

14-0319-cv

United States Court of Appeals *for the* Second Circuit

JUNE SHEW, STEPHANIE CYPHER, PETER OWENS, BRIAN MCCLAIN,
HILLER SPORTS, LLC, MD SHOOTING SPORTS, LLC, CONNECTICUT
CITIZENS' DEFENSE LEAGUE, COALITION OF CONNECTICUT
SPORTSMEN, RABBI MITCHELL ROCKLIN, STEPHEN HOLLY,

Plaintiffs-Appellants,

– v. –

DANNEL P. MALLOY, in his official capacity as Governor of the State of
Connecticut, KEVIN T. KANE, in his official capacity as Chief State's Attorney
of the State of Connecticut, REUBEN F. BRADFORD, in his official capacity as
Commissioner of the Connecticut Department of Emergency Services and Public

(For Continuation of Caption See Inside Cover)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

JOINT APPENDIX Volume 4 of 10 (Pages A-867 to A-1152)

STEPHEN P. HALBROOK, ESQ.
3925 Chain Bridge Road, Suite 403
Fairfax, Virginia 22030
(703) 352-7276

GOLDBERG SEGALLA LLP
11 Martine Avenue, Suite 750
White Plains, New York 10606
(914) 798-5400

COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, DC 20036
(202) 220-9600

Attorneys for Plaintiffs-Appellants

(For Continuation of Appearances See Inside Cover)

Protection, DAVID I. COHEN, in his official capacity as State's Attorney for the Stamford/Norwalk Judicial District, Geographic Areas Nos. 1 and 20, JOHN C. SMRIGA, in his official capacity as State's Attorney for the Fairfield Judicial District, Geographical Area No. 2, MAUREEN PLATT, in her official capacity as State's Attorney for the Waterbury Judicial District, Geographical Area No. 4, KEVIN D. LAWLOR, in his official capacity as State's Attorney for the Ansonia/Milford Judicial District, Geographical Areas Nos. 5 and 22, MICHAEL DEARINGTON, in his official capacity as State's Attorney for the New Haven Judicial District, Geographical Area Nos. 7 and 23, PETER A. MCSHANE, in his official capacity as State's Attorney for the Middlesex Judicial District, Geographical Area No. 9, MICHAEL L. REGAN, in his official capacity as State's Attorney for the New London Judicial District, Geographical Area Nos. 10 and 21, PATRICIA M. FROEHLICH, GAIL P. HARDY, in her official capacity as State's Attorney for the Hartford Judicial District, Geographical Areas Nos. 12, 13, and 14, BRIAN PRELESKI, in his official capacity as State's Attorney for the New Britain Judicial District, Geographic Area Nos. 15 and 17, DAVID SHEPACK, in his official capacity as State's Attorney for the Litchfield Judicial District, Geographical Area No. 18, MATTHEW C. GEDANSKY, in his official capacity as State's Attorney for the Tolland Judicial District, Geographic Area No. 19, STEPHEN J. SEDENSKY, III, in his official capacity as State's Attorney for the Danbury Judicial District, Geographical Area No. 3,

Defendants-Appellees.

MAURA B. MURPHY OSBORNE
STATE OF CONNECTICUT
OFFICE OF THE ATTORNEY GENERAL
55 Elm Street
Hartford, Connecticut 06106
(860) 808-5020

Attorneys for Defendants-Appellees

TABLE OF CONTENTS

	Page
District Court Docket Entries	A-1
Complaint for Declaratory Judgment and Injunctive Relief, dated May 22, 2013.....	A-33
First Amended Complaint for Declaratory Judgment and Injunctive Relief, dated June 11, 2013.....	A-82
Plaintiffs' Motion for Preliminary Injunction, dated June 26, 2013	A-136
Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 26, 2013 (Omitted herein)	
Exhibit A to Memorandum - Declaration of Mark Overstreet, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 27, 2013	A-142
Exhibit B1-3 to Memorandum - NSSF MSR Report (Parts 1-3)	A-150
Exhibit C to Memorandum - Declaration of Guy Rossi, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 25, 2013	A-235
Exhibit D to Memorandum - Affidavit of June Shew, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 25, 2013	A-247
Exhibit E to Memorandum - Affidavit of Brian McClain, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 25, 2013	A-253

ii

	Page
Exhibit F to Memorandum - Affidavit of Stephanie Cypher, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 25, 2013	A-259
Exhibit G to Memorandum - Declaration of Mitchel Rocklin, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 25, 2013	A-265
Exhibit H to Memorandum - Affidavit of Peter Owens, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 25, 2013	A-271
Exhibit I to Memorandum - Affidavit of Andrew Mueller, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 26, 2013	A-277
Exhibit J to Memorandum - Diagram: Pistol Grip/Grip That Allows Fingers to Rest Below Action	A-281
Exhibit K to Memorandum - Declaration of Dr. Gary Kleck, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 25, 2013	A-283
Exhibit L to Memorandum - Declaration of Michele DeLuca, in Support of Plaintiffs' Motion for Preliminary Injunction, dated June 25, 2013	A-295
Defendants' Answer and Defenses to First Amended Complaint, dated August 9, 2013	A-300
Plaintiffs' Motion for Summary Judgment, dated August 23, 2013.....	A-322

iii

	Page
Plaintiffs' Local Rule 56(a)(1) Statement, dated August 23, 2013.....	A-328
Exhibit A to Statement - Pew Research Center Gun Homicide Rate Report, dated May 7, 2013	A-370
Exhibit B to Statement - USDOJ BOJS Firearm Violence 1993-2011.....	A-433
Exhibit C to Statement - CRS Report on Mass Shootings March 2013	A-461
Exhibit D to Statement - FBI UCRs	A-501
Exhibit E to Statement - Koper Report 2004	A-509
Exhibit F to Statement - Koper Report 1997	A-622
Exhibit G to Statement - Declaration of Scott Wilson in Support of Plaintiffs' Rule 56(a)(1) Statement	A-740
Exhibit H to Statement - Declaration of Paul Hiller in Support of Plaintiffs' Rule 56(a)(1) Statement	A-745
Exhibit I to Statement - Supplemental Declaration of June Shew in Support of Plaintiffs' Rule 56(a)(1) Statement	A-750
Exhibit K to Statement - Declaration of Dr. Gary Roberts in Support of Plaintiffs' Rule 56(a)(1) Statement	A-753
Defendants' Motion for Summary Judgment, dated October 11, 2013.....	A-774

iv

	Page
Defendants' Local Rule 56(a)(1) Statement, dated October 11, 2013.....	A-776
Defendants' Local Rule 56(a)(2) Statement, dated October 11, 2013.....	A-793
Defendant's Exhibit List to Local Rule 56 Statement	A-843
Defendants' Exhibit 1 - Public Act 13-3	A-848
Defendants' Exhibit 2 - Public Act 13-220	A-916
Defendants' Exhibit 3 - Public Act 93-306	A-942
Defendants' Exhibit 4 - Public Act 01-130	A-948
Defendants' Exhibit 5 - Excerpts from Senate Debates on Public Act 13-3	A-961
Defendants' Exhibit 6 - Excerpts from Senate Debates on Public Act 93-360	A-970
Defendants' Exhibit 7 - Governor's Sandy Hook Advisory Commissioner Interim Report	A-973
Defendants' Exhibit 8 - Governor's Legislative Proposals	A-990
Defendants' Exhibit 9 - Federal ban, 1994.....	A-996
Defendants' Exhibit 10 - Delehanty Affidavit.....	A-1023

v

	Page
Defendants' Exhibit 11 - Delehanty Affidavit – Photos of gun engravings.....	A-1032
Defendants' Exhibit 12 - Delehanty Affidavit – Picture of tubular magazine	A-1059
Defendants' Exhibit 13 - Delehanty Affidavit – Excerpts from <i>Gun Digest</i>	A-1065
Defendants' Exhibit 14 - Mattson Affidavit.....	A-1079
Defendants' Exhibit 15 - DESPP Form DPS-3-C	A-1086
Defendants' Exhibit 16 - Cooke Affidavit	A-1088
Defendants' Exhibit 17 - ATF Study, July 1989.....	A-1095
Defendants' Exhibit 18 - ATF Profile, April 1994	A-1115
Defendants' Exhibit 19 - ATF Study, April 1998	A-1141
Defendants' Exhibit 20 - ATF Study, January 2011	A-1268
Defendants' Exhibit 21 - H.R. Rep. 103-489, 1994	A-1303
Defendants' Exhibit 22 - Excerpts from LCAV Comparative Evaluation	A-1353
Defendants' Exhibit 23 - Rovella Affidavit.....	A-1364

vi

	Page
Defendants' Exhibit 24 - Hartford Gun Seizure Data	A-1376
Defendants' Exhibit 25 - Hartford 2012 End of Year Statistics	A-1379
Defendants' Exhibit 26 - Koper Affidavit	A-1393
Defendants' Exhibit 27 - Koper <i>Curriculum Vitae</i>	A-1416
Defendants' Exhibit 28 - <i>Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994: Final Report</i> . The Urban Institute, March 13, 1997, "Koper 1997"	A-1437
Defendants' Exhibit 29 - <i>Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003</i> , Christopher S. Koper, July 2004, "Koper 2004"	A-1555
Defendants' Exhibit 30 - <i>America's Experience with the Federal Assault Weapons Ban, 1994-2004, Key Findings and Implications</i> , Christopher S. Koper (chapter in <i>Reducing Gun Violence in America: Informing Policy with Evidence and Analysis</i>), "Koper 2013"	A-1670
Defendants' Exhibit 31 - <i>Washington Post</i> Study, January 13, 2011	A-1689
Defendants' Exhibit 32 - <i>Washington Post</i> Study, January 23, 2011	A-1693
Defendants' Exhibit 33 - Mello Affidavit.....	A-1698

vii

	Page
Defendants' Exhibit 34 - Sweeney Affidavit.....	A-1709
Defendants' Exhibit 35 - Connecticut Gun Crime Tracing Data.....	A-1717
Defendants' Exhibit 36 - CDC 2005-2010 Homicide Firearm Death Rates per 100,000	A-1729
Defendants' Exhibit 37 - CDC 2010 Gun Violence and Death Statistics (LCPGV Summary) and CDC 2010 Homicide Firearm Death Rates per 100,000	A-1731
Defendants' Exhibit 38 - American Academy of Pediatrics Article with Household Gun Ownership Data by State, September 8, 2005	A-1738
Defendants' Exhibit 39 - Brady Center "Mass produced mayhem," 2008	A-1748
Defendants' Exhibit 40 - VPC "Officer Down"	A-1812
Defendants' Exhibit 41 - VPC "Assault Pistols," 2013	A-1842
Defendants' Exhibit 42 - Brady Center "On Target," 2004.....	A-1874
Defendants' Exhibit 43 - VPC "On Target," 2004	A-1896
Defendants' Exhibit 44 - Mother Jones Article, February 2013.....	A-1927
Defendants' Exhibit 45 - Mother Jones Charts of Mass Shootings and Weapons Used.....	A-1936

viii

	Page
Defendants' Exhibit 46 - Mother Jones Article, January 30, 2013.....	A-1971
Defendants' Exhibit 47 - VPC Chart of Mass Shootings, as of July 2013.....	A-1977
Defendants' Exhibit 48 - Mayors Against Illegal Guns Study, 2013.....	A-1983
Defendants' Exhibit 49 - Media reports about interrupted mass shootings ...	A-2001
Defendants' Exhibit 50 - Media reports about shooting of Newington Police Officer and the mass shootings at the Hartford Beer Distributors & Connecticut Lottery	A-2024
Defendants' Exhibit 51 - Connecticut State Police Press Release, March 28, 2013	A-2031
Defendants' Exhibit 52 - VPC "Militarization," 2011	A-2034
Defendants' Exhibit 53 - Testimony of Brian J. Siebel, Brady Center to Prevent Gun Violence, October 1, 2008	A-2087
Defendants' Exhibit 54 - Excerpts from United States Army M16/M4 Training Manual.....	A-2096
Defendants' Exhibit 55 - VPC "Justifiable Homicide" Study, 2013	A-2117
Defendants' Exhibit 56 - <i>Benjamin v. Bailey</i> , Docket No. CV 93-0063723 (Conn. Super. 1994).....	A-2139
Defendants' Exhibit 57 - NRA Story Corner Study	A-2182

ix

	Page
Defendants' Exhibit 58 - Allen Declaration.....	A-2191
Defendants' Exhibit 59 - Zimring Declaration.....	A-2205
Defendants' Exhibit 60 - The Gun Debate's New Mythical Number: How Many Defensive Uses Per Year? Philip J. Cook; Jens Ludwig; David Hemenway, <i>Journal of Policy Analysis and Management</i> , Vol. 16, No. 3, Special Issue: The New Public Management in New Zealand and beyond, Summer, 1997	A-2217
Defendants' Exhibit 61 - Prepared Testimony by Laurence H. Tribe, Carl M. Loeb University Professor and Professor of Constitutional Law, Harvard Law School, <i>Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment</i> , Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights, February 12, 2003	A-2227
Defendants' Exhibit 62 - Excerpts from <i>Extreme Killing: Understanding Serial and Mass Murder</i> , James Alan Fox, Jack Levin, 2d ed. 2012	A-2264
Defendants' Exhibit 63 - Eugene Volokh, <i>Implementing the Right to Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda</i> , 56 UCLA L. Rev. 1443, 2009	A-2275
Defendants' Exhibit 64 - Gun Ownership Article, <i>NY Times</i> , March 2013....	A-2354

x

	Page
Defendants' Exhibit 65 - Gun Ownership Data, GSS 2010	A-2359
Defendants' Exhibit 66 - Excerpts from TRO Bench Ruling in <i>Tardy v.</i> <i>O'Malley</i> , Docket No. CCB-13-2841, D.Md., October 1, 2013.....	A-2364
Defendants' Exhibit 67 - Siegel Study, 2013	A-2380
Defendants' Exhibit 68 - Mother Jones "More Mass Shootings," September 26, 2012	A-2389
Defendants' Exhibit 69 - Media Reports Re: High Profile Incidents of Criminal Use of Assault Weapons and LCMs	A-2397
Plaintiffs' Local Rule 56(a)(2) Counter-Statement of Undisputed Material Facts, dated December 10, 2013	A-2445
Exhibit A to Counter-Statement - Supplemental Declaration of Guy Rossi, dated December 10, 2013	A-2588
Exhibit B to Counter-Statement - Video, M16 AR15 Similarities & Differences	A-2600*
Exhibit C to Counter-Statement - Video, M4 30 Round Full Auto	A-2600*
Exhibit D to Counter-Statement - Video, Semi Auto M4 Point.....	A-2600*

* Exhibits B – I and L of the Counter-Statement are reproduced on
CD-Rom

xi

	Page
Exhibit E to Counter-Statement - Video, Semi Auto Aimed Fire 30 Rounds M4	A-2600*
Exhibit F to Counter-Statement - Video, 30 Rd Aimed Fire vs 3xl 0 Round Magazines	A-2600*
Exhibit G to Counter-Statement - Video, A Pistol Grip Allows The User Better Retention and Leverage Over A Long Gun	A-2600*
Exhibit H to Counter-Statement - Video, Hip Fire	A-2600*
Exhibit I to Counter-Statement - Video, Stocks	A-2600*
Exhibit J to Counter-Statement - Supplemental Declaration of Gary Kleck.....	A-2601
Exhibit K to Counter-Statement - Declaration of James Curcuruto	A-2605
Exhibit L to Counter-Statement - Video, Multiple Weapons and Calibers Fired 3 Rounds	A-2675*
Exhibit M to Counter-Statement - Rifle Marksmanship M16-/M4-Series Weapons ...	A-2676
Exhibit N to Counter-Statement - Winchester - The Gun That Won The West	A-2681
Defendants' Supplemental Exhibit List	A-2690
Defendants' Exhibit 70 - Supplemental Affidavit of Christopher Koper.....	A-2692

* Exhibits B – I and L of the Counter-Statement are reproduced on
CD-Rom

xii

	Page
Defendants' Exhibit 71 - USDOJ BJS Report on the Sandy Hook Elementary School Shootings, December 14, 2012	A-2698
Defendants' Exhibit 72 - Decision and Order from the WDNY: <i>NYSRPA, et al. v. Cuomo, et al.</i>	A-2757
Defendants' Exhibit 73 - Memorandum Decision and Order From NDNY: <i>Kampfer v. Cuomo</i>	A-2833
Notice of Appeal, dated January 31, 2014	A-2854

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 IZHMASH Saiga 12 Shotguns;

~~(E)~~ (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) A folding or telescoping stock; and

(ii) ~~A~~ (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 ~~(+)~~ (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.

(~~d~~) (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 $\text{\textcircled{D}}$ 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 $\text{\textcircled{D}}$ 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 \in 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 \in 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, ~~it~~ 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 \in 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 ~~E~~ 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 ~~E~~ 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 ~~fin~~ed 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~~ 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 or 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 (†) (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 (‡) (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' 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 ~~(H) 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 (H)~~ 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, ~~(E)~~ (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, ~~(F)~~ (F) educate students, school employees and parents and guardians of students on issues relating to bullying, ~~(G)~~ (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 ~~(H)~~ (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 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

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

A-916

EXHIBIT 2

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 70 of 184

**Senate Bill No. 1094****Public Act No. 13-220****AN ACT CONCERNING REVISIONS TO THE GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY ACT.**

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

Section 1. Section 23 of public act 13-3 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section and section 24 of [\[this act\]](#) [public act 13-3, as amended by 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 [\[the effective date of this section\]](#) [or on April 4, 2013](#), regardless of whether the firearm was delivered to the purchaser prior to [\[the effective date of this section\]](#) [or on April 4, 2013, which lawful purchase is evidenced by a writing sufficient to indicate that \(i\) a contract for sale was made between the parties prior to or on April 4, 2013, for the purchase of the firearm, or \(ii\) full or partial payment for the firearm was made by the purchaser to the seller of the firearm prior to or on April 4, 2013, or \(C\) actual possession under subparagraph \(A\) of this subdivision, or constructive possession under subparagraph \(B\) of this subdivision, as evidenced by a written statement made under penalty of false statement on such form as the Commissioner of Emergency Services and Public Protection prescribes; 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, [as amended by this act](#).

(b) Except as provided in this section, on and after [\[the effective date of this section\]](#) [April 5, 2013](#), 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 [\[the effective date of this section\]](#) [April 5, 2013](#), any person who, within this state, transfers a large capacity magazine, except as

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 71 of 184

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 [\[this act\] public act 13-3, as amended by this act](#): (1) Any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained prior to [\[the effective date of this section\] April 5, 2013](#), 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 [\[the effective date of this section\] April 5, 2013](#), shall be guilty of a class D felony.

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

(1) [\[Members or employees of the\] The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection](#) or the military or naval forces of this state or of the United States; [\[for use in the discharge of their official duties or when off duty\]](#)

[\(2\) A sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5 of the general statutes, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty;](#)

[\(3\) A member of the military or naval forces of this state or of the United States;](#)

[\[\(2\) Employees of a\] \(4\) A nuclear facility licensed by the United States 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 of such facility for the purpose of providing security services at such facility; \[or\]](#)

[\(5\) Any person who is sworn and acts as a policeman on behalf of an armored car service pursuant to section 29-20 of the general statutes, in the discharge of such person's official duties; or](#)

[\[\(3\)\] \(6\) Any person, firm or corporation engaged in the business of manufacturing large capacity magazines in this state that manufactures, purchases, tests or transports large capacity magazines in this state for sale within this state to persons specified in \[subdivision \(1\) or \(2\)\] subdivisions \(1\) to \(5\), inclusive, of this subsection or for sale outside this state, or a federally-licensed firearm manufacturer engaged in the business of manufacturing firearms or large capacity magazines in this state that manufactures, purchases, tests or transports firearms or large capacity magazines in this state for sale within this state to persons specified in subdivisions \(1\) to \(5\), inclusive, of this subsection or for sale outside this state.](#)

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

(1) A licensed gun dealer;

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 72 of 184

(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) A person, firm, corporation or federally-licensed firearm manufacturer described in subdivision (6) of subsection (d) of this section that possesses a large capacity magazine that is lawfully possessed by another person for the purpose of servicing or repairing the large capacity magazine;

~~[(3)] (4) Any person who has declared possession of the magazine pursuant to section 24 of [this act] public act 13-3, as amended by this act; or~~

~~[(4)] (5) Any person who is the executor or administrator of an estate that includes a large capacity magazine, or the trustee of a trust 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] public act 13-3, as amended by 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] public act 13-3, as amended by 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] public act 13-3, as amended by this act, by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary;~~

(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] public act 13-3, as amended by this act; or~~

(4) The transfer of a large capacity magazine prior to October 1, 2013, from a licensed gun dealer, pawnbroker licensed under section 21-40 of the general statutes, or consignment shop operator, as defined in section 21-39a of the general statutes, to any person who (A) possessed the large capacity magazine prior to or on April 4, 2013, (B) placed a firearm that such person legally possessed, with the large capacity magazine included or attached, in the possession of such dealer, pawnbroker or operator prior to or on April 4, 2013, pursuant to an agreement between such person and such dealer, pawnbroker or operator for the sale of the firearm to a third person, and (C) is eligible to possess the firearm on the date of such transfer.

(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] public act 13-3.~~

Sec. 2. Section 24 of public act 13-3 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[] _____

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 73 of 184

(a) **Any** (1) Except as provided in subdivision (2) of this subsection, 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.

