in injuries either fatal or nonfatal
20 than were revolver cases," is that correct?

21 A Yes. I think what we're talking about

1 there is when you're looking at the likelihood that a
2 gunfire incident resulted in any victimization, you
3 know, any injury, I think there was no significant
4 difference there. We did find a difference in the
5 number of people who are wounded.

6 Q On the right-hand column, second full
7 paragraph you state, "Finally, figures one and two show
8 that gunshot injury incidents involving pistols were
9 less likely to produce a death than were those
10 involving revolvers," correct?

11 A Yes.

12 Q Had you differentiated between pistols with
13 large capacity magazines and those without large
14 capacity magazines here?

15 A There was only limited data on that, so we
16 couldn't examine that in a great deal of depth.

17 Q So is it fair to say that based upon the
18 data in this study, pistols involving larger capacity
19 magazines were less likely to produce a death than were
20 those involving revolvers?

21 A I wouldn't necessarily say that. It would

1 depend. You'd have to look specifically at the cases
2 where a large capacity magazine was involved.

3 Q All right. But we don't really have that
4 breakdown reliably, do we, or at least completely?

5 A Not completely.

6 Q Can you interpret the data here to support
7 the statement that gunshot injury incidents involving
8 pistols with large capacity magazines were more likely
9 to produce death than were those involving revolvers?
10 Does your data support that statement?

11 A More likely to produce death?

12 Q Yes.

13 A No. I can't say that based on what we have
14 here.

15 Q All right. Now, under your discussion
16 below beginning with the second sentence, you state,
17 "Gun attackers using pistols tend to fire more shots
18 than attackers using revolvers," correct?

19 A Yes.

20 Q And then you go on to say, "This shot
21 differential does not appear to influence the

1 probability that an incident will result in injury or
2 death, nor the number of wounds sustained by gunshot
3 victims." Am I reading that correctly?

4 A Yes.

5 Q And that's the conclusion of this study;
6 correct?

7 MR. FADER: Objection.

8 THE WITNESS: Well, that's -- yeah, that's
9 only one conclusion. As we go on to say, offenders
10 using pistols tend to fire -- tend to wound more
11 persons. Also, it should be noted that while this is
12 not reported in this particular article, for the 2004
13 report on assault weapons we did some additional
14 analyses of cases involving more than ten shots and
15 those cases actually had a 100 percent injury rate.
16 You know, at least one person was injured in all of
17 those cases.

18 BY MR. SWEENEY:

19 Q Now, there were only a handful of such
20 cases in this study; correct?

21 A Correct.

1 A Uh-huh.

2 Q Is that because you cannot say to a
3 reasonable degree of scientific probability?

4 A In some of these cases, you have very small
5 numbers of incidents. It may be hard to do say
6 statistical significance tests. In some cases, there
7 are statistical significance tests showing that there
8 is a significant difference between the two sets of
9 cases. So beyond that, it's harder to say. I mean, we
10 don't -- we don't have randomized trials testing the
11 impact of weapon type on attack outcomes, so there
12 is -- there's always going to be some debate over the
13 patterns and the correlations in the data.

14 Q To press my point but without trying to,
15 and please forgive me, I don't want to sound like I'm
16 badgering you in any respect. But the limitations of
17 the scientific data are such that you simply can't say
18 to a reasonable degree of scientific probability that
19 you would be able to reduce public shootings even if
20 you were to eliminate large capacity magazines;
21 correct?

1 MR. FADER: Objection. You can answer.

2 THE WITNESS: Again, you can't say that
3 you'll eliminate all public shootings. What these data
4 suggest is that you would reduce the number of victims.
5 I can't necessarily -- it's hard to put specific
6 probabilities on it, but that's what these data
7 suggest. When you see some -- some of these
8 comparisons that were done in Luke's Dillon's thesis
9 even showed statistically significant differences
10 between the LCM cases and the non-LCM cases, that would
11 seem to provide some better degree of scientific
12 certainty.

13 BY MR. SWEENEY:

14 Q But because of the availability of multiple
15 firearms and multiple magazines that aren't large
16 capacity, can you truly say to a reasonable degree of
17 scientific probability that reducing the number of or
18 even eliminating the number of large capacity magazines
19 will reduce either the incidents of mass public
20 shootings or the number of people injured in such
21 public shootings?

1 A I guess the best way to answer that would
2 be that we'd have to -- we'd have to test that. We'd
3 have to see a circumstance where use of large capacity
4 magazines was significantly reduced and see what impact
5 that has on -- on these sorts of shootings.

6 Q And that's because we simply don't have
7 that evidence today; correct?

8 A We do have some evidence relevant to that.
9 It's just how -- how far you can push it, I guess.

10 Q Not far enough to state with a reasonable
11 degree of scientific probability; correct?

12 MR. FADER: Objection.

13 THE WITNESS: Yeah, I struggle a little bit
14 with that particular phrase because I can't put any
15 specific probability or tell you with -- with, you
16 know, five percent, one percent probability that there
17 will be this change. I can simply point to the numbers
18 that exist in these studies, and some of these
19 differences are statistically significant differences
20 and so it suggests in principle that if you could
21 reduce the use of these magazines, you could get a

1 reduction.

2 BY MR. SWEENEY:

3 Q And when we're talking about the
4 probability, in order to say more probable than not
5 it's more than 50 percent likelihood.

6 A Uh-huh.

7 Q And I take it the evidence just doesn't
8 support that right now?

9 MR. FADER: Objection.

10 THE WITNESS: I would be cautious in making
11 the inferences about, you know, how certain it is that
12 it would happen.

13 BY MR. SWEENEY:

14 Q And so you cannot say that it would be more
15 likely than not to achieve that?

16 A Not -- I would have to see more
17 observation. Have to see what happens.

18 Q All right. On page 13, footnote 26, you
19 touch on this in -- this issue of a perpetrator
20 substituting other guns for banned assault weapons, and
21 of course that would also include substituting multiple

1 magazines for banned large capacity magazines. Isn't
2 it likely in Maryland that a criminal who wants to
3 commit a crime with a firearm will still do so even
4 with the new law?

5 A Who wants to commit a?

6 Q A crime.

7 MR. FADER: Objection.

8 THE WITNESS: Would commit a crime with
9 another weapon you're saying?

10 BY MR. SWEENEY:

11 Q Yes.

12 A Yes.

13 Q And isn't it likely that in Maryland, the
14 law will have little or no impact on the frequency of
15 firearm crime in general?

16 A I would say that's a reasonable inference.

17 Q Have you -- are you familiar with the Safe
18 Streets Program?

19 A In Maryland?

20 Q Yes.

21 A Not specifically. There's a lot of

EXHIBIT “H”

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 4. Firearms (Refs & Annos)

Division 10. Special Rules Relating to Particular Types of Firearms or Firearm Equipment (Refs & Annos)

Chapter 5. Large-Capacity Magazine (Refs & Annos)

Article 1. Rules Governing Large-Capacity Magazines (Refs & Annos)

West's Ann.Cal.Penal Code § 32310

§ 32310. Prohibition on manufacture, import, sale, gift, loan, purchase, or receipt of large-capacity magazines; punishment

Effective: January 1, 2014

Currentness

(a) Except as provided in Article 2 (commencing with [Section 32400](#)) of this chapter and in Chapter 1 (commencing with [Section 17700](#)) of Division 2 of Title 2, commencing January 1, 2000, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to [subdivision \(h\) of Section 1170](#).

(b) For purposes of this section, “manufacturing” includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.

Credits

(Added by [Stats.2010, c. 711 \(S.B.1080\)](#), § 6, operative Jan. 1, 2012. Amended by [Stats.2012, c. 43 \(S.B.1023\)](#), § 107, eff. June 27, 2012; [Stats.2013, c. 728 \(A.B.48\)](#), § 1.)

Editors' Notes

LAW REVISION COMMISSION COMMENTS

2010 Addition

Section 32310 continues former Section 12020(a)(2) without substantive change.

For circumstances in which this section is inapplicable, see [Sections 16590](#) (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 32400-32450 (exceptions relating specifically to large-capacity magazines).

See [Section 16740](#) (“large-capacity magazine”). See also [Sections 17800](#) (distinct and separate offense), 32315 (permit for possession, transportation, or sale of large-capacity magazines between dealer and out-of-state client), 32390 (large-capacity magazine constituting nuisance). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

[Notes of Decisions \(1\)](#)

West's Ann. Cal. Penal Code § 32310, CA PENAL § 32310

Current with all 2013 Reg.Sess. laws, all 2013-2014 1st Ex.Sess. laws, and Res. c. 123 (S.C.A.3)

End of Document

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EXHIBIT “I”

2013 Conn. Legis. Serv. P.A. 13-3 (S.B. 1160) (WEST)

CONNECTICUT 2013 LEGISLATIVE SERVICE

2013 January Regular Session of the General Assembly

Additions are indicated by Text; deletions by Text .

Vetoed are indicated by ~~Text~~ ;
stricken material by ~~Text~~ .

P.A. No. 13-3

S.B. No. 1160

FIREARMS—OMNIBUS AMENDMENT

AN ACT CONCERNING GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY.

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

Section 1. Section 29-37a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 29-37a >>

(a) For the purposes of this section, "long gun" means a firearm, as defined in section 53a-3, other than a pistol or revolver.

(b) (1) Except as provided in subdivision (2) of this subsection, no person, firm or corporation may sell, deliver or otherwise transfer, at retail, any long gun to any person under eighteen years of age.

(2) No person, firm or corporation may sell, deliver or otherwise transfer, at retail, any semi-automatic centerfire rifle that has or accepts a magazine with a capacity exceeding five rounds to any person under twenty-one years of age. The provisions of this subdivision shall not apply to the sale, delivery or transfer of such a rifle to any person who is a member or employee of an organized local police department, the Department of Emergency Services and Public Protection or the Department of Correction or a member of the military or naval forces of this state or of the United States for use in the discharge of their duties.

(c) On and after April 1, 2014, no person may purchase or receive any long gun unless such person holds a valid long gun eligibility certificate issued pursuant to section 2 of this act, a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, as amended by this act, a valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 or a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f, as amended by this act, or is a federal marshal, parole officer or peace officer.

(a) (d) No person, firm or corporation may deliver, at retail, ~~sell, deliver or otherwise transfer, at retail, any firearm, as defined in section 53a-3, other than a pistol or revolver,~~ long gun to any person unless such person makes application on a form prescribed and furnished by the Commissioner of Emergency Services and Public Protection, which shall be filed and retained by the transferor for at least twenty years or, if the transferor is a federally licensed firearm dealer, attached by the vendor transferor to the federal sale or transfer document and filed and retained by the vendor transferor for at least twenty years or until such vendor transferor goes out of business. Such application shall be available for inspection during normal business hours by law enforcement officials. No sale or delivery of any firearm shall be made until the expiration of two weeks from the date of the application, and No such sale, delivery or other transfer of any long gun shall be made until the person, firm or corporation

making such sale, delivery or transfer has insured ensured that such application has been completed properly and has obtained an authorization number from the Commissioner of Emergency Services and Public Protection for such sale, delivery or transfer. The Department of Emergency Services and Public Protection shall make every effort, including performing the national instant criminal background check, to determine if the applicant is eligible to receive such firearm long gun. If it is determined that the applicant is ineligible to receive such firearm long gun, the Commissioner of Emergency Services and Public Protection shall immediately notify the person, firm or corporation to whom such application was made and no such firearm long gun shall be sold, or delivered or otherwise transferred to such applicant by such person, firm or corporation. When any firearm long gun is delivered in connection with the any sale or purchase, such firearm long gun shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no such firearm long gun when delivered on any sale or purchase shall be loaded or contain any gunpowder or other explosive or any bullet, ball or shell.

(b) Upon the sale, delivery or other transfer of the firearm long gun, the purchaser transferee shall sign in triplicate a receipt for such firearm long gun, which shall contain the name, and address and date and place of birth of such purchaser transferee, the date of such sale, delivery or transfer and the caliber, make, model and manufacturer's number and a general description thereof. Not later than twenty-four hours after such sale, delivery or transfer, the vendor transferor shall send by first class mail or electronically transfer one receipt to the Commissioner of Emergency Services and Public Protection and one receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman, of the town in which the purchaser transferee resides, and shall retain one receipt, together with the original application, for at least five years. The

(e) No sale, delivery or other transfer of any long gun shall be made by a person who is not a federally-licensed firearm manufacturer, importer or dealer to a person who is not a federally-licensed firearm manufacturer, importer or dealer unless:

(1) The prospective transferor and prospective transferee comply with the provisions of subsection (d) of this section and the prospective transferor has obtained an authorization number from the Commissioner of Emergency Services and Public Protection for such sale, delivery or transfer; or

(2) A national instant criminal background check has been initiated by a federally-licensed firearm dealer who has consented to initiate such check at the request of the prospective transferor or prospective transferee in accordance with subsection (f) of this section and the response received by the federally-licensed firearm dealer indicates the prospective transferee is eligible to receive such long gun.

(f) (1) On and after January 1, 2014, for purposes of a transfer pursuant to subdivision (2) of subsection (e) of this section, a prospective transferor or prospective transferee may request a federally-licensed firearm dealer to initiate a national instant criminal background check of the prospective transferee. If a federally-licensed firearm dealer consents to initiate a national instant criminal background check, the prospective transferor or prospective transferee shall provide to such dealer the name, sex, race, date of birth and state of residence of the prospective transferee and, if necessary to verify the identity of the prospective transferee, may provide a unique numeric identifier including, but not limited to, a Social Security number, and additional identifiers including, but not limited to, height, weight, eye and hair color, and place of birth. The prospective transferee shall present to the dealer such prospective transferee's valid long gun eligibility certificate issued pursuant to section 2 of this act, valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, as amended by this act, valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 or valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f, as amended by this act. The dealer may charge a fee not to exceed twenty dollars for initiating such background check.

(2) Notwithstanding the provisions of subsections (d) and (f) of section 29-36l, the dealer shall initiate a background check of such prospective transferee by contacting the national instant criminal background check system operations center for purposes of conducting such background check. Upon receiving a response from the operations center of the results of such check, the dealer shall immediately notify the prospective transferor or prospective transferee of such response. If the response indicates the prospective transferee is ineligible to receive such long gun, no long gun shall be sold, delivered or otherwise transferred by the

prospective transferor to the prospective transferee. If the response indicates the prospective transferee is eligible to receive such long gun, the prospective transferor may proceed to sell, deliver or otherwise transfer the long gun to the prospective transferee.

(3) Upon the sale, delivery or other transfer of the long gun, the transferor or transferee shall complete a form, prescribed by the Commissioner of Emergency Services and Public Protection, that contains the name and address of the transferor, the name and address of the transferee, the date and place of birth of such transferee, the firearm permit or certificate number of the transferee, the firearm permit or certificate number of the transferor, if any, the date of such sale, delivery or transfer, the caliber, make, model and manufacturer's number and a general description of such long gun and the transaction number assigned by the national instant criminal background check system to the background check request. Not later than twenty-four hours after such sale, delivery or transfer, the transferor shall send by first class mail or electronically transfer one copy of such form to the Commissioner of Emergency Services and Public Protection and one copy to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman, of the town in which the transferee resides, and shall retain one copy, for at least five years.

(g) Prior to April 1, 2014, no sale, delivery or other transfer of any long gun shall be made until the expiration of two weeks from the date of the application, except that such waiting period specified in subsection (a) of this section during which delivery may not be made and the provisions of this subsection shall not apply to any federal marshal, parole officer or peace officer, or to the delivery at retail sale, delivery or other transfer of (1) any firearm long gun to a holder of a valid state permit to carry a pistol or revolver issued under the provisions of section 29-28, as amended by this act, or a valid eligibility certificate issued under the provisions of section 29-36f, as amended by this act, or a valid long gun eligibility certificate issued under the provisions of section 2 of this act, (2) any firearm long gun to an active member of the armed forces of the United States or of any reserve component thereof, (3) any firearm long gun to a holder of a valid hunting license issued pursuant to chapter 490,¹ or (4) antique firearms. For the purposes of this section subsection, "antique firearm" means any firearm which was manufactured in or before 1898 and any replica of such firearm, provided such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition except rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and not readily available in the ordinary channel of commercial trade.

(h) The provisions of this section shall not apply to the sale, delivery or transfer of long guns 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.

(i) 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, it may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he 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 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 his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed his 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. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(j) Any person who violates any provision of this section shall be guilty of a class D felony, except that any person who sells, delivers or otherwise transfers a long gun in violation of the provisions of this section, knowing that such long gun is stolen or that the manufacturer's number or other mark of identification on such long gun has been altered, removed or obliterated, shall be guilty of a class B felony, and any long gun found in the possession of any person in violation of any provision of this section shall be forfeited.

¹ C.G.S.A. § 26-1 et seq.

Sec. 2. (NEW) (Effective July 1, 2013)

(a) Any person who is eighteen years of age or older may apply to the Commissioner of Emergency Services and Public Protection for a long gun eligibility certificate.

(b) The Commissioner of Emergency Services and Public Protection shall issue a long gun eligibility certificate unless said commissioner finds that the applicant: (1) Has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of firearms including, but not limited to, a safety or training course in the use of firearms available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of firearms conducted by an instructor certified by the state or the National Rifle Association; (2) has been convicted of (A) a felony, or (B) a violation of subsection (c) of section 21a-279 of the general statutes or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d of the general statutes; (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120 of the general statutes; (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13 of the general statutes; (5) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495 of the general statutes, within the preceding sixty months by order of a probate court; (6) has been voluntarily admitted to a hospital for persons with psychiatric disabilities, as defined in section 17a-495 of the general statutes, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680 of the general statutes; (7) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person; (8) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c of the general statutes, as amended by this act, after notice and hearing; (9) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or unlawfully in the United States.

Sec. 3. (NEW) (Effective July 1, 2013)

(a) Requests for long gun eligibility certificates under section 2 of this act shall be submitted to the Commissioner of Emergency Services and Public Protection on application forms prescribed by the commissioner. No long gun eligibility certificate shall be issued under the provisions of section 2 of this act unless the applicant for such certificate gives to the Commissioner of Emergency Services and Public Protection, upon the commissioner's request, full information concerning the applicant's criminal record and relevant information concerning the applicant's mental health history. The commissioner shall require each applicant to submit to state and national criminal history records checks in accordance with section 29-17a of the general statutes. The commissioner shall take a full description of such applicant. The commissioner shall take the fingerprints of such applicant or conduct any other method of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Investigation. The commissioner shall record the date the fingerprints were taken in the applicant's file and shall conduct criminal history records checks in accordance with section 29-17a of the general statutes. The commissioner shall, not later than sixty days after receipt of the national criminal history records check from the Federal Bureau of Investigation,

either approve the application and issue the long gun eligibility certificate or deny the application and notify the applicant of the reason for such denial in writing.

(b) A long gun eligibility certificate shall be of such form and content as the commissioner may prescribe, shall be signed by the certificate holder and shall contain an identification number, the name, address, place and date of birth, height, weight and eye color of the certificate holder and a full-face photograph of the certificate holder.

(c) A person holding a long gun eligibility certificate issued by the commissioner shall notify the commissioner not later than two business days after any change of such person's address. The notification shall include both the old address and the new address of such person.

(d) Notwithstanding the provisions of sections 1-210 and 1-211 of the general statutes, the name and address of a person issued a long gun eligibility certificate under the provisions of section 2 of this act shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, including, but not limited to, employees of the United States Probation Office acting in the performance of their duties, (2) the Commissioner of Emergency Services and Public Protection may disclose such information to the extent necessary to comply with a request made pursuant to section 29-37a of the general statutes, as amended by this act, or section 14 of this act for verification that such certificate is still valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500 of the general statutes, as amended by this act.

Sec. 4. (NEW) (Effective July 1, 2013)

(a) The fee for each long gun eligibility certificate originally issued under the provisions of section 2 of this act shall be thirty-five dollars and for each renewal thereof thirty-five dollars, which fees shall be paid to the Commissioner of Emergency Services and Public Protection. Upon deposit of such fees in the General Fund, the fees shall be credited to the appropriation to the Department of Emergency Services and Public Protection to a separate nonlapsing account for the purposes of the issuance of long gun eligibility certificates under said section.

(b) A long gun eligibility certificate originally issued under the provisions of section 2 of this act shall expire five years after the date it becomes effective and each renewal thereof shall expire five years after the expiration date of the certificate being renewed.

(c) The renewal fee shall apply for each renewal that is requested not earlier than thirty-one days before, and not later than thirty-one days after, the expiration date of the certificate being renewed.

(d) No fee or portion thereof paid under the provisions of this section for issuance or renewal of a long gun eligibility certificate shall be refundable except if the certificate for which the fee or portion thereof was paid was not issued or renewed.

(e) The Commissioner of Emergency Services and Public Protection shall send a notice of the expiration of a long gun eligibility certificate issued pursuant to section 2 of this act to the holder of such certificate, by first class mail, at the address of such person as shown by the records of the commissioner, not less than ninety days before such expiration, and shall enclose therein a form for the renewal of such certificate. A long gun eligibility certificate issued pursuant to said section shall be valid for a period of ninety days from the expiration date, except this provision shall not apply to any certificate which has been revoked or for which revocation is pending, pursuant to section 5 of this act.

Sec. 5. (NEW) (Effective July 1, 2013)

(a) A long gun eligibility certificate shall be revoked by the Commissioner of Emergency Services and Public Protection upon the occurrence of any event which would have disqualified the holder from being issued the certificate pursuant to section 2 of this act.

(b) Upon the revocation of any long gun eligibility certificate, the person whose certificate is revoked shall be notified, in writing, and such certificate shall be forthwith delivered to the Commissioner of Emergency Services and Public Protection. Any person who fails to surrender such certificate within five days of notification, in writing, of revocation thereof shall be guilty of a class A misdemeanor.

Sec. 6. Subsection (b) of section 29–32b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 29–32b >>

(b) Any person aggrieved by any refusal to issue or renew a permit or certificate under the provisions of section 29–28, as amended by this act, or 29–36f, as amended by this act, or section 2 of this act, or by any limitation or revocation of a permit or certificate issued under any of said sections, or by a refusal or failure of any issuing authority to furnish an application as provided in section 29–28a, may, within ninety days after receipt of notice of such refusal, limitation or revocation, or refusal or failure to supply an application as provided in section 29–28a, and without prejudice to any other course of action open to such person in law or in equity, appeal to the board. On such appeal the board shall inquire into and determine the facts, de novo, and unless it finds that such a refusal, limitation or revocation, or such refusal or failure to supply an application, as the case may be, would be for just and proper cause, it shall order such permit or certificate to be issued, renewed or restored, or the limitation removed or modified, as the case may be. If the refusal was for failure to document compliance with local zoning requirements, under subsection (a) of section 29–28, the board shall not issue a permit.

Sec. 7. Subsection (a) of section 29–36l of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 29–36l >>

(a) The Commissioner of Emergency Services and Public Protection shall establish a state database that any person, firm or corporation who sells or otherwise transfers ~~pistols or revolvers~~ firearms may access, by telephone or other electronic means in addition to the telephone, for information to be supplied immediately, on whether a permit to carry a pistol or revolver, issued pursuant to subsection (b) of section 29–28, as amended by this act, a permit to sell at retail a pistol or revolver, issued pursuant to subsection (a) of section 29–28, ~~or~~ an eligibility certificate for a pistol or revolver, issued pursuant to section 29–36f, as amended by this act, or a long gun eligibility certificate, issued pursuant to section 2 of this act, is valid and has not been revoked or suspended.

Sec. 8. Section 29–38b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 29–38b >>

(a) The Commissioner of Emergency Services and Public Protection, in fulfilling his obligations under sections 29–28 to 29–38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53–202d, as amended by this act, shall verify that any person who, on or after October 1, 1998, applies for or seeks renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver or a certificate of possession for an assault weapon, or who, on or after July 1, 2013, applies for or seeks renewal of a long gun eligibility certificate, has not been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding ~~twelve~~ sixty months by order of a probate court or has not been voluntarily admitted to a hospital for persons with psychiatric disabilities,

as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, by making an inquiry to the Department of Mental Health and Addiction Services in such a manner so as to only receive a report on the commitment or admission status of the person with respect to whom the inquiry is made including identifying information in accordance with the provisions of subsection (b) of section 17a-500, as amended by this act.

(b) If the Commissioner of Emergency Services and Public Protection determines pursuant to subsection (a) of this section that a person has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve sixty months by order of a probate court or has been voluntarily admitted to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, said commissioner shall report the status of such person's application for or renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, or a certificate of possession for an assault weapon or a long gun eligibility certificate to the Commissioner of Mental Health and Addiction Services for the purpose of fulfilling his responsibilities under subsection (c) of section 17a-500, as amended by this act.

Sec. 9. Subsection (b) of section 54-36e of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 54-36e >>

(b) Firearms turned over to the state police pursuant to subsection (a) of this section which are not destroyed or retained for appropriate use shall be sold at public auctions, conducted by the Commissioner of Administrative Services or such said commissioner's designee. Pistols and revolvers, as defined in section 53a-3, which are antiques, as defined in section 29-33, as amended by this act, or curios or relics, as defined in the Code of Federal Regulations, Title 27, Chapter 1, Part 178, or modern pistols and revolvers which have a current retail value of one hundred dollars or more may be sold at such public auctions, provided such pistols and revolvers shall be sold only to persons who have a valid permit to sell a pistol or revolver, or a valid permit to carry a pistol or revolver, issued pursuant to section 29-28, as amended by this act. Rifles and shotguns, as defined in section 53a-3, shall be sold only to persons qualified under federal law to purchase such rifles and shotguns and who have a valid long gun eligibility certificate issued pursuant to section 2 of this act. The proceeds of any such sale shall be paid to the State Treasurer and deposited by the State Treasurer in the forfeit firearms account within the General Fund.

Sec. 10. (NEW) (Effective October 1, 2013)

Whenever a person is voluntarily admitted to a hospital for persons with psychiatric disabilities, as defined in section 17a-495 of the general statutes, for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680 of the general statutes, the hospital shall forthwith notify the Commissioner of Mental Health and Addiction Services of such admission and provide identifying information including, but not limited to, name, address, sex, date of birth and the date of admission. The commissioner shall maintain such identifying information on all such admissions occurring on and after the effective date of this section.

Sec. 11. Section 17a-500 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 17a-500 >>

(a) Each court of probate shall keep a record of the cases relating to persons with psychiatric disabilities coming before it under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550,

inclusive, 17a–560 to 17a–576, inclusive, and 17a–615 to 17a–618, inclusive, and the disposition of them. It shall also keep on file the original application and certificate of physicians required by said sections, or a microfilm duplicate of such records in accordance with regulations issued by the Probate Court Administrator. All records maintained in the courts of probate under the provisions of said sections shall be sealed and available only to the respondent or his or her counsel unless the Court of Probate, after hearing held with notice to the respondent, determines such records should be disclosed for cause shown.

(b) ~~Notwithstanding the provisions of subsection (a) of this section, the~~ The Commissioner of Mental Health and Addiction Services shall, notwithstanding the provisions of subsection (a) of this section, maintain information, in accordance with section 17a–499, ~~shall maintain information~~ on commitment orders by a probate court, and shall maintain information, in accordance with section 10 of this act, on voluntary admissions, and shall provide such information to the Commissioner of Emergency Services and Public Protection in fulfillment of his obligations under sections 29–28 to 29–38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53–202d, as amended by this act, in such a manner as to report identifying information on the commitment or voluntary admission status, including, but not limited to, name, address, sex, date of birth and date of commitment or admission, for a person who applies for or holds a permit or certificate under said sections 29–28 to 29–38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53–202d, as amended by this act. The Commissioner of Emergency Services and Public Protection shall maintain as confidential any such information provided to him and shall use such information only for purposes of fulfilling his obligations under sections 29–28 to 29–38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53–202d, as amended by this act, except that nothing in this section shall prohibit said commissioner from entering such information into evidence at a hearing held in accordance with section 29–32b, as amended by this act.

(c) (1) The Commissioner of Mental Health and Addiction Services shall obtain from the Commissioner of Emergency Services and Public Protection the status of any firearm application, permit or certificate under sections 29–28 to 29–38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53–202d, as amended by this act, of each person who is the subject of an order of commitment pursuant to ~~as provided in~~ section 17a–499 or is the subject of a voluntary admission as provided in section 10 of this act, in such a manner so as to only receive a report on the firearm application, permit or certificate status of the person with respect to whom the inquiry is made.

(2) The Commissioner of Mental Health and Addiction Services shall report to the Commissioner of Emergency Services and Public Protection any commitment or voluntary admission status and identifying information for any person who is an applicant for or holder of any permit or certificate under said sections 29–28 to 29–38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53–202d, as amended by this act.

(3) The Commissioner of Mental Health and Addiction Services shall advise the hospital for psychiatric disabilities to which a person has been committed or voluntarily admitted of the status of a firearm application, permit or certificate of such person under sections 29–28 to 29–38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53–202d, as amended by this act, as reported by the Commissioner of Emergency Services and Public Protection for consideration by such hospital in any psychiatric treatment procedures.

(4) The Commissioner of Mental Health and Addiction Services and a hospital for psychiatric disabilities shall maintain as confidential any information provided to said commissioner or such hospital concerning the status of a firearm application, permit or certificate under sections 29–28 to 29–38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53–202d, as amended by this act, of any person.

Sec. 12. Subsection (a) of section 53–202g of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53–202g >>

(a) Any person who lawfully possesses an assault weapon under sections 29-37j and 53-202a to 53-202k, inclusive, as amended by this act, and subsection (h) of section 53a-46a or a firearm, as defined in section 53a-3, that is lost or stolen from such person shall report the loss or theft to the organized local police department for the town in which the loss or theft occurred or, if such town does not have an organized local police department, to the state police troop having jurisdiction for such town within seventy-two hours of when such person discovered or should have discovered the loss or theft. Such department or troop shall forthwith forward a copy of such report to the Commissioner of Emergency Services and Public Protection. The provisions of this subsection shall not apply to the loss or theft of an antique firearm as defined in subsection (b) of section 29-37a, as amended by this act.

Sec. 13. Subsection (c) of section 53-202aa of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53-202aa >>

(c) For the purposes of this section, “firearm” means “firearm” as defined in section 53a-3, but does not include a rifle or shotgun or an antique firearm as defined in subsection (b) of section 29-37a, as amended by this act.

Sec. 14. (NEW) (Effective from passage)

(a) For the purposes of this section and sections 15 to 17, inclusive, of this act, “ammunition” means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm, “firearm” has the meaning provided in section 53a-3 of the general statutes, and “magazine” means any firearm magazine, belt, drum, feed strip or similar device that accepts ammunition.

(b) No person, firm or corporation shall sell ammunition or an ammunition magazine to any person under eighteen years of age.

(c) On and after October 1, 2013, no person, firm or corporation shall sell ammunition or an ammunition magazine to any person unless such person holds a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28 of the general statutes, as amended by this act, a valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 of the general statutes, a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f of the general statutes, as amended by this act, or a valid long gun eligibility certificate issued pursuant to section 2 of this act and presents to the transferor such permit or certificate, or unless such person holds a valid ammunition certificate issued pursuant to section 15 of this act and presents to the transferor such certificate and such person's motor vehicle operator's license, passport or other valid form of identification issued by the federal government or a state or municipal government that contains such person's date of birth and photograph.

(d) The provisions of this section shall not apply to the sale, delivery or transfer of ammunition 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 who violates any provision of this section shall be guilty of a class D felony.

Sec. 15. (NEW) (Effective July 1, 2013)

(a) Any person who is eighteen years of age or older may request the Commissioner of Emergency Services and Public Protection to (1) conduct a national criminal history records check of such person, in accordance with the provisions of section 29-17a of the general statutes, using such person's name and date of birth only, and (2) issue an ammunition certificate to such person in accordance with the provisions of this section.

(b) After conducting the national criminal history records check of such person, the commissioner shall issue an ammunition certificate to such person unless the commissioner determines, based on a review of the results of such criminal history records check, that such person would be ineligible to be issued a long gun eligibility certificate under section 2 of this act, except that a conviction of a violation specified in subparagraph (B) of subdivision (2) of subsection (b) of section 2 of this act shall cause such person to be ineligible for an ammunition certificate only if such conviction was for a violation committed on or after the effective date of this section.

(c) Such ammunition certificate shall be of such form as the commissioner may prescribe, contain an identification number and the name, address and date of birth of the certificate holder and be signed by the certificate holder.

(d) A person holding an ammunition certificate issued by the commissioner shall notify the commissioner not later than two business days after any change of such person's address. The notification shall include both the old address and the new address of such person.

(e) Notwithstanding the provisions of sections 1–210 and 1–211 of the general statutes, the name and address of a person issued an ammunition certificate under this section shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, including, but not limited to, employees of the United States Probation Office acting in the performance of their duties, (2) the Commissioner of Emergency Services and Public Protection may disclose such information to the extent necessary to comply with a request made pursuant to section 14 of this act for verification that such certificate is still valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a–500 of the general statutes, as amended by this act.

Sec. 16. (NEW) (Effective July 1, 2013)

(a) The fee for each ammunition certificate originally issued under the provisions of this section shall be thirty-five dollars and for each renewal thereof thirty-five dollars, which fees shall be paid to the Commissioner of Emergency Services and Public Protection and shall be in addition to the fee paid pursuant to subsection (b) of section 29–17a of the general statutes for conducting the national criminal history records check. Upon deposit of such fees in the General Fund, the fees shall be credited to the appropriation to the Department of Emergency Services and Public Protection to a separate nonlapsing account for the purposes of the issuance of ammunition certificates under section 15 of this act.

(b) An ammunition certificate originally issued under the provisions of section 15 of this act shall expire five years after the date it becomes effective and each renewal thereof shall expire five years after the expiration date of the certificate being renewed.

(c) The renewal fee shall apply for each renewal that is requested not earlier than thirty-one days before, and not later than thirty-one days after, the expiration date of the certificate being renewed.

(d) No fee or portion thereof paid under the provisions of this section for issuance or renewal of an ammunition certificate shall be refundable except if the certificate for which the fee or portion thereof was paid was not issued or renewed.

(e) An ammunition certificate issued pursuant to section 15 of this act shall be valid for a period of ninety days from the expiration date, except this provision shall not apply to any certificate which has been revoked or for which revocation is pending, pursuant to section 17 of this act.

Sec. 17. (NEW) (Effective July 1, 2013)

(a) An ammunition certificate shall be revoked by the Commissioner of Emergency Services and Public Protection upon the occurrence of any event which would have disqualified the holder from being issued the certificate pursuant to section 15 of this act.

(b) Upon the revocation of any ammunition certificate, the person whose certificate is revoked shall be notified, in writing, and such certificate shall be forthwith delivered to the Commissioner of Emergency Services and Public Protection. Any person who fails to surrender such certificate within five days of notification, in writing, of revocation thereof shall be guilty of a class A misdemeanor.

Sec. 18. (NEW) (Effective January 1, 2014)

(a) For the purposes of this section and sections 19 and 20 of this act, and sections 45a–99 and 52–11 of the general statutes, as amended by this act:

(1) “Commissioner” means the Commissioner of Emergency Services and Public Protection;

(2) “Convicted” means that a person has a judgment entered in this state against such person by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment;

(3) “Deadly weapon” means a deadly weapon, as defined in section 53a–3 of the general statutes;

(4) “Department” means the Department of Emergency Services and Public Protection;

(5) “Identifying factors” means fingerprints, a photographic image, and a description of any other identifying characteristics as may be required by the Commissioner of Emergency Services and Public Protection;

(6) “Not guilty by reason of mental disease or defect” means a finding by a court or jury of not guilty by reason of mental disease or defect pursuant to section 53a–13 of the general statutes notwithstanding any pending appeal or habeas corpus proceeding arising from such finding;

(7) “Offender convicted of committing a crime with a deadly weapon” or “offender” means a person who has been convicted of an offense committed with a deadly weapon;

(8) “Offense committed with a deadly weapon” or “offense” means: (A) A violation of subsection (c) of section 2–1e, subsection (e) of section 29–28, subsections (a) to (e), inclusive, or (i) of section 29–33, as amended by this act, section 29–34, as amended by this act, subsection (a) of section 29–35, section 29–36, as amended by this act, 29–36k, as amended by this act, 29–37a, as amended by this act, or 29–37e, subsection (c) of section 29–37g, section 29–37j, as amended by this act, subsection (b), (c) or (g) of section 53–202, section 53–202b, as amended by this act, 53–202c, as amended by this act, 53–202j, 53–202k, 53–202l, as amended by this act, 53–202aa, as amended by this act, or 53–206b, subsection (b) of section 53a–8, section 53a–55a, 53a–56a, 53a–60a, 53a–60c, 53a–72b, 53a–92a, 53a–94a, 53a–102a, 53a–103a, 53a–211, 53a–212, as amended by this act, 53a–216, 53a–217, as amended by this act, 53a–217a, as amended by this act, 53a–217b or 53a–217c, as amended by this act, or a second or subsequent violation of section 53–202g of the general statutes, as amended by this act; or (B) a violation of any section of the general statutes which constitutes a felony, as defined in section 53a–25 of the general statutes, provided the court makes a finding that, at the time of the offense, the offender used a deadly weapon, or was armed with and threatened the use of or displayed or represented by words or conduct that the offender possessed a deadly weapon;

(9) “Registrant” means a person required to register under section 19 of this act;

(10) “Registry” means a central record system in this state that is established pursuant to this section and receives, maintains and disseminates to law enforcement agencies information on persons convicted or found not guilty by reason of mental disease or defect of an offense committed with a deadly weapon; and

(11) “Release into the community” means, with respect to a conviction or a finding of not guilty by reason of mental disease or defect of an offense committed with a deadly weapon, (A) any release by a court after such conviction or finding of not guilty by reason of mental disease or defect, a sentence of probation or any other sentence under section 53a-28 of the general statutes that does not result in the offender's immediate placement in the custody of the Commissioner of Correction; (B) release from a correctional facility at the discretion of the Board of Pardons and Paroles, by the Department of Correction to a program authorized by section 18-100c of the general statutes or upon completion of the maximum term or terms of the offender's sentence or sentences, or to the supervision of the Court Support Services Division in accordance with the terms of the offender's sentence; or (C) temporary leave to an approved residence by the Psychiatric Security Review Board pursuant to section 17a-587 of the general statutes, conditional release from a hospital for mental illness or a facility for persons with intellectual disability by the Psychiatric Security Review Board pursuant to section 17a-588 of the general statutes, or release upon termination of commitment to the Psychiatric Security Review Board.

(b) The Department of Emergency Services and Public Protection shall, not later than January 1, 2014, establish and maintain a registry of all persons required to register under section 19 of this act as offenders convicted of an offense committed with a deadly weapon. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use by agencies and individuals to report registration information, including changes of address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. Upon receiving notification pursuant to section 19 of this act that a registrant has changed his or her address, the department shall enter the information into the registry and notify the local police departments or state police troops having jurisdiction where the registrant previously resided and the jurisdiction where the registrant has relocated. The Commissioner of Emergency Services and Public Protection shall also ensure that the name and residence address of each registrant is available through the Connecticut on-line law enforcement communication teleprocessing system maintained by the department. If a registrant reports a residence in another state, the department may notify the state police agency of that state or such other agency in that state that maintains registry information, if known.

(c) The Department of Emergency Services and Public Protection may suspend the registration of any person registered under section 19 of this act while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department may withdraw the registration information from access to law enforcement agencies. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration and redistribute the registration information in accordance with subsection (b) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 19 of this act.

(d) The Department of Emergency Services and Public Protection shall include in the registry the most recent photographic image of each registrant taken by the department, the Department of Correction, a law enforcement agency or the Court Support Services Division of the Judicial Department.

(e) Whenever the Commissioner of Emergency Services and Public Protection receives notice from a superior court pursuant to section 52-11 of the general statutes, as amended by this act, or a probate court pursuant to section 45a-99 of the general statutes, as amended by this act, that such court has ordered the change of name of a person, and the department determines that such person is listed in the registry, the department shall revise such person's registration information accordingly.

(f) The Commissioner of Emergency Services and Public Protection shall develop a protocol for the notification of other state agencies, the Judicial Department and local police departments whenever a person listed in the registry changes such person's

name and notifies the commissioner of the new name pursuant to section 19 of this act or whenever the commissioner determines pursuant to subsection (e) of this section that a person listed in the registry has changed such person's name.

(g) The information in the registry shall not be a public record or file for the purposes of section 1–200 of the general statutes. Any information disclosed pursuant to this section or section 19 or 20 of this act, shall not be further disclosed unless such disclosure is permitted under this section or section 19 or 20 of this act.

Sec. 19. (NEW) (Effective January 1, 2014)

(a) (1) Any person who has been convicted or found not guilty by reason of mental disease or defect of an offense committed with a deadly weapon and is released into the community on or after January 1, 2014, shall, within fourteen calendar days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the Commissioner of Correction shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the Commissioner of Emergency Services and Public Protection shall direct, and shall maintain such registration for five years.

(2) Prior to accepting a plea of guilty or nolo contendere from a person with respect to an offense committed with a deadly weapon, the court shall (A) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (B) determine that the person fully understands the consequences of the plea.

(3) If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address. During such period of registration, each registrant shall complete and return any forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection.

(b) Any offender convicted of committing a crime with a deadly weapon who is required to register under this section shall, not later than twenty calendar days after each anniversary date of such initial registration, until the date such registration requirement expires under subdivision (1) of subsection (a) of this section, personally appear at the local police department or state police troop having jurisdiction where the registrant resides to verify and update, as appropriate, the contents of his or her registration. The local police department or state police troop, as the case may be, may defer such requirement to personally appear to a later date for good cause shown. Not later than thirty calendar days prior to such anniversary date, the Department of Emergency Services and Public Protection shall mail written notice of the personal appearance requirement of this subsection to the registrant and the local police department or state police troop having jurisdiction where the registrant resides. Not later than thirty calendar days after the anniversary date of each registrant, the local police department or state police troop having jurisdiction where the registrant resides shall notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, (1) whether the registrant complied with the personal appearance requirement of this subsection or whether such personal appearance requirement was deferred to a later date for good cause shown, and (2) if the personal appearance requirement was deferred to a later date for good cause shown, the local police department or state police troop shall indicate the later date established for such personal appearance and describe the good cause shown.

(c) Any person who is subject to registration under this section who violates any provisions of subsection (a) or (b) of this section, except a violation consisting of failure to notify the Commissioner of Emergency Services and Public Protection of a change of name or address, shall be guilty of a class D felony. Any person who is subject to registration under this section who

fails to notify the Commissioner of Emergency Services and Public Protection of a change of name or address not later than five business days after such change of name or address shall be guilty of a class D felony.

Sec. 20. (NEW) (Effective January 1, 2014)

(a) The registration information for each registrant shall include:

(1) The offender's name, including any other name by which the offender has been legally known, and any aliases used by the offender;

(2) Identifying information, including a physical description of the offender;

(3) The current residence address of the offender;

(4) The date of conviction of the offense;

(5) A description of the offense; and

(6) If the offender was sentenced to a term of incarceration for such offense, a portion of which was not suspended, the date the offender was released from such incarceration.

(b) The offender shall sign and date the registration.

(c) At the time that the offender appears for the purpose of registering, the Department of Emergency Services and Public Protection shall photograph the offender and arrange for the fingerprinting of the offender and include such photograph and a complete set of fingerprints in the registry. If the offender is required to submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis pursuant to section 54–102g of the general statutes, and has not submitted to the taking of such sample, the commissioner shall also require such sample to be taken for analysis pursuant to section 54–102g of the general statutes.

(d) The Department of Emergency Services and Public Protection may require the offender to provide documentation to verify the contents of his or her registration.

Sec. 21. Section 45a–99 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2014):

<< CT ST § 45a–99 >>

(a) The courts of probate shall have concurrent jurisdiction with the Superior Court, as provided in section 52–11, as amended by this act, to grant a change of name, except a change of name granted in accordance with subsection (a) of section 46b–63, except that no court of probate may issue an order or otherwise allow for the change of name of a person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon unless such person complies with the requirements of subdivision (1) of subsection (b) of this section.

(b) (1) Any person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon who files an application with the Court of Probate for a change of name shall (A) prior to filing such application, notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, that the person intends to file an application for a change

of name, indicating the change of name sought, and (B) include with such application a sworn statement that such change of name is not being sought for the purpose of avoiding the legal consequences of a criminal conviction, including, but not limited to, a criminal conviction that requires such person to register as a sexual offender or as an offender convicted of committing a crime with a deadly weapon.

(2) The Commissioner of Emergency Services and Public Protection shall have standing to challenge such person's application for a change of name in the court of probate where such change of name is sought. The commissioner shall challenge the change of name through the Attorney General. The court of probate may deny such person's application for a change of name if the court finds, by a preponderance of the evidence, that the person is applying for such change of name for the purpose of avoiding the legal consequences of a criminal conviction.

(c) Whenever the court, pursuant to this section, orders a change of name of a person, the court shall notify the Commissioner of Emergency Services and Public Protection of the issuance of such order if the court finds that such person is listed in the registry established and maintained pursuant to section 54–257 or in the registry established and maintained pursuant to section 18 of this act.

Sec. 22. Section 52–11 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2014):

<< CT ST § 52–11 >>

(a) The superior court in each judicial district shall have jurisdiction of complaints praying for a change of name, brought by any person residing in the judicial district, and may change the name of the complainant, who shall thereafter be known by the name prescribed by said court in its decree, except that no superior court may issue an order or otherwise allow for the change of name of a person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon unless such person complies with the requirements of subdivision (1) of subsection (b) of this section.

(b) (1) Any person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon who files an application with the Superior Court for a change of name shall (A) prior to filing such application, notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, that the person intends to file an application for a change of name, indicating the change of name sought, and (B) include with such application a sworn statement that such change of name is not being sought for the purpose of avoiding the legal consequences of a criminal conviction, including, but not limited to, a criminal conviction that requires such person to register as a sexual offender or as an offender convicted of committing a crime with a deadly weapon.

(2) The Commissioner of Emergency Services and Public Protection shall have standing to challenge such person's application for a change of name in the superior court where such change of name is sought. The commissioner shall challenge the change of name through the Attorney General. The superior court may deny such person's application for a change of name if the court finds, by a preponderance of the evidence, that the person is applying for such change of name for the purpose of avoiding the legal consequences of a criminal conviction.

(c) Whenever the court, pursuant to this section, orders a change of name of a person, the clerk of the court shall notify the Commissioner of Emergency Services and Public Protection of the issuance of such order if the clerk finds that such person is listed in the registry established and maintained pursuant to section 54–257 or in the registry established and maintained pursuant to section 18 of this act.

Sec. 23. (NEW) (Effective from passage)

(a) As used in this section and section 24 of this act:

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

(2) "Lawfully possesses", with respect to a large capacity magazine, means that a person has (A) actual and lawful possession of the large capacity magazine, or (B) constructive possession of the large capacity magazine pursuant to a lawful purchase of a firearm that contains a large capacity magazine that was transacted prior to the effective date of this section, regardless of whether the firearm was delivered to the purchaser prior to the effective date of this section; and

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

(b) Except as provided in this section, on and after the effective date of this section, any person who, within this state, distributes, imports into this state, keeps for sale, offers or exposes for sale, or purchases a large capacity magazine shall be guilty of a class D felony. On and after the effective date of this section, any person who, within this state, transfers a large capacity magazine, except as provided in subsection (f) of this section, shall be guilty of a class D felony.

(c) Except as provided in this section and section 24 of this act: (1) Any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained prior to the effective date of this section shall commit an infraction and be fined not more than ninety dollars for a first offense and shall be guilty of a class D felony for any subsequent offense, and (2) any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained on or after the effective date of this section shall be guilty of a class D felony.

(d) A large capacity magazine may be possessed, purchased or imported by:

(1) Members or employees of the Department of Emergency Services and Public Protection, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties or when off duty;

(2) Employees of a Nuclear Regulatory Commission licensee operating a nuclear power generating facility in this state for the purpose of providing security services at such facility, or any person, firm, corporation, contractor or subcontractor providing security services at such facility; or

(3) Any person, firm or corporation engaged in the business of manufacturing large capacity magazines in this state that manufactures or transports large capacity magazines in this state for sale within this state to persons specified in subdivision (1) or (2) of this subsection or for sale outside this state.

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

(1) A licensed gun dealer;

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

(3) Any person who has declared possession of the magazine pursuant to section 24 of this act; or

(4) Any person who is the executor or administrator of an estate that includes a large capacity magazine, the possession of which has been declared to the Department of Emergency Services and Public Protection pursuant to section 24 of this act, which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by this section and section 24 of this act.

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

(1) The transfer by bequest or intestate succession of a large capacity magazine, the possession of which has been declared to the Department of Emergency Services and Public Protection pursuant to section 24 of this act;

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

(3) The transfer of a large capacity magazine to a licensed gun dealer in accordance with section 24 of this act.

(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, it may order suspension of prosecution in accordance with the provisions of subsection (h) of section 29–33 of the general statutes, as amended by this act.

Sec. 24. (NEW) (Effective from passage)

(a) Any person who lawfully possesses a large capacity magazine prior to January 1, 2014, shall apply by January 1, 2014, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by January 1, 2014, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection to declare possession of such magazine. Such application shall be made on such form or in such manner as the Commissioner of Emergency Services and Public Protection prescribes.

(b) In addition to the application form prescribed under subsection (a) of this section, the department shall design or amend the application forms for a certificate of possession for an assault weapon under section 53–202d of the general statutes, as amended by this act, or for a permit to carry a pistol or revolver under section 29–28a of the general statutes, a long gun eligibility certificate under section 2 of this act, an eligibility certificate for a pistol or revolver under section 29–36f of the general statutes, as amended by this act, or any renewal of such permit or certificate to permit an applicant to declare possession of a large capacity magazine pursuant to this section upon the same application.

(c) The department may adopt regulations, in accordance with the provisions of chapter 54¹ of the general statutes, to establish procedures with respect to applications under this section. Notwithstanding the provisions of sections 1–210 and 1–211 of the general statutes, the name and address of a person who has declared possession of a large capacity magazine shall be confidential and shall not be disclosed, except such records may be disclosed to (1) law enforcement agencies and employees of the United States Probation Office acting in the performance of their duties, and (2) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a–500 of the general statutes, as amended by this act.

(d) Any person who moves into the state in lawful possession of a large capacity magazine shall, within ninety days, either render the large capacity magazine permanently inoperable, sell the large capacity magazine to a licensed gun dealer or remove the large capacity magazine from this state, except that any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of a large capacity magazine and has been transferred into the state after January

1, 2014, may, within ninety days of arriving in the state, apply to the Department of Emergency Services and Public Protection to declare possession of such large capacity magazine.

(e) (1) If an owner of a large capacity magazine transfers the large capacity magazine to a licensed gun dealer, such dealer shall, at the time of delivery of the large capacity magazine, execute a certificate of transfer. For any transfer prior to January 1, 2014, the dealer shall provide to the Commissioner of Emergency Services and Public Protection monthly reports, on such form as the commissioner prescribes, regarding the number of transfers that the dealer has accepted. For any transfer on or after January 1, 2014, the dealer shall cause the certificate of transfer to be mailed or delivered to the Commissioner of Emergency Services and Public Protection. The certificate of transfer shall contain: (A) The date of sale or transfer; (B) the name and address of the seller or transferor and the licensed gun dealer, and their Social Security numbers or motor vehicle operator license numbers, if applicable; (C) the licensed gun dealer's federal firearms license number; and (D) a description of the large capacity magazine.

(2) The licensed gun dealer shall present such dealer's federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer.

(3) The Commissioner of Emergency Services and Public Protection shall maintain a file of all certificates of transfer at the commissioner's central office.

(f) Any person who declared possession of a large capacity magazine under this section may possess the large capacity magazine only under the following conditions:

(1) At that person's residence;

(2) At that person's place of business or other property owned by that person, provided such large capacity magazine contains not more than ten bullets;

(3) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;

(4) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range;

(5) While on the premises of a licensed shooting club;

(6) While transporting the large capacity magazine between any of the places set forth in this subsection, or to any licensed gun dealer, provided (A) such large capacity magazine contains not more than ten bullets, and (B) the large capacity magazine is transported in the manner required for an assault weapon under subdivision (2) of subsection (a) of section 53-202f of the general statutes, as amended by this act; or

(7) Pursuant to a valid permit to carry a pistol or revolver, provided such large capacity magazine (A) is within a pistol or revolver that was lawfully possessed by the person prior to the effective date of this section, (B) does not extend beyond the bottom of the pistol grip, and (C) contains not more than ten bullets.

(g) Any person who violates the provisions of subsection (f) of this section shall be guilty of a class C misdemeanor.

¹ C.G.S.A. § 4-166 et seq.

Sec. 25. Section 53–202a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53–202a >>

(a) As used in this section and sections 53–202b to 53–202k, inclusive, “assault weapon” means:

(1) Any “Assault weapon” means:

(A) (i) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR–180; Australian Automatic Arms SAP Pistol; Auto–Ordnance Thompson type; Avtomat Kalashnikov AK–47 type; Barrett Light–Fifty model 82A1; Beretta AR–70; Bushmaster Auto Rifle and Auto Pistol; Calico models M–900, M–950 and 100–P; Chartered Industries of Singapore SR–88; Colt AR–15 and Sporter; Daewoo K–1, K–2, Max–1 and Max–2; Encom MK–IV, MP–9 and MP–45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT–9 and Mini–AT; Federal XC–900 and XC–450; Franchi SPAS–12 and LAW–12; Galil AR and ARM; Goncz High–Tech Carbine and High–Tech Long Pistol; Heckler & Koch HK–91, HK–93, HK–94 and SP–89; Holmes MP–83; MAC–10, MAC–11 and MAC–11 Carbine type; Intratec TEC–9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini–14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR–48 and G–3; Sterling MK–6 and MK–7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS–12; UZI Carbine, Mini–Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson “Linda” Pistol;

(2) (ii) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subparagraph (A)(i) of this subdivision, ~~(1) of this subsection,~~ or any combination of parts from which an assault weapon, as defined in subparagraph (A)(i) of this subdivision, ~~(1) of this subsection,~~ may be rapidly assembled if those parts are in the possession or under the control of the same person;

(B) Any of the following specified semiautomatic centerfire rifles, or copies or duplicates thereof with the capability of any such rifles, that were in production prior to or on the effective date of this section: (i) AK–47; (ii) AK–74; (iii) AKM; (iv) AKS–74U; (v) ARM; (vi) MAADI AK47; (vii) MAK90; (viii) MISR; (ix) NHM90 and NHM91; (x) Norinco 56, 56S, 84S and 86S; (xi) Poly Technologies AKS and AK47; (xii) SA 85; (xiii) SA 93; (xiv) VEPR; (xv) WASR–10; (xvi) WUM; (xvii) Rock River Arms LAR–47; (xviii) Vector Arms AK–47; (xix) AR–10; (xx) AR–15; (xxi) Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, Bushmaster MOE Rifles; (xxii) Colt Match Target Rifles; (xxiii) Armalite M15; (xxiv) Olympic Arms AR–15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles; (xxv) DPMS Tactical Rifles; (xxvi) Smith and Wesson M&P15 Rifles; (xxvii) Rock River Arms LAR–15; (xxviii) Doublestar AR Rifles; (xxix) Barrett REC7; (13–3) Beretta Storm; (13–3i) Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles; (13–3ii) Hi–Point Carbine Rifles; (13–3iii) HK–PSG–1; (13–3iv) Kel–Tec Sub–2000, SU Rifles, and RFB; (13–3v) Remington Tactical Rifle Model 7615; (13–3vi) SAR–8, SAR–4800 and SR9; (13–3vii) SLG 95; (13–3viii) SLR 95 or 96; (13–3ix) TNW M230 and M2HB; (xl) Vector Arms UZI; (xli) Galil and Galil Sporter; (xlii) Daewoo AR 100 and AR 110C; (xliii) Fabrique Nationale/FN 308 Match and L1A1 Sporter; (xliv) HK USC; (xlv) IZHMASH Saiga AK; (xlvi) SIG Sauer 551–A1, 556, 516, 716 and M400 Rifles; (xlvii) Valmet M62S, M71S and M78S; (xlviii) Wilkinson Arms Linda Carbine; and (xlix) Barrett M107A1;

(C) Any of the following specified semiautomatic pistols, or copies or duplicates thereof with the capability of any such pistols, that were in production prior to or on the effective date of this section: (i) Centurion 39 AK; (ii) Draco AK–47; (iii) HCR AK–47; (iv) IO Inc. Hellpup AK–47; (v) Mini–Draco AK–47; (vi) Yugo Krebs Krink; (vii) American Spirit AR–15; (viii) Bushmaster Carbon 15; (ix) Doublestar Corporation AR; (x) DPMS AR–15; (xi) Olympic Arms AR–15; (xii) Rock River Arms LAR 15; (xiii) Calico Liberty III and III Tactical Pistols; (xiv) Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols; (xv) Intratec TEC–DC9 and AB–10; (xvi) Colefire Magnum; (xvii) German Sport 522 PK and Chiappa Firearms Mfour–22;

(xviii) DSA SA58 PKP FAL; (xix) I.O. Inc. PPS-43C; (xx) Kel-Tec PLR-16 Pistol; (xxi) Sig Sauer P516 and P556 Pistols; and (xxii) Thompson TA5 Pistols;

(D) Any of the following semiautomatic shotguns, or copies or duplicates thereof with the capability of any such shotguns, that were in production prior to or on the effective date of this section: All IZHMAISH Saiga 12 Shotguns;

(3) (E) Any semiautomatic firearm not listed in subdivision (1) of this subsection regardless of whether such firearm is listed in subparagraphs (A) to (D), inclusive, of this subdivision, and regardless of the date such firearm was produced, that meets the following criteria:

(A) (i) A semiautomatic, centerfire rifle that has an ability to accept a detachable magazine and has at least two one of the following:

(i) (I) A folding or telescoping stock;

(ii) (II) Any grip of the weapon, including a pistol grip, that protrudes conspicuously beneath the action of the weapon a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing;

(iii) (III) A bayonet mount forward pistol grip;

(iv) (IV) A flash suppressor; or threaded barrel designed to accommodate a flash suppressor; and

(v) (V) A grenade launcher or flare launcher; or

(ii) A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept more than ten rounds; or

(iii) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches; or

(B) (iv) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least two one of the following:

(i) (I) An ability to accept a detachable ammunition magazine that attaches to the pistol at some location outside of the pistol grip;

(ii) (II) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip pistol grip or silencer;

(iii) (III) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold fire the firearm with the nontrigger hand without being burned,; except a slide that encloses the barrel; or

(iv) A manufactured weight of fifty ounces or more when the pistol is unloaded; and

(IV) A second hand grip; or

(v) A semiautomatic pistol with a fixed magazine that has the ability to accept more than ten rounds;

(v) A semiautomatic version of an automatic firearm; or

(C) (vi) A semiautomatic shotgun that has at least two both of the following:

(i) (I) A folding or telescoping stock; and

(ii) (II) Any grip of the weapon, including a pistol grip, that protrudes conspicuously beneath the action of the weapon; a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing; or

(iii) A fixed magazine capacity in excess of five rounds; and

(iv) An (vii) A semiautomatic shotgun that has the ability to accept a detachable magazine;

(viii) A shotgun with a revolving cylinder; or

(4) (F) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subdivision (3) of this subsection any provision of subparagraphs (B) to (E), inclusive, of this subdivision, or any combination of parts from which an assault weapon, as defined in subdivision (3) of this subsection any provision of subparagraphs (B) to (E), inclusive, of this subdivision, may be rapidly assembled if those parts are in the possession or under the control of the same person;-

(b) As used in this section and sections 53-202b to 53-202k, inclusive, the term “assault weapon” does not include any firearm modified to render it permanently inoperable.