(2) No person who lawfully possesses a large capacity magazine pursuant to subdivision (1), (2), (4) or (5) of subsection (d) of section 23 of public act 13-3, as amended by this act, shall be required to declare possession of a large capacity magazine pursuant to this section with respect to a large capacity magazine used for official duties, except that any such person who retires or is otherwise separated from service who possesses a large capacity magazine that was purchased or obtained by such person for official use before such person retired or separated from service shall declare possession of the large capacity magazine within ninety days of such retirement or separation from service to the Department of Emergency Services and Public Protection. No person that lawfully possesses a large capacity magazine pursuant to subdivision (6) of subsection (d) of section 23 of public act 13-3, as amended by this act, shall be required to declare possession of such large capacity magazine.

(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]** public act 13-3, 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]** public act 13-3, as amended by this act, an eligibility certificate for a pistol or revolver under section 29-36f of the general statutes, as amended by **[this act]** public act 13-3, 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 54 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]** public act 13-3.

(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

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 74 of 184

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] [public act 13-3, 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] [April 5, 2013](#), (B) does not extend [[beyond](#)] [more than one inch below](#) 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.

Sec. 3. Subparagraphs (E) and (F) of subdivision (1) of section 53-202a of the general statutes, as amended by section 25 of public act 13-3, are repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 75 of 184

(E) Any semiautomatic firearm 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:

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

(I) A folding or telescoping stock;

(II) Any grip of the weapon, including a pistol grip, 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) A forward pistol grip;

(IV) A flash suppressor; or

(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

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

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

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

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

(IV) A second hand grip; or

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

(vi) A semiautomatic shotgun that has both of the following:

(I) A folding or telescoping stock; and

(II) Any grip of the weapon, including a pistol grip, 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

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

(viii) A shotgun with a revolving cylinder; or

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 76 of 184

(ix) Any semiautomatic firearm that meets the criteria set forth in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revision of 1958, revised to January 1, 2013; or

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

Sec. 4. Subdivision (7) of section 53-202a of the general statutes, as amended by section 25 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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] public act 13-3, as amended by this act, [or] (B) constructive possession pursuant to a lawful purchase transacted prior to [the effective date of this section] or on April 4, 2013, regardless of whether the assault weapon was delivered to the purchaser prior to [the effective date of this section] or on April 4, 2013, which lawful purchase is evidenced by a writing sufficient to indicate that (i) a contract for sale was made between the parties prior to or on April 4, 2013, for the purchase of the assault weapon, or (ii) full or partial payment for the assault weapon was made by the purchaser to the seller of the assault weapon prior to or on April 4, 2013, or (C) actual possession under subparagraph (A) of this subdivision, or constructive possession under subparagraph (B) of this subdivision, as evidenced by a written statement made under penalty of false statement on such form as the Commissioner of Emergency Services and Public Protection prescribes;

Sec. 5. Subsection (b) of section 53-202b of the general statutes, as amended by section 26 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

(1) The sale of assault weapons to: (A) [the] The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection 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] (B) a sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, pursuant to a letter on the letterhead of such department, division, commissioner or authority authorizing the purchase and stating that the sworn member, inspector, officer or constable will use the assault weapon in the discharge of official duties, and that a records check indicates that the sworn member, inspector, officer or constable has not been convicted of a crime of family violence, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty, (C) a member of the military or naval forces of this state or of the United States, or [(B) any

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 77 of 184

employee of a] (D) a nuclear facility licensed by the United States 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 of such facility for the purpose of 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] public act 13-3, as amended by this act, which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by sections 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act;

(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] public act 13-3, as amended by this act, by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess the assault weapon;

(4) The sale of a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by public act 13-3, as amended by this act, that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under this subdivision, and for which the purchaser signs a form prescribed by the commissioner and provided by the seller that indicates that the pistol will be used by the purchaser primarily for target shooting practice and events. The Commissioner of Emergency Services and Public Protection shall adopt regulations, in accordance with chapter 54, to designate semiautomatic pistols that are defined as assault weapons in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by public act 13-3, as amended by this act, that may be sold pursuant to this subdivision, provided the use of such pistols is sanctioned by the International Olympic Committee and USA Shooting, or any subsequent corresponding governing board for international shooting competition in the United States.

Sec. 6. Section 53-202c of the general statutes, as amended by section 27 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in section 53-202e, any person who, within this state, possesses an assault weapon, except as provided in sections 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act, and 53-202o, 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 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] public act 13-3, as amended by this act, or (B) on [the date immediately preceding the effective date of this act] April 4, 2013, 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] public act 13-3, as amended by this act, and (2) the person has otherwise possessed the assault weapon in compliance with subsection (f) of section 53-202d, as amended by [this act] public act 13-3, as amended by this act.

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 78 of 184

(b) The provisions of subsection (a) of this section shall not apply to the possession of assault weapons by: **[members or employees of the]** (1) The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States, [any employee of a] (2) a sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty. (3) a member of the military or naval forces of this state or of the United States, or (4) a nuclear facility licensed by the United States 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 of such facility for the purpose of providing security services at such facility. [for use in the discharge of their official duties; nor shall any provision in sections 53-202a to 53-202k, inclusive, as amended by this act, prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and when the possession or use is within the scope of 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]** public act 13-3, by any person prior to July 1, 1994, 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]** public act 13-3, as amended by this act, 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 53-202a to 53-202k, inclusive, as amended by **[this act]** public act 13-3, as amended by this act.

(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]** public act 13-3, as amended by this act, by any person prior to **[the effective date of this section]** April 5, 2013, 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]** public act 13-3, 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]** April 4, 2013, 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]** public act 13-3, as amended by this act.

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 79 of 184

(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, or the trustee of a trust that includes an assault weapon, for which a certificate of possession has been issued under section 53-202d, as amended by **[this act]** public act 13-3, as amended by this act, if the assault weapon is possessed at a place set forth in subdivision (1) of subsection (f) of section 53-202d, as amended by **[this act]** public act 13-3, or as authorized by the Probate Court.

(f) The provisions of subsection (a) of this section shall not apply to the possession of a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by public act 13-3, as amended by this act, that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under subdivision (4) of subsection (b) of section 53-202b, as amended by public act 13-3, as amended by this act, that is (1) possessed and transported in accordance with subsection (f) of section 53-202d, as amended by public act 13-3, as amended by this act, or (2) possessed at or transported to or from a collegiate, Olympic or target pistol shooting competition in this state 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, provided such pistol is transported in the manner prescribed in subsection (a) of section 53-202f, as amended by public act 13-3, as amended by this act.

Sec. 7. Subsections (a) and (b) of section 53-202d of the general statutes, as amended by section 28 of public act 13-3, are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) **[Any]** (A) Except as provided in subparagraph (B) of this subdivision, 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]** public act 13-3, 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 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.

(B) No person who lawfully possesses an assault weapon pursuant to subdivision (1), (2) or (4) of subsection (b) of section 53-202c, as amended by public act 13-3, as amended by this act, shall be required to obtain a certificate of possession pursuant to this subdivision with respect to an assault weapon used for official duties, except that any person described in subdivision (2) of subsection (b) of section 53-202c, as amended by public act 13-3, as amended by this act, who purchases an assault weapon, as defined in subparagraph (A) of subdivision (1) of section 53-202a, as amended by public act 13-3, for use in the discharge of official duties who retires or is otherwise separated from service shall apply within ninety days of such retirement or separation from service to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon.

(2) **[Any]** (A) Except as provided in subparagraph (B) of this subdivision, 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]** public act 13-3, as amended by this act, on **[the date immediately preceding the effective date of this section]** April 4, 2013, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, or any person who regains possession of an

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 80 of 184

assault weapon as defined in any provision of said subparagraphs pursuant to subsection (e) of section 53-202f, as amended by this act, or any person who lawfully purchases a firearm on or after April 4, 2013, but prior to the effective date of this section, that meets the criteria set forth in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revision of 1958, revised to 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. Any person who lawfully purchases a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by public act 13-3, as amended by this act, that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under subdivision (4) of subsection (b) of section 53-202b, as amended by public act 13-3, as amended by this act, shall apply within ninety days of such purchase to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon.

(B) No person who lawfully possesses an assault weapon pursuant to subdivision (1), (2) or (4) of subsection (b) of section 53-202c, as amended by public act 13-3, as amended by this act, shall be required to obtain a certificate of possession pursuant to this subdivision with respect to an assault weapon used for official duties, except that any person described in subdivision (2) of subsection (b) of section 53-202c, as amended by public act 13-3, as amended by this act, who purchases an assault weapon, as defined in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by public act 13-3, as amended by this act, for use in the discharge of official duties who retires or is otherwise separated from service shall apply within ninety days of such retirement or separation from service 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] public act 13-3, as amended by this act, prior to [the effective date of this section] April 5, 2013, 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] public act 13-3, 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] public act 13-3, 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, 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 (A) law enforcement agencies and employees of the United States Probation Office acting in the performance of their duties, and (B) the Commissioner of Mental Health and Addiction Services to carry

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 81 of 184

out the provisions of subsection (c) of section 17a-500, as amended by [\[this act\]](#) [public act 13-3](#).

(b) (1) No assault weapon, as defined in subparagraph (A) of subdivision (1) of section 53-202a, as amended by [\[this act\]](#) [public act 13-3](#), 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)]~~ [\(f\)](#) of section 53-202f, as amended by [\[this act\]](#) [public act 13-3, as amended by this act](#), or as provided in section 53-202e, or by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess the assault weapon.

(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 [\[this act\]](#) [public act 13-3, as amended by this act](#), possessed pursuant to a certificate of possession issued under this section may be sold or transferred on or after [\[the effective date of this section\]](#) [April 5, 2013](#), to any person within this state other than to a licensed gun dealer, as defined in subsection ~~[(d)]~~ [\(f\)](#) of section 53-202f, as amended by [\[this act\]](#) [public act 13-3, as amended by this act](#), or as provided in section 53-202e, or by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess the assault weapon.

Sec. 8. Subsection (f) of section 53-202d of the general statutes, as amended by section 28 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Any person who has been issued a certificate of possession for an assault weapon under this section may possess 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 set forth in this subsection, or to any licensed gun dealer, as defined in subsection ~~[(d)]~~ [\(f\)](#) of section 53-202f, as amended by [\[this act\]](#) [public act 13-3, as amended by this act](#), for servicing or repair pursuant to subsection (c) of section 53-202f, as amended by [\[this act\]](#) [public act 13-3, as amended by this act](#), provided the assault weapon is transported as required by section 53-202f, as amended by [\[this act\]](#) [public act 13-3, as amended by this act](#);
- [\(7\) With respect to a nonresident of this state, while transporting a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs \(B\) to \(F\), inclusive, of subdivision \(1\) of section 53-202a, as amended by public act 13-3, as amended by this act, that the Commissioner of Emergency Services and](#)

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 82 of 184

Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under subdivision (4) of subsection (b) of section 53-202b, as amended by public act 13-3, as amended by this act, into or through this state in order to attend any exhibition, display or educational project described in subdivision (5) of this subsection, or to participate in a collegiate, Olympic or target pistol shooting competition in this state 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, provided (A) such pistol is transported into or through this state not more than forty-eight hours prior to or after such exhibition, display, project or competition, (B) such pistol is unloaded and carried in a locked carrying case and the ammunition for such pistol is carried in a separate locked container, (C) such nonresident has not been convicted of a felony in this state or of an offense in another state that would constitute a felony if committed in this state, and (D) such nonresident has in his or her possession a pistol permit or firearms registration card if such permit or card is required for possession of such pistol under the laws of his or her state of residence.

Sec. 9. Section 53-202f of the general statutes, as amended by section 29 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) While transporting an assault weapon between any of the places set forth in subdivisions (1) to (6), inclusive, of subsection (f) of section 53-202d, as amended by [this act] public act 13-3, 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 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. The provisions of this subsection shall not apply to a member, inspector, officer or constable that possesses an assault weapon pursuant to subdivision (2) of subsection (b) of section 53-202c, as amended by public act 13-3, as amended by this act. 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)] (f) of this section, who lawfully possesses an assault weapon pursuant to section 53-202d, as amended by [this act] public act 13-3, as amended by this act, in addition to the uses allowed in section 53-202d, as amended by [this act] public act 13-3, as amended by this act, may transport the assault weapon between dealers or out of the state, display the assault weapon at any gun show licensed by a state or local governmental entity or sell 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)] (f) of this section, or a federally-licensed firearm manufacturer 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 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act.

(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. Such transfers are permissible only to the following persons:

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

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 83 of 184

(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) Not later than December 31, 2013, any person who lawfully possessed an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by public act 13-3, as amended by this act, on April 4, 2013, which was lawful under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, may transfer possession of the assault weapon to a licensed gun dealer within or outside of this state for sale outside of this state, and may transport the assault weapon to such dealer for the purpose of making such transfer, without obtaining a certificate of possession under section 53-202d, as amended by public act 13-3, as amended by this act.

(e) Not later than October 1, 2013, any licensed gun dealer, pawnbroker licensed under section 21-40, or consignment shop operator, as defined in section 21-39a, may transfer possession of an assault weapon to any person who (1) legally possessed the assault weapon prior to or on April 4, 2013, (2) placed the assault weapon in the possession of such dealer, pawnbroker or operator prior to or on April 4, 2013, pursuant to an agreement between such person and such dealer, pawnbroker or operator for the sale of the assault weapon to a third person, and (3) is eligible to possess a firearm on the date of such transfer.

[(d)] (f) The term "licensed gun dealer", as used in sections 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act, 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] public act 13-3, as amended by this act.

Sec. 10. Section 53-202i of the general statutes, as amended by section 30 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Nothing in sections 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act, shall be construed to prohibit [any person, firm or corporation] a federally-licensed firearm manufacturer engaged in the business of manufacturing assault weapons in this state from (1) 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] public act 13-3, as amended by this act, or for sale outside this state, or (2) transporting and temporarily transferring assault weapons to and from a third party for the sole purpose of permitting the third party to perform a function in the manufacturing production process.

Sec. 11. Section 53-202m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding any provision of the general statutes, sections 53-202a to 53-202l, inclusive, as amended by this act, shall not be construed to limit the transfer or require the registration of an assault weapon as defined in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revision of 1958, revised to January 1, 2013, provided such firearm was legally manufactured prior to September 13, 1994.

Sec. 12. Subsections (c) to (h), inclusive, of section 29-37a of the general statutes, as amended by section 1 of public act 13-3, are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) On and after April 1, 2014, no person may purchase or receive any long gun unless such person holds a

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 84 of 184

valid long gun eligibility certificate issued pursuant to section 2 of [this act] [public act 13-3](#), a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, as amended by [this act] [public act 13-3 and 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] [public act 13-3](#).

(d) No person, firm or corporation may sell, deliver or otherwise transfer, at retail, any 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 transferor to the federal sale or transfer document and filed and retained by the transferor for at least twenty years or until such transferor goes out of business. Such application shall be available for inspection during normal business hours by law enforcement officials. 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 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 long gun. If it is determined that the applicant is ineligible to receive such 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 long gun shall be sold, delivered or otherwise transferred to such applicant by such person, firm or corporation. When any long gun is delivered in connection with any sale or purchase, such long gun shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no such 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. Upon the sale, delivery or other transfer of the long gun, the transferee shall sign in triplicate a receipt for such long gun, which shall contain the name, address and date and place of birth of such 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 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 transferee resides, and shall retain one receipt, together with the original application, for at least five years.

(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.]

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 85 of 184

(2) The prospective transferor or prospective transferee requests a federally-licensed firearm dealer to contact the Department of Emergency Services and Public Protection on behalf of such prospective transferor or prospective transferee and the federally-licensed firearm dealer has obtained an authorization number from the Commissioner of Emergency Services and Public Protection for such sale, delivery or transfer.

(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]** contact the Department of Emergency Services and Public Protection to obtain an authorization number for such sale, delivery or transfer. If a federally-licensed firearm dealer consents to contact the department on behalf of the prospective transferor or prospective transferee, 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]** public act 13-3, as amended by this act, valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, as amended by **[this act]** public act 13-3, 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]** public act 13-3. The dealer may charge a fee **[not to exceed twenty dollars for initiating such background check]** for contacting the department on behalf of the prospective transferor or prospective transferee.

(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 Department of Emergency Services and Public Protection shall make every effort, including performing the national instant criminal background check, to determine if the prospective transferee is eligible to receive such long gun. The Commissioner of Emergency Services and Public Protection shall immediately notify the dealer of the department's determination and the dealer shall immediately notify the prospective transferor or prospective transferee of such **[response. If the response indicates]** determination. If the department determines 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]** department determines the prospective transferee is eligible to receive such long gun and provides an authorization number for such sale, delivery or transfer, 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**

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 86 of 184

the national instant criminal background check system to the background check request] authorization number provided by the department. 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 shall not apply to any federal marshal, parole officer or peace officer, or to the sale, delivery or other transfer of (1) any 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] public act 13-3, as amended by this act, a valid eligibility certificate issued under the provisions of section 29-36f, as amended by [this act] public act 13-3, as amended by this act, or a valid long gun eligibility certificate issued under the provisions of section 2 of [this act] public act 13-3, as amended by this act, (2) any long gun to an active member of the armed forces of the United States or of any reserve component thereof, (3) any long gun to a holder of a valid hunting license issued pursuant to chapter 490, or (4) antique firearms. For the purposes of this 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 subsections (c) to (g), inclusive of this section shall not apply to the sale, delivery or transfer of (1) long guns to (A) the Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States, (B) a sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, pursuant to a letter on the letterhead of such department, division, commissioner or authority authorizing the purchase and stating that the sworn member, inspector, officer or constable will use the long gun in the discharge of official duties, and that a records check indicates that the sworn member, inspector, officer or constable has not been convicted of a crime of family violence, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty, (C) a member of the military or naval forces of this state or of the United States, or (D) a nuclear facility licensed by the United States Nuclear Regulatory Commission for the purpose of providing security services at such facility, or any contractor or subcontractor of such facility for the purpose of providing security services at such facility; (2) long guns to or 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] federally-licensed firearm manufacturers, importers or dealers; (3) curios or relics, as defined in 27 CFR 478.11, to or between federally-licensed firearm collectors; or (4) antique firearms, as defined in subsection (g) of this

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 87 of 184

section.

Sec. 13. Subsections (a) and (b) of section 15 of public act 13-3 of the general statutes are repealed and the following is substituted in lieu thereof (*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] state 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] state 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] public act 13-3, as amended by 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] public act 13-3, as amended by 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] July 1, 2013.

Sec. 14. Subsection (b) of section 29-28 of the general statutes, as amended by section 57 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(b) Upon the application of any person having a bona fide permanent residence 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) a felony, or [of] (B) on or after October 1, 1994, 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 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

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 88 of 184

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. 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.

Sec. 15. Subsection (b) of section 2 of public act 13-3 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(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) on or after October 1, 1994, 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

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 89 of 184

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 [\[this act\] public act 13-3](#), 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. 16. Subsection (a) of section 53a-217c of the general statutes, as amended by section 45 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(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 [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, 1994](#), (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 [\[this act\] public act 13-3, as amended by this act](#), or 29-36f, as amended by [\[this act\] public act 13-3](#), 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.

Sec. 17. Subsections (c) and (d) of section 53-202l of the general statutes, as amended by section 32 of public act 13-3, are repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(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.

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

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 90 of 184

(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 sworn and duly certified member of the Department of Emergency Services and Public Protection or a police department when transporting or carrying a firearm with an armor piercing bullet or incendiary .50 caliber bullet loaded;

[(2)] (3) 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)] (4) The transfer of such ammunition by bequest or intestate succession, [of such ammunition] or upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess such ammunition.

Sec. 18. Subsection (b) of section 29-32b of the general statutes, as amended by section 6 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(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] public act 13-3, as amended by this act, or 29-36f, as amended by [this act] public act 13-3, or section 2 of [this act] public act 13-3, as amended by this act, or section 15 of public act 13-3, as amended by 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. 19. Subsection (d) of section 14 of public act 13-3 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The provisions of subsection (c) 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] the sale of ammunition to (1) the Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States; (2) a sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5 of the general statutes, or a constable who is certified by the Police Officer

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 91 of 184

Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty; (3) a member of the military or naval forces of this state or of the United States; (4) a nuclear facility licensed by the United States Nuclear Regulatory Commission for the purpose of providing security services at such facility, or any contractor or subcontractor of such facility for the purpose of providing security services at such facility; or (5) a federally-licensed firearm manufacturer, importer, dealer or collector.

Sec. 20. Section 45a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Any person having a federal firearms disability under 18 USC 922(d)(4) and 18 USC 922(g)(4), as a result of an adjudication or commitment rendered in this state, may petition the probate court for the district in which such person resides for relief from the federal firearms disability that resulted from such adjudication or commitment.

(b) The petitioner shall submit to the Probate Court, together with the petition and the releases required by subsection (d) of this section, information in support of the petition, including, but not limited to:

(1) Certified copies of medical records detailing the petitioner's psychiatric history where applicable, including records pertaining to the specific adjudication or commitment that is the subject of the petition;

(2) Certified copies of medical records from all of the petitioner's current treatment providers, if the petitioner is receiving treatment;

(3) A certified copy of all criminal history information maintained on file by the State Police Bureau of Identification and the Federal Bureau of Investigation pertaining to the petitioner or a copy of the response from said bureaus indicating that there is no criminal history information on file;

(4) Evidence of the petitioner's reputation, which may include notarized letters of reference from current and past employers, family members or personal friends, affidavits from the petitioner or other character evidence; and

(5) Any further information or documents specifically requested by the court, which documents shall be certified copies of original documents.