(2) “Assault weapon” does not include (A) any firearm modified to render it permanently inoperable, or (B) a part or any combination of parts of an assault weapon, that are not assembled as an assault weapon, when in the possession of a licensed gun dealer, as defined in subsection (d) of section 53-202f, as amended by this act, or a gunsmith who is in the licensed gun dealer's employ, for the purposes of servicing or repairing lawfully possessed assault weapons under sections 53-202a to 53-202k, inclusive, as amended by this act;

(3) “Action of the weapon” means the part of the firearm that loads, fires and ejects a cartridge, which part includes, but is not limited to, the upper and lower receiver, charging handle, forward assist, magazine release and shell deflector;

(4) “Detachable magazine” means an ammunition feeding device that can be removed without disassembling the firearm action;

(5) “Firearm” means a firearm, as defined in section 53a-3;

(6) “Forward pistol grip” means any feature capable of functioning as a grip that can be held by the nontrigger hand;

(7) “Lawfully possesses” means, with respect to an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of this subdivision, (A) actual possession that is lawful under sections 53-202b to 53-202k, as amended by this act, or (B) constructive possession pursuant to a lawful purchase transacted prior to the effective date of this section, regardless of whether the assault weapon was delivered to the purchaser prior to the effective date of this section;

(8) “Pistol grip” means a grip or similar feature that can function as a grip for the trigger hand; and

(9) “Second hand grip” means a grip or similar feature that can function as a grip that is additional to the trigger hand grip.

Sec. 26. Section 53-202b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53-202b >>

(a) (1) Any person who, within this state, distributes, transports or imports into the state, keeps for sale, or offers or exposes for sale, or who gives any assault weapon, except as provided by sections 29-37j and 53-202a to 53-202k, inclusive, as amended by this act, and subsection (h) of section 53a-46a, shall be guilty of a class C felony and shall be sentenced to a term of imprisonment of which two years may not be suspended or reduced by the court.

(2) Any person who transfers, sells or gives any assault weapon to a person under eighteen years of age in violation of subdivision (1) of this subsection shall be sentenced to a term of imprisonment of six years, which shall not be suspended or reduced by the court and shall be in addition and consecutive to the term of imprisonment imposed under subdivision (1) of this subsection.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) The sale of assault weapons to (A) the Department of Emergency Services and Public Protection, police departments, the Department of Correction or the military or naval forces of this state or of the United States, for use in the discharge of their official duties or when off duty, or (B) any employee of a Nuclear Regulatory Commission licensee operating a nuclear power generating facility in this state for the purpose of providing security services at such facility, or any person, firm, corporation, contractor or subcontractor providing security services at such facility for use in the discharge of their official duties;

(2) A person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d, as amended by this act, which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by sections 29-37j and 53-202a to 53-202k, inclusive, as amended by this act; and subsection (h) of section 53a-46a;

(3) The transfer by bequest or intestate succession of an assault weapon for which a certificate of possession has been issued under section 53-202d, as amended by this act.

Sec. 27. Section 53-202c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53-202c >>

(a) Except as provided in section 53-202e, any person who, within this state, possesses any an assault weapon, except as provided in sections 29-37j, 53-202a to 53-202k, inclusive, as amended by this act, and 53-202o, and subsection (h) of section 53a-46a, shall be guilty of a class D felony and shall be sentenced to a term of imprisonment of which one year may not be suspended or reduced ; by the court, except that a first-time violation of this subsection shall be a class A misdemeanor if (1) the person presents proof that he such person lawfully possessed the assault weapon (A) prior to October 1, 1993, with respect to an assault weapon described in subparagraph (A) of subdivision (1) of section 53-202a, as amended by this act, or (B) on the date immediately preceding the effective date of this act, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, with respect to an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by this act, and (2) the person has otherwise possessed the firearm assault weapon in compliance with subsection (d) (f) of section 53-202d, as amended by this act.

(b) The provisions of subsection (a) of this section shall not apply to the possession of assault weapons by members or employees of the Department of Emergency Services and Public Protection, police departments, the Department of Correction, or the military or naval forces of this state or of the United States, any employee of a Nuclear Regulatory Commission licensee operating a nuclear power generating facility in this state for the purpose of providing security services at such facility, or any person, firm, corporation, contractor or subcontractor providing security services at such facility for use in the discharge of their official duties; nor shall anything any provision in sections 29-37j and 53-202a to 53-202k, inclusive, as amended by this act, and subsection (h) of section 53a-46a prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and the when the possession or use is within the scope of their such member's duties.

(c) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon described in subparagraph (A) of subdivision (1) of section 53-202a, as amended by this act, by any person prior to July 1, 1994, if all of the following are applicable:

(1) The person is eligible under sections 29-37j and 53-202a to 53-202k, inclusive, as amended by this act, and subsection (h) of section 53a-46a to apply for a certificate of possession for the assault weapon by July 1, 1994;

(2) The person lawfully possessed the assault weapon prior to October 1, 1993; and

(3) The person is otherwise in compliance with sections 29-37j and 53-202a to 53-202k, inclusive, as amended by this act, and subsection (h) of section 53a-46a.

(d) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by this act, by any person prior to the effective date of this section if all of the following are applicable:

(1) The person is eligible under sections 53-202a to 53-202k, inclusive, as amended by this act, to apply for a certificate of possession for the assault weapon by January 1, 2014;

(2) The person lawfully possessed the assault weapon on the date immediately preceding the effective date of this section, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013; and

(3) The person is otherwise in compliance with sections 53-202a to 53-202k, inclusive, as amended by this act.

~~(d)~~ (e) The provisions of subsection (a) of this section shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d, as amended by this act, if the assault weapon is possessed at a place set forth in subdivision (1) of subsection ~~(d)~~ (f) of section 53-202d, as amended by this act, or as authorized by the Probate Court.

Sec. 28. Section 53-202d of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53-202d >>

(a) (1) Any person who lawfully possesses an assault weapon, as defined in subparagraph (A) of subdivision (1) of section 53-202a, as amended by this act, prior to October 1, 1993, shall apply by October 1, 1994, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 1994, because ~~he or she~~ such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection, for a certificate of possession with respect to such assault weapon.

(2) Any person who lawfully possesses an assault weapon, as defined in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by this act, on the date immediately preceding the effective date of this section, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, shall apply by January 1, 2014, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by January 1, 2014, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon.

(3) Any person who obtained a certificate of possession for an assault weapon, as defined in subparagraph (A) of subdivision (1) of section 53–202a, as amended by this act, prior to the effective date of this section, that is defined as an assault weapon pursuant to any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53–202a, as amended by this act, shall be deemed to have obtained a certificate of possession for such assault weapon for the purposes of sections 53–202a to 53–202k, inclusive, as amended by this act, and shall not be required to obtain a subsequent certificate of possession for such assault weapon.

(4) The certificate of possession shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate.

(5) The department shall adopt regulations, in accordance with the provisions of chapter 54,¹ to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Notwithstanding the provisions of sections 1–210 and 1–211, the name and address of a person issued a certificate of possession shall be confidential and shall not be disclosed, except such records may be disclosed to (1) (A) law enforcement agencies and employees of the United States Probation Office acting in the performance of their duties, and (2) (B) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a–500, as amended by this act.

(b) (1) No assault weapon, as defined in subparagraph (A) of subdivision (1) of section 53–202a, as amended by this act, possessed pursuant to a certificate of possession issued under this section may be sold or transferred on or after January 1, 1994, to any person within this state other than to a licensed gun dealer, as defined in subsection (d) of section 53–202f, as amended by this act, or as provided in section 53–202e, or by bequest or intestate succession.

(2) No assault weapon, as defined in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53–202a, as amended by this act, possessed pursuant to a certificate of possession issued under this section may be sold or transferred on or after the effective date of this section, to any person within this state other than to a licensed gun dealer, as defined in subsection (d) of section 53–202f, as amended by this act, or as provided in section 53–202e, or by bequest or intestate succession.

(c) Any person who obtains title to an assault weapon for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within ninety days of obtaining title, apply to the Department of Emergency Services and Public Protection for a certificate of possession as provided in subsection (a) of this section, render the assault weapon permanently inoperable, sell the assault weapon to a licensed gun dealer or remove the assault weapon from the state.

(d) Any person who moves into the state in lawful possession of an assault weapon, shall, within ninety days, either render the assault weapon permanently inoperable, sell the assault weapon to a licensed gun dealer or remove the assault weapon from this state, except that any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of an assault weapon and has been transferred into the state after October 1, 1994, may, within ninety days of arriving in the state, apply to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon.

(e) (e) If an owner of an assault weapon sells or transfers the assault weapon to a licensed gun dealer, he or she such dealer shall, at the time of delivery of the assault weapon, execute a certificate of transfer and cause the certificate of transfer to be mailed or delivered to the Commissioner of Emergency Services and Public Protection. The certificate of transfer shall contain: (1) The date of sale or transfer; (2) the name and address of the seller or transferor and the licensed gun dealer, their Social Security numbers or motor vehicle operator license numbers, if applicable; (3) the licensed gun dealer's federal firearms license number and seller's permit number; (4) a description of the assault weapon, including the caliber of the assault weapon and its make, model and serial number; and (5) any other information the commissioner prescribes. The licensed gun dealer shall present his or her such dealer's motor vehicle operator's license or Social Security card, federal firearms license and seller's

permit to the seller or transferor for inspection at the time of purchase or transfer. The Commissioner of Emergency Services and Public Protection shall maintain a file of all certificates of transfer at ~~said~~ **the** commissioner's central office.

~~(d)~~ **(f)** Any person who has been issued a certificate of possession of **for** an assault weapon under this section may possess it **the assault weapon** only under the following conditions:

- (1) At that person's residence, place of business or other property owned by that person, or on property owned by another **person** with the owner's express permission;
- (2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;
- (3) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range;
- (4) While on the premises of a licensed shooting club;
- (5) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms; or
- (6) While transporting the assault weapon between any of the places ~~mentioned~~ **set forth** in this subsection, or to any licensed gun dealer, as defined in subsection (d) of section 53–202f, **as amended by this act**, for servicing or repair pursuant to subsection (c) of section 53–202f, **as amended by this act**, provided the assault weapon is transported as required by section 53–202f, **as amended by this act**.

¹ C.G.S.A. § 4–166 et seq.

Sec. 29. Section 53–202f of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53–202f >>

(a) While transporting an assault weapon between any of the places ~~mentioned~~ **set forth** in subdivisions (1) to (6), inclusive, of subsection ~~(d)~~ **(f)** of section 53–202d, **as amended by this act**, no person shall carry a loaded assault weapon concealed from public view or knowingly have, in any motor vehicle owned, operated or occupied by ~~him~~ **such person** (1) a loaded assault weapon, or (2) an unloaded assault weapon unless such weapon is kept in the trunk of such vehicle or in a case or other container which is inaccessible to the operator of **such vehicle** or any passenger in such vehicle. Any person who violates the provisions of this subsection shall be fined not more than five hundred dollars or imprisoned not more than three years, or both.

(b) Any licensed gun dealer, as defined in subsection (d) of this section, who lawfully possesses an assault weapon pursuant to section 53–202d, **as amended by this act**, in addition to the uses allowed in section 53–202d, **as amended by this act**, may transport the assault weapon between dealers or out of the state, display it **the assault weapon** at any gun show licensed by a state or local governmental entity or sell it **the assault weapon** to a resident outside the state. Any transporting of the assault weapon allowed by this subsection must be done as required by subsection (a) of this section.

(c) (1) Any licensed gun dealer, as defined in subsection (d) of this section, may take possession of any assault weapon for the purposes of servicing or repair from any person to whom has been issued a certificate of possession for such weapon pursuant to sections ~~29–37j~~ and 53–202a to 53–202k, inclusive, **as amended by this act**. ~~and subsection (h) of section 53a–46a.~~

(2) Any licensed gun dealer may transfer possession of any assault weapon received pursuant to subdivision (1) of this subsection to a gunsmith for purposes of accomplishing service or repair of the same. ~~Transfers~~ Such transfers are permissible only to the following persons:

(A) A gunsmith who is in the licensed gun dealer's employ; or

(B) A gunsmith with whom the dealer has contracted for gunsmithing services, provided the gunsmith receiving the assault weapon holds a dealer's license issued pursuant to Chapter 44, commencing with Section 921, of Title 18 of the United States Code and the regulations issued pursuant thereto.

(d) The term "licensed gun dealer", as used in sections 29-37j and 53-202a to 53-202k, inclusive, as amended by this act, and subsection (h) of section 53a-46a means a person who has a federal firearms license and a permit to sell firearms pursuant to section 29-28, as amended by this act.

Sec. 30. Section 53-202i of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53-202i >>

Nothing in sections 29-37j and 53-202a to 53-202k, inclusive, as amended by this act, and subsection (h) of section 53a-46a shall be construed to prohibit any person, firm or corporation engaged in the business of manufacturing assault weapons in this state from manufacturing or transporting assault weapons in this state for sale within this state in accordance with subdivision (1) of subsection (b) of section 53-202b, as amended by this act, or for sale outside this state.

Sec. 31. Subsection (a) of section 53-202o of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 53-202o >>

(a) In any prosecution for a violation of section 53-202c, as amended by this act, based on the possession by the defendant of a specified assault weapon, it shall be an affirmative defense that the defendant (1) in good faith purchased or otherwise obtained title to such specified assault weapon on or after October 1, 1993, and prior to May 8, 2002, in compliance with any state and federal laws concerning the purchase or transfer of firearms, (2) is not otherwise disqualified or prohibited from possessing such specified assault weapon, and (3) has possessed such specified assault weapon in compliance with subsection (d) (f) of section 53-202d, as amended by this act.

Sec. 32. Section 53-202l of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 53-202l >>

(a) For the purposes of this section:

(1) "Armor piercing .50 caliber bullet" means (A) any .50 caliber bullet that is (A) (i) is designed for the purpose of, (B) (ii) is held out by the manufacturer or distributor as, or (C) (iii) is generally recognized as having a specialized capability to penetrate armor or bulletproof glass, including, but not limited to, such bullets commonly designated as "M2 Armor-Piercing" or "AP", "M8 Armor-Piercing Incendiary" or "API", "M20 Armor-Piercing Incendiary Tracer" or "APIT", "M903 Caliber .50 Saboted Light Armor Penetrator" or "SLAP", or "M962 Saboted Light Armor Penetrator Tracer" or "SLAPT", or (B) any bullet that can be fired from a pistol or revolver that (i) has projectiles or projectile cores constructed entirely, excluding the presence

of traces of other substances, from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or (ii) is fully jacketed with a jacket weight of more than twenty-five per cent of the total weight of the projectile, is larger than .22 caliber and is designed and intended for use in a firearm, and (iii) does not have projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, or any other projectiles or projectile cores that the Attorney General of the United States finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute “armor piercing ammunition” as defined in federal law. “Armor piercing bullet” does not include a shotgun shell.

(2) “Incendiary .50 caliber bullet” means any .50 caliber bullet that is (A) is designed for the purpose of, (B) is held out by the manufacturer or distributor as, or (C) is generally recognized as having a specialized capability to ignite upon impact, including, but not limited to, such bullets commonly designated as “M1 Incendiary”, “M23 Incendiary”, “M8 Armor-Piercing Incendiary” or “API”, or “M20 Armor-Piercing Incendiary Tracer” or “APIT”.

(b) Any person who knowingly distributes, transports or imports into the state, keeps for sale or offers or exposes for sale or gives to any person any ammunition that is an armor piercing .50 caliber bullet or an incendiary .50 caliber bullet shall be guilty of a class D felony, except that a first-time violation of this subsection shall be a class A misdemeanor.

(c) Any person who knowingly transports or carries a firearm with an armor piercing bullet or incendiary .50 caliber bullet loaded shall be guilty of a class D felony.

(e) (d) The provisions of subsection subsections (b) and (c) of this section shall not apply to the following:

(1) The sale of such ammunition to the Department of Emergency Services and Public Protection, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties;

(2) A person who is the executor or administrator of an estate that includes such ammunition that is disposed of as authorized by the Probate Court; or

(3) The transfer by bequest or intestate succession of such ammunition.

(e) (e) 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, it may order suspension of prosecution in accordance with the provisions of subsection (h) of section 29–33.

Sec. 33. Section 29–38c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–38c >>

(a) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two police officers, to any judge of the Superior Court, that such state's attorney or police officers have probable cause to believe that (1) a person poses a risk of imminent personal injury to himself or herself or to other individuals, (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person, such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or the person and take into such officer's custody any and all firearms and ammunition. Such state's attorney or police officers shall not make such complaint unless such state's attorney or police officers have conducted an independent investigation and have determined that such probable cause exists and that

there is no reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm.

(b) A warrant may issue only on affidavit sworn to by the complainant or complainants before the judge and establishing the grounds for issuing the warrant, which affidavit shall be part of the seizure file. In determining whether grounds for the application exist or whether there is probable cause to believe they exist, the judge shall consider: (1) Recent threats or acts of violence by such person directed toward other persons; (2) recent threats or acts of violence by such person directed toward himself or herself; and (3) recent acts of cruelty to animals as provided in subsection (b) of section 53-247 by such person. In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to himself or herself or to others, the judge may consider other factors including, but not limited to (A) the reckless use, display or brandishing of a firearm by such person, (B) a history of the use, attempted use or threatened use of physical force by such person against other persons, (C) prior involuntary confinement of such person in a hospital for persons with psychiatric disabilities, and (D) the illegal use of controlled substances or abuse of alcohol by such person. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, such judge shall issue a warrant naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer. It shall state the grounds or probable cause for its issuance and it shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms and ammunition. A copy of the warrant shall be given to the person named therein together with a notice informing the person that such person has the right to a hearing under this section and the right to be represented by counsel at such hearing.

(c) The applicant for the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which the search will be conducted no later than the next business day following the execution of the warrant. Prior to the execution and return of the warrant, the clerk of the court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms and ammunition seized.

(d) Not later than fourteen days after the execution of a warrant under this section, the court for the geographical area where the person named in the warrant resides shall hold a hearing to determine whether the seized firearm or firearms and any ammunition seized should be returned to the person named in the warrant or should continue to be held by the state. At such hearing the state shall have the burden of proving all material facts by clear and convincing evidence. If, after such hearing, the court finds by clear and convincing evidence that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it the court may order that the firearm or firearms and any ammunition seized pursuant to the warrant issued under subsection (a) of this section continue to be held by the state for a period not to exceed one year, otherwise the court shall order the seized firearm or firearms and any ammunition seized to be returned to the person named in the warrant. If the court finds that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it the court shall give notice to the Department of Mental Health and Addiction Services which may take such action pursuant to chapter 319i¹ as it deems appropriate.

(e) Any person whose firearm or firearms and ammunition have been ordered seized pursuant to subsection (d) of this section, or such person's legal representative, may transfer such firearm or firearms and ammunition in accordance with the provisions of section 29-33, as amended by this act, or other applicable state or federal law, to any person eligible to possess such firearm or firearms and ammunition. Upon notification in writing by such person, or such person's legal representative, and the transferee, the head of the state agency holding such seized firearm or firearms and ammunition shall within ten days deliver such firearm or firearms and ammunition to the transferee.

(f) For the purposes of this section, "ammunition" means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm.

1 C.G.S.A. § 17a-450 et seq.

Sec. 34. Section 29-36k of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29-36k >>

(a) Not later than two business days after the occurrence of any event that makes a person ineligible to possess a pistol or revolver or other firearm or ammunition, such person shall (1) transfer in accordance with section 29-33, as amended by this act, all pistols and revolvers which such person then possesses to any person eligible to possess a pistol or revolver and transfer in accordance with any applicable state and federal laws all other firearms to any person eligible to possess such other firearms by obtaining an authorization number for the sale or transfer of the firearm from the Commissioner of Emergency Services and Public Protection, and submit a sale or transfer of firearms form to said commissioner within two business days, except that a person described in subdivision (3) (4) of subsection (a) of section 53a-217, as amended by this act, may only transfer a pistol, revolver or other firearm or ammunition under this subdivision to a federally licensed firearms dealer pursuant to the sale of the pistol, revolver or other firearm and ammunition to the federally licensed firearms dealer, or (2) deliver or surrender such pistols and revolvers and other firearms and ammunition to the Commissioner of Emergency Services and Public Protection, or (3) transfer such ammunition to any person eligible to possess such ammunition. The commissioner shall exercise due care in the receipt and holding of such pistols and revolvers and other firearms or ammunition. For the purposes of this section, a "person described in subdivision (3) (4) of subsection (a) of section 53a-217" means a person described in said subdivision, regardless of whether such person was convicted under said subdivision.

(b) Such person, or such person's legal representative, may, at any time up to one year after such delivery or surrender, transfer such pistols and revolvers in accordance with the provisions of section 29-33, as amended by this act, to any person eligible to possess a pistol or revolver and transfer such other firearms and ammunition, in accordance with any applicable state and federal laws, to any person eligible to possess such other firearms and ammunition, provided any such person described in subdivision (3) (4) of subsection (a) of section 53a-217, as amended by this act, or such person's legal representative, may only transfer such pistol, revolver or other firearm or ammunition to a federally licensed firearms dealer pursuant to the sale of the pistol, revolver or other firearm or ammunition to the federally licensed firearms dealer. Upon notification in writing by the transferee and such person, the Commissioner of Emergency Services and Public Protection shall, within ten days, deliver such pistols and revolvers or other firearms or ammunition to the transferee. If, at the end of such year, such pistols and revolvers or other firearms or ammunition have not been so transferred, the commissioner shall cause them to be destroyed.

(c) Any person who fails to transfer, deliver or surrender any such pistols and revolvers and other firearms or ammunition as provided in this section shall be subject to the penalty provided for in section 53a-217, as amended by this act, or 53a-217c, as amended by this act.

Sec. 35. Section 29-36n of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29-36n >>

(a) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney and the Connecticut Police Chiefs Association, shall develop a protocol to ensure that persons who become ineligible to possess a pistol or revolver or ammunition have, in accordance with section 29-36k, as amended by this act, transferred such pistol or revolver or ammunition to a person eligible to possess such pistol or revolver or ammunition or have delivered or surrendered such pistol or revolver or ammunition to said commissioner.

(b) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney and the Connecticut Police Chiefs Association, shall update the protocol developed pursuant to subsection (a) of this section to reflect the provisions of sections 29–7h, 29–28, as amended by this act, 29–28a, 29–29, 29–30, 29–32, as amended by this act, and 29–35, subsections (b) and (e) of section 46b–15, as amended by this act, subsections (c) and (d) of section 46b–38c, as amended by this act, and sections 53–202a, as amended by this act, 53–202l, as amended by this act, 53–202m and 53a–217, as amended by this act, and shall include in such protocol specific instructions for the transfer, delivery or surrender of pistols and revolvers and ammunition when the assistance of more than one law enforcement agency is necessary to effect the requirements of section 29–36k, as amended by this act.

Sec. 36. Subsection (b) of section 46b–15 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 46b–15 >>

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver or possesses one or more firearms or ammunition. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the order shall not be continued except upon agreement of the parties or by order of the court for good cause shown.

Sec. 37. Subsection (a) of section 46b–38b of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 46b–38b >>

(a) Whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not (1) be dependent on the specific consent of the victim, (2) consider the relationship of the parties, or (3) be based solely on a request by the victim. Whenever a peace officer determines that a family violence crime has been committed, such officer may seize any firearm or electronic defense weapon, as defined in section 53a–3, or ammunition at the location where the crime is alleged to have been committed that is in the possession of any person arrested for the commission of such crime or suspected of its commission or that is in plain view. Not later than seven days after any such seizure, the law enforcement agency shall return such firearm, or electronic defense weapon or ammunition in its original condition to the rightful owner thereof unless such person is ineligible to possess such firearm, or electronic defense weapon or ammunition or unless otherwise ordered by the court.

Sec. 38. Subsection (c) of section 46b–38c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 46b–38c >>

(c) Each such local family violence intervention unit shall: (1) Accept referrals of family violence cases from a judge or prosecutor, (2) prepare written or oral reports on each case for the court by the next court date to be presented at any time during the court session on that date, (3) provide or arrange for services to victims and offenders, (4) administer contracts to carry out such services, and (5) establish centralized reporting procedures. All information provided to a family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department in a local family violence intervention unit shall be used solely for the purposes of preparation of the report and the protective order forms for each case and recommendation of services and shall otherwise be confidential and retained in the files of such unit and not be subject to subpoena or other court process for use in any other proceeding or for any other purpose, except that a family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department:

(A) Shall disclose to the court and the prosecuting authority for appropriate action information that the victim has indicated that the defendant holds a permit to carry a pistol or revolver, ~~or~~ possesses one or more firearms ~~or~~ possesses ammunition;

(B) Shall disclose to an employee of the Department of Children and Families information that indicates that a defendant poses a danger or threat to a child or a custodial parent of the child;

(C) May disclose to another family relations counselor, family relations counselor trainee or family services supervisor information pursuant to guidelines adopted by the Chief Court Administrator;

(D) May disclose to a bail commissioner or an intake, assessment and referral specialist employed by the Judicial Department information regarding a defendant who is on or is being considered for pretrial release;

(E) May disclose to a law enforcement agency information that indicates that a defendant poses a danger or threat to another person;

(F) May disclose, after disposition of a family violence case, to a probation officer or a juvenile probation officer, for purposes of determining service needs and supervision levels, information regarding a defendant who has been convicted and sentenced to a period of probation in the family violence case;

(G) May disclose, after a conviction in a family violence case, to a probation officer for the purpose of preparing a presentence investigation report, any information regarding the defendant that has been provided to the family relations counselor, family relations counselor trainee or family services supervisor in the case or in any other case that resulted in the conviction of the defendant;

(H) May disclose to any organization under contract with the Judicial Department to provide family violence programs and services, for the purpose of determining program and service needs, information regarding any defendant who is a client of such organization, provided no information that personally identifies the victim may be disclosed to such organization; and

(I) Shall disclose such information as may be necessary to fulfill such counselor's, trainee's or supervisor's duty as a mandated reporter under section 17a–101a to report suspected child abuse or neglect.

Sec. 39. Section 54–36e of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 54–36e >>

(a) Except as provided in sections 26–85 and 26–90, firearms and ammunition, adjudged by the court to be contraband pursuant to subsection (c) of section 54–36a, or adjudicated a nuisance pursuant to section 54–33g, shall be turned over to the Bureau of Identification of the Connecticut Division of State Police within the Department of Emergency Services and Public Protection for destruction or appropriate use or disposal by sale at public auction.

(b) Firearms and ammunition turned over to the state police pursuant to subsection (a) of this section which are not destroyed or retained for appropriate use shall be sold at public auctions, conducted by the Commissioner of Administrative Services or such commissioner's designee. Pistols and revolvers, as defined in section 53a–3, which are antiques, as defined in section 29–33, as amended by this act, or curios or relics, as defined in the Code of Federal Regulations, Title 27, Chapter 1, Part 178, or modern pistols and revolvers which have a current retail value of one hundred dollars or more may be sold at such public auctions, provided such pistols and revolvers shall be sold only to persons who have a valid permit to sell a pistol or revolver, or a valid permit to carry a pistol or revolver, issued pursuant to section 29–28, as amended by this act. Rifles and shotguns, as defined in section 53a–3, shall be sold only to persons qualified under federal law to purchase such rifles and shotguns. The proceeds of any such sale shall be paid to the State Treasurer and deposited by the State Treasurer in the forfeit firearms account within the General Fund.

Sec. 40. Subsection (d) of section 29–38f of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–38f >>

(d) The receipts from the sale of seized firearms and ammunition pursuant to section 54–36e, as amended by this act, shall be deposited in the General Fund and credited to a separate, nonlapsing forfeit firearms account which shall be established by the Comptroller. All moneys in the account are deemed to be appropriated and shall be expended for the purposes established in section 29–38e.

Sec. 41. Subsection (d) of section 54–36n of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 54–36n >>

(d) Whenever a firearm is identified and is determined to have been stolen, the law enforcement agency shall return such firearm, and any ammunition seized or recovered with such firearm that is determined to be stolen, to the rightful owner thereof, provided such owner is not prohibited from possessing such firearm or ammunition and such agency does not need to retain such firearm or ammunition as evidence in a criminal prosecution.

Sec. 42. Subsections (a) and (b) of section 53–202aa of the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 53–202aa >>

(a) A person is guilty of firearms trafficking if such person, knowingly and intentionally, directly or indirectly, causes one or more firearms that such person owns, is in possession of or is in control of to come into the possession of or control of another person who such person knows or has reason to believe is prohibited from owning or possessing any firearm under state or federal law.

(b) (1) Any person who violates any provision of this section shall be guilty of a class C felony if such person, on or after October 1, 2007, but prior to October 1, 2013, sells, delivers or otherwise transfers five or fewer firearms, and a class B felony if such person, on or after October 1, 2007, but prior to October 1, 2013, sells, delivers or otherwise transfers more than five firearms. (2) Any person who violates any provision of this section on or after October 1, 2013, 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 may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

Sec. 43. Section 53a–212 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 53a–212 >>

(a) A person is guilty of stealing a firearm when, with intent to deprive another person of his such other person's firearm or to appropriate the same firearm to himself such person or a third party, he such person wrongfully takes, obtains or withholds a firearm, as defined in subdivision (19) of section 53a–3.

(b) Stealing a firearm is a class D 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.

Sec. 44. Section 53a–217 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 53a–217 >>

(a) A person is guilty of criminal possession of a firearm, ammunition or an electronic defense weapon when such person possesses a firearm, ammunition or an electronic defense weapon and (1) has been convicted of a felony committed prior to, on or after October 1, 2013, or of a violation of subsection (c) of section 21a–279 or section 53a–58, 53a–61, 53a–61a, 53a–62, 53a–63, 53a–96, 53a–175, 53a–176, 53a–178 or 53a–181d committed on or after October 1, 2013, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b–120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a–13, (4) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b–15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (4) (5) (A) has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding sixty months by order of a probate court, or with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29–28, as amended by this act, or 29–36f, as amended by this act, in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a–680, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29–38c, as amended by this act, after notice and an opportunity to be heard has been provided to such person, or (5) (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of this section, “convicted” means having a judgment of conviction entered by a court of competent jurisdiction, “ammunition” means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm,

and a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed an unclassified felony.

(b) Criminal possession of a firearm, ammunition or an electronic defense weapon is a class ~~D~~ 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.

Sec. 45. Section 53a–217c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 53a–217c >>

(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in section 29–27, and (1) has been convicted of a felony or of a violation of subsection (c) of section 21a–279 or section 53a–58, 53a–61, 53a–61a, 53a–62, 53a–63, 53a–96, 53a–175, 53a–176, 53a–178 or 53a–181d, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b–120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a–13, (4) (A) has been confined prior to October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding twelve months by order of a probate court, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding sixty months by order of a probate court, or, with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29–28, as amended by this act, or 29–36f, as amended by this act, in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a–680, (5) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b–15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29–38c after notice and an opportunity to be heard has been provided to such person, (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United States. For the purposes of this section, “convicted” means having a judgment of conviction entered by a court of competent jurisdiction.

(b) Criminal possession of a pistol or revolver is a class ~~D~~ 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.

Sec. 46. Section 29–32 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–32 >>

(a) For the purposes of this section, “conviction” means the entry of a judgment of conviction by any court of competent jurisdiction.

(b) Any state permit or temporary state permit for the carrying of any pistol or revolver may be revoked by the Commissioner of Emergency Services and Public Protection for cause and shall be revoked by said commissioner upon conviction of the holder

of such permit of a felony or of any misdemeanor specified in subsection (b) of section 29–28, as amended by this act, or upon the occurrence of any event which would have disqualified the holder from being issued the state permit or temporary state permit pursuant to subsection (b) of section 29–28, as amended by this act. Upon the revocation of any state permit or temporary state permit, the person whose state permit or temporary state permit is revoked shall be notified in writing and such state permit or temporary state permit shall be forthwith delivered to the commissioner. Any law enforcement authority shall confiscate and immediately forward to the commissioner any state permit or temporary state permit that is illegally possessed by any person. The commissioner may revoke the state permit or temporary state permit based upon the commissioner's own investigation or upon the request of any law enforcement agency. Any person who fails to surrender any permit within five days of notification in writing of revocation thereof shall be guilty of a class E A misdemeanor.

(c) Any local permit for the carrying of a pistol or revolver issued prior to October 1, 2001, may be revoked by the authority issuing the same for cause, and shall be revoked by the authority issuing the same upon conviction of the holder of such permit of a felony or of any misdemeanor specified in subsection (b) of section 29–28, as amended by this act or upon the occurrence of any event which would have disqualified the holder from being issued such local permit. Upon the revocation of any local permit, the person whose local permit is revoked shall be notified in writing and such permit shall be forthwith delivered to the authority issuing the same. Upon the revocation of any local permit, the authority issuing the same shall forthwith notify the commissioner. Upon the revocation of any permit issued by the commissioner, the commissioner shall forthwith notify any local authority which the records of the commissioner show as having issued a currently valid local permit to the holder of the permit revoked by the commissioner. Any person who fails to surrender such permit within five days of notification in writing or revocation thereof shall be guilty of a class E A misdemeanor.

Sec. 47. Subsections (h) and (i) of section 29–33 of the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–33 >>

(h) 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, if the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he 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 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 his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed his 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. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(i) Any person who violates any provision of this section shall be guilty of a class D 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 a pistol or revolver in violation of the provisions of this section ; knowing that such pistol or revolver is stolen or that the manufacturer's number or other mark of identification on such pistol or revolver 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 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 pistol or revolver found in the possession of any person in violation of any provision of this section shall be forfeited.

Sec. 48. Section 29–34 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–34 >>

(a) No person shall make any false statement or give any false information connected with any purchase, sale, delivery or other transfer of any pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class ~~D~~ 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.

(b) No person shall sell, barter, hire, lend, give, deliver or otherwise transfer to any person under the age of twenty-one years any pistol or revolver, except that a pistol or revolver may be temporarily transferred to any person only for the use by such person in target shooting or on a firing or shooting range, provided such use is otherwise permitted by law and is under the immediate supervision of a person eligible to possess a pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class ~~D~~ C felony for which ~~one year~~ 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.

(c) Any pistol or revolver found in the possession of any person in violation of any provision of this section shall be forfeited.

Sec. 49. Section 29–36 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–36 >>

(a) No person shall remove, deface, alter or obliterate the name of any maker or model or any maker's 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 ~~fined not more than one thousand dollars or imprisoned not more than five years or both~~ 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. 50. Subsection (b) of section 53–202g of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 53–202g >>

(b) Any person who fails to make a report required by subsection (a) of this section, as amended by this act, within the prescribed time period shall commit an infraction and be fined not more than ninety dollars for a first offense and be guilty of a class ~~D~~ C felony for any subsequent offense, except that, if such person intentionally fails to make such report within the prescribed time

period, such person shall be guilty of a class **B** felony. Any person who violates subsection (a) of this section, as amended by this act, for the first offense shall not lose such person's right to hold or obtain any firearm permit under the general statutes.

Sec. 51. Subsection (e) of section 29-36g of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 29-36g >>

(e) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued an eligibility certificate for a pistol or revolver under the provisions of section 29-36f, as amended by this act, shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, including, but not limited to, employees of the United States Probation Office acting in the performance of their duties, (2) the Commissioner of Emergency Services and Public Protection may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33, as amended by this act, section 29-37a, as amended by this act, or section 14 of this act for verification that such certificate is still valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500, as amended by this act.

Sec. 52. Section 29-36i of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29-36i >>

(a) Any eligibility certificate for a pistol or revolver shall be revoked by the Commissioner of Emergency Services and Public Protection upon the occurrence of any event which would have disqualified the holder from being issued the certificate pursuant to section 29-36f, as amended by this act.

(b) Upon the revocation of any eligibility certificate, the person whose eligibility certificate is revoked shall be notified in writing and such certificate shall be forthwith delivered to the Commissioner of Emergency Services and Public Protection. Any person who fails to surrender such certificate within five days of notification in writing of revocation thereof shall be guilty of a class **A** misdemeanor.

Sec. 53. Section 29-37j of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29-37j >>

(a) Any person who purchases a firearm, as defined in section 53a-3, pursuant to section 29-33, as amended by this act, or 29-37a, as amended by this act, with the intent to transfer such firearm to any other person who the transferor knows or has reason to believe is prohibited from purchasing or otherwise receiving such a firearm pursuant to section 29-33, as amended by this act, or 29-37a, as amended by this act, shall be ~~fined not more than one thousand dollars or imprisoned not more than five years or both~~ 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.

(b) Any person prohibited from purchasing or otherwise receiving or possessing a firearm and who solicits, employs or assists any person in violating the provisions of subsection (a) of this section shall be guilty of a class **B** ~~misdemeanor~~. If the **D** felony for which one year of the sentence imposed may not be suspended or reduced by the court, and three 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 if such person who is prohibited from purchasing or otherwise receiving or possessing a firearm obtains a firearm pursuant to a violation of subsection (a) of this section, involves a transfer of more than one firearm, such person shall be guilty of a class ~~A~~ ~~misdemeanor~~ ~~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. Each transfer shall constitute a separate offense.

(c) Any person convicted of violating the provisions of subsection (a) or (b) of this section and who was convicted of a felony within the prior five-year period shall be guilty of a class ~~D~~ ~~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 may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

Sec. 54. Section 29–37i of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–37i >>

No person shall store or keep any loaded firearm on any premises under his such person's control if he such person knows or reasonably should know that (1) a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor, (2) a resident of the premises is ineligible to possess a firearm under state or federal law, or (3) a resident of the premises poses a risk of imminent personal injury to himself or herself or to other individuals, unless such person (1) (A) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure, or (2) (B) carries the firearm on his or her person or within such close proximity thereto that he such person can readily retrieve and use it the firearm as if he such person carried it the firearm on his or her person. For the purposes of this section, “minor” means any person under the age of sixteen years.

Sec. 55. Section 52–571g of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 52–571g >>

Any person whose act or omission constitutes a violation of section 29–37i, as amended by this act, shall be strictly liable for damages when a minor or, a resident of the premises who is ineligible to possess a firearm under state or federal law or who poses a risk of imminent personal injury to himself or herself or to other individuals, obtains a firearm, as defined in section 53a–3, and causes the injury or death of such minor, resident or any other person. For the purposes of this section, “minor” means any person under the age of sixteen years.

Sec. 56. Section 53a–217a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 53a–217a >>

(a) A person is guilty of criminally negligent storage of a firearm when he such person violates the provisions of section 29–37i, as amended by this act, and a minor or, a resident of the premises who is ineligible to possess a firearm under state or federal law or who poses a risk of imminent personal injury to himself or herself or to other individuals, obtains the firearm and causes the injury or death of himself such minor, resident or any other person. For the purposes of this section, “minor” means any person under the age of sixteen years.

(b) The provisions of this section shall not apply if the minor obtains the firearm as a result of an unlawful entry to any premises by any person.

(c) Criminally negligent storage of a firearm is a class D felony.

Sec. 57. Subsections (b) to (f), inclusive, of section 29–28 of the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–28 >>

(b) Upon the application of any person having a bona fide permanent residence or place of business within the jurisdiction of any such authority, such chief of police, warden or selectman may issue a temporary state permit to such person to carry a pistol or revolver within the state, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which such applicant may be permitted to carry under such permit other than a lawful use and that such person is a suitable person to receive such permit. No state or temporary state permit to carry a pistol or revolver shall be issued under this subsection if the applicant (1) has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association, (2) has been convicted of a felony or of a violation of subsection (c) of section 21a–279 or section 53a–58, 53a–61, 53a–61a, 53a–62, 53a–63, 53a–96, 53a–175, 53a–176, 53a–178 or 53a–181d, (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b–120, (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a–13, (5) (A) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding twelve sixty months by order of a probate court, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a–680, (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, (7) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29–38c after notice and hearing, (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or (10) is less than twenty-one years of age. Nothing in this section shall require any person who holds a valid permit to carry a pistol or revolver on October 1, 1994, to participate in any additional training in the safety and use of pistols and revolvers. No person may apply for a temporary state permit to carry a pistol or revolver more than once within any twelve-month period, and no temporary state permit to carry a pistol or revolver shall be issued to any person who has applied for such permit more than once within the preceding twelve months. Any person who applies for a temporary state permit to carry a pistol or revolver shall indicate in writing on the application, under penalty of false statement in such manner as the issuing authority prescribes, that such person has not applied for a temporary state permit to carry a pistol or revolver within the past twelve months. Upon issuance of a temporary state permit to carry a pistol or revolver to the applicant, the local authority shall forward the original application to the commissioner. Not later than sixty days after receiving a temporary state permit, an applicant shall appear at a location designated by the commissioner to receive the state permit. Said The commissioner may then issue, to any holder of any temporary state permit, a state permit to carry a pistol or revolver within the state. Upon issuance of the state permit, the commissioner shall make available to the permit holder a copy of the law regarding the permit holder's responsibility to report the loss or theft of a firearm and the penalties associated with the failure to comply with such law. Upon issuance of the state permit, the commissioner shall forward a record of such permit to the local authority issuing the temporary state permit. The commissioner shall retain records of all applications, whether approved or denied. The copy of the state permit delivered to the permittee shall be laminated and shall contain a full-face photograph of such permittee. A person holding a state permit issued pursuant to this subsection shall notify the issuing authority within two business days of any change of such person's address. The notification shall include the old address and the new address of such person.

(c) No issuing authority may require any sworn member of the Department of Emergency Services and Public Protection or an organized local police department to furnish such sworn member's residence address in a permit application. The issuing authority shall allow each such sworn member who has a permit to carry a pistol or revolver issued by such authority to revise such member's application to include a business or post office address in lieu of the residence address. The issuing authority shall notify each such member of the right to revise such application.

(d) Notwithstanding the provisions of sections 1–210 and 1–211, the name and address of a person issued a permit to sell at retail pistols and revolvers pursuant to subsection (a) of this section or a state or a temporary state permit to carry a pistol or revolver pursuant to subsection (b) of this section, or a local permit to carry pistols and revolvers issued by local authorities prior to October 1, 2001, shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, including, but not limited to, employees of the United States Probation Office acting in the performance of their duties, (2) the issuing authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29–33, as amended by this act, section 29–37a, as amended by this act, or section 14 of this act for verification that such state or temporary state permit is still valid and has not been suspended or revoked, and the local authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29–33, as amended by this act, section 29–37a, as amended by this act, or section 14 of this act for verification that a local permit is still valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a–500, as amended by this act.

(e) The issuance of any permit to carry a pistol or revolver does not thereby authorize the possession or carrying of a pistol or revolver in any premises where the possession or carrying of a pistol or revolver is otherwise prohibited by law or is prohibited by the person who owns or exercises control over such premises.

(f) Any bona fide resident of the United States having no bona fide permanent residence or place of business within the jurisdiction of any local authority in the state, but who has a permit or license to carry a pistol or revolver issued by the authority of another state or subdivision of the United States, may apply directly to the Commissioner of Emergency Services and Public Protection for a permit to carry a pistol or revolver in this state. All provisions of subsections (b), (c), (d) and (e) of this section shall apply to applications for a permit received by the commissioner under this subsection.

Sec. 58. Subsection (b) of section 29–36f of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 29–36f >>

(b) The Commissioner of Emergency Services and Public Protection shall issue an eligibility certificate unless said commissioner finds that the applicant: (1) Has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association; (2) has been convicted of a felony or of a violation of subsection (c) of section 21a–279 or section 53a–58, 53a–61, 53a–61a, 53a–62, 53a–63, 53a–96, 53a–175, 53a–176, 53a–178 or 53a–181d; (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b–120; (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a–13; (5) (A) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding twelve sixty months by order of a probate court; or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a–495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a–680, (6) is subject

to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person; (7) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and hearing; (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g) (4); or (9) is an alien illegally or unlawfully in the United States.

Sec. 59. Section 54-125a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 54-125a >>

(a) A person convicted of one or more crimes who is incarcerated on or after October 1, 1990, who received a definite sentence or aggregate sentence of more than two years, and who has been confined under such sentence or sentences for not less than one-half of the aggregate sentence less any risk reduction credit earned under the provisions of section 18-98e or one-half of the most recent sentence imposed by the court less any risk reduction credit earned under the provisions of section 18-98e, whichever is greater, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which the person is confined, if (1) it appears from all available information, including any reports from the Commissioner of Correction that the panel may require, that there is reasonable probability that such inmate will live and remain at liberty without violating the law, and (2) such release is not incompatible with the welfare of society. At the discretion of the panel, and under the terms and conditions as may be prescribed by the panel including requiring the parolee to submit personal reports, the parolee shall be allowed to return to the parolee's home or to reside in a residential community center, or to go elsewhere. The parolee shall, while on parole, remain under the jurisdiction of the board until the expiration of the maximum term or terms for which the parolee was sentenced less any risk reduction credit earned under the provisions of section 18-98e. Any parolee released on the condition that the parolee reside in a residential community center may be required to contribute to the cost incidental to such residence. Each order of parole shall fix the limits of the parolee's residence, which may be changed in the discretion of the board and the Commissioner of Correction. Within three weeks after the commitment of each person sentenced to more than two years, the state's attorney for the judicial district shall send to the Board of Pardons and Paroles the record, if any, of such person.

(b) (1) No person convicted of any of the following offenses, which was committed on or after July 1, 1981, shall be eligible for parole under subsection (a) of this section: (A) Capital felony, as provided under the provisions of section 53a-54b in effect prior to April 25, 2012, (B) murder with special circumstances, as provided under the provisions of section 53a-54b in effect on or after April 25, 2012, (C) felony murder, as provided in section 53a-54c, (D) arson murder, as provided in section 53a-54d, (E) murder, as provided in section 53a-54a, or (F) aggravated sexual assault in the first degree, as provided in section 53a-70a. (2) A person convicted of (A) a violation of section 53a-100aa or 53a-102, or (B) an offense, other than an offense specified in subdivision (1) of this subsection, where the underlying facts and circumstances of the offense involve the use, attempted use or threatened use of physical force against another person shall be ineligible for parole under subsection (a) of this section until such person has served not less than eighty-five per cent of the definite sentence imposed. ~~less any risk reduction credit earned under the provisions of section 18-98e.~~

(c) The Board of Pardons and Paroles shall, not later than July 1, 1996, adopt regulations in accordance with chapter 54¹ to ensure that a person convicted of an offense described in subdivision (2) of subsection (b) of this section is not released on parole until such person has served eighty-five per cent of the definite sentence imposed by the court. ~~less any risk reduction credit earned under the provisions of section 18-98e.~~ Such regulations shall include guidelines and procedures for classifying a person as a violent offender that are not limited to a consideration of the elements of the offense or offenses for which such person was convicted.

(d) The Board of Pardons and Paroles shall hold a hearing to determine the suitability for parole release of any person whose eligibility for parole release is not subject to the provisions of subsection (b) of this section upon completion by such person of seventy-five per cent of such person's definite or aggregate sentence less any risk reduction credit earned under the provisions

of section 18–98e. An employee of the board or, if deemed necessary by the chairperson, a panel of the board shall reassess the suitability for parole release of such person based on the following standards: (1) Whether there is reasonable probability that such person will live and remain at liberty without violating the law, and (2) whether the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration. After hearing, if the board determines that continued confinement is necessary, it shall articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community. The decision of the board under this subsection shall not be subject to appeal.

(e) The Board of Pardons and Paroles shall hold a hearing to determine the suitability for parole release of any person whose eligibility for parole release is subject to the provisions of subdivision (2) of subsection (b) of this section upon completion by such person of eighty-five per cent of such person's definite or aggregate sentence. ~~less any risk reduction credit earned under the provisions of section 18–98e.~~ An employee of the board or, if deemed necessary by the chairperson, a panel of the board shall assess the suitability for parole release of such person based on the following standards: (1) Whether there is reasonable probability that such person will live and remain at liberty without violating the law, and (2) whether the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration. After hearing, if the board determines that continued confinement is necessary, it shall articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community. The decision of the board under this subsection shall not be subject to appeal.

(f) Any person released on parole under this section shall remain in the custody of the Commissioner of Correction and be subject to supervision by personnel of the Department of Correction during such person's period of parole.

¹ C.G.S.A. § 4–166 et seq.

Sec. 60. Subsection (a) of section 29–32b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 29–32b >>

(a) There ~~shall be~~ **is** established a Board of Firearms Permit Examiners, within the Office of Governmental Accountability established under section 1–300, to be comprised of seven **nine members, eight of whom shall be** appointed by the Governor to serve during ~~his~~ **the Governor's** term and until their ~~such members'~~ **such members'** successors are appointed and qualify, and ~~one of whom shall be a retired judge of the Superior Court appointed by the Chief Court Administrator.~~ **With the exception of two public members, the members appointed by the Governor shall be appointed from nominees of the Commissioner of Emergency Services and Public Protection, the Commissioner of Mental Health and Addiction Services, the Connecticut State Association of Chiefs of Police, the Commissioner of Energy and Environmental Protection, The Connecticut State Rifle and Revolver Association, Inc., and Ye Connecticut Gun Guild, Inc., and each of said organizations shall be entitled to representation on the board. At least one member of the board appointed by the Governor shall be a lawyer licensed to practice in this state ; who shall act as chairman of the board during the hearing of appeals brought under this section.**

Sec. 61. Subsection (c) of section 29–32b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 29–32b >>

(c) Any person aggrieved by the action of an issuing authority may file with the board a clear and concise statement of the facts on which ~~he~~ **such person** relies for relief, and shall state the relief sought by the appellant. The receipt by the board of

the appellant's statement shall initiate the appeals process, and no appeal may be rejected for mere lack of formality. The board shall, ~~within~~ **not later than** ten days ~~next following~~ **after** receipt of the appeal, set a time and place at which the appeal shall be heard. The board, while such appeal is pending, may request such additional information from the appellant and from the issuing authority as it deems reasonably necessary to conduct a fair and impartial hearing, and shall require of the issuing authority from whose decision or action the appeal is being sought a **written** statement ~~in writing~~ setting forth the reasons for such failure, refusal, revocation or limitation. ~~Failure~~ **The failure, absent good cause shown,** or refusal of the issuing authority to furnish such written statement, or to supply the appellant with an application, at least ten days prior to the hearing shall be cause for the board to grant the relief sought, forthwith and without further hearing. **If the issuing authority shows good cause for its failure to furnish such written statement, the board shall continue the matter to the next scheduled meeting of the board, provided the issuing authority shall be allowed only one such continuance.**

<< CT ST §§ 29-33, 29-37a, 29-36l >>, 29-30, 29-36h, 53-202d, 11-4a

Sec. 62. (Effective from passage) (a) The Commissioner of Emergency Services and Public Protection shall study the

feasibility and cost of establishing and maintaining a system to electronically submit and access information required for the sale, delivery or transfer of a firearm. Such system shall permit the electronic submission to the Department of Emergency Services and Public Protection of information required for the sale, delivery or transfer of a firearm, including, but not limited to, the information required by sections 29-33 and 29-37a of the general statutes, as amended by this act. Such system shall permit electronic access to the state database established pursuant to section 29-36l of the general statutes, as amended by this act. Notwithstanding the provisions of subsections (d) and (f) of section 29-36l of the general statutes, the system shall permit a retail seller to directly initiate a background check on individuals purchasing firearms through the National Instant Criminal Background Check System (NICS).

(b) The system may permit the electronic submission of other documents and forms related to firearms permitting including, but not limited to, an application for the renewal of a permit to carry a pistol or revolver pursuant to section 29-30 of the general statutes, an application for renewal of an eligibility certificate pursuant to section 29-36h of the general statutes, an application for renewal of a long gun eligibility certificate pursuant to section 4 of this act, an application for a certificate of possession for an assault weapon pursuant to section 53-202d of the general statutes, as amended by this act, and an application to declare possession of a large capacity magazine pursuant to section 24 of this act.

(c) The commissioner shall submit a report to the General Assembly, in accordance with section 11-4a of the general statutes, on or before January 1, 2014, on the results of the study and shall include in such report recommendations for the development and implementation of such system.

<< Note: CT ST § 29-38e >>

Sec. 63. (Effective July 1, 2013) The sum of one million dollars is appropriated to the Department of Emergency Services and Public Protection, from the General Fund, for the fiscal year ending June 30, 2014, for the purpose of funding the activities of the state-wide firearms trafficking task force established in section 29-38e of the general statutes.

Sec. 64. Subsection (a) of section 10-220a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 10-220a >>

(a) Each local or regional board of education shall provide an in-service training program for its teachers, administrators and pupil personnel who hold the initial educator, provisional educator or professional educator certificate. Such program shall provide such teachers, administrators and pupil personnel with information on (1) the nature and the relationship of drugs,

as defined in subdivision (17) of section 21a-240, and alcohol to health and personality development, and procedures for discouraging their abuse, (2) health and mental health risk reduction education which includes, but need not be limited to, the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, as defined in section 19a-581, violence, teen dating violence, domestic violence, child abuse and youth suicide, (3) the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, including, but not limited to, children with attention-deficit hyperactivity disorder or learning disabilities, and methods for identifying, planning for and working effectively with special needs children in a regular classroom, including, but not limited to, implementation of student individualized education programs, (4) school violence prevention, conflict resolution, the prevention of and response to youth suicide and the identification and prevention of and response to bullying, as defined in subsection (a) of section 10-222d, except that those boards of education that implement any evidence-based model approach that is approved by the Department of Education and is consistent with subsection (d) of section 10-145a, ~~subsection (a) of section 10-220a,~~ sections 10-222d, 10-222g and 10-222h, subsection (g) of section 10-233c and sections 1 and 3 of public act 08-160, shall not be required to provide in-service training on the identification and prevention of and response to bullying, (5) cardiopulmonary resuscitation and other emergency life saving procedures, (6) computer and other information technology as applied to student learning and classroom instruction, communications and data management, (7) the teaching of the language arts, reading and reading readiness for teachers in grades kindergarten to three, inclusive, (8) second language acquisition in districts required to provide a program of bilingual education pursuant to section 10-17f, (9) the requirements and obligations of a mandated reporter. Each local and regional board of education may allow any paraprofessional or noncertified employee to participate, on a voluntary basis, in any in-service training program provided pursuant to this section, and (10) the teacher evaluation and support program developed pursuant to subsection (b) of section 10-151b. The State Board of Education, within available appropriations and utilizing available materials, shall assist and encourage local and regional boards of education to include: (A) Holocaust and genocide education and awareness; (B) the historical events surrounding the Great Famine in Ireland; (C) African-American history; (D) Puerto Rican history; (E) Native American history; (F) personal financial management; (G) domestic violence and teen dating violence; ~~and~~ (H) mental health first aid training; and (I) topics approved by the state board upon the request of local or regional boards of education as part of in-service training programs pursuant to this subsection.

<< Note: CT ST §§ 10-145a, 11-4a >>

Sec. 65. (Effective from passage) (a) The Commissioner of Education shall consider whether to include mental health first aid training as a requirement for a candidate in a program of teacher preparation leading to professional certification pursuant to section 10-145a of the general statutes.

(b) Not later than January 1, 2014, the Commissioner of Education shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to education, public health and appropriations concerning the commissioner's recommendation for inclusion of such training as a requirement for such program of teacher preparation.

<< Note: CT ST § 11-4a >>

Sec. 66. (Effective from passage) (a) There is established a task force to study the provision of behavioral health services in the state with particular focus on the provision of behavioral health services for persons sixteen to twenty-five years of age, inclusive.

(b) The task force shall analyze and make recommendations concerning: (1) Improving behavioral health screening, early intervention and treatment; (2) closing gaps in private insurance coverage; (3) improving behavioral health case management services; (4) addressing the insufficient number of certain behavioral health providers, including psychiatrists who specialize in treating children and those offering specialized services; (5) improving the delivery system for behavioral health services; (6) improving payment models for behavioral health services; (7) creating

a central clearinghouse with information for members of the public concerning behavioral health services; (8) providing intensive, individualized behavioral health intervention services in schools for students who are exhibiting violent tendencies; (9) requiring the State Department of Education to provide technical assistance to school districts concerning behavioral intervention specialists in public and private schools and for preschool programs; (10) employing the use of assisted outpatient behavioral health services and involuntary outpatient commitment as treatment options; (11) conducting behavioral health screenings of public school children; (12) requiring disclosure of communications by mental health professionals concerning persons who present a clear and present danger to the health or safety of themselves or other persons; and (13) reducing the stigma of mental illness as it presents a barrier to a person's receipt of appropriate mental health services.

(c) The task force shall consist of the following members:

- (1) The Healthcare Advocate;
- (2) The Child Advocate;
- (3) Two appointed by the president pro tempore of the Senate, one of whom shall be a child psychiatrist and the other a primary care provider;
- (4) Two appointed by the speaker of the House of Representatives, one of whom shall be a pediatrician whose practice is focused on treating adolescents and the other a representative of a school-based health center;
- (5) Two appointed by the majority leader of the Senate, one of whom shall be a judge of probate and the other a parent with a child who has utilized behavioral health services;
- (6) Two appointed by the majority leader of the House of Representatives, one of whom shall be a school psychologist and the other a representative of a community health center;
- (7) Two appointed by the minority leader of the Senate, one of whom shall be a representative of a health insurer and the other a representative of a hospital that offers behavioral health services; and
- (8) Two appointed by the minority leader of the House of Representatives, one of whom shall be a representative of an organization that offers behavioral health case management services and the other a consumer of behavioral health services or the representative of an organization that advocates for consumers of behavioral health services;
- (9) One appointed by the Governor, who shall be a representative of an institution of higher education; and
- (10) The Commissioners of Children and Families, Mental Health and Addiction Services, Public Health and Education, and the Insurance Commissioner or the commissioners' designees.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The president pro tempore of the Senate and the speaker of the House of Representatives shall each appoint one chairperson of the task force from among the members. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section. A majority of the voting task force members shall constitute a quorum. A majority vote of a quorum shall be required for any official action of the task force. Any tie vote shall be decided by the chairpersons. The task force shall meet not less than monthly until February 1, 2014, and at other times upon the call of the chairs or upon the request of a majority of the members.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to public health shall serve as administrative staff of the task force.

(g) Members of the task force shall serve without compensation, except for necessary expenses incurred in the performance of their duties.

(h) The task force may seek funding from any state, federal or private source and may enter into contracts to carry out its duties.

(i) Not later than February 1, 2014, the task force shall submit a report on its findings and recommendations to the Governor, the president pro tempore of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, public health, human services, education and insurance, in accordance with the provisions of section 11-4a of the general statutes. The task force shall provide additional information not contained in such report to said members of the General Assembly, upon their request. The task force shall terminate on July 1, 2014.

Sec. 67. (NEW) (Effective July 1, 2013)

The Commissioner of Mental Health and Addiction Services shall implement an assertive community treatment program to provide behavioral health support services in three cities of the state that, on June 30, 2013, do not have a program that offers such services. Such program shall use a person-centered, recovery-based approach to provide to persons, including those released from commitment, who have been diagnosed with a severe and persistent mental illness: (1) Assertive outreach; (2) mental health services; (3) vocational assistance; (4) education concerning family issues; (5) information to develop wellness skills; and (6) peer support services. Such services shall be provided by mobile, multi-disciplinary teams in community settings.

Sec. 68. (NEW) (Effective July 1, 2013)

The Commissioner of Mental Health and Addiction Services shall provide case management and case coordination services to not more than one hundred persons with mental illness who are involved in the Probate Court system and who, on June 30, 2013, are not receiving such services.

Sec. 69. (NEW) (Effective from passage)

(a) Not later than January 1, 2014, the Commissioner of Children and Families shall establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children. Such program shall provide to such primary care providers: (1) Timely access to a consultation team that includes a child psychiatrist, social worker and a care coordinator; (2) patient care coordination and transitional services for behavioral health care; and (3) training and education concerning patient access to behavioral health services. Said commissioner may enter into a contract for services to administer such program.

(b) Not later than October 1, 2013, said commissioner shall submit a plan, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health, children, human services and appropriations concerning the program to be established pursuant to subsection (a) of this section.

(c) The Commissioner of Children and Families may adopt regulations, in accordance with the provisions of chapter 54¹ of the general statutes, to implement the provisions of this section.

¹ C.G.S.A. § 4-166 et seq.

Sec. 70. Subdivision (7) of section 38a-591a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 38a-591a >>

(7) “Clinical peer” means a physician or other health care professional who (A) holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review, and (B) for a review specified under subparagraph (B) or (C) of subdivision (38) of section 38a-591a, as amended by this act, concerning (i) a child or adolescent substance use disorder or a child or adolescent mental disorder, holds a national board certification in child and adolescent psychiatry or child and adolescent psychology, and has training or clinical experience in the treatment of child and adolescent substance use disorder or child and adolescent mental disorder, as applicable, or (ii) an adult substance use disorder or an adult mental disorder, holds a national board certification in psychiatry or psychology, and has training or clinical experience in the treatment of adult substance use disorders or adult mental disorders, as applicable.

Sec. 71. Subdivision (38) of section 38a-591a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 38a-591a >>

(38) “Urgent care request” means a request for a health care service or course of treatment (A) for which the time period for making a non-urgent care request determination (A) (i) could seriously jeopardize the life or health of the covered person or the ability of the covered person to regain maximum function, or (B) (ii) in the opinion of a health care professional with knowledge of the covered person's medical condition, would subject the covered person to severe pain that cannot be adequately managed without the health care service or treatment being requested, or (B) for a substance use disorder, as described in section 17a-458, or for a co-occurring mental disorder, or (C) for a mental disorder requiring (i) inpatient services, (ii) partial hospitalization, as defined in section 38a-496, (iii) residential treatment, or (iv) intensive outpatient services necessary to keep a covered person from requiring an inpatient setting.

Sec. 72. Section 38a-591c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 38a-591c >>

(a) (1) Each health carrier shall contract with (A) health care professionals to administer such health carrier's utilization review program, and oversee utilization review determinations, and (B) with clinical peers to conduct utilization reviews and to evaluate the clinical appropriateness of an adverse determination.

(2) Each utilization review program shall use documented clinical review criteria that are based on sound clinical evidence and are evaluated periodically by the health carrier's organizational mechanism specified in subparagraph (F) of subdivision (2) of subsection (c) of section 38a-591b to assure such program's ongoing effectiveness. A health carrier may develop its own clinical review criteria or it may purchase or license clinical review criteria from qualified vendors approved by the commissioner. Each health carrier shall make its clinical review criteria available upon request to authorized government agencies.

(3) (A) Notwithstanding subdivision (2) of this subsection, for any utilization review for the treatment of a substance use disorder, as described in section 17a-458, the clinical review criteria used shall be: (i) The most recent edition of the American Society of Addiction Medicine's Patient Placement Criteria; or (ii) clinical review criteria that the health carrier demonstrates is consistent with the most recent edition of the American Society of Addiction Medicine's Patient Placement Criteria, in accordance with subparagraph (B) of this subdivision.

(B) A health carrier that uses clinical review criteria as set forth in subparagraph (A)(ii) of this subdivision shall create and maintain a document in an easily accessible location on such health carrier's Internet web site that (i) compares each aspect of such clinical review criteria with the American Society of Addiction Medicine's Patient Placement Criteria, and (ii) provides citations to peer-reviewed medical literature generally recognized by the relevant medical community or to professional society guidelines that justify each deviation from the American Society of Addiction Medicine's Patient Placement Criteria.

(4) (A) Notwithstanding subdivision (2) of this subsection, for any utilization review for the treatment of a child or adolescent mental disorder, the clinical review criteria used shall be: (i) The most recent guidelines of the American Academy of Child and Adolescent Psychiatry's Child and Adolescent Service Intensity Instrument; or (ii) clinical review criteria that the health carrier demonstrates is consistent with the most recent guidelines of the American Academy of Child and Adolescent Psychiatry's Child and Adolescent Service Intensity Instrument, in accordance with subparagraph (B) of this subdivision.

(B) A health carrier that uses clinical review criteria as set forth in subparagraph (A)(ii) of this subdivision for children and adolescents shall create and maintain a document in an easily accessible location on such health carrier's Internet web site that (i) compares each aspect of such clinical review criteria with the guidelines of the American Academy of Child and Adolescent Psychiatry's Child and Adolescent Service Intensity Instrument, and (ii) provides citations to peer-reviewed medical literature generally recognized by the relevant medical community or to professional society guidelines that justify each deviation from the guidelines of the American Academy of Child and Adolescent Psychiatry's Child and Adolescent Service Intensity Instrument.

(5) (A) Notwithstanding subdivision (2) of this subsection, for any utilization review for the treatment of an adult mental disorder, the clinical review criteria used shall be: (i) The most recent guidelines of the American Psychiatric Association or the most recent Standards and Guidelines of the Association for Ambulatory Behavioral Healthcare; or (ii) clinical review criteria that the health carrier demonstrates is consistent with the most recent guidelines of the American Psychiatric Association or the most recent Standards and Guidelines of the Association for Ambulatory Behavioral Healthcare, in accordance with subparagraph (B) of this subdivision.

(B) A health carrier that uses clinical review criteria as set forth in subparagraph (A)(ii) of this subdivision for adults shall create and maintain a document in an easily accessible location on such health carrier's Internet web site that (i) compares each aspect of such clinical review criteria with the guidelines of the American Psychiatric Association or the most recent Standards and Guidelines of the Association for Ambulatory Behavioral Healthcare, and (ii) provides citations to peer-reviewed medical literature generally recognized by the relevant medical community or to professional society guidelines that justify each deviation from the guidelines of the American Psychiatric Association or the most recent Standards and Guidelines of the Association for Ambulatory Behavioral Healthcare.

(b) Each health carrier shall:

(1) Have procedures in place to ensure that (A) the health care professionals administering such health carrier's utilization review program are applying the clinical review criteria consistently in utilization review determinations, and (B) the appropriate or required clinical peers are being designated to conduct utilization reviews;

(2) Have data systems sufficient to support utilization review program activities and to generate management reports to enable the health carrier to monitor and manage health care services effectively;

(3) Provide covered persons and participating providers with access to its utilization review staff through a toll-free telephone number or any other free calling option or by electronic means;

(4) Coordinate the utilization review program with other medical management activity conducted by the health carrier, such as quality assurance, credentialing, contracting with health care professionals, data reporting, grievance procedures, processes for assessing member satisfaction and risk management; and

(5) Routinely assess the effectiveness and efficiency of its utilization review program.

(c) If a health carrier delegates any utilization review activities to a utilization review company, the health carrier shall maintain adequate oversight, which shall include (1) a written description of the utilization review company's activities and responsibilities, including such company's reporting requirements, (2) evidence of the health carrier's formal approval of the utilization review company program, and (3) a process by which the health carrier shall evaluate the utilization review company's performance.

(d) When conducting utilization review, the health carrier shall (1) collect only the information necessary, including pertinent clinical information, to make the utilization review or benefit determination, and (2) ensure that such review is conducted in a manner to ensure the independence and impartiality of the ~~individual or individuals~~ clinical peer or peers involved in making the utilization review or benefit determination. No health carrier shall make decisions regarding the hiring, compensation, termination, promotion or other similar matters of such ~~individual or individuals~~ clinical peer or peers based on the likelihood that the ~~individual or individuals~~ clinical peer or peers will support the denial of benefits.

Sec. 73. Section 38a–591d of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 38a–591d >>

(a) (1) Each health carrier shall maintain written procedures for (A) utilization review and benefit determinations, (B) expedited utilization review and benefit determinations with respect to prospective urgent care requests and concurrent review urgent care requests, and (C) notifying covered persons or covered persons' authorized representatives of such review and benefit determinations. Each health carrier shall make such review and benefit determinations within the specified time periods under this section.

(2) In determining whether a benefit request shall be considered an urgent care request, an individual acting on behalf of a health carrier shall apply the judgment of a prudent layperson who possesses an average knowledge of health and medicine, except that any benefit request (A) determined to be an urgent care request by a health care professional with knowledge of the covered person's medical condition, or (B) specified under subparagraph (B) or (C) of subdivision (38) of section 38a–591a, as amended by this act, shall be deemed an urgent care request.

(3) After a covered person, a covered person's authorized representative or a covered person's health care professional is notified of an initial adverse determination that was based, in whole or in part, on medical necessity, of a concurrent or prospective utilization review or of a benefit request, a health carrier may offer a covered person's health care professional the opportunity to confer with a clinical peer of such health carrier, provided such covered person, covered person's authorized representative or covered person's health care professional has not filed a grievance of such initial adverse determination prior to such conference. Such conference shall not be considered a grievance of such initial adverse determination.

(b) With respect to a nonurgent care request:

(1) (A) For a prospective or concurrent review request, a health carrier shall make a determination within a reasonable period of time appropriate to the covered person's medical condition, but not later than fifteen calendar days after the date the health carrier receives such request, and shall notify the covered person and, if applicable, the covered person's authorized representative of such determination, whether or not the carrier certifies the provision of the benefit.

(B) If the review under subparagraph (A) of this subdivision is a review of a grievance involving a concurrent review request, pursuant to 45 CFR 147.136, as amended from time to time, the treatment shall be continued without liability to the covered person until the covered person has been notified of the review decision.

(2) For a retrospective review request, a health carrier shall make a determination within a reasonable period of time, but not later than thirty calendar days after the date the health carrier receives such request.

(3) The time periods specified in subdivisions (1) and (2) of this subsection may be extended once by the health carrier for up to fifteen calendar days, provided the health carrier:

(A) Determines that an extension is necessary due to circumstances beyond the health carrier's control; and

(B) Notifies the covered person and, if applicable, the covered person's authorized representative prior to the expiration of the initial time period, of the circumstances requiring the extension of time and the date by which the health carrier expects to make a determination.

(4) (A) If the extension pursuant to subdivision (3) of this subsection is necessary due to the failure of the covered person or the covered person's authorized representative to provide information necessary to make a determination on the request, the health carrier shall:

(i) Specifically describe in the notice of extension the required information necessary to complete the request; and

(ii) Provide the covered person and, if applicable, the covered person's authorized representative with not less than forty-five calendar days after the date of receipt of the notice to provide the specified information.

(B) If the covered person or the covered person's authorized representative fails to submit the specified information before the end of the period of the extension, the health carrier may deny certification of the benefit requested.

(c) With respect to an urgent care request:

(1) (A) Unless the covered person or the covered person's authorized representative has failed to provide information necessary for the health carrier to make a determination and except as specified under subparagraph (B) of this subdivision, the health carrier shall make a determination as soon as possible, taking into account the covered person's medical condition, but not later than seventy-two hours after the health carrier receives such request, provided, if the urgent care request is a concurrent review request to extend a course of treatment beyond the initial period of time or the number of treatments, such request is made at least twenty-four hours prior to the expiration of the prescribed period of time or number of treatments.;

(B) Unless the covered person or the covered person's authorized representative has failed to provide information necessary for the health carrier to make a determination, for an urgent care request specified under subparagraph (B) or (C) of subdivision (38) of section 38a-591a, as amended by this act, the health carrier shall make a determination as soon as possible, taking into account the covered person's medical condition, but not later than twenty-four hours after the health carrier receives such request, provided, if the urgent care request is a concurrent review request to extend a course of treatment beyond the initial period of time or the number of treatments, such request is made at least twenty-four hours prior to the expiration of the prescribed period of time or number of treatments.

(2) (A) If the covered person or the covered person's authorized representative has failed to provide information necessary for the health carrier to make a determination, the health carrier shall notify the covered person or the covered person's representative, as applicable, as soon as possible, but not later than twenty-four hours after the health carrier receives such request.

(B) The health carrier shall provide the covered person or the covered person's authorized representative, as applicable, a reasonable period of time to submit the specified information, taking into account the covered person's medical condition, but not less than forty-eight hours after notifying the covered person or the covered person's authorized representative, as applicable.

(3) The health carrier shall notify the covered person and, if applicable, the covered person's authorized representative of its determination as soon as possible, but not later than forty-eight hours after the earlier of (A) the date on which the covered person and the covered person's authorized representative, as applicable, provides the specified information to the health carrier, or (B) the date on which the specified information was to have been submitted.

(d) (1) Whenever a health carrier receives a review request from a covered person or a covered person's authorized representative that fails to meet the health carrier's filing procedures, the health carrier shall notify the covered person and, if applicable, the covered person's authorized representative of such failure not later than five calendar days after the health carrier receives such request, except that for an urgent care request, the health carrier shall notify the covered person and, if applicable, the covered person's authorized representative of such failure not later than twenty-four hours after the health carrier receives such request.

(2) If the health carrier provides such notice orally, the health carrier shall provide confirmation in writing to the covered person and the covered person's health care professional of record not later than five calendar days after providing the oral notice.

(e) Each health carrier shall provide promptly to a covered person and, if applicable, the covered person's authorized representative a notice of an adverse determination.

(1) Such notice may be provided in writing or by electronic means and shall set forth, in a manner calculated to be understood by the covered person or the covered person's authorized representative:

(A) Information sufficient to identify the benefit request or claim involved, including the date of service, if applicable, the health care professional and the claim amount;

(B) The specific reason or reasons for the adverse determination, including, upon request, a listing of the relevant clinical review criteria, including professional criteria and medical or scientific evidence and a description of the health carrier's standard, if any, that was were used in reaching the denial;

(C) Reference to the specific health benefit plan provisions on which the determination is based;

(D) A description of any additional material or information necessary for the covered person to perfect the benefit request or claim, including an explanation of why the material or information is necessary to perfect the request or claim;

(E) A description of the health carrier's internal grievance process that includes (i) the health carrier's expedited review procedures, (ii) any time limits applicable to such process or procedures, (iii) the contact information for the organizational unit designated to coordinate the review on behalf of the health carrier, and (iv) a statement that the covered person or, if applicable, the covered person's authorized representative is entitled, pursuant to the requirements of the health carrier's internal grievance process, to ~~(I) submit written comments, documents, records and other material relating to the covered person's benefit request for consideration by the individual or individuals conducting the review, and (II) receive~~ from the health carrier, free of charge upon request, reasonable access to and copies of all documents, records, communications and other information and evidence regarding the covered person's benefit request;

(F) If the adverse determination is based on a health carrier's internal rule, guideline, protocol or other similar criterion, (i) the specific rule, guideline, protocol or other similar criterion, or (ii) (I) a statement that a specific rule, guideline, protocol or other similar criterion of the health carrier was relied upon to make the adverse determination and that a copy of such rule, guideline, protocol or other similar criterion will be provided to the covered person free of charge upon request, and (II) instructions for requesting such copy, and (III) the links to such rule, guideline, protocol or other similar criterion on such health carrier's Internet web site. If the adverse determination involves the treatment of a substance use disorder, as described in section 17a-458, or a mental disorder, the notice of adverse determination shall also include, if applicable, a link to the document created and maintained by such health carrier pursuant to subdivision (3), (4) or (5) of subsection (a) of section 38a-591c, as amended by this act, as applicable, on such health carrier's Internet web site;

(G) If the adverse determination is based on medical necessity or an experimental or investigational treatment or similar exclusion or limit, the written statement of the scientific or clinical rationale for the adverse determination and (i) an explanation of the scientific or clinical rationale used to make the determination that applies the terms of the health benefit plan to the covered person's medical circumstances or (ii) a statement that an explanation will be provided to the covered person free of charge upon request, and instructions for requesting a copy of such explanation; and

(H) A statement explaining the right of the covered person to contact the commissioner's office or the Office of the Healthcare Advocate at any time for assistance or, upon completion of the health carrier's internal grievance process, to file a civil suit in a court of competent jurisdiction. Such statement shall include the contact information for said offices; and

(I) A statement that if the covered person or the covered person's authorized representative chooses to file a grievance of an adverse determination, (i) such appeals are sometimes successful, (ii) such covered person or covered person's authorized representative may benefit from free assistance from the Office of the Healthcare Advocate, which can assist such covered person or covered person's authorized representative with the filing of a grievance pursuant to 42 USC 300gg-93, as amended from time to time, or from the Division of Consumer Affairs within the Insurance Department, (iii) such covered person or covered person's authorized representative is entitled and encouraged to submit supporting documentation for the health carrier's consideration during the review of an adverse determination, including narratives from such covered person or covered person's authorized representative and letters and treatment notes from such covered person's health care professional, and (iv) such covered person or covered person's authorized representative has the right to ask such covered person's health care professional for such letters or treatment notes.

(2) Upon request pursuant to subparagraph (E) of subdivision (1) of this subsection, the health carrier shall provide such copies in accordance with subsection (a) of section 38a-591n.

(f) If the adverse determination is a rescission, the health carrier shall include with the advance notice of the application for rescission required to be sent to the covered person, a written statement that includes:

(1) Clear identification of the alleged fraudulent act, practice or omission or the intentional misrepresentation of material fact;

(2) An explanation as to why the act, practice or omission was fraudulent or was an intentional misrepresentation of a material fact;

(3) A disclosure that the covered person or the covered person's authorized representative may file immediately, without waiting for the date such advance notice of the proposed rescission ends, a grievance with the health carrier to request a review of the adverse determination to rescind coverage, pursuant to sections 38a-591e and 38a-591f, as amended by this act;

(4) A description of the health carrier's grievance procedures established under sections 38a-591e and 38a-591f, as amended by this act, including any time limits applicable to those procedures; and

(5) The date such advance notice of the proposed rescission ends and the date back to which the coverage will be retroactively rescinded.

(g) (1) Whenever a health carrier fails to strictly adhere to the requirements of this section with respect to making utilization review and benefit determinations of a benefit request or claim, the covered person shall be deemed to have exhausted the internal grievance process of such health carrier and may file a request for an external review in accordance with the provisions of section 38a–591g, as amended by this act, regardless of whether the health carrier asserts it substantially complied with the requirements of this section or that any error it committed was de minimis.

(2) A covered person who has exhausted the internal grievance process of a health carrier may, in addition to filing a request for an external review, pursue any available remedies under state or federal law on the basis that the health carrier failed to provide a reasonable internal grievance process that would yield a decision on the merits of the claim.

Sec. 74. Section 38a–591e of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 38a–591e >>

(a) (1) Each health carrier shall establish and maintain written procedures for (A) the review of grievances of adverse determinations that were based, in whole or in part, on medical necessity, (B) the expedited review of grievances of adverse determinations of urgent care requests, including concurrent review urgent care requests involving an admission, availability of care, continued stay or health care service for a covered person who has received emergency services but has not been discharged from a facility, and (C) notifying covered persons or covered persons' authorized representatives of such adverse determinations.

(2) Each health carrier shall file with the commissioner a copy of such procedures, including all forms used to process requests, and any subsequent material modifications to such procedures.

(3) In addition to a copy of such procedures, each health carrier shall file annually with the commissioner, as part of its annual report required under subsection (e) of section 38a–591b, a certificate of compliance stating that the health carrier has established and maintains grievance procedures for each of its health benefit plans that are fully compliant with the provisions of sections 38a–591a to 38a–591n, inclusive, as amended by this act.

(b) (1) A covered person or a covered person's authorized representative may file a grievance of an adverse determination that was based, in whole or in part, on medical necessity with the health carrier not later than one hundred eighty calendar days after the covered person or the covered person's authorized representative, as applicable, receives the notice of an adverse determination.

(2) For prospective or concurrent urgent care requests, a covered person or a covered person's authorized representative may make a request for an expedited review orally or in writing.

(c) (1) (A) When conducting a review of an adverse determination under this section, the health carrier shall ensure that such review is conducted in a manner to ensure the independence and impartiality of the individual or individuals clinical peer or peers involved in making the review decision.

(B) If the adverse determination involves utilization review, the health carrier shall designate an appropriate clinical peer or peers to review such adverse determination. Such clinical peer or peers shall not have been involved in the initial adverse determination.

(C) The ~~individual or individuals~~ **clinical peer or peers** conducting a review under this section shall take into consideration all comments, documents, records and other information relevant to the covered person's benefit request that is the subject of the adverse determination under review, that are submitted by the covered person or the covered person's authorized representative, regardless of whether such information was submitted or considered in making the initial adverse determination.

(D) Prior to issuing a decision, the health carrier shall provide free of charge, by facsimile, electronic means or any other expeditious method available, to the covered person or the covered person's authorized representative, as applicable, any new or additional documents, communications, information and evidence relied upon and any new or additional scientific or clinical rationale used by the health carrier in connection with the grievance. Such documents, communications, information, evidence and rationale shall be provided sufficiently in advance of the date the health carrier is required to issue a decision to permit the covered person or the covered person's authorized representative, as applicable, a reasonable opportunity to respond prior to such date.

(2) If the review under subdivision (1) of this subsection is an expedited review, all necessary information, including the health carrier's decision, shall be transmitted between the health carrier and the covered person or the covered person's authorized representative, as applicable, by telephone, facsimile, electronic means or any other expeditious method available.

(3) If the review under subdivision (1) of this subsection is an expedited review of a grievance involving an adverse determination of a concurrent review ~~urgent-care~~ request, **pursuant to 45 CFR 147.136, as amended from time to time**, the treatment shall be continued without liability to the covered person until the covered person has been notified of the review decision.

(d) (1) The health carrier shall notify the covered person and, if applicable, the covered person's authorized representative, in writing or by electronic means, of its decision within a reasonable period of time appropriate to the covered person's medical condition, but not later than:

(A) For prospective review and concurrent review requests, thirty calendar days after the health carrier receives the grievance;

(B) For retrospective review requests, sixty calendar days after the health carrier receives the grievance; ~~and~~

(C) For expedited review requests, **except as specified under subparagraph (D) of this subdivision**, seventy-two hours after the health carrier receives the grievance; ~~and~~

(D) For expedited review requests of a health care service or course of treatment specified under subparagraph (B) or (C) of subdivision (38) of section 38a-591a, as amended by this act, twenty-four hours after the health carrier receives the grievance.

(2) The time periods set forth in subdivision (1) of this subsection shall apply regardless of whether all of the information necessary to make a decision accompanies the filing.

(e) (1) The notice required under subsection (d) of this section shall set forth, in a manner calculated to be understood by the covered person or the covered person's authorized representative:

(A) The titles and qualifying credentials of the ~~individual or individuals~~ **clinical peer or peers** participating in the review process;

(B) Information sufficient to identify the claim involved with respect to the grievance, including the date of service, if applicable, the health care professional and the claim amount;

(C) A statement of such ~~individual's or individuals'~~ **clinical peer's or peers'** understanding of the covered person's grievance;

(D) The individual's or individuals' clinical peer's or peers' decision in clear terms and the health benefit plan contract basis or scientific or clinical rationale for such decision in sufficient detail for the covered person to respond further to the health carrier's position;

(E) Reference to the evidence or documentation used as the basis for the decision;

(F) For a decision that upholds the adverse determination:

(i) The specific reason or reasons for the final adverse determination, including the denial code and its corresponding meaning, as well as a description of the health carrier's standard, if any, that was used in reaching the denial;

(ii) Reference to the specific health benefit plan provisions on which the decision is based;

(iii) A statement that the covered person may receive from the health carrier, free of charge and upon request, reasonable access to and copies of, all documents, records, communications and other information and evidence not previously provided regarding the adverse determination under review;

(iv) If the final adverse determination is based on a health carrier's internal rule, guideline, protocol or other similar criterion, (I) the specific rule, guideline, protocol or other similar criterion, or (II) a statement that a specific rule, guideline, protocol or other similar criterion of the health carrier was relied upon to make the final adverse determination and that a copy of such rule, guideline, protocol or other similar criterion will be provided to the covered person free of charge upon request and instructions for requesting such copy;

(v) If the final adverse determination is based on medical necessity or an experimental or investigational treatment or similar exclusion or limit, the written statement of the scientific or clinical rationale for the final adverse determination and (I) an explanation of the scientific or clinical rationale used to make the determination that applies the terms of the health benefit plan to the covered person's medical circumstances, or (II) a statement that an explanation will be provided to the covered person free of charge upon request and instructions for requesting a copy of such explanation;

(vi) A statement describing the procedures for obtaining an external review of the final adverse determination;

(G) If applicable, the following statement: "You and your plan may have other voluntary alternative dispute resolution options such as mediation. One way to find out what may be available is to contact your state Insurance Commissioner."; and

(H) A statement disclosing the covered person's right to contact the commissioner's office or the Office of the Healthcare Advocate at any time. Such disclosure shall include the contact information for said offices.

(2) Upon request pursuant to subparagraph (F)(iii) of subdivision (1) of this subsection, the health carrier shall provide such copies in accordance with subsection (b) of section 38a-591n.

(f) (1) Whenever a health carrier fails to strictly adhere to the requirements of this section with respect to receiving and resolving grievances involving an adverse determination, the covered person shall be deemed to have exhausted the internal grievance process of such health carrier and may file a request for an external review, regardless of whether the health carrier asserts that it substantially complied with the requirements of this section, or that any error it committed was de minimis.

(2) A covered person who has exhausted the internal grievance process of a health carrier may, in addition to filing a request for an external review, pursue any available remedies under state or federal law on the basis that the health carrier failed to provide a reasonable internal grievance process that would yield a decision on the merits of the claim.

Sec. 75. Subsection (d) of section 38a-591f of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 38a-591f >>

(d) (1) The written decision issued pursuant to subsection (c) of this section shall contain:

(A) The titles and qualifying credentials of the individual or individuals participating in the review process;

(B) A statement of such individual's or individuals' understanding of the covered person's grievance;

(C) The individual's or individuals' decision in clear terms and the health benefit plan contract basis for such decision in sufficient detail for the covered person to respond further to the health carrier's position;

(D) Reference to the documents, communications, information and evidence used as the basis for the decision; and

(E) For a decision that upholds the adverse determination, a statement (i) that the covered person may receive from the health carrier, free of charge and upon request, reasonable access to and copies of, all documents, communications, information and evidence regarding the adverse determination that is the subject of the final adverse determination, and (ii) disclosing the covered person's right to contact the commissioner's office or the Office of the Healthcare Advocate at any time, and that such covered person may benefit from free assistance from the Office of the Healthcare Advocate, which can assist such covered person with the filing of a grievance pursuant to 42 USC 300gg-93, as amended from time to time, or from the Division of Consumer Affairs within the Insurance Department. Such disclosure shall include the contact information for said offices.

(2) Upon request pursuant to subparagraph (E) of subdivision (1) of this subsection, the health carrier shall provide such copies in accordance with subsection (b) of section 38a-591n.

Sec. 76. Subdivision (1) of subsection (i) of section 38a-591g of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 38a-591g >>

(i) (1) The independent review organization shall notify the commissioner, the health carrier, the covered person and, if applicable, the covered person's authorized representative in writing of its decision to uphold, reverse or revise the adverse determination or the final adverse determination, not later than:

(A) For external reviews, forty-five calendar days after such organization receives the assignment from the commissioner to conduct such review;

(B) For external reviews involving a determination that the recommended or requested health care service or treatment is experimental or investigational, twenty calendar days after such organization receives the assignment from the commissioner to conduct such review;

(C) For expedited external reviews, except as specified under subparagraph (D) of this subdivision, as expeditiously as the covered person's medical condition requires, but not later than seventy-two hours after such organization receives the assignment from the commissioner to conduct such review; and

(D) For expedited external reviews involving a health care service or course of treatment specified under subparagraph (B) or (C) of subdivision (38) of section 38a-591a, as amended by this act, as expeditiously as the covered person's medical condition

requires, but not later than twenty-four hours after such organization receives the assignment from the commissioner to conduct such review; and

(D) (E) For expedited external reviews involving a determination that the recommended or requested health care service or treatment is experimental or investigational, as expeditiously as the covered person's medical condition requires, but not later than five calendar days after such organization receives the assignment from the commissioner to conduct such review.

Sec. 77. Section 38a–1046 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):

<< CT ST § 38a–1046 >>

Each employer, ~~other than a self-insured employer,~~ that provides health insurance or health care benefits to employees shall obtain from the Healthcare Advocate and post, in a conspicuous location, a notice concerning the services that the Healthcare Advocate provides.

Sec. 78. Section 38a–478l of the general statutes is amended by adding subsection (e) as follows (Effective October 1, 2013):

<< CT ST § 38a–478l >>

(NEW) (e) The commissioner shall analyze annually the data submitted under subparagraphs (E) and (F) of subdivision (1) of subsection (b) of this section for the accuracy of, trends in and statistically significant differences in such data among the health care centers and licensed health insurers included in the consumer report card. The commissioner may investigate any such differences to determine whether further action by the commissioner is warranted.

<< Note: CT ST § 11–4a >>

Sec. 79. (Effective from passage) (a) Not later than September 15, 2013, the Insurance Commissioner shall seek

input from stakeholders, including, but not limited to, the Healthcare Advocate, health insurance companies, health care professionals and behavioral health advocacy groups on methods the Insurance Department might use to check for compliance with state and federal mental health parity laws by health insurance companies and other entities under its jurisdiction. The department shall also post notice of such request for input on its Internet web site and provide for a written public comment period of thirty days following the posting of such notice. The department shall include in such posting the date the public comment period closes and instructions on how to submit comments to the department.

(b) (1) Not later than January 1, 2014, the commissioner shall issue a report, in accordance with the provisions of section 11–4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to insurance and public health and provide an educational presentation to said committees. Such report and presentation shall (A) cover the methodology the department is using to check for compliance with the interim regulations or guidance or the final regulations or guidance, whichever is in effect, published by the United States Department of Health and Human Services relating to the compliance and oversight requirements of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008,¹ (B) cover the methodology the department is using to check for compliance with mental health parity under state law, and (C) detail the department's regulatory and educational approaches relating to the financing of mental health services in this state. The report shall describe and address any public comments received pursuant to subsection (a) of this section.

(2) Not later than February 1, 2014, the joint standing committees of the General Assembly having cognizance of matters relating to insurance and public health shall hold a joint public hearing on the report.

¹ Pub.L. 110-343, Div. C, Title V, Subtitle B, Oct. 3, 2008, 122 Stat. 3881.

Sec. 80. (NEW) (Effective from passage)

(a) There is established a School Safety Infrastructure Council. The council shall consist of: (1) The Commissioner of Construction Services, or the commissioner's designee; (2) the Commissioner of Emergency Services and Public Protection, or the commissioner's designee; (3) the Commissioner of Education, or the commissioner's designee; (4) one appointed by the president pro tempore of the Senate, who shall be a person with expertise in building security, preferably school building security; (5) one appointed by the speaker of the House of Representatives, who shall be a licensed professional engineer who is a structural engineer; (6) one appointed by the majority leader of the Senate, who shall be a public school administrator certified by the State Board of Education; (7) one appointed by the majority leader of the House of Representatives, who shall be a firefighter, emergency medical technician or a paramedic; (8) one appointed by the minority leader of the Senate, who shall be a school resource officer; and (9) one appointed by the minority leader of the House of Representatives, who shall be a public school teacher certified by the State Board of Education. The Commissioner of Construction Services shall serve as the chairperson of the council. The administrative staff of the Department of Construction Services shall serve as staff for the council and assist with all ministerial duties.

(b) The School Safety Infrastructure Council shall develop school safety infrastructure standards for school building projects under chapter 173¹ of the general statutes and projects receiving reimbursement as part of the school security infrastructure competitive grant program, pursuant to section 84 of this act. Such school safety infrastructure standards shall conform to industry standards for school building safety infrastructure and shall include, but not be limited to, standards regarding (1) entryways to school buildings and classrooms, such as, reinforcement of entryways, ballistic glass, solid core doors, double door access, computer-controlled electronic locks, remote locks on all entrance and exits and buzzer systems, (2) the use of cameras throughout the school building and at all entrances and exits, including the use of closed-circuit television monitoring, (3) penetration resistant vestibules, and (4) other security infrastructure improvements and devices as they become industry standards. The council shall meet at least annually to review and update, if necessary, the school safety infrastructure standards and make such standards available to local and regional boards of education.

(c) Not later than January 1, 2014, and annually thereafter, the School Safety Infrastructure Council shall submit the school safety infrastructure standards to the Commissioners of Emergency Services and Public Protection and Education, the School Building Projects Advisory Council, established pursuant to section 10-292q of the general statutes, as amended by this act, and the joint standing committees of the General Assembly having cognizance of matters relating to public safety and education, in accordance with the provisions of section 11-4a of the general statutes.

¹ C.G.S.A. § 10-282 et seq.

Sec. 81. Subsection (a) of section 10-284 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 10-284 >>

(a) The Commissioner of Education shall have authority to receive and review applications for state grants under this chapter, and the Commissioner of Construction Services shall have authority to review and approve any such application, or to disapprove any such application if (1) it does not comply with the requirements of the State Fire Marshal or the Department of Public Health, (2) it is not accompanied by a life-cycle cost analysis approved by the Commissioner of Construction Services

pursuant to section 16a–38, (3) it does not comply with the provisions of sections 10–290d and 10–291, (4) it does not meet (A) the standards or requirements established in regulations adopted in accordance with section 10–287c, or (B) school building categorization requirements described in section 10–283, as amended by this act, (5) the estimated construction cost exceeds the per square foot cost for schools established in regulations adopted by the Commissioner of Construction Services for the county in which the project is proposed to be located, (6) on and after July 1, 2014, the application does not comply with the school safety infrastructure standards developed by the School Safety Infrastructure Council, pursuant to section 80 of this act, or (6) (7) the Commissioner of Education determines that the proposed educational specifications for or theme of the project for which the applicant requests a state grant duplicates a program offered by a technical high school or an interdistrict magnet school in the same region.

Sec. 82. Subdivision (1) of subsection (a) of section 10–283 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

<< CT ST § 10–283 >>

(a) (1) Each town or regional school district shall be eligible to apply for and accept grants for a school building project as provided in this chapter. Any town desiring a grant for a public school building project may, by vote of its legislative body, authorize the board of education of such town to apply to the Commissioner of Education and to accept or reject such grant for the town. Any regional school board may vote to authorize the supervising agent of the regional school district to apply to the Commissioner of Education for and to accept or reject such grant for the district. Applications for such grants under this chapter shall be made by the superintendent of schools of such town or regional school district on the form provided and in the manner prescribed by the Commissioner of Construction Services. The application form shall require the superintendent of schools to affirm that the school district considered the maximization of natural light, and the use and feasibility of wireless connectivity technology and, on and after July 1, 2014, the school safety infrastructure standards, developed by the School Safety Infrastructure Council, pursuant to section 80 of this act, in projects for new construction and alteration or renovation of a school building. The Commissioner of Education shall review each grant application for a school building project for compliance with educational requirements and on the basis of categories for building projects established by the State Board of Education in accordance with this section, and shall evaluate, if appropriate, whether the project will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., provided grant applications submitted for purposes of subsection (a) of section 10–65 or section 10–76e shall be reviewed annually by the commissioner on the basis of the educational needs of the applicant. The Commissioner of Education shall forward each application and the category that the Commissioner of Education has assigned to each such project in accordance with subdivision (2) of this subsection to the Commissioner of Construction Services not later than August thirty-first of each fiscal year. The Commissioner of Construction Services shall review all grant applications for school building projects on the basis of each grant application for a school building project for compliance with standards for school construction, established in regulation building projects pursuant to regulations, adopted in accordance with section 10–287c, and, on and after July 1, 2014, the school safety infrastructure standards, developed by the School Safety Infrastructure Council pursuant to section 80 of this act. Notwithstanding the provisions of this chapter, the Board of Trustees of the Community–Technical Colleges on behalf of Quinebaug Valley Community College and Three Rivers Community College and the following entities that will operate an interdistrict magnet school that will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education, may apply for and shall be eligible to receive grants for school building projects pursuant to section 10–264h for such a school: (A) The Board of Trustees of the Community–Technical Colleges on behalf of a regional community-technical college, (B) the Board of Trustees of the Connecticut State University System on behalf of a state university, (C) the Board of Trustees for The University of Connecticut on behalf of the university, (D) the board of governors for an independent college or university, as defined in section 10a–37, or the equivalent of such a board, on behalf of the independent college or university, (E) cooperative arrangements pursuant to section 10–158a, and (F) any other third-party not-for-profit corporation approved by the Commissioner of Education.

Sec. 83. Subsection (b) of section 10–292q of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 10–292q >>

(b) The School Building Projects Advisory Council shall (1) develop model blueprints for new school building projects that are in accordance with industry standards for school buildings and the school safety infrastructure standards, developed pursuant to section 80 of this act, (2) conduct studies, research and analyses, and (3) make recommendations for improvements to the school building projects processes to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, education and finance, revenue and bonding.

<< Note: CT ST §§ 10–262f, 10–266p >>

Sec. 84. (Effective from passage) (a) For the fiscal years ending June 30, 2013, to June 30, 2015, inclusive,

the Departments of Emergency Services and Public Protection, Construction Services and Education shall jointly administer a school security infrastructure competitive grant program to reimburse towns for certain expenses for schools under the jurisdiction of the town's school district incurred on or after the effective date of this section for: (1) The development or improvement of the security infrastructure of schools, based on the results of school building security assessments pursuant to subsection (b) of this section, including, but not limited to, the installation of surveillance cameras, penetration resistant vestibules, ballistic glass, solid core doors, double door access, computer-controlled electronic locks, entry door buzzer systems, scan card systems, panic alarms or other systems; and (2) (A) the training of school personnel in the operation and maintenance of the security infrastructure of school buildings, or (B) the purchase of portable entrance security devices, including, but not limited to, metal detector wands and screening machines and related training.

(b) On and after the effective date of this section, each local and regional board of education may, on behalf of its town or its member towns, apply, at such time and in such manner as the Commissioner of Emergency Services and Public Protection prescribes, to the Department of Emergency Services and Public Protection for a grant. Prior to the date that the School Safety Infrastructure Council makes its initial submission of the school safety infrastructure standards, pursuant to subsection (c) of section 80 of this act, the Commissioner of Emergency Services and Public Protection, in consultation with the Commissioners of Construction Services and Education, shall determine which expenses are eligible for reimbursement under the program. On and after the date that the School Safety Infrastructure Council submits the school safety infrastructure standards, the decision to approve or deny an application and the determination of which expenses are eligible for reimbursement under the program shall be in accordance with the most recent submission of the school safety infrastructure standards, pursuant to subsection (c) of section 80 of this act.

(c) A town may receive a grant equal to a percentage of its eligible expenses. The percentage shall be determined as follows: (1) Each town shall be ranked in descending order from one to one hundred sixty-nine according to town wealth, as defined in subdivision (26) of section 10–262f of the general statutes, (2) based upon such ranking, a percentage of not less than twenty or more than eighty shall be assigned to each town on a continuous scale, and (3) the town ranked first shall be assigned a percentage of twenty and the town ranked last shall be assigned a percentage of eighty. If there are not sufficient funds to provide grants to all towns based on the percentage determined pursuant to this subsection, the Commissioner of Emergency Services and Public Protection, in consultation with the Commissioners of Construction Services and Education, shall give priority to applicants on behalf of schools with the greatest need for security infrastructure, as determined by said commissioners based on school building security assessments of the schools under the jurisdiction of the town's school district conducted pursuant to this subsection. Of the applicants on behalf of such schools with the greatest need for security infrastructure, said commissioners shall give first priority to applicants on behalf of schools that have no security infrastructure at the

time of such school building security assessment and succeeding priority to applicants on behalf of schools located in priority school districts pursuant to section 10–266p of the general statutes. To be eligible for reimbursement pursuant to this section, an applicant board of education shall (A) demonstrate that it has developed and periodically practices an emergency plan at the schools under its jurisdiction and that such plan has been developed in concert with applicable state or local first-responders, and (B) provide for a uniform assessment of the schools under its jurisdiction, including any security infrastructure, using the National Clearinghouse for Educational Facilities' Safe Schools Facilities Check List. The assessment shall be conducted under the supervision of the local law enforcement agency.

<< Note: CT ST § 3–20 >>

Sec. 85. (Effective from passage) (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate fifteen million dollars.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Education for the purpose of the school security infrastructure competitive grant program, established pursuant to section 84 of this act.

(c) All provisions of section 3–20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3–20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 86. (NEW) (Effective from passage)

(a) Not later than January 1, 2014, the Department of Emergency Services and Public Protection, in consultation with the Department of Education, shall develop school security and safety plan standards. The school security and safety plan standards shall be an all-hazards approach to emergencies at public schools and shall include, but not be limited to, (1) involvement of local officials, including the chief executive officer of the municipality, the superintendent of schools, law enforcement, fire, public health, emergency management and emergency medical services, in the development of school security and safety plans, (2) a command center organization structure based on the federal National Incident Management System and a description of the responsibilities of such command center organization, (3) a requirement that a school security and safety committee be established at each school, in accordance with the provisions of section 87 of this act, (4) crisis management procedures, (5) a requirement that local law enforcement and other local public safety officials evaluate, score and provide feedback on fire drills and crisis response drills, conducted pursuant to section 10–231 of the general statutes, (6) a requirement that local and regional boards of education annually submit reports to the Department of Emergency Services and Public Protection regarding such fire drills and crisis response drills, (7) procedures for managing various types of emergencies, (8) a requirement that each local and regional board of education conduct a security and vulnerability assessment for each school under the jurisdiction of such board every two years and develop a school security and safety plan for each such school, in accordance with the provisions of

section 87 of this act, based on the results of such assessment, (9) a requirement that the safe school climate committee for each school, established pursuant to section 10–222k of the general statutes, as amended by this act, collect and evaluate information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying, as defined in section 10–222d of the general statutes, and report such information, as necessary, to the district safe school climate coordinator, described in section 10–222k of the general statutes, as amended by this act, and the school security and safety committee for the school, established pursuant to section 87 of this act, and (10) a requirement that the school security and safety plan for each school provide an orientation on such school security and safety plan to each school employee, as defined in section 10–222d of the general statutes, at such school and provide violence prevention training in a manner prescribed in such school security and safety plan. The Department of Emergency Services and Public Protection shall make such standards available to local officials, including local and regional boards of education.

(b) Not later than January 1, 2014, and annually thereafter, the Department of Emergency Services and Public Protection shall submit the school security and safety plan standards and any recommendations for legislation regarding such standards to the joint standing committees of the General Assembly having cognizance of matters relating to public safety and education, in accordance with the provisions of section 11–4a of the general statutes.

Sec. 87. (NEW) (Effective from passage)

(a) For the school year commencing July 1, 2014, and each school year thereafter, each local and regional board of education shall develop and implement a school security and safety plan for each school under the jurisdiction of such board. Such plans shall be based on the school security and safety plan standards developed by the Department of Emergency Services and Public Protection, pursuant to section 86 of this act. Each local and regional board of education shall annually review and update, if necessary, such plans.

(b) For the school year commencing July 1, 2014, and each school year thereafter, each local and regional board of education shall establish a school security and safety committee at each school under the jurisdiction of such board. The school security and safety committee shall be responsible for assisting in the development of the school security and safety plan for the school and administering such plan. Such school security and safety committee shall consist of a local police officer, a local first responder, a teacher and an administrator employed at the school, a mental health professional, as defined in section 10–76t of the general statutes, a parent or guardian of a student enrolled in the school and any other person the board of education deems necessary. Any parent or guardian serving as a member of a school security and safety committee shall not have access to any information reported to such committee, pursuant to subparagraph (c) of subdivision (2) of subsection (c) of section 10–222k of the general statutes, as amended by this act.

(c) Each local and regional board of education shall annually submit the school security and safety plan for each school under the jurisdiction of such board, developed pursuant to subsection (a) of this section, to the Department of Emergency Services and Public Protection.

Sec. 88. Subsection (c) of section 10–222k of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 10–222k >>

(c) (1) For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school shall establish a committee or designate at least one existing committee in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent or guardian of a student enrolled in the school appointed by the school principal.

(2) Any such committee shall: (A) receive ~~Receive~~ copies of completed reports following investigations of bullying, (B) identify and address patterns of bullying among students in the school, (C) implement the provisions of the school security and safety plan, developed pursuant to section 87 of this act, regarding the collection, evaluation and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying, (D) review and amend school policies relating to bullying, ~~(D)~~ (E) review and make recommendations to the district safe school climate coordinator regarding the district's safe school climate plan based on issues and experiences specific to the school, ~~(E)~~ (F) educate students, school employees and parents and guardians of students on issues relating to bullying, ~~(F)~~ (G) collaborate with the district safe school climate coordinator in the collection of data regarding bullying, in accordance with the provisions of subsection (b) of section 10-222d and subsection (a) of section 10-222h, and ~~(G)~~ (H) perform any other duties as determined by the school principal that are related to the prevention, identification and response to school bullying for the school.

(3) Any parent or guardian serving as a member of any such committee shall not participate in the activities described in subparagraphs (A) and ~~(B)~~ to (C), inclusive, of subdivision (2) of this subsection or any other activity that may compromise the confidentiality of a student.

Sec. 89. Section 10-222h of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 10-222h >>

(a) The Department of Education shall, within available appropriations, (1) document school districts' articulated needs for technical assistance and training related to safe learning and bullying, (2) collect information on the prevention and intervention strategies used by schools to reduce the incidence of bullying, improve school climate and improve reporting outcomes, (3) develop or recommend a model safe school climate plan for grades kindergarten to twelve, inclusive, and (4) in collaboration with the Connecticut Association of Schools, disseminate to all public schools grade-level appropriate school climate assessment instruments approved by the department, including surveys, to be used by local and regional boards of education for the purposes of collecting information described in subdivision (2) of this subsection so that the department can monitor bullying prevention efforts over time and compare each district's progress to state trends.

(b) On or before February 1, ~~2010~~ 2014, and biennially ~~biennially~~ annually thereafter, the department shall, in accordance with the provisions of section 11-4a, submit a report on the status of its efforts pursuant to this section including, but not limited to, the number of verified acts of bullying in the state, an analysis of the responsive action taken by school districts and any recommendations it may have regarding additional activities or funding to prevent bullying in schools and improve school climate to the joint standing ~~committee~~ committees of the General Assembly having cognizance of matters relating to education and to the select committee of the General Assembly having cognizance of matters relating to children and to the speaker of the House of Representatives, the president pro tempore of the Senate and the majority and minority leaders of the House of Representatives and the Senate.

~~(b)~~ (c) The department may accept private donations for the purposes of this section.

Sec. 90. (NEW) (Effective from passage)

(a) The Commissioner of Mental Health and Addiction Services, in consultation with the Commissioner of Education, shall administer a mental health first aid training program. Said program shall: (1) Help persons attending the training program recognize the signs of mental disorders in children and young adults; and (2) connect children and young adults who show signs of having a mental disorder with a professional who offers the appropriate services.

(b) Said commissioners may seek federal and state funding and may accept private donations for the administration of, and providing for persons to participate in, the mental health first aid training program.

(c) (1) For the school year commencing July 1, 2014, the Commissioner of Mental Health and Addiction Services shall provide mental health first aid training to any person appointed to serve as the district safe school climate coordinator, pursuant to section 10-222k of the general statutes, as amended by this act. Each such district safe school climate coordinator shall successfully complete such mental health first aid training.

(2) For the school year commencing July 1, 2015, the Commissioner of Mental Health and Addiction Services shall provide mental health and first aid training to any person appointed to serve as the district safe school climate coordinator for such school year and who did not serve as the district safe school climate coordinator for the prior school year or did not otherwise successfully complete such training. Each such district safe school climate coordinator shall successfully complete such mental health first aid training.

(3) No district safe school climate coordinator shall be required to successfully complete such mental health first aid training more than once.

(d) Each local and regional board of education may require teachers, school nurses, counselors and other school employees to participate in mental health first aid training.

Sec. 91. (NEW) (Effective from passage)

The Department of Emergency Services and Public Protection shall establish and maintain a registry of school security consultants operating in the state. The registry shall contain the names and employers of school security consultants and such other information as the Commissioner of Emergency Services and Public Protection may require. Such registry shall be updated at least annually by the department, be made available to the public upon request and be published on the department's Internet web site.

Sec. 92. Section 10a-156a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 10a-156a >>

Each (a) Not later than October 1, 2013, each constituent unit of the state system of higher education and each independent college or university institution of higher education, as defined in section 10a-37, as amended by this act, shall submit a plan described in this section to the Department of Higher Education by January 1, 2009 an up-to-date security protocol plan to the Department of Emergency Services and Public Protection. Such plan shall identify procedures specifically designed to heighten awareness by all faculty and staff regarding potentially at-risk students and other individuals on campus through effective educational strategies. Such procedures shall be designed to educate faculty and staff on how to recognize and respond to students and such other individuals who may be at risk of harm to themselves or others. Not later than July 1, 2015, and biennially thereafter, each constituent unit and independent institution of higher education shall review the security protocol plan with each of its chiefs of police or heads of campus security to determine whether such plan adequately addresses campus security concerns or requires revisions. In the event that revisions are required, the constituent unit or independent institution of higher education making revisions shall submit a revised security protocol plan to the Department of Emergency Services and Public Protection not later than August first of the year in which revisions are deemed necessary.

(b) Not later than January 1, 2014, each constituent unit and independent institution of higher education shall establish a trained threat assessment team for each of its campuses. The threat assessment team shall consist of individuals selected by the president of each state college, regional community-technical college or independent institution of higher education in consultation with its chief of police or head of campus security and may include not less than one member of its special police force or campus security personnel, administration, faculty and senior and mid-level staff. The chief of police or head of campus security at

each state college, regional community-technical college and independent institution of higher education shall be responsible for ensuring that every member of the treat assessment team (1) is capable of executing the security protocol plan developed in accordance with subsection (a) of this section, and (2) receives comprehensive training in identifying potentially at-risk students, other potentially at-risk individuals on campus and any other potential threats to campus safety.

Sec. 93. Section 10a–142 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 10a–142 >>

(a) There are established special police forces for The University of Connecticut at Storrs and its several campuses, The University of Connecticut Health Center in Farmington, Central Connecticut State University in New Britain, Southern Connecticut State University in New Haven, Eastern Connecticut State University in Willimantic and Western Connecticut State University in Danbury. The members of each special police force shall have the same duties, responsibilities and authority under sections 7–281, 14–8, 54–1f and 54–33a and title 53a as members of a duly organized local police department. The jurisdiction of said special police forces shall extend to the geographical limits of the property owned or under the control of the above institutions, and to property occupied by The University of Connecticut in the town of Mansfield, except as provided in subsection (b) of section 7–277a.

(b) Members of said special police forces shall continue to be state employees and, except as provided in subsection (e) of this section, shall be subject to the provisions of chapter 67,¹ and parts III² and IV³ of this chapter. The provisions of part V⁴ of chapter 104 and section 7–433c shall not apply to such members.

(c) Said special police forces shall have access to, and use of, the Connecticut on-line law enforcement communications teleprocessing system without charge.

(d) The chief executive officer of any institution listed in subsection (a) of this section which maintains a special police force may enter into an agreement with one or more of said other institutions which maintain a special police force to furnish or receive police assistance under the same conditions and terms specified in subsection (a) of section 7–277a.

(e) (1) Notwithstanding any provision of chapter 67,⁵ the Board of Regents for Higher Education shall determine (A) the preliminary requirements, including educational qualifications, for members of the special police forces for the state colleges, and (B) the timeline for filling any vacancies on any of such special police forces, including, but not limited to, when an examination for a vacant position shall occur and how soon after the examination is conducted shall an appointment to a vacant position be made or, in the event an examination for a vacant position is unnecessary due to a sufficient candidate list provided in accordance with section 5–215a, when an appointment of a candidate from such candidate list shall be made.

(2) Notwithstanding any provision of chapter 67, the Board of Trustees of The University of Connecticut shall determine (A) the preliminary requirements including educational qualifications, for members of the special police force for The University of Connecticut, and (B) the timeline for filling any vacancies on such police force, including, but not limited to, when an examination for a vacant position shall occur and how soon after the examination is conducted shall an appointment to a vacant position be made or, in the event an examination for a vacant position is unnecessary due to a sufficient candidate list provided in accordance with section 5–215a, when an appointment of a candidate from such candidate list shall be made.

¹ C.G.S.A. § 5–193 et seq.

² C.G.S.A. § 10a–102 et seq.

3 C.G.S.A. § 10a-143 et seq.

4 C.G.S.A. § 7-323a et seq.

5 C.G.S.A. § 5-193 et seq.

<< Note: CT ST § 11-4a >>

Sec. 94. (Effective from passage) (a) The Board of Regents for Higher Education, in consultation with the Department of Emergency Services and Public Protection, shall evaluate the effectiveness of establishing a special police force for each regional community-technical college and replacing campus security personnel at each regional community-technical college with the special police force. Not later than January 1, 2014, the president of the Board of Regents for Higher Education shall report, in accordance with the provisions of section 11-4a of the general statutes, on such evaluation to the joint standing committee of the General Assembly having cognizance of matters relating to higher education.

(b) The Board of Regents for Higher Education shall develop a coordinated security plan for the Connecticut State University System and the regional community-technical college system. Not later than January 1, 2014, the president of the Board of Regents for Higher Education shall report, in accordance with the provisions of section 11-4a of the general statutes, on such plan to the joint standing committee of the General Assembly having cognizance of matters relating to higher education.

Sec. 95. (NEW) (Effective from passage)

Any armed security personnel of any public institution of higher education or armed member of a special police force established under section 10a-142 of the general statutes shall be certified under the provision of sections 7-294a to 7-294e, inclusive, of the general statutes.

<< Note: CT ST §§ 10a-1, 10a-156a >>

Sec. 96. (Effective from passage) (a) Not later than December 1, 2014, the Department of Emergency Services and Public Protection shall conduct or require a safety and security audit of every campus of the constituent units identified in subdivisions (1) to (4), inclusive, of section 10a-1 of the general statutes, to determine the safety and security characteristics of each campus and any building or structure located thereon. Such security audit shall be conducted in cooperation with the Board of Regents for Higher Education or, for a safety and security audit of any campus of The University of Connecticut, with the Board of Trustees of The University of Connecticut.