(c) The petitioner shall cause a copy of the petition and all supporting documents submitted to the Probate Court pursuant to subsection (b) of this section to be delivered to the Commissioner of Emergency Services and Public Protection and shall certify to the Probate Court that such delivery has been made.

(d) The petitioner shall provide for the release of all of the petitioner's records that may relate to the petition, including, but not limited to, health, mental health, military, immigration, juvenile court, civil court and criminal records, on forms prescribed by the Probate Court Administrator. The releases shall authorize the Commissioner of Emergency Services and Public Protection to obtain any of such records for use at the Probate Court hearing or in any appeal from the decision of the Probate Court.

(e) The petitioner shall ensure that all required information accompanies the petition at the time it is

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 92 of 184

submitted to the court. Unless specifically requested by the court, information provided after receipt of the petition by the court shall not be considered. Information specifically requested by the court must be received by the court no later than fifteen days after the date of the request in order for the information to be considered. The court may extend such time period for good cause shown. Failure to provide the requested information within such time period may result in a denial of the petition.

(f) Upon the filing of the petition, the Probate Court shall set a date, time and place for a hearing and shall give notice of such hearing to (1) the petitioner, (2) the Commissioner of Emergency Services and Public Protection, (3) the court that rendered the adjudication or commitment, (4) the conservator appointed for the petitioner, if any, and (5) any other person determined by the court to have an interest in the matter.

(g) The court shall cause a recording of the testimony given at such hearing to be made. Such recording shall be transcribed only in the event of an appeal from the decision rendered by the Probate Court under this section. A copy of such transcript shall be furnished without charge to any appellant whom the Probate Court finds is unable to pay for such copy. The cost of such transcript shall be paid from funds appropriated to the Judicial Department.

(h) The petitioner shall have the burden of establishing by clear and convincing evidence that (1) the petitioner is not likely to act in a manner that is dangerous to public safety, and (2) granting relief from the federal firearms disability is not contrary to the public interest. The Commissioner of Emergency Services and Public Protection and any other person determined by the court to have an interest in the matter may present any and all relevant information at the Probate Court hearing and in any appeal to the Superior Court.

(i) In determining whether to grant relief under this section, the court shall consider the following:

(1) The circumstances regarding the firearms disability imposed by 18 USC 922(d)(4) and 18 USC 922(g)(4);

(2) The petitioner's record, which shall include, at a minimum, the petitioner's mental health records and criminal history records, if any;

(3) The petitioner's reputation, which the petitioner must demonstrate through character witness statements, testimony or other character evidence; and

(4) Any other relevant information provided by the petitioner, the Commissioner of Emergency Services and Public Protection or any other person determined by the court to have an interest in the matter.

(j) The court shall grant relief under this section if it finds by clear and convincing evidence that: (1) The petitioner will not be likely to act in a manner dangerous to public safety, and (2) granting the relief will not be contrary to the public interest. The court shall include in its decision the specific findings of fact on which it bases its decision.

(k) Notwithstanding the provisions of subsection (j) of this section, the court shall not grant relief under this section if it finds that the petitioner is otherwise prohibited from possessing a firearm pursuant to section 53a-217, as amended by public act 13-3.

[(k)] (l) The petitioner or the Commissioner of Emergency Services and Public Protection may appeal the final decision of the Probate Court to the Superior Court in accordance with the provisions of section 45a-

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 93 of 184

186. Notwithstanding any other provision of the general statutes, any review of the decision of the Probate Court by the Superior Court shall be de novo.

[(l)] **(m)** Enforcement of any decision of the Probate Court granting relief pursuant to the petition shall be stayed until the period in which to take an appeal under section 45a-186 has expired or, if an appeal is taken, until the final decision of the court. If the court grants the relief and no appeal is taken or an appeal is taken and the decision is upheld, the court granting relief shall notify the Commissioner of Emergency Services and Public Protection of that decision.

[(m)] **(n)** As soon as practicable after receiving notice of the decision of the court granting relief, the Commissioner of Emergency Services and Public Protection shall (1) coordinate the removal or cancellation of the record in the National Instant Criminal Background Check System (NICS), and (2) notify the Attorney General of the United States that the basis of the record no longer applies.

[(n)] **(o)** All proceedings in the Probate Court under the provisions of this section shall be closed to the public and all records of the proceedings shall be confidential and not subject to disclosure except to the petitioner or his or her counsel and the Commissioner of Emergency Services and Public Protection, unless the Probate Court, after notice to the parties and a hearing, determines that such records should be disclosed for good cause shown.

Sec. 21. Subdivision (2) of section 53-202a of the general statutes, as amended by section 25 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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)]** **(f)** of section 53-202f, as amended by **[this act]** [public act 13-3, 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]** [public act 13-3, as amended by this act](#);

Sec. 22. Subsection (b) of section 10a-156a of the general statutes, as amended by section 92 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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]** **threat** 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. 23. Subsection (b) of section 19a-491c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 94 of 184

(b) (1) On or before July 1, 2012, the Department of Public Health shall create and implement a criminal history and patient abuse background search program, within available appropriations, in order to facilitate the performance, processing and analysis of the criminal history and patient abuse background search of individuals who have direct access.

(2) The Department of Public Health shall develop a plan to implement the criminal history and patient abuse background search program, in accordance with this section. In developing such plan, the department shall (A) consult with the Commissioners of Emergency Services and Public Protection, Developmental Services, Mental Health and Addiction Services, Social Services and Consumer Protection, or their designees, the State Long-Term Care Ombudsman, or a designee, the chairperson for the Board of Pardons and Paroles, or a designee, a representative of each category of long-term care facility and representatives from any other agency or organization the Commissioner of Public Health deems appropriate, (B) evaluate factors including, but not limited to, the administrative and fiscal impact of components of the program on state agencies and long-term care facilities, background check procedures currently used by long-term care facilities, federal requirements pursuant to Section 6201 of the Patient Protection and Affordable Care Act, P. L. 111-148, as amended from time to time, and the effect of full and provisional pardons on employment, and (C) outline (i) an integrated process with the Department of [Public Safety] [Emergency Services and Public Protection](#) to cross-check and periodically update criminal information collected in criminal databases, (ii) a process by which individuals with disqualifying offenses can apply for a waiver, and (iii) the structure of an Internet-based portal to streamline the criminal history and patient abuse background search program. The Department of Public Health shall submit such plan, including a recommendation as to whether homemaker-companion agencies should be included in the scope of the background search program, to the joint standing committees of the General Assembly having cognizance of matters relating to aging, appropriations and the budgets of state agencies, and public health, in accordance with the provisions of section 11-4a, not later than February 1, 2012.

A-942

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 95 of 184

EXHIBIT 3

AN ACT CONCERNING ASSAULT WEAPONS.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 96 of 184

House Bill No. 7332
House Bill No. 7332

PUBLIC ACT NO. 93-306

AN ACT CONCERNING ASSAULT WEAPONS.

Section 1. (NEW) (a) As used in this act, "assault weapon" means:

(1) 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) A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be rapidly assembled if those parts are in the possession or under the control of the same person.

(b) As used in this act, the term "assault weapon" does not include any firearm modified to render it permanently inoperable.

Sec. 2. (NEW) (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 this act, 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.

(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 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 the department of public safety, 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 an assault weapon for which a certificate of possession has been issued under section 4 of this act which is disposed of as authorized by the probate court, if the disposition is otherwise permitted by this act;

(3) The transfer by bequest or intestate succession of an assault weapon for which a certificate of possession has been issued under section 4 of this act.

Sec. 3. (NEW) (a) Except as provided in

AN ACT CONCERNING ASSAULT WEAPONS.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 97 of 184

section 5 of this act, any person who, within this state, possesses any assault weapon, except as provided in this act, 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; except that a first-time violation of this subsection shall be a class A misdemeanor if (1) the person presents proof that he lawfully possessed the assault weapon prior to October 1, 1993, and (2) the person has otherwise possessed the firearm in compliance with subsection (d) of section 4 of 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 public safety, 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; nor shall anything in this act prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and the use is within the scope of their duties.

(c) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon by any person prior to July 1, 1994, if all of the following are applicable:

(1) The person is eligible under this act 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 this act.

(d) 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 4 of this act, if the assault weapon is possessed at a place set forth in subdivision (1) of subsection (d) of section 4 of this act or as authorized by the probate court.

Sec. 4. (NEW) (a) Any person who lawfully possesses an assault weapon, as defined in section 1 of this act, prior to October 1, 1993, shall apply by July 1, 1994, to the department of public safety, for a certificate of possession with respect to such assault weapon. The certificate 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. The department shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes not later than January 1, 1994, to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Notwithstanding the provisions of sections 1-19 and 1-19a of the general statutes, 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 law enforcement agencies.

(b) No assault weapon possessed pursuant to 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 6 of this act, or as provided in section 5 of this act, or by bequest or intestate succession. 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 public safety for a certificate of possession as provided in subsection (a) of this section, render the weapon permanently inoperable, sell the weapon to a

AN ACT CONCERNING ASSAULT WEAPONS.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 98 of 184

licensed gun dealer or remove the weapon from the state. Any person who moves into the state in lawful possession of an assault weapon, shall, within ninety days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this state.

(c) If an owner of an assault weapon sells or transfers the weapon to a licensed gun dealer, he shall, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the commissioner of public safety. The certificate 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 weapon, including the caliber of the weapon and its make, model and serial number; and (5) any other information the commissioner prescribes. The licensed gun dealer shall present his 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 public safety shall maintain a file of all certificates of transfer at his central office.

(d) A person who has been issued a certificate of possession of an assault weapon under this section may possess it 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 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 in this subsection, or to any licensed gun dealer, as defined in subsection (d) of section 6 of this act, for servicing or repair pursuant to subsection (c) of section 6 of this act, provided the assault weapon is transported as required by section 6 of this act.

Sec. 5. (NEW) Any individual may arrange in advance to relinquish an assault weapon to a police department or the department of public safety. The assault weapon shall be transported in accordance with the provisions of section 6 of this act.

Sec. 6. (NEW) (a) While transporting an assault weapon between any of the places mentioned in subdivisions (1) to (6), inclusive, of subsection (d) of section 4 of 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 (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 or any passenger in such vehicle. Any person who violates the provisions of this subsection shall be fined

AN ACT CONCERNING ASSAULT WEAPONS.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 99 of 184

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 4 of this act, in addition to the uses allowed in section 4 of this act, may transport the assault weapon between dealers or out of the state, display it at any gun show licensed by a state or local governmental entity or sell it 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 this act.

(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 are permissible only to the following persons:

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

(B) A gunsmith who 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 this act means a person who has a federal firearms license and a permit to sell firearms pursuant to section 29-28 of the general statutes.

Sec. 7. (NEW) Any person who lawfully possesses an assault weapon under this act that is stolen from him shall report the theft to law enforcement authorities within seventy-two hours of when such person discovered or should have discovered the theft.

Sec. 8. (NEW) Any person who commits any class A, B or C felony and in the commission of such felony uses, or is armed with and threatens the use of, or displays, or represents by his words or conduct that he possesses an assault weapon, as defined in section 1 of this act, shall be imprisoned for a term of eight years, which shall not be suspended or reduced and shall be in addition and consecutive to any term of imprisonment imposed for conviction of such felony.

Sec. 9. (NEW) Any person who commits any class A, B or C felony and in the commission of such felony uses, or is armed with and threatens the use of, or displays, or represents by his words or conduct that he possesses any firearm, as defined in section 53a-3 of the general statutes, except an assault weapon, as defined in section 1 of this act, shall be imprisoned for a term of five years, which shall not be suspended or reduced and shall be in addition and consecutive to any term of imprisonment imposed for conviction of such felony.

Sec. 10. (NEW) The provisions of subsection (a) of section 2 and subsection (a) of section 3 of this act shall not apply to the temporary transfer or possession of an assault weapon, for which a certificate of possession has been issued pursuant to section 4 of this act, for purposes of transporting such weapon to and from any shooting competition or 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, which competition, exhibition, display or educational project is held outside this state.

Sec. 11. (NEW) Nothing in this act shall be

AN ACT CONCERNING ASSAULT WEAPONS.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 100 of 184

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 2 of this act or for sale outside this state.

Sec. 12. Subsection (h) of section 53a-46a of the general statutes is repealed and the following is substituted in lieu thereof:

(h) If no mitigating factor is present, the court shall impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in subsection (e) that (1) the defendant committed the offense during the commission or attempted commission of, or during the immediate flight from the commission or attempted commission of, a felony and he had previously been convicted of the same felony; or (2) the defendant committed the offense after having been convicted of two or more state offenses or two or more federal offenses or of one or more state offenses and one or more federal offenses for each of which a penalty of more than one year imprisonment may be imposed, which offenses were committed on different occasions and which involved the infliction of serious bodily injury upon another person; or (3) the defendant committed the offense and in such commission knowingly created a grave risk of death to another person in addition to the victim of the offense; or (4) the defendant committed the offense in an especially heinous, cruel or depraved manner; or (5) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value; or (6) the defendant committed the offense as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value; OR (7) THE DEFENDANT COMMITTED THE OFFENSE WITH AN ASSAULT WEAPON, AS DEFINED IN SECTION 1 OF THIS ACT.

Sec. 13. (NEW) (a) Any person who purchases a firearm, as defined in section 53a-3 of the general statutes, pursuant to section 29-33 or 29-37a of the general statutes 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 or 29-37a of the general statutes shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

(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 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. 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 felony.

A-948

EXHIBIT 4



Senate Bill No. 1402

Public Act No. 01-130

AN ACT CONCERNING ASSAULT WEAPONS, A SINGLE STATE HANDGUN PERMIT, A FIREARMS EVIDENCE DATABANK AND RESTRAINING AND PROTECTIVE ORDERS IN FIREARMS CASES.

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

Section 1. Section 53-202a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section and sections 53-202b to 53-202k, inclusive, [and subsection (h) of section 53a-46a,] "assault weapon" means:

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

(3) Any semiautomatic firearm not listed in subdivision (1) of this subsection that meets the following criteria:

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

(i) A folding or telescoping stock;

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 103 of 184

(ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) A bayonet mount;

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

(v) A grenade launcher; or

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

(i) An ammunition magazine that attaches to the pistol outside of the pistol grip;

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

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

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

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

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

(i) A folding or telescoping stock;

(ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;

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

(iv) An ability to accept a detachable magazine; or

(4) 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, or any combination of parts from which an assault weapon, as defined in subdivision (3) of this subsection, 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, [and subsection (h) of section 53a-46a,] the term "assault weapon" does not include any firearm modified to render it permanently inoperable.

Sec. 2. (NEW) (a) (1) For purposes of this section, "armor piercing .50 caliber bullet" means any .50 caliber bullet that is (A) designed for the purpose of, (B) held out by the manufacturer or distributor as, or (C) 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".

(2) "Incendiary .50 caliber bullet" means any .50 caliber bullet that is (A) designed for the purpose of, (B) held out by the manufacturer or distributor as, or (C) generally recognized as having a specialized capability to ignite upon impact, including, but not limited to, such bullets commonly designated as "M1

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 104 of 184

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

(1) The sale of such ammunition to the Department of Public Safety, 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.

(d) 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.

Sec. 3. (NEW) Notwithstanding any provision of the general statutes, sections 53-202a to 53-202k, inclusive, of the general statutes, as amended by this act, and section 2 of this act, shall not be construed to limit the transfer or require the registration of an assault weapon as defined in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, as amended by this act, provided such firearm was legally manufactured prior to September 13, 1994.

Sec. 4. Section 29-28 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person who sells ten or more pistols or revolvers in a calendar year or is a federally-licensed firearm dealer shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in [his] such person's possession with intent to sell or deliver, any pistol or revolver at retail without having a permit therefor issued as [hereinafter] provided in this subsection. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the Commissioner of Public Safety for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit. No permit for the sale at retail of any pistol or revolver shall be issued unless the applicant holds a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f or a valid state permit to carry a pistol or revolver issued pursuant to subsection (b) of this section and the applicant submits documentation sufficient to establish that local zoning requirements have been met for the location where the sale is to take place except that any person selling or exchanging a pistol or revolver for the enhancement of a personal collection or for a hobby or who sells all or part of [his] such person's personal collection of pistols or revolvers shall not be required to submit such documentation for the location where the sale or exchange is to take place.

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 105 of 184

(b) Upon the application of any person having a bona fide residence or place of business within the jurisdiction of any such authority, [or upon the application of any bona fide resident of the United States having a permit or license to carry any firearm issued by the authority of any state or subdivision of the United States,] such chief of police, warden or selectman may issue a temporary state permit to such person to carry a pistol or revolver within the [jurisdiction of the authority issuing the same] 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 [thereunder] 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 Public Safety 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 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, 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) has been confined 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, (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, [or] (8) is an alien illegally or unlawfully in the United States, or (9) 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. Upon issuance of a temporary state permit 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 commissioner may [, upon application,] then issue, to any holder of any [such] temporary state permit, a state permit to carry a pistol or revolver within the state. [Each permit to carry any pistol or revolver shall be issued in triplicate and one of the copies issued by said commissioner shall be delivered to the person to whom issued, one shall be delivered forthwith to the authority issuing the local permit and one shall be retained by said commissioner, and the local authority issuing any such permit shall forthwith deliver one of such copies to the person to whom issued and one copy to said commissioner and shall retain one of such copies.] 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 Public Safety or an organized local police department to furnish [his] 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 [on May 26, 1992,] issued by such authority, to revise [his] such member's application to include

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 106 of 184

[his] a business or post office address in lieu of [his] the residence address. The issuing authority shall notify each such member of [his] 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 [pistols and revolvers] 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 the effective date 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, (2) [an] the issuing authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 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 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.

(e) The issuance of [a] any permit to carry a pistol or revolver [under subsection (b) of this section] 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 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 Public Safety 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. 5. Section 29-28a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Requests for temporary state permits under section 29-28, as amended by this act, shall be submitted to the [issuing authority] chief of police, or, where there is no chief of police, to the warden of the borough or the first selectman of the town, as the case may be, on application forms prescribed by the Commissioner of Public Safety. Upon written request by any person for a temporary state permit not on a prescribed application form, or upon request by any person for such application form, the [issuing] local authority shall supply such forms. When any such request is made in person at the office of the [issuing] local authority, the local authority shall supply such application form immediately. When any such request is made in any other manner, the local authority shall supply such application form not later than one week after receiving such request. If such application form is not supplied within the time [limited] limits required by this section, the request therefor shall constitute a sufficient application. If any [issuing] local authority fails to supply an application form upon the request of any person, such person may request an application form from the Commissioner of Public Safety or any barracks of the Division of State Police, and the time limits and procedures set forth in this section for handling requests for such forms shall be applicable.

(b) The [issuing] local authority shall, not later than eight weeks after a sufficient application for a temporary state permit has been made, inform the applicant that [his] such applicant's request for a

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 107 of 184

temporary state permit has been approved or denied. The local authority shall forward a copy of the application indicating approval or denial of the temporary state permit to the Commissioner of Public Safety. If the local authority has denied the application for a temporary state permit, no state permit may be issued. The commissioner shall, not later than eight weeks after receiving an application indicating approval from the local authority, inform the applicant in writing that the applicant's application for a state permit has been approved or denied, or that the results of the national criminal history records check have not been received. If grounds for denial become known after a temporary state permit has been obtained, the temporary state permit shall be immediately revoked pursuant to section 29-32, as amended by this act.

Sec. 6. Section 29-29 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No temporary state permit for carrying any pistol or revolver shall be issued under the provisions of section 29-28, as amended by this act, unless the applicant for the same gives to the [issuing] local authority, upon its request, full information concerning [his] the applicant's criminal record, and such [issuing] local authority shall thereupon take a full description of such applicant and make an investigation concerning [his] the applicant's suitability to carry any such weapons. The [issuing] local authority shall take the fingerprints of such applicant unless the [issuing] local authority determines that the fingerprints of such applicant have been previously taken and [his] the applicant's identity established, and such applicant presents identification that the [issuing] local authority verifies as valid. The [issuing] local authority shall record the date the fingerprints were taken in the applicant's file and, within five business days of such date, shall forward such fingerprints to the Commissioner of Public Safety, who shall forward them to the Federal Bureau of Investigation for a national criminal history records check. The [issuing] local authority may, in [his] its discretion, issue [such] a temporary state permit before a [report from said bureau] national criminal history records check relative to such applicant's record has been received. Upon receipt of [such report, the issuing authority] the results of such national criminal history records check, the commissioner shall send a copy of the results of such national criminal history records check to the local authority, which shall inform the applicant and render a decision on the application within one week of the receipt of [the report] such results. If such [report has] results have not been received within eight weeks after a sufficient application for a permit has been made, the [issuing] local authority shall inform the applicant of such delay, in writing. No temporary state permit shall be issued if the [issuing] local authority has reason to believe the applicant has ever been convicted of a felony, or that any other condition exists for which the issuance of a permit for possession of a pistol or revolver is prohibited under state or federal law.

(b) The commissioner may investigate any applicant for a state permit and shall investigate each applicant for renewal of a state permit to ensure that such applicant is eligible under state law for such permit or for renewal of such permit.

(c) No state permit may be issued unless either the local authority or the commissioner has received the results of the national criminal history records check.