(b) Any recommendations for safety or security upgrades in any such safety and security audit shall be based on the audit's findings and, at a minimum, shall enable the constituent unit to successfully implement its security protocol plan developed in accordance with section 10a-156a of the general statutes, as amended by this act.

(c) Not later than January 1, 2015, the department shall report on such audit to the joint standing committee of the General Assembly having cognizance of matters relating to higher education.

Sec. 97. Subsection (d) of section 10a-37 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

<< CT ST § 10a-37 >>

(d) An “~~independent college or university~~” “independent institution of higher education”: (1) Is a nonprofit institution established in this state; (2) has degree-granting authority in this state; (3) has its home campus located in this state; (4) is not included in the Connecticut system of public higher education; and (5) is an institution whose primary function is not the preparation of students for religious vocation;

Sec. 98. Section 12 of public act 07-7 of the June special session, as amended by section 233 of public act 10-44 and section 143 of public act 10-179, is amended to read as follows (Effective from passage):

The State Bond Commission shall have power, in accordance with the provisions of sections 12 to 19, inclusive, of public act 07-7 of the June special session, from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts in the aggregate, not exceeding \$195,103,868 \$192,103,868.

Sec. 99. Subdivision (6) of subsection (j) of section 13 of public act 07-7 of the June special session, as amended by section 309 of public act 10-44, is repealed. (Effective from passage)

Approved April 4, 2013.

End of Document

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EXHIBIT “J”

West's Hawai'i Revised Statutes Annotated
Division 1. Government
Title 10. Public Safety and Internal Security
Chapter 134. Firearms, Ammunition and Dangerous Weapons
Part I. General Regulations

HRS § 134-8

§ 134-8. Ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties

Currentness

(a) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any of the following is prohibited: assault pistols, except as provided by [section 134-4\(e\)](#); automatic firearms; rifles with barrel lengths less than sixteen inches; shotguns with barrel lengths less than eighteen inches; cannons; mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms; hand grenades, dynamite, blasting caps, bombs, or bombshells, or other explosives; or any type of ammunition or any projectile component thereof coated with teflon or any other similar coating designed primarily to enhance its capability to penetrate metal or pierce protective armor; and any type of ammunition or any projectile component thereof designed or intended to explode or segment upon impact with its target.

(b) Any person who installs, removes, or alters a firearm part with the intent to convert the firearm to an automatic firearm shall be deemed to have manufactured an automatic firearm in violation of subsection (a).

(c) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds which are designed for or capable of use with a pistol is prohibited. This subsection shall not apply to magazines originally designed to accept more than ten rounds of ammunition which have been modified to accept no more than ten rounds and which are not capable of being readily restored to a capacity of more than ten rounds.

(d) Any person violating subsection (a) or (b) shall be guilty of a class C felony and shall be imprisoned for a term of five years without probation. Any person violating subsection (c) shall be guilty of a misdemeanor except when a detachable magazine prohibited under this section is possessed while inserted into a pistol in which case the person shall be guilty of a class C felony.

Credits

Laws 1988, ch. 275, § 2; Laws 1989, ch. 261, § 6; Laws 1989, ch. 263, § 4; [Laws 1992, ch. 286, §§ 3, 4](#).

[Notes of Decisions \(13\)](#)

HRS § 134-8, HI ST § 134-8

Current with amendments through Act 4 [End] of the 2013 2nd Special Session.

EXHIBIT “J”

West's Hawai'i Revised Statutes Annotated
Division 1. Government
Title 10. Public Safety and Internal Security
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(d) Any person violating subsection (a) or (b) shall be guilty of a class C felony and shall be imprisoned for a term of five years without probation. Any person violating subsection (c) shall be guilty of a misdemeanor except when a detachable magazine prohibited under this section is possessed while inserted into a pistol in which case the person shall be guilty of a class C felony.

Credits

Laws 1988, ch. 275, § 2; Laws 1989, ch. 261, § 6; Laws 1989, ch. 263, § 4; [Laws 1992, ch. 286, §§ 3, 4](#).

[Notes of Decisions \(13\)](#)

HRS § 134-8, HI ST § 134-8

Current with amendments through Act 4 [End] of the 2013 2nd Special Session.

EXHIBIT “K”

Chapter 427

(Senate Bill 281)

AN ACT concerning

Firearm Safety Act of 2013

FOR the purpose of establishing a certain exception to the prohibition against carrying a deadly weapon on public school property; making it a misdemeanor to possess or use certain firearm ammunition during and in relation to the commission of a certain crime of violence; altering the authorization for a person to wear, carry, or transport a handgun to be within certain limitations; designating certain firearms as assault weapons; prohibiting, with certain exceptions, a person from transporting an assault weapon into the State or possessing, selling, offering to sell, transferring, purchasing, or receiving an assault weapon; ~~authorizing certain licensed firearms dealers to continue to possess, sell, offer for sale, or transfer assault long guns or copycat weapons~~ providing that certain prohibitions relating to certain assault weapons and detachable magazines do not apply to certain persons under certain circumstances; authorizing a person to transport certain assault weapons under certain circumstances; authorizing certain persons to continue to possess assault long guns or copycat weapons under certain circumstances; providing that certain registration requirements for certain assault weapons do not apply under certain circumstances; altering the maximum capacity of rounds of ammunition allowable to be manufactured, sold, offered for sale, purchased, received, or transferred for a firearm, with certain exceptions; making it a misdemeanor to use an assault long gun or a copycat weapon or a magazine that exceeds a certain maximum capacity of rounds of ammunition in the commission of a felony or a crime of violence; requiring a certain hearing officer, after making a certain determination, to order certain individuals to surrender ~~or consign~~ firearms in the individual's possession under certain circumstances; prohibiting an individual, while hunting for any wild bird or mammal, from shooting or discharging a firearm within a certain distance of a public or nonpublic school during certain times; repealing certain duties of the Police Training Commission relating to a certain firearms safety training course; requiring the Secretary of State Police to disapprove an application for a State-regulated firearms dealer's license if the Secretary determines that the applicant intends a certain person to participate or hold a certain interest in the management or operation of the business for which the license is sought; requiring that requiring the Secretary to include certain information in a certain notice if a State-regulated firearms dealer's license application is denied; authorizing the Secretary to suspend a dealer's license if the licensee is not in compliance with certain record keeping and reporting requirements; authorizing the Secretary to lift a certain license suspension under certain circumstances; prohibiting a certain person from

selling, purchasing, renting, transferring, or receiving a certain regulated firearm unless the person presents or possesses a certain handgun qualification license issued by the Secretary ~~of State Police~~ or certain credentials or identification; providing for certain exceptions to the requirement to present and possess a certain handgun qualification license under certain circumstances; establishing certain requirements and procedures for the issuance and renewal of a certain handgun qualification license; authorizing the Secretary to revoke a certain handgun qualification license under certain circumstances; requiring a certain person to return a certain handgun qualification license under certain circumstances; establishing certain requirements and procedures for the issuance of a replacement handgun qualification license under certain circumstances; requiring certain fees; requiring a certain licensee or designated law enforcement agency to transfer a certain firearm application to the Secretary in an electronic format; authorizing a certain hearing for a certain aggrieved person under certain circumstances; altering the information required in a certain statement for a certain firearm application; altering the circumstances under which a person is prohibited from possessing a certain regulated firearm; making it a misdemeanor for a certain person to possess certain ammunition if the person is prohibited from possessing a certain firearm under certain circumstances; establishing certain penalties; requiring certain persons to provide certain data about a certain person to a certain federal index in a certain manner under certain circumstances; authorizing a certain person who is subject to certain prohibitions from possessing certain firearms to apply for certain relief from certain prohibitions under certain circumstances; establishing the procedures and requirements for a person who is subject to certain prohibitions on the possession of certain firearms to apply for certain relief for certain prohibitions; ~~requiring certain persons to enter into a certain memorandum of understanding~~ authorizing the Secretary of Health and Mental Hygiene to adopt certain regulations; providing that certain individuals may not be held criminally or civilly liable for certain actions; requiring a person who moves into the State for the purpose of establishing residency to register certain firearms within a certain time period with the Secretary in a certain manner; requiring that a licensed dealer keep records of all receipts, sales, and other dispositions of firearms affected in connection with the licensed dealer's business; requiring the Secretary to adopt certain regulations specifying certain information; requiring that the records that licensed dealers maintain include certain information; specifying certain record keeping requirements to be met when a firearms business is discontinued; requiring that a licensee respond in a certain way after receipt of a request from the Secretary for certain information; authorizing the Secretary to implement a system by which a certain person may request certain information; requiring the Secretary to inspect the inventory and records of a licensed dealer under certain circumstances; authorizing the Secretary to conduct a certain inspection during a certain time; requiring certain persons who sell or transfer regulated firearms to notify certain purchasers or recipients at the time of purchase or transfer that the purchaser or

recipient is required to report a lost or stolen regulated firearm to a certain law enforcement agency; requiring the owner of a regulated firearm to report the loss or theft of the regulated firearm to a certain law enforcement agency within a certain period of time after the owner discovers the loss or theft; requiring a law enforcement agency on receipt of a report of a lost or stolen regulated firearm to enter certain information into a certain database; providing that certain information is not open to public inspection; prohibiting a certain person from possessing a rifle or shotgun under certain circumstances; repealing a provision of law that prohibits a certain person from possessing a rifle or shotgun unless the person possesses a certain physician's certificate; requiring a certain applicant for a certain firearm permit to complete a certain firearm training course under certain circumstances; exempting a certain applicant for a permit from a certain training requirement under certain circumstances; authorizing the Secretary to issue a certain handgun qualification license without an additional application or fee under certain circumstances; prohibiting public inspection of the records of certain regulated firearm dealers, owners, or permit holders; authorizing the individual named in the record and the individual's attorney to view certain records; providing that this Act does not prohibit the Department of Public Safety and Correctional Services and the Department of State Police from accessing certain records in the performance of official duties; defining certain terms; requiring the Department of State Police to make certain investigations and to report its findings to the Governor and the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; and generally relating to firearms.

BY adding to

Article – Criminal Law

Section 4-110

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 4-102, 4-203(b), and 4-301 through 4-306 to be under the amended subtitle “Subtitle 3. Assault Weapons and Detachable Magazines”

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

BY adding to

Article – Health – General

Section 10-632(g)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

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Section 10-410(g)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section ~~3-208~~, 5-101, 5-110(a) and (b), 5-114(a), 5-115, 5-118(b)(2) and (3),
5-120, 5-133, 5-143, 5-205, 5-206, 5-301, and 5-306
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article – Public Safety
Section 5-117.1, 5-118(b)(4), 5-133.1, 5-133.2, 5-133.3, ~~and 5-143~~ 5-143, ~~and~~
5-145, ~~and 5-146~~
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing
Article – Public Safety
Section 5-119
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 10-616(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Government
Section 10-616(v)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

4-102.

(a) This section does not apply to:

(1) a law enforcement officer in the regular course of the officer's duty;

(2) AN OFF-DUTY LAW ENFORCEMENT OFFICER WHO IS A PARENT, GUARDIAN, OR VISITOR OF A STUDENT ATTENDING A SCHOOL LOCATED ON THE PUBLIC SCHOOL PROPERTY, PROVIDED THAT:

(I) THE OFFICER IS DISPLAYING THE OFFICER'S BADGE OR CREDENTIAL; AND

(II) THE WEAPON CARRIED OR POSSESSED BY THE OFFICER IS CONCEALED;

~~[(2)]~~ **(3) a person hired by a county board of education specifically for the purpose of guarding public school property;**

~~[(3)]~~ **(4) a person engaged in organized shooting activity for educational purposes; or**

~~[(4)]~~ **(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.**

(b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

4-110.

(A) IN THIS SECTION, "RESTRICTED FIREARM AMMUNITION" MEANS A CARTRIDGE, A SHELL, OR ANY OTHER DEVICE THAT:

(1) CONTAINS EXPLOSIVE OR INCENDIARY MATERIAL DESIGNED AND INTENDED FOR USE IN A FIREARM; AND

(2) HAS A CORE CONSTRUCTED, EXCLUDING TRACES OF OTHER SUBSTANCES, ENTIRELY FROM ONE OR A COMBINATION OF:

(I) TUNGSTEN ALLOYS;

(II) STEEL;

(III) IRON;

(IV) BRASS;

(V) BERYLLIUM COPPER;

(VI) DEPLETED URANIUM; OR

**(VII) AN EQUIVALENT MATERIAL OF SIMILAR DENSITY OR
HARDNESS.**

**(B) A PERSON MAY NOT, DURING AND IN RELATION TO THE COMMISSION
OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THIS ARTICLE, POSSESS
OR USE RESTRICTED FIREARM AMMUNITION.**

**(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

4-203.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who [is on active assignment engaged in law enforcement,] is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full-time assistant or deputy sheriff of the State;

or

(vi) a temporary or part-time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun, **IN COMPLIANCE WITH ANY LIMITATIONS IMPOSED UNDER § 5–307 OF THE PUBLIC SAFETY ARTICLE**, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

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(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

Subtitle 3. Assault [Pistols] WEAPONS and Detachable Magazines.

4–301.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ASSAULT LONG GUN” MEANS ANY ASSAULT WEAPON LISTED UNDER § 5–101(R)(2) OF THE PUBLIC SAFETY ARTICLE.

(C) [In this subtitle, “assault] “ASSAULT pistol” means any of the following firearms for a copy regardless of the producer or manufacturer:]

(1) AA Arms AP–9 semiautomatic pistol;

(2) Bushmaster semiautomatic pistol;

(3) Claridge HI–TEC semiautomatic pistol;

(4) D Max Industries semiautomatic pistol;

(5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

(6) Heckler and Koch semiautomatic SP–89 pistol;

(7) Holmes MP–83 semiautomatic pistol;

(8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;

(9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;

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- (10) P.A.W.S. type semiautomatic pistol;
- (11) Skorpion semiautomatic pistol;
- (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
- (13) UZI semiautomatic pistol;
- (14) Weaver Arms semiautomatic Nighthawk pistol; or
- (15) Wilkinson semiautomatic "Linda" pistol.

(D) "ASSAULT WEAPON" MEANS:

- (1) AN ASSAULT LONG GUN;**
- (2) AN ASSAULT PISTOL; OR**
- (3) A COPYCAT WEAPON.**

(E) (1) "COPYCAT WEAPON" MEANS:

(I) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT CAN ACCEPT A DETACHABLE MAGAZINE AND HAS ANY TWO OF THE FOLLOWING:

~~1. A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON;~~

~~2. A THUMBHOLE STOCK;~~

~~3. A FOLDING OR TELESCOPING STOCK;~~

~~4. 3. 2. A GRENADE LAUNCHER OR FLARE LAUNCHER;~~

OR

~~5. 4. 3. A FLASH SUPPRESSOR; OR~~

~~6. 5. A FORWARD PISTOL GRIP;~~

(II) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT HAS A FIXED MAGAZINE WITH THE CAPACITY TO ACCEPT MORE THAN 10 ROUNDS;

(III) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT HAS AN OVERALL LENGTH OF LESS THAN ~~30~~ 29 INCHES;

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~~(IV) A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A DETACHABLE MAGAZINE AND HAS ANY TWO OF THE FOLLOWING:~~

~~1. A THREADED BARREL, CAPABLE OF ACCEPTING A FLASH SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;~~

~~2. A SECOND HANDGRIP;~~

~~3. A SHROUD THAT IS ATTACHED TO OR THAT PARTIALLY OR COMPLETELY ENCIRCLES THE BARREL, EXCEPT FOR A SLIDE THAT ENCLOSSES THE BARREL, AND THAT ALLOWS THE BEARER TO FIRE THE WEAPON WITHOUT BURNING THE BEARER'S HAND; OR~~

~~4. THE CAPACITY TO ACCEPT A DETACHABLE MAGAZINE OUTSIDE THE PISTOL GRIP;~~

~~(v)~~ (IV) A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE THAT CAN ACCEPT MORE THAN 10 ROUNDS;

~~(vi)~~ (V) A SEMIAUTOMATIC SHOTGUN THAT HAS:

~~1. A FOLDING OR TELESCOPING STOCK; AND~~

~~2. A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON, THUMBHOLE STOCK, OR VERTICAL HANDGRIP; OR~~

~~(vii)~~ (VI) A SHOTGUN WITH A REVOLVING CYLINDER.

(2) "COPYCAT WEAPON" DOES NOT INCLUDE AN ASSAULT LONG GUN OR AN ASSAULT PISTOL.

(F) "DETACHABLE MAGAZINE" MEANS AN AMMUNITION FEEDING DEVICE THAT CAN BE REMOVED READILY FROM A FIREARM WITHOUT REQUIRING DISASSEMBLY OF THE FIREARM ACTION OR WITHOUT THE USE OF A TOOL, INCLUDING A BULLET OR CARTRIDGE.

(G) "FLASH SUPPRESSOR" MEANS A DEVICE THAT FUNCTIONS, OR IS INTENDED TO FUNCTION, TO PERCEPTIBLY REDUCE OR REDIRECT MUZZLE FLASH FROM THE SHOOTER'S FIELD OF VISION.

~~(H) "FORWARD PISTOL GRIP" MEANS A GRIP THAT ALLOWS FOR A PISTOL STYLE GRASP FORWARD OF THE TRIGGER.~~

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~~(H)~~ (H) "LICENSED FIREARMS DEALER" MEANS A PERSON WHO HOLDS A DEALER'S LICENSE UNDER TITLE 5, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

~~(J)~~ "~~PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON~~" MEANS A GRIP THAT ALLOWS FOR A PISTOL STYLE GRASP IN WHICH THE WEB OF THE TRIGGER HAND BETWEEN THE THUMB AND INDEX FINGER CAN BE PLACED BELOW THE TOP OF THE EXPOSED PORTION OF THE TRIGGER WHILE FIRING.

~~(K)~~ "~~THUMBHOLE STOCK~~" MEANS A STOCK WITH A HOLE THAT ALLOWS THE THUMB OF THE TRIGGER HAND TO PENETRATE INTO OR THROUGH THE STOCK WHILE FIRING.

4-302.

This subtitle does not apply to:

(1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, ~~MEMBERS OF THE MARYLAND DEFENSE FORCE,~~ ~~or~~ law enforcement personnel of the State or a local unit in the State, OR A RAILROAD POLICE OFFICER AUTHORIZED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE OR 49 U.S.C. § 28101;

(2) a firearm modified to render it permanently inoperative;

(3) POSSESSION, IMPORTATION, MANUFACTURE, RECEIPT FOR MANUFACTURE, SHIPMENT FOR MANUFACTURE, STORAGE, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:

(i) providing or servicing an assault [pistol] WEAPON or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section; ~~or~~

(ii) acting to sell or transfer an assault [pistol] WEAPON or detachable magazine to a licensed firearm dealer in another state OR TO AN INDIVIDUAL PURCHASER IN ANOTHER STATE THROUGH A LICENSED FIREARMS DEALER; OR

(III) ACTING TO RETURN TO A CUSTOMER IN ANOTHER STATE AN ASSAULT WEAPON TRANSFERRED TO THE LICENSED FIREARMS DEALER OR MANUFACTURER UNDER THE TERMS OF A WARRANTY OR FOR REPAIR;

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(4) organizations that are required or authorized by federal law governing their specific business or activity to maintain assault [pistols] WEAPONS and applicable ammunition and detachable magazines;

(5) the receipt of an assault [pistol] WEAPON or detachable magazine by inheritance, AND POSSESSION OF THE INHERITED ASSAULT WEAPON OR DETACHABLE MAGAZINE, if the decedent lawfully possessed the assault [pistol] WEAPON OR DETACHABLE MAGAZINE AND THE PERSON INHERITING THE ASSAULT WEAPON OR DETACHABLE MAGAZINE IS NOT OTHERWISE DISQUALIFIED FROM POSSESSING A REGULATED FIREARM; ~~or~~

(6) the receipt of an assault [pistol] WEAPON or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate; ~~OR~~

(7) POSSESSION BY A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE STATE OR A LOCAL UNIT IN THE STATE AND IS NOT OTHERWISE PROHIBITED FROM RECEIVING AN ASSAULT WEAPON OR DETACHABLE MAGAZINE IF:

(I) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE IS SOLD OR TRANSFERRED TO THE PERSON BY THE LAW ENFORCEMENT AGENCY ON RETIREMENT; OR

(II) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE WAS PURCHASED OR OBTAINED BY THE PERSON FOR OFFICIAL USE WITH THE LAW ENFORCEMENT AGENCY BEFORE RETIREMENT; ~~OR~~

(8) POSSESSION OR TRANSPORT BY AN EMPLOYEE OF AN ARMORED CAR COMPANY IF THE INDIVIDUAL IS ACTING WITHIN THE SCOPE OF EMPLOYMENT AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; OR

(9) POSSESSION, RECEIPT, AND TESTING BY, OR SHIPPING TO OR FROM:

(I) AN ISO 17025 ACCREDITED, NATIONAL INSTITUTE OF JUSTICE-APPROVED BALLISTICS TESTING LABORATORY; OR

(II) A FACILITY OR ENTITY THAT MANUFACTURES OR PROVIDES RESEARCH AND DEVELOPMENT TESTING, ANALYSIS, OR ENGINEERING FOR PERSONAL PROTECTIVE EQUIPMENT OR VEHICLE PROTECTION SYSTEMS.

4-303.

(a) Except as provided in subsection (b) of this section, a person may not:

- (1) transport an assault [pistol] WEAPON into the State; or
- (2) possess, sell, offer to sell, transfer, purchase, or receive an assault [pistol] WEAPON.

(b) (1) A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of State Police before August 1, 1994, may:

[(1)] (I) continue to possess AND TRANSPORT the assault pistol; or

[(2)] (II) while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to the law enforcement unit, barracks, or station if the person has notified the law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.

(2) A LICENSED FIREARMS DEALER MAY CONTINUE TO POSSESS, SELL, OFFER FOR SALE, OR TRANSFER AN ASSAULT LONG GUN OR A COPYCAT WEAPON THAT THE LICENSED FIREARMS DEALER LAWFULLY POSSESSED ON OR BEFORE OCTOBER 1, 2013.

~~**(3) A LICENSED FIREARMS DEALER MAY CONTINUE TO POSSESS, SELL, OFFER FOR SALE, OR TRANSFER AN ASSAULT LONG GUN OR A COPYCAT WEAPON THAT THE LICENSED FIREARMS DEALER LAWFULLY POSSESSED ON OR BEFORE OCTOBER 1, 2013.**~~

~~**(3) (I) A PERSON WHO LAWFULLY POSSESSED ~~OR PLACED A VERIFIABLE PURCHASE ORDER FOR,~~ HAS A PURCHASE ORDER FOR, OR COMPLETED AN APPLICATION TO PURCHASE AN ASSAULT LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2013, AND WHO REGISTERS THE ASSAULT LONG GUN OR COPYCAT WEAPON WITH THE SECRETARY OF STATE POLICE BEFORE NOVEMBER 1, 2013 JANUARY 1, 2014, MAY:**~~

~~**(I) 1. (I) ~~CONTINUE TO POSSESS AND TRANSPORT THE ASSAULT LONG GUN OR COPYCAT WEAPON; OR~~**~~

~~**(II) 2. (II) WHILE CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE ASSAULT LONG GUN OR COPYCAT WEAPON,**~~

TRANSPORT THE ASSAULT LONG GUN OR COPYCAT WEAPON DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION IF THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE PERSON IS TRANSPORTING THE ASSAULT LONG GUN OR COPYCAT WEAPON IN ACCORDANCE WITH A COURT ORDER AND THE ASSAULT LONG GUN OR COPYCAT WEAPON IS UNLOADED.

~~(H) A PERSON WHO PURCHASED AN ASSAULT LONG GUN BEFORE OCTOBER 1, 2013, AND REGISTERED THE ASSAULT LONG GUN WITH THE SECRETARY OF STATE POLICE IS NOT REQUIRED TO REREGISTER THE ASSAULT LONG GUN UNDER THIS SUBSECTION.~~

~~(3) (i) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2013, AND WHO VOLUNTARILY REGISTERS THE ASSAULT LONG GUN OR COPYCAT WEAPON ON OR AFTER NOVEMBER 1, 2013 JANUARY 1, 2014, IS NOT SUBJECT TO THE PENALTIES IN § 4-306 OF THIS SUBTITLE.~~

~~(H) A PERSON WHO VOLUNTARILY REGISTERS AN ASSAULT LONG GUN OR A COPYCAT WEAPON AS DESCRIBED IN SUBPARAGRAPH (i) OF THIS PARAGRAPH IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000:~~

~~1. BEFORE MAY 1, 2014, A CIVIL PENALTY NOT EXCEEDING \$290 PER REGISTERED FIREARM;~~

~~2. ON OR AFTER MAY 1, 2014 AND BEFORE NOVEMBER 1, 2015, A CIVIL PENALTY NOT EXCEEDING \$580 PER REGISTERED FIREARM; AND~~

~~3. ON OR AFTER NOVEMBER 1, 2015 AND BEFORE MAY 1, 2016, A CIVIL PENALTY NOT EXCEEDING \$1,000 PER REGISTERED FIREARM.~~

~~(4) (i) A PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2013, AND WHO REGISTERS THE ASSAULT LONG GUN OR COPYCAT WEAPON ON OR AFTER NOVEMBER 1, 2013 JANUARY 1, 2014, ONLY AFTER BEING DISCOVERED IN POSSESSION OF THE ASSAULT LONG GUN OR COPYCAT WEAPON BY A LAW ENFORCEMENT OFFICER IS NOT SUBJECT TO THE PENALTIES IN § 4-306 OF THIS SUBTITLE.~~

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~~(H) A PERSON DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS 1 YEAR FOR EACH INCIDENT IN WHICH THE PERSON IS DISCOVERED WITH UNREGISTERED FIREARMS.~~

(4) A PERSON MAY TRANSPORT AN ASSAULT WEAPON TO OR FROM:

(I) AN ISO 17025 ACCREDITED, NATIONAL INSTITUTE OF JUSTICE-APPROVED BALLISTICS TESTING LABORATORY; OR

(II) A FACILITY OR ENTITY THAT MANUFACTURES OR PROVIDES RESEARCH AND DEVELOPMENT TESTING, ANALYSIS, OR ENGINEERING FOR PERSONAL PROTECTIVE EQUIPMENT OR VEHICLE PROTECTION SYSTEMS.

4-304.

A law enforcement unit may seize as contraband and dispose of according to regulation an assault [pistol] WEAPON transported, sold, transferred, purchased, received, or possessed in violation of this subtitle.

4-305.

(a) This section does not apply to:

(1) a .22 caliber rifle with a tubular magazine; OR

(2) A LAW ENFORCEMENT OFFICER OR A PERSON WHO RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR ANY LAW ENFORCEMENT AGENCY IN THE STATE.

(b) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than [20] 10 rounds of ammunition for a firearm.

4-306.

(a) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE,** A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(b) (1) A person who uses an assault [pistol] WEAPON, or a magazine that has a capacity of more than [20] 10 rounds of ammunition, in the commission of a

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felony or a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or crime of violence, shall be sentenced under this subsection.

(2) (i) For a first violation, the person shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years.

(iii) The mandatory minimum sentence of 5 years may not be suspended.

(iv) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(3) (i) For each subsequent violation, the person shall be sentenced to imprisonment for not less than 10 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 10 years.

(iii) A sentence imposed under this paragraph shall be consecutive to and not concurrent with any other sentence imposed for the felony or crime of violence.

Article – Health – General

10–632.

(G) IF A HEARING OFFICER ENTERS AN ORDER FOR INVOLUNTARY ~~ADMISSION~~ COMMITMENT UNDER PART III OF THIS SUBTITLE AND THE HEARING OFFICER DETERMINES THAT THE INDIVIDUAL CANNOT SAFELY POSSESS A FIREARM BASED ON CREDIBLE EVIDENCE OF DANGEROUSNESS TO OTHERS, THE HEARING OFFICER SHALL ORDER THE INDIVIDUAL WHO IS SUBJECT TO THE INVOLUNTARY ~~ADMISSION~~ COMMITMENT TO:

(1) ~~(H)~~ SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARMS IN THE INDIVIDUAL’S POSSESSION; ~~OR~~

~~(H) TEMPORARILY CONSIGN ANY FIREARMS IN THE INDIVIDUAL’S POSSESSION TO A LICENSED DEALER FOR STORAGE OR CONSIGNMENT; AND~~

(2) REFRAIN FROM POSSESSING A FIREARM UNLESS THE INDIVIDUAL IS GRANTED RELIEF FROM FIREARMS DISQUALIFICATION IN ACCORDANCE WITH § 5-133.3 OF THE PUBLIC SAFETY ARTICLE.

Article – Natural Resources

10-410.

(g) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone,” of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A PERSON, WHILE HUNTING FOR ANY WILD BIRD OR MAMMAL, MAY NOT SHOOT OR DISCHARGE ANY FIREARM WITHIN 300 YARDS OF A PUBLIC OR NONPUBLIC SCHOOL DURING SCHOOL HOURS OR AT A TIME WHEN A SCHOOL-APPROVED ACTIVITY IS TAKING PLACE.

[(2)] (3) For archery hunters in Carroll County or Frederick County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

[(3)] (4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

Article – Public Safety

3-208.

[(a)] Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to adopt regulations necessary or appropriate to carry out this subtitle; and

(2) to adopt regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a police officer.

[(b)] Subject to subsections (c) and (d) of this section, the Commission shall adopt regulations on or before January 1, 2001, for a certified firearms safety training

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course required for an applicant for a regulated firearms purchase, rental, or transfer made on or after January 1, 2002.

(c) The certified firearms safety training course required under subsection (b) of this section shall:

(1) be offered by the Commission; or

(2) contain a handgun safety component and be conducted by an individual or organization certified by:

(i) the Commission;

(ii) the Department of Natural Resources;

(iii) the Department of State Police; or

(iv) any reputable organization:

1. that has as one of its objectives the promotion of competency and safety in handling handguns; and

2. whose course has been determined by the Commission to meet the regulations adopted by the Commission.

(d) Any course offered by the Commission under subsection (c) of this section:

(1) shall be offered free of charge or fee;

(2) may not be more than 2 hours in duration;

(3) shall be conducted or offered at least once each week in all geographic areas of the State;

(4) shall be available after regular business hours;

(5) shall be open to each individual required by law to complete the firearms safety training course, within 2 weeks after request of the individual;

(6) shall only require attendance throughout the duration of the course in order to complete the course successfully; and

(7) may not require any skills or knowledge testing in the use of a regulated firearm in order to complete the course successfully.]

5-101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Antique firearm” has the meaning stated in § 4–201 of the Criminal Law Article.

(B–1) (1) “CONVICTED OF A DISQUALIFYING CRIME” INCLUDES:

(I) A CASE IN WHICH A PERSON RECEIVED PROBATION BEFORE JUDGMENT FOR A CRIME OF VIOLENCE; AND

(II) A CASE IN WHICH A PERSON RECEIVED PROBATION BEFORE JUDGMENT IN A DOMESTICALLY RELATED CRIME AS DEFINED IN § 6–233 OF THE CRIMINAL PROCEDURE ARTICLE.

(2) “CONVICTED OF A DISQUALIFYING CRIME” DOES NOT INCLUDE A CASE IN WHICH A PERSON RECEIVED A PROBATION BEFORE JUDGMENT:

(I) FOR ASSAULT IN THE SECOND DEGREE; OR

(II) THAT WAS EXPUNGED UNDER TITLE 10, SUBTITLE 1 OF THE CRIMINAL PROCEDURE ARTICLE.

- (c) “Crime of violence” means:
- (1) abduction;
 - (2) arson in the first degree;
 - (3) assault in the first or second degree;
 - (4) burglary in the first, second, or third degree;
 - (5) carjacking and armed carjacking;
 - (6) escape in the first degree;
 - (7) kidnapping;
 - (8) voluntary manslaughter;
 - (9) maiming as previously proscribed under former Article 27, § 386 of the Code;

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(10) mayhem as previously proscribed under former Article 27, § 384 of the Code;

(11) murder in the first or second degree;

(12) rape in the first or second degree;

(13) robbery;

(14) robbery with a dangerous weapon;

(15) sexual offense in the first, second, or third degree;

(16) an attempt to commit any of the crimes listed in items (1) through (15) of this subsection; or

(17) assault with intent to commit any of the crimes listed in items (1) through (15) of this subsection or a crime punishable by imprisonment for more than 1 year.

(d) “Dealer” means a person who is engaged in the business of:

(1) selling, renting, or transferring firearms at wholesale or retail; or

(2) repairing firearms.

(e) “Dealer’s license” means a State regulated firearms dealer’s license.

(f) “Designated law enforcement agency” means a law enforcement agency that the Secretary designates to process applications to purchase regulated firearms for secondary sales.

(g) “Disqualifying crime” means:

(1) a crime of violence;

(2) a violation classified as a felony in the State; or

(3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

(h) (1) “Firearm” means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

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(ii) the frame or receiver of such a weapon.

(2) "Firearm" includes a starter gun.

(i) "Firearm applicant" means a person who makes a firearm application.

(j) "Firearm application" means an application to purchase, rent, or transfer a regulated firearm.

(k) "Fugitive from justice" means a person who has fled to avoid prosecution or giving testimony in a criminal proceeding.

(l) "Habitual drunkard" means a person who has been found guilty of any three crimes under § 21-902(a), (b), or (c) of the Transportation Article, one of which occurred in the past year.

(m) "Habitual user" means a person who has been found guilty of two controlled dangerous substance crimes, one of which occurred in the past 5 years.

(n) (1) "Handgun" means a firearm with a barrel less than 16 inches in length.

(2) "Handgun" includes signal, starter, and blank pistols.

(O) "HANDGUN QUALIFICATION LICENSE" MEANS A LICENSE ISSUED BY THE SECRETARY THAT AUTHORIZES A PERSON TO PURCHASE, RENT, OR RECEIVE A HANDGUN.

[(o)] **(P)** "Licensee" means a person who holds a dealer's license.

(Q) "QUALIFIED HANDGUN INSTRUCTOR" MEANS A ~~PERSON CERTIFIED BY THE SECRETARY WHO MEETS THE REQUIREMENTS ESTABLISHED BY THE SECRETARY TO PROVIDE TRAINING IN THE CARE, SAFETY, AND USE OF HANDGUNS~~ CERTIFIED FIREARMS INSTRUCTOR WHO:

(1) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;

(2) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR

(3) HAS A CERTIFICATION ISSUED ~~AND RECOGNIZED BY A NATIONAL ORGANIZATION~~ BY A NATIONALLY RECOGNIZED FIREARMS ORGANIZATION.

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[(p)] (R) “Regulated firearm” means:

- (1) a handgun; or
- (2) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:
 - (i) American Arms Spectre da Semiautomatic carbine;
 - (ii) AK-47 in all forms;
 - (iii) Algimec AGM-1 type semi-auto;
 - (iv) AR 100 type semi-auto;
 - (v) AR 180 type semi-auto;
 - (vi) Argentine L.S.R. semi-auto;
 - (vii) Australian Automatic Arms SAR type semi-auto;
 - (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
 - (ix) Barrett light .50 cal. semi-auto;
 - (x) Beretta AR70 type semi-auto;
 - (xi) Bushmaster semi-auto rifle;
 - (xii) Calico models M-100 and M-900;
 - (xiii) CIS SR 88 type semi-auto;
 - (xiv) Claridge HI TEC C-9 carbines;
 - (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;
 - (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
 - (xvii) Dragunov Chinese made semi-auto;
 - (xviii) Famas semi-auto (.223 caliber);

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- (xix) Feather AT-9 semi-auto;
- (xx) FN LAR and FN FAL assault rifle;
- (xxi) FNC semi-auto type carbine;
- (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- (xxiii) Steyr-AUG-SA semi-auto;
- (xxiv) Galil models AR and ARM semi-auto;
- (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- (xxvi) Holmes model 88 shotgun;
- (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- (xxix) Mandell TAC-1 semi-auto carbine;
- (xxx) Mossberg model 500 Bullpup assault shotgun;
- (xxxi) Sterling Mark 6;
- (xxxii) P.A.W.S. carbine;
- (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- (xxxv) SKS with detachable magazine;
- (xxxvi) AP-74 Commando type semi-auto;
- (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
- (xxxviii) Street sweeper assault type shotgun;
- (xxxix) Striker 12 assault shotgun in all formats;
- (xl) Unique F11 semi-auto type;
- (xli) Daewoo USAS 12 semi-auto shotgun;

- (xlii) UZI 9mm carbine or rifle;
- (xliii) Valmet M-76 and M-78 semi-auto;
- (xliv) Weaver Arms “Nighthawk” semi-auto carbine; or
- (xlv) Wilkinson Arms 9mm semi-auto “Terry”.

[(q)] (S) “Rent” means the temporary transfer for consideration of a regulated firearm that is taken from the property of the owner of the regulated firearm.

[(r)] (T) “Secondary sale” means a sale of a regulated firearm in which neither party to the sale:

- (1) is a licensee;
- (2) is licensed by the federal government as a firearms dealer;
- (3) devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of earning a profit through the repeated purchase and resale of firearms; or
- (4) repairs firearms as a regular course of trade or business.

[(s)] (U) “Secretary” means the Secretary of State Police or the Secretary’s designee.

[(t)] (V) “Straw purchase” means a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:

- (1) complete the application to purchase a regulated firearm;
- (2) take initial possession of the regulated firearm; and
- (3) subsequently transfer the regulated firearm to the person.

5-110.

(a) The Secretary shall disapprove an application for a dealer’s license if:

(1) the Secretary determines that the applicant supplied false information or made a false statement;

(2) the Secretary determines that the application is not properly completed; ~~or~~

(3) the Secretary receives a written notification from the applicant's licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another; OR

(4) THE SECRETARY DETERMINES THAT THE APPLICANT INTENDS THAT A PERSON WHO IS NOT ELIGIBLE TO BE ISSUED A DEALER'S LICENSE OR WHOSE DEALER'S LICENSE HAS BEEN REVOKED OR SUSPENDED:

(I) WILL PARTICIPATE IN THE MANAGEMENT OR OPERATION OF THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT; OR

(II) HOLDS A LEGAL OR EQUITABLE INTEREST IN THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT.

(b) If the Secretary disapproves an application for a dealer's license, the Secretary shall notify the applicant in writing of:

(1) the disapproval OF THE APPLICATION; AND

(2) THE REASON THE APPLICATION WAS DENIED.

5-114.

(a) (1) The Secretary shall suspend a dealer's license if the licensee:

~~(1)~~ (I) is under indictment for a crime of violence; ~~for~~

~~(2)~~ (II) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; ~~OR~~.

~~(3)~~ (2) (I) THE SECRETARY MAY SUSPEND A DEALER'S LICENSE IF THE LICENSEE IS NOT IN COMPLIANCE WITH THE RECORD KEEPING AND REPORTING REQUIREMENTS OF § 5-145 OF THIS SUBTITLE.

(II) THE SECRETARY MAY LIFT A SUSPENSION UNDER THIS PARAGRAPH AFTER THE LICENSEE PROVIDES EVIDENCE THAT THE RECORD KEEPING VIOLATION HAS BEEN CORRECTED.

5-115.

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(a) (1) A person whose dealer's license is suspended or revoked OR WHO IS FINED FOR A VIOLATION OF THIS SUBTITLE and who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

5-117.1.

(A) THIS SECTION DOES NOT APPLY TO:

(1) A LICENSED FIREARMS MANUFACTURER;

(2) A LAW ENFORCEMENT OFFICER OR PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR A LOCAL LAW ENFORCEMENT AGENCY OF THE STATE; ~~OR~~

(3) A MEMBER OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES ~~OR, OR THE NATIONAL GUARD, OR THE MARYLAND DEFENSE FORCE; OR~~

(4) A PERSON PURCHASING, RENTING, OR RECEIVING AN ANTIQUE, CURIO, OR RELIC FIREARM, AS DEFINED IN FEDERAL LAW OR IN DETERMINATIONS PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.

~~(A)~~ (B) A DEALER OR ANY OTHER PERSON MAY NOT SELL, RENT, OR TRANSFER A ~~REGULATED FIREARM~~ HANDGUN TO A PURCHASER, LESSEE, OR TRANSFEREE UNLESS THE PURCHASER, LESSEE, OR TRANSFEREE PRESENTS TO THE DEALER OR OTHER PERSON A VALID ~~REGULATED FIREARM~~ HANDGUN QUALIFICATION LICENSE ISSUED TO THE PURCHASER, LESSEE, OR TRANSFEREE BY THE SECRETARY UNDER THIS SECTION.

~~(B)~~ (C) A PERSON MAY PURCHASE, RENT, OR RECEIVE A HANDGUN ONLY IF THE PERSON:

(1) (I) POSSESSES A VALID HANDGUN QUALIFICATION LICENSE ISSUED TO THE PERSON BY THE SECRETARY IN ACCORDANCE WITH THIS SECTION; ~~AND~~

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(II) POSSESSES VALID CREDENTIALS FROM A LAW ENFORCEMENT AGENCY OR RETIREMENT CREDENTIALS FROM A LAW ENFORCEMENT AGENCY; ~~OR~~

(III) IS AN ACTIVE OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES ~~OR, OR THE NATIONAL GUARD, OR THE MARYLAND DEFENSE FORCE~~ AND POSSESSES A VALID MILITARY IDENTIFICATION CARD; ~~AND OR~~

(IV) IS PURCHASING, RENTING, OR RECEIVING AN ANTIQUE, CURIO, OR RELIC FIREARM, AS DEFINED IN FEDERAL LAW OR IN DETERMINATIONS PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; AND

(2) IS NOT OTHERWISE PROHIBITED FROM PURCHASING OR POSSESSING A HANDGUN UNDER STATE OR FEDERAL LAW.

~~(C)~~ (D) SUBJECT TO SUBSECTIONS ~~(E) AND (F)~~ (F) AND (G) OF THIS SECTION, THE SECRETARY SHALL ISSUE A HANDGUN QUALIFICATION LICENSE TO A PERSON WHO THE SECRETARY FINDS:

(1) ~~(H)~~ IS AT LEAST 21 YEARS OLD; ~~OR~~

~~(H) IS AT LEAST 18 YEARS OLD IF THE PERSON IS A MEMBER OF THE UNITED STATES ARMED FORCES, THE NATIONAL GUARD, OR THE MARYLAND DEFENSE FORCE;~~

(2) IS A RESIDENT OF THE STATE;

(3) EXCEPT AS PROVIDED IN SUBSECTION ~~(D)~~ (E) OF THIS SECTION, HAS DEMONSTRATED SATISFACTORY COMPLETION; ~~;~~

~~(H)~~ WITHIN ~~1 YEAR~~ 3 YEARS PRIOR TO THE SUBMISSION OF THE APPLICATION, OF A FIREARMS SAFETY TRAINING COURSE APPROVED BY THE SECRETARY THAT INCLUDES:

~~(H)~~ ~~1~~ (I) A MINIMUM OF ~~3~~ 4 HOURS OF INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR;

~~(H)~~ ~~2~~ (II) CLASSROOM INSTRUCTION ON:

~~1~~ A 1. STATE FIREARM LAW;

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~~2. B.~~ 2. HOME FIREARM SAFETY; AND

~~3. C.~~ 3. HANDGUN MECHANISMS AND OPERATION; AND

~~(H) (II) (III) WITHIN 10 YEARS PRIOR TO THE SUBMISSION OF THE APPLICATION, OF A FIREARMS SAFETY TRAINING COURSE APPROVED BY THE SECRETARY THAT INCLUDES A FIREARMS QUALIFICATION COMPONENT THAT DEMONSTRATES THE PERSON'S PROFICIENCY AND USE OF THE ORIENTATION COMPONENT THAT DEMONSTRATES THE PERSON'S SAFE OPERATION AND HANDLING OF A FIREARM; AND~~

(4) BASED ON AN INVESTIGATION, IS NOT PROHIBITED BY FEDERAL OR STATE LAW FROM PURCHASING OR POSSESSING A HANDGUN.

~~(D)~~ (E) AN APPLICANT FOR A HANDGUN QUALIFICATION LICENSE IS NOT REQUIRED TO COMPLETE A FIREARMS SAFETY TRAINING COURSE UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION IF THE APPLICANT:

~~(1) IS A LAW ENFORCEMENT OFFICER OF THE UNITED STATES, THE STATE, OR ANY LOCAL LAW ENFORCEMENT AGENCY IN THE STATE;~~

~~(2) IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD; OR~~

~~(3) HAS COMPLETED A CERTIFIED FIREARMS TRAINING COURSE APPROVED BY THE SECRETARY; OR~~

(2) HAS COMPLETED A COURSE OF INSTRUCTION IN COMPETENCY AND SAFETY IN THE HANDLING OF FIREARMS PRESCRIBED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE;

~~(2) (3) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:~~

~~(I) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;~~

~~(II) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR~~

~~(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION A QUALIFIED HANDGUN INSTRUCTOR; OR~~

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~~(3)~~ (4) IS AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD; OR

~~(4)~~ (5) IS AN EMPLOYEE OF AN ARMORED CAR COMPANY AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE ; OR

(6) LAWFULLY OWNS A REGULATED FIREARM.

~~(E)~~ (F) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) ~~IN ORDER TO OBTAIN A HANDGUN QUALIFICATION LICENSE, AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK~~ THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A HANDGUN QUALIFICATION LICENSE.

(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE ~~APPLICANT~~ SECRETARY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) ~~TWO COMPLETE SETS~~ A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(4) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO THE APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (3)(II) AND (III) OF THIS SUBSECTION.

(5) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD

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TO THE APPLICANT AND THE SECRETARY A PRINTED STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY INFORMATION.

(6) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SECTION.

(7) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE DEPARTMENT OF STATE POLICE LICENSING DIVISION A REVISED PRINTED STATEMENT OF THE APPLICANT'S OR LICENSEE'S STATE CRIMINAL HISTORY RECORD.

~~(F)~~ (G) AN APPLICANT FOR A HANDGUN QUALIFICATION LICENSE SHALL SUBMIT TO THE SECRETARY:

(1) AN APPLICATION IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;

(2) A NONREFUNDABLE APPLICATION FEE ~~OF \$100~~ TO COVER THE COSTS TO ADMINISTER THE PROGRAM OF UP TO \$50 \$25 \$50;

(3) (I) PROOF OF SATISFACTORY COMPLETION OF:

1. A FIREARMS SAFETY TRAINING COURSE APPROVED BY THE SECRETARY; OR

2. A COURSE OF INSTRUCTION IN COMPETENCY AND SAFETY IN THE HANDLING OF FIREARMS PRESCRIBED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE; OR

(II) A VALID FIREARMS INSTRUCTOR CERTIFICATION;

(4) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION REQUIRED BY THE SECRETARY; AND

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(5) A STATEMENT MADE BY THE APPLICANT UNDER THE PENALTY OF PERJURY THAT THE APPLICANT IS NOT PROHIBITED UNDER FEDERAL OR STATE LAW FROM POSSESSING A HANDGUN.

~~(G)~~ (H) (1) WITHIN 30 DAYS AFTER RECEIVING A PROPERLY COMPLETED APPLICATION, THE SECRETARY SHALL ISSUE TO THE APPLICANT:

~~(1)~~ (I) A HANDGUN QUALIFICATION LICENSE IF THE APPLICANT IS APPROVED; OR

~~(2)~~ (II) A WRITTEN DENIAL OF THE APPLICATION THAT CONTAINS:

~~(I)~~ 1. THE REASON THE APPLICATION WAS DENIED; AND

~~(II)~~ 2. A STATEMENT OF THE APPLICANT'S APPEAL RIGHTS UNDER SUBSECTION ~~(J)~~ (L) OF THIS SECTION.

(2) (I) AN INDIVIDUAL WHOSE FINGERPRINTS HAVE BEEN SUBMITTED TO THE CENTRAL REPOSITORY, AND WHOSE APPLICATION HAS BEEN DENIED, MAY REQUEST THAT THE RECORD OF THE FINGERPRINTS BE EXPUNGED BY OBLITERATION.

(II) PROCEEDINGS TO EXPUNGE A RECORD UNDER THIS PARAGRAPH SHALL BE CONDUCTED IN ACCORDANCE WITH § 10-105 OF THE CRIMINAL PROCEDURE ARTICLE.

(III) ON RECEIPT OF AN ORDER TO EXPUNGE A FINGERPRINT RECORD, THE CENTRAL REPOSITORY SHALL EXPUNGE BY OBLITERATION THE FINGERPRINTS SUBMITTED AS PART OF THE APPLICATION PROCESS.

(IV) AN INDIVIDUAL MAY NOT BE CHARGED A FEE FOR THE EXPUNGEMENT OF A FINGERPRINT RECORD IN ACCORDANCE WITH THIS PARAGRAPH.

~~(H)~~ (I) ~~(1)~~ A HANDGUN QUALIFICATION LICENSE ISSUED UNDER THIS SECTION EXPIRES ~~5~~ 10 YEARS FROM THE DATE OF ISSUANCE.

~~(2)~~ (J) (1) THE HANDGUN QUALIFICATION LICENSE MAY BE RENEWED FOR SUCCESSIVE PERIODS OF ~~5~~ 10 YEARS EACH IF, AT THE TIME OF AN APPLICATION FOR RENEWAL, THE APPLICANT ~~POSSESSES THE QUALIFICATIONS FOR THE ISSUANCE OF THE HANDGUN QUALIFICATION~~

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~~LICENSE AND PAYS THE FEES REQUIRED IN SUBSECTIONS (E)(3) AND (F)(2) OF THIS SECTION:~~

(I) POSSESSES THE QUALIFICATIONS FOR THE ISSUANCE OF THE HANDGUN QUALIFICATION LICENSE; AND

(II) SUBMITS A NONREFUNDABLE APPLICATION FEE TO COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$20.

(2) AN APPLICANT RENEWING A HANDGUN QUALIFICATION LICENSE UNDER THIS SUBSECTION IS NOT REQUIRED TO:

(I) COMPLETE THE FIREARMS SAFETY TRAINING COURSE REQUIRED IN SUBSECTION (D)(3) OF THIS SECTION; OR

(II) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK AS REQUIRED IN SUBSECTION (F) OF THIS SECTION.

~~(K)~~ (1) THE SECRETARY MAY REVOKE A HANDGUN QUALIFICATION LICENSE ISSUED OR RENEWED UNDER THIS SECTION ON A FINDING THAT THE LICENSEE NO LONGER SATISFIES THE QUALIFICATIONS SET FORTH IN SUBSECTION ~~(E)~~ (D) OF THIS SECTION.

(2) A PERSON HOLDING A HANDGUN QUALIFICATION LICENSE THAT HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE LICENSE TO THE SECRETARY WITHIN 5 DAYS AFTER RECEIPT OF THE NOTICE OF REVOCATION.

~~(J)~~ (L) (1) A PERSON WHOSE ORIGINAL OR RENEWAL APPLICATION FOR A HANDGUN QUALIFICATION LICENSE IS DENIED OR WHOSE HANDGUN QUALIFICATION LICENSE IS REVOKED, MAY SUBMIT A WRITTEN REQUEST TO THE SECRETARY FOR A HEARING WITHIN 30 DAYS AFTER THE DATE THE WRITTEN NOTICE OF THE DENIAL OR REVOCATION WAS SENT TO THE AGGRIEVED PERSON.

(2) A HEARING UNDER THIS SECTION SHALL BE GRANTED BY THE SECRETARY WITHIN 15 DAYS AFTER THE REQUEST.

(3) A HEARING AND ANY SUBSEQUENT PROCEEDINGS OF JUDICIAL REVIEW UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

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(4) A HEARING UNDER THIS SECTION SHALL BE HELD IN THE COUNTY OF THE LEGAL RESIDENCE OF THE AGGRIEVED PERSON.

(M) (1) IF AN ORIGINAL OR RENEWAL HANDGUN QUALIFICATION LICENSE IS LOST OR STOLEN, A PERSON MAY SUBMIT A WRITTEN REQUEST TO THE SECRETARY FOR A REPLACEMENT LICENSE.

(2) UNLESS THE APPLICANT IS OTHERWISE DISQUALIFIED, THE SECRETARY SHALL ISSUE A REPLACEMENT HANDGUN QUALIFICATION LICENSE ON RECEIPT OF A WRITTEN REQUEST AND A NONREFUNDABLE FEE TO COVER THE COST OF REPLACEMENT UP TO \$20.

(N) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

5-118.

(b) A firearm application shall contain:

(2) the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor; [and]

(3) a statement by the firearm applicant under the penalty of perjury that the firearm applicant:

(i) ~~1.~~ is at least 21 years old; ~~OR~~

~~2. IS AT LEAST 18 YEARS OLD IF THE FIREARM APPLICANT IS A MEMBER OF THE UNITED STATES ARMED FORCES, THE NATIONAL GUARD, OR THE MARYLAND DEFENSE FORCE;~~

(ii) has never been convicted of a disqualifying crime;

(iii) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(iv) is not a fugitive from justice;

(v) is not a habitual drunkard;

(vi) is not addicted to a controlled dangerous substance or is not a habitual user;

(VII) DOES NOT SUFFER FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAVE A

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HISTORY OF VIOLENT BEHAVIOR AGAINST ~~THEMSELVES~~ THE FIREARM APPLICANT OR ANOTHER; UNLESS THE PERSON HAS A PHYSICIAN'S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER;

~~(vii) (VIII) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application is attached to the application, certifying that the firearm applicant is capable of possessing a regulated firearm without undue danger to the firearm applicant or to another;~~

~~(viii) is not a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article~~ BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

(IX) HAS NEVER BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

~~(X) HAS NEVER BEEN BEFORE OCTOBER 1, 2013, WAS~~ HAS NEVER BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;

(XI) HAS NEVER BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;

~~(XII) HAS NEVER BEEN ADMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE AS THE RESULT OF AN EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH - GENERAL ARTICLE OR, IF THE PERSON HAS BEEN ADMITTED TO A FACILITY, POSSESSES A CERTIFICATE FROM THE FACILITY THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER;~~

~~(XIII) (XII) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE , EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY;~~

~~(XIII) (XIV) (XIII) IS NOT A RESPONDENT AGAINST WHOM:~~

1. A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

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2. AN ORDER FOR PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT; AND

~~(ix)~~ ~~(XIV)~~ ~~(XV)~~ ~~(XIV)~~ if under the age of 30 years at the time of application, has not been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult[; and

(x) subject to § 5-119 of this subtitle, has completed a certified firearms safety training course that the Police Training Commission conducts without charge or that meets the standards that the Police Training Commission establishes under § 3-207 of this article]; AND

(4) A COPY OF THE APPLICANT'S HANDGUN QUALIFICATION LICENSE.

[5-119.

A firearm applicant is not required to complete a certified firearms training course required under §§ 5-118 and 5-134 of this subtitle if the firearm applicant:

(1) has already completed a certified firearms training course required under §§ 5-118 and 5-134 of this subtitle;

(2) is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

(4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or

(5) holds a permit to carry a handgun under Subtitle 3 of this title.]

5-120.

(a) (1) On receipt of a firearm application, a licensee or designated law enforcement agency shall promptly forward one copy of it to the Secretary by[:

(i) certified mail;

(ii) facsimile machine; or

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(iii)] electronic means approved by the Secretary.

(2) The copy of the firearm application forwarded to the Secretary shall contain the name, address, and signature of the prospective seller, lessor, or transferor.

(b) (1) The prospective seller, lessor, or transferor shall keep one copy of the firearm application for not less than 3 years.

(2) The firearm applicant is entitled to [the remaining] A copy of the firearm application.

(c) [(1) Except as provided in paragraph (2) of this subsection, the] **THE** licensee or designated law enforcement agency shall forward the \$10 application fee with the firearm application to the Secretary.

[(2) A licensee or designated law enforcement agency that uses a facsimile machine to forward the firearm application to the Secretary shall:

(i) be billed \$10 for each firearm application forwarded to the Secretary during the month; and

(ii) pay the total application fee by the fifteenth day of the following month.]

5-133.

(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the possession by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession of a regulated firearm.

(b) **[A] SUBJECT TO § 5-133.3 OF THIS SUBTITLE,** A person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

(2) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(3) is a fugitive from justice;

(4) is a habitual drunkard;

(5) is addicted to a controlled dangerous substance or is a habitual user;

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~~(6) [suffers from a mental disorder as defined in § 10-101(f)(2) of the Health – General Article and has a history of violent behavior against the person or another, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another];~~

(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

~~(7)~~ **(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;**

~~[(7) (8) (9) has been [confined~~ **VOLUNTARILY ADMITTED** for more than 30 consecutive days to] ~~A PATIENT IN~~ a facility as defined in § 10-101 of the Health – General Article ~~BEFORE OCTOBER 1, 2013~~, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another] **AND;**

~~(i) (10) HAS BEEN A VOLUNTARY OR AN INVOLUNTARY PATIENT FOR 30 CONSECUTIVE DAYS OR MORE; OR~~

~~(ii) HAS BEEN DETERMINED BY A COURT TO BE UNABLE TO SAFELY POSSESS A FIREARM BASED ON CREDIBLE EVIDENCE OF DANGEROUSNESS TO OTHERS INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;~~

~~(9) (11) HAS BEEN ADMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE AS THE RESULT OF AN EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PERSON HAS A CERTIFICATE FROM THE FACILITY THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER;~~

(10) HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

~~(12)~~ **(11) IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS**

ARTICLE , EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY;

[(8)] ~~(10)~~ ~~(12)~~ ~~(13)~~ (12) except as provided in subsection (e) of this section, is a respondent against whom [a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or]:

(I) A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4–506 OF THE FAMILY LAW ARTICLE; OR

(II) AN ORDER FOR PROTECTION, AS DEFINED IN § 4–508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT; OR

[(9)] ~~(11)~~ ~~(13)~~ ~~(14)~~ (13) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

(c) (1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence;

(ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, or § 5–614 of the Criminal Law Article; or

(iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.

(2) (i) Subject to paragraph (3) of this subsection, a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years.

(ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(iii) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(3) At the time of the commission of the offense, if a period of more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment, mandatory supervision, probation, and parole:

(i) the imposition of the mandatory minimum sentence is within the discretion of the court; and

(ii) the mandatory minimum sentence may not be imposed unless the State's Attorney notifies the person in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4) Each violation of this subsection is a separate crime.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm.

(2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:

(i) the temporary transfer or possession of a regulated firearm if the person is:

1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and

2. acting with the permission of the parent or legal guardian of the transferee or person in possession;

(ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;

(iii) a member of the armed forces of the United States or the National Guard while performing official duties ~~while performing official duties~~;

(iv) the temporary transfer or possession of a regulated firearm if the person is:

1. participating in marksmanship training of a recognized organization; and

2. under the supervision of a qualified instructor;

(v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or

(vi) the possession of a firearm for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

(e) This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protective order requiring the surrender of the regulated firearm and:

- (1) the regulated firearm is unloaded;
- (2) the respondent has notified the law enforcement unit, barracks, or station that the regulated firearm is being transported in accordance with the civil protective order; and
- (3) the respondent transports the regulated firearm directly to the law enforcement unit, barracks, or station.

5-133.1.

(A) IN THIS SECTION, “AMMUNITION” MEANS A CARTRIDGE, SHELL, OR ANY OTHER DEVICE CONTAINING EXPLOSIVE OR INCENDIARY MATERIAL DESIGNED AND INTENDED FOR USE IN A FIREARM.

(B) A PERSON MAY NOT POSSESS AMMUNITION IF THE PERSON IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133 (B) OR (C) OF THIS SUBTITLE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1000 OR BOTH.

5-133.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FACILITY” HAS THE MEANING STATED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE.

(3) “NICS INDEX” MEANS THE FEDERAL BUREAU OF INVESTIGATION’S NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(B) (1) A COURT SHALL PROMPTLY REPORT INFORMATION REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION THROUGH A SECURE DATA PORTAL APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IF A COURT:

(I) DETERMINES THAT A PERSON IS NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(II) FINDS THAT A PERSON IS INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE; OR

(III) FINDS UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUST ARTICLE THAT A PERSON SHOULD BE UNDER THE PROTECTION OF A GUARDIAN, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY.

(2) ON A FINDING OR DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE FOLLOWING INFORMATION SHALL BE REPORTED TO THE NICS INDEX:

(I) THE NAME AND IDENTIFYING INFORMATION OF THE PERSON; AND

(II) THE DATE OF THE DETERMINATION OR FINDING.

(C) (1) A FACILITY SHALL REPORT INFORMATION REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION REGARDING A PERSON ADMITTED TO THE FACILITY UNDER § 10-609 OF THE HEALTH - GENERAL ARTICLE OR COMMITTED TO THE FACILITY UNDER TITLE 10, SUBTITLE 6, PART III OF THE HEALTH - GENERAL ARTICLE TO THE NICS INDEX THROUGH A SECURE DATA PORTAL APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IF:

(I) THE PERSON HAS BEEN ADMITTED ~~OR COMMITTED~~ TO A FACILITY FOR 30 CONSECUTIVE DAYS OR MORE; OR

(II) ~~IN THE CASE OF AN INVOLUNTARY ADMISSION TO A FACILITY, A COURT MAKES A DETERMINATION THAT THE PERSON CANNOT SAFELY POSSESS A FIREARM BASED ON CREDIBLE EVIDENCE OF DANGEROUSNESS TO OTHERS~~ THE PERSON HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY.

(2) ON ADMISSION TO A FACILITY THE FOLLOWING INFORMATION SHALL BE REPORTED TO THE NICS INDEX:

(I) THE NAME AND IDENTIFYING INFORMATION OF THE PERSON ADMITTED OR COMMITTED;

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(II) THE DATE THE PERSON WAS ADMITTED OR COMMITTED TO THE FACILITY; AND

(III) THE NAME OF THE FACILITY TO WHICH THE PERSON WAS ADMITTED OR COMMITTED.

~~5-133.3.~~

~~(A) IN THIS SECTION, "HEALTH DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.~~

~~(B) A PERSON SUBJECT TO A REGULATED FIREARMS DISQUALIFICATION UNDER § 5-133(B)(6), (7), (8), OR (9) (9), (10), OR (11) (11), OR (12) OF THIS SUBTITLE OR A RIFLE OR SHOTGUN DISQUALIFICATION UNDER § 5-205(B)(6), (7), (8), (9), (10), OR (11) (11), OR (12) OF THIS TITLE MAY BE AUTHORIZED TO POSSESS A FIREARM IF:~~

~~(1) THE PERSON IS NOT SUBJECT TO ANOTHER FIREARMS RESTRICTION UNDER STATE OR FEDERAL LAW; AND~~

~~(2) THE HEALTH DEPARTMENT, IN ACCORDANCE WITH THIS SECTION, DETERMINES THAT THE PERSON MAY POSSESS A FIREARM.~~

~~(C) A PERSON WHO SEEKS RELIEF FROM A FIREARMS DISQUALIFICATION SHALL FILE AN APPLICATION WITH THE HEALTH DEPARTMENT IN THE FORM AND MANNER SET BY THE HEALTH DEPARTMENT.~~

~~(D) (1) AN APPLICANT SHALL PROVIDE COMPLETE AND ACCURATE DATA ON ALL INFORMATION REQUIRED IN AN APPLICATION UNDER THIS SECTION.~~

~~(2) THE APPLICANT SHALL INCLUDE THE FOLLOWING INFORMATION IN THE APPLICATION:~~

~~(i) THE REASON WHY THE APPLICANT IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133(B)(6), (7), (8), OR (9) (9), (10), OR (11) (11), OR (12) OF THIS SUBTITLE OR A RIFLE OR SHOTGUN UNDER § 5-205(B)(6), (7), (8), (9), (10), OR (11) (11), OR (12) OF THIS TITLE AND WHY THE APPLICANT SHOULD BE RELIEVED FROM THAT PROHIBITION;~~

~~(ii) A CERTIFICATE ON A FORM APPROVED BY THE HEALTH DEPARTMENT AND SIGNED BY AN INDIVIDUAL LICENSED IN THE STATE AS A PHYSICIAN WHO IS BOARD CERTIFIED IN PSYCHIATRY OR AS A PSYCHOLOGIST~~

~~AND LISTED IN THE NATIONAL REGISTER OF HEALTH SERVICE PROVIDERS IN PSYCHOLOGY THAT PROVIDES:~~

~~1. THAT THE CERTIFICATE WAS ISSUED WITHIN 30 DAYS OF THE DATE OF THE FILING OF THE PETITION;~~

~~2. THAT THE APPLICANT HAS BEEN EVALUATED AND THE SIGNATORY REASONABLY BELIEVES THAT THE APPLICANT IS COMPETENT TO UNDERSTAND AND COMPLY WITH THE RULES, REGULATIONS, AND LAW GOVERNING FIREARM OWNERSHIP AND POSSESSION AND THE RISKS AND RESPONSIBILITIES INHERENT TO FIREARM OWNERSHIP;~~

~~3. THAT THERE IS NO REASON TO BELIEVE THAT THE PERSON WILL BECOME INCOMPETENT IN THE FORESEEABLE FUTURE;~~

~~4. AN OPINION AS TO WHETHER THE APPLICANT WILL BE LIKELY TO ACT IN A MANNER THAT IS DANGEROUS TO SELF OR PUBLIC SAFETY; AND~~

~~5. AN OPINION ON WHETHER GRANTING A FIREARM HANDGUN QUALIFICATION LICENSE UNDER § 5 117 § 5 117.1 OF THIS SUBTITLE OR AUTHORIZING A PERSON TO POSSESS A RIFLE OR SHOTGUN WOULD BE CONTRARY TO THE PUBLIC INTEREST;~~

~~(III) A SIGNED AUTHORIZATION, ON A FORM APPROVED BY THE HEALTH DEPARTMENT ALLOWING THE HEALTH DEPARTMENT TO ACCESS ALL RELEVANT HEALTH CARE, MENTAL HEALTH, DISABILITY, GUARDIANSHIP, AND CRIMINAL JUSTICE RECORDS, INCLUDING COURT ORDERED OR REQUIRED MENTAL HEALTH RECORDS, OF THE APPLICANT FOR USE WITH THE DISQUALIFICATION AND HEARING PROCESS;~~

~~(IV) THREE STATEMENTS ON A FORM DESIGNATED BY THE HEALTH DEPARTMENT ATTESTING TO THE APPLICANT'S REPUTATION AND CHARACTER RELEVANT TO FIREARM OWNERSHIP OR POSSESSION; AND~~

~~(V) ANY OTHER INFORMATION REQUIRED BY THE HEALTH DEPARTMENT.~~

~~(3) (i) AT LEAST TWO OF THE STATEMENTS REQUIRED UNDER PARAGRAPH (2)(IV) OF THIS SUBSECTION SHALL BE PROVIDED BY AN INDIVIDUAL WHO IS NOT RELATED TO THE APPLICANT.~~

~~(II) STATEMENTS PROVIDED UNDER PARAGRAPH (2)(IV) OF THIS SUBSECTION MUST BE SIGNED AND DATED WITHIN 30 DAYS OF~~

~~SUBMISSION TO THE HEALTH DEPARTMENT AND PROVIDE CONTACT INFORMATION FOR EACH INDIVIDUAL PROVIDING A STATEMENT.~~

~~(4) IF THE APPLICANT IS PROHIBITED FROM FIREARM OWNERSHIP UNDER § 5 133(B)(9) § 5 133(B)(11) § 5 133(B)(12) OF THIS SUBTITLE OR § 5 205(B)(11) § 5 205(B)(12) OF THIS TITLE, THE FOLLOWING ADDITIONAL INFORMATION SHALL BE INCLUDED IN AN APPLICATION FOR RELIEF FROM THE PROHIBITION:~~

~~(I) A COPY OF ALL PLEADINGS, AFFIDAVITS, AND CERTIFICATES SUBMITTED INTO EVIDENCE AT THE GUARDIANSHIP PROCEEDING; AND~~

~~(II) ALL ORDERS ISSUED BY THE COURT RELATING TO THE GUARDIANSHIP, INCLUDING, IF APPLICABLE, AN ORDER INDICATING THAT THE GUARDIANSHIP IS NO LONGER IN EFFECT.~~

~~(5) IF THE APPLICANT IS PROHIBITED FROM FIREARM OWNERSHIP UNDER § 5 133(B)(6), (7), OR (8) (8), (9), OR (10) (10), OR (11) OF THIS SUBTITLE OR § 5 205(B)(6), (7), (8), (9), OR (10) (10), OR (11) OF THIS TITLE, THE CERTIFICATE REQUIRED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL ALSO INCLUDE:~~

~~(I) AN OPINION AS TO WHETHER THE APPLICANT HAS SYMPTOMS OF A MENTAL DISORDER OR DEVELOPMENTAL DISABILITY THAT CAUSES THE APPLICANT TO BE A DANGER TO SELF OR OTHERS;~~

~~(II) IF THE APPLICANT HAS NO SYMPTOMS THAT CAUSE THE APPLICANT TO BE A DANGER, HOW MANY MONTHS THE APPLICANT HAS NOT HAD SYMPTOMS OF A MENTAL DISORDER OR DEVELOPMENTAL DISABILITY THAT CAUSED THE APPLICANT TO BE A DANGER TO SELF OR OTHERS;~~

~~(III) THE TIME PERIOD THE APPLICANT HAS BEEN COMPLIANT WITH TREATMENT RECOMMENDATIONS FOR THE INDIVIDUAL'S MENTAL ILLNESS;~~

~~(IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ALL MENTAL HEALTH PROVIDERS OR SERVICE PROVIDERS SEEN WITHIN THE LAST 12 MONTHS;~~

~~(V) IF THE APPLICANT WAS FOUND NOT GUILTY BY REASON OF INSANITY OR NOT CRIMINALLY RESPONSIBLE, A STATEMENT ATTESTING TO~~

~~WHETHER THE APPLICANT IS ON CONDITIONAL RELEASE UNDER § 3-114 OF THE CRIMINAL PROCEDURE ARTICLE; AND~~

~~(VI) IF THE APPLICANT WAS FOUND NOT COMPETENT TO STAND TRIAL AND DANGEROUS, A WRITTEN STATEMENT REGARDING THE STATUS OF THE RELATED CRIMINAL CHARGE.~~

~~(E) THE HEALTH DEPARTMENT MAY NOT APPROVE AN APPLICATION UNDER THIS SECTION IF A DETERMINATION IS MADE THAT:~~

~~(1) THE APPLICANT SUPPLIED FALSE INFORMATION OR MADE A FALSE STATEMENT;~~

~~(2) THE APPLICATION IS NOT PROPERLY COMPLETED; OR~~

~~(3) ON REVIEW OF THE APPLICATION AND SUPPORTING DOCUMENTATION AND ANY OTHER INFORMATION RELATING TO THE APPLICATION REQUESTED BY THE HEALTH DEPARTMENT, THE APPLICANT HAS NOT SHOWN BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO ACT IN A MANNER DANGEROUS TO SELF OR PUBLIC SAFETY AND THAT GRANTING A PERMIT TO POSSESS A REGULATED FIREARM OR AUTHORIZING THE POSSESSION OF A RIFLE OR SHOTGUN WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST.~~

~~(F) (1) IF THE HEALTH DEPARTMENT DETERMINES THAT THE APPLICATION SHALL BE APPROVED ON REVIEW UNDER SUBSECTION (E)(3) OF THIS SECTION, THE HEALTH DEPARTMENT SHALL PROVIDE THE APPLICANT WITH A CERTIFICATE AFFIRMING THE APPLICANT'S MENTAL COMPETENCE TO POSSESS A REGULATED FIREARM.~~

~~(2) A CERTIFICATE UNDER THIS SUBSECTION SHALL BE PRESENTED TO THE DEPARTMENT OF STATE POLICE AS EVIDENCE OF THE APPLICANT'S ELIGIBILITY TO POSSESS A REGULATED FIREARM.~~

~~(G) AN APPLICANT WHO IS AGGRIEVED BY THE ACTION OF THE HEALTH DEPARTMENT MAY REQUEST A HEARING BY WRITING TO THE SECRETARY OF HEALTH AND MENTAL HYGIENE WITHIN 30 DAYS AFTER THE HEALTH DEPARTMENT MAILS THE DECISION TO THE APPLICANT.~~

~~(H) THE HEARING SHALL BE HELD IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE WITHIN 60 DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE REQUEST.~~

~~(I) IF THE APPLICANT REQUESTS A HEARING, THE ADMINISTRATIVE LAW JUDGE SHALL CONDUCT A HEARING AT WHICH THE APPLICANT MAY TESTIFY AND PROVIDE OTHER EVIDENCE.~~

~~(J) AT A HEARING, THE APPLICANT IS REQUIRED TO PROVIDE EVIDENCE THAT:~~

~~(1) THE APPLICANT DOES NOT HAVE SYMPTOMS OF A MENTAL DISORDER THAT WOULD CAUSE THE APPLICANT TO BE A DANGER TO SELF OR OTHERS AND HAS NOT HAD SYMPTOMS OF A MENTAL DISORDER FOR AT LEAST 6 MONTHS;~~

~~(2) THE APPLICANT DOES NOT HAVE A MENTAL DISORDER OR MENTAL HEALTH CONDITION THAT PREVENTS THE APPLICANT FROM UNDERSTANDING THE RULES, REGULATIONS, AND LAWS GOVERNING FIREARM OWNERSHIP AND POSSESSION, OR THE RESPONSIBILITIES AND RISKS INVOLVED IN FIREARM OWNERSHIP AND POSSESSION;~~

~~(3) THE APPLICANT IS NOT LIKELY TO ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY;~~

~~(4) GRANTING RELIEF WOULD NOT BE CONTRARY TO PUBLIC INTEREST; AND~~

~~(5) THE APPLICANT IS NOT OTHERWISE PROHIBITED FROM OWNING OR POSSESSING A FIREARM.~~

~~(K) AT A HEARING UNDER THIS SECTION, THE HEALTH DEPARTMENT IS A PARTY AND SHALL PROVIDE EVIDENCE REGARDING:~~

~~(1) THE CIRCUMSTANCES UNDER WHICH THE FIREARMS PROHIBITION WAS IMPOSED UNDER STATE OR FEDERAL LAW; AND~~

~~(2) THE APPLICANT'S RECORD, INCLUDING THE APPLICANT'S MENTAL HEALTH AND CRIMINAL HISTORY RECORDS.~~

~~(L) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE APPLICANT HAS MET, BY CLEAR AND CONVINCING EVIDENCE, THE STANDARDS OF SUBSECTION (J) OF THIS SECTION THE ADMINISTRATIVE LAW JUDGE SHALL:~~

~~(1) ISSUE A WRITTEN DETERMINATION THAT THE APPLICANT IS RELIEVED FROM THE FIREARMS DISQUALIFICATION IMPOSED BY 18 U.S.C. § 922(D)(4) AND (G)(4) AND § 5-133(B)(6), (7), (8), OR (9) (9), (10), OR (11) (11);~~

~~OR (12) OF THIS SUBTITLE OR § 5-205(B)(6), (7), (8), (9), (10), OR (11) (11), OR (12) OF THIS TITLE; AND~~

~~(2) PROVIDE TO THE NICS INDEX, THROUGH A SECURE DATA PORTAL APPROVED BY THE DEPARTMENT OF STATE POLICE PUBLIC SAFETY AND CORRECTIONAL SERVICES:~~

~~(I) THE NAME AND IDENTIFYING INFORMATION OF THE APPLICANT; AND~~

~~(II) THE DATE OF THE DETERMINATION.~~

~~(M) AN APPLICANT OR THE HEALTH DEPARTMENT MAY SEEK JUDICIAL REVIEW OF A DETERMINATION OF THE ADMINISTRATIVE LAW JUDGE ON AN APPLICATION UNDER THIS SECTION FOR RELIEF FROM A FIREARMS PROHIBITION IN ACCORDANCE WITH §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.~~

~~(N) AFTER A DETERMINATION ON THE MERITS OF A HEARING REQUESTED UNDER THIS SECTION, AN APPLICANT MAY NOT REQUEST A SUBSEQUENT HEARING WITHIN 1 YEAR AFTER THE COMPLETION OF THE HEARING PROCESS AND ANY JUDICIAL REVIEW OF THE ADMINISTRATIVE DECISION.~~

~~(O) THE HEALTH DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF STATE POLICE TO ASSIST IN CLINICAL CONSULTATION AND IMPLEMENTATION OF THIS SECTION.~~

5-133.3.

(A) IN THIS SECTION, "HEALTH DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(B) A PERSON SUBJECT TO A REGULATED FIREARMS DISQUALIFICATION UNDER § 5-133(B)(6), (7), (8), (9), (10), OR (11) OF THIS SUBTITLE, A RIFLE OR SHOTGUN DISQUALIFICATION UNDER § 5-205(B)(6), (7), (8), (9), (10), OR (11) OF THIS TITLE, OR PROHIBITED FROM THE SHIPMENT, TRANSPORTATION, POSSESSION, OR RECEIPT OF A FIREARM BY 18 U.S.C. §§ 922(D)(4) OR (G)(4) AS A RESULT OF AN ADJUDICATION OR COMMITMENT THAT OCCURRED IN THE STATE MAY BE AUTHORIZED TO POSSESS A FIREARM IF:

(1) THE PERSON IS NOT SUBJECT TO ANOTHER FIREARMS RESTRICTION UNDER STATE OR FEDERAL LAW; AND

(2) THE HEALTH DEPARTMENT, IN ACCORDANCE WITH THIS SECTION, DETERMINES THAT THE PERSON MAY POSSESS A FIREARM.

(C) A PERSON WHO SEEKS RELIEF FROM A FIREARMS DISQUALIFICATION SHALL FILE AN APPLICATION WITH THE HEALTH DEPARTMENT IN THE FORM AND MANNER SET BY THE HEALTH DEPARTMENT.

(D) AN APPLICATION FOR RELIEF FROM A FIREARMS DISQUALIFICATION SHALL INCLUDE:

(1) A COMPLETE AND ACCURATE STATEMENT EXPLAINING THE REASON WHY THE APPLICANT IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133(B)(6), (7), (8), (9), (10), OR (11) OF THIS SUBTITLE OR A RIFLE OR SHOTGUN UNDER § 5-205(B)(6), (7), (8), (9), (10), OR (11) OF THIS TITLE, OR IS PROHIBITED FROM THE SHIPMENT, TRANSPORTATION, POSSESSION, OR RECEIPT OF A FIREARM BY 18 U.S.C. §§ 922(D)(4) OR (G)(4) AS A RESULT OF AN ADJUDICATION OR COMMITMENT THAT OCCURRED IN THE STATE;

(2) A STATEMENT WHY THE APPLICANT SHOULD BE RELIEVED FROM THE PROHIBITION DESCRIBED IN ITEM (1) OF THIS SUBSECTION;

(3) IF THE APPLICANT IS SUBJECT TO A PROHIBITION DESCRIBED IN ITEM (1) OF THIS SUBSECTION, A CERTIFICATE ISSUED WITHIN 30 DAYS OF THE SUBMISSION OF THE APPLICATION ON A FORM APPROVED BY THE HEALTH DEPARTMENT AND SIGNED BY AN INDIVIDUAL LICENSED IN THE STATE AS A PHYSICIAN WHO IS BOARD CERTIFIED IN PSYCHIATRY OR AS A PSYCHOLOGIST STATING:

(I) THE LENGTH OF TIME THAT THE APPLICANT HAS NOT HAD SYMPTOMS THAT CAUSE THE APPLICANT TO BE A DANGER TO THE APPLICANT OR OTHERS, OR, IF THE DISQUALIFICATION RELATES TO AN INTELLECTUAL DISABILITY, THE LENGTH OF TIME THAT THE APPLICANT HAS NOT ENGAGED IN BEHAVIORS THAT CAUSE THE APPLICANT TO BE A DANGER TO THE APPLICANT OR OTHERS;

(II) THE LENGTH OF TIME THAT THE APPLICANT HAS BEEN COMPLIANT WITH THE TREATMENT PLAN FOR THE APPLICANT'S MENTAL ILLNESS, OR, IF THE DISQUALIFICATION RELATES TO AN INTELLECTUAL DISABILITY, THE LENGTH OF TIME THAT THE APPLICANT HAS BEEN COMPLIANT WITH ANY BEHAVIOR PLAN OR BEHAVIOR MANAGEMENT PLAN;

(III) AN OPINION AS TO WHETHER THE APPLICANT, BECAUSE OF MENTAL ILLNESS, WOULD BE A DANGER TO THE APPLICANT IF ALLOWED TO POSSESS A FIREARM AND A STATEMENT OF REASONS FOR THE OPINION; AND

(IV) AN OPINION AS TO WHETHER THE APPLICANT, BECAUSE OF MENTAL ILLNESS, WOULD BE A DANGER TO ANOTHER PERSON OR POSES A RISK TO PUBLIC SAFETY IF ALLOWED TO POSSESS A FIREARM;

(4) IF THE APPLICANT IS PROHIBITED FROM POSSESSING A FIREARM UNDER § 5-133(B)(11) OF THIS SUBTITLE OR § 5-205(B)(11) OF THIS TITLE:

(I) A COPY OF ALL PLEADINGS, AFFIDAVITS, AND CERTIFICATES SUBMITTED INTO EVIDENCE AT THE GUARDIANSHIP PROCEEDING; AND

(II) ALL ORDERS ISSUED BY THE COURT RELATING TO THE GUARDIANSHIP, INCLUDING, IF APPLICABLE, AN ORDER INDICATING THAT THE GUARDIANSHIP IS NO LONGER IN EFFECT;

(5) A SIGNED AUTHORIZATION, ON A FORM APPROVED BY THE HEALTH DEPARTMENT, ALLOWING THE HEALTH DEPARTMENT TO ACCESS ANY RELEVANT HEALTH CARE, MENTAL HEALTH, DISABILITY, GUARDIANSHIP, AND CRIMINAL JUSTICE RECORDS, INCLUDING COURT ORDERED OR REQUIRED MENTAL HEALTH RECORDS, OF THE APPLICANT FOR USE IN DETERMINING WHETHER THE APPLICANT SHOULD BE RELIEVED FROM A FIREARMS DISQUALIFICATION;

(6) THREE STATEMENTS SIGNED AND DATED WITHIN 30 DAYS OF SUBMISSION TO THE HEALTH DEPARTMENT ON A FORM DESIGNATED BY THE HEALTH DEPARTMENT ATTESTING TO THE APPLICANT'S REPUTATION AND CHARACTER RELEVANT TO FIREARM OWNERSHIP OR POSSESSION INCLUDING:

(I) AT LEAST TWO STATEMENTS PROVIDED BY AN INDIVIDUAL WHO IS NOT RELATED TO THE APPLICANT; AND

(II) CONTACT INFORMATION FOR EACH INDIVIDUAL PROVIDING A STATEMENT; AND

(7) ANY OTHER INFORMATION REQUIRED BY THE HEALTH DEPARTMENT.

(E) THE HEALTH DEPARTMENT MAY NOT APPROVE AN APPLICATION UNDER THIS SECTION IF A DETERMINATION IS MADE THAT:

(1) THE APPLICANT SUPPLIED INCOMPLETE OR FALSE INFORMATION OR MADE A FALSE STATEMENT;

(2) THE APPLICATION IS NOT PROPERLY COMPLETED; OR

(3) ON REVIEW OF THE APPLICATION AND SUPPORTING DOCUMENTATION AND ANY OTHER INFORMATION RELATING TO THE APPLICATION REQUESTED BY THE HEALTH DEPARTMENT, INCLUDING ANY CRIMINAL HISTORY RECORDS AND MENTAL HEALTH RECORDS OF THE APPLICANT, THE APPLICANT HAS NOT SHOWN BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO ACT IN A MANNER DANGEROUS TO THE APPLICANT OR TO PUBLIC SAFETY AND THAT GRANTING A LICENSE TO POSSESS A REGULATED FIREARM OR AUTHORIZING THE POSSESSION OF A RIFLE OR SHOTGUN WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST.

(F) (1) IF THE HEALTH DEPARTMENT DETERMINES THAT THE APPLICATION SHALL BE APPROVED, THE HEALTH DEPARTMENT SHALL PROVIDE THE APPLICANT WITH A CERTIFICATE AFFIRMING THE APPLICANT'S MENTAL COMPETENCE TO POSSESS A FIREARM.

(2) A CERTIFICATE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION OR A WRITTEN STATEMENT THAT THE INDIVIDUAL IS NOT MENTALLY COMPETENT TO POSSESS A FIREARM SHALL BE PROVIDED TO THE APPLICANT WITHIN 60 DAYS FROM THE HEALTH DEPARTMENT'S RECEIPT OF A COMPLETED APPLICATION, WHICH INCLUDES ANY RECORDS NECESSARY TO REVIEW AN APPLICATION.

(3) A CERTIFICATE ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PRESENTED TO THE DEPARTMENT OF STATE POLICE AS EVIDENCE OF THE APPLICANT'S ELIGIBILITY TO POSSESS A FIREARM.

(G) (1) AN APPLICANT WHO IS AGGRIEVED BY THE ACTION OF THE HEALTH DEPARTMENT UNDER SUBSECTION (E) OF THIS SECTION MAY REQUEST A HEARING IN WRITING TO THE SECRETARY OF HEALTH AND MENTAL HYGIENE WITHIN 30 DAYS AFTER THE HEALTH DEPARTMENT MAILS NOTICE OF THE DECISION TO THE APPLICANT.

(2) (I) THE HEARING REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE WITHIN 60 DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE REQUEST.

(II) AT THE HEARING, THE INFORMATION DESCRIBED IN SUBSECTIONS (D) AND (E) OF THIS SECTION SHALL BE CONSIDERED AND USED TO DETERMINE WHETHER THE APPLICANT, IF ALLOWED TO POSSESS A FIREARM, WOULD NOT BE LIKELY TO ACT IN A MANNER DANGEROUS TO THE PUBLIC SAFETY AND WHETHER GRANTING THE RELIEF WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST.

(3) (I) JUDICIAL REVIEW OF THE DETERMINATION ON AN APPLICATION UNDER THIS SECTION FOR RELIEF FROM A FIREARMS PROHIBITION MAY BE SOUGHT IN ACCORDANCE WITH §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

(II) NOTWITHSTANDING THE PROVISIONS OF § 10-222 OF THE STATE GOVERNMENT ARTICLE, THE CIRCUIT COURT MAY GIVE DEFERENCE TO THE FINAL DECISION OF THE HEALTH DEPARTMENT AND MAY IN ITS DISCRETION RECEIVE ADDITIONAL EVIDENCE THAT IT DETERMINES TO BE NECESSARY TO CONDUCT AN ADEQUATE REVIEW.

(H) THE BOARD OF REVIEW OF THE HEALTH DEPARTMENT DOES NOT HAVE JURISDICTION TO REVIEW A FINAL DECISION OF THE HEALTH DEPARTMENT UNDER THIS SECTION.

(I) AFTER A DETERMINATION ON THE MERITS OF A HEARING REQUESTED UNDER THIS SECTION, AN APPLICANT MAY NOT REQUEST A SUBSEQUENT HEARING WITHIN 1 YEAR AFTER THE COMPLETION OF THE HEARING PROCESS AND ANY JUDICIAL REVIEW OF THE ADMINISTRATIVE DECISION.

(J) THE SECRETARY OF HEALTH AND MENTAL HYGIENE MAY ADOPT REGULATIONS ESTABLISHING FEES TO COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION.

(K) AN INDIVIDUAL LICENSED IN THE STATE AS A PHYSICIAN WHO IS BOARD CERTIFIED IN PSYCHIATRY, OR A PSYCHOLOGIST WHO, IN GOOD FAITH AND WITH REASONABLE GROUNDS, ACTS IN COMPLIANCE WITH THIS SECTION, MAY NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR ACTIONS AUTHORIZED BY THIS SECTION.

5-143.

(A) (1) A PERSON WHO MOVES INTO THE STATE WITH THE INTENT OF BECOMING A RESIDENT SHALL REGISTER ALL REGULATED FIREARMS WITH THE SECRETARY WITHIN ~~30~~ 90 DAYS AFTER ESTABLISHING RESIDENCY.

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(2) THE SECRETARY SHALL PREPARE AND, ON REQUEST OF AN APPLICANT, PROVIDE AN APPLICATION FORM FOR REGISTRATION UNDER THIS SECTION.

(B) AN APPLICATION FOR REGISTRATION UNDER THIS SECTION SHALL CONTAIN:

(1) THE MAKE, MODEL, MANUFACTURER'S SERIAL NUMBER, CALIBER, TYPE, BARREL LENGTH, FINISH, AND COUNTRY OF ORIGIN OF ~~THE~~ EACH REGULATED FIREARM; AND

(2) THE FIREARM APPLICANT'S NAME, ADDRESS, SOCIAL SECURITY NUMBER, PLACE AND DATE OF BIRTH, HEIGHT, WEIGHT, RACE, EYE AND HAIR COLOR, SIGNATURE, DRIVER'S OR PHOTOGRAPHIC IDENTIFICATION SOUNDINDEX NUMBER, AND OCCUPATION.

(C) ~~EACH~~ AN APPLICATION FOR REGISTRATION FILED WITH THE SECRETARY OF STATE POLICE SHALL BE ACCOMPANIED BY A NONREFUNDABLE TOTAL REGISTRATION FEE OF \$15, REGARDLESS OF THE NUMBER OF FIREARMS REGISTERED.

(D) REGISTRATION DATA PROVIDED UNDER THIS SECTION IS NOT OPEN TO PUBLIC INSPECTION.

[5-143.] 5-144.

(a) Except as otherwise provided in this subtitle, a dealer or other person may not:

(1) knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle; or

(2) knowingly violate § 5-142 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(c) Each violation of this section is a separate crime.

5-145.

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(A) (1) A LICENSED DEALER SHALL KEEP RECORDS OF ALL RECEIPTS, SALES, AND OTHER DISPOSITIONS OF FIREARMS AFFECTED IN CONNECTION WITH THE LICENSED DEALER'S BUSINESS.

(2) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING:

(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE INFORMATION THAT THE RECORDS SHALL CONTAIN;

(II) THE TIME PERIOD FOR WHICH THE RECORDS ARE TO BE KEPT; AND

(III) THE FORM IN WHICH THE RECORDS ARE TO BE KEPT.

(3) THE RECORDS SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF EACH PERSON FROM WHOM THE DEALER ACQUIRES A FIREARM AND TO WHOM THE DEALER SELLS OR OTHERWISE DISPOSES OF A FIREARM;

(II) A PRECISE DESCRIPTION, INCLUDING MAKE, MODEL, CALIBER, AND SERIAL NUMBER OF EACH FIREARM ACQUIRED, SOLD, OR OTHERWISE DISPOSED OF; AND

(III) THE DATE OF EACH ACQUISITION, SALE, OR OTHER DISPOSITION.

(4) ~~THE SECRETARY MAY PROVIDE THAT RECORDS~~ *RECORDS* MAINTAINED UNDER 18 U.S.C. § 923(G)(1)(A) MAY BE USED TO SATISFY THE REQUIREMENTS OF THIS SECTION, *IF THE SECRETARY IS GRANTED ACCESS TO THOSE RECORDS.*

(B) (1) WHEN REQUIRED BY A LETTER ISSUED BY THE SECRETARY, A LICENSEE SHALL SUBMIT TO THE SECRETARY THE INFORMATION REQUIRED TO BE KEPT UNDER SUBSECTION (A) OF THIS SECTION FOR THE TIME PERIODS SPECIFIED BY THE SECRETARY.

(2) THE SECRETARY SHALL DETERMINE THE FORM AND METHOD BY WHICH THE RECORDS SHALL BE MAINTAINED.

(C) WHEN A FIREARMS BUSINESS IS DISCONTINUED AND SUCCEEDED BY A NEW LICENSEE, THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION SHALL REFLECT THE BUSINESS DISCONTINUANCE AND SUCCESSION AND SHALL BE DELIVERED TO THE SUCCESSOR LICENSEE.

(D) (1) A LICENSEE SHALL RESPOND WITHIN 48 HOURS AFTER RECEIPT OF A REQUEST FROM THE SECRETARY FOR INFORMATION CONTAINED IN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION WHEN THE INFORMATION IS REQUESTED IN CONNECTION WITH A BONA FIDE CRIMINAL INVESTIGATION.

(2) THE INFORMATION REQUESTED UNDER THIS SUBSECTION SHALL BE PROVIDED ORALLY OR IN WRITING, AS REQUIRED BY THE SECRETARY.

(3) THE SECRETARY MAY IMPLEMENT A SYSTEM BY WHICH A LICENSEE CAN POSITIVELY ESTABLISH THAT A PERSON REQUESTING INFORMATION BY TELEPHONE IS AUTHORIZED BY THE SECRETARY TO REQUEST THE INFORMATION.

(E) THE SECRETARY MAY MAKE AVAILABLE TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY ANY INFORMATION THAT THE SECRETARY OBTAINS UNDER THIS SECTION RELATING TO THE IDENTITIES OF PERSONS WHO HAVE UNLAWFULLY PURCHASED OR RECEIVED FIREARMS.

(F) THE SECRETARY:

(1) SHALL INSPECT THE INVENTORY AND RECORDS OF A LICENSED DEALER AT LEAST ONCE EVERY 2 YEARS; AND

(2) MAY INSPECT THE INVENTORY AND RECORDS AT ANY TIME DURING THE NORMAL BUSINESS HOURS OF THE LICENSED DEALER'S BUSINESS.

(G) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(3) THE PENALTIES PROVIDED IN THIS SUBSECTION ARE NOT INTENDED TO APPLY TO INCONSEQUENTIAL OR INADVERTENT ERRORS.

5-146.

(A) A DEALER OR ANY OTHER PERSON WHO SELLS OR TRANSFERS A REGULATED FIREARM SHALL NOTIFY THE PURCHASER OR RECIPIENT OF THE REGULATED FIREARM AT THE TIME OF PURCHASE OR TRANSFER THAT THE PURCHASER OR RECIPIENT IS REQUIRED TO REPORT A LOST OR STOLEN REGULATED FIREARM TO THE LOCAL LAW ENFORCEMENT AGENCY AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(B) IF A REGULATED FIREARM IS LOST OR STOLEN, THE OWNER OF THE REGULATED FIREARM SHALL REPORT THE LOSS OR THEFT TO THE LOCAL LAW ENFORCEMENT AGENCY WITHIN 72 HOURS AFTER THE OWNER FIRST DISCOVERS THE LOSS OR THEFT.

(C) ON RECEIPT OF A REPORT OF A LOST OR STOLEN REGULATED FIREARM, A LOCAL LAW ENFORCEMENT AGENCY SHALL REPORT TO THE SECRETARY AND ENTER INTO THE NATIONAL CRIME INFORMATION CENTER (NCIC) DATABASE, TO THE EXTENT KNOWN, THE CALIBER, MAKE, MODEL, MANUFACTURER, AND SERIAL NUMBER OF THE REGULATED FIREARM AND ANY OTHER DISTINGUISHING NUMBER OR IDENTIFICATION MARK ON THE REGULATED FIREARM.

(D) (1) A KNOWING AND WILLFUL FIRST-TIME VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.

(2) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS SECTION FOR A SECOND OR SUBSEQUENT TIME IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(E) THE IMPOSITION OF A CIVIL OR CRIMINAL PENALTY UNDER THIS SECTION DOES NOT PRECLUDE THE PURSUIT OF ANY OTHER CIVIL REMEDY OR CRIMINAL PROSECUTION AUTHORIZED BY LAW.

5-205.

(A) THIS SUBTITLE DOES NOT APPLY TO A RIFLE OR SHOTGUN THAT IS AN ANTIQUE FIREARM AS DEFINED IN § 4-201 OF THE CRIMINAL LAW ARTICLE.

(B) A PERSON MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON:

(1) HAS BEEN CONVICTED OF A DISQUALIFYING CRIME AS DEFINED IN § 5-101 OF THIS TITLE;

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(2) HAS BEEN CONVICTED OF A VIOLATION CLASSIFIED AS A CRIME UNDER COMMON LAW AND RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2 YEARS;

(3) IS A FUGITIVE FROM JUSTICE;

(4) IS A HABITUAL DRUNKARD AS DEFINED IN § 5-101 OF THIS TITLE;

(5) IS ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE OR IS A HABITUAL USER AS DEFINED IN § 5-101 OF THIS TITLE;

~~(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH - GENERAL ARTICLE AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER, UNLESS THE PERSON HAS A PHYSICIAN'S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER;~~

~~(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;~~

~~(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;~~

~~(9) HAS BEEN BEFORE OCTOBER 1, 2013, WAS HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;~~

~~(10) HAS BEEN ADMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE AS THE RESULT OF AN EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH - GENERAL ARTICLE, UNLESS THE PERSON HAS A CERTIFICATE FROM THE FACILITY THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER;~~

~~(10) (11) (10)~~ HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;

~~(11) (12) (11)~~ IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY;

~~(6)~~ ~~(12)~~ ~~(13)~~ (12) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IS A RESPONDENT AGAINST WHOM:

(I) A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

(II) AN ORDER FOR PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT; OR

~~(7)~~ ~~(13)~~ ~~(14)~~ (13) IF UNDER THE AGE OF 30 YEARS AT THE TIME OF POSSESSION, HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR AN ACT THAT WOULD BE A DISQUALIFYING CRIME IF COMMITTED BY AN ADULT.

~~[(a)] (C)~~ ~~Unless the person possesses a physician's certificate that the person is capable of possessing a rifle or shotgun without undue danger to the person or to another, a person may not possess a rifle or shotgun if the person:~~

~~(1) suffers from a mental disorder as defined in § 10-101(f)(2) of the Health General Article and has a history of violent behavior against the person or another; or~~

~~(2) has been confined for more than 30 consecutive days in a facility as defined in § 10-101 of the Health General Article.~~

~~(D)~~ (C) THIS SECTION DOES NOT APPLY TO A PERSON TRANSPORTING A RIFLE OR SHOTGUN IF THE PERSON IS CARRYING A CIVIL PROTECTIVE ORDER REQUIRING THE SURRENDER OF THE RIFLE OR SHOTGUN AND:

(1) THE RIFLE OR SHOTGUN IS UNLOADED;

(2) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE RIFLE OR SHOTGUN IS BEING TRANSPORTED IN ACCORDANCE WITH THE CIVIL PROTECTIVE ORDER; AND

(3) THE PERSON TRANSPORTS THE RIFLE OR SHOTGUN DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

~~[(b)] (E)~~ (D) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(E) A PERSON WHO IS DISQUALIFIED FROM OWNING A RIFLE OR SHOTGUN UNDER SUBSECTION (B)(6), (7), (8), (9), (10), OR (11) OF THIS

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SECTION MAY SEEK RELIEF FROM THE DISQUALIFICATION IN ACCORDANCE WITH § 5-133.3 OF THIS TITLE.

5-206.

(a) A person may not possess a rifle or shotgun if the person was previously convicted of:

(1) a crime of violence **AS DEFINED IN § 5-101 OF THIS TITLE**;

(2) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article; or

(3) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (1) or (2) of this subsection if committed in this State.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years.

(c) Each violation of this subsection is a separate crime.

5-301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Handgun Permit Review Board.

(c) “Handgun” has the meaning stated in § 4-201 of the Criminal Law Article.

(d) “Permit” means a permit issued by the Secretary to carry, wear, or transport a handgun.

(E) “QUALIFIED HANDGUN INSTRUCTOR” HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

[(e)] (F) “Secretary” means the Secretary of State Police or the Secretary’s designee.

5-306.

(a) Subject to subsection **[(b)] (C)** of this section, the Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:

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(1) is an adult;

(2) (i) has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed; or

(ii) if convicted of a crime described in item (i) of this item, has been pardoned or has been granted relief under 18 U.S.C. § 925(c);

(3) has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;

(4) is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled dangerous substance is under legitimate medical direction; [and]

(5) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, HAS SUCCESSFULLY COMPLETED PRIOR TO APPLICATION AND EACH RENEWAL, A FIREARMS TRAINING COURSE APPROVED BY THE SECRETARY THAT INCLUDES:

(I) 1. FOR AN INITIAL APPLICATION, A MINIMUM OF 16 HOURS OF INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR; OR

2. FOR A RENEWAL APPLICATION, 8 HOURS OF INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR;

(II) CLASSROOM INSTRUCTION ON:

1. STATE FIREARM LAW;

2. HOME FIREARM SAFETY; AND

3. HANDGUN MECHANISMS AND OPERATION; AND

(III) A FIREARMS QUALIFICATION COMPONENT THAT DEMONSTRATES THE APPLICANT'S PROFICIENCY AND USE OF THE FIREARM; AND

[(5)] (6) based on an investigation:

(i) has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or to another; and

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(ii) has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger.

(B) AN APPLICANT FOR A PERMIT IS NOT REQUIRED TO COMPLETE A CERTIFIED FIREARMS TRAINING COURSE UNDER SUBSECTION (A) OF THIS SECTION IF THE APPLICANT:

(1) IS A LAW ENFORCEMENT OFFICER OR A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR ANY LOCAL LAW ENFORCEMENT AGENCY IN THE STATE;

(2) IS A MEMBER ~~OR~~, RETIRED MEMBER, OR HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD;~~OR;~~

(3) ~~IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:~~

~~(I) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;~~

~~(II) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR~~

~~(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION A QUALIFIED HANDGUN INSTRUCTOR; OR~~

~~(3)~~ (4) HAS COMPLETED A FIREARMS TRAINING COURSE APPROVED BY THE SECRETARY.

[(b)] (C) An applicant under the age of 30 years is qualified only if the Secretary finds that the applicant has not been:

(1) committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

(2) adjudicated delinquent by a juvenile court for:

(i) an act that would be a crime of violence if committed by an adult;

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(ii) an act that would be a felony in this State if committed by an adult; or

(iii) an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult.

(D) THE SECRETARY MAY ISSUE A HANDGUN QUALIFICATION LICENSE, WITHOUT AN ADDITIONAL APPLICATION OR FEE, TO A PERSON WHO:

(1) MEETS THE REQUIREMENTS FOR ISSUANCE OF A PERMIT UNDER THIS SECTION; AND

(2) DOES NOT HAVE A HANDGUN QUALIFICATION LICENSE ISSUED UNDER § 5-117.1 OF THIS TITLE.

Article – State Government

10-616.

(a) Unless otherwise provided by law, a custodian shall deny inspection of a public record, as provided in this section.

(v) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A CUSTODIAN SHALL DENY INSPECTION OF ALL RECORDS OF A PERSON AUTHORIZED TO:

(I) SELL, PURCHASE, RENT, OR TRANSFER A REGULATED FIREARM UNDER TITLE 5, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE; OR

(II) CARRY, WEAR, OR TRANSPORT A HANDGUN UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

(2) A CUSTODIAN SHALL ALLOW INSPECTION OF FIREARM OR HANDGUN RECORDS BY:

(I) THE INDIVIDUAL NAMED IN THE RECORD; OR

(II) THE ATTORNEY OF RECORD OF THE INDIVIDUAL NAMED IN THE RECORD.

(3) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE DEPARTMENT OF STATE POLICE OR THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FROM ACCESSING FIREARM OR HANDGUN RECORDS IN THE PERFORMANCE OF THAT DEPARTMENT'S OFFICIAL DUTY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013:

(a) The Department of State Police shall investigate illegal transfers, possession, and transport of firearms within the State, including the number and types of firearms seized by the Department of State Police and the best information available as to the source of the seized firearms.

(b) On or before December 31, 2015, the Department of State Police shall report its findings to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of September 30, 2016, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 16, 2013.

EXHIBIT “L”

Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title XX. Public Safety and Good Order (Ch. 133-148A)
Chapter 140. Licenses (Refs & Annos)

M.G.L.A. 140 § 121

§ 121. Firearms sales; definitions; antique firearms; application of law; exceptions

Effective: September 13, 2004

Currentness

As used in sections 122 to 131P, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:--

“Ammunition”, cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun. The term “ammunition” shall also mean tear gas cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas, powder or any other substance designed to incapacitate.

“Assault weapon”, shall have the same meaning as a semiautomatic assault weapon as defined in the federal Public Safety and Recreational Firearms Use Protection Act, [18 U.S.C. section 921\(a\)\(30\)](#) as appearing in such section on September 13, 1994, and shall include, but not be limited to, any of the weapons, or copies or duplicates of the weapons, of any caliber, known as: (i) Avtomat Kalashnikov (AK) (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta Ar70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR and FNC; (vi) SWD M-10, M-11, M-11/9 and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (ix) revolving cylinder shotguns, such as, or similar to, the Street Sweeper and Striker 12; provided, however, that the term assault weapon shall not include: (i) any of the weapons, or replicas or duplicates of such weapons, specified in appendix A to [18 U.S.C. section 922](#) as appearing in such appendix on September 13, 1994, as such weapons were manufactured on October 1, 1993; (ii) any weapon that is operated by manual bolt, pump, lever or slide action; (iii) any weapon that has been rendered permanently inoperable or otherwise rendered permanently unable to be designated a semiautomatic assault weapon; (iv) any weapon that was manufactured prior to the year 1899; (v) any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable assault weapon; (vi) any semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition; or (vii) any semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine.

“Conviction”, a finding or verdict of guilt or a plea of guilty, whether or not final sentence is imposed.

“Firearm”, a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than 16 inches or 18 inches in the case of a shotgun as originally manufactured; provided, however, that the term firearm shall not include any weapon that is: (i) constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or (ii) not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors.

“Gunsmith”, any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun.

“Imitation firearm”, any weapon which is designed, manufactured or altered in such a way as to render it incapable of discharging a shot or bullet.

“Large capacity feeding device”, (i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(31) as appearing in such section on September 13, 1994. The term “large capacity feeding device” shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition.

“Large capacity weapon”, any firearm, rifle or shotgun: (i) that is semiautomatic with a fixed large capacity feeding device; (ii) that is semiautomatic and capable of accepting, or readily modifiable to accept, any detachable large capacity feeding device; (iii) that employs a rotating cylinder capable of accepting more than ten rounds of ammunition in a rifle or firearm and more than five shotgun shells in the case of a shotgun or firearm; or (iv) that is an assault weapon. The term “large capacity weapon” shall be a secondary designation and shall apply to a weapon in addition to its primary designation as a firearm, rifle or shotgun and shall not include: (i) any weapon that was manufactured in or prior to the year 1899; (ii) any weapon that operates by manual bolt, pump, lever or slide action; (iii) any weapon that is a single-shot weapon; (iv) any weapon that has been modified so as to render it permanently inoperable or otherwise rendered permanently unable to be designated a large capacity weapon; or (v) any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable large capacity weapon.

“Length of barrel” or “barrel length”, that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized and shall include the chamber.

“Licensing authority”, the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

“Machine gun”, a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, including a submachine gun.

“Purchase” and “sale” shall include exchange; the word “purchaser” shall include exchanger; and the verbs “sell” and “purchase”, in their different forms and tenses, shall include the verb exchange in its appropriate form and tense.

“Rifle”, a weapon having a rifled bore with a barrel length equal to or greater than 16 inches and capable of discharging a shot or bullet for each pull of the trigger.

“Sawed-off shotgun”, any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified has one or more barrels less than 18 inches in length or as modified has an overall length of less than 26 inches.

“Semiautomatic”, capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and requiring a separate pull of the trigger to fire each cartridge.

“Shotgun”, a weapon having a smooth bore with a barrel length equal to or greater than 18 inches with an overall length equal to or greater than 26 inches, and capable of discharging a shot or bullet for each pull of the trigger.

“Violent crime”, shall mean any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon that would be punishable by imprisonment for such term if committed by an adult, that: (i) has as an element the use, attempted use or threatened use of physical force or a deadly

weapon against the person of another; (ii) is burglary, extortion, arson or kidnapping; (iii) involves the use of explosives; or (iv) otherwise involves conduct that presents a serious risk of physical injury to another.

“Weapon”, any rifle, shotgun or firearm.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such licensing authority exists, any resident or applicant may apply for such license or firearm identification card directly to the colonel of state police and said colonel shall for this purpose be the licensing authority.

The provisions of sections 122 to 129D, inclusive, and sections 131, 131A, 131B and 131E shall not apply to:

(A) any firearm, rifle or shotgun manufactured in or prior to the year 1899;

(B) any replica of any firearm, rifle or shotgun described in clause (A) if such replica: (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

Credits

Amended by St.1934, c. 359, § 1; St.1957, c. 688, § 4; St.1959, c. 296, § 1; St.1960, c. 186; St.1968, c. 737, § 1; St.1969, c. 799, § 1; St.1971, c. 456, § 1; St.1973, c. 892, § 1; St.1983, c. 516, § 1; St.1984, c. 116, § 1; [St.1989, c. 433](#); [St.1990, c. 511, § 1](#); [St.1996, c. 151, §§ 300, 301](#); [St.1998, c. 180, § 8](#); [St.1999, c. 1, § 1](#); [St.2004, c. 150, §§ 1 to 3, eff. Sept. 13, 2004](#).

[Notes of Decisions \(88\)](#)

M.G.L.A. 140 § 121, MA ST 140 § 121

Current through the 2013 1st Annual Session and Chapter 1 of the 2014 2nd Annual Session

Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title XX. Public Safety and Good Order (Ch. 133-148A)
Chapter 140. Licenses (Refs & Annos)

M.G.L.A. 140 § 131M

§ 131M. Assault weapon or large capacity feeding device not lawfully
possessed on September 13, 1994; sale, transfer or possession; punishment

Currentness

No person shall sell, offer for sale, transfer or possess an assault weapon or a large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994. Whoever not being licensed under the provisions of section 122 violates the provisions of this section shall be punished, for a first offense, by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000 or by imprisonment for not less than five years nor more than 15 years, or by both such fine and imprisonment.

The provisions of this section shall not apply to: (i) the possession by a law enforcement officer for purposes of law enforcement; or (ii) the possession by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving such a weapon or feeding device from such agency upon retirement.

Credits

Added by [St.1998, c. 180, § 47.](#)

M.G.L.A. 140 § 131M, MA ST 140 § 131M

Current through the 2013 1st Annual Session and Chapter 1 of the 2014 2nd Annual Session

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EXHIBIT “M”

S T A T E O F N E W Y O R K

S. 2230

A. 2388

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 14, 2013

IN SENATE -- Introduced by Sens. KLEIN, SMITH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. SILVER, LENTOL, ORTIZ, MORELLE, FARRELL, WEINSTEIN, CAMARA, HOOPER, O'DONNELL, TITONE, PAULIN, MOYA, GLICK, WRIGHT, SCHIMEL, GOTTFRIED, ROSENTHAL, KAVANAGH, STECK, WEPRIN -- Multi-Sponsored by -- M. of A. ABINANTI, BOYLAND, BRENNAN, BROOK-KRASNY, BUCHWALD, CASTRO, COLTON, DINOWITZ, ENGLEBRIGHT, ESPI-NAL, FAHY, JACOBS, JAFFEE, KELLNER, KIM, LAVINE, LIFTON, MARKEY, MAYER, MILLMAN, MOSLEY, OTIS, ROSA, ROZIC -- (at request of the Governor) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, the correction law, the family court act, the executive law, the general business law, the judiciary law, the mental hygiene law, the penal law and the surrogate's court procedure act, in relation to suspension and revocation of firearms licenses; private sale or disposal of firearms, rifles or shotguns and establishing a minimum age to possess a firearm; to amend the family court act, the domestic relations law and the criminal procedure law, in relation to providing for the mandatory suspension or revocation of the firearms license of a person against whom an order of protection or a temporary order of protection has been issued under certain circumstances, or upon violation of any such order; to amend the penal law, in relation to community guns and the criminal sale of a firearm and in relation to the definitions of aggravated and first degree murder; to amend chapter 408 of the laws of 1999 constituting Kendra's Law, in relation to extending the expiration thereof; and to amend the education law, in relation to the New York state school safety improvement teams; and in relation to building aid for metal detectors and safety devices

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD12007-03-3

S. 2230

2

A. 2388

- 1 Section 1. Section 330.20 of the criminal procedure law is amended by
- 2 adding a new subdivision 2-a to read as follows:
- 3 2-A. FIREARM, RIFLE OR SHOTGUN SURRENDER ORDER. UPON ENTRY OF A
- 4 VERDICT OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT, OR

5 UPON THE ACCEPTANCE OF A PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL
6 DISEASE OR DEFECT, OR UPON A FINDING THAT THE DEFENDANT IS AN INCAPACI-
7 TATED PERSON PURSUANT TO ARTICLE SEVEN HUNDRED THIRTY OF THIS CHAPTER,
8 THE COURT SHALL REVOKE THE DEFENDANT'S FIREARM LICENSE, IF ANY, INQUIRE
9 OF THE DEFENDANT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM, RIFLE
10 OR SHOTGUN OWNED OR POSSESSED BY SUCH DEFENDANT AND DIRECT THE SURRENDER
11 OF SUCH FIREARM, RIFLE OR SHOTGUN PURSUANT TO SUBPARAGRAPH (F) OF PARA-
12 GRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
13 SECTION 400.05 OF THE PENAL LAW.

14 S 2. The criminal procedure law is amended by adding a new section
15 380.96 to read as follows:

16 S 380.96 OBLIGATION OF SENTENCING COURT PURSUANT TO ARTICLE FOUR HUNDRED
17 OF THE PENAL LAW.

18 UPON JUDGMENT OF CONVICTION OF ANY OFFENSE WHICH WOULD REQUIRE THE
19 SEIZURE OF FIREARMS, SHOTGUNS OR RIFLES FROM AN INDIVIDUAL SO CONVICTED,
20 AND THE REVOCATION OF ANY LICENSE OR REGISTRATION ISSUED PURSUANT TO
21 ARTICLE FOUR HUNDRED OF THE PENAL LAW, THE JUDGE PRONOUNCING SENTENCE
22 SHALL DEMAND SURRENDER OF ANY SUCH LICENSE OR REGISTRATION AND ALL
23 FIREARMS, SHOTGUNS AND RIFLES. THE FAILURE TO SO DEMAND SURRENDER SHALL
24 NOT EFFECT THE VALIDITY OF ANY REVOCATION PURSUANT TO ARTICLE FOUR
25 HUNDRED OF THE PENAL LAW.

26 S 3. Section 404 of the correction law is amended by adding a new
27 subdivision 3 to read as follows:

28 3. WITHIN A REASONABLE PERIOD PRIOR TO DISCHARGE OF AN INMATE COMMIT-
29 TED FROM A STATE CORRECTIONAL FACILITY FROM A HOSPITAL IN THE DEPARTMENT
30 OF MENTAL HYGIENE TO THE COMMUNITY, THE DIRECTOR SHALL ENSURE THAT A
31 CLINICAL ASSESSMENT HAS BEEN COMPLETED TO DETERMINE WHETHER THE INMATE
32 MEETS THE CRITERIA FOR ASSISTED OUTPATIENT TREATMENT PURSUANT TO SUBDI-
33 VISION (C) OF SECTION 9.60 OF THE MENTAL HYGIENE LAW. IF, AS A RESULT
34 OF SUCH ASSESSMENT, THE DIRECTOR DETERMINES THAT THE INMATE MEETS SUCH
35 CRITERIA, PRIOR TO DISCHARGE THE DIRECTOR OF THE HOSPITAL SHALL EITHER
36 PETITION FOR A COURT ORDER PURSUANT TO SECTION 9.60 OF THE MENTAL
37 HYGIENE LAW, OR REPORT IN WRITING TO THE DIRECTOR OF COMMUNITY SERVICES
38 OF THE LOCAL GOVERNMENTAL UNIT IN WHICH THE INMATE IS EXPECTED TO RESIDE
39 SO THAT AN INVESTIGATION MAY BE CONDUCTED PURSUANT TO SECTION 9.47 OF
40 THE MENTAL HYGIENE LAW.