Sec. 7. Section 29-30 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The fee for each permit originally issued under the provisions of subsection (a) of section 29-28, as amended by this act, for the sale at retail of pistols and revolvers shall be one hundred dollars and for each renewal thereof one hundred dollars. The fee for each state permit originally issued under the provisions of subsection (b) of section 29-28, as amended by this act, for the carrying of pistols and revolvers shall be [thirty-five dollars and for each renewal thereof thirty-five dollars. Such fees shall be paid to the authority

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 108 of 184

issuing the same and by such authority to the municipality wherein issued or the state, as the case may be] seventy dollars plus sufficient funds as required to be transmitted to the Federal Bureau of Investigation to cover the cost of a national criminal history records check. The local authority shall forward sufficient funds for the national criminal history records check to the commissioner no later than five business days after receipt by the local authority of the application for the temporary state permit. Thirty-five dollars shall be retained by the local authority. Upon approval by the local authority of the application for a temporary state permit, thirty-five dollars shall be sent to the commissioner. The fee to renew each state permit originally issued under the provisions of subsection (b) of section 29-28, as amended by this act, shall be thirty-five dollars. Upon deposit of such fees in the General Fund, ten dollars of each fee shall be credited within thirty days to the appropriation for the Department of Public Safety to a separate nonlapsing account for the purposes of the issuance of permits under subsections (a) and (b) of section 29-28, as amended by this act.

(b) A local permit originally issued [under the provisions of section 29-28] before the effective date of this act, whether for the sale at retail of pistols and revolvers or for the carrying of pistols and revolvers, shall expire five years after the date it becomes effective and each renewal thereof shall expire five years after the expiration date of the permit being renewed. On and after the effective date of this act, no local permit for the carrying of pistols and revolvers shall be renewed.

(c) A state permit originally issued under the provisions of section 29-28, as amended by this act, for the carrying of pistols and revolvers shall expire five years after the date [it] such permit becomes effective and each renewal thereof shall expire five years after the expiration date of the state permit being renewed and such renewal shall not be contingent on the renewal or issuance of a local permit. A temporary state permit issued for the carrying of pistols and revolvers shall expire sixty days after the date it becomes effective, and may not be renewed.

(d) The renewal fee required pursuant to subsection (a) of this section shall apply for each renewal which is requested not earlier than thirty-one days before, and not later than thirty-one days after, the expiration date of the state permit being renewed.

(e) No fee or portion thereof paid under the provisions of this section for issuance or renewal of a state permit shall be refundable except if [the] such permit for which the fee or portion thereof was paid was not issued or renewed. The portion of the fee expended on the national criminal history records check for any such permit that was not issued or renewed shall not be refunded.

(f) The issuing authority shall send a notice of the expiration of a state permit to carry a pistol or revolver, issued pursuant to section 29-28, as amended by this act, to the holder of such permit, by first class mail, not less than ninety days before such expiration, and shall enclose [therein] with such notice a form for the renewal of said state permit. A state permit to carry a pistol or revolver, issued pursuant to section 29-28, as amended by this act, shall be valid for a period of ninety days [from] after the expiration date, except this provision shall not apply to any state permit to carry a pistol or revolver which has been revoked or for which revocation is pending, pursuant to section 29-32, as amended by this act.

Sec. 8. Section 29-32 of the general statutes is repealed and the following is substituted in lieu thereof:

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

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 109 of 184

(b) Any state permit or temporary state permit for the carrying of any pistol or revolver may be revoked by the [authority issuing the same] Commissioner of Public Safety for cause and shall be revoked by [the authority issuing the same] 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. [For the purposes of this section, "conviction" means the entry of a judgment of conviction by any court of competent jurisdiction.] 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 [authority issuing the same]. Upon the revocation of any local permit, the authority issuing the same shall forthwith notify the Commissioner of Public Safety and, upon the revocation of any permit issued by said commissioner, he shall forthwith notify the authority issuing such local permit, if any, which the records of said commissioner show as having issued a currently valid permit to the holder of the revoked state permit] 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 [such] any permit within five days of notification in writing of revocation thereof shall be guilty of a class C misdemeanor.

(c) Any local permit for the carrying of a pistol or revolver issued prior to the effective date of this act 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 C misdemeanor.

Sec. 9. Section 29-35 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall carry any pistol or revolver upon one's person, except when such person is within the dwelling house or place of business of such person, without a permit to carry the same issued as provided in section 29-28, as amended by this act. The provisions of this subsection shall not apply to the carrying of any pistol or revolver by any parole officer or peace officer of this state, or parole officer or peace officer of any other state while engaged in the pursuit of official duties, or federal marshal or federal law enforcement agent, or to any member of the armed forces of the United States, as defined by section 27-103, or of this state, as defined by section 27-2, when on duty or going to or from duty, or to any member of any military organization when on parade or when going to or from any place of assembly, or to the transportation of pistols or revolvers as merchandise, or to any person transporting any pistol or revolver while contained in the package in which it was originally wrapped at the time of sale and while transporting the same from the place of sale to the purchaser's residence or place of business, or to any person removing such person's household goods or effects from one place to another, or to any person while transporting any such pistol

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 110 of 184

or revolver from such person's place of residence or business to a place or individual where or by whom such pistol or revolver is to be repaired or while returning to such person's place of residence or business after the same has been repaired, or to any person transporting a pistol or revolver in or through the state for the purpose of taking part in competitions, taking part in formal pistol or revolver training, repairing such pistol or revolver or attending any meeting or exhibition of an organized collectors' group if such person is a bona fide resident of the United States and is permitted to possess and carry a pistol or revolver in the state or subdivision of the United States in which such person resides, or to any person transporting a pistol or revolver to and from a testing range at the request of the issuing authority, or to any person transporting an antique pistol or revolver, as defined in section 29-33. For the purposes of this subsection, "formal pistol or revolver training" means pistol or revolver training at a locally approved or permitted firing range or training facility, and "transporting a pistol or revolver" means transporting a pistol or revolver that is unloaded and, if such pistol or revolver is being transported in a motor vehicle, is not readily accessible or directly accessible from the passenger compartment of the vehicle or, if such pistol or revolver is being transported in a motor vehicle that does not have a [passenger compartment, is] compartment separate from the passenger compartment, such pistol or revolver shall be contained in a locked container other than the glove compartment or console. Nothing in this section shall be construed to prohibit the carrying of a pistol or revolver during formal pistol or revolver training or repair.

(b) The holder of a permit issued pursuant to section 29-28, as amended by this act, shall carry such permit upon one's person while carrying such pistol or revolver.

Sec. 10. (NEW) (a) As used in this section:

(1) "Firearms evidence databank" means a computer-based system that scans a test fire and stores an image of such test fire in a manner suitable for retrieval and comparison to other test fires and to other evidence in a case;

(2) "Handgun" means any firearm capable of firing rim-fire or center-fire ammunition and designed or built to be fired with one hand;

(3) "Laboratory" means the Division of Scientific Services forensic science laboratory within the Department of Public Safety;

(4) "Police department" means the Division of State Police within the Department of Public Safety or an organized local police department;

(5) "Test fire" means discharged ammunition consisting of a cartridge case or a bullet or a fragment thereof, collected after a handgun is fired and containing sufficient microscopical characteristics to compare to other discharged ammunition or to determine the handgun from which the ammunition was fired.

(b) (1) The Division of Scientific Services shall establish a firearms evidence databank. Test fire evidence submitted to the laboratory or collected from handguns submitted to the laboratory shall be entered into such databank in accordance with specific procedures adopted by the Commissioner of Public Safety, in the regulations adopted pursuant to subsection (f) of this section.

(2) The firearms evidence databank may be used by laboratory personnel to (A) compare two or more cartridge cases, bullets or other projectiles submitted to the laboratory or produced at the laboratory from a handgun, or (B) upon the request of a police department as part of a criminal case investigation, verify by

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 111 of 184

microscopic examination any resulting match, and shall produce a report stating the results of such a search.

(3) Any image of a cartridge case, bullet or fragment thereof that is not matched by a search of the databank shall be stored in the databank for future searches.

(4) The Division of Scientific Services may permit a firearms section of a police department that complies with all laboratory guidelines and regulations adopted by the commissioner pursuant to subsection (f) of this section regarding the operation of the firearms evidence databank to (A) collect test fires from handguns that come into the custody of the police department, (B) set up a remote terminal to enter test fire images directly into the databank, and (C) search the databank.

(c) (1) Except as provided in subdivision (4) of subsection (b) of this section and subsection (d) of this section, a police department shall submit to the laboratory any handgun that comes into police custody as the result of a criminal investigation, as found property, or for destruction, prior to the return or the destruction of the handgun.

(2) The laboratory shall collect a test fire from each submitted handgun within sixty days of submission. The laboratory shall label the test fire with the handgun manufacturer, type of weapon, serial number, date of the test fire and name of the person collecting the test fire.

(d) (1) A police department shall collect a test fire from every handgun issued by that department to an employee not later than six months after the effective date of this section. On and after the effective date of this section, a police department shall collect a test fire from every handgun to be issued by that department before the handgun is so issued. Any police department may request the assistance of the Division of State Police or the laboratory to collect a test fire.

(2) The police department shall seal the test fire in a tamper-evident manner and label the package with the handgun manufacturer, handgun type, serial number and the name of the person collecting the test fire. The police department shall submit the test fire and two intact cartridges of the same type of ammunition used for the test fire to the laboratory.

(e) The laboratory may share the information in the firearms evidence databank with other law enforcement agencies, both within and outside the state, and may participate in a national firearms evidence databank program.

(f) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the purposes of this section.

Sec. 11. Subsection (b) of section 46b-15 of the general statutes is repealed and the following is substituted in lieu thereof:

(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. 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

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 112 of 184

or other persons as the court sees fit. Such order 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. 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. 12. Subsection (e) of section 46b-15 of the general statutes is repealed and the following is substituted in lieu thereof:

(e) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than five days before the hearing. Upon the granting of an ex parte order, the clerk of the court shall provide two certified copies of the order to the applicant and a copy to the Family Division. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two certified copies of the order to the applicant and a copy to the Family Division and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall contain the following language: "This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and tribal lands." The clerk of the court shall send a certified copy of any ex parte order and of any order after notice and hearing to the [appropriate] law enforcement agency for the town in which the applicant resides and, if the respondent resides in a town different than the town in which the applicant resides, to the law enforcement agency for the town in which the respondent resides, within forty-eight hours of [its] the issuance of such order. If the applicant is employed in a town different than the town in which the applicant resides, the clerk of the court shall, upon the request of the applicant, send a certified copy of any such order, to the law enforcement agency for the town in which the applicant is employed within forty-eight hours of the issuance of such order.

Sec. 13. Subsections (c) and (d) of section 46b-38c of the general statutes are repealed and the following is substituted in lieu thereof:

(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 said services, and (5) establish centralized reporting procedures. All information provided to a family relations officer in a local family violence intervention unit shall be for the sole purpose of preparation of the report 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 if the victim has indicated that the defendant holds a permit to carry a pistol or revolver or possesses one or more firearms, the family relations officer shall disclose such information to the court and the prosecuting authority.

(d) In all cases of family violence, a written or oral report and recommendation of the local intervention unit

Public Act No. 01-130 for Senate Bill No. 1402

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 113 of 184

shall be available to a judge at the first court date appearance to be presented at any time during the court session on that date. A judge of the Superior Court may consider and impose the following conditions to protect the parties, including but not limited to: (1) Issuance of a protective order pursuant to subsection (e) of this section; [such order shall be an order of the court, and the clerk of the court shall cause (A) a certified copy of such order to be sent to the victim, and (B) a certified copy of such order to be sent within forty-eight hours of its issuance to the appropriate law enforcement agency;] (2) prohibition against subjecting the victim to further violence; (3) referral to a family violence education program for batterers; and (4) immediate referral for more extensive case assessment. Such protective order shall be an order of the court, and the clerk of the court shall cause (A) a certified copy of such order to be sent to the victim, and (B) a certified copy of such order to be sent within forty-eight hours of its issuance to the law enforcement agency for the town in which the victim resides and, if the defendant resides in a town different than the town in which the victim resides, to the law enforcement agency for the town in which the defendant resides. If the victim is employed in a town different than the town in which the victim resides, the clerk of the court shall, upon the request of the victim, send a certified copy of such order to the law enforcement agency for the town in which the victim is employed within forty-eight hours of the issuance of such order.

Sec. 14. Section 29-36n of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Public Safety, 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 have, in accordance with section 29-36k, transferred such pistol or revolver to a person eligible to possess such pistol or revolver or have delivered or surrendered such pistol or revolver to said commissioner.

(b) The Commissioner of Public Safety, 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 this act.

Sec. 15. Section 53a-217 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) A person is guilty of criminal possession of a firearm or electronic defense weapon when such person possesses a firearm or electronic defense weapon and (1) has been convicted of a felony, [or] (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) knows that such person is subject to a restraining or protective order issued by a court, 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 (4) 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. 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 firearm or electronic defense weapon is a class D felony, for which two years of the sentence imposed may not be suspended or reduced by the court.

Approved June 28, 2001

A-961

EXHIBIT 5

PA 13-3, SB 1160

Senate Session Transcript for 04/03/2013

SENATOR LOONEY:

Thank you, Madam President.

Having adopted the three Agendas, would ask the Clerk to immediately proceed to call the single item appearing on Senate Agenda Number 3, which is Emergency Certified Bill 1160, if the Clerk would please call that item.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Emergency Certified Bill Number 1160, AN ACT CONCERNING GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY, LCO Number 5428 [sic], introduced by Senator Williams and Representative Sharkey.

THE CHAIR:

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I move adoption and passage of the Emergency Certified Bill and seek leave to summarize.

THE CHAIR:

The request is on passage. Will you reply (inaudible).

SENATOR WILLIAMS:

Thank you, Madam President.

I would like to take us back to December 14, 2012. Here at the State Capitol, leaders, Democrats and Republicans, were involved

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 116 of 184

in negotiations concerning the budget of the State of Connecticut. We were working through the morning when word came to us that there had been a shooting at an elementary school in our state. Initially, that's all we knew about it. A little later, we heard that there was a possible fatality, an administrator, perhaps the principal.

We continued our work. We left to go to the press quarters here, where they were having their annual Christmas party and luncheon. As we spoke with reporters, the TV monitors were on in the background. All at once, there was a report that as many as 20 children had been killed, together with a number of teachers and administrators.

For a few seconds, it was hard to breathe. I looked around at my colleagues, as we recoiled at the horror of what we were learning at that moment. The center of the world's attention was Newtown, Connecticut, and the Sandy Hook Elementary School.

I remember thinking this could not be happening in our state. It could not be happening in our country and to our children. Senator McKinney went directly to be with his constituents in Newtown. Later, Governor Malloy joined the parents and the first responders.

At the end of that unimaginable day, we learned that we had lost 20 elementary school children and 6 teachers and administrators. They were killed with a weapon of war, a semi-automatic assault rifle, the platform of which was -- was originally designed for the battlefield and for mass killings. That was 110 days ago.

As we take action today, and as stunned as we are at the events of Newtown, we must also acknowledge this is not the first time in the history of the United States, most importantly the recent history of the United States, that we have confronted horrific gun violence. Think of Columbine High School; a nursing class at a college in Oakland, California; an Amish school, in Pennsylvania; Virginia Tech University; a shopping mall, in Nebraska; Fort Hood, Texas; a parking lot, in Tucson, where Congresswoman Gabby Giffords was meeting with her constituents; a Sikh temple, in Wisconsin; a Baptist Church, in Fort Worth; a movie theater, in Aurora; and, workplace shootings in every state in America, including a beer distribution center in Manchester, Connecticut, and the Connecticut State Lottery Offices. And those are just a few of the mass killings that receives tremendous attention. Every day in America, children are killed in our cities, without the attendant publicity. Every

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 117 of 184

at UConn Health Center, both researchers in child psychology and actively treating children and also adolescents. I thank them for their work and for bringing to us a plan that will make sure that no child, no child in the State of Connecticut will go without some access to mental health, a system of coordination and care that we are badly in need of. And this came out during the task force, and that is being enacted.

I also want to say that, you know, we all spent a lot of time researching and reading, and in his book, David Hemenway, in "Private Guns and Public Health" says public health is pro-health; it is not anti-gun. And access to guns is a big part of the public health challenges in our country today. Nine thousand people are killed a day, due to this chronic illness.

So I want to say that the underlying bill also provides for us further work to do. But, Senator LeBeau, I want you to know that we should not live in fear. Connecticut should not live in fear, and Connecticut should know that from this day forward, with passage of this bill, that we will heal.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

Thanks to members of the Senate for their comments so far.

I want to focus on five ways that this bill and the process to getting here makes Connecticut safer. Number one, this bill requires an ammunition eligibility certificate to purchase ammunition. This could easily be an overlooked part of this bill, but this requirement keeps ammunition out of the hands of illegal gun owners. So I think, you know, Senator Looney has been championing this, and I think he's right. I think this is one of the most important parts of this bill.

The bill, also, number two, establishes a behavioral health task force that will work to create a system of supports for adolescents who have behavioral health challenges. As many of

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 118 of 184

you, I heard from so many people through this process. But one Connecticut tragedy is the supports that are not there for families who are begging for help for their adolescents who need mental health supports. That's a tragedy that's going on now, and this bill has a process in place to address that Connecticut tragedy. Parents' stories are so difficult to hear, those who are struggling.

Number three, this bill bans high-capacity magazines with over ten rounds. Again, over the fourth -- four months, I've come to understand that this accessory is what enables mass destruction, the number of bullets that can be fired so quickly. And this bill is in reaction to a mass shooting. This is a critical component of this bill that will make Connecticut safer.

The bill also addresses safety in our schools and safety on our college campuses in a smart, systematic way. It will be informed by my best practices and by law enforcement professionals in our state.

This bill also will set up a process that -- again, something that could be overlooked -- to develop standards for our public schools. Right now, there are really no standards that superintendents have to say how many social workers do I need; how many guidance counselors; how many school psychologists. And I'm really proud that this was added into the task force, the behavioral health task force. Because, let's face it, schools are focused on education, but that's where the kids are. That's where some of these problems are expressed, and that's a really critical component.

The fifth way that this bill makes Connecticut safer is the model that our leadership presented to us and to our state about how to solve problems with a democratic process. Sandy Hook brought us together as a state. We had a collective grief, a collective love for the families of the victims, and a collective resolve to address all the different facets of this terrible tragedy.

What's making us different is how we're approaching it. We took our time. We listened to both sides. We were bonded by this experience, and we knew that for our state to heal, we needed to model respectful discourse; that's what democracy is. And a fair and balanced democracy helps avoid violence; there's a peaceful transfer, a peaceful imposition of laws.

THE CHAIR:

The motion is on -- on adoption. Will you remark, sir?

SENATOR MARKLEY:

Thank you, very much, Madam President.

As I said, this preserves the recommendations of the

-- the Mental Health and the School Safety Task Force. It also, it also preserves those aspects of the Gun Safety Task Force that I think are, in fact, the most likely to deal with the kinds of problems which led to the tragedy in December; that is, it includes the mental health look-back periods. It includes the increased penalty for crimes, either committed with a gun or involving the possession of a gun illegally. It includes the safe-storage provisions and, in fact, also offers a tax credit to encourage the purchase of safes, which would enable safe storage. And it also provides an opportunity for schools to incorporate into the grants, which we've made available to them for school security, the opportunity to apply for funds to be used for school security officers, as well as for the hardening of the, of the building, itself.

I think it is, I think it's a good bill, which I do not believe infringes on the rights of law-abiding gun owners, who I do not believe are the people who deserve to be -- who -- who deserve what the, what the bill before us would do. And I urge adoption of the amendment.

THE CHAIR:

Will you remark?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I would ask that then the vote is taken, it be taken by roll.

And I rise to oppose the amendment. In my review of this, it appears that it strikes out more or less the essence of the gun violence preservation or protection and prevention measures. You know, I -- I appreciate Senator Markley's point of view, but I

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 120 of 184

believe I don't see anything in here in term of the background checks. Am I wrong about that? I -- I mean, I don't, I don't mean to ask that as a, as a question, but I -- I -- and, of course, the dangerous offender registry is very important.

But, Madam President, really, the heart of our response in terms of gun violence prevention when it came to the Newtown tragedy and all of the other mass shootings that I enumerated at the outset, come down to a stronger restriction on the assault weapons that have been used in these mass shootings and a limitation on the large-capacity magazines. So for those reasons, Madam President, I oppose the amendment.

THE CHAIR:

Will you remark?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I -- I rise in support of this amendment, and my purpose for speaking is something that I think Senator Coleman mentioned earlier, and that is that those of us who do not support the underlying bill couldn't fathom that, that doing nothing was an option. And this is to say that we're not for doing nothing; in fact, we are for doing something. All of us have been moved, have been touched by this horror that happened in Newtown and -- and all that was revealed to us in the days that follow.

An action is appropriation, action with mental health, action with hardening our schools, even action in keeping guns out of the hands of felons, on ending straw purchases, on background checks. We need to do something and this amendment, I think, is an appropriate something.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator Boucher.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 121 of 184

that fear that I think it was somewhat confirmed by the comments that Senator Meyer made then; there's more to be done here. And I think Senator Markley rightly noted that if this was the end, if this was all we were talking about, maybe there would be more consensus. But I think there's a general consensus that that is not all we are talking about.

I think Senator Williams appropriately listed the horrible events that have taken place in this country over the years and identified a common theme of weapons, guns used in those horrible events. But -- but I see another common theme, and that is evil. That is evil men and women doing evil things, irrespective of what the modality is. And I don't see this Bill 1160 getting to the heart of evil. I don't see this bill convincing the mass murder of Newtown that there's another way, that he could change. I don't see this bill accomplishing those goals.

What I do see is I see us saying to one generation, it is okay to defend yourself in a certain manner but to the next generation, in a world that continues to grow darker, that continues to become less safe, that continues to become scarier, it's not okay for you to defend yourself in that same manner.