41 S 4. Subdivisions 1, 2 and 3 of section 842-a of the family court act,
42 as added by chapter 644 of the laws of 1996, paragraph (a) of subdivi-
43 sion 1 as amended by chapter 434 of the laws of 2000, the opening para-
44 graph of subdivision 3 as amended by chapter 597 of the laws of 1998,
45 paragraph (a) of subdivision 3 as amended by chapter 635 of the laws of
46 1999, are amended to read as follows:

47 1. [Mandatory and permissive suspension] SUSPENSION of firearms
48 license and ineligibility for such a license upon the issuance of a
49 temporary order of protection. Whenever a temporary order of protection
50 is issued pursuant to section eight hundred twenty-eight of this
51 article, OR PURSUANT TO ARTICLE FOUR, FIVE, SIX, SEVEN OR TEN OF THIS
52 ACT:

53 (a) the court shall suspend any such existing license possessed by the
54 respondent, order the respondent ineligible for such a license, and
55 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH
56 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION
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1 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed where
2 the court receives information that gives the court good cause to
3 believe that: (i) the respondent has a prior conviction of any violent

4 felony offense as defined in section 70.02 of the penal law; (ii) the
5 respondent has previously been found to have willfully failed to obey a
6 prior order of protection and such willful failure involved (A) the
7 infliction of [serious] physical injury, as defined in subdivision [ten]
8 NINE of section 10.00 of the penal law, (B) the use or threatened use of
9 a deadly weapon or dangerous instrument as those terms are defined in
10 subdivisions twelve and thirteen of section 10.00 of the penal law, or
11 (C) behavior constituting any violent felony offense as defined in
12 section 70.02 of the penal law; or (iii) the respondent has a prior
13 conviction for stalking in the first degree as defined in section 120.60
14 of the penal law, stalking in the second degree as defined in section
15 120.55 of the penal law, stalking in the third degree as defined in
16 section 120.50 of the penal law or stalking in the fourth degree as
17 defined in section 120.45 of such law; and

18 (b) the court [may] SHALL where the court finds a substantial risk
19 that the respondent may use or threaten to use a firearm unlawfully
20 against the person or persons for whose protection the temporary order
21 of protection is issued, suspend any such existing license possessed by
22 the respondent, order the respondent ineligible for such a license, and
23 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH
24 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION
25 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed.

26 2. [Mandatory and permissive revocation] REVOCATION or suspension of
27 firearms license and ineligibility for such a license upon the issuance
28 of an order of protection. Whenever an order of protection is issued
29 pursuant to section eight hundred forty-one of this part, OR PURSUANT TO
30 ARTICLE FOUR, FIVE, SIX, SEVEN OR TEN OF THIS ACT:

31 (a) the court shall revoke any such existing license possessed by the
32 respondent, order the respondent ineligible for such a license, and
33 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH
34 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION
35 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed where
36 the court finds that the conduct which resulted in the issuance of the
37 order of protection involved (i) the infliction of [serious] physical
38 injury, as defined in subdivision [ten] NINE of section 10.00 of the
39 penal law, (ii) the use or threatened use of a deadly weapon or danger-
40 ous instrument as those terms are defined in subdivisions twelve and
41 thirteen of section 10.00 of the penal law, or (iii) behavior constitut-
42 ing any violent felony offense as defined in section 70.02 of the penal
43 law; and

44 (b) the court [may] SHALL, where the court finds a substantial risk
45 that the respondent may use or threaten to use a firearm unlawfully
46 against the person or persons for whose protection the order of
47 protection is issued, (i) revoke any such existing license possessed by
48 the respondent, order the respondent ineligible for such a license and
49 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH
50 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION
51 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed or
52 (ii) suspend or continue to suspend any such existing license possessed
53 by the respondent, order the respondent ineligible for such a license,
54 and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARA-
55 GRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
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1 SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or
2 possessed.

3 3. [Mandatory and permissive revocation] REVOCATION or suspension of

4 firearms license and ineligibility for such a license upon a finding of
5 a willful failure to obey an order of protection OR TEMPORARY ORDER OF
6 PROTECTION. Whenever a respondent has been found, pursuant to section
7 eight hundred forty-six-a of this part to have willfully failed to obey
8 an order of protection OR TEMPORARY ORDER OF PROTECTION issued PURSUANT
9 TO THIS ACT OR THE DOMESTIC RELATIONS LAW, OR by this court or [an order
10 of protection issued] by a court of competent jurisdiction in another
11 state, territorial or tribal jurisdiction, in addition to any other
12 remedies available pursuant to section eight hundred forty-six-a of this
13 part:

14 (a) the court shall revoke any such existing license possessed by the
15 respondent, order the respondent ineligible for such a license, and
16 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH
17 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION
18 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed where
19 the willful failure to obey such order involves (i) the infliction of
20 [serious] physical injury, as defined in subdivision [ten] NINE of
21 section 10.00 of the penal law, (ii) the use or threatened use of a
22 deadly weapon or dangerous instrument as those terms are defined in
23 subdivisions twelve and thirteen of section 10.00 of the penal law, or
24 (iii) behavior constituting any violent felony offense as defined in
25 section 70.02 of the penal law; or (iv) behavior constituting stalking
26 in the first degree as defined in section 120.60 of the penal law,
27 stalking in the second degree as defined in section 120.55 of the penal
28 law, stalking in the third degree as defined in section 120.50 of the
29 penal law or stalking in the fourth degree as defined in section 120.45
30 of such law; and

31 (b) the court [may] SHALL where the court finds a substantial risk
32 that the respondent may use or threaten to use a firearm unlawfully
33 against the person or persons for whose protection the order of
34 protection was issued, (i) revoke any such existing license possessed by
35 the respondent, order the respondent ineligible for such a license,
36 whether or not the respondent possesses such a license, and order the
37 immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF
38 SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF
39 THE PENAL LAW, of any or all firearms owned or possessed or (ii) suspend
40 any such existing license possessed by the respondent, order the
41 respondent ineligible for such a license, and order the immediate
42 surrender of any or all firearms owned or possessed.

43 S 5. Section 846-a of the family court act, as amended by chapter 597
44 of the laws of 1998, is amended to read as follows:

45 S 846-a. Powers on failure to obey order. If a respondent is brought
46 before the court for failure to obey any lawful order issued under this
47 article or an order of protection OR TEMPORARY ORDER OF PROTECTION
48 issued PURSUANT TO THIS ACT OR ISSUED by a court of competent jurisdic-
49 tion of another state, territorial or tribal jurisdiction [in a proceed-
50 ing] and if, after hearing, the court is satisfied by competent proof
51 that the respondent has willfully failed to obey any such order, the
52 court may modify an existing order OR TEMPORARY ORDER OF PROTECTION to
53 add reasonable conditions of behavior to the existing order [of
54 protection], make a new order of protection in accordance with section
55 eight hundred forty-two OF THIS PART, may order the forfeiture of bail
56 in a manner consistent with article five hundred forty of the criminal
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1 procedure law if bail has been ordered pursuant to this act, may order
2 the respondent to pay the petitioner's reasonable and necessary counsel

3 fees in connection with the violation petition where the court finds
4 that the violation of its order was willful, and may commit the respond-
5 ent to jail for a term not to exceed six months. Such commitment may be
6 served upon certain specified days or parts of days as the court may
7 direct, and the court may, at any time within the term of such sentence,
8 revoke such suspension and commit the respondent for the remainder of
9 the original sentence, or suspend the remainder of such sentence. If the
10 court determines that the willful failure to obey such order involves
11 violent behavior constituting the crimes of menacing, reckless endanger-
12 ment, assault or attempted assault and if such a respondent is licensed
13 to carry, possess, repair and dispose of firearms pursuant to section
14 400.00 of the penal law, the court may also immediately revoke such
15 license and may arrange for the immediate surrender PURSUANT TO SUBPARA-
16 GRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDI-
17 VISION SIX OF SECTION 400.05 OF THE PENAL LAW, and disposal of any
18 firearm such respondent owns or possesses. If the willful failure to
19 obey such order involves the infliction of [serious] physical injury as
20 defined in subdivision [ten] NINE of section 10.00 of the penal law or
21 the use or threatened use of a deadly weapon or dangerous instrument, as
22 those terms are defined in subdivisions twelve and thirteen of section
23 10.00 of the penal law, such revocation and immediate surrender PURSUANT
24 TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20
25 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW SIX and disposal
26 of any firearm owned or possessed by respondent shall be mandatory,
27 pursuant to subdivision eleven of section 400.00 of the penal law.

28 S 6. The family court act is amended by adding a new section 446-a to
29 read as follows:

30 S 446-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND
31 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY
32 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL
33 MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A
34 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS,
35 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS IN
36 ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

37 S 7. The family court act is amended by adding a new section 552 to
38 read as follows:

39 S 552. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND
40 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY
41 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL
42 MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A
43 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS,
44 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS IN
45 ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

46 S 8. The family court act is amended by adding a new section 656-a to
47 read as follows:

48 S 656-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND
49 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY
50 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL
51 MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A
52 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS,
53 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS IN
54 ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

55 S 9. The family court act is amended by adding a new section 780-a to
56 read as follows:

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1 S 780-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND

2 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY
3 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL
4 MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A
5 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS,
6 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS IN
7 ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

8 S 10. The family court act is amended by adding a new section 1056-a
9 to read as follows:

10 S 1056-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND
11 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY
12 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL
13 MAKE AN ORDER IN ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF
14 THIS ACT.

15 S 11. The first undesignated and closing paragraphs of subdivision 3
16 of section 240 of the domestic relations law, as added by chapter 606 of
17 the laws of 1999, are amended to read as follows:

18 G. Any party moving for a temporary order of protection pursuant to
19 this subdivision during hours when the court is open shall be entitled
20 to file such motion or pleading containing such prayer for emergency
21 relief on the same day that such person first appears at such court, and
22 a hearing on the motion or portion of the pleading requesting such emer-
23 gency relief shall be held on the same day or the next day that the
24 court is in session following the filing of such motion or pleading.

25 H. Upon issuance of an order of protection or temporary order of
26 protection or upon a violation of such order, the court [may] SHALL make
27 [an order] A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A
28 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS,
29 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS in
30 accordance with [section] SECTIONS eight hundred forty-two-a AND EIGHT
31 HUNDRED FORTY-SIX-A of the family court act [directing the surrender of
32 firearms, revoking or suspending a party's firearms license, and/or
33 directing that such party be ineligible to receive a firearms license],
34 AS APPLICABLE. Upon issuance of an order of protection pursuant to this
35 section or upon a finding of a violation thereof, the court also may
36 direct payment of restitution in an amount not to exceed ten thousand
37 dollars in accordance with subdivision (e) of section eight hundred
38 forty-one of such act; provided, however, that in no case shall an order
39 of restitution be issued where the court determines that the party
40 against whom the order would be issued has already compensated the
41 injured party or where such compensation is incorporated in a final
42 judgment or settlement of the action.

43 S 12. Subdivision 9 of section 252 of the domestic relations law, as
44 added by chapter 606 of the laws of 1999, is amended to read as follows:

45 9. Upon issuance of an order of protection or temporary order of
46 protection or upon a violation of such order, the court [may take an
47 order] SHALL MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS, INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS in accordance with [section] SECTIONS eight hundred forty-two-a AND EIGHT HUNDRED FORTY-SIX-A of the family court act [directing the surrender of firearms, revoking or suspending a party's firearms license, and/or directing that such party be ineligible to receive a firearms license], AS APPLICABLE. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten

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1 thousand dollars in accordance with subdivision (e) of section eight
2 hundred forty-one of such act; provided, however, that in no case shall
3 an order of restitution be issued where the court determines that the
4 party against whom the order would be issued has already compensated the
5 injured party or where such compensation is incorporated in a final
6 [judgement] JUDGMENT or settlement of the action.

7 S 13. The opening paragraph and paragraph (b) of subdivision 1 of
8 section 530.14 of the criminal procedure law, as added by chapter 644 of
9 the laws of 1996, are amended to read as follows:

10 [Mandatory and permissive suspension] SUSPENSION of firearms license
11 and ineligibility for such a license upon issuance of temporary order of
12 protection. Whenever a temporary order of protection is issued pursuant
13 to subdivision one of section 530.12 or subdivision one of section
14 530.13 of this article:

15 (b) the court [may] SHALL where the court finds a substantial risk
16 that the defendant may use or threaten to use a firearm unlawfully
17 against the person or persons for whose protection the temporary order
18 of protection is issued, suspend any such existing license possessed by
19 the defendant, order the defendant ineligible for such a license and
20 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH
21 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION
22 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed.

23 S 14. The opening paragraph and paragraph (b) of subdivision 2 of
24 section 530.14 of the criminal procedure law, as added by chapter 644 of
25 the laws of 1996, are amended to read as follows:

26 [Mandatory and permissive revocation] REVOCATION or suspension of
27 firearms license and ineligibility for such a license upon issuance of
28 an order of protection. Whenever an order of protection is issued pursu-
29 ant to subdivision five of section 530.12 or subdivision four of section
30 530.13 of this article:

31 (b) the court [may] SHALL where the court finds a substantial risk
32 that the defendant may use or threaten to use a firearm unlawfully
33 against the person or persons for whose protection the order of
34 protection is issued, (i) revoke any such existing license possessed by
35 the defendant, order the defendant ineligible for such a license and
36 order the immediate surrender of any or all firearms owned or possessed
37 or (ii) suspend or continue to suspend any such existing license
38 possessed by the defendant, order the defendant ineligible for such a
39 license and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F)
40 OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX
41 OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or
42 possessed.

43 S 15. The opening paragraph and paragraph (b) of subdivision 3 of
44 section 530.14 of the criminal procedure law, the opening paragraph as
45 amended by chapter 597 of the laws of 1998 and paragraph (b) as added by
46 chapter 644 of the laws of 1996, are amended to read as follows:

47 [Mandatory and permissive revocation] REVOCATION or suspension of
48 firearms license and ineligibility for such a license upon a finding of
49 a willful failure to obey an order of protection. Whenever a defendant
50 has been found pursuant to subdivision eleven of section 530.12 or
51 subdivision eight of section 530.13 of this article to have willfully
52 failed to obey an order of protection issued by a court of competent
53 jurisdiction in this state or another state, territorial or tribal
54 jurisdiction, in addition to any other remedies available pursuant to
55 subdivision eleven of section 530.12 or subdivision eight of section
56 530.13 of this article:

1 (b) the court [may] SHALL where the court finds a substantial risk
 2 that the defendant may use or threaten to use a firearm unlawfully
 3 against the person or persons for whose protection the order of
 4 protection was issued, (i) revoke any such existing license possessed by
 5 the defendant, order the defendant ineligible for such a license and
 6 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH
 7 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION
 8 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed or
 9 (ii) suspend any such existing license possessed by the defendant, order
 10 the defendant ineligible for such a license and order the immediate
 11 surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A
 12 OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL
 13 LAW, of any or all firearms owned or possessed.

14 S 16. Section 837 of the executive law is amended by adding a new
 15 subdivision 19 to read as follows:

16 19. RECEIVE NAMES AND OTHER NON-CLINICAL IDENTIFYING INFORMATION
 17 PURSUANT TO SECTION 9.46 OF THE MENTAL HYGIENE LAW; PROVIDED, HOWEVER,
 18 ANY SUCH INFORMATION SHALL BE DESTROYED FIVE YEARS AFTER SUCH RECEIPT,
 19 OR PURSUANT TO A PROCEEDING BROUGHT UNDER ARTICLE SEVENTY-EIGHT OF THE
 20 CIVIL PRACTICE LAW AND RULES DETERMINING THAT AN INDIVIDUAL IS ELIGIBLE
 21 FOR A LICENSE PURSUANT TO SECTION 400.00 OF THE PENAL LAW AND OTHERWISE
 22 PERMITTED TO POSSESS A FIREARM.

23 S 17. The general business law is amended by adding a new article
 24 39-DDD to read as follows:

25 ARTICLE 39-DDD

26 PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS

27 SECTION 898. PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS.

28 S 898. PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS. 1.
 29 IN ADDITION TO ANY OTHER REQUIREMENTS PURSUANT TO STATE AND FEDERAL LAW,
 30 ALL SALES, EXCHANGES OR DISPOSALS OF FIREARMS, RIFLES OR SHOTGUNS SHALL
 31 BE CONDUCTED IN ACCORDANCE WITH THIS SECTION UNLESS SUCH SALE, EXCHANGE
 32 OR DISPOSAL IS CONDUCTED BY A LICENSED IMPORTER, LICENSED MANUFACTURER
 33 OR LICENSED DEALER, AS THOSE TERMS ARE DEFINED IN 18 USC S 922, WHEN
 34 SUCH SALE, EXCHANGE OR DISPOSAL IS CONDUCTED PURSUANT TO THAT PERSON'S
 35 FEDERAL FIREARMS LICENSE OR SUCH SALE, EXCHANGE OR DISPOSAL IS BETWEEN
 36 MEMBERS OF AN IMMEDIATE FAMILY. FOR PURPOSES OF THIS SECTION, "IMMEDIATE
 37 FAMILY" SHALL MEAN SPOUSES, DOMESTIC PARTNERS, CHILDREN AND STEP-CHIL-
 38 DREN.

39 2. BEFORE ANY SALE, EXCHANGE OR DISPOSAL PURSUANT TO THIS ARTICLE, A
 40 NATIONAL INSTANT CRIMINAL BACKGROUND CHECK MUST BE COMPLETED BY A DEALER
 41 WHO CONSENTS TO CONDUCT SUCH CHECK, AND UPON COMPLETION OF SUCH BACK-
 42 GROUND CHECK, SHALL COMPLETE A DOCUMENT, THE FORM OF WHICH SHALL BE
 43 APPROVED BY THE SUPERINTENDENT OF STATE POLICE, THAT IDENTIFIES AND
 44 CONFIRMS THAT SUCH CHECK WAS PERFORMED.

45 3. ALL DEALERS SHALL MAINTAIN A RECORD OF SUCH TRANSACTIONS CONDUCTED
 46 PURSUANT TO THIS SECTION AND SUCH RECORD SHALL BE MAINTAINED ON THE
 47 PREMISES MENTIONED AND DESCRIBED IN THE LICENSE AND SHALL BE OPEN AT ALL
 48 REASONABLE HOURS FOR INSPECTION BY ANY PEACE OFFICER, ACTING PURSUANT TO
 49 HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER.

50 4. A DEALER MAY REQUIRE THAT ANY SALE OR TRANSFER CONDUCTED PURSUANT
 51 TO THIS SECTION BE SUBJECT TO A FEE OF NOT TO EXCEED TEN DOLLARS PER
 52 TRANSACTION.

53 5. ANY RECORD PRODUCED PURSUANT TO THIS SECTION AND ANY TRANSMISSION
 54 THEREOF TO ANY GOVERNMENT AGENCY SHALL NOT BE CONSIDERED A PUBLIC RECORD
 55 FOR PURPOSES OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

1 6. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS ARTICLE
2 SHALL BE GUILTY OF A CLASS A MISDEMEANOR PUNISHABLE AS PROVIDED FOR IN
3 THE PENAL LAW.

4 S 18. Paragraph (q) of subdivision 2 of section 212 of the judiciary
5 law, as added by chapter 491 of the laws of 2008, is amended to read as
6 follows:

7 (q) Adopt rules to require transmission, to the criminal justice
8 information services division of the federal bureau of investigation or
9 to the division of criminal justice services, of the name and other
10 identifying information of each person who has a guardian appointed for
11 him or her pursuant to any provision of state law, based on a determi-
12 nation that as a result of marked subnormal intelligence, mental
13 illness, incapacity, condition or disease, he or she lacks the mental
14 capacity to contract or manage his or her own affairs. ANY SUCH RECORDS
15 TRANSMITTED DIRECTLY TO THE FEDERAL BUREAU OF INVESTIGATION MUST ALSO BE
16 TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND ANY
17 RECORDS RECEIVED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT
18 TO THIS PARAGRAPH MAY BE CHECKED AGAINST THE STATEWIDE LICENSE AND
19 RECORD DATABASE.

20 S 19. Subdivision (j) of section 7.09 of the mental hygiene law, as
21 added by chapter 491 of the laws of 2008, is amended to read as follows:

22 (j) (1) The commissioner, in cooperation with other applicable state
23 agencies, shall [be authorized to] collect, retain or modify data or
24 records, [or to] AND SHALL transmit such data or records: (I) to the
25 division of criminal justice services, or to the criminal justice infor-
26 mation services division of the federal bureau of investigation, for the
27 purposes of responding to queries to the national instant criminal back-
28 ground check system regarding attempts to purchase or otherwise take
29 possession of firearms, as defined in 18 USC 921(a)(3), in accordance
30 with applicable federal laws or regulations, OR (II) TO THE DIVISION OF
31 CRIMINAL JUSTICE SERVICES, WHICH MAY RE-DISCLOSE SUCH DATA AND RECORDS
32 ONLY FOR DETERMINING WHETHER A LICENSE ISSUED PURSUANT TO SECTION 400.00
33 OF THE PENAL LAW SHOULD BE DENIED, SUSPENDED OR REVOKED, UNDER SUBDIVI-
34 SION ELEVEN OF SUCH SECTION, OR FOR DETERMINING WHETHER A PERSON IS NO
35 LONGER PERMITTED UNDER FEDERAL OR STATE LAW TO POSSESS A FIREARM. Such
36 records, WHICH MAY NOT BE USED FOR ANY OTHER PURPOSE, shall include only
37 names and other non-clinical identifying information of persons who have
38 been involuntarily committed to a hospital pursuant to article nine of
39 this chapter, OR SECTION FOUR HUNDRED TWO OR SUBDIVISION TWO OF SECTION
40 FIVE HUNDRED EIGHT OF THE CORRECTION LAW, or article seven hundred thir-
41 ty or section 330.20 of the criminal procedure law or sections 322.2 or
42 353.4 of the family court act, or to a secure treatment facility pursu-
43 ant to article ten of this chapter.

44 (2) The commissioner shall establish within the office of mental
45 health an administrative process to permit a person who has been or may
46 be disqualified from possessing such a firearm pursuant to 18 USC
47 922(4)(d) OR WHO HAS BEEN OR MAY BE DISQUALIFIED FROM CONTINUING TO HAVE
48 A LICENSE TO CARRY, POSSESS, REPAIR, OR DISPOSE OF A FIREARM UNDER
49 SECTION 400.00 OF THE PENAL LAW BECAUSE SUCH PERSON WAS INVOLUNTARILY
50 COMMITTED OR CIVILLY CONFINED TO A FACILITY UNDER THE JURISDICTION OF
51 THE COMMISSIONER, to petition for relief from that disability where such
52 person's record and reputation are such that such person will not be
53 likely to act in a manner dangerous to public safety and where the
54 granting of the relief would not be contrary to public safety. The
55 commissioner shall promulgate regulations to establish the relief from
56 disabilities program, which shall include, but not be limited to,

1 provisions providing for: (i) an opportunity for a disqualified person
2 to petition for relief in writing; (ii) the authority for the agency to
3 require that the petitioner undergo a clinical evaluation and risk
4 assessment; and (iii) a requirement that the agency issue a decision in
5 writing explaining the reasons for a denial or grant of relief. The
6 denial of a petition for relief from disabilities may be reviewed de
7 novo pursuant to the proceedings under article seventy-eight of the
8 civil practice law and rules.

9 S 20. The mental hygiene law is amended by adding a new section 9.46
10 to read as follows:

11 S 9.46 REPORTS OF SUBSTANTIAL RISK OR THREAT OF HARM BY MENTAL HEALTH
12 PROFESSIONALS.

13 (A) FOR PURPOSES OF THIS SECTION, THE TERM "MENTAL HEALTH PROFES-
14 SIONAL" SHALL INCLUDE A PHYSICIAN, PSYCHOLOGIST, REGISTERED NURSE OR
15 LICENSED CLINICAL SOCIAL WORKER.

16 (B) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, WHEN A MENTAL
17 HEALTH PROFESSIONAL CURRENTLY PROVIDING TREATMENT SERVICES TO A PERSON
18 DETERMINES, IN THE EXERCISE OF REASONABLE PROFESSIONAL JUDGMENT, THAT
19 SUCH PERSON IS LIKELY TO ENGAGE IN CONDUCT THAT WOULD RESULT IN SERIOUS
20 HARM TO SELF OR OTHERS, HE OR SHE SHALL BE REQUIRED TO REPORT, AS SOON
21 AS PRACTICABLE, TO THE DIRECTOR OF COMMUNITY SERVICES, OR THE DIRECTOR'S
22 DESIGNEE, WHO SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE SERVICES
23 WHENEVER HE OR SHE AGREES THAT THE PERSON IS LIKELY TO ENGAGE IN SUCH
24 CONDUCT. INFORMATION TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE
25 SERVICES SHALL BE LIMITED TO NAMES AND OTHER NON-CLINICAL IDENTIFYING
26 INFORMATION, WHICH MAY ONLY BE USED FOR DETERMINING WHETHER A LICENSE
27 ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW SHOULD BE SUSPENDED
28 OR REVOKED, OR FOR DETERMINING WHETHER A PERSON IS INELIGIBLE FOR A
29 LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW, OR IS NO
30 LONGER PERMITTED UNDER STATE OR FEDERAL LAW TO POSSESS A FIREARM.

31 (C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A MENTAL
32 HEALTH PROFESSIONAL TO TAKE ANY ACTION WHICH, IN THE EXERCISE OF REASON-
33 ABLE PROFESSIONAL JUDGMENT, WOULD ENDANGER SUCH MENTAL HEALTH PROFES-
34 SIONAL OR INCREASE THE DANGER TO A POTENTIAL VICTIM OR VICTIMS.

35 (D) THE DECISION OF A MENTAL HEALTH PROFESSIONAL TO DISCLOSE OR NOT TO
36 DISCLOSE IN ACCORDANCE WITH THIS SECTION, WHEN MADE REASONABLY AND IN
37 GOOD FAITH, SHALL NOT BE THE BASIS FOR ANY CIVIL OR CRIMINAL LIABILITY
38 OF SUCH MENTAL HEALTH PROFESSIONAL.

39 S 21. Paragraph 5 of subdivision (b) of section 9.47 of the mental
40 hygiene law is renumbered paragraph 7 and two new paragraphs 5 and 6 are
41 added to read as follows:

42 (5) ENSURING EVALUATION OF THE NEED FOR ONGOING ASSISTED OUTPATIENT
43 TREATMENT PURSUANT TO SUBDIVISION (K) OF SECTION 9.60 OF THIS ARTICLE
44 PRIOR TO THE EXPIRATION OF ANY ASSISTED OUTPATIENT TREATMENT ORDER;

45 (6) IF HE OR SHE HAS BEEN ORDERED TO PROVIDE FOR OR ARRANGE FOR
46 ASSISTED OUTPATIENT TREATMENT PURSUANT TO PARAGRAPH FIVE OF SUBDIVISION
47 (J) OF SECTION 9.60 OF THIS ARTICLE OR BECAME THE APPROPRIATE DIRECTOR
48 PURSUANT TO THIS PARAGRAPH OR SUBDIVISION (C) OF SECTION 9.48 OF THIS
49 ARTICLE, NOTIFYING THE DIRECTOR OF COMMUNITY SERVICES OF THE NEW COUNTY
50 OF RESIDENCE WHEN HE OR SHE HAS REASON TO BELIEVE THAT AN ASSISTED
51 OUTPATIENT HAS OR WILL CHANGE HIS OR HER COUNTY OF RESIDENCE DURING THE
52 PENDENCY OF AN ASSISTED OUTPATIENT TREATMENT ORDER. UPON SUCH CHANGE OF
53 RESIDENCE, THE DIRECTOR OF THE NEW COUNTY OF RESIDENCE SHALL BECOME THE
54 APPROPRIATE DIRECTOR, AS SUCH TERM IS DEFINED IN SECTION 9.60 OF THIS
55 ARTICLE; AND

1 S 22. Section 9.48 of the mental hygiene law is amended by adding a
2 new subdivision (c) to read as follows:

3 (C) DIRECTORS OF ASSISTED OUTPATIENT TREATMENT PROGRAMS PROVIDING
4 SERVICES DESCRIBED IN PARAGRAPH ONE OF SUBDIVISION (A) OF SECTION 9.60
5 OF THIS ARTICLE PURSUANT TO ANY COURT ORDER ISSUED UNDER SUCH SECTION
6 SHALL EVALUATE THE NEED FOR ONGOING ASSISTED OUTPATIENT TREATMENT PURSU-
7 ANT TO SUBDIVISION (K) OF SECTION 9.60 OF THIS ARTICLE PRIOR TO THE
8 EXPIRATION OF ANY ASSISTED OUTPATIENT TREATMENT ORDER; AND SHALL NOTIFY
9 THE DIRECTOR OF COMMUNITY SERVICES OF THE NEW COUNTY OF RESIDENCE WHEN
10 HE OR SHE HAS REASON TO BELIEVE THAT AN ASSISTED OUTPATIENT HAS OR WILL
11 CHANGE HIS OR HER COUNTY OF RESIDENCE DURING THE PENDENCY OF AN ASSISTED
12 OUTPATIENT TREATMENT ORDER. UPON SUCH CHANGE OF RESIDENCE, THE DIRECTOR
13 OF THE NEW COUNTY OF RESIDENCE SHALL BECOME THE APPROPRIATE DIRECTOR, AS
14 SUCH TERM IS DEFINED IN SECTION 9.60 OF THIS ARTICLE.

15 S 23. Paragraph 3 of subdivision (a), paragraphs 2 and 5 of subdivi-
16 sion (j) and subdivisions (k) and (n) of section 9.60 of the mental
17 hygiene law, as amended by chapter 158 of the laws of 2005, are amended
18 to read as follows:

19 (3) "director of community services" and "local governmental unit"
20 shall have the same meanings as provided in article forty-one of this
21 chapter. THE "APPROPRIATE DIRECTOR" SHALL MEAN THE DIRECTOR OF COMMUNI-
22 TY SERVICES OF THE COUNTY WHERE THE ASSISTED OUTPATIENT RESIDES, EVEN IF
23 IT IS A DIFFERENT COUNTY THAN THE COUNTY WHERE THE ASSISTED OUTPATIENT
24 TREATMENT ORDER WAS ORIGINALLY ISSUED.

25 (2) If after hearing all relevant evidence, the court finds by clear
26 and convincing evidence that the subject of the petition meets the
27 criteria for assisted outpatient treatment, and there is no appropriate
28 and feasible less restrictive alternative, the court may order the
29 subject to receive assisted outpatient treatment for an initial period
30 not to exceed [six months] ONE YEAR. In fashioning the order, the court
31 shall specifically make findings by clear and convincing evidence that
32 the proposed treatment is the least restrictive treatment appropriate
33 and feasible for the subject. The order shall state an assisted outpa-
34 tient treatment plan, which shall include all categories of assisted
35 outpatient treatment, as set forth in paragraph one of subdivision (a)
36 of this section, which the assisted outpatient is to receive, but shall
37 not include any such category that has not been recommended in both the
38 proposed written treatment plan and the testimony provided to the court
39 pursuant to subdivision (i) of this section.

40 (5) If the petitioner is the director of a hospital that operates an
41 assisted outpatient treatment program, the court order shall direct the
42 hospital director to provide or arrange for all categories of assisted
43 outpatient treatment for the assisted outpatient throughout the period
44 of the order. [For all other persons] IN ALL OTHER INSTANCES, the order
45 shall require the APPROPRIATE director [of community services of the
46 appropriate local governmental unit], AS THAT TERM IS DEFINED IN THIS
47 SECTION, to provide or arrange for all categories of assisted outpatient
48 treatment for the assisted outpatient throughout the period of the
49 order.

50 (k) Petition for additional periods of treatment. (1) PRIOR TO THE
51 EXPIRATION OF AN ORDER PURSUANT TO THIS SECTION, THE APPROPRIATE DIREC-
52 TOR SHALL REVIEW WHETHER THE ASSISTED OUTPATIENT CONTINUES TO MEET THE
53 CRITERIA FOR ASSISTED OUTPATIENT TREATMENT. IF, AS DOCUMENTED IN THE
54 PETITION, THE DIRECTOR DETERMINES THAT SUCH CRITERIA CONTINUE TO BE MET
55 OR HAS MADE APPROPRIATE ATTEMPTS TO, BUT HAS NOT BEEN SUCCESSFUL IN

56 ELICITING, THE COOPERATION OF THE SUBJECT TO SUBMIT TO AN EXAMINATION,
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1 WITHIN THIRTY DAYS PRIOR TO THE EXPIRATION OF AN ORDER OF ASSISTED
2 OUTPATIENT TREATMENT, SUCH DIRECTOR MAY PETITION THE COURT TO ORDER
3 CONTINUED ASSISTED OUTPATIENT TREATMENT PURSUANT TO PARAGRAPH TWO OF
4 THIS SUBDIVISION. UPON DETERMINING WHETHER SUCH CRITERIA CONTINUE TO BE
5 MET, SUCH DIRECTOR SHALL NOTIFY THE PROGRAM COORDINATOR IN WRITING AS TO
6 WHETHER A PETITION FOR CONTINUED ASSISTED OUTPATIENT TREATMENT IS
7 WARRANTED AND WHETHER SUCH A PETITION WAS OR WILL BE FILED.

8 (2) Within thirty days prior to the expiration of an order of assisted
9 outpatient treatment, the appropriate director or the current petition-
10 er, if the current petition was filed pursuant to subparagraph (i) or
11 (ii) of paragraph one of subdivision (e) of this section, and the
12 current petitioner retains his or her original status pursuant to the
13 applicable subparagraph, may petition the court to order continued
14 assisted outpatient treatment for a period not to exceed one year from
15 the expiration date of the current order. If the court's disposition of
16 such petition does not occur prior to the expiration date of the current
17 order, the current order shall remain in effect until such disposition.
18 The procedures for obtaining any order pursuant to this subdivision
19 shall be in accordance with the provisions of the foregoing subdivisions
20 of this section; provided that the time restrictions included in para-
21 graph four of subdivision (c) of this section shall not be applicable.
22 The notice provisions set forth in paragraph six of subdivision (j) of
23 this section shall be applicable. Any court order requiring periodic
24 blood tests or urinalysis for the presence of alcohol or illegal drugs
25 shall be subject to review after six months by the physician who devel-
26 oped the written treatment plan or another physician designated by the
27 director, and such physician shall be authorized to terminate such blood
28 tests or urinalysis without further action by the court.

29 (n) Failure to comply with assisted outpatient treatment. Where in the
30 clinical judgment of a physician, (i) the assisted outpatient, has
31 failed or refused to comply with the assisted outpatient treatment, (ii)
32 efforts were made to solicit compliance, and (iii) such assisted outpa-
33 tient may be in need of involuntary admission to a hospital pursuant to
34 section 9.27 of this article or immediate observation, care and treat-
35 ment pursuant to section 9.39 or 9.40 of this article, such physician
36 may request the APPROPRIATE director of community services, the direc-
37 tor's designee, or any physician designated by the director of community
38 services pursuant to section 9.37 of this article, to direct the removal
39 of such assisted outpatient to an appropriate hospital for an examina-
40 tion to determine if such person has a mental illness for which hospi-
41 talization is necessary pursuant to section 9.27, 9.39 or 9.40 of this
42 article. Furthermore, if such assisted outpatient refuses to take medi-
43 cations as required by the court order, or he or she refuses to take, or
44 fails a blood test, urinalysis, or alcohol or drug test as required by
45 the court order, such physician may consider such refusal or failure
46 when determining whether the assisted outpatient is in need of an exam-
47 ination to determine whether he or she has a mental illness for which
48 hospitalization is necessary. Upon the request of such physician, the
49 APPROPRIATE director, the director's designee, or any physician desig-
50 nated pursuant to section 9.37 of this article, may direct peace offi-
51 cers, acting pursuant to their special duties, or police officers who
52 are members of an authorized police department or force or of a sher-
53 iff's department to take the assisted outpatient into custody and trans-
54 port him or her to the hospital operating the assisted outpatient treat-

55 ment program or to any hospital authorized by the director of community
56 services to receive such persons. Such law enforcement officials shall
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1 carry out such directive. Upon the request of such physician, the APPRO-
2 PRIATE director, the director's designee, or any physician designated
3 pursuant to section 9.37 of this article, an ambulance service, as
4 defined by subdivision two of section three thousand one of the public
5 health law, or an approved mobile crisis outreach team as defined in
6 section 9.58 of this article shall be authorized to take into custody
7 and transport any such person to the hospital operating the assisted
8 outpatient treatment program, or to any other hospital authorized by the
9 APPROPRIATE director of community services to receive such persons. Any
10 director of community services, or designee, shall be authorized to
11 direct the removal of an assisted outpatient who is present in his or
12 her county to an appropriate hospital, in accordance with the provisions
13 of this subdivision, based upon a determination of the appropriate
14 director of community services directing the removal of such assisted
15 outpatient pursuant to this subdivision. Such person may be retained for
16 observation, care and treatment and further examination in the hospital
17 for up to seventy-two hours to permit a physician to determine whether
18 such person has a mental illness and is in need of involuntary care and
19 treatment in a hospital pursuant to the provisions of this article. Any
20 continued involuntary retention in such hospital beyond the initial
21 seventy-two hour period shall be in accordance with the provisions of
22 this article relating to the involuntary admission and retention of a
23 person. If at any time during the seventy-two hour period the person is
24 determined not to meet the involuntary admission and retention
25 provisions of this article, and does not agree to stay in the hospital
26 as a voluntary or informal patient, he or she must be released. Failure
27 to comply with an order of assisted outpatient treatment shall not be
28 grounds for involuntary civil commitment or a finding of contempt of
29 court.

30 S 24. Subdivision (g) of section 13.09 of the mental hygiene law, as
31 amended by chapter 168 of the laws of 2010, is amended to read as
32 follows:

33 (g) (1) The commissioner, in cooperation with other applicable state
34 agencies, shall [be authorized to] collect, retain or modify data or
35 records, [or to] AND SHALL transmit such data or records to: (I) the
36 division of criminal justice services, or to the criminal justice infor-
37 mation services division of the federal bureau of investigation, for the
38 purposes of responding to queries to the national instant criminal back-
39 ground check system regarding attempts to purchase or otherwise take
40 possession of firearms, as defined in 18 USC 921(a)(3), in accordance
41 with applicable federal laws or regulations, OR (II) TO THE DIVISION OF
42 CRIMINAL JUSTICE SERVICES, FOR THE PURPOSES OF DETERMINING WHETHER A
43 LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW SHOULD BE
44 DENIED, SUSPENDED OR REVOKED, UNDER SUBDIVISION ELEVEN OF SUCH SECTION,
45 OR FOR DETERMINING WHETHER A PERSON IS NO LONGER PERMITTED UNDER FEDERAL
46 OR STATE LAW TO POSSESS A FIREARM. Such records shall include only
47 names and other non-clinical identifying information of persons who have
48 had a guardian appointed for them pursuant to any provision of state
49 law, based on a determination that as a result of marked subnormal
50 intelligence, mental illness, incapacity, condition or disease, they
51 lack the mental capacity to contract or manage their own affairs, and
52 persons who have been involuntarily committed to a facility pursuant to
53 article fifteen of this chapter, or article seven hundred thirty or

54 section 330.20 of the criminal procedure law or sections 322.2 or 353.4
55 of the family court act.

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1 (2) The commissioner shall establish within the office for people with
2 developmental disabilities an administrative process to permit a person
3 who has been or may be disqualified from possessing such a firearm
4 pursuant to 18 USC 922(4)(d), OR WHO HAS BEEN OR MAY BE DISQUALIFIED
5 FROM CONTINUING TO HAVE A LICENSE TO CARRY, POSSESS, REPAIR, OR DISPOSE
6 OF A FIREARM UNDER SECTION 400.00 OF THE PENAL LAW BECAUSE SUCH PERSON
7 WAS INVOLUNTARILY COMMITTED OR CIVILLY CONFINED TO A FACILITY UNDER THE
8 JURISDICTION OF THE COMMISSIONER, to petition for relief from that disa-
9 bility where such person's record and reputation are such that such
10 person will not be likely to act in a manner dangerous to public safety
11 and where the granting of the relief would not be contrary to public
12 safety. The commissioner shall promulgate regulations to establish the
13 relief from disabilities program, which shall include, but not be limit-
14 ed to, provisions providing for: (i) an opportunity for a disqualified
15 person to petition for relief in writing; (ii) the authority for the
16 agency to require that the petitioner undergo a clinical evaluation and
17 risk assessment; and (iii) a requirement that the agency issue a deci-
18 sion in writing explaining the reasons for a denial or grant of relief.
19 The denial of a petition for relief from disabilities may be reviewed de
20 novo pursuant to the proceedings under article seventy-eight of the
21 civil practice law and rules.

22 S 25. Paragraph 12 of subdivision (c) of section 33.13 of the mental
23 hygiene law, as amended by chapter 158 of the laws of 2005, is amended
24 and a new paragraph 15 is added to read as follows:

25 12. to a director of community services as defined in article nine of
26 this chapter or his OR HER designee, provided that such director or his
27 or her designee (I) requests such information in the exercise of his or
28 her statutory functions, powers and duties pursuant to section 9.37,
29 9.45, 9.47, 9.48, 9.60 or 41.13 of this chapter; OR (II) THE DISCLOSURE
30 OF INFORMATION IS REQUIRED PURSUANT TO SECTION 9.46 OF THIS CHAPTER.

31 15. TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, NAMES AND OTHER
32 NON-CLINICAL IDENTIFYING INFORMATION FOR THE SOLE PURPOSE OF IMPLEMENT-
33 ING THE DIVISION'S RESPONSIBILITIES AND DUTIES UNDER SECTIONS 400.00 AND
34 400.02 OF THE PENAL LAW.

35 S 26. Section 10.00 of the penal law is amended by adding a new subdi-
36 vision 21 to read as follows:

37 21. "DRUG TRAFFICKING FELONY" MEANS ANY OF THE FOLLOWING OFFENSES
38 DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THIS CHAPTER: VIOLATION OF USE
39 OF A CHILD TO COMMIT A CONTROLLED SUBSTANCE OFFENSE AS DEFINED IN
40 SECTION 220.28; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FOURTH
41 DEGREE AS DEFINED IN SECTION 220.34; CRIMINAL SALE OF A CONTROLLED
42 SUBSTANCE IN THE THIRD DEGREE AS DEFINED IN SECTION 220.39; CRIMINAL
43 SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE AS DEFINED IN
44 SECTION 220.41; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST
45 DEGREE AS DEFINED IN SECTION 220.43; CRIMINAL SALE OF A CONTROLLED
46 SUBSTANCE IN OR NEAR SCHOOL GROUNDS AS DEFINED IN SECTION 220.44; UNLAW-
47 FUL MANUFACTURE OF METHAMPHETAMINE IN THE SECOND DEGREE AS DEFINED IN
48 SECTION 220.74; UNLAWFUL MANUFACTURE OF METHAMPHETAMINE IN THE FIRST
49 DEGREE AS DEFINED IN SECTION 220.75; OR OPERATING AS A MAJOR TRAFFICKER
50 AS DEFINED IN SECTION 220.77.

51 S 26-a. The penal law is amended by adding a new section 60.11-a to
52 read as follows:

53 S 60.11-A AUTHORIZED DISPOSITIONS; CERTAIN CRIMINAL POSSESSION OF A

54 WEAPON IN THE THIRD DEGREE OFFENDERS.

55 WHEN A PERSON IS TO BE SENTENCED UPON CONVICTION OF THE CRIME OF CRIM-
56 INAL POSSESSION OF A WEAPON IN THE THIRD DEGREE AS DEFINED IN SUBDIVI-
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1 SION TEN OF SECTION 265.02 OF THIS CHAPTER, THE COURT MUST SENTENCE SUCH
2 DEFENDANT TO A DETERMINATE SENTENCE AS PROVIDED IN SUBPARAGRAPH (II) OF
3 PARAGRAPH (C) OF SUBDIVISION THREE OF SECTION 70.02 OF THIS CHAPTER,
4 UNLESS A GREATER MINIMUM SENTENCE IS OTHERWISE REQUIRED BY ANOTHER
5 PROVISION OF THIS CHAPTER.

6 S 27. Paragraphs (b) and (c) of subdivision 1 of section 70.02 of the
7 penal law, paragraph (b) as amended by chapter 148 of the laws of 2011
8 and paragraph (c) as amended by chapter 405 of the laws of 2010, are
9 amended to read as follows:

10 (b) Class C violent felony offenses: an attempt to commit any of the
11 class B felonies set forth in paragraph (a) of this subdivision; aggra-
12 vated criminally negligent homicide as defined in section 125.11, aggra-
13 vated manslaughter in the second degree as defined in section 125.21,
14 aggravated sexual abuse in the second degree as defined in section
15 130.67, assault on a peace officer, police officer, fireman or emergency
16 medical services professional as defined in section 120.08, assault on a
17 judge as defined in section 120.09, gang assault in the second degree as
18 defined in section 120.06, strangulation in the first degree as defined
19 in section 121.13, burglary in the second degree as defined in section
20 140.25, robbery in the second degree as defined in section 160.10, crim-
21 inal possession of a weapon in the second degree as defined in section
22 265.03, criminal use of a firearm in the second degree as defined in
23 section 265.08, criminal sale of a firearm in the second degree as
24 defined in section 265.12, criminal sale of a firearm with the aid of a
25 minor as defined in section 265.14, AGGRAVATED CRIMINAL POSSESSION OF A
26 WEAPON AS DEFINED IN SECTION 265.19, soliciting or providing support for
27 an act of terrorism in the first degree as defined in section 490.15,
28 hindering prosecution of terrorism in the second degree as defined in
29 section 490.30, and criminal possession of a chemical weapon or biolog-
30 ical weapon in the third degree as defined in section 490.37.

31 (c) Class D violent felony offenses: an attempt to commit any of the
32 class C felonies set forth in paragraph (b); reckless assault of a child
33 as defined in section 120.02, assault in the second degree as defined in
34 section 120.05, menacing a police officer or peace officer as defined in
35 section 120.18, stalking in the first degree, as defined in subdivision
36 one of section 120.60, strangulation in the second degree as defined in
37 section 121.12, rape in the second degree as defined in section 130.30,
38 criminal sexual act in the second degree as defined in section 130.45,
39 sexual abuse in the first degree as defined in section 130.65, course of
40 sexual conduct against a child in the second degree as defined in
41 section 130.80, aggravated sexual abuse in the third degree as defined
42 in section 130.66, facilitating a sex offense with a controlled
43 substance as defined in section 130.90, criminal possession of a weapon
44 in the third degree as defined in subdivision five, six, seven [or],
45 eight, NINE OR TEN of section 265.02, criminal sale of a firearm in the
46 third degree as defined in section 265.11, intimidating a victim or
47 witness in the second degree as defined in section 215.16, soliciting or
48 providing support for an act of terrorism in the second degree as
49 defined in section 490.10, and making a terroristic threat as defined in
50 section 490.20, falsely reporting an incident in the first degree as
51 defined in section 240.60, placing a false bomb or hazardous substance
52 in the first degree as defined in section 240.62, placing a false bomb

53 or hazardous substance in a sports stadium or arena, mass transportation
54 facility or enclosed shopping mall as defined in section 240.63, and
55 aggravated unpermitted use of indoor pyrotechnics in the first degree as
56 defined in section 405.18.

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1 S 28. The opening paragraph of paragraph (c) of subdivision 2 of
2 section 70.02 of the penal law, as amended by chapter 764 of the laws of
3 2005, is amended to read as follows:

4 Except as provided in subdivision six of section 60.05, the sentence
5 imposed upon a person who stands convicted of the class D violent felony
6 offenses of criminal possession of a weapon in the third degree as
7 defined in subdivision [four,] five, seven [or], eight OR NINE of
8 section 265.02, criminal sale of a firearm in the third degree as
9 defined in section 265.11 or the class E violent felonies of attempted
10 criminal possession of a weapon in the third degree as defined in subdi-
11 vision [four,] five, seven [or], eight OR NINE of section 265.02 must be
12 a sentence to a determinate period of imprisonment, or, in the alterna-
13 tive, a definite sentence of imprisonment for a period of no less than
14 one year, except that:

15 S 29. Paragraph (b) of subdivision 3 of section 70.02 of the penal
16 law, as amended by chapter 765 of the laws of 2005, is amended to read
17 as follows:

18 (b) For a class C felony, the term must be at least three and one-half
19 years and must not exceed fifteen years, provided, however, that the
20 term must be: (i) at least seven years and must not exceed twenty years
21 where the sentence is for the crime of aggravated manslaughter in the
22 second degree as defined in section 125.21 of this chapter; (ii) at
23 least seven years and must not exceed twenty years where the sentence is
24 for the crime of attempted aggravated assault upon a police officer or
25 peace officer as defined in section 120.11 of this chapter; [and] (iii)
26 at least three and one-half years and must not exceed twenty years where
27 the sentence is for the crime of aggravated criminally negligent homi-
28 cide as defined in section 125.11 of this chapter; AND (IV) AT LEAST
29 FIVE YEARS AND MUST NOT EXCEED FIFTEEN YEARS WHERE THE SENTENCE IS
30 IMPOSED FOR THE CRIME OF AGGRAVATED CRIMINAL POSSESSION OF A WEAPON AS
31 DEFINED IN SECTION 265.19 OF THIS CHAPTER;

32 S 30. Paragraph (c) of subdivision 3 of section 70.02 of the penal
33 law, as amended by chapter 765 of the laws of 2005, is amended to read
34 as follows:

35 (c) For a class D felony, the term must be at least two years and must
36 not exceed seven years, provided, however, that the term must be: (I) at
37 least two years and must not exceed eight years where the sentence is
38 for the crime of menacing a police officer or peace officer as defined
39 in section 120.18 of this chapter; and (II) AT LEAST THREE AND ONE-HALF
40 YEARS AND MUST NOT EXCEED SEVEN YEARS WHERE THE SENTENCE IS IMPOSED FOR
41 THE CRIME OF CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE AS
42 DEFINED IN SUBDIVISION TEN OF SECTION 265.02 OF THIS CHAPTER;

43 S 31. The penal law is amended by adding a new section 115.20 to read
44 as follows:

45 S 115.20 CRIMINAL FACILITATION; DEFINITIONS AND CONSTRUCTION.

46 FOR PURPOSES OF THIS ARTICLE, SUCH CONDUCT SHALL INCLUDE, BUT NOT BE
47 LIMITED TO, MAKING AVAILABLE, SELLING, EXCHANGING, GIVING OR DISPOSING
48 OF A COMMUNITY GUN, WHICH IN FACT, AIDS A PERSON TO COMMIT A CRIME.
49 "COMMUNITY GUN" SHALL MEAN A FIREARM THAT IS ACTUALLY SHARED, MADE
50 AVAILABLE, SOLD, EXCHANGED, GIVEN OR DISPOSED OF AMONG OR BETWEEN TWO OR
51 MORE PERSONS, AT LEAST ONE OF WHOM IS NOT AUTHORIZED PURSUANT TO LAW TO

52 POSSESS SUCH FIREARM. "DISPOSE OF" SHALL HAVE THE SAME MEANING AS THAT
53 TERM IS DEFINED IN SECTION 265.00 OF THIS CHAPTER. "SHARE" AND "MAKE
54 AVAILABLE" SHALL, IN THE CASE OF A FIREARM, BE CONSTRUED TO INCLUDE
55 KNOWINGLY PLACING SUCH FIREARM AT A LOCATION ACCESSIBLE AND KNOWN TO ONE
56 OR MORE OTHER PERSONS.

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1 S 32. Section 120.05 of the penal law is amended by adding a new
2 subdivision 4-a to read as follows:

3 4-A. HE RECKLESSLY CAUSES PHYSICAL INJURY TO ANOTHER PERSON WHO IS A
4 CHILD UNDER THE AGE OF EIGHTEEN BY INTENTIONAL DISCHARGE OF A FIREARM,
5 RIFLE OR SHOTGUN; OR

6 S 33. Sections 34, 35 and 36 of this act shall be known and may be
7 cited as "Mark's Law".

8 S 34. The opening paragraph of subdivision 1 of section 125.26 of the
9 penal law, as added by chapter 765 of the laws of 2005, is amended to
10 read as follows:

11 With intent to cause the death of another person, he or she causes the
12 death of such person, or of a third person who was a person described in
13 subparagraph (i), (ii), (II-A) or (iii) of paragraph (a) of this subdi-
14 vision engaged at the time of the killing in the course of performing
15 his or her official duties; and

16 S 35. Paragraph (a) of subdivision 1 of section 125.26 of the penal
17 law is amended by adding a new subparagraph (ii-a) to read as follows:

18 (II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECH-
19 NICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE
20 INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE
21 COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND
22 WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT
23 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH
24 FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC,
25 PHYSICIAN OR REGISTERED NURSE; OR

26 S 36. Paragraph (a) of subdivision 1 of section 125.27 of the penal
27 law is amended by adding a new subparagraph (ii-a) to read as follows:

28 (II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECH-
29 NICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE
30 INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE
31 COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND
32 WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT
33 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH
34 FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC,
35 PHYSICIAN OR REGISTERED NURSE; OR

36 S 37. Subdivision 22 of section 265.00 of the penal law, as added by
37 chapter 189 of the laws of 2000, is amended to read as follows:

38 22. "Assault weapon" means [(a) a semiautomatic rifle that has an
39 ability to accept a detachable magazine and has at least two of the
40 following characteristics:

41 (i) a folding or telescoping stock;

42 (ii) a pistol grip that protrudes conspicuously beneath the action of
43 the weapon;

44 (iii) a bayonet mount;

45 (iv) a flash suppressor or threaded barrel designed to accommodate a
46 flash suppressor;

47 (v) a grenade launcher; or

48 (b) a semiautomatic shotgun that has at least two of the following
49 characteristics:

50 (i) a folding or telescoping stock;

51 (ii) a pistol grip that protrudes conspicuously beneath the action of
52 the weapon;
53 (iii) a fixed magazine capacity in excess of five rounds;
54 (iv) an ability to accept a detachable magazine; or
55 (c) a semiautomatic pistol that has an ability to accept a detachable
56 magazine and has at least two of the following characteristics:
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1 (i) an ammunition magazine that attaches to the pistol outside of the
2 pistol grip;
3 (ii) a threaded barrel capable of accepting a barrel extender, flash
4 suppressor, forward handgrip, or silencer;
5 (iii) a shroud that is attached to, or partially or completely encir-
6 cles, the barrel and that permits the shooter to hold the firearm with
7 the nontrigger hand without being burned;
8 (iv) a manufactured weight of fifty ounces or more when the pistol is
9 unloaded;
10 (v) a semiautomatic version of an automatic rifle, shotgun or firearm;
11 or
12 (d) any of the weapons, or functioning frames or receivers of such
13 weapons, or copies or duplicates of such weapons, in any caliber, known
14 as:
15 (i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all
16 models);
17 (ii) Action Arms Israeli Military Industries UZI and Galil;
18 (iii) Beretta Ar70 (SC-70);
19 (iv) Colt AR-15;
20 (v) Fabrique National FN/FAL, FN/LAR, and FNC;
21 (vi) SWD M-10, M-11, M-11/9, and M-12;
22 (vii) Steyr AUG;
23 (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and
24 (ix) revolving cylinder shotguns, such as (or similar to) the Street
25 Sweeper and Striker 12;
26 (e) provided, however, that such term does not include: (i) any rifle,
27 shotgun or pistol that (A) is manually operated by bolt, pump, lever or
28 slide action; (B) has been rendered permanently inoperable; or (C) is an
29 antique firearm as defined in 18 U.S.C. 921(a)(16);
30 (ii) a semiautomatic rifle that cannot accept a detachable magazine
31 that holds more than five rounds of ammunition;
32 (iii) a semiautomatic shotgun that cannot hold more than five rounds
33 of ammunition in a fixed or detachable magazine;
34 (iv) a rifle, shotgun or pistol, or a replica or a duplicate thereof,
35 specified in Appendix A to section 922 of 18 U.S.C. as such weapon was
36 manufactured on October first, nineteen hundred ninety-three. The mere
37 fact that a weapon is not listed in Appendix A shall not be construed to
38 mean that such weapon is an assault weapon; or
39 (v) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic
40 pistol or any of the weapons defined in paragraph (d) of this subdivi-
41 sion lawfully possessed prior to September fourteenth, nineteen hundred
42 ninety-four.]
43 (A) A SEMIAUTOMATIC RIFLE THAT HAS AN ABILITY TO ACCEPT A DETACHABLE
44 MAGAZINE AND HAS AT LEAST ONE OF THE FOLLOWING CHARACTERISTICS:
45 (I) A FOLDING OR TELESCOPING STOCK;
46 (II) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION OF
47 THE WEAPON;
48 (III) A THUMBHOLE STOCK;
49 (IV) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD BY THE

50 NON-TRIGGER HAND;
51 (V) A BAYONET MOUNT;
52 (VI) A FLASH SUPPRESSOR, MUZZLE BREAK, MUZZLE COMPENSATOR, OR THREADED
53 BARREL DESIGNED TO ACCOMMODATE A FLASH SUPPRESSOR, MUZZLE BREAK, OR
54 MUZZLE COMPENSATOR;
55 (VII) A GRENADE LAUNCHER; OR
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1 (B) A SEMIAUTOMATIC SHOTGUN THAT HAS AT LEAST ONE OF THE FOLLOWING
2 CHARACTERISTICS:
3 (I) A FOLDING OR TELESCOPING STOCK;
4 (II) A THUMBHOLE STOCK;
5 (III) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD BY THE
6 NON-TRIGGER HAND;
7 (IV) A FIXED MAGAZINE CAPACITY IN EXCESS OF SEVEN ROUNDS;
8 (V) AN ABILITY TO ACCEPT A DETACHABLE MAGAZINE; OR
9 (C) A SEMIAUTOMATIC PISTOL THAT HAS AN ABILITY TO ACCEPT A DETACHABLE
10 MAGAZINE AND HAS AT LEAST ONE OF THE FOLLOWING CHARACTERISTICS:
11 (I) A FOLDING OR TELESCOPING STOCK;
12 (II) A THUMBHOLE STOCK;
13 (III) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD BY THE
14 NON-TRIGGER HAND;
15 (IV) CAPACITY TO ACCEPT AN AMMUNITION MAGAZINE THAT ATTACHES TO THE
16 PISTOL OUTSIDE OF THE PISTOL GRIP;
17 (V) A THREADED BARREL CAPABLE OF ACCEPTING A BARREL EXTENDER, FLASH
18 SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;
19 (VI) A SHROUD THAT IS ATTACHED TO, OR PARTIALLY OR COMPLETELY ENCIR-
20 CLES, THE BARREL AND THAT PERMITS THE SHOOTER TO HOLD THE FIREARM WITH
21 THE NON-TRIGGER HAND WITHOUT BEING BURNED;
22 (VII) A MANUFACTURED WEIGHT OF FIFTY OUNCES OR MORE WHEN THE PISTOL IS
23 UNLOADED; OR
24 (VIII) A SEMIAUTOMATIC VERSION OF AN AUTOMATIC RIFLE, SHOTGUN OR
25 FIREARM;
26 (D) A REVOLVING CYLINDER SHOTGUN;
27 (E) A SEMIAUTOMATIC RIFLE, A SEMIAUTOMATIC SHOTGUN OR A SEMIAUTOMATIC
28 PISTOL OR WEAPON DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (E) OF SUBDI-
29 VISION TWENTY-TWO OF SECTION 265.00 OF THIS CHAPTER AS ADDED BY CHAPTER
30 ONE HUNDRED EIGHTY-NINE OF THE LAWS OF TWO THOUSAND AND OTHERWISE
31 LAWFULLY POSSESSED PURSUANT TO SUCH CHAPTER OF THE LAWS OF TWO THOUSAND
32 PRIOR TO SEPTEMBER FOURTEENTH, NINETEEN HUNDRED NINETY-FOUR;
33 (F) A SEMIAUTOMATIC RIFLE, A SEMIAUTOMATIC SHOTGUN OR A SEMIAUTOMATIC
34 PISTOL OR WEAPON DEFINED IN PARAGRAPH (A), (B) OR (C) OF THIS SUBDI-
35 VISION, POSSESSED PRIOR TO THE DATE OF ENACTMENT OF THE CHAPTER OF THE
36 LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH;
37 (G) PROVIDED, HOWEVER, THAT SUCH TERM DOES NOT INCLUDE:
38 (I) ANY RIFLE, SHOTGUN OR PISTOL THAT (A) IS MANUALLY OPERATED BY
39 BOLT, PUMP, LEVER OR SLIDE ACTION; (B) HAS BEEN RENDERED PERMANENTLY
40 INOPERABLE; OR (C) IS AN ANTIQUE FIREARM AS DEFINED IN 18 U.S.C.
41 921(A)(16);
42 (II) A SEMIAUTOMATIC RIFLE THAT CANNOT ACCEPT A DETACHABLE MAGAZINE
43 THAT HOLDS MORE THAN FIVE ROUNDS OF AMMUNITION;
44 (III) A SEMIAUTOMATIC SHOTGUN THAT CANNOT HOLD MORE THAN FIVE ROUNDS
45 OF AMMUNITION IN A FIXED OR DETACHABLE MAGAZINE; OR
46 (IV) A RIFLE, SHOTGUN OR PISTOL, OR A REPLIC A OR A DUPLICATE THEREOF,
47 SPECIFIED IN APPENDIX A TO 18 U.S.C. 922 AS SUCH WEAPON WAS MANUFACTURED
48 ON OCTOBER FIRST, NINETEEN HUNDRED NINETY-THREE. THE MERE FACT THAT A
49 WEAPON IS NOT LISTED IN APPENDIX A SHALL NOT BE CONSTRUED TO MEAN THAT

50 SUCH WEAPON IS AN ASSAULT WEAPON;

51 (V) ANY WEAPON VALIDLY REGISTERED PURSUANT TO SUBDIVISION SIXTEEN-A OF
52 SECTION 400.00 OF THIS CHAPTER. SUCH WEAPONS SHALL BE SUBJECT TO THE
53 PROVISIONS OF PARAGRAPH (H) OF THIS SUBDIVISION;

54 (VI) ANY FIREARM, RIFLE, OR SHOTGUN THAT WAS MANUFACTURED AT LEAST
55 FIFTY YEARS PRIOR TO THE CURRENT DATE, BUT NOT INCLUDING REPLICAS THERE-
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1 OF THAT IS VALIDLY REGISTERED PURSUANT TO SUBDIVISION SIXTEEN-A OF
2 SECTION 400.00 OF THIS CHAPTER;

3 (H) ANY WEAPON DEFINED IN PARAGRAPH (E) OR (F) OF THIS SUBDIVISION AND
4 ANY LARGE CAPACITY AMMUNITION FEEDING DEVICE THAT WAS LEGALLY POSSESSED
5 BY AN INDIVIDUAL PRIOR TO THE ENACTMENT OF THE CHAPTER OF THE LAWS OF
6 TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH, MAY ONLY BE SOLD TO,
7 EXCHANGED WITH OR DISPOSED OF TO A PURCHASER AUTHORIZED TO POSSESS SUCH
8 WEAPONS OR TO AN INDIVIDUAL OR ENTITY OUTSIDE OF THE STATE PROVIDED THAT
9 ANY SUCH TRANSFER TO AN INDIVIDUAL OR ENTITY OUTSIDE OF THE STATE MUST
10 BE REPORTED TO THE ENTITY WHEREIN THE WEAPON IS REGISTERED WITHIN SEVEN-
11 TY-TWO HOURS OF SUCH TRANSFER. AN INDIVIDUAL WHO TRANSFERS ANY SUCH
12 WEAPON OR LARGE CAPACITY AMMUNITION DEVICE TO AN INDIVIDUAL INSIDE NEW
13 YORK STATE OR WITHOUT COMPLYING WITH THE PROVISIONS OF THIS PARAGRAPH
14 SHALL BE GUILTY OF A CLASS A MISDEMEANOR UNLESS SUCH LARGE CAPACITY
15 AMMUNITION FEEDING DEVICE, THE POSSESSION OF WHICH IS MADE ILLEGAL BY
16 THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARA-
17 GRAPH, IS TRANSFERRED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE CHAP-
18 TER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH.

19 S 38. Subdivision 23 of section 265.00 of the penal law, as added by
20 chapter 189 of the laws of 2000, is amended to read as follows:

21 23. "Large capacity ammunition feeding device" means a magazine, belt,
22 drum, feed strip, or similar device, [manufactured after September thir-
23 teenth, nineteen hundred ninety-four,] that (A) has a capacity of, or
24 that can be readily restored or converted to accept, more than ten
25 rounds of ammunition, OR (B) CONTAINS MORE THAN SEVEN ROUNDS OF AMMUNI-
26 TION, OR (C) IS OBTAINED AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE
27 LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SUBDIVISION AND HAS A
28 CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT,
29 MORE THAN SEVEN ROUNDS OF AMMUNITION; provided, however, that such term
30 does not include an attached tubular device designed to accept, and
31 capable of operating only with, .22 caliber rimfire ammunition OR A
32 FEEDING DEVICE THAT IS A CURIO OR RELIC. A FEEDING DEVICE THAT IS A
33 CURIO OR RELIC IS DEFINED AS A DEVICE THAT (I) WAS MANUFACTURED AT LEAST
34 FIFTY YEARS PRIOR TO THE CURRENT DATE, (II) IS ONLY CAPABLE OF BEING
35 USED EXCLUSIVELY IN A FIREARM, RIFLE, OR SHOTGUN THAT WAS MANUFACTURED
36 AT LEAST FIFTY YEARS PRIOR TO THE CURRENT DATE, BUT NOT INCLUDING REPLI-
37 CAS THEREOF, (III) IS POSSESSED BY AN INDIVIDUAL WHO IS NOT PROHIBITED
38 BY STATE OR FEDERAL LAW FROM POSSESSING A FIREARM AND (IV) IS REGISTERED
39 WITH THE DIVISION OF STATE POLICE PURSUANT TO SUBDIVISION SIXTEEN-A OF
40 SECTION 400.00 OF THIS CHAPTER, EXCEPT SUCH FEEDING DEVICES TRANSFERRED
41 INTO THE STATE MAY BE REGISTERED AT ANY TIME, PROVIDED THEY ARE REGIS-
42 TERED WITHIN THIRTY DAYS OF THEIR TRANSFER INTO THE STATE. NOTWITH-
43 STANDING PARAGRAPH (H) OF SUBDIVISION TWENTY-TWO OF THIS SECTION, SUCH
44 FEEDING DEVICES MAY BE TRANSFERRED PROVIDED THAT SUCH TRANSFER SHALL BE
45 SUBJECT TO THE PROVISIONS OF SECTION 400.03 OF THIS CHAPTER INCLUDING
46 THE CHECK REQUIRED TO BE CONDUCTED PURSUANT TO SUCH SECTION.

47 S 39. Section 265.00 of the penal law is amended by adding a new
48 subdivision 24 to read as follows:

49 24. "SELLER OF AMMUNITION" MEANS ANY PERSON, FIRM, PARTNERSHIP,

50 RATION OR COMPANY WHO ENGAGES IN THE BUSINESS OF PURCHASING, SELLING OR
51 KEEPING AMMUNITION.

52 S 40. Section 265.01 of the penal law, as added by chapter 1041 of the
53 laws of 1974, subdivision 1 as amended by chapter 257 of the laws of
54 2008, subdivision 2 as amended by chapter 220 of the laws of 1988,
55 subdivision 3 as amended by chapter 199 of the laws of 2006, subdivision
56 4 as amended by chapter 357 of the laws of 2011, subdivision 7 as added
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1 by chapter 807 of the laws of 1981, and subdivision 8 as added by chap-
2 ter 646 of the laws of 1986, is amended to read as follows:

3 S 265.01 Criminal possession of a weapon in the fourth degree.

4 A person is guilty of criminal possession of a weapon in the fourth
5 degree when:

6 (1) He or she possesses any firearm, electronic dart gun, electronic
7 stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal
8 knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles,
9 metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type sling-
10 shot or slungshot, shirken or "Kung Fu star"; or

11 (2) He possesses any dagger, dangerous knife, dirk, razor, stiletto,
12 imitation pistol, or any other dangerous or deadly instrument or weapon
13 with intent to use the same unlawfully against another; or

14 (3) [He or she knowingly has in his or her possession a rifle, shotgun
15 or firearm in or upon a building or grounds, used for educational
16 purposes, of any school, college or university, except the forestry
17 lands, wherever located, owned and maintained by the State University of
18 New York college of environmental science and forestry, or upon a school
19 bus as defined in section one hundred forty-two of the vehicle and traf-
20 fic law, without the written authorization of such educational institu-
21 tion]; or

22 (4) He possesses a rifle, shotgun, antique firearm, black powder
23 rifle, black powder shotgun, or any muzzle-loading firearm, and has been
24 convicted of a felony or serious offense; or

25 (5) He possesses any dangerous or deadly weapon and is not a citizen
26 of the United States; or

27 (6) He is a person who has been certified not suitable to possess a
28 rifle or shotgun, as defined in subdivision sixteen of section 265.00,
29 and refuses to yield possession of such rifle or shotgun upon the demand
30 of a police officer. Whenever a person is certified not suitable to
31 possess a rifle or shotgun, a member of the police department to which
32 such certification is made, or of the state police, shall forthwith
33 seize any rifle or shotgun possessed by such person. A rifle or shotgun
34 seized as herein provided shall not be destroyed, but shall be delivered
35 to the headquarters of such police department, or state police, and
36 there retained until the aforesaid certificate has been rescinded by the
37 director or physician in charge, or other disposition of such rifle or
38 shotgun has been ordered or authorized by a court of competent jurisdic-
39 tion.

40 (7) He knowingly possesses a bullet containing an explosive substance
41 designed to detonate upon impact.

42 (8) He possesses any armor piercing ammunition with intent to use the
43 same unlawfully against another.

44 Criminal possession of a weapon in the fourth degree is a class A
45 misdemeanor.

46 S 41. The penal law is amended by adding a new section 265.01-a to
47 read as follows:

48 S 265.01-A. CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS.

49 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A WEAPON ON SCHOOL
50 GROUNDS WHEN HE OR SHE KNOWINGLY HAS IN HIS OR HER POSSESSION A RIFLE,
51 SHOTGUN, OR FIREARM IN OR UPON A BUILDING OR GROUNDS, USED FOR EDUCA-
52 TIONAL PURPOSES, OF ANY SCHOOL, COLLEGE, OR UNIVERSITY, EXCEPT THE
53 FORESTRY LANDS, WHEREVER LOCATED, OWNED AND MAINTAINED BY THE STATE
54 UNIVERSITY OF NEW YORK COLLEGE OF ENVIRONMENTAL SCIENCE AND FORESTRY, OR
55 UPON A SCHOOL BUS AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THE
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1 VEHICLE AND TRAFFIC LAW, WITHOUT THE WRITTEN AUTHORIZATION OF SUCH
2 EDUCATIONAL INSTITUTION.

3 CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS IS A CLASS E FELONY.

4 S 41-a. The penal law is amended by adding a new section 265.01-b to
5 read as follows:

6 S 265.01-B CRIMINAL POSSESSION OF A FIREARM.

7 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A FIREARM WHEN HE OR SHE:

8 (1) POSSESSES ANY FIREARM OR; (2) LAWFULLY POSSESSES A FIREARM PRIOR TO
9 THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN
10 WHICH ADDED THIS SECTION SUBJECT TO THE REGISTRATION REQUIREMENTS OF
11 SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER AND KNOWINGLY
12 FAILS TO REGISTER SUCH FIREARM PURSUANT TO SUCH SUBDIVISION.

13 CRIMINAL POSSESSION OF A FIREARM IS A CLASS E FELONY.

14 S 41-b. Subdivision 8 of section 265.02 of the penal law, as amended
15 by chapter 764 of the laws of 2005, is amended and two new subdivisions
16 9 and 10 are added to read as follows:

17 (8) Such person possesses a large capacity ammunition feeding device.
18 FOR PURPOSES OF THIS SUBDIVISION, A LARGE CAPACITY AMMUNITION FEEDING
19 DEVICE SHALL NOT INCLUDE AN AMMUNITION FEEDING DEVICE LAWFULLY POSSESSED
20 BY SUCH PERSON BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF
21 TWO THOUSAND THIRTEEN WHICH AMENDED THIS SUBDIVISION, THAT HAS A CAPACI-
22 TY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT MORE THAN
23 SEVEN BUT LESS THAN ELEVEN ROUNDS OF AMMUNITION, OR THAT WAS MANUFAC-
24 TURED BEFORE SEPTEMBER THIRTEENTH, NINETEEN HUNDRED NINETY-FOUR, THAT
25 HAS A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO
26 ACCEPT, MORE THAN TEN ROUNDS OF AMMUNITION; OR

27 (9) SUCH PERSON POSSESSES AN UNLOADED FIREARM AND ALSO COMMITS A DRUG
28 TRAFFICKING FELONY AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION 10.00
29 OF THIS CHAPTER AS PART OF THE SAME CRIMINAL TRANSACTION; OR

30 (10) SUCH PERSON POSSESSES AN UNLOADED FIREARM AND ALSO COMMITS ANY
31 VIOLENT FELONY OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION 70.02 OF
32 THIS CHAPTER AS PART OF THE SAME CRIMINAL TRANSACTION.

33 S 42. Subdivision 2 of section 265.09 of the penal law, as added by
34 chapter 650 of the laws of 1996, is amended to read as follows:

35 (2) Sentencing. Notwithstanding any other provision of law to the
36 contrary, when a person is convicted of criminal use of a firearm in the
37 first degree as defined in subdivision one of this section, the court
38 shall impose an additional consecutive sentence of five years to the
39 [minimum term of an indeterminate] sentence imposed on the underlying
40 class B violent felony offense where the person convicted of such crime
41 displays a loaded weapon from which a shot, readily capable of producing
42 death or other serious injury may be discharged, in furtherance of the
43 commission of such crime, provided, however, that such additional
44 sentence shall not be imposed if the court, having regard to the nature
45 and circumstances of the crime and to the history and character of the
46 defendant, finds on the record that such additional consecutive sentence
47 would be unduly harsh and that not imposing such sentence would be
48 consistent with the public safety and would not deprecate the serious-

49 ness of the crime. Notwithstanding any other provision of law to the
50 contrary, the aggregate of the five year consecutive term imposed pursu-
51 ant to this subdivision and the minimum term of the indeterminate
52 sentence imposed on the underlying class B violent felony shall consti-
53 tute the new aggregate minimum term of imprisonment, and a person
54 subject to such term shall be required to serve the entire aggregate
55 minimum term and shall not be eligible for release on parole or condi-
56 tional release during such term. This subdivision shall not apply where
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1 the defendant's criminal liability for displaying a loaded weapon from
2 which a shot, readily capable of producing death or other serious injury
3 may be discharged, in furtherance of the commission of crime is based on
4 the conduct of another pursuant to section 20.00 of [the penal law] THIS
5 CHAPTER.

6 S 43. Section 265.17 of the penal law, as added by chapter 189 of the
7 laws of 2000, is amended to read as follows:

8 S 265.17 Criminal purchase OR DISPOSAL of a weapon.

9 A person is guilty of criminal purchase OR DISPOSAL of a weapon when:

10 1. Knowing that he or she is prohibited by law from possessing a
11 firearm, rifle or shotgun because of a prior conviction or because of
12 some other disability which would render him or her ineligible to
13 lawfully possess a firearm, rifle or shotgun in this state, such person
14 [attempts to purchase] PURCHASES a firearm, rifle or shotgun from anoth-
15 er person; or

16 2. Knowing that it would be unlawful for another person to possess a
17 firearm, rifle or shotgun, he or she purchases a firearm, rifle or shot-
18 gun for, on behalf of, or for the use of such other person[.]; OR

19 3. KNOWING THAT ANOTHER PERSON IS PROHIBITED BY LAW FROM POSSESSING A
20 FIREARM, RIFLE OR SHOTGUN BECAUSE OF A PRIOR CONVICTION OR BECAUSE OF
21 SOME OTHER DISABILITY WHICH WOULD RENDER HIM OR HER INELIGIBLE TO
22 LAWFULLY POSSESS A FIREARM, RIFLE OR SHOTGUN IN THIS STATE, A PERSON
23 DISPOSES OF A FIREARM, RIFLE OR SHOTGUN TO SUCH OTHER PERSON.

24 Criminal purchase OR DISPOSAL of a weapon is a class [A misdemeanor] D
25 FELONY.

26 S 44. Intentionally omitted.

27 S 45. The penal law is amended by adding a new section 265.19 to read
28 as follows:

29 S 265.19 AGGRAVATED CRIMINAL POSSESSION OF A WEAPON.

30 A PERSON IS GUILTY OF AGGRAVATED CRIMINAL POSSESSION OF A WEAPON WHEN
31 HE OR SHE COMMITS THE CRIME OF CRIMINAL POSSESSION OF A WEAPON IN THE
32 SECOND DEGREE AS DEFINED IN SUBDIVISION THREE OF SECTION 265.03 OF THIS
33 ARTICLE AND ALSO COMMITS ANY VIOLENT FELONY OFFENSE AS DEFINED IN SUBDI-
34 VISION ONE OF SECTION 70.02 OF THIS CHAPTER OR A DRUG TRAFFICKING FELONY
35 AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION 10.00 OF THIS CHAPTER
36 ARISING OUT OF THE SAME CRIMINAL TRANSACTION.

37 AGGRAVATED CRIMINAL POSSESSION OF A WEAPON IS A CLASS C FELONY.

38 S 46. Paragraph 3 of subdivision a of section 265.20 of the penal law,
39 as amended by chapter 210 of the laws of 1999, is amended and a new
40 paragraph 7-f is added to read as follows:

41 3. Possession of a pistol or revolver by a person to whom a license
42 therefor has been issued as provided under section 400.00 or 400.01 of
43 this chapter OR POSSESSION OF A WEAPON AS DEFINED IN PARAGRAPH (E) OR
44 (F) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF THIS ARTICLE WHICH IS
45 REGISTERED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION SIXTEEN-A OF SECTION
46 400.00 OF THIS CHAPTER OR IS INCLUDED ON AN AMENDED LICENSE ISSUED
47 PURSUANT TO SECTION 400.00 OF THIS CHAPTER. IN THE EVENT SUCH LICENSE

48 IS REVOKED, OTHER THAN BECAUSE SUCH LICENSEE IS NO LONGER PERMITTED TO
49 POSSESS A FIREARM, RIFLE OR SHOTGUN UNDER FEDERAL OR STATE LAW, INFORMA-
50 TION SUFFICIENT TO SATISFY THE REQUIREMENTS OF SUBDIVISION SIXTEEN-A OF
51 SECTION 400.00 OF THIS CHAPTER, SHALL BE TRANSMITTED BY THE LICENSING
52 OFFICER TO THE STATE POLICE, IN A FORM AS DETERMINED BY THE SUPERINTEN-
53 DENT OF STATE POLICE. SUCH TRANSMISSION SHALL CONSTITUTE A VALID REGIS-
54 TRATION UNDER SUCH SECTION FURTHER PROVIDED, NOTWITHSTANDING ANY OTHER
55 SECTION OF THIS TITLE, A FAILURE TO REGISTER SUCH WEAPON BY AN INDIVID-
56 UAL WHO POSSESSES SUCH WEAPON BEFORE THE ENACTMENT OF THE CHAPTER OF THE
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1 LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS PARAGRAPH AND MAY SO
2 LAWFULLY POSSESS IT THEREAFTER UPON REGISTRATION, SHALL ONLY BE SUBJECT
3 TO PUNISHMENT PURSUANT TO PARAGRAPH (C) OF SUBDIVISION SIXTEEN-A OF
4 SECTION 400.00 OF THIS CHAPTER; provided, that such a license OR REGIS-
5 TRATION shall not preclude a conviction for the offense defined in
6 subdivision three of section 265.01 of this article OR SECTION 265.01-A
7 OF THIS ARTICLE.

8 7-F. POSSESSION AND USE OF A MAGAZINE, BELT, FEED STRIP OR SIMILAR
9 DEVICE, THAT CONTAINS MORE THAN SEVEN ROUNDS OF AMMUNITION, BUT THAT
10 DOES NOT HAVE A CAPACITY OF OR CAN READILY BE RESTORED OR CONVERTED TO
11 ACCEPT MORE THAN TEN ROUNDS OF AMMUNITION, AT AN INDOOR OR OUTDOOR
12 FIRING RANGE LOCATED IN OR ON PREMISES OWNED OR OCCUPIED BY A DULY
13 INCORPORATED ORGANIZATION ORGANIZED FOR CONSERVATION PURPOSES OR TO
14 FOSTER PROFICIENCY IN ARMS; AT AN INDOOR OR OUTDOOR FIRING RANGE FOR THE
15 PURPOSE OF FIRING A RIFLE OR SHOTGUN; AT A COLLEGIATE, OLYMPIC OR TARGET
16 SHOOTING COMPETITION UNDER THE AUSPICES OF OR APPROVED BY THE NATIONAL
17 RIFLE ASSOCIATION; OR AT AN ORGANIZED MATCH SANCTIONED BY THE INTERNA-
18 TIONAL HANDGUN METALLIC SILHOUETTE ASSOCIATION.

19 S 46-a. The penal law is amended by adding two new sections 265.36 and
20 265.37 to read as follows:

21 S 265.36 UNLAWFUL POSSESSION OF A LARGE CAPACITY AMMUNITION FEEDING
22 DEVICE.

23 IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY POSSESS A LARGE CAPACI-
24 TY AMMUNITION FEEDING DEVICE MANUFACTURED BEFORE SEPTEMBER THIRTEENTH,
25 NINETEEN HUNDRED NINETY-FOUR, AND IF SUCH PERSON LAWFULLY POSSESSED SUCH
26 LARGE CAPACITY FEEDING DEVICE BEFORE THE EFFECTIVE DATE OF THE CHAPTER
27 OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS SECTION, THAT HAS
28 A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT,
29 MORE THAN TEN ROUNDS OF AMMUNITION.

30 AN INDIVIDUAL WHO HAS A REASONABLE BELIEF THAT SUCH DEVICE IS OF SUCH
31 A CHARACTER THAT IT MAY LAWFULLY BE POSSESSED AND WHO SURRENDERS OR
32 LAWFULLY DISPOSES OF SUCH DEVICE WITHIN THIRTY DAYS OF BEING NOTIFIED BY
33 LAW ENFORCEMENT OR COUNTY LICENSING OFFICIALS THAT SUCH POSSESSION IS
34 UNLAWFUL SHALL NOT BE GUILTY OF THIS OFFENSE. IT SHALL BE A REBUTTABLE
35 PRESUMPTION THAT SUCH PERSON KNOWS THAT SUCH LARGE CAPACITY AMMUNITION
36 FEEDING DEVICE MAY NOT BE LAWFULLY POSSESSED IF HE OR SHE HAS BEEN
37 CONTACTED BY LAW ENFORCEMENT OR COUNTY LICENSING OFFICIALS AND INFORMED
38 THAT SUCH DEVICE MAY NOT BE LAWFULLY POSSESSED.

39 UNLAWFUL POSSESSION OF A LARGE CAPACITY AMMUNITION FEEDING DEVICE IS A
40 CLASS A MISDEMEANOR.

41 S 265.37 UNLAWFUL POSSESSION OF CERTAIN AMMUNITION FEEDING DEVICES.

42 IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY POSSESS AN AMMUNITION
43 FEEDING DEVICE THAT SUCH PERSON LAWFULLY POSSESSED BEFORE THE EFFECTIVE
44 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED
45 THIS SECTION, THAT HAS A CAPACITY OF, OR THAT CAN BE READILY REST
46 CONVERTED TO ACCEPT MORE THAN SEVEN BUT LESS THAN TEN ROUNDS OF

47 TION, WHERE SUCH DEVICE CONTAINS MORE THAN SEVEN ROUNDS OF AMMUNITION.

48 IF SUCH DEVICE CONTAINING MORE THAN SEVEN ROUNDS OF AMMUNITION IS
49 POSSESSED WITHIN THE HOME OF THE POSSESSOR, THE PERSON SO POSSESSING THE
50 DEVICE SHALL, FOR A FIRST OFFENSE, BE GUILTY OF A VIOLATION AND SUBJECT
51 TO A FINE OF TWO HUNDRED DOLLARS, AND FOR A SECOND OFFENSE, BE GUILTY OF
52 A CLASS B MISDEMEANOR AND SUBJECT TO A FINE OF TWO HUNDRED DOLLARS AND A
53 TERM OF UP TO THREE MONTHS IMPRISONMENT.

54 IF SUCH DEVICE CONTAINING MORE THAN SEVEN ROUNDS OF AMMUNITION IS
55 POSSESSED IN ANY LOCATION OTHER THAN THE HOME OF THE POSSESSOR, THE
56 PERSON SO POSSESSING THE DEVICE SHALL, FOR A FIRST OFFENSE, BE GUILTY OF
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1 A CLASS B MISDEMEANOR AND SUBJECT TO A FINE OF TWO HUNDRED DOLLARS AND A
2 TERM OF UP TO SIX MONTHS IMPRISONMENT, AND FOR A SECOND OFFENSE, BE
3 GUILTY OF A CLASS A MISDEMEANOR.

4 S 47. The penal law is amended by adding a new section 265.45 to read
5 as follows:

6 S 265.45 SAFE STORAGE OF RIFLES, SHOTGUNS, AND FIREARMS.

7 NO PERSON WHO OWNS OR IS CUSTODIAN OF A RIFLE, SHOTGUN OR FIREARM WHO
8 RESIDES WITH AN INDIVIDUAL WHO SUCH PERSON KNOWS OR HAS REASON TO KNOW
9 IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO 18 U.S.C. S 922(G)
10 (1), (4), (8) OR (9) SHALL STORE OR OTHERWISE LEAVE SUCH RIFLE, SHOTGUN
11 OR FIREARM OUT OF HIS OR HER IMMEDIATE POSSESSION OR CONTROL WITHOUT
12 HAVING FIRST SECURELY LOCKED SUCH RIFLE, SHOTGUN OR FIREARM IN AN APPRO-
13 PRIATE SAFE STORAGE DEPOSITORY OR RENDERED IT INCAPABLE OF BEING FIRED
14 BY USE OF A GUN LOCKING DEVICE APPROPRIATE TO THAT WEAPON. FOR PURPOSES
15 OF THIS SECTION "SAFE STORAGE DEPOSITORY" SHALL MEAN A SAFE OR OTHER
16 SECURE CONTAINER WHICH, WHEN LOCKED, IS INCAPABLE OF BEING OPENED WITH-
17 OUT THE KEY, COMBINATION OR OTHER UNLOCKING MECHANISM AND IS CAPABLE OF
18 PREVENTING AN UNAUTHORIZED PERSON FROM OBTAINING ACCESS TO AND
19 POSSESSION OF THE WEAPON CONTAINED THEREIN. WITH RESPECT TO A PERSON
20 WHO IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO 18 USC S
21 922(G)(9), FOR PURPOSES OF THIS SECTION, THIS SECTION APPLIES ONLY IF
22 SUCH PERSON HAS BEEN CONVICTED OF A CRIME INCLUDED IN SUBDIVISION ONE OF
23 SECTION 370.15 OF THE CRIMINAL PROCEDURE LAW AND SUCH GUN IS POSSESSED
24 WITHIN FIVE YEARS FROM THE LATER OF THE DATE OF CONVICTION OR COMPLETION
25 OF SENTENCE.

26 A VIOLATION OF THIS SECTION SHALL CONSTITUTE A CLASS A MISDEMEANOR.

27 S 48. Subdivision 1, paragraph (a) of subdivision 3, subdivisions 4,
28 5, 9, 10, 11, 12 and 15 of section 400.00 of the penal law, subdivision
29 1 as amended by chapter 189 of the laws of 2000, paragraph (a) of subdi-
30 vision 3 as designated by chapter 778 of the laws of 1985, subdivision 4
31 as amended by chapter 331 of the laws of 2005, subdivision 5 as amended
32 by chapter 332 of the laws of 1994, subdivision 9 as amended by chapter
33 172 of the laws of 1973, subdivision 10 as amended by chapter 447 of the
34 laws of 1997, subdivision 11 as amended by chapter 210 of the laws of
35 1999, and subdivision 12 as amended by chapter 449 of the laws of 1993,
36 are amended and two new subdivisions 16-a and 16-b are added to read as
37 follows:

38 1. Eligibility. No license shall be issued or renewed pursuant to this
39 section except by the licensing officer, and then only after investi-
40 gation and finding that all statements in a proper application for a
41 license are true. No license shall be issued or renewed except for an
42 applicant (a) twenty-one years of age or older, provided, however, that
43 where such applicant has been honorably discharged from the United
44 States army, navy, marine corps, air force or coast guard, or the
45 national guard of the state of New York, no such age restriction shall

46 apply; (b) of good moral character; (c) who has not been convicted
47 anywhere of a felony or a serious offense; (d) WHO IS NOT A FUGITIVE
48 FROM JUSTICE; (E) WHO IS NOT AN UNLAWFUL USER OF OR ADDICTED TO ANY
49 CONTROLLED SUBSTANCE AS DEFINED IN SECTION 21 U.S.C. 802; (F) WHO BEING
50 AN ALIEN (I) IS NOT ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES OR (II)
51 HAS NOT BEEN ADMITTED TO THE UNITED STATES UNDER A NONIMMIGRANT VISA
52 SUBJECT TO THE EXCEPTION IN 18 U.S.C. 922(Y)(2); (G) WHO HAS NOT BEEN
53 DISCHARGED FROM THE ARMED FORCES UNDER DISHONORABLE CONDITIONS; (H) WHO,
54 HAVING BEEN A CITIZEN OF THE UNITED STATES, HAS NOT RENOUNCED HIS OR HER
55 CITIZENSHIP; (I) who has stated whether he or she has ever suffered any
56 mental illness [or been confined to any hospital or institution, public
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1 or private, for mental illness]; (J) WHO HAS NOT BEEN INVOLUNTARILY
2 COMMITTED TO A FACILITY UNDER THE JURISDICTION OF AN OFFICE OF THE
3 DEPARTMENT OF MENTAL HYGIENE PURSUANT TO ARTICLE NINE OR FIFTEEN OF THE
4 MENTAL HYGIENE LAW, ARTICLE SEVEN HUNDRED THIRTY OR SECTION 330.20 OF
5 THE CRIMINAL PROCEDURE LAW, SECTION FOUR HUNDRED TWO OR FIVE HUNDRED
6 EIGHT OF THE CORRECTION LAW, SECTION 322.2 OR 353.4 OF THE FAMILY COURT
7 ACT, OR HAS NOT BEEN CIVILLY CONFINED IN A SECURE TREATMENT FACILITY
8 PURSUANT TO ARTICLE TEN OF THE MENTAL HYGIENE LAW; [(e)] (K) who has not
9 had a license revoked or who is not under a suspension or ineligibility
10 order issued pursuant to the provisions of section 530.14 of the crimi-
11 nal procedure law or section eight hundred forty-two-a of the family
12 court act; [(f)] (L) in the county of Westchester, who has successfully
13 completed a firearms safety course and test as evidenced by a certif-
14 icate of completion issued in his or her name and endorsed and affirmed
15 under the penalties of perjury by a duly authorized instructor, except
16 that: (i) persons who are honorably discharged from the United States
17 army, navy, marine corps or coast guard, or of the national guard of the
18 state of New York, and produce evidence of official qualification in
19 firearms during the term of service are not required to have completed
20 those hours of a firearms safety course pertaining to the safe use,
21 carrying, possession, maintenance and storage of a firearm; and (ii)
22 persons who were licensed to possess a pistol or revolver prior to the
23 effective date of this paragraph are not required to have completed a
24 firearms safety course and test; [and (g)] (M) WHO HAS NOT HAD A GUARDI-
25 AN APPOINTED FOR HIM OR HER PURSUANT TO ANY PROVISION OF STATE LAW,
26 BASED ON A DETERMINATION THAT AS A RESULT OF MARKED SUBNORMAL INTELLI-
27 GENCE, MENTAL ILLNESS, INCAPACITY, CONDITION OR DISEASE, HE OR SHE LACKS
28 THE MENTAL CAPACITY TO CONTRACT OR MANAGE HIS OR HER OWN AFFAIRS; AND
29 (N) concerning whom no good cause exists for the denial of the license.
30 No person shall engage in the business of gunsmith or dealer in firearms
31 unless licensed pursuant to this section. An applicant to engage in such
32 business shall also be a citizen of the United States, more than twen-
33 ty-one years of age and maintain a place of business in the city or
34 county where the license is issued. For such business, if the applicant
35 is a firm or partnership, each member thereof shall comply with all of
36 the requirements set forth in this subdivision and if the applicant is a
37 corporation, each officer thereof shall so comply.

38 (a) Applications shall be made and renewed, in the case of a license
39 to carry or possess a pistol or revolver, to the licensing officer in
40 the city or county, as the case may be, where the applicant resides, is
41 principally employed or has his OR HER principal place of business as
42 merchant or storekeeper; and, in the case of a license as gunsmith or
43 dealer in firearms, to the licensing officer where such place of busi-
44 ness is located. Blank applications shall, except in the city of New

45 York, be approved as to form by the superintendent of state police. An
46 application shall state the full name, date of birth, residence, present
47 occupation of each person or individual signing the same, whether or not
48 he OR SHE is a citizen of the United States, whether or not he OR SHE
49 complies with each requirement for eligibility specified in subdivision
50 one of this section and such other facts as may be required to show the
51 good character, competency and integrity of each person or individual
52 signing the application. An application shall be signed and verified by
53 the applicant. Each individual signing an application shall submit one
54 photograph of himself OR HERSELF and a duplicate for each required copy
55 of the application. Such photographs shall have been taken within thirty
56 days prior to filing the application. In case of a license as gunsmith
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1 or dealer in firearms, the photographs submitted shall be two inches
2 square, and the application shall also state the previous occupation of
3 each individual signing the same and the location of the place of such
4 business, or of the bureau, agency, subagency, office or branch office
5 for which the license is sought, specifying the name of the city, town
6 or village, indicating the street and number and otherwise giving such
7 apt description as to point out reasonably the location thereof. In such
8 case, if the applicant is a firm, partnership or corporation, its name,
9 date and place of formation, and principal place of business shall be
10 stated. For such firm or partnership, the application shall be signed
11 and verified by each individual composing or intending to compose the
12 same, and for such corporation, by each officer thereof.

13 4. Investigation. Before a license is issued or renewed, there shall
14 be an investigation of all statements required in the application by the
15 duly constituted police authorities of the locality where such applica-
16 tion is made, INCLUDING BUT NOT LIMITED TO SUCH RECORDS AS MAY BE ACCES-
17 SIBLE TO THE DIVISION OF STATE POLICE OR DIVISION OF CRIMINAL JUSTICE
18 SERVICES PURSUANT TO SECTION 400.02 OF THIS ARTICLE. For that purpose,
19 the records of the appropriate office of the department of mental
20 hygiene concerning previous or present mental illness of the applicant
21 shall be available for inspection by the investigating officer of the
22 police authority. In order to ascertain any previous criminal record,
23 the investigating officer shall take the fingerprints and physical
24 descriptive data in quadruplicate of each individual by whom the appli-
25 cation is signed and verified. Two copies of such fingerprints shall be
26 taken on standard fingerprint cards eight inches square, and one copy
27 may be taken on a card supplied for that purpose by the federal bureau
28 of investigation; provided, however, that in the case of a corporate
29 applicant that has already been issued a dealer in firearms license and
30 seeks to operate a firearm dealership at a second or subsequent
31 location, the original fingerprints on file may be used to ascertain any
32 criminal record in the second or subsequent application unless any of
33 the corporate officers have changed since the prior application, in
34 which case the new corporate officer shall comply with procedures
35 governing an initial application for such license. When completed, one
36 standard card shall be forwarded to and retained by the division of
37 criminal justice services in the executive department, at Albany. A
38 search of the files of such division and written notification of the
39 results of the search to the investigating officer shall be made without
40 unnecessary delay. Thereafter, such division shall notify the licensing
41 officer and the executive department, division of state police, Albany,
42 of any criminal record of the applicant filed therein subsequent to the
43 search of its files. A second standard card, or the one supplied by the

44 federal bureau of investigation, as the case may be, shall be forwarded
45 to that bureau at Washington with a request that the files of the bureau
46 be searched and notification of the results of the search be made to the
47 investigating police authority. [The failure or refusal of the federal
48 bureau of investigation to make the fingerprint check provided for in
49 this section shall not constitute the sole basis for refusal to issue a
50 permit pursuant to the provisions of this section.] Of the remaining two
51 fingerprint cards, one shall be filed with the executive department,
52 division of state police, Albany, within ten days after issuance of the
53 license, and the other remain on file with the investigating police
54 authority. No such fingerprints may be inspected by any person other
55 than a peace officer, who is acting pursuant to his special duties, or a
56 police officer, except on order of a judge or justice of a court of
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1 record either upon notice to the licensee or without notice, as the
2 judge or justice may deem appropriate. Upon completion of the investi-
3 gation, the police authority shall report the results to the licensing
4 officer without unnecessary delay.

5 5. Filing of approved applications. (A) The application for any
6 license, if granted, shall be filed by the licensing officer with the
7 clerk of the county of issuance, except that in the city of New York
8 and, in the counties of Nassau and Suffolk, the licensing officer shall
9 designate the place of filing in the appropriate division, bureau or
10 unit of the police department thereof, and in the county of Suffolk the
11 county clerk is hereby authorized to transfer all records or applica-
12 tions relating to firearms to the licensing authority of that county.
13 [The] EXCEPT AS PROVIDED IN PARAGRAPHS (B) THROUGH (F) OF THIS SUBDIVI-
14 SION, THE name and address of any person to whom an application for any
15 license has been granted shall be a public record. Upon application by a
16 licensee who has changed his place of residence such records or applica-
17 tions shall be transferred to the appropriate officer at the licensee's
18 new place of residence. A duplicate copy of such application shall be
19 filed by the licensing officer in the executive department, division of
20 state police, Albany, within ten days after issuance of the license.
21 THE SUPERINTENDENT OF STATE POLICE MAY DESIGNATE THAT SUCH APPLICATION
22 SHALL BE TRANSMITTED TO THE DIVISION OF STATE POLICE ELECTRONICALLY. IN
23 THE EVENT THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE DETERMINES
24 THAT IT LACKS ANY OF THE RECORDS REQUIRED TO BE FILED WITH THE DIVISION,
25 IT MAY REQUEST THAT SUCH RECORDS BE PROVIDED TO IT BY THE APPROPRIATE
26 CLERK, DEPARTMENT OR AUTHORITY AND SUCH CLERK, DEPARTMENT OR AUTHORITY
27 SHALL PROVIDE THE DIVISION WITH SUCH RECORDS. IN THE EVENT SUCH CLERK,
28 DEPARTMENT OR AUTHORITY LACKS SUCH RECORDS, THE DIVISION MAY REQUEST THE
29 LICENSE HOLDER PROVIDE INFORMATION SUFFICIENT TO CONSTITUTE SUCH RECORD
30 AND SUCH LICENSE HOLDER SHALL PROVIDE THE DIVISION WITH SUCH INFORMA-
31 TION. SUCH INFORMATION SHALL BE LIMITED TO THE LICENSE HOLDER'S NAME,
32 DATE OF BIRTH, GENDER, RACE, RESIDENTIAL ADDRESS, SOCIAL SECURITY NUMBER
33 AND FIREARMS POSSESSED BY SAID LICENSE HOLDER. Nothing in this subdivi-
34 sion shall be construed to change the expiration date or term of such
35 licenses if otherwise provided for in law. RECORDS ASSEMBLED OR
36 COLLECTED FOR PURPOSES OF INCLUSION IN THE DATABASE ESTABLISHED BY THIS
37 SECTION SHALL BE RELEASED PURSUANT TO A COURT ORDER. RECORDS ASSEMBLED
38 OR COLLECTED FOR PURPOSES OF INCLUSION IN THE DATABASE CREATED PURSUANT
39 TO SECTION 400.02 OF THIS CHAPTER SHALL NOT BE SUBJECT TO DISCLOSURE
40 PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

41 (B) EACH APPLICATION FOR A LICENSE PURSUANT TO PARAGRAPH (A) OF THIS
42 SUBDIVISION SHALL INCLUDE, ON A SEPARATE WRITTEN FORM PREPARED BY THE

43 DIVISION OF STATE POLICE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THE
44 CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN, WHICH AMENDED THIS
45 SECTION, AND PROVIDED TO THE APPLICANT AT THE SAME TIME AND IN THE SAME
46 MANNER AS THE APPLICATION FOR A LICENSE, AN OPPORTUNITY FOR THE APPLI-
47 CANT TO REQUEST AN EXCEPTION FROM HIS OR HER APPLICATION INFORMATION
48 BECOMING PUBLIC RECORD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION.
49 SUCH FORMS, WHICH SHALL ALSO BE MADE AVAILABLE TO INDIVIDUALS WHO HAD
50 APPLIED FOR OR BEEN GRANTED A LICENSE PRIOR TO THE EFFECTIVE DATE OF THE
51 CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SECTION,
52 SHALL NOTIFY APPLICANTS THAT, UPON DISCOVERY THAT AN APPLICANT KNOWINGLY
53 PROVIDED FALSE INFORMATION, SUCH APPLICANT MAY BE SUBJECT TO PENALTIES
54 PURSUANT TO SECTION 175.30 OF THIS CHAPTER, AND FURTHER, THAT HIS OR HER
55 REQUEST FOR AN EXCEPTION SHALL BE NULL AND VOID, PROVIDED THAT WRITTEN
56 NOTICE CONTAINING SUCH DETERMINATION IS PROVIDED TO THE APPLICANT.
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1 FURTHER, SUCH FORMS SHALL PROVIDE EACH APPLICANT AN OPPORTUNITY TO SPEC-
2 IFY THE GROUNDS ON WHICH HE OR SHE BELIEVES HIS OR HER APPLICATION
3 INFORMATION SHOULD NOT BE PUBLICLY DISCLOSED. THESE GROUNDS, WHICH SHALL
4 BE IDENTIFIED ON THE APPLICATION WITH A BOX BESIDE EACH FOR CHECKING, AS
5 APPLICABLE, BY THE APPLICANT, SHALL BE AS FOLLOWS:

6 (I) THE APPLICANT'S LIFE OR SAFETY MAY BE ENDANGERED BY DISCLOSURE
7 BECAUSE:

8 (A) THE APPLICANT IS AN ACTIVE OR RETIRED POLICE OFFICER, PEACE OFFI-
9 CER, PROBATION OFFICER, PAROLE OFFICER, OR CORRECTIONS OFFICER;

10 (B) THE APPLICANT IS A PROTECTED PERSON UNDER A CURRENTLY VALID ORDER
11 OF PROTECTION;

12 (C) THE APPLICANT IS OR WAS A WITNESS IN A CRIMINAL PROCEEDING INVOLV-
13 ING A CRIMINAL CHARGE;

14 (D) THE APPLICANT IS PARTICIPATING OR PREVIOUSLY PARTICIPATED AS A
15 JUROR IN A CRIMINAL PROCEEDING, OR IS OR WAS A MEMBER OF A GRAND JURY;
16 OR

17 (E) THE APPLICANT IS A SPOUSE, DOMESTIC PARTNER OR HOUSEHOLD MEMBER OF
18 A PERSON IDENTIFIED IN THIS SUBPARAGRAPH OR SUBPARAGRAPH (II) OF THIS
19 PARAGRAPH, SPECIFYING WHICH SUBPARAGRAPH OR SUBPARAGRAPHS AND CLAUSES
20 APPLY.

21 (II) THE APPLICANT HAS REASON TO BELIEVE HIS OR HER LIFE OR SAFETY MAY
22 BE ENDANGERED BY DISCLOSURE DUE TO REASONS STATED BY THE APPLICANT.

23 (III) THE APPLICANT HAS REASON TO BELIEVE HE OR SHE MAY BE SUBJECT TO
24 UNWARRANTED HARASSMENT UPON DISCLOSURE OF SUCH INFORMATION.

25 (C) EACH FORM PROVIDED FOR RECERTIFICATION PURSUANT TO PARAGRAPH (B)
26 OF SUBDIVISION TEN OF THIS SECTION SHALL INCLUDE AN OPPORTUNITY FOR THE
27 APPLICANT TO REQUEST AN EXCEPTION FROM THE INFORMATION PROVIDED ON SUCH
28 FORM BECOMING PUBLIC RECORD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVI-
29 SION. SUCH FORMS SHALL NOTIFY APPLICANTS THAT, UPON DISCOVERY THAT AN
30 APPLICANT KNOWINGLY PROVIDED FALSE INFORMATION, SUCH APPLICANT MAY BE
31 SUBJECT TO PENALTIES PURSUANT TO SECTION 175.30 OF THIS CHAPTER, AND
32 FURTHER, THAT HIS OR HER REQUEST FOR AN EXCEPTION SHALL BE NULL AND
33 VOID, PROVIDED THAT WRITTEN NOTICE CONTAINING SUCH DETERMINATION IS
34 PROVIDED TO THE APPLICANT. FURTHER, SUCH FORMS SHALL PROVIDE EACH
35 APPLICANT AN OPPORTUNITY TO EITHER DECLINE TO REQUEST THE GRANT OR
36 CONTINUATION OF AN EXCEPTION, OR SPECIFY THE GROUNDS ON WHICH HE OR SHE
37 BELIEVES HIS OR HER INFORMATION SHOULD NOT BE PUBLICLY DISCLOSED. THESE
38 GROUNDS, WHICH SHALL BE IDENTIFIED IN THE APPLICATION WITH A BOX BESIDE
39 EACH FOR CHECKING, AS APPLICABLE, BY THE APPLICANT, SHALL BE THE SAME AS
40 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION.

41 (D) INFORMATION SUBMITTED ON THE FORMS DESCRIBED IN PARAGRAPH (B) OF

42 THIS SUBDIVISION SHALL BE EXCEPTED FROM DISCLOSURE AND MAINTAINED BY THE
43 ENTITY RETAINING SUCH INFORMATION SEPARATE AND APART FROM ALL OTHER
44 RECORDS.

45 (E) (I) UPON RECEIVING A REQUEST FOR EXCEPTION FROM DISCLOSURE, THE
46 LICENSING OFFICER SHALL GRANT SUCH EXCEPTION, UNLESS THE REQUEST IS
47 DETERMINED TO BE NULL AND VOID, PURSUANT TO PARAGRAPH (B) OR (C) OF THIS
48 SUBDIVISION.

49 (II) A REQUEST FOR AN EXCEPTION FROM DISCLOSURE MAY BE SUBMITTED AT
50 ANY TIME, INCLUDING AFTER A LICENSE OR RECERTIFICATION HAS BEEN GRANTED.

51 (III) IF AN EXCEPTION IS SOUGHT AND GRANTED PURSUANT TO PARAGRAPH (B)
52 OF THIS SUBDIVISION, THE APPLICATION INFORMATION SHALL NOT BE PUBLIC
53 RECORD, UNLESS THE REQUEST IS DETERMINED TO BE NULL AND VOID. IF AN
54 EXCEPTION IS SOUGHT AND GRANTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDI-
55 VISION, THE INFORMATION CONCERNING SUCH RECERTIFICATION APPLICATION
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1 SHALL NOT BE PUBLIC RECORD, UNLESS THE REQUEST IS DETERMINED TO BE NULL
2 AND VOID.

3 (F) THE INFORMATION OF LICENSEES OR APPLICANTS FOR A LICENSE SHALL NOT
4 BE DISCLOSED TO THE PUBLIC DURING THE FIRST ONE HUNDRED TWENTY DAYS
5 FOLLOWING THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
6 THIRTEEN, WHICH AMENDED THIS SECTION. AFTER SUCH PERIOD, THE INFORMA-
7 TION OF THOSE WHO HAD APPLIED FOR OR BEEN GRANTED A LICENSE PRIOR TO THE
8 PREPARATION OF THE FORM FOR REQUESTING AN EXCEPTION, PURSUANT TO PARA-
9 GRAPH (B) OF THIS SUBDIVISION, MAY BE RELEASED ONLY IF SUCH INDIVIDUALS
10 DID NOT FILE A REQUEST FOR SUCH AN EXCEPTION DURING THE FIRST SIXTY DAYS
11 FOLLOWING SUCH PREPARATION; PROVIDED, HOWEVER, THAT NO INFORMATION
12 CONTAINED IN AN APPLICATION FOR LICENSURE OR RECERTIFICATION SHALL BE
13 DISCLOSED BY AN ENTITY THAT HAS NOT COMPLETED PROCESSING ANY SUCH
14 REQUESTS RECEIVED DURING SUCH SIXTY DAYS.

15 (G) IF A REQUEST FOR AN EXCEPTION IS DETERMINED TO BE NULL AND VOID
16 PURSUANT TO PARAGRAPH (B) OR (C) OF THIS SUBDIVISION, AN APPLICANT MAY
17 REQUEST REVIEW OF SUCH DETERMINATION PURSUANT TO ARTICLE SEVENTY-EIGHT
18 OF THE CIVIL PRACTICE LAWS AND RULES. SUCH PROCEEDING MUST COMMENCE
19 WITHIN THIRTY DAYS AFTER SERVICE OF THE WRITTEN NOTICE CONTAINING THE
20 ADVERSE DETERMINATION. NOTICE OF THE RIGHT TO COMMENCE SUCH A PETITION,
21 AND THE TIME PERIOD THEREFOR, SHALL BE INCLUDED IN THE NOTICE OF THE
22 DETERMINATION. DISCLOSURE FOLLOWING SUCH A PETITION SHALL NOT BE MADE
23 PRIOR TO THE DISPOSITION OF SUCH REVIEW.

24 9. License: amendment. Elsewhere than in the city of New York, a
25 person licensed to carry or possess a pistol or revolver may apply at
26 any time to his OR HER licensing officer for amendment of his OR HER
27 license to include one or more such weapons or to cancel weapons held
28 under license. If granted, a record of the amendment describing the
29 weapons involved shall be filed by the licensing officer in the execu-
30 tive department, division of state police, Albany. THE SUPERINTENDENT OF
31 STATE POLICE MAY AUTHORIZE THAT SUCH AMENDMENT BE COMPLETED AND TRANS-
32 MITTED TO THE STATE POLICE IN ELECTRONIC FORM. Notification of any
33 change of residence shall be made in writing by any licensee within ten
34 days after such change occurs, and a record of such change shall be
35 inscribed by such licensee on the reverse side of his OR HER license.
36 Elsewhere than in the city of New York, and in the counties of Nassau
37 and Suffolk, such notification shall be made to the executive depart-
38 ment, division of state police, Albany, and in the city of New York to
39 the police commissioner of that city, and in the county of Nassau to the
40 police commissioner of that county, and in the county of Suffolk to the
41 licensing officer of that county, who shall, within ten days after such

42 notification shall be received by him OR HER, give notice in writing of
43 such change to the executive department, division of state police, at
44 Albany.

45 10. License: expiration, certification and renewal. (A) Any license
46 for gunsmith or dealer in firearms and, in the city of New York, any
47 license to carry or possess a pistol or revolver, issued at any time
48 pursuant to this section or prior to the first day of July, nineteen
49 hundred sixty-three and not limited to expire on an earlier date fixed
50 in the license, shall expire not more than three years after the date of
51 issuance. In the counties of Nassau, Suffolk and Westchester, any
52 license to carry or possess a pistol or revolver, issued at any time
53 pursuant to this section or prior to the first day of July, nineteen
54 hundred sixty-three and not limited to expire on an earlier date fixed
55 in the license, shall expire not more than five years after the date of
56 issuance; however, in the county of Westchester, any such license shall
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1 be certified prior to the first day of April, two thousand, in accord-
2 ance with a schedule to be contained in regulations promulgated by the
3 commissioner of the division of criminal justice services, and every
4 such license shall be recertified every five years thereafter. For
5 purposes of this section certification shall mean that the licensee
6 shall provide to the licensing officer the following information only:
7 current name, date of birth, current address, and the make, model, cali-
8 ber and serial number of all firearms currently possessed. Such certif-
9 ication information shall be filed by the licensing officer in the same
10 manner as an amendment. Elsewhere than in the city of New York and the
11 counties of Nassau, Suffolk and Westchester, any license to carry or
12 possess a pistol or revolver, issued at any time pursuant to this
13 section or prior to the first day of July, nineteen hundred sixty-three
14 and not previously revoked or cancelled, shall be in force and effect
15 until revoked as herein provided. Any license not previously cancelled
16 or revoked shall remain in full force and effect for thirty days beyond
17 the stated expiration date on such license. Any application to renew a
18 license that has not previously expired, been revoked or cancelled shall
19 thereby extend the term of the license until disposition of the applica-
20 tion by the licensing officer. In the case of a license for gunsmith or
21 dealer in firearms, in counties having a population of less than two
22 hundred thousand inhabitants, photographs and fingerprints shall be
23 submitted on original applications and upon renewal thereafter only at
24 six year intervals. Upon satisfactory proof that a currently valid
25 original license has been despoiled, lost or otherwise removed from the
26 possession of the licensee and upon application containing an additional
27 photograph of the licensee, the licensing officer shall issue a dupli-
28 cate license.

29 (B) ALL LICENSEES SHALL BE RECERTIFIED TO THE DIVISION OF STATE POLICE
30 EVERY FIVE YEARS THEREAFTER. ANY LICENSE ISSUED BEFORE THE EFFECTIVE
31 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED
32 THIS PARAGRAPH SHALL BE RECERTIFIED BY THE LICENSEE ON OR BEFORE JANUARY
33 THIRTY-FIRST, TWO THOUSAND EIGHTEEN, AND NOT LESS THAN ONE YEAR PRIOR TO
34 SUCH DATE, THE STATE POLICE SHALL SEND A NOTICE TO ALL LICENSE HOLDERS
35 WHO HAVE NOT RECERTIFIED BY SUCH TIME. SUCH RECERTIFICATION SHALL BE IN
36 A FORM AS APPROVED BY THE SUPERINTENDENT OF STATE POLICE, WHICH SHALL
37 REQUEST THE LICENSE HOLDER'S NAME, DATE OF BIRTH, GENDER, RACE, RESIDEN-
38 TIAL ADDRESS, SOCIAL SECURITY NUMBER, FIREARMS POSSESSED BY SUCH LICENSE
39 HOLDER, EMAIL ADDRESS AT THE OPTION OF THE LICENSE HOLDER AND AN AFFIR-
40 MATION THAT SUCH LICENSE HOLDER IS NOT PROHIBITED FROM POSSESSING

41 FIREARMS. THE FORM MAY BE IN AN ELECTRONIC FORM IF SO DESIGNATED BY THE
42 SUPERINTENDENT OF STATE POLICE. FAILURE TO RECERTIFY SHALL ACT AS A
43 REVOCATION OF SUCH LICENSE. IF THE NEW YORK STATE POLICE DISCOVER AS A
44 RESULT OF THE RECERTIFICATION PROCESS THAT A LICENSEE FAILED TO PROVIDE
45 A CHANGE OF ADDRESS, THE NEW YORK STATE POLICE SHALL NOT REQUIRE THE
46 LICENSING OFFICER TO REVOKE SUCH LICENSE.