I do applaud those who put the process together, who worked so hard to come up with some really good ideas. And 1160 does contain some really good ideas, things we ought to do, things we ought to execute on. But at the end of the day, weighing what this country is about, I cannot support it.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Senator Leone.

SENATOR LEONE:

Thank you, Madam President.

I wish to rise, just to make some brief comments on the bill before us. And first, I'd like to thank our Senate leadership on both sides of the aisle, as well as our House leadership on both sides of the aisle for all the work that has been done to present what's before us today. And I know it couldn't have been

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 122 of 184

easy; rightly so, it shouldn't be easy. This is a very, as was mentioned, polarizing, personal, emotional issue.

We have a lot of history in our country on the ability to defend ourselves, and we should be able to defend ourselves. I respect the ability for a person to defend their life, their personal property, their family, and I don't see anything in this bill that takes that away. You can still own your weapons. You can still have your ammunition. You can still defend your personal property, your family. You can still go to the gun clubs and the shooting ranges for your sport. You can still do those things. And as I look at the -- the language of the bill, and as I look at the title -- and I think the title says it all in term of what we're trying to do here -- this is AN ACT CONCERNING GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY. Again, that's gun violence prevention, not gun violence taking-away, gun violence prevention and improving children's safety, all because of what happened that dreadful day, December 14th, in Newtown.

And as I look back at the common thread of all the other areas that had those mass shootings, those mass killings, whether it was the two times in Colorado, Arizona, Virginia, numerous others, the common thread is not the one rifle, the one pistol, the one revolver; it's these assault weapons with high-capacity rounds that can shoot multiple rounds in a minute, weapons that are meant for war to defend our country, not to shoot our neighbors, not to shoot our loved ones, not to shoot someone going to school, not to shoot someone going to the store or to a place or worship. It's for war.

And if anyone has been in the military and has shot those weapons, you would know the destruction that it's capable of. And I suspect that many of these mass murderers never served a day in their life in the military to know what it could do, to see the effects. And I respect all the people that are here today on both sides of the issue. I know they're -- they're real; we can't discount them but we do have to confront them. We do have to debate this issue to find the way to move forward to protect the public welfare, to protect the safety of our constituents.

So December 14th, unfortunately, is going to be forever etched in the minds of every Connecticut citizen, maybe not other states. I suspect so, because it seems that this particular act, that has culminated after so many others, all of which we had hoped something would have done then, but because this was so heinous, so horrendous that it went after our children, five,

A-970

EXHIBIT 6

Senate Session Transcript 06/08/93

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 124 of 184

THE CLERK:

Calendar Page 15, Emergency Certified Bill, Calendar No. 652, House Bill No. 7332, AN ACT CONCERNING ASSAULT WEAPONS. (As amended by House Amendment Schedules "A", "B", "D", "F", "H", "I", "J", "L", "N" and "P").

The bill is accompanied by Emergency Certification.

The Clerk is in possession of six amendments.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Jepsen. Senator Penn, I'm sorry. Excuse me, sir.

SENATOR PENN:

Thank you, Madam President. Let me catch my breath. I'm sorry.

THE CHAIR:

That's all right, take your time.

SENATOR PENN:

I move adoption of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

Thank you very much, Senator. Senator Kissel.

SENATOR KISSEL:

As a Point of Order, Madam President, under the Joint Rules for a E-Cert bill, what I'd like to have happen is separate votes on each of the House Amendments.

THE CHAIR:

There's a motion to ask for a separate vote on each of the House Amendments. Do you wish to remark on your motion?

SENATOR KISSEL:

Yes, very briefly, Madam President. Since this matter was heavily debated in the House just two days ago and there was some questions as to the ramifications of these House Amendments and because this bill obviously has so much import, I think it would be most advantageous for everyone involved if each of these House Amendments was discussed and voted on here in this Chamber. Thank you, Madam President.

THE CHAIR:

Thank you very much. Would anybody else like to speak on the motion? Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. I would oppose that motion. I think that everybody is familiar with the contents of the amendments from the House. Many of them actually we have debated and discussed previous to this and I think everybody knows that to amend this bill is to kill this bill and so in the end the vote on the bill is in effect a vote on these amendments respectively.

There is ample opportunity, I understand six or more amendments have been filed. There's ample opportunity to amend this bill as it is currently before us and I would ask that when this vote on Senate Kissel's motion is taken, that it would be taken by roll.

THE CHAIR:

Thank you very much. Would anybody else wish to remark on the motion to vote on each of the House Amendments separately? There is a motion before you and Senator Jepsen has asked for a roll call vote. Senator Penn.

SENATOR PENN:

If I can get this on. Thank you, Madam President.

THE CHAIR:

There you go.

SENATOR PENN:

I don't know if I need to amend my motion because it was an Emergency Certification bill and I did not so state that in my original motion. I move, as it was a regular bill as Senate Bill 98, but it was an Emergency E-Cert and if I have to amend my motion to do so, I will do so at this time.

THE CHAIR:

Thank you very much, Senator. Would anybody else like to speak on the motion to vote on each of the House Amendments independently? If not, Mr. Clerk,

Senate Session Transcript 06/08/93

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 125 of 184

In the interest of everybody knowing exactly what is legal and illegal, I'm merely proposing through this amendment that the Commissioner of Public Safety adopt regulations so that gun collectors, sportsmen, hunters and those involved in this who wish to comply with the law, have a means, have a checklist, have something that they can go to so that they can comply with the law.

I understand the motivations of the people who are opposing my amendments. I understand their desire to get this bill through. In many respects, I wish that the debate that we're having today we had several weeks ago. I do believe that it is unclear regarding this aspect of the legislation what is legal and what is illegal and I would urge my fellow Senators, I think this is a very sensible amendment and I would urge its adoption. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Kissel. Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. I rise to oppose the amendment for the reason of my opposition to the other amendments which is that it was clearly intended to kill the bill.

I would go further to say that I think that the language is clear. It is language that is derived from other similar statutes around the country and it has not proved to be a problem there, but more importantly, if there's any question at all for the purposes of legislative intent, I would want to make clear that by rapidly assembled what is intended is that a criminal could not disable a gun, have it in a couple of pieces and be in a position to assemble it rapidly for use, but claim to the police that he's not violating the law here because he had removed one or two small pieces that could easily be replaced and therefore claim that he was not in violation of the statute because part of the statute says that if -- to protect gunowners by the way, that if a gun is disabled, it should not be charged as part of the statute.

So by rapidly assembled it means exactly what it says, which is that the assemblage would have to be able to be accomplished within a matter of seconds or minutes, not hours or days.

THE CHAIR:

Thank you very much. Senator Penn.

SENATOR PENN:

Thank you again, in concurrence with my colleague and also urge passage and ask for a roll call vote.

THE CHAIR:

Thank you very much, Senator. Would anyone else wish to remark on Senate Amendment "C", LCO No. 8631? Are there any further remarks? If not then, Mr. Clerk, would you make the necessary announcement for a roll call vote.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is a Senate Amendment to Calendar 652. It is LCO No. 8631, designated by the Senate Clerk as Senate Amendment "C". The machine is on. You may record your vote.

Have all Senators voted and are your votes properly recorded? Have all Senators voted and are your votes properly recorded? The machine is closed.

The result of the vote:

16	Yea
20	Nay
0	Absent

The amendment fails.

Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you, Madam President. On a Point of Personal Privilege?

THE CHAIR:

A-973

EXHIBIT 7

March 18, 2013

Dear Governor Malloy:

On behalf of the Sandy Hook Advisory Commission, I would like to submit this interim report. It is a product of testimony shared and information received since its establishment on January 3, 2013.

I must stress that this is an interim report. The findings found within are key elements of any policy reform or changes that must be undertaken in response to the tragic events that took place on December 14, 2012.

I realize that you may agree with some of our interim recommendations, and disagree with others. In any case, I am grateful for your support for the Sandy Hook Advisory Commission as we examine policies and issues that require extensive deliberation, and for allowing us to take the time to incorporate a variety of perspectives. There are principles which we will address in our final report, but which we did not take up in this document as we plan for a long-term study in crafting meaningful recommendations for thoughtful legislative and policy changes. It is important to note that the Commission postponed discussion of mental health issues until after the interim report in order to develop a strategy to call upon the vast research and the many experts who would want to provide input.

We believe there are common-sense principles upon which short-term change is possible and action should be taken. We understand the necessity for the legislature to make progress this session, and we hope that this report will serve as an endorsement of general areas upon which change is within reach, and as a guidepost for future deliberations.

Following this submission, we will continue our efforts through the end of this year to learn from state officials, experts or practitioners, concerned advocates, and the general public. We will then synthesize that information and produce our final account of the Sandy Hook tragedy, the lessons that must be learned, and the reforms that must be made to address key policy areas in violence prevention.

The work in the coming months will focus on: mental health services, a deeper investigation of best practices in issues addressed in this report, and reaction to any new findings as a result of the State's Attorney investigation, as well as responding to the directives in your February 21 letter on gun violence prevention.

Thank you again for your support for the work of the Sandy Hook Advisory Commission, and we look forward to getting back to work.

Regards,



Scott Jackson
Mayor, Town of Hamden
Chairman, Sandy Hook Advisory Commission

Sandy Hook Advisory Commission
Interim Report of Findings
March 18, 2013

Table of Contents

Sandy Hook Advisory Commission Membership..... 3

Introduction and Background..... 4

Firearms and Ammunition..... 6

 Firearm Permitting and Registration..... 6

 High-capacity Firearms, Magazine Capacity, and Ammunition..... 6

 Firearm Storage and Security..... 8

 Miscellaneous (Firearms and Ammunition)..... 8

Safe School Design and Human Resource Emergency Preparedness..... 10

 Minimum Classroom Security Standards..... 10

 Threat and Risk Assessment/Emergency Planning and Response Standards..... 10

 Identification and Financing of School Hardening Tactics..... 13

 Human Resource Training and Capacity-Building..... 13

Additional Required Partnerships and Support..... 15

Miscellaneous..... 16

 Commission Findings:..... 16

Sandy Hook Advisory Commission Membership

Scott D. Jackson (Chair): *Mayor, Town of Hamden*

Dr. Adrienne Bentman: *Director, Adult Psychiatry Residency Program, Hartford Hospital's Institute of Living*

Ron Chivinski: *Teacher, Newtown Middle School*

Robert Ducibella: *Founding Principal, DVS Security Consulting and Engineering*

Terry Edelstein (Vice-Chair): *Nonprofit Liaison to Governor Malloy*

Kathleen Flaherty: *Staff Attorney, Statewide Legal Services of Connecticut, Inc. / Facilitator and State Trainer, National Alliance for Mental Illness in Connecticut*

Dr. Alice M. Forrester: *Executive Director, Clifford W. Beers Guidance Clinic, Inc.*

Dr. Ezra Griffith: *Professor Emeritus of and Senior Research Scientist in Psychiatry, Deputy Chair for Diversity and Organizational Ethics, Department of Psychiatry, Yale University*

Patricia Keavney-Maruca: *Member, State Board of Education / Former technical high school teacher*

Christopher Lyddy: *Former State Representative, 106th Assembly District of Newtown / Program Manager, Trainer & Consultant, Advanced Trauma Solutions, Inc. / Former Program Director, Youth Equipped for Success!, Forensic Health Services, Inc. / Former Clinical Supervisor, Juvenile Risk Reduction Center, Community Solutions, Inc.*

Denis McCarthy: *Fire Chief, City of Norwalk*

Barbara O'Connor: *Director of Public Safety and Chief of Police, University of Connecticut*

Wayne Sandford: *Professor, University of New Haven, Henry C. Lee College of Criminal Justice & Forensic Sciences / Former Deputy Commissioner, Connecticut Department of Emergency Management & Homeland Security / Former Fire Chief, Town of East Haven*

Dr. David J. Schonfeld: *Director, National Center for School Crisis and Bereavement / Professor, University of Cincinnati Department of Pediatrics*

Dr. Harold I. Schwartz: *Psychiatrist-in-Chief, Hartford Hospital's Institute of Living / Vice President, Behavioral Health, Hartford Hospital / Professor of Psychiatry, University of Connecticut School of Medicine*

Bernard R. Sullivan (Vice-Chair): *Former Chief of Police, City of Hartford / Former Commissioner, Connecticut Department of Public Safety / Former Chief of Staff to House Speaker Tom Ritter*

Introduction and Background

On December 14, 2012, the world's eyes turned to Newtown, Connecticut. This quiet town became the epicenter of an unimaginable tragedy. We cannot and will not forget the loss of 20 precious children and six heroic adults at Sandy Hook Elementary School. But if we are to truly honor their memory, we know that our grief must be turned into thoughtful change as we evaluate our laws and policies. The state and national debate is underway as officials seek to evolve and determine what actions, laws, policies, and cultural changes are necessary to reduce gun violence, secure our schools, and improve the way in which we provide mental health services. Our response to these issues will speak to the lessons our society has learned from that unspeakable tragedy.

On January 3, 2013 Governor Dannel P. Malloy established the Sandy Hook Advisory Commission (henceforth referred to as the Commission) to review current policy and make specific recommendations in the areas of public safety and mental health policy, with a focus on children and schools. With a public debate focusing on individual issues, the Commission has been committed to comprehensively evaluating all of the charges issued by the Governor. This Commission is comprised of experts in different areas, including education, mental health, law enforcement and emergency response. Commission members have taken the lead in developing the Commission's roadmap and agenda to shape conversations within their respective fields of expertise. The Commission was tasked with delivering an interim report on March 15th.

This initial report was to deliver early consensus recommendations in order to be included in the regular session of the Connecticut General Assembly; as well as identifying major issues or concern, areas for review, and a process to evaluate the standards by which the state could and should respond to the Sandy Hook tragedy. This interim report also strives to provide a roadmap by which the Commission will operate to develop a thorough understanding of the events that occurred in Newtown, and what changes can be made to prevent such an event from occurring again.

Informational meetings have thus far focused on:

1. infrastructure design, school safety and security;
2. trauma services and responses to school crisis;
3. gun violence prevention; and
4. emergency planning, preparedness, and response.

These hearings have provided the Commission the opportunity to hear from a number of parties, including state officials directly involved in responding to the Sandy Hook tragedy, experts who have dealt with these issues through their work or during past crises, and other key stakeholders.

Their testimonies provided Commission members with an understanding of the issues at stake and provided members with objectives to strive for in final recommendations. Following these hearings, the Commission was able to develop and review an exhaustive list of items for consideration that had been raised by presenters and other interested parties. Throughout the process, the Commission has welcomed and continues to encourage testimony and suggestions from the general public as they learn about relevant issues and review possible courses of action. With consensus governing the decision-making process, the Commission approved certain findings, and agreed to move forward in other areas to produce meaningful recommendation to address certain goals.

This interim report sets forward findings in which the Commission looks to make recommendations, and through subsequent hearings members will develop a consensus in how they would recommend the state to act. As the Commission continues its deliberations, it will seek to involve stakeholders and advocacy groups on all sides of each finding to fully understand the rationale of, the impacts due to, and the purpose of the final recommendations that will be submitted. This commission recognizes that there will be issues upon which there may be great controversy and upon which there are fundamental differences in opinion; yet members believe in light of the charge issued by Governor Malloy it is the responsibility of the Commission to submit findings and recommendations in all areas of its charge. In light of the Governor's directive from February 21, 2013, the Commission will also be acting to respond to new and more precise questions in the context of gun violence prevention.

As the Commission continues to meet, it will look to build upon and fill out these initial recommendations to develop a comprehensive final report within the year. Those recommendations will be a result of examining relevant policy discussions, utilizing reputable research, and expanding upon analysis from previous task forces and advisory groups; all the while the Commission will be taking into account the views of the general public, other advocacy groups and stakeholder organizations. These recommendations will be presented in a written report that will incorporate the investigative report from the State's Attorney, in order to convey the underlying facts and principles involved in this tragedy. Based on the experiences and lessons from previous task forces, the Commission will be supported by a recorder to detail meetings and discussions. There will be a written account that can serve as a record of the Commission's activities and will detail what the Commission investigated, why it investigated issues, and how it reached consensus on recommendations. This written report is crucial to recognizing and responding to the fundamental question of how we prevent this from happening again in Connecticut or anywhere around the country.

Firearms and Ammunition

Firearm Permitting and Registration

While some firearms are required to be registered in the State of Connecticut and some require a permit to carry, these requirements are not uniform. The Commission has found that firearms of significant lethality can be legally obtained without permit and without registration. According to the Connecticut State Police, there are approximately 1.4 million registered firearms in the State of Connecticut, and possibly up to 2 million unregistered firearms. The Commission finds this discrepancy in permitting and registration to be unwarranted. Furthermore, the Commission believes that this lack of uniform control abets “straw purchases” that can be used to deliver firearms to potential criminals.

In order for law enforcement agencies to safely engage in their lawful duties, the Commission believes the State of Connecticut should carefully consider the following items:

1. Mandatory background checks on the sale or transfer of any firearm, including long guns, at private sales and sales at gun shows.
2. Requiring registration, including a certificate of registration, for any firearm. This certificate of registration should be issued subsequent to the completion of a background check and is separate and distinct from a permit to carry.
3. Requiring the renewal of firearms permits on a regular basis. This renewal process should include a test of firearms handling capacity as well as an understanding of applicable laws and regulations.

High-capacity Firearms, Magazine Capacity, and Ammunition

The Commission finds that types of ammunition and magazines currently available can pose a distinct threat to safety in private settings as well as places of assembly. Furthermore, the Commission has found that, despite the lethality of this ammunition, there are limited controls on its purchase. The Commission understands that, in a spree killing, a life could be lost every few seconds. The Commission takes seriously the rights afforded under the Second Amendment of the United States Constitution, but balances those rights against the language of the Preamble to the Constitution, which includes assurances of “domestic tranquility” and the obligation to “promote the general welfare.”

In order to maintain the safety of places of assembly by ensuring that lawful, competent firearms owners are the only individuals able to lawfully possess certain types and quantities of ammunition, the Commission believes that the State of Connecticut should carefully consider the following items:

4. Instituting a ban on the sale, possession, or use of any magazine or ammunition feeding device in excess of 10 rounds except for military and police use. The Commission recognizes that certain sporting events may at times seek to utilize higher capacity magazines, however the consensus of the Commission is that the spirit of sportsmanship can be maintained with lower capacity magazines.
5. Instituting a ban on the possession or sale of all armor-piercing and incendiary bullets, regardless of caliber. The Commission also believes that a first-time offense should be classified as a Class D Felony under Connecticut General Statutes.
6. Allowing the purchase of ammunition for registered firearms only.
7. Evaluating best practices for determining the regulation or prohibition of the sale and purchase of ammunition via the internet.
8. Evaluating the effectiveness of federal law in limiting the purchase of firearms via the internet to those who have passed the appropriate background screening.
9. Limiting the amounts of ammunition that may be purchased at any given time.

The Commission has found that the definition of “assault weapon” has allowed for cosmetic changes to military-style firearms that does not reduce their lethality but does allow them to be legally possessed. The Commission believes that, defining an “assault weapon” by form rather than function has been ineffective. It is the consensus of the Commission that gun violence is an issue that goes far beyond the tragedy at Sandy Hook, and the commonality of high-capacity firearms in violent crimes must be acknowledged. According to the 2011 Connecticut Uniform Crime Reporting Program, only two (2) of 94 firearm-related homicides in the state were committed with a rifle or a shotgun. It is the consensus of the Commission that firearm lethality is correlated to capacity, a correlation borne out not only in Sandy Hook Elementary School, but in other violent confrontations in and beyond Connecticut. Therefore, the Commission believes that the State of Connecticut should carefully consider:

10. Prohibiting the possession, sale or transfer of any firearm capable of firing more than 10 rounds without reloading. This prohibition would extend to military-style firearms as well as handguns. Law enforcement and military would be exempt from this ban.

Firearm Storage and Security

The Commission has found that, in households where firearms are present, ample care is not always given to ensuring household members or guests who should not have access to the firearms are effectively prevented from gaining access. To better ensure that only appropriate handlers have direct access to firearms, the Commission believes the State of Connecticut should carefully consider:

11. Requiring that trigger locks be provided at the time of sale or transfer of any firearm.
12. Requiring that the State of Connecticut develop and update a “best practices” manual and require that all firearms in a home be stored in a locked container and adhere to these best practices; with current minimum standards featuring a tamper-resistant mechanical lock or other safety (including biometric) device when they are not under the owner's direct control or supervision. The owner should also be directly responsible for securing any key used to gain access to the locked container.

Miscellaneous (Firearms and Ammunition)

While the Commission attests that the above items create an enhanced framework for safety in our homes, in our schools, in places of assembly, and in our neighborhoods, the Commission also concludes that other targeted actions would yield beneficial results. The Commission believes that the State of Connecticut should also carefully consider:

13. Requiring non-residents seeking to purchase a firearm or ammunition in the State of Connecticut to obtain a Certificate of Eligibility and conform to all other regulations applicable to Connecticut residents.
14. Requiring gun clubs to report any negligent or reckless behavior with a firearm, or illegal possession of any firearm or magazine, to the Connecticut Department of Emergency Services and Public Protection, Commissioner of Public Safety, and local law enforcement.
15. Requiring promoters of gun shows to receive a permit from the Chief of Police or Chief Elected Official as well as provide notice to the Commissioner of the Connecticut Department of Emergency Services and Public Protection.

The Commission understands and appreciates the role and challenges of law enforcement and the principle of “general defense,” therefore the Commission believes that the State of Connecticut should also exempt law enforcement and military personnel from proposed changes in law or regulation (as appropriate).

The Commission also appreciates the role, historic and contemporary, of firearms manufacturers in the State of Connecticut. No item of consideration identified above should be construed as a prohibition against the manufacture of any device legal for sale or possession in other jurisdictions.

The Commission also recognizes the significance of federal law as it pertains to the sale and transfer of firearms and ammunition, and believes that the series of recommendations set forth above provide a rational framework to increase the safety of Connecticut residents.

Safe School Design and Human Resource Emergency Preparedness

Minimum Classroom Security Standards

While design standards exist for a number of school features, ranging from lighting appropriateness to air changes per hour, no standard exists for the baseline of safe school design or a process to determine appropriate safe school design elements. The Commission believes that K-12 schools, licensed day care centers, and institutions of higher learning should undertake a process to determine minimum design standards for safety, although it recognizes that the implementation of a robust security program in a licensed daycare facility is very different from implementation of a robust security program at a college campus.

Each institution, depending on a myriad of physical and community characteristics, can achieve safe school design through widely divergent mechanisms. The Commission recognizes that the expense of safe school design and construction may be significant, and each school district will have different factors in its cost-benefit analysis of various design tools or retrofit opportunities.

The items of considerations set forth in this section address the built environment of facilities and training to maximize the effectiveness physical security programs and policies. Items pertaining to behavioral health and trauma response will be further developed in the Commission's final report.

Notwithstanding the Commission's endorsement of local process over required outcome, the Commission has highlighted a singular element in which it believes the potential benefit outweighs the cost in all K-12 facilities. As precious seconds matter in an episode like the tragedy at Sandy Hook Elementary School, the Commission believes that the State of Connecticut should carefully consider:

16. Requiring that all classrooms in K-12 schools be equipped with locking doors that can be locked from the inside by the classroom teacher or substitute. These doors should also be compliant with building code, fire safety code, and other regulations as required.
17. Requiring that all exterior doors in K-12 schools be equipped with hardware capable of implementing a full perimeter lockdown.

Threat and Risk Assessment/Emergency Planning and Response Standards

The Commission finds that different schools and different school districts have fundamentally different capacities in effectively analyzing their security strengths and weaknesses. Therefore, the Commission has endorsed the development of a common Threat and Risk Assessment

Security Recommendations (TRASR) tool by the State of Connecticut as well as a uniform process to develop an Emergency Response Plan (ERP). This tool would be applied to all facilities and provide a common planning and assessment baseline for all schools, public and private. In conjunction with a broader Safe Schools Plan (SSP) and with appropriate review and comment by the Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security, the Commission believes that school security can be appreciably enhanced. Likewise, the consolidation of information at the State (or DESPP Division of Emergency Management and Homeland Security region) would assist in effective deployment of State or mutual aid resources in time of emergency.

As such, the Commission believes the State of Connecticut should carefully consider:

18. Developing an All-Hazards Threat and Risk Assessment Security Recommendations (TRASR) tool able to be applied, in a site-specific fashion, to all schools and day care centers statewide. School districts should be required to perform a TRASR within 12 months of its availability and review/update this TRASR every three to five years, unless intelligence or events suggest a more rigorous schedule.
 - 1) The TRASR should provide a common sense approach to the identification and provision of rational and credible protective design building and site components and related security operational policies and procedures which will enhance the safety of students, teachers, staff, and others on school grounds and in school buildings.
 - 2) The TRASR should incorporate Crime Prevention Through Environmental Design Strategies, technology solutions, building hardening techniques, operational policies and procedures, and the role of school staff, emergency responders, public health officials, and other appropriate resources. The TRASR should be broad enough in scope to include neighborhood conditions to represent the true school environment ecosystem.
 - 3) The TRASR should include a phased over time implementation strategy with achievable milestones representing increasing levels of security enhancement. This should apply to pre-school programs, licensed day cares and, regardless of their size, all other schools.
 - 4) In K-12 schools, the TRASR should include a definitive analysis of whether or not to have a School Resource Officer (SRO) and address after-school access/activities as well.

19. Requiring that schools, utilizing information developed using the TRASR tool as well as through input from relevant stakeholders, develop an Emergency Response Plan (ERP). This ERP should be sure to include information-sharing protocols and off-site reunification plans should the school require evacuation. Like fire drills, the exercise of this ERP (including response by outside public safety agencies) should be mandated and an age- and developmentally-appropriate curriculum around issues of safety/security should be developed by the State of Connecticut to assist in the effective integration of security policies into all classrooms. Evidence (including after-action reports) of drills

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 138 of 184

should be incorporated in the ERP to enhance accountability.

20. Requiring that all schools develop a Safe Schools Plan (SSP) that incorporates the TRASR, ERP, security policies, building design elements, staff responsibilities during emergencies, and other critical pieces of information. The SSP shall be submitted to and reviewed by the DESPP Division of Emergency Management and Homeland Security; updates to the SSP must respond to DESPP Division of Emergency Management and Homeland Security comments regarding hazards or oversights.
21. Requiring that every school establish a Safe Schools Planning Committee charged with oversight of safety and security issues as well as ensuring compliance with timelines affiliated with the TRASR, ERP, and SSP. This Safe Schools Planning Committee should be required to meet no less than three times per year and should incorporate not only school personnel, but community members.
22. Requiring that the ERPs submitted to DESPP Division of Emergency Management and Homeland Security by institutes of higher learning be not only collected by DESPP Division of Emergency Management and Homeland Security, but also reviewed and approved by that agency.
23. Assigning a full-time emergency planner at DESPP Division of Emergency Management and Homeland Security to review and comment on submissions as well as assist schools and school districts, as necessary, with the preparation of emergency plans.

The Commission finds that, in an emergency, real-time and high-fidelity data is critical to an effective response by first responders. Such data enhances situational awareness and can help establish a common operating picture during a multi-jurisdictional response. The Commission finds that changes to first responder protocols regarding an “active shooter” instituted in the law enforcement community after the tragedy at Columbine High School have saved lives. However, the Commission feels that additional efforts to provide current data to law enforcement can further improve response to such threats. The Commission believes the State of Connecticut should consider:

24. Implementing a program which requires that each school provide local police, fire, and emergency response personnel with up-to-date copies of building floor plans, blueprints, schematics of school interiors, grounds, road maps of the surrounding area, evacuation routes, alternative evacuation routes, shelter site, procedures for addressing medical needs, transportation, and emergency notification to parents. Efforts should be made to digitize plans and schematics to assist in dissemination in case of emergency.
25. Requiring school facilities to evaluate cell phone coverage throughout the facilities and grounds and make reasonable efforts to address deficiencies while, at the same time, reinforcing school policies on cell phone usage during non-emergencies.
26. Encouraging the deployment of enhanced WiFi in schools and the usage of IP enabled

cameras (to support response capacity). Special attention should be given to perimeter surveillance and areas of assembly.

Identification and Financing of School Hardening Tactics

The Commission finds that the “hardening” of schools as targets will require additional support of the State of Connecticut, to address both a lack of full access to the array of hardening tools/techniques, as well as the financing of those improvements. The Commission also understands that the incorporation of security elements should be done at the earliest stages of design. The Commission believes the State of Connecticut should carefully consider:

27. Creating a blue-ribbon panel of design and security experts to establish, within 12 months, the toolbox of recommendations for safe design and retrofit of schools to be included in state's educational specifications.
28. Modifying State Construction Grant applications to include a new category of project: SU/Security Upgrades.
29. Requiring that the School Facility Survey (ED050) incorporate security criteria.
30. Requiring School Building Committees engaged in construction or renovation projects to seek input and comment from local first responders.
31. Requiring School Building Committees to reference a specific review of the toolbox created by the blue-ribbon commission when seeking State funding for construction or renovation.

Human Resource Training and Capacity-Building

The Commission finds that effective training of staff resources provides the most critical, timely, and effective mechanism for resisting a threat to schools based upon a human actor. The Commission notes that all adults present in the schools, be they teachers, substitute teachers, custodians, paraprofessionals, administrators, volunteers, or other staff, all play a critical role in time of emergency. The Commission also observes that, in the wake of recent tragedies and attempted efforts to destroy the sanctity of our school spaces, we must redouble our efforts to restrict access to school buildings by those who may, by effort or inadvertently, expose schoolchildren to risk. The Commission believes the State of Connecticut should consider:

32. Requiring the State Department of Education to establish a training course for school staff specifically designed to increase awareness of security policies and programs.

33. Requiring that, upon the implementation of any new security measure or change in the legislative or regulatory environments regarding school security, all relevant staff be trained in management or operation of any new equipment and instructed in their role during an emergency due to any change in policy, practice, or regulation. Such roles and responsibilities may include utility and alarm shutoffs.
34. Requiring the training of appropriate school personnel in the National Incident Management System and Incident Command System, the uniform mechanisms for emergency management response to a crisis situation. Such Unified Command Structure should specifically incorporate municipal/regional officials, school officials, and emergency response personnel.
35. Requiring, for the purposes of supervised access and controlled entry, a Trusted Access Program (TAP) to be enforced at all schools. This TAP will allow, through the visual display of credentials, the identification of staff, contractors, parents, and others authorized to be on school grounds.
36. Requiring background screening for all staff in schools.
37. Establishing a best practices guide for effective bullying and threat identification, prevention, and response to be made available to all schools.
38. Requiring that a quality assurance (QA) program be implemented in all schools to ensure that appropriate matters arising within the school are referred to local law enforcement for review and action.

Additional Required Partnerships and Support

The Commission recognizes that the resources available at the local, regional, and State levels are inadequate to establish norms, standards, and opportunities that enhance the safety of all of our public spaces. As such, the Commission believes that the State of Connecticut should consider seeking additional support from federal officials in critical areas.

The Commission understands and acknowledges that, in order to effectively weave this tapestry of safe school design and human resource emergency preparedness, additional resources will be required (including for the funding of a full-time emergency manager for preparedness at DESPP Division of Emergency Management and Homeland Security). In order to assist in the development of these necessary financial resources and technical assistance, the Commission believes the State of Connecticut should consider:

39. Seeking, through Connecticut's federal delegation, funding for:
 - 1) National Incident Management System (NIMS) training;
 - 2) Re-funding of the Safe and Drug Free Schools program at U.S. Department of Education;
 - 3) Re-funding of the Readiness Emergency Management Program for Schools program.
40. Requesting assistance from the State of Connecticut's Congressional Delegation in ending the federal ban on research into gun violence. The Commission believes that quality data in this area would support the development of quality public policy.
41. Developing, through partnerships with universities, medical groups, and other relevant parties, a Connecticut-based academic institute dedicated to providing quality research data on all aspects of gun violence and its impacts. The Commission believes that the State of Connecticut should be the national leader in providing this research data.

Miscellaneous

Commission Findings:

The Commission finds, that in the wake of an extreme tragedy, local resources are frequently overcome by the generous donations of others and the management of those donations. The Commission believes the State of Connecticut should consider:

42. Establishing best practices information for management of donated supplies and materials as well as a communications management plan for delivery of timely and appropriate material to press.

A-990

EXHIBIT 8



STATE OF CONNECTICUT

GOVERNOR DANIEL P. MALLOY

Governor Malloy's Common Sense Gun Safety Reforms

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

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

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

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

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

1. Make Background Checks Universal and Comprehensive

Require Universal Background Checks

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

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

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

Keep Background Checks Updated

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

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

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

Institute Objective Uniform Standards

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

2. Ban Large Capacity Magazines

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

3. Strengthen the Ban on Military-Style Assault Weapons

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

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

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

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

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 147 of 184

- extender, flash suppressor, forward handgrip or silencer; a shroud that is attached to, or partially or completely encircles the barrel that permits the shooter to hold the firearm with the nontrigger hand without being burned; a manufactured weight of fifty ounces or more when the pistol is unloaded; and a semiautomatic version of an automatic firearm; or
- ✓ A semiautomatic shotgun that has at least one of the following: A folding or telescoping stock; a pistol grip that protrudes conspicuously beneath the action of the weapon; a thumbhole stock; a fixed magazine capacity in excess of five rounds; an ability to accept a detachable magazine; and second hand grip or protruding grip that can be held by the nontrigger hand

4. Safer Storage: Best Practices and Legal Requirements

Strengthen Current Safe Storage Law

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

Increase Awareness

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

Sandy Hook Advisory Commission:

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

5. Improve Enforcement of Existing Laws

Prioritize the Prosecution of Gun Related Crimes

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

Report Illegal Activity

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

Sandy Hook Advisory Commission:

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

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

Record Firearm and Ammunition Transfers

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

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

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

A-996

EXHIBIT 9

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 150 of 184

108 STAT. 1796

PUBLIC LAW 103-322—SEPT. 13, 1994

Public Law 103-322
103d Congress

An Act

To control and prevent crime.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**

This Act may be cited as the "Violent Crime Control and Law Enforcement Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—PUBLIC SAFETY AND POLICING

- Sec. 10001. Short title.
- Sec. 10002. Purposes.
- Sec. 10003. Community policing; "Cops on the Beat".

TITLE II—PRISONS**Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants**

- Sec. 20101. Grants for correctional facilities.
- Sec. 20102. Truth in sentencing incentive grants.
- Sec. 20103. Violent offender incarceration grants.
- Sec. 20104. Matching requirement.
- Sec. 20105. Rules and regulations.
- Sec. 20106. Technical assistance and training.
- Sec. 20107. Evaluation.
- Sec. 20108. Definitions.
- Sec. 20109. Authorization of appropriations.

Subtitle B—Punishment for Young Offenders

- Sec. 20201. Certain punishment for young offenders.

Subtitle C—Alien Incarceration

- Sec. 20301. Incarceration of undocumented criminal aliens.

Subtitle D—Miscellaneous Provisions

- Sec. 20401. Prisoner's place of imprisonment.
- Sec. 20402. Prison impact assessments.
- Sec. 20403. Sentences to account for costs to the Government of imprisonment, release, and probation.
- Sec. 20404. Application to prisoners to which prior law applies.
- Sec. 20405. Crediting of "good time".
- Sec. 20406. Task force on prison construction standardization and techniques.
- Sec. 20407. Efficiency in law enforcement and corrections.
- Sec. 20408. Amendments to the Department of Education Organization Act and the National Literacy Act of 1991.
- Sec. 20409. Appropriate remedies for prison overcrowding.
- Sec. 20410. Congressional approval of any expansion at Lorton and congressional hearings on future needs.

Sept. 13, 1994
[H.R. 3355]Violent Crime
Control and Law
Enforcement
Act of 1994.
Inter-
governmental
relations.
42 USC 13701
note.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 151 of 184

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 1797

- Sec. 20411. Awards of Pell Grants to prisoners prohibited.
- Sec. 20412. Education requirement for early release.
- Sec. 20413. Conversion of closed military installations into Federal prison facilities.
- Sec. 20414. Post-conviction release drug testing—Federal offenders.
- Sec. 20415. Reporting of cash received by criminal court clerks.
- Sec. 20416. Civil rights of institutionalized persons.
- Sec. 20417. Notification of release of prisoners.
- Sec. 20418. Correctional job training and placement.

TITLE III—CRIME PREVENTION

Subtitle A—Ounce of Prevention Council

- Sec. 30101. Ounce of Prevention Council.
- Sec. 30102. Ounce of prevention grant program.
- Sec. 30103. Definition.
- Sec. 30104. Authorization of appropriations.

Subtitle B—Local Crime Prevention Block Grant Program

- Sec. 30201. Payments to local governments.
- Sec. 30202. Authorization of appropriations.
- Sec. 30203. Qualification for payment.
- Sec. 30204. Allocation and distribution of funds.
- Sec. 30205. Utilization of private sector.
- Sec. 30206. Public participation.
- Sec. 30207. Administrative provisions.
- Sec. 30208. Definitions.

Subtitle C—Model Intensive Grant Programs

- Sec. 30301. Grant authorization.
- Sec. 30302. Uses of funds.
- Sec. 30303. Program requirements.
- Sec. 30304. Applications.
- Sec. 30305. Reports.
- Sec. 30306. Definitions.
- Sec. 30307. Authorization of appropriations.

Subtitle D—Family and Community Endeavor Schools Grant Program

- Sec. 30401. Community schools youth services and supervision grant program.
- Sec. 30402. Family and community endeavor schools grant program.
- Sec. 30403. Authorization of appropriations.

Subtitle G—Assistance for Delinquent and At-Risk Youth

- Sec. 30701. Grant authority.
- Sec. 30702. Authorization of appropriations.

Subtitle H—Police Recruitment

- Sec. 30801. Grant authority.
- Sec. 30802. Authorization of appropriations.

Subtitle J—Local Partnership Act

- Sec. 31001. Establishment of payment program.
- Sec. 31002. Technical amendment.

Subtitle K—National Community Economic Partnership

- Sec. 31101. Short title.

CHAPTER 1—COMMUNITY ECONOMIC PARTNERSHIP INVESTMENT FUNDS

- Sec. 31111. Purpose.
- Sec. 31112. Provision of assistance.
- Sec. 31113. Approval of applications.
- Sec. 31114. Availability of lines of credit and use.
- Sec. 31115. Limitations on use of funds.
- Sec. 31116. Program priority for special emphasis programs.

CHAPTER 2—EMERGING COMMUNITY DEVELOPMENT CORPORATIONS

- Sec. 31121. Community development corporation improvement grants.
- Sec. 31122. Emerging community development corporation revolving loan funds.

CHAPTER 3—MISCELLANEOUS PROVISIONS

- Sec. 31131. Definitions.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 152 of 184

108 STAT. 1798

PUBLIC LAW 103-322—SEPT. 13, 1994

- Sec. 31132. Authorization of appropriations.
- Sec. 31133. Prohibition.

Subtitle O—Urban Recreation and At-Risk Youth

- Sec. 31501. Purpose of assistance.
- Sec. 31502. Definitions.
- Sec. 31503. Criteria for selection.
- Sec. 31504. Park and recreation action recovery programs.
- Sec. 31505. Miscellaneous and technical amendments.

Subtitle Q—Community-Based Justice Grants for Prosecutors

- Sec. 31701. Grant authorization.
- Sec. 31702. Use of funds.
- Sec. 31703. Applications.
- Sec. 31704. Allocation of funds; limitations on grants.
- Sec. 31705. Award of grants.
- Sec. 31706. Reports.
- Sec. 31707. Authorization of appropriations.
- Sec. 31708. Definitions.

Subtitle S—Family Unity Demonstration Project

- Sec. 31901. Short title.
- Sec. 31902. Purpose.
- Sec. 31903. Definitions.
- Sec. 31904. Authorization of appropriations.

CHAPTER 1—GRANTS TO STATES

- Sec. 31911. Authority to make grants.
- Sec. 31912. Eligibility to receive grants.
- Sec. 31913. Reports.

CHAPTER 2—FAMILY UNITY DEMONSTRATION PROJECT FOR FEDERAL PRISONERS

- Sec. 31921. Authority of the Attorney General.
- Sec. 31922. Requirements.

Subtitle T—Substance Abuse Treatment in Federal Prisons

- Sec. 32001. Substance abuse treatment in Federal prisons.

Subtitle U—Residential Substance Abuse Treatment for State Prisoners

- Sec. 32101. Residential substance abuse treatment for State prisoners.

Subtitle V—Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions

- Sec. 32201. Prevention, diagnosis, and treatment of tuberculosis in correctional institutions.

Subtitle X—Gang Resistance Education and Training

- Sec. 32401. Gang resistance education and training projects.

TITLE IV—VIOLENCE AGAINST WOMEN

- Sec. 40001. Short title.

Subtitle A—Safe Streets for Women

- Sec. 40101. Short title.

CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

- Sec. 40111. Repeat offenders.
- Sec. 40112. Federal penalties.
- Sec. 40113. Mandatory restitution for sex crimes.
- Sec. 40114. Authorization for Federal victim's counselors.

CHAPTER 2—LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN

- Sec. 40121. Grants to combat violent crimes against women.

CHAPTER 3—SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS

- Sec. 40131. Grants for capital improvements to prevent crime in public transportation.

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 1799

- Sec. 40132. Grants for capital improvements to prevent crime in national parks.
- Sec. 40133. Grants for capital improvements to prevent crime in public parks.

CHAPTER 4—NEW EVIDENTIARY RULES

- Sec. 40141. Sexual history in criminal and civil cases.

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

- Sec. 40151. Education and prevention grants to reduce sexual assaults against women.
- Sec. 40152. Training programs.
- Sec. 40153. Confidentiality of communications between sexual assault or domestic violence victims and their counselors.
- Sec. 40154. Information programs.
- Sec. 40155. Education and prevention grants to reduce sexual abuse of runaway, homeless, and street youth.
- Sec. 40156. Victims of child abuse programs.

Subtitle B—Safe Homes for Women

- Sec. 40201. Short title.

CHAPTER 1—NATIONAL DOMESTIC VIOLENCE HOTLINE

- Sec. 40211. Grant for a national domestic violence hotline.

CHAPTER 2—INTERSTATE ENFORCEMENT

- Sec. 40221. Interstate enforcement.

CHAPTER 3—ARREST POLICIES IN DOMESTIC VIOLENCE CASES

- Sec. 40231. Encouraging arrest policies.

CHAPTER 4—SHELTER GRANTS

- Sec. 40241. Grants for battered women's shelters.

CHAPTER 5—YOUTH EDUCATION

- Sec. 40251. Youth education and domestic violence.

CHAPTER 6—COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

- Sec. 40261. Establishment of community programs on domestic violence.

CHAPTER 7—FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

- Sec. 40271. Grantee reporting.
- Sec. 40272. Technical amendments.

CHAPTER 8—CONFIDENTIALITY FOR ABUSED PERSONS

- Sec. 40281. Confidentiality of abused person's address.

CHAPTER 9—DATA AND RESEARCH

- Sec. 40291. Research agenda.
- Sec. 40292. State databases.
- Sec. 40293. Number and cost of injuries.

CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

- Sec. 40295. Rural domestic violence and child abuse enforcement assistance.

Subtitle C—Civil Rights for Women

- Sec. 40301. Short title.
- Sec. 40302. Civil rights.
- Sec. 40303. Attorney's fees.
- Sec. 40304. Sense of the Senate concerning protection of the privacy of rape victims.

Subtitle D—Equal Justice for Women in the Courts Act

- Sec. 40401. Short title.

CHAPTER 1—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

- Sec. 40411. Grants authorized.
- Sec. 40412. Training provided by grants.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 154 of 184
108 STAT. 1800 PUBLIC LAW 103-322—SEPT. 13, 1994

- Sec. 40413. Cooperation in developing programs in making grants under this title.
Sec. 40414. Authorization of appropriations.

CHAPTER 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN
FEDERAL COURTS

- Sec. 40421. Authorizations of circuit studies; education and training grants.
Sec. 40422. Authorization of appropriations.

Subtitle E—Violence Against Women Act Improvements

- Sec. 40501. Pre-trial detention in sex offense cases.
Sec. 40502. Increased penalties for sex offenses against victims below the age of 16.
Sec. 40503. Payment of cost of testing for sexually transmitted diseases.
Sec. 40504. Extension and strengthening of restitution.
Sec. 40505. Enforcement of restitution orders through suspension of Federal benefits.
Sec. 40506. National baseline study on campus sexual assault.
Sec. 40507. Report on battered women's syndrome.
Sec. 40508. Report on confidentiality of addresses for victims of domestic violence.
Sec. 40509. Report on recordkeeping relating to domestic violence.

Subtitle F—National Stalker and Domestic Violence Reduction

- Sec. 40601. Authorizing access to Federal criminal information databases.
Sec. 40602. Grant program.
Sec. 40603. Authorization of appropriations.
Sec. 40604. Application requirements.
Sec. 40605. Disbursement.
Sec. 40606. Technical assistance, training, and evaluations.
Sec. 40607. Training programs for judges.
Sec. 40608. Recommendations on intrastate communication.
Sec. 40609. Inclusion in national incident-based reporting system.
Sec. 40610. Report to Congress.
Sec. 40611. Definitions.

Subtitle G—Protections for Battered Immigrant Women and Children

- Sec. 40701. Alien petitioning rights for immediate relative or second preference status.
Sec. 40702. Use of credible evidence in spousal waiver applications.
Sec. 40703. Suspension of deportation.

TITLE V—DRUG COURTS

- Sec. 50001. Drug courts.
Sec. 50002. Study by the General Accounting Office.

TITLE VI—DEATH PENALTY

- Sec. 60001. Short title.
Sec. 60002. Constitutional procedures for the imposition of the sentence of death.
Sec. 60003. Specific offenses for which death penalty is authorized.
Sec. 60004. Applicability to Uniform Code of Military Justice.
Sec. 60005. Death penalty for murder by a Federal prisoner.
Sec. 60006. Death penalty for civil rights murders.
Sec. 60007. Death penalty for the murder of Federal law enforcement officials.
Sec. 60008. New offense for the indiscriminate use of weapons to further drug conspiracies.
Sec. 60009. Foreign murder of United States nationals.
Sec. 60010. Death penalty for rape and child molestation murders.
Sec. 60011. Death penalty for sexual exploitation of children.
Sec. 60012. Murder by escaped prisoners.
Sec. 60013. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
Sec. 60014. Homicides and attempted homicides involving firearms in Federal facilities.
Sec. 60015. Death penalty for the murder of State or local officials assisting Federal law enforcement officials and State correctional officers.
Sec. 60016. Protection of court officers and jurors.
Sec. 60017. Prohibition of retaliatory killings of witnesses, victims, and informants.
Sec. 60018. Death penalty for murder of Federal witnesses.
Sec. 60019. Offenses of violence against maritime navigation or fixed platforms.
Sec. 60020. Torture.
Sec. 60021. Violence at airports serving international civil aviation.
Sec. 60022. Terrorist Death Penalty Act.

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 1801

- Sec. 60023. Weapons of mass destruction.
- Sec. 60024. Enhanced penalties for alien smuggling.
- Sec. 60025. Protection of jurors and witnesses in capital cases.
- Sec. 60026. Appointment of Counsel.

TITLE VII—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

- Sec. 70001. Mandatory life imprisonment for persons convicted of certain felonies.
- Sec. 70002. Limited grant of authority to Bureau of Prisons.

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

- Sec. 80001. Limitation on applicability of mandatory minimum penalties in certain cases.

TITLE IX—DRUG CONTROL

Subtitle A—Enhanced Penalties and General Provisions

- Sec. 90101. Enhancement of penalties for drug trafficking in prisons.
- Sec. 90102. Increased penalties for drug-dealing in "drug-free" zones.
- Sec. 90103. Enhanced penalties for illegal drug use in Federal prisons and for smuggling drugs into Federal prisons.
- Sec. 90104. Clarification of narcotic or other dangerous drugs under RICO.
- Sec. 90105. Conforming amendments to recidivist penalty provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act.
- Sec. 90106. Advertising.
- Sec. 90107. Violent crime and drug emergency areas.

Subtitle B—National Narcotics Leadership Act Amendments

- Sec. 90201. Implementation of National Drug Control Strategy.
- Sec. 90202. Report on reprogramming; office personnel restriction.
- Sec. 90203. National Drug Control Strategy outcome measures.
- Sec. 90204. Counter-Drug Technology Assessment Center.
- Sec. 90205. Special Forfeiture Fund amendments.
- Sec. 90206. Authorization of appropriations.
- Sec. 90207. Adequate staffing of the Office of National Drug Control Policy.
- Sec. 90208. Termination of Office of National Drug Control Policy.

TITLE X—DRUNK DRIVING PROVISIONS

- Sec. 100001. Short title.
- Sec. 100002. State laws applied in areas of Federal jurisdiction.
- Sec. 100003. Driving while intoxicated prosecution program.

TITLE XI—FIREARMS

Subtitle A—Assault Weapons

- Sec. 110101. Short title.
- Sec. 110102. Restriction on manufacture, transfer, and possession of certain semi-automatic assault weapons.
- Sec. 110103. Ban of large capacity ammunition feeding devices.
- Sec. 110104. Study by Attorney General.
- Sec. 110105. Effective date.
- Sec. 110106. Appendix A to section 922 of title 18.

Subtitle B—Youth Handgun Safety

- Sec. 110201. Prohibition of the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.

Subtitle C—Licensure

- Sec. 110301. Firearms licensure and registration to require a photograph and fingerprints.
- Sec. 110302. Compliance with State and local law as a condition to license.
- Sec. 110303. Action on firearms license application.
- Sec. 110304. Inspection of firearms licensees' inventory and records.
- Sec. 110305. Reports of theft or loss of firearms.
- Sec. 110306. Responses to requests for information.
- Sec. 110307. Notification of names and addresses of firearms licensees.

Subtitle D—Domestic Violence

- Sec. 110401. Prohibition against disposal of firearms to, or receipt of firearms by, persons who have committed domestic abuse.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 156 of 184

108 STAT. 1802

PUBLIC LAW 103-322—SEPT. 13, 1994

Subtitle E—Gun Crime Penalties

- Sec. 110501. Enhanced penalty for use of a semiautomatic firearm during a crime of violence or a drug trafficking crime.
- Sec. 110502. Enhanced penalty for second offense of using an explosive to commit a felony.
- Sec. 110503. Smuggling firearms in aid of drug trafficking.
- Sec. 110504. Theft of firearms and explosives.
- Sec. 110505. Revocation of supervised release after imprisonment.
- Sec. 110506. Revocation of probation.
- Sec. 110507. Increased penalty for knowingly making false, material Statement in connection with the acquisition of a firearm from a licensed dealer.
- Sec. 110508. Possession of explosives by felons and others.
- Sec. 110509. Summary destruction of explosives subject to forfeiture.
- Sec. 110510. Elimination of outmoded language relating to parole.
- Sec. 110511. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
- Sec. 110512. Using a firearm in the commission of counterfeiting or forgery.
- Sec. 110513. Enhanced penalties for firearms possession by violent felons and serious drug offenders.
- Sec. 110514. Receipt of firearms by nonresident.
- Sec. 110515. Theft of firearms or explosives from licensee.
- Sec. 110516. Disposing of explosives to prohibited persons.
- Sec. 110517. Increased penalty for interstate gun trafficking.
- Sec. 110518. Firearms and explosives conspiracy.
- Sec. 110519. Definition of armor piercing ammunition.

TITLE XII—TERRORISM

- Sec. 120001. Extension of the statute of limitation for certain terrorism offenses.
- Sec. 120002. Jurisdiction over crimes against United States nationals on certain foreign ships.
- Sec. 120003. Counterfeiting United States currency abroad.
- Sec. 120004. Sentencing guidelines increase for terrorist crimes.
- Sec. 120005. Providing material support to terrorists.

TITLE XIII—CRIMINAL ALIENS AND IMMIGRATION ENFORCEMENT

- Sec. 130001. Enhancement of penalties for failing to depart, or reentering, after final order of deportation.
- Sec. 130002. Criminal alien tracking center.
- Sec. 130003. Alien witness cooperation and counterterrorism information.
- Sec. 130004. Deportation procedures for certain criminal aliens who are not permanent residents.
- Sec. 130005. Expedited deportation for denied asylum applicants.
- Sec. 130006. Improving border controls.
- Sec. 130007. Expanded special deportation proceedings.
- Sec. 130008. Authority to accept certain assistance.
- Sec. 130009. Passport and visa offenses penalties improvement.
- Sec. 130010. Asylum.

TITLE XIV—YOUTH VIOLENCE

- Sec. 140001. Prosecution as adults of certain juveniles for crimes of violence.
- Sec. 140002. Commencement of juvenile proceeding.
- Sec. 140003. Separation of juvenile from adult offenders.
- Sec. 140004. Bindover system for certain violent juveniles.
- Sec. 140005. Amendment concerning records of crimes committed by juveniles.
- Sec. 140006. Increased penalties for employing children to distribute drugs near schools and playgrounds.
- Sec. 140007. Increased penalties for Travel Act crimes involving violence and conspiracy to commit contract killings.
- Sec. 140008. Solicitation of minor to commit crime.

TITLE XV—CRIMINAL STREET GANGS

- Sec. 150001. Criminal street gangs.
- Sec. 150002. Adult prosecution of serious juvenile offenders.
- Sec. 150003. Addition of anti-gang Byrne grant funding objective.
- Sec. 150006. Mentoring program.
- Sec. 150007. Juvenile anti-drug and anti-gang grants in federally assisted low-income housing.
- Sec. 150008. Gang investigation coordination and information collection.
- Sec. 150009. Multijurisdictional gang task forces.

TITLE XVI—CHILD PORNOGRAPHY

- Sec. 160001. Penalties for international trafficking in child pornography.

A-1004

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 1803

- Sec. 160002. Sense of Congress concerning State legislation regarding child pornography.
- Sec. 160003. Confirmation of intent of Congress in enacting sections 2252 and 2256 of title 18, United States Code.

TITLE XVII—CRIMES AGAINST CHILDREN

Subtitle A—Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

- Sec. 170101. Establishment of program.

Subtitle B—Assaults Against Children

- Sec. 170201. Assaults against children.

Subtitle C—Missing and Exploited Children

- Sec. 170301. Short title.
- Sec. 170302. Purpose.
- Sec. 170303. Establishment of task force.

TITLE XVIII—RURAL CRIME

Subtitle A—Drug Trafficking in Rural Areas

- Sec. 180101. Authorizations for rural law enforcement agencies.
- Sec. 180102. Rural crime and drug enforcement task forces.
- Sec. 180103. Rural drug enforcement training.
- Sec. 180104. More agents for the Drug Enforcement Administration.

Subtitle B—Drug Free Truck Stops and Safety Rest Areas

- Sec. 180201. Drug free truck stops and safety rest areas.

Subtitle C—Sense of Congress Regarding Funding for Rural Areas

- Sec. 180301. Funding for rural areas.

TITLE XIX—FEDERAL LAW ENFORCEMENT

- Sec. 190001. Federal judiciary and Federal law enforcement.

TITLE XX—POLICE CORPS AND LAW ENFORCEMENT OFFICERS TRAINING AND EDUCATION

Subtitle A—Police Corps

- Sec. 200101. Short title.
- Sec. 200102. Purposes.
- Sec. 200103. Definitions.
- Sec. 200104. Establishment of office of the police corps and law enforcement education.
- Sec. 200105. Designation of lead agency and submission of State plan.
- Sec. 200106. Scholarship assistance.
- Sec. 200107. Selection of participants.
- Sec. 200108. Police corps training.
- Sec. 200109. Service obligation.
- Sec. 200110. State plan requirements.
- Sec. 200111. Assistance to States and localities employing police corps officers.
- Sec. 200112. Authorization of appropriations.
- Sec. 200113. Reports to congress.

Subtitle B—Law Enforcement Scholarship Program

- Sec. 200201. Short title.
- Sec. 200202. Definitions.
- Sec. 200203. Allotment.
- Sec. 200204. Establishment of program.
- Sec. 200205. Scholarships.
- Sec. 200206. Eligibility.
- Sec. 200207. State application.
- Sec. 200208. Local application.
- Sec. 200209. Scholarship agreement.
- Sec. 200210. Authorization of appropriations.

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—Byrne Program

- Sec. 210101. Extension of Byrne Grant funding.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 158 of 184

108 STAT. 1804

PUBLIC LAW 103-322—SEPT. 13, 1994

Subtitle B—Law Enforcement Family Support

Sec. 210201. Law enforcement family support.

Subtitle C—DNA Identification

Sec. 210301. Short title.

Sec. 210302. Funding to improve the quality and availability of DNA analyses for law enforcement identification purposes.

Sec. 210303. Quality assurance and proficiency testing standards.

Sec. 210304. Index to facilitate law enforcement exchange of DNA identification information.

Sec. 210305. Federal Bureau of Investigation.

Sec. 210306. Authorization of appropriations.

Subtitle D—Police Pattern or Practice

Sec. 210401. Cause of action.

Sec. 210402. Data on use of excessive force.

Subtitle E—Improved Training and Technical Automation

Sec. 210501. Improved training and technical automation.

Subtitle F—Other State and Local Aid

Sec. 210601. Reauthorization of Office of Justice Programs.

Sec. 210602. Federal assistance to ease the increased burdens on State court systems resulting from enactment of this Act.

Sec. 210603. Availability of violent crime reduction trust fund to fund activities authorized by the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993.

TITLE XXII—MOTOR VEHICLE THEFT PREVENTION

Sec. 220001. Short title.

Sec. 220002. Motor vehicle theft prevention program.

Sec. 220003. Altering or removing motor vehicle identification numbers.

TITLE XXIII—VICTIMS OF CRIME

Subtitle A—Victims of Crime

Sec. 230101. Victim's right of allocution in sentencing.

Sec. 230102. Sense of the Senate concerning the right of a victim of a violent crime or sexual abuse to speak at an offender's sentencing hearing and any parole hearing.

Subtitle B—Crime Victims' Fund

Sec. 230201. Allocation of funds for costs and grants.

Sec. 230202. Relationship of crime victim compensation to certain Federal programs.

Sec. 230203. Administrative costs for crime victim compensation.

Sec. 230204. Grants for demonstration projects.

Sec. 230205. Administrative costs for crime victim assistance.

Sec. 230206. Maintenance of effort.

Sec. 230207. Change of due date for required report.

Sec. 230208. Amendment of the Victims of Crime Act.

TITLE XXIV—PROTECTIONS FOR THE ELDERLY

Sec. 240001. Missing Alzheimer's Disease Patient Alert Program.

Sec. 240002. Crimes against the elderly.

TITLE XXV—SENIOR CITIZENS AGAINST MARKETING SCAMS

Sec. 250001. Short title.

Sec. 250002. Enhanced penalties for telemarketing fraud.

Sec. 250003. Increased penalties for fraud against older victims.

Sec. 250004. Rewards for information leading to prosecution and conviction.

Sec. 250005. Authorization of appropriations.

Sec. 250006. Broadening application of mail fraud statute.

Sec. 250007. Fraud and related activity in connection with access devices.

Sec. 250008. Information network.

TITLE XXVI—COMMISSION MEMBERSHIP AND APPOINTMENT

Sec. 260001. Commission membership and appointment.

Sec. 260002. Conforming amendment.

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 1805

TITLE XXVII—PRESIDENTIAL SUMMIT ON VIOLENCE AND NATIONAL
COMMISSION ON CRIME PREVENTION AND CONTROL

- Sec. 270001. Presidential summit.
- Sec. 270002. Establishment; committees and task forces; representation.
- Sec. 270003. Purposes.
- Sec. 270004. Responsibilities of the Commission.
- Sec. 270005. Administrative matters.
- Sec. 270006. Staff and support services.
- Sec. 270007. Powers.
- Sec. 270008. Report; termination.
- Sec. 270009. Authorization of appropriations.

TITLE XXVIII—SENTENCING PROVISIONS

- Sec. 280001. Imposition of sentence.
- Sec. 280002. Technical amendment to mandatory conditions of probation.
- Sec. 280003. Direction to United States Sentencing Commission regarding sentencing enhancements for hate crimes.
- Sec. 280004. Authorization of probation for petty offenses in certain cases.
- Sec. 280005. Full-time vice chairs of the United States Sentencing Commission.
- Sec. 280006. Cocaine penalty study.

TITLE XXIX—COMPUTER CRIME

- Sec. 290001. Computer Abuse Amendments Act of 1994.

TITLE XXX—PROTECTION OF PRIVACY OF INFORMATION IN STATE MOTOR
VEHICLE RECORDS

- Sec. 300001. Short title.
- Sec. 300002. Prohibition on release and use of certain personal information from State motor vehicle records.
- Sec. 300003. Effective date.

TITLE XXXI—VIOLENT CRIME REDUCTION TRUST FUND

- Sec. 310001. Creation of Violent Crime Reduction Trust Fund.
- Sec. 310002. Conforming reduction in discretionary spending limits.
- Sec. 310003. Extension of authorizations of appropriations for fiscal years for which the full amount authorized is not appropriated.
- Sec. 310004. Flexibility in making of appropriations.

TITLE XXXII—MISCELLANEOUS

Subtitle A—Increases in Penalties

- Sec. 320101. Increased penalties for assault.
- Sec. 320102. Increased penalties for manslaughter.
- Sec. 320103. Increased penalties for civil rights violations.
- Sec. 320104. Penalties for trafficking in counterfeit goods and services.
- Sec. 320105. Increased penalty for conspiracy to commit murder for hire.
- Sec. 320106. Increased penalties for arson.
- Sec. 320107. Increased penalties for drug trafficking near public housing.
- Sec. 320108. Task force and criminal penalties relating to the introduction of nonindigenous species.
- Sec. 320109. Military medals and decorations.

Subtitle B—Extension of Protection of Civil Rights Statutes

- Sec. 320201. Extension of protection of civil rights statutes.

Subtitle C—Audit and Report

- Sec. 320301. Audit requirement for State and local law enforcement agencies receiving Federal asset forfeiture funds.
- Sec. 320302. Report to Congress on administrative and contracting expenses.

Subtitle D—Coordination

- Sec. 320401. Coordination of substance abuse treatment and prevention programs.

Subtitle E—Gambling

- Sec. 320501. Clarifying amendment regarding scope of prohibition against gambling on ships in international waters.

Subtitle F—White Collar Crime Amendments

- Sec. 320601. Receiving the proceeds of extortion or kidnapping.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 160 of 184

108 STAT. 1806

PUBLIC LAW 103-322—SEPT. 13, 1994

- Sec. 320602. Receiving the proceeds of a postal robbery.
- Sec. 320603. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
- Sec. 320604. Miscellaneous amendments to title 18, United States Code.
- Sec. 320605. Federal Deposit Insurance Act amendment.
- Sec. 320606. Federal Credit Union Act amendments.
- Sec. 320607. Addition of predicate offenses to financial institutions rewards statute.
- Sec. 320608. Definition of "savings and loan association" for purposes of the offense of bank robbery and related offenses.
- Sec. 320609. Definition of 1-year period for purposes of the offense of obstruction of a Federal audit.

Subtitle G—Safer Streets and Neighborhoods

- Sec. 320701. Short title.
- Sec. 320702. Limitation on grant distribution.

Subtitle H—Recreational Hunting Safety

- Sec. 320801. Short title.
- Sec. 320802. Obstruction of a lawful hunt.
- Sec. 320803. Civil penalties.
- Sec. 320804. Other relief.
- Sec. 320805. Relationship to State and local law and civil actions.
- Sec. 320806. Regulations.
- Sec. 320807. Rule of construction.
- Sec. 320808. Definitions.

Subtitle I—Other Provisions

- Sec. 320901. Wiretaps.
- Sec. 320902. Theft of major artwork.
- Sec. 320903. Addition of attempted robbery, kidnapping, smuggling, and property damage offenses to eliminate inconsistencies and gaps in coverage.
- Sec. 320904. Gun-free school zones.
- Sec. 320905. Interstate wagering.
- Sec. 320906. Sense of Congress with respect to violence against truckers.
- Sec. 320907. Sense of the Senate regarding a study on out-of-wedlock births.
- Sec. 320908. Sense of the Senate regarding the role of the United Nations in international organized crime control.
- Sec. 320909. *Optional venue for espionage and related offenses.*
- Sec. 320910. Undercover operations.
- Sec. 320911. Misuse of initials "DEA".
- Sec. 320912. Definition of livestock.
- Sec. 320913. Asset forfeiture.
- Sec. 320914. Clarification of definition of a "court of the United States" to include the district courts for Guam, the Northern Mariana Islands, and the Virgin Islands.
- Sec. 320915. Law enforcement personnel.
- Sec. 320916. Authority to investigate violent crimes against travelers.
- Sec. 320917. Extension of statute of limitations for arson.
- Sec. 320918. Sense of Congress concerning child custody and visitation rights.
- Sec. 320919. Edward Byrne Memorial Formula Grant Program.
- Sec. 320920. Sense of the Senate regarding Law Day, U.S.A.
- Sec. 320921. First time domestic violence offender rehabilitation program.
- Sec. 320922. Display of flags at halfstaff.
- Sec. 320923. Financial institution fraud.
- Sec. 320924. Definition of parent for the purposes of the offense of kidnapping.
- Sec. 320926. Hate Crime Statistics Act.
- Sec. 320927. Exemption from Brady background check requirement of return of handgun to owner.
- Sec. 320928. Amendment of the National Child Protection Act of 1993.
- Sec. 320929. Tennessee Valley Authority law enforcement personnel.
- Sec. 320932. Assistant United States attorney residency.
- Sec. 320933. Labels on products.
- Sec. 320934. Non-dischargeability of payment of restitution order.
- Sec. 320935. Admissibility of evidence of similar crimes in sex offense cases.

TITLE XXXIII—TECHNICAL CORRECTIONS

- Sec. 330001. Amendments relating to Federal financial assistance for law enforcement.
- Sec. 330002. General title 18 corrections.
- Sec. 330003. Corrections of erroneous cross references and misdesignations.
- Sec. 330004. Repeal of obsolete provisions in title 18.

108 STAT. 1996

PUBLIC LAW 103-322—SEPT. 13, 1994

Drunk Driving
Child Protection
Act of 1994.

18 USC 1 note.

TITLE X—DRUNK DRIVING PROVISIONS

SEC. 100001. SHORT TITLE.

This title may be cited as the “Drunk Driving Child Protection Act of 1994”.

SEC. 100002. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended—

(1) by striking “For purposes” and inserting “(1) Subject to paragraph (2) and for purposes”; and

(2) by adding at the end the following new paragraph:

“(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine of not more than \$1,000, or both, if—

“(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

“(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

“(B) For the purposes of subparagraph (A), the term ‘minor’ means a person less than 18 years of age.”.

SEC. 100003. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking “and” at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.”.

TITLE XI—FIREARMS

Subtitle A—Assault Weapons

Public Safety
and Recreational
Firearms Use
Protection Act.
18 USC 921 note.

SEC. 110101. SHORT TITLE.

This subtitle may be cited as the “Public Safety and Recreational Firearms Use Protection Act”.

SEC. 110102. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 1997

“(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed under Federal law on the date of the enactment of this subsection.

“(3) Paragraph (1) shall not apply to—

“(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

“(B) any firearm that—

“(i) is manually operated by bolt, pump, lever, or slide action;

“(ii) has been rendered permanently inoperable; or

“(iii) is an antique firearm;

“(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

“(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine. The fact that a firearm is not listed in Appendix A shall not be construed to mean that paragraph (1) applies to such firearm. No firearm exempted by this subsection may be deleted from Appendix A so long as this subsection is in effect.

“(4) Paragraph (1) shall not apply to—

“(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

“(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

“(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement; or

“(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.”

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(30) The term ‘semiautomatic assault weapon’ means—

“(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

“(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (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;

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 163 of 184

108 STAT. 1998

PUBLIC LAW 103-322—SEPT. 13, 1994

- “(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;
- “(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—
 - “(i) a folding or telescoping stock;
 - “(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
 - “(iii) a bayonet mount;
 - “(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and
 - “(v) a grenade launcher;
- “(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—
 - “(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;
 - “(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
 - “(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;
 - “(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and
 - “(v) a semiautomatic version of an automatic firearm;
- and
- “(D) a semiautomatic shotgun that has at least 2 of—
 - “(i) a folding or telescoping stock;
 - “(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
 - “(iii) a fixed magazine capacity in excess of 5 rounds;
- and
- “(iv) an ability to accept a detachable magazine.”.

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(v).—Section 924(a)(1)(B) of such title is amended by striking “or (q) of section 922” and inserting “(r), or (v) of section 922”.

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of such title is amended in the first sentence by inserting “, or semiautomatic assault weapon,” after “short-barreled shotgun,”.

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of such title is amended by adding at the end the following: “The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence shall clearly show the date on which the weapon was manufactured.”.

SEC. 110103. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section 110102(a), is amended by adding at the end the following new subsection:

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 1999

“(w)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

“(2) Paragraph (1) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of the enactment of this subsection.

“(3) This subsection shall not apply to—

“(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

“(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

“(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon such retirement; or

“(D) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.”

“(4) If a person charged with violating paragraph (1) asserts that paragraph (1) does not apply to such person because of paragraph (2) or (3), the Government shall have the burden of proof to show that such paragraph (1) applies to such person. The lack of a serial number as described in section 923(i) of title 18, United States Code, shall be a presumption that the large capacity ammunition feeding device is not subject to the prohibition of possession in paragraph (1).”

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United States Code, as amended by section 110102(b), is amended by adding at the end the following new paragraph:

“(31) The term ‘large capacity ammunition feeding device’—

“(A) means a magazine, belt, drum, feed strip, or similar device manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994 that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; but

“(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.”

(c) PENALTY.—Section 924(a)(1)(B) of title 18, United States Code, as amended by section 110102(c)(1), is amended by striking “or (v)” and inserting “(v), or (w)”.

(d) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, as amended by section 110102(d) of this Act, is amended by adding at the end the following: “A large capacity ammunition

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 165 of 184

108 STAT. 2000

PUBLIC LAW 103-322—SEPT. 13, 1994

feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.”.

18 USC 921 note. **SEC. 110104. STUDY BY ATTORNEY GENERAL.**

(a) **STUDY.**—The Attorney General shall investigate and study the effect of this subtitle and the amendments made by this subtitle, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) **REPORT.**—Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

18 USC 921 note. **SEC. 110105. EFFECTIVE DATE.**

This subtitle and the amendments made by this subtitle—

(1) shall take effect on the date of the enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date.

SEC. 110106. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States Code, is amended by adding at the end the following appendix:

“APPENDIX A**Centerfire Rifles—Autoloaders**

Browning BAR Mark II Safari Semi-Auto Rifle
 Browning BAR Mark II Safari Magnum Rifle
 Browning High-Power Rifle
 Heckler & Koch Model 300 Rifle
 Iver Johnson M-1 Carbine
 Iver Johnson 50th Anniversary M-1 Carbine
 Marlin Model 9 Camp Carbine
 Marlin Model 45 Carbine
 Remington Nylon 66 Auto-Loading Rifle
 Remington Model 7400 Auto Rifle
 Remington Model 7400 Rifle
 Remington Model 7400 Special Purpose Auto Rifle
 Ruger Mini-14 Autoloading Rifle (w/o folding stock)
 Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle
 Browning Model 81 Long Action BLR
 Browning Model 1886 Lever-Action Carbine
 Browning Model 1886 High Grade Carbine
 Cimarron 1860 Henry Replica
 Cimarron 1866 Winchester Replicas
 Cimarron 1873 Short Rifle
 Cimarron 1873 Sporting Rifle
 Cimarron 1873 30" Express Rifle
 Dixie Engraved 1873 Rifle
 E.M.F. 1866 Yellowboy Lever Actions
 E.M.F. 1860 Henry Rifle
 E.M.F. Model 73 Lever-Action Rifle
 Marlin Model 336CS Lever-Action Carbine
 Marlin Model 30AS Lever-Action Carbine
 Marlin Model 444SS Lever-Action Sporter
 Marlin Model 1894S Lever-Action Carbine

PUBLIC LAW 103-322—SEPT. 13, 1994**108-STAT. 2001**

Marlin Model 1894CS Carbine
 Marlin Model 1894CL Classic
 Marlin Model 1895SS Lever-Action Rifle
 Mitchell 1858 Henry Replica
 Mitchell 1866 Winchester Replica
 Mitchell 1873 Winchester Replica
 Navy Arms Military Henry Rifle
 Navy Arms Henry Trapper
 Navy Arms Iron Frame Henry
 Navy Arms Henry Carbine
 Navy Arms 1866 Yellowboy Rifle
 Navy Arms 1873 Winchester-Style Rifle
 Navy Arms 1873 Sporting Rifle
 Remington 7600 Slide Action
 Remington Model 7600 Special Purpose Slide Action
 Rossi M92 SRC Saddle-Ring Carbine
 Rossi M92 SRS Short Carbine
 Savage 99C Lever-Action Rifle
 Uberti Henry Rifle
 Uberti 1866 Sporting Rifle
 Uberti 1873 Sporting Rifle
 Winchester Model 94 Side Eject Lever-Action Rifle
 Winchester Model 94 Trapper Side Eject
 Winchester Model 94 Big Bore Side Eject
 Winchester Model 94 Ranger Side Eject Lever-Action Rifle
 Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
 A-Square Caesar Bolt-Action Rifle
 A-Square Hannibal Bolt-Action Rifle
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700D Bavarian Bolt-Action Rifle
 Anschutz 1733D Mannlicher Rifle
 Barret Model 90 Bolt-Action Rifle
 Beeman/HW 60J Bolt-Action Rifle
 Blaser R84 Bolt-Action Rifle
 BRNO 537 Sporter Bolt-Action Rifle
 BRNO ZKB 527 Fox Bolt-Action Rifle
 BRNO ZKK 600, 601, 602 Bolt-Action Rifles
 Browning A-Bolt Rifle
 Browning A-Bolt Stainless Stalker
 Browning A-Bolt Left Hand
 Browning A-Bolt Short Action
 Browning Euro-Bolt Rifle
 Browning A-Bolt Gold Medallion
 Browning A-Bolt Micro Medallion
 Century Centurion 14 Sporter
 Century Enfield Sporter #4
 Century Swedish Sporter #38
 Century Mauser 98 Sporter
 Cooper Model 38 Centerfire Sporter
 Dakota 22 Sporter Bolt-Action Rifle
 Dakota 76 Classic Bolt-Action Rifle
 Dakota 76 Short Action Rifles
 Dakota 76 Safari Bolt-Action Rifle
 Dakota 416 Rigby African
 E.A.A./Sabatti Rover 870 Bolt-Action Rifle
 Auguste Francotte Bolt-Action Rifles
 Carl Gustaf 2000 Bolt-Action Rifle
 Heym Magnum Express Series Rifle
 Howa Lightning Bolt-Action Rifle
 Howa Realtree Camo Rifle
 Interarms Mark X Viscount Bolt-Action Rifle
 Interarms Mini-Mark X Rifle
 Interarms Mark X Whitworth Bolt-Action Rifle
 Interarms Whitworth Express Rifle
 Iver Johnson Model 5100A1 Long-Range Rifle
 KDF K15 American Bolt-Action Rifle
 Krico Model 600 Bolt-Action Rifle

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 167 of 184

108 STAT. 2002

PUBLIC LAW 103-322—SEPT. 13, 1994

Krico Model 700 Bolt-Action Rifles
Mauser Model 66 Bolt-Action Rifle
Mauser Model 99 Bolt-Action Rifle
McMillan Signature Classic Sporter
McMillan Signature Super Varminter
McMillan Signature Alaskan
McMillan Signature Titanium Mountain Rifle
McMillan Classic Stainless Sporter
McMillan Talon Safari Rifle
McMillan Talon Sporter Rifle
Midland 1500S Survivor Rifle
Navy Arms TU-33/40 Carbine
Parker-Hale Model 81 Classic Rifle
Parker-Hale Model 81 Classic African Rifle
Parker-Hale Model 1000 Rifle
Parker-Hale Model 1100M African Magnum
Parker-Hale Model 1100 Lightweight Rifle
Parker-Hale Model 1200 Super Rifle
Parker-Hale Model 1200 Super Clip Rifle
Parker-Hale Model 1300C Scout Rifle
Parker-Hale Model 2100 Midland Rifle
Parker-Hale Model 2700 Lightweight Rifle
Parker-Hale Model 2800 Midland Rifle
Remington Model Seven Bolt-Action Rifle
Remington Model Seven Youth Rifle
Remington Model Seven Custom KS
Remington Model Seven Custom MS Rifle
Remington 700 ADL Bolt-Action Rifle
Remington 700 BDL Bolt-Action Rifle
Remington 700 BDL Varmint Special
Remington 700 BDL European Bolt-Action Rifle
Remington 700 Varmint Synthetic Rifle
Remington 700 BDL SS Rifle
Remington 700 Stainless Synthetic Rifle
Remington 700 MTRSS Rifle
Remington 700 BDL Left Hand
Remington 700 Camo Synthetic Rifle
Remington 700 Safari
Remington 700 Mountain Rifle
Remington 700 Custom KS Mountain Rifle
Remington 700 Classic Rifle
Ruger M77 Mark II Rifle
Ruger M77 Mark II Magnum Rifle
Ruger M77RL Ultra Light
Ruger M77 Mark II All-Weather Stainless Rifle
Ruger M77 RSI International Carbine
Ruger M77 Mark II Express Rifle
Ruger M77VT Target Rifle
Sako Hunter Rifle
Sako Fiberclass Sporter
Sako Safari Grade Bolt Action
Sako Hunter Left-Hand Rifle
Sako Classic Bolt Action
Sako Hunter LS Rifle
Sako Deluxe Lightweight
Sako Super Deluxe Sporter
Sako Mannlicher-Style Carbine
Sako Varmint Heavy Barrel
Sako TRG-S Bolt-Action Rifle
Sauer 90 Bolt-Action Rifle
Savage 110G Bolt-Action Rifle
Savage 110CY Youth/Ladies Rifle
Savage 110WLE One of One Thousand Limited Edition Rifle
Savage 110GXP3 Bolt-Action Rifle
Savage 110F Bolt-Action Rifle
Savage 110FXP3 Bolt-Action Rifle
Savage 110GV Varmint Rifle
Savage 112FV Varmint Rifle
Savage Model 112FVS Varmint Rifle
Savage Model 112BV Heavy Barrel Varmint Rifle
Savage 116FSS Bolt-Action Rifle
Savage Model 116FSK Kodiak Rifle

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 2003

Savage 110FP Police Rifle
 Steyr-Mannlicher Sporter Models SL, L, M, S, ST
 Steyr-Mannlicher Luxus Model L, M, S
 Steyr-Mannlicher Model M Professional Rifle
 Tikka Bolt-Action Rifle
 Tikka Premium Grade Rifles
 Tikka Varmint/Continental Rifle
 Tikka Whitetail/Battue Rifle
 Ultra Light Arms Model 20 Rifle
 Ultra Light Arms Model 28, Model 40 Rifles
 Voere VEC 91 Lightning Bolt-Action Rifle
 Voere Model 2165 Bolt-Action Rifle
 Voere Model 2155, 2150 Bolt-Action Rifles
 Weatherby Mark V Deluxe Bolt-Action Rifle
 Weatherby Lasermark V Rifle
 Weatherby Mark V Crown Custom Rifles
 Weatherby Mark V Sporter Rifle
 Weatherby Mark V Safari Grade Custom Rifles
 Weatherby Weathermark Rifle
 Weatherby Weathermark Alaskan Rifle
 Weatherby Classicmark No. 1 Rifle
 Weatherby Weatherguard Alaskan Rifle
 Weatherby Vanguard VGX Deluxe Rifle
 Weatherby Vanguard Classic Rifle
 Weatherby Vanguard Classic No. 1 Rifle
 Weatherby Vanguard Weatherguard Rifle
 Wichita Classic Rifle
 Wichita Varmint Rifle
 Winchester Model 70 Sporter
 Winchester Model 70 Sporter WinTuff
 Winchester Model 70 SM Sporter
 Winchester Model 70 Stainless Rifle
 Winchester Model 70 Varmint
 Winchester Model 70 Synthetic Heavy Varmint Rifle
 Winchester Model 70 DBM Rifle
 Winchester Model 70 DBM-S Rifle
 Winchester Model 70 Featherweight
 Winchester Model 70 Featherweight WinTuff
 Winchester Model 70 Featherweight Classic
 Winchester Model 70 Lightweight Rifle
 Winchester Ranger Rifle
 Winchester Model 70 Super Express Magnum
 Winchester Model 70 Super Grade
 Winchester Model 70 Custom Sharpshooter
 Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
 Brown Model One Single Shot Rifle
 Browning Model 1885 Single Shot Rifle
 Dakota Single Shot Rifle
 Desert Industries G-90 Single Shot Rifle
 Harrington & Richardson Ultra Varmint Rifle
 Model 1885 High Wall Rifle
 Navy Arms Rolling Block Buffalo Rifle
 Navy Arms #2 Creedmoor Rifle
 Navy Arms Sharps Cavalry Carbine
 Navy Arms Sharps Plains Rifle
 New England Firearms Handi-Rifle
 Red Willow Armory Ballard No. 5 Pacific
 Red Willow Armory Ballard No. 1.5 Hunting Rifle
 Red Willow Armory Ballard No. 8 Union Hill Rifle
 Red Willow Armory Ballard No. 4.5 Target Rifle
 Remington-Style Rolling Block Carbine
 Ruger No. 1B Single Shot
 Ruger No. 1A Light Sporter
 Ruger No. 1H Tropical Rifle
 Ruger No. 1S Medium Sporter
 Ruger No. 1 RSI International
 Ruger No. 1V Special Varminter
 C. Sharps Arms New Model 1874 Old Reliable

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 169 of 184

108 STAT. 2004

PUBLIC LAW 103-322—SEPT. 13, 1994

C. Sharps Arms New Model 1875 Rifle
 C. Sharps Arms 1875 Classic Sharps
 C. Sharps Arms New Model 1875 Target & Long Range
 Shiloh Sharps 1874 Long Range Express
 Shiloh Sharps 1874 Montana Roughrider
 Shiloh Sharps 1874 Military Carbine
 Shiloh Sharps 1874 Business Rifle
 Shiloh Sharps 1874 Military Rifle
 Sharps 1874 Old Reliable
 Thompson/Center Contender Carbine
 Thompson/Center Stainless Contender Carbine
 Thompson/Center Contender Carbine Survival System
 Thompson/Center Contender Carbine Youth Model
 Thompson/Center TCR '87 Single Shot Rifle
 Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Beretta Express SSO O/U Double Rifles
 Beretta Model 455 SxS Express Rifle
 Chapuis RGExpress Double Rifle
 Auguste Francotte Sidelock Double Rifles
 Auguste Francotte Boxlock Double Rifle
 Heym Model 55B O/U Double Rifle
 Heym Model 55FW O/U Combo Gun
 Heym Model 88b Side-by-Side Double Rifle
 Kodiak Mk. IV Double Rifle
 Kreighoff Teck O/U Combination Gun
 Kreighoff Trumpf Drilling
 Merkel Over/Under Combination Guns
 Merkel Drillings
 Merkel Model 160 Side-by-Side Double Rifles
 Merkel Over/Under Double Rifles
 Savage 24F O/U Combination Gun
 Savage 24F-12T Turkey Gun
 Springfield Inc. M6 Scout Rifle/Shotgun
 Tikka Model 412s Combination Gun
 Tikka Model 412S Double Fire
 A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
 AMT Lightning Small-Game Hunting Rifle II
 AMT Magnum Hunter Auto Rifle
 Anschutz 525 Deluxe Auto
 Armscor Model 20P Auto Rifle
 Browning Auto-22 Rifle
 Browning Auto-22 Grade VI
 Krico Model 260 Auto Rifle
 Lakefield Arms Model 64B Auto Rifle
 Marlin Model 60 Self-Loading Rifle
 Marlin Model 60ss Self-Loading Rifle
 Marlin Model 70 HC Auto
 Marlin Model 9901 Self-Loading Rifle
 Marlin Model 70P Papoose
 Marlin Model 922 Magnum Self-Loading Rifle
 Marlin Model 995 Self-Loading Rifle
 Norinco Model 22 ATD Rifle
 Remington Model 522 Viper Autoloading Rifle
 Remington 552BDL Speedmaster Rifle
 Ruger 10/22 Autoloading Carbine (w/o folding stock)
 Survival Arms AR-7 Explorer Rifle
 Texas Remington Revolving Carbine
 Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle
 Marlin 39TDS Carbine
 Marlin Model 39AS Golden Lever-Action Rifle
 Remington 572BDL Fieldmaster Pump Rifle
 Norinco EM-321 Pump Rifle
 Rossi Model 62 SA Pump Rifle

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 2005

Rossi Model 62 SAC Carbine
 Winchester Model 9422 Lever-Action Rifle
 Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
 Anschutz 1416D/1516D Classic Rifles
 Anschutz 1418D/1518D Mannlicher Rifles
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700 FWT Bolt-Action Rifle
 Anschutz 1700D Graphite Custom Rifle
 Anschutz 1700D Bavarian Bolt-Action Rifle
 Armscor Model 14P Bolt-Action Rifle
 Armscor Model 1500 Rifle
 BRNO ZKM-452 Deluxe Bolt-Action Rifle
 BRNO ZKM 452 Deluxe
 Beeman