47 11. License: revocation and suspension. (A) The conviction of a licen-
48 see anywhere of a felony or serious offense OR A LICENSEE AT ANY TIME
49 BECOMING INELIGIBLE TO OBTAIN A LICENSE UNDER THIS SECTION shall operate
50 as a revocation of the license. A license may be revoked or suspended as
51 provided for in section 530.14 of the criminal procedure law or section
52 eight hundred forty-two-a of the family court act. Except for a license
53 issued pursuant to section 400.01 of this article, a license may be
54 revoked and cancelled at any time in the city of New York, and in the
55 counties of Nassau and Suffolk, by the licensing officer, and elsewhere
56 than in the city of New York by any judge or justice of a court of
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1 record; a license issued pursuant to section 400.01 of this article may
2 be revoked and cancelled at any time by the licensing officer or any
3 judge or justice of a court of record. The official revoking a license
4 shall give written notice thereof without unnecessary delay to the exec-
5 utive department, division of state police, Albany, and shall also noti-
6 fy immediately the duly constituted police authorities of the locality.

7 (B) WHENEVER THE DIRECTOR OF COMMUNITY SERVICES OR HIS OR HER DESIGNEE
8 MAKES A REPORT PURSUANT TO SECTION 9.46 OF THE MENTAL HYGIENE LAW, THE
9 DIVISION OF CRIMINAL JUSTICE SERVICES SHALL CONVEY SUCH INFORMATION,
10 WHENEVER IT DETERMINES THAT THE PERSON NAMED IN THE REPORT POSSESSES A
11 LICENSE ISSUED PURSUANT TO THIS SECTION, TO THE APPROPRIATE LICENSING
12 OFFICIAL, WHO SHALL ISSUE AN ORDER SUSPENDING OR REVOKING SUCH LICENSE.

13 (C) IN ANY INSTANCE IN WHICH A PERSON'S LICENSE IS SUSPENDED OR
14 REVOKED UNDER PARAGRAPH (A) OR (B) OF THIS SUBDIVISION, SUCH PERSON
15 SHALL SURRENDER SUCH LICENSE TO THE APPROPRIATE LICENSING OFFICIAL AND
16 ANY AND ALL FIREARMS, RIFLES, OR SHOTGUNS OWNED OR POSSESSED BY SUCH
17 PERSON SHALL BE SURRENDERED TO AN APPROPRIATE LAW ENFORCEMENT AGENCY AS
18 PROVIDED IN SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF
19 SECTION 265.20 OF THIS CHAPTER. IN THE EVENT SUCH LICENSE, FIREARM,
20 SHOTGUN, OR RIFLE IS NOT SURRENDERED, SUCH ITEMS SHALL BE REMOVED AND
21 DECLARED A NUISANCE AND ANY POLICE OFFICER OR PEACE OFFICER ACTING
22 PURSUANT TO HIS OR HER SPECIAL DUTIES IS AUTHORIZED TO REMOVE ANY AND
23 ALL SUCH WEAPONS.

24 12. Records required of gunsmiths and dealers in firearms. Any person
25 licensed as gunsmith or dealer in firearms shall keep a record book
26 approved as to form, except in the city of New York, by the superinten-
27 dent of state police. In the record book shall be entered at the time of
28 every transaction involving a firearm the date, name, age, occupation
29 and residence of any person from whom a firearm is received or to whom a
30 firearm is delivered, and the calibre, make, model, manufacturer's name
31 and serial number, or if none, any other distinguishing number or iden-
32 tification mark on such firearm. Before delivering a firearm to any
33 person, the licensee shall require him to produce either a license valid
34 under this section to carry or possess the same, or proof of lawful
35 authority as an exempt person pursuant to section 265.20. In addition,
36 before delivering a firearm to a peace officer, the licensee shall veri-
37 fy that person's status as a peace officer with the division of state
38 police. After completing the foregoing, the licensee shall remove and
39 retain the attached coupon and enter in the record book the date of such

40 license, number, if any, and name of the licensing officer, in the case
41 of the holder of a license to carry or possess, or the shield or other
42 number, if any, assignment and department, unit or agency, in the case
43 of an exempt person. The original transaction report shall be forwarded
44 to the division of state police within ten days of delivering a firearm
45 to any person, and a duplicate copy shall be kept by the licensee. THE
46 SUPERINTENDENT OF STATE POLICE MAY DESIGNATE THAT SUCH RECORD SHALL BE
47 COMPLETED AND TRANSMITTED IN ELECTRONIC FORM. A DEALER MAY BE GRANTED A
48 WAIVER FROM TRANSMITTING SUCH RECORDS IN ELECTRONIC FORM IF THE SUPER-
49 INTENDENT DETERMINES THAT SUCH DEALER IS INCAPABLE OF SUCH TRANSMISSION
50 DUE TO TECHNOLOGICAL LIMITATIONS THAT ARE NOT REASONABLY WITHIN THE
51 CONTROL OF THE DEALER, OR OTHER EXCEPTIONAL CIRCUMSTANCES DEMONSTRATED
52 BY THE DEALER, PURSUANT TO A PROCESS ESTABLISHED IN REGULATION, AND AT
53 THE DISCRETION OF THE SUPERINTENDENT. RECORDS ASSEMBLED OR COLLECTED FOR
54 PURPOSES OF INCLUSION IN THE DATABASE CREATED PURSUANT TO SECTION 400.02
55 OF THIS ARTICLE SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE
56 SIX OF THE PUBLIC OFFICERS LAW. The record book shall be maintained on
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1 the premises mentioned and described in the license and shall be open at
2 all reasonable hours for inspection by any peace officer, acting pursu-
3 ant to his special duties, or police officer. In the event of cancella-
4 tion or revocation of the license for gunsmith or dealer in firearms, or
5 discontinuance of business by a licensee, such record book shall be
6 immediately surrendered to the licensing officer in the city of New
7 York, and in the counties of Nassau and Suffolk, and elsewhere in the
8 state to the executive department, division of state police.

9 15. Any violation by any person of any provision of this section is a
10 class A misdemeanor.

11 16-A. REGISTRATION. (A) AN OWNER OF A WEAPON DEFINED IN PARAGRAPH (E)
12 OR (F) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF THIS CHAPTER,
13 POSSESSED BEFORE THE DATE OF THE EFFECTIVE DATE OF THE CHAPTER OF THE
14 LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH, MUST MAKE AN
15 APPLICATION TO REGISTER SUCH WEAPON WITH THE SUPERINTENDENT OF STATE
16 POLICE, IN THE MANNER PROVIDED BY THE SUPERINTENDENT, OR BY AMENDING A
17 LICENSE ISSUED PURSUANT TO THIS SECTION WITHIN ONE YEAR OF THE EFFECTIVE
18 DATE OF THIS SUBDIVISION EXCEPT ANY WEAPON DEFINED UNDER SUBPARAGRAPH
19 (VI) OF PARAGRAPH (G) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF
20 THIS CHAPTER TRANSFERRED INTO THE STATE MAY BE REGISTERED AT ANY TIME,
21 PROVIDED SUCH WEAPONS ARE REGISTERED WITHIN THIRTY DAYS OF THEIR TRANS-
22 FER INTO THE STATE. REGISTRATION INFORMATION SHALL INCLUDE THE REGIS-
23 TRANT'S NAME, DATE OF BIRTH, GENDER, RACE, RESIDENTIAL ADDRESS, SOCIAL
24 SECURITY NUMBER AND A DESCRIPTION OF EACH WEAPON BEING REGISTERED. A
25 REGISTRATION OF ANY WEAPON DEFINED UNDER SUBPARAGRAPH (VI) OF PARAGRAPH
26 (G) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OR A FEEDING DEVICE AS
27 DEFINED UNDER SUBDIVISION TWENTY-THREE OF SECTION 265.00 OF THIS CHAPTER
28 SHALL BE TRANSFERABLE, PROVIDED THAT THE SELLER NOTIFIES THE STATE
29 POLICE WITHIN SEVENTY-TWO HOURS OF THE TRANSFER AND THE BUYER PROVIDES
30 THE STATE POLICE WITH INFORMATION SUFFICIENT TO CONSTITUTE A REGISTRA-
31 TION UNDER THIS SECTION. SUCH REGISTRATION SHALL NOT BE VALID IF SUCH
32 REGISTRANT IS PROHIBITED OR BECOMES PROHIBITED FROM POSSESSING A FIREARM
33 PURSUANT TO STATE OR FEDERAL LAW. THE SUPERINTENDENT SHALL DETERMINE
34 WHETHER SUCH REGISTRANT IS PROHIBITED FROM POSSESSING A FIREARM UNDER
35 STATE OR FEDERAL LAW. SUCH CHECK SHALL BE LIMITED TO DETERMINING WHETH-
36 ER THE FACTORS IN 18 USC 922 (G) APPLY OR WHETHER A REGISTRANT HAS BEEN
37 CONVICTED OF A SERIOUS OFFENSE AS DEFINED IN SUBDIVISION SIXTEEN-B OF
38 SECTION 265.00 OF THIS CHAPTER, SO AS TO PROHIBIT SUCH REGISTRANT FROM

39 POSSESSING A FIREARM, AND WHETHER A REPORT HAS BEEN ISSUED PURSUANT TO
40 SECTION 9.46 OF THE MENTAL HYGIENE LAW. ALL REGISTRANTS SHALL RECERTIFY
41 TO THE DIVISION OF STATE POLICE EVERY FIVE YEARS THEREAFTER. FAILURE TO
42 RECERTIFY SHALL RESULT IN A REVOCATION OF SUCH REGISTRATION.

43 (B) THE SUPERINTENDENT OF STATE POLICE SHALL CREATE AND MAINTAIN AN
44 INTERNET WEBSITE TO EDUCATE THE PUBLIC AS TO WHICH SEMIAUTOMATIC RIFLE,
45 SEMIAUTOMATIC SHOTGUN OR SEMIAUTOMATIC PISTOL OR WEAPON THAT ARE ILLEGAL
46 AS A RESULT OF THE ENACTMENT OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
47 THIRTEEN WHICH ADDED THIS PARAGRAPH, AS WELL AS SUCH ASSAULT WEAPONS
48 WHICH ARE ILLEGAL PURSUANT TO ARTICLE TWO HUNDRED SIXTY-FIVE OF THIS
49 CHAPTER. SUCH WEBSITE SHALL CONTAIN INFORMATION TO ASSIST THE PUBLIC IN
50 RECOGNIZING THE RELEVANT FEATURES PROSCRIBED BY SUCH ARTICLE TWO HUNDRED
51 SIXTY-FIVE, AS WELL AS WHICH MAKE AND MODEL OF WEAPONS THAT REQUIRE
52 REGISTRATION.

53 (C) A PERSON WHO KNOWINGLY FAILS TO APPLY TO REGISTER SUCH WEAPON, AS
54 REQUIRED BY THIS SECTION, WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE
55 CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH
56 SHALL BE GUILTY OF A CLASS A MISDEMEANOR AND SUCH PERSON WHO UNKNOWINGLY
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1 FAILS TO VALIDLY REGISTER SUCH WEAPON WITHIN SUCH ONE YEAR PERIOD SHALL
2 BE GIVEN A WARNING BY AN APPROPRIATE LAW ENFORCEMENT AUTHORITY ABOUT
3 SUCH FAILURE AND GIVEN THIRTY DAYS IN WHICH TO APPLY TO REGISTER SUCH
4 WEAPON OR TO SURRENDER IT. A FAILURE TO APPLY OR SURRENDER SUCH WEAPON
5 WITHIN SUCH THIRTY-DAY PERIOD SHALL RESULT IN SUCH WEAPON BEING REMOVED
6 BY AN APPROPRIATE LAW ENFORCEMENT AUTHORITY AND DECLARED A NUISANCE.

7 16-B. THE COST OF THE SOFTWARE, PROGRAMMING AND INTERFACE REQUIRED TO
8 TRANSMIT ANY RECORD THAT MUST BE ELECTRONICALLY TRANSMITTED BY THE DEAL-
9 ER OR LICENSING OFFICER TO THE DIVISION OF STATE POLICE PURSUANT TO THIS
10 CHAPTER SHALL BE BORNE BY THE STATE.

11 S 49. The penal law is amended by adding a new section 400.02 to read
12 as follows:

13 S 400.02 STATEWIDE LICENSE AND RECORD DATABASE.

14 THERE SHALL BE A STATEWIDE LICENSE AND RECORD DATABASE WHICH SHALL BE
15 CREATED AND MAINTAINED BY THE DIVISION OF STATE POLICE THE COST OF WHICH
16 SHALL NOT BE BORNE BY ANY MUNICIPALITY. RECORDS ASSEMBLED OR COLLECTED
17 FOR PURPOSES OF INCLUSION IN SUCH DATABASE SHALL NOT BE SUBJECT TO
18 DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW. RECORDS
19 CONTAINING GRANTED LICENSE APPLICATIONS SHALL BE PERIODICALLY CHECKED BY
20 THE DIVISION OF CRIMINAL JUSTICE SERVICES AGAINST CRIMINAL CONVICTION,
21 MENTAL HEALTH, AND ALL OTHER RECORDS AS ARE NECESSARY TO DETERMINE THEIR
22 CONTINUED ACCURACY AS WELL AS WHETHER AN INDIVIDUAL IS NO LONGER A
23 VALID LICENSE HOLDER. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
24 ALSO CHECK PENDING APPLICATIONS MADE PURSUANT TO THIS ARTICLE AGAINST
25 SUCH RECORDS TO DETERMINE WHETHER A LICENSE MAY BE GRANTED. ALL STATE
26 AGENCIES SHALL COOPERATE WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES,
27 AS OTHERWISE AUTHORIZED BY LAW, IN MAKING THEIR RECORDS AVAILABLE FOR
28 SUCH CHECKS. THE DIVISION OF CRIMINAL JUSTICE SERVICES, UPON DETERMINING
29 THAT AN INDIVIDUAL IS INELIGIBLE TO POSSESS A LICENSE, OR IS NO LONGER A
30 VALID LICENSE HOLDER, SHALL NOTIFY THE APPLICABLE LICENSING OFFICIAL OF
31 SUCH DETERMINATION AND SUCH LICENSING OFFICIAL SHALL NOT ISSUE A LICENSE
32 OR REVOKE SUCH LICENSE AND ANY WEAPONS OWNED OR POSSESSED BY SUCH INDIVIDUAL
33 SHALL BE REMOVED CONSISTENT WITH THE PROVISIONS OF SUBDIVISION
34 ELEVEN OF SECTION 400.00 OF THIS ARTICLE. LOCAL AND STATE LAW ENFORCE-
35 MENT SHALL HAVE ACCESS TO SUCH DATABASE, AS OTHERWISE AUTHORIZED BY LAW,
36 IN THE PERFORMANCE OF THEIR DUTIES. RECORDS ASSEMBLED OR COLLECTED FOR
37 PURPOSES OF INCLUSION IN THE DATABASE ESTABLISHED BY THIS SECTION SHALL

38 BE RELEASED PURSUANT TO A COURT ORDER.

39 S 50. The penal law is amended by adding a new section 400.03 to read
40 as follows:

41 S 400.03 SELLERS OF AMMUNITION.

42 1. A SELLER OF AMMUNITION AS DEFINED IN SUBDIVISION TWENTY-FOUR OF
43 SECTION 265.00 OF THIS CHAPTER SHALL REGISTER WITH THE SUPERINTENDENT OF
44 STATE POLICE IN A MANNER PROVIDED BY THE SUPERINTENDENT. ANY DEALER IN
45 FIREARMS THAT IS VALIDLY LICENSED PURSUANT TO SECTION 400.00 OF THIS
46 ARTICLE SHALL NOT BE REQUIRED TO COMPLETE SUCH REGISTRATION.

47 2. ANY SELLER OF AMMUNITION OR DEALER IN FIREARMS SHALL KEEP A RECORD
48 BOOK APPROVED AS TO FORM BY THE SUPERINTENDENT OF STATE POLICE. IN THE
49 RECORD BOOK SHALL BE ENTERED AT THE TIME OF EVERY TRANSACTION INVOLVING
50 AMMUNITION THE DATE, NAME, AGE, OCCUPATION AND RESIDENCE OF ANY PERSON
51 FROM WHOM AMMUNITION IS RECEIVED OR TO WHOM AMMUNITION IS DELIVERED, AND
52 THE AMOUNT, CALIBRE, MANUFACTURER'S NAME AND SERIAL NUMBER, OR IF NONE,
53 ANY OTHER DISTINGUISHING NUMBER OR IDENTIFICATION MARK ON SUCH AMMUNI-
54 TION. THE RECORD BOOK SHALL BE MAINTAINED ON THE PREMISES MENTIONED AND
55 DESCRIBED IN THE LICENSE AND SHALL BE OPEN AT ALL REASONABLE HOURS FOR
56 INSPECTION BY ANY PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL
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1 DUTIES, OR POLICE OFFICER. ANY RECORD PRODUCED PURSUANT TO THIS SECTION
2 AND ANY TRANSMISSION THEREOF TO ANY GOVERNMENT AGENCY SHALL NOT BE
3 CONSIDERED A PUBLIC RECORD FOR PURPOSES OF ARTICLE SIX OF THE PUBLIC
4 OFFICERS LAW.

5 3. NO LATER THAN THIRTY DAYS AFTER THE SUPERINTENDENT OF THE STATE
6 POLICE CERTIFIES THAT THE STATEWIDE LICENSE AND RECORD DATABASE ESTAB-
7 LISHED PURSUANT TO SECTION 400.02 OF THIS ARTICLE IS OPERATIONAL FOR THE
8 PURPOSES OF THIS SECTION, A DEALER IN FIREARMS LICENSED PURSUANT TO
9 SECTION 400.00 OF THIS ARTICLE, A SELLER OF AMMUNITION AS DEFINED IN
10 SUBDIVISION TWENTY-FOUR OF SECTION 265.00 OF THIS CHAPTER SHALL NOT
11 TRANSFER ANY AMMUNITION TO ANY OTHER PERSON WHO IS NOT A DEALER IN
12 FIREARMS AS DEFINED IN SUBDIVISION NINE OF SUCH SECTION 265.00 OR A
13 SELLER OF AMMUNITION AS DEFINED IN SUBDIVISION TWENTY-FOUR OF SECTION
14 265.00 OF THIS CHAPTER, UNLESS:

15 (A) BEFORE THE COMPLETION OF THE TRANSFER, THE LICENSEE OR SELLER
16 CONTACTS THE STATEWIDE LICENSE AND RECORD DATABASE AND PROVIDES THE
17 DATABASE WITH INFORMATION SUFFICIENT TO IDENTIFY SUCH DEALER OR SELLER,
18 TRANSFEREE BASED ON INFORMATION ON THE TRANSFEREE'S IDENTIFICATION DOCU-
19 MENT AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, AS WELL AS THE
20 AMOUNT, CALIBRE, MANUFACTURER'S NAME AND SERIAL NUMBER, IF ANY, OF SUCH
21 AMMUNITION;

22 (B) THE SYSTEM PROVIDES THE LICENSEE OR SELLER WITH A UNIQUE IDENTIFI-
23 CATION NUMBER; AND

24 (C) THE TRANSFEROR HAS VERIFIED THE IDENTITY OF THE TRANSFEREE BY
25 EXAMINING A VALID STATE IDENTIFICATION DOCUMENT OF THE TRANSFEREE ISSUED
26 BY THE DEPARTMENT OF MOTOR VEHICLES OR IF THE TRANSFEREE IS NOT A RESI-
27 DENT OF THE STATE OF NEW YORK, A VALID IDENTIFICATION DOCUMENT ISSUED BY
28 THE TRANSFEREE'S STATE OR COUNTRY OF RESIDENCE CONTAINING A PHOTOGRAPH
29 OF THE TRANSFEREE.

30 4. IF THE DATABASE DETERMINES THAT THE PURCHASER OF AMMUNITION IS
31 ELIGIBLE TO POSSESS AMMUNITION PURSUANT TO STATE AND FEDERAL LAWS, THE
32 SYSTEM SHALL:

33 (A) ASSIGN A UNIQUE IDENTIFICATION NUMBER TO THE TRANSFER; AND

34 (B) PROVIDE THE LICENSEE OR SELLER WITH THE NUMBER.

35 5. IF THE STATEWIDE LICENSE AND RECORD DATABASE NOTIFIES THE LI
36 OR SELLER THAT THE INFORMATION AVAILABLE TO THE DATABASE DOES NOT

37 STRATE THAT THE RECEIPT OF AMMUNITION BY SUCH OTHER PERSON WOULD VIOLATE
 38 18 U.S.C. 922(G) OR STATE LAW, AND THE LICENSEE TRANSFERS AMMUNITION TO
 39 SUCH OTHER PERSON, THE LICENSEE SHALL INDICATE TO THE DATABASE THAT SUCH
 40 TRANSACTION HAS BEEN COMPLETED AT WHICH POINT A RECORD OF SUCH TRANS-
 41 ACTION SHALL BE CREATED WHICH SHALL BE ACCESSIBLE BY THE DIVISION OF
 42 STATE POLICE AND MAINTAINED FOR NO LONGER THAN ONE YEAR FROM POINT OF
 43 PURCHASE, WHICH SHALL NOT BE INCORPORATED INTO THE DATABASE ESTABLISHED
 44 PURSUANT TO SECTION 400.02 OF THIS ARTICLE OR THE REGISTRY ESTABLISHED
 45 PURSUANT TO SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS ARTICLE. THE
 46 DIVISION OF STATE POLICE MAY SHARE SUCH INFORMATION WITH A LOCAL LAW
 47 ENFORCEMENT AGENCY. EVIDENCE OF THE PURCHASE OF AMMUNITION IS NOT
 48 SUFFICIENT TO ESTABLISH PROBABLE CAUSE TO BELIEVE THAT THE PURCHASER HAS
 49 COMMITTED A CRIME ABSENT OTHER INFORMATION TENDING TO PROVE THE COMMIS-
 50 SION OF A CRIME. RECORDS ASSEMBLED OR ACCESSED PURSUANT TO THIS SECTION
 51 SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC
 52 OFFICERS LAW. THIS REQUIREMENT OF THIS SECTION SHALL NOT APPLY (I) IF A
 53 BACKGROUND CHECK CANNOT BE COMPLETED BECAUSE THE SYSTEM IS NOT OPERA-
 54 TIONAL AS DETERMINED BY THE SUPERINTENDENT OF STATE POLICE, OR WHERE IT
 55 CANNOT BE ACCESSED BY THE PRACTITIONER DUE TO A TEMPORARY TECHNOLOGICAL
 56 OR ELECTRICAL FAILURE, AS SET FORTH IN REGULATION, OR (II) A DEALER OR
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1 SELLER HAS BEEN GRANTED A WAIVER FROM CONDUCTING SUCH BACKGROUND CHECK
 2 IF THE SUPERINTENDENT OF STATE POLICE DETERMINES THAT SUCH DEALER IS
 3 INCAPABLE OF SUCH CHECK DUE TO TECHNOLOGICAL LIMITATIONS THAT ARE NOT
 4 REASONABLY WITHIN THE CONTROL OF THE DEALER, OR OTHER EXCEPTIONAL
 5 CIRCUMSTANCES DEMONSTRATED BY THE DEALER, PURSUANT TO A PROCESS ESTAB-
 6 LISHED IN REGULATION, AND AT THE DISCRETION OF SUCH SUPERINTENDENT.

7 6. IF THE SUPERINTENDENT OF STATE POLICE CERTIFIES THAT BACKGROUND
 8 CHECKS OF AMMUNITION PURCHASERS MAY BE CONDUCTED THROUGH THE NATIONAL
 9 INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, USE OF THAT SYSTEM BY A DEALER
 10 OR SELLER SHALL BE SUFFICIENT TO SATISFY SUBDIVISIONS FOUR AND FIVE OF
 11 THIS SECTION AND SUCH CHECKS SHALL BE CONDUCTED THROUGH SUCH SYSTEM,
 12 PROVIDED THAT A RECORD OF SUCH TRANSACTION SHALL BE FORWARDED TO THE
 13 STATE POLICE IN A FORM DETERMINED BY THE SUPERINTENDENT.

14 7. NO COMMERCIAL TRANSFER OF AMMUNITION SHALL TAKE PLACE UNLESS A
 15 LICENSED DEALER IN FIREARMS OR REGISTERED SELLER OF AMMUNITION ACTS AS
 16 AN INTERMEDIARY BETWEEN THE TRANSFEROR AND THE ULTIMATE TRANSFEREE OF
 17 THE AMMUNITION FOR THE PURPOSES OF CONTACTING THE STATEWIDE LICENSE AND
 18 RECORD DATABASE PURSUANT TO THIS SECTION. SUCH TRANSFER BETWEEN THE
 19 DEALER OR SELLER, AND TRANSFEREE MUST OCCUR IN PERSON.

20 8. A SELLER OF AMMUNITION WHO FAILS TO REGISTER PURSUANT TO THIS
 21 SECTION AND SELLS AMMUNITION, FOR A FIRST OFFENSE, SHALL BE GUILTY OF A
 22 VIOLATION AND SUBJECT TO THE FINE OF ONE THOUSAND DOLLARS AND FOR A
 23 SECOND OFFENSE, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

24 A SELLER OF AMMUNITION THAT FAILS TO KEEP ANY RECORD REQUIRED PURSUANT
 25 TO THIS SECTION, FOR A FIRST OFFENSE SHALL BE GUILTY OF A VIOLATION AND
 26 SUBJECT TO A FINE OF FIVE HUNDRED DOLLARS, AND FOR A SECOND OFFENSE
 27 SHALL BE GUILTY OF A CLASS B MISDEMEANOR, AND THE REGISTRATION OF SUCH
 28 SELLER SHALL BE REVOKED.

29 S 51. Section 400.10 of the penal law, as added by chapter 531 of the
 30 laws of 1984, and subdivision 1 as amended and subdivision 3 as added by
 31 chapter 189 of the laws of 2000, is amended to read as follows:

32 S 400.10 Report of theft or loss of a firearm, rifle or shotgun.

33 1. (a) Any owner or other person lawfully in possession of: (I) a
 34 firearm, rifle or, shotgun who suffers the loss or theft of said weapon;
 35 (II) AMMUNITION AS WELL AS A FIREARM, RIFLE OR SHOTGUN WHO SUFFERS THE

36 LOSS OR THEFT OF SUCH AMMUNITION AS WELL AS A FIREARM, RIFLE OR SHOTGUN;
37 OR (III) AMMUNITION AND IS A DEALER IN FIREARMS OR SELLER OF AMMUNITION
38 WHO SUFFERS THE LOSS OR THEFT OF SUCH AMMUNITION shall within twenty-
39 four hours of the discovery of the loss or theft report the facts and
40 circumstances of the loss or theft to a police department or sheriff's
41 office.

42 (b) Whenever a person reports the theft or loss of a firearm, rifle
43 [or], shotgun OR AMMUNITION to any police department or sheriff's
44 office, the officer or department receiving such report shall forward
45 notice of such theft or loss to the division of state police via the New
46 York Statewide Police Information Network. The notice shall contain
47 information in compliance with the New York Statewide Police Information
48 Network Operating Manual, including the caliber, make, model, manufac-
49 turer's name and serial number, if any, and any other distinguishing
50 number or identification mark on the weapon.

51 2. The division of state police shall receive, collect and file the
52 information referred to in subdivision one of this section. The division
53 shall cooperate, and undertake to furnish or make available to law
54 enforcement agencies this information, for the purpose of coordinating
55 law enforcement efforts to locate such weapons.

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1 3. Notwithstanding any other provision of law, a violation of para-
2 graph (a) of subdivision one of this section shall be [punishable only
3 by a fine not to exceed one hundred dollars] A CLASS A MISDEMEANOR.

4 S 52. The penal law is amended by adding a new section 460.22 to read
5 as follows:

6 S 460.22 AGGRAVATED ENTERPRISE CORRUPTION.

7 A PERSON IS GUILTY OF AGGRAVATED ENTERPRISE CORRUPTION WHEN HE OR SHE
8 COMMITS THE CRIME OF ENTERPRISE CORRUPTION AND TWO OR MORE OF THE ACTS
9 THAT CONSTITUTE HIS OR HER PATTERN OF CRIMINAL ACTIVITY ARE CLASS B
10 FELONIES OR HIGHER, AND AT LEAST TWO ACTS ARE ARMED FELONIES AS DEFINED
11 IN PARAGRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THE CRIMI-
12 NAL PROCEDURE LAW OR ONE ACT IS SUCH AN ARMED FELONY AND ONE ACT IS A
13 VIOLATION OF SUBDIVISION TWO OF SECTION 265.17 OF THIS CHAPTER OR ONE
14 ACT IS A CLASS B VIOLENT FELONY AND TWO ARE VIOLATIONS OF SUBDIVISION
15 TWO OF SECTION 265.17 OF THIS CHAPTER.

16 AGGRAVATED ENTERPRISE CORRUPTION IS A CLASS A-I FELONY.

17 S 53. The surrogate's court procedure act is amended by adding a new
18 section 2509 to read as follows:

19 S 2509. FIREARMS INVENTORY

20 WHENEVER, BY REGULATION, RULE OR STATUTE, A FIDUCIARY OR ATTORNEY OF
21 RECORD MUST FILE A LIST OF ASSETS CONSTITUTING A DECEDENT'S ESTATE, SUCH
22 LIST MUST INCLUDE A PARTICULARIZED DESCRIPTION OF EVERY FIREARM, SHOTGUN
23 AND RIFLE, AS SUCH TERMS ARE DEFINED IN SECTION 265.00 OF THE PENAL LAW,
24 THAT ARE PART OF SUCH ESTATE. SUCH LIST MUST BE FILED WITH THE SURRO-
25 GATE'S COURT IN THE COUNTY IN WHICH THE ESTATE PROCEEDING, IF ANY, IS
26 PENDING AND A COPY MUST BE FILED WITH THE DIVISION OF CRIMINAL JUSTICE
27 SERVICES.

28 S 54. Section 18 of chapter 408 of the laws of 1999, constituting
29 Kendra's Law, as amended by chapter 139 of the laws of 2010, is amended
30 to read as follows:

31 S 18. This act shall take effect immediately, provided that section
32 fifteen of this act shall take effect April 1, 2000, provided, further,
33 that subdivision (e) of section 9.60 of the mental hygiene law as added
34 by section six of this act shall be effective 90 days after this act
35 shall become law; and that this act shall expire and be deemed repealed

36 June 30, [2015] 2017.

37 S 55. The education law is amended by adding a new section 2801-b to
38 read as follows:

39 S 2801-B. NEW YORK STATE SCHOOL SAFETY IMPROVEMENT TEAMS. THE GOVER-
40 NOR SHALL ESTABLISH NEW YORK STATE SCHOOL SAFETY IMPROVEMENT TEAMS,
41 WHICH MAY BE COMPOSED OF REPRESENTATIVES FROM THE DIVISION OF HOMELAND
42 SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE DIVI-
43 SION OF CRIMINAL JUSTICE SERVICES, AND THE DEPARTMENT. SUCH NEW YORK
44 STATE SCHOOL SAFETY IMPROVEMENT TEAMS SHALL REVIEW AND ASSESS SCHOOL
45 SAFETY PLANS SUBMITTED, ON A VOLUNTARY BASIS, BY SCHOOL DISTRICTS HAVING
46 A POPULATION OF LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS,
47 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, AND COUNTY VOCATIONAL EDUCA-
48 TION AND EXTENSION BOARDS, AND MAY MAKE RECOMMENDATIONS TO IMPROVE SUCH
49 SCHOOL SAFETY PLANS.

50 S 56. Subdivision 6-c of section 3602 of the education law, as amended
51 by section 1 of part A-2 of chapter 62 of the laws of 2003, is amended
52 to read as follows:

53 6-c. A. Building aid for metal detectors, and safety devices for elec-
54 trically operated partitions, room dividers and doors. In addition to
55 the apportionments payable to a school district pursuant to subdivision
56 six of this section, the commissioner is hereby authorized to apportion
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1 to any school district additional building aid pursuant to this subdivi-
2 sion for its approved expenditures in the base year for the purchase of
3 stationary metal detectors, security cameras, safety devices for elec-
4 trically operated partitions and room dividers required pursuant to
5 section four hundred nine-f of this chapter, or other security devices
6 approved by the commissioner that increase the safety of students and
7 school personnel, provided, however, that funds apportioned to school
8 districts pursuant to this section shall not supplant funds for existing
9 district expenditures or for existing contractual obligations of the
10 district for stationary metal detectors, security cameras, partition and
11 room divider safety devices, or security devices. Portable or hand held
12 metal detectors shall not be eligible for aid pursuant to this subdivi-
13 sion. Such additional aid shall equal the product of the building aid
14 ratio computed for use in the current year pursuant to paragraph c of
15 subdivision six of this section and the actual approved expenditures
16 incurred in the base year pursuant to this subdivision, provided that
17 the limitations on cost allowances prescribed by paragraph a of subdivi-
18 sion six of this section shall not apply. The commissioner shall annual-
19 ly prescribe a special cost allowance for metal detectors, and security
20 cameras, and the approved expenditures shall not exceed such cost allow-
21 ance. The commissioner shall annually prescribe a special cost allowance
22 for partition and room divider safety devices, and the approved expendi-
23 tures shall not exceed such cost allowance.

24 B. FOR PROJECTS APPROVED BY THE COMMISSIONER AUTHORIZED TO RECEIVE
25 ADDITIONAL BUILDING AID PURSUANT TO THIS SUBDIVISION FOR THE PURCHASE OF
26 STATIONARY METAL DETECTORS, SECURITY CAMERAS OR OTHER SECURITY DEVICES
27 APPROVED BY THE COMMISSIONER THAT INCREASE THE SAFETY OF STUDENTS AND
28 SCHOOL PERSONNEL, PROVIDED THAT FOR PURPOSES OF THIS PARAGRAPH SUCH
29 OTHER SECURITY DEVICES SHALL BE LIMITED TO ELECTRONIC SECURITY SYSTEMS
30 AND HARDENED DOORS, AND PROVIDED THAT FOR PROJECTS APPROVED BY THE
31 COMMISSIONER ON OR AFTER THE FIRST DAY OF JULY TWO THOUSAND THIRTEEN AND
32 BEFORE THE FIRST DAY OF JULY TWO THOUSAND SIXTEEN SUCH ADDITIONAL AID
33 SHALL EQUAL THE PRODUCT OF (I) THE BUILDING AID RATIO COMPUTED FOR USE
34 IN THE CURRENT YEAR PURSUANT TO PARAGRAPH C OF SUBDIVISION SIX OF THIS

35 SECTION PLUS TEN PERCENTAGE POINTS, EXCEPT THAT IN NO CASE SHALL THIS
36 AMOUNT EXCEED ONE HUNDRED PERCENT, AND (II) THE ACTUAL APPROVED EXPENDI-
37 TURES INCURRED IN THE BASE YEAR PURSUANT TO THIS SUBDIVISION, PROVIDED
38 THAT THE LIMITATIONS ON COST ALLOWANCES PRESCRIBED BY PARAGRAPH A OF
39 SUBDIVISION SIX OF THIS SECTION SHALL NOT APPLY, AND PROVIDED FURTHER
40 THAT ANY PROJECTS AIDED UNDER THIS PARAGRAPH MUST BE INCLUDED IN A
41 DISTRICT'S SCHOOL SAFETY PLAN. THE COMMISSIONER SHALL ANNUALLY PRESCRIBE
42 A SPECIAL COST ALLOWANCE FOR METAL DETECTORS, AND SECURITY CAMERAS, AND
43 THE APPROVED EXPENDITURES SHALL NOT EXCEED SUCH COST ALLOWANCE.

44 S 57. Severability. If any clause, sentence, paragraph, section or
45 part of this act shall be adjudged by any court of competent jurisdic-
46 tion to be invalid and after exhaustion of all further judicial review,
47 the judgment shall not affect, impair or invalidate the remainder there-
48 of, but shall be confined in its operation to the clause, sentence,
49 paragraph, section or part of this act directly involved in the contro-
50 versy in which the judgment shall have been rendered.

51 S 58. This act shall take effect immediately; provided, however, that:

52 a. Sections one, two, three, four, five, six, seven, eight, nine, ten,
53 eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eigh-
54 teen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-
55 four, twenty-five, twenty-six, twenty-six-a, twenty-seven, twenty-eight,
56 twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four,
S. 2230 39 A. 2388

1 thirty-five, thirty-six, thirty-nine, forty, forty-one, forty-one-a,
2 forty-one-b, forty-two, forty-three, forty-five, forty-six, forty-six-a,
3 forty-seven, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five,
4 and fifty-six of this act shall take effect on the sixtieth day after it
5 shall have become a law;

6 b. The amendments to subdivision 23 of section 265.00 of the penal law
7 made by section thirty-eight of this act shall take effect on the nine-
8 tieth day after this act shall have become a law, except that the amend-
9 ments made to paragraph (a) of subdivision 23 shall take effect imme-
10 diately;

11 c. The amendments to subdivision 1, paragraph (a) of subdivision 3,
12 and subdivisions 4, 9, 10, 11, 12, 15, and 16-b of section 400.00 of the
13 penal law made by section forty-eight of this act shall take effect one
14 year after this act shall have become a law;

15 d. The amendments to subdivision 16-a of section 400.00 of the penal
16 law made by section forty-eight of this act shall take effect on the
17 ninetieth day after this act shall have become a law;

18 e. The amendments to sections 400.02 and 400.03 of the penal law made
19 by sections forty-nine and fifty of this act shall take effect one year
20 after it shall have become a law; and

21 f. The amendments to subdivision (b) of section 9.47 and sections 9.48
22 and 9.60 of the mental hygiene law made by sections twenty-one, twenty-
23 two and twenty-three of this act shall not affect the expiration and
24 repeal of such paragraph and sections and shall be deemed repealed ther-
25 ewith.

EXHIBIT “N”

An Act

HOUSE BILL 13-1224

BY REPRESENTATIVE(S) Fields, Court, Fischer, Hullinghorst, Labuda, Levy, Melton, Pabon, Rosenthal, Schafer, Williams, Young, Buckner, Ferrandino;
also SENATOR(S) Hodge, Aguilar, Guzman, Heath, Nicholson, Ulibarri, Morse.

CONCERNING PROHIBITING LARGE-CAPACITY AMMUNITION MAGAZINES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** part 3 to article 12 of title 18 as follows:

PART 3 LARGE-CAPACITY AMMUNITION MAGAZINES

18-12-301. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BUREAU" MEANS THE COLORADO BUREAU OF INVESTIGATION CREATED AND EXISTING PURSUANT TO SECTION 24-33.5-401, C.R.S.

(2) (a) "LARGE-CAPACITY MAGAZINE MEANS:

(I) A FIXED OR DETACHABLE MAGAZINE, BOX, DRUM, FEED STRIP, OR SIMILAR DEVICE CAPABLE OF ACCEPTING, OR THAT IS DESIGNED TO BE READILY CONVERTED TO ACCEPT, MORE THAN FIFTEEN ROUNDS OF AMMUNITION;

(II) A FIXED, TUBULAR SHOTGUN MAGAZINE THAT HOLDS MORE THAN TWENTY-EIGHT INCHES OF SHOTGUN SHELLS, INCLUDING ANY EXTENSION DEVICE THAT IS ATTACHED TO THE MAGAZINE AND HOLDS ADDITIONAL SHOTGUN SHELLS; OR

(III) A NONTUBULAR, DETACHABLE MAGAZINE, BOX, DRUM, FEED STRIP, OR SIMILAR DEVICE THAT IS CAPABLE OF ACCEPTING MORE THAN EIGHT SHOTGUN SHELLS WHEN COMBINED WITH A FIXED MAGAZINE.

(b) "LARGE-CAPACITY MAGAZINE" DOES NOT MEAN:

(I) A FEEDING DEVICE THAT HAS BEEN PERMANENTLY ALTERED SO THAT IT CANNOT ACCOMMODATE MORE THAN FIFTEEN ROUNDS OF AMMUNITION;

(II) AN ATTACHED TUBULAR DEVICE DESIGNED TO ACCEPT, AND CAPABLE OF OPERATING ONLY WITH, .22 CALIBER RIMFIRE AMMUNITION; OR

(III) A TUBULAR MAGAZINE THAT IS CONTAINED IN A LEVER-ACTION FIREARM.

18-12-302. Large-capacity magazines prohibited - penalties - exceptions. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON AND AFTER JULY 1, 2013, A PERSON WHO SELLS, TRANSFERS, OR POSSESSES A LARGE-CAPACITY MAGAZINE COMMITS A CLASS 2 MISDEMEANOR.

(b) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION AFTER HAVING BEEN CONVICTED OF A PRIOR VIOLATION OF SAID SUBSECTION (1) COMMITS A CLASS 1 MISDEMEANOR.

(c) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 6 FELONY IF THE PERSON POSSESSED A LARGE-CAPACITY MAGAZINE DURING THE COMMISSION OF A FELONY OR ANY CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406.

(2) (a) A PERSON MAY POSSESS A LARGE-CAPACITY MAGAZINE IF HE OR SHE:

(I) OWNS THE LARGE-CAPACITY MAGAZINE ON THE EFFECTIVE DATE OF THIS SECTION; AND

(II) MAINTAINS CONTINUOUS POSSESSION OF THE LARGE-CAPACITY MAGAZINE.

(b) IF A PERSON WHO IS ALLEGED TO HAVE VIOLATED SUBSECTION (1) OF THIS SECTION ASSERTS THAT HE OR SHE IS PERMITTED TO LEGALLY POSSESS A LARGE-CAPACITY MAGAZINE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE PROSECUTION HAS THE BURDEN OF PROOF TO REFUTE THE ASSERTION.

(3) THE OFFENSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO:

(a) AN ENTITY, OR ANY EMPLOYEE THEREOF ENGAGED IN HIS OR HER EMPLOYMENT DUTIES, THAT MANUFACTURES LARGE-CAPACITY MAGAZINES WITHIN COLORADO EXCLUSIVELY FOR TRANSFER TO, OR ANY LICENSED GUN DEALER, AS DEFINED IN SECTION 12-26.1-106(6), C.R.S., OR ANY EMPLOYEE THEREOF ENGAGED IN HIS OR HER OFFICIAL EMPLOYMENT DUTIES, THAT SELLS LARGE-CAPACITY MAGAZINES EXCLUSIVELY TO:

(I) A BRANCH OF THE ARMED FORCES OF THE UNITED STATES;

(II) A DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION OF THE STATE OF COLORADO, OR OF ANY OTHER STATE, OR OF THE UNITED STATES GOVERNMENT;

(III) A FIREARMS RETAILER FOR THE PURPOSE OF FIREARMS SALES CONDUCTED OUTSIDE THE STATE;

(IV) A FOREIGN NATIONAL GOVERNMENT THAT HAS BEEN APPROVED FOR SUCH TRANSFERS BY THE UNITED STATES GOVERNMENT; OR

(V) AN OUT-OF-STATE TRANSFEREE WHO MAY LEGALLY POSSESS A LARGE-CAPACITY MAGAZINE; OR

(b) AN EMPLOYEE OF ANY OF THE FOLLOWING AGENCIES WHO BEARS A FIREARM IN THE COURSE OF HIS OR HER OFFICIAL DUTIES:

(I) A BRANCH OF THE ARMED FORCES OF THE UNITED STATES; OR

(II) A DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION OF THE STATE OF COLORADO, OR OF ANY OTHER STATE, OR OF THE UNITED STATES GOVERNMENT; OR

(c) A PERSON WHO POSSESSES THE MAGAZINE FOR THE SOLE PURPOSE OF TRANSPORTING THE MAGAZINE TO AN OUT-OF-STATE ENTITY ON BEHALF OF A MANUFACTURER OF LARGE-CAPACITY MAGAZINES WITHIN COLORADO.

18-12-303. Identification markings for large-capacity magazines

- rules. (1) A LARGE-CAPACITY MAGAZINE THAT IS MANUFACTURED IN COLORADO ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION MUST INCLUDE A PERMANENT STAMP OR MARKING INDICATING THAT THE LARGE-CAPACITY MAGAZINE WAS MANUFACTURED OR ASSEMBLED AFTER THE EFFECTIVE DATE OF THIS SECTION. THE STAMP OR MARKING MUST BE LEGIBLY AND CONSPICUOUSLY ENGRAVED OR CAST UPON THE OUTER SURFACE OF THE LARGE-CAPACITY MAGAZINE.

(2) THE BUREAU MAY PROMULGATE SUCH RULES AS MAY BE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES REQUIRING A LARGE-CAPACITY MAGAZINE THAT IS MANUFACTURED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO BEAR IDENTIFYING INFORMATION IN ADDITION TO THE IDENTIFYING INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(3) A PERSON WHO MANUFACTURES A LARGE-CAPACITY MAGAZINE IN COLORADO IN VIOLATION OF SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 18-1.3-501.

SECTION 2. Effective date. This act takes effect July 1, 2013.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

EXHIBIT “O”

New Jersey Statutes Annotated

Title 2C. The New Jersey Code of Criminal Justice (Refs & Annos)

Subtitle 2. Definition of Specific Offenses

Part 5. Offenses Against Public Order, Health and Decency

Chapter 39. Firearms, Other Dangerous Weapons and Instruments of Crime (Refs & Annos)

N.J.S.A. 2C:39-1

2C:39-1. Definitions

Effective: December 23, 2002

[Currentness](#)

The following definitions apply to this chapter and to chapter 58:

a. "Antique firearm" means any rifle or shotgun and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the rifle, shotgun or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.

d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

f. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet,

or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.

h. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom.

j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.

k. "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breech to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breech to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

p. "Switchblade knife" means any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

q. "Superintendent" means the Superintendent of the State Police.

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

w. "Assault firearm" means:

(1) The following firearms:

Algimec AGM1 type

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

Demro TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

Franchi SPAS 12 and LAW 12 shotguns

G3SA type

Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

Intratec TEC 9 and 22 semi-automatic firearms

M1 carbine type

M14S type

MAC 10, MAC 11, MAC 11-9mm carbine type firearms

PJK M-68 carbine type

Plainfield Machine Company Carbine

Ruger K-Mini-14/5F and Mini-14/5RF

SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

SKS with detachable magazine type

Spectre Auto carbine type

Springfield Armory BM59 and SAR-48 type

Sterling MK-6, MK-7 and SAR types

Steyr A.U.G. semi-automatic firearms

USAS 12 semi-automatic type shotgun

Uzi type semi-automatic firearms

Valmet M62, M71S, M76, or M78 type semi-automatic firearms

Weaver Arm Nighthawk.

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock.

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds.

(5) A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

x. "Semi-automatic" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.

y. "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm.

z. "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.

aa. "Antique handgun" means a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition or for which cartridge ammunition is not commercially available.

bb. "Trigger lock" means a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that prevents a firearm from being discharged while the device is attached to the firearm. It may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger.

cc. "Trigger locking device" means a device that, if installed on a firearm and secured by means of a key or mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically or electromechanically operated combination lock.

dd. "Personalized handgun" means a handgun which incorporates within its design, and as part of its original manufacture, technology which automatically limits its operational use and which cannot be readily deactivated, so that it may only be fired by an authorized or recognized user. The technology limiting the handgun's operational use may include, but not be limited to: radio frequency tagging, touch memory, remote control, fingerprint, magnetic encoding and other automatic user identification systems utilizing biometric, mechanical or electronic systems. No make or model of a handgun shall be deemed to be a "personalized handgun" unless the Attorney General has determined, through testing or other reasonable means, that the handgun meets any reliability standards that the manufacturer may require for its commercially available handguns that are not personalized or, if the manufacturer has no such reliability standards, the handgun meets the reliability standards generally used in the industry for commercially available handguns.

Credits

L.1978, c. 95, § 2C:39-1, eff. Sept. 1, 1979. Amended by L.1981, c. 363, § 1, eff. Dec. 30, 1981; L.1983, c. 479, § 1, eff. Jan. 12, 1984; L.1985, c. 360, § 1, eff. Nov. 12, 1985; L.1987, c. 228, § 1, eff. July 30, 1987; L.1989, c. 120, § 1, eff. Aug. 1, 1989; L.1990, c. 32, § 1, eff. May 30, 1990; L.1999, c. 233, § 1; L.1999, c. 255, § 1, eff. Oct. 15, 1999; L.2002, c. 130, § 5, eff. Dec. 23, 2002.

Editors' Notes

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE STATEMENT

Senate, No. 841--L. 1989, c. 120

Senate Bill 841, as amended, prohibits as a crime of the fourth degree under [N.J.S. 2C:39-4](#) the possession of an imitation firearm under circumstances that would lead an observer to reasonably believe that it is possessed for an unlawful purpose. "Imitation firearm" is defined by the bill as an object or device reasonably capable of being mistaken for a firearm.

Prior to being amended, the bill prohibited the possession of an imitation firearm under [N.J.S. 2C:39-5](#) in circumstances not manifestly appropriate for such uses as it may have.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

Assembly, Nos. 2626, 2807 and Senate, No. 2108--L.1987, c. 228

The Senate Law, Public Safety and Defense Committee favorably reports the Assembly Committee Substitute for Assembly Bill Nos. 2626 and 2807 and Senate Bill No. 2108 with amendments.

As amended, this bill prohibits as a crime of the fourth degree the sale of hunting, fishing, combat, and survival knives with blade lengths of five inches or more or overall lengths of 10 inches or more to persons under the age of 18. The bill provides an affirmative defense to any seller prosecuted for violating this provision if the seller establishes all of the following circumstances by a preponderance of the evidence: (a) that the purchaser falsely represented his age by producing a driver's license bearing a photograph of the licensee or by producing a photographic identification issued pursuant to section 1 of P.L.1969, c. 313 (C. 33:1-81.2) or by producing a similar card purporting to be a valid identification card indicating that he was 18 years of age or older; and (b) that the appearance of the purchaser was such that an ordinary, prudent person would believe him to be 18 years of age or older; and (c) that the sale was made in good faith relying upon the indicators of age mentioned above.

In addition, the bill makes it a crime of the fourth degree to manufacture, transport, sell, dispose of, or possess without an explainable lawful purpose a ballistic knife. A law enforcement officer who confiscates a ballistic knife as evidence of the commission of a crime or because he believes the knife to be possessed illegally by the person from whom it is taken is exempt from the prohibition if the officer promptly notifies his superiors.

The committee amended the bill to delete the definition of martial arts device and the provision which would have made it a crime of the fourth degree to manufacture, transport, sell, dispose of, or possess without an explainable lawful purpose a martial arts device.

Senate, No. 2871--L.1985, c. 360

Senate Bill No. 2781, as amended by the Senate Law, Public Safety and Defense Committee, prohibits as a crime of the fourth degree the possession of a stun gun by any person, including a law enforcement officer. A crime of the fourth degree carries a penalty of imprisonment for up to 18 months, a fine of up to \$7,500.00, or both. Prior to being amended the bill classified possession of a stun gun as a crime of the third degree.

The committee amended the bill to include a provision authorizing the Attorney General, at his discretion, to exempt law enforcement officers from the prohibition against possessing stun guns.

The bill was also amended by the committee to include stun guns in the definition of "weapon" in paragraph r. of N.J.S. 2C:39-1.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE STATEMENT

Assembly, No. 3702 and Senate No. 3502--L.1983, c. 479

Assembly Committee Substitute for Assembly Bill No. 3702 and Senate Bill No. 3502 amends chapters 39 and 58 of Title 2C of the New Jersey Statutes to exempt "antique cannons" from those sections of the law (N.J.S. 2C:39-5) which would otherwise prohibit their possession. The bill would require that a person transporting, exhibiting or firing an antique cannon, comply with any regulations promulgated by the Superintendent of the State Police and to notify the State Police of an exhibition or discharge of an antique cannon not less than 30 days before the event.

Changes to the original bills were made at the request of the Attorney General's office.

[Notes of Decisions \(45\)](#)

N. J. S. A. 2C:39-1, NJ ST 2C:39-1

Current with laws effective through L.2013, c. 190 and J.R. No. 13.

New Jersey Statutes Annotated

Title 2C. The New Jersey Code of Criminal Justice (Refs & Annos)

Subtitle 2. Definition of Specific Offenses

Part 5. Offenses Against Public Order, Health and Decency

Chapter 39. Firearms, Other Dangerous Weapons and Instruments of Crime (Refs & Annos)

N.J.S.A. 2C:39-3

2C:39-3. Prohibited weapons and devices

Effective: September 3, 2003

[Currentness](#)

a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm or an antique handgun, is guilty of a crime of the fourth degree.

e. Certain weapons. Any person who knowingly has in his possession any gravity knife, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar leather band studded with metal filings or razor blades imbedded in wood, ballistic knife, without any explainable lawful purpose, is guilty of a crime of the fourth degree.

f. Dum-dum or body armor penetrating bullets. (1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to subsection f. of [N.J.S.2C:39-6](#), who knowingly has in his possession any hollow nose or dum-dum bullet, or (2) any person, other than a collector of firearms or ammunition as curios or relics as defined in [Title 18, United States Code, section 921 \(a\) \(13\)](#) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means: (a) ammunition primarily designed for use in a handgun, and (b) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale, and (c) is therefore capable of breaching or penetrating body armor, is guilty of a crime of the fourth degree. For purposes of this section, a collector may possess not more than three examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color.

g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or k. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, to any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders. Nothing in subsection

h. of this section shall apply to any law enforcement officer who is exempted from the provisions of that subsection by the Attorney General. Nothing in this section shall apply to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) a. Nothing in subsection f. (1) shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land, nor shall subsection f. (1) be construed to prevent any licensed retail or wholesale firearms dealer from possessing such ammunition at its licensed premises, provided that the seller of any such ammunition shall maintain a record of the name, age and place of residence of any purchaser who is not a licensed dealer, together with the date of sale and quantity of ammunition sold.

b. Nothing in subsection f. (1) shall be construed to prevent a designated employee or designated licensed agent for a nuclear power plant under the license of the Nuclear Regulatory Commission from possessing hollow nose ammunition while in the actual performance of his official duties, if the federal licensee certifies that the designated employee or designated licensed agent is assigned to perform site protection, guard, armed response or armed escort duties and is appropriately trained and qualified, as prescribed by federal regulation, to perform those duties.

(3) Nothing in paragraph (2) of subsection f. or in subsection j. shall be construed to prevent any licensed retail or wholesale firearms dealer from possessing that ammunition or large capacity ammunition magazine at its licensed premises for sale or disposition to another licensed dealer, the Armed Forces of the United States or the National Guard, or to a law enforcement agency, provided that the seller maintains a record of any sale or disposition to a law enforcement agency. The record shall include the name of the purchasing agency, together with written authorization of the chief of police or highest ranking official of the agency, the name and rank of the purchasing law enforcement officer, if applicable, and the date, time and amount of ammunition sold or otherwise disposed. A copy of this record shall be forwarded by the seller to the Superintendent of the Division of State Police within 48 hours of the sale or disposition.

(4) Nothing in subsection a. of this section shall be construed to apply to antique cannons as exempted in subsection d. of [N.J.S.2C:39-6](#).

(5) Nothing in subsection c. of this section shall be construed to apply to any person who is specifically identified in a special deer management permit issued by the Division of Fish and Wildlife to utilize a firearm silencer as part of an alternative deer control method implemented in accordance with a special deer management permit issued pursuant to section 4 of [P.L.2000, c. 46 \(C.23:4-42.6\)](#), while the person is in the actual performance of the permitted alternative deer control method and while going to and from the place where the permitted alternative deer control method is being utilized. This exception shall not, however, otherwise apply to any person to authorize the purchase or possession of a firearm silencer.

h. Stun guns. Any person who knowingly has in his possession any stun gun is guilty of a crime of the fourth degree.

i. Nothing in subsection e. of this section shall be construed to prevent any guard in the employ of a private security company, who is licensed to carry a firearm, from the possession of a nightstick when in the actual performance of his official duties, provided that he has satisfactorily completed a training course approved by the Police Training Commission in the use of a nightstick.

j. Any person who knowingly has in his possession a large capacity ammunition magazine is guilty of a crime of the fourth degree unless the person has registered an assault firearm pursuant to section 11 of P.L.1990, c. 32 (C.2C:58-12) and the magazine is maintained and used in connection with participation in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army.

k. Handcuffs. Any person who knowingly has in his possession handcuffs as defined in P.L.1991, c. 437 (C.2C:39-9.2), under circumstances not manifestly appropriate for such lawful uses as handcuffs may have, is guilty of a disorderly persons offense. A law enforcement officer shall confiscate handcuffs possessed in violation of the law.

Credits

L.1978, c. 95, § 2C:39-3, eff. Sept. 1, 1979. Amended by L.1979, c. 179, § 2, eff. Sept. 1, 1979; L.1983, c. 58, § 1, eff. Feb. 7, 1983; L.1983, c. 479, § 2, eff. Jan. 12, 1984; L.1985, c. 360, § 2, eff. Nov. 12, 1985; L.1987, c. 228, § 2, eff. July 30, 1987; L.1989, c. 11, § 1, eff. Feb. 1, 1989; L.1990, c. 32, § 10, eff. May 30, 1990; L.1991, c. 437, § 1, eff. Jan. 18, 1992; L.1999, c. 233, § 2; L.2000, c. 46, § 5, eff. June 30, 2000; L.2003, c. 168, § 1, eff. Sept. 3, 2003.

Editors' Notes

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE STATEMENT

Senate, No. 650--L.1989, c. 11

Senate 650 permits a guard who is licensed to carry a firearm and is employed by a private security company to lawfully carry a nightstick when in the actual performance of his official duties, provided that he has satisfactorily completed a training course.

The bill requires that a training course, approved by the Police Training Commission, in the use of a nightstick must be completed before a private security guard licensed to carry a firearm is authorized to carry a nightstick while in the performance of his official duties.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

Notes of Decisions (39)

N. J. S. A. 2C:39-3, NJ ST 2C:39-3

Current with laws effective through L.2013, c. 190 and J.R. No. 13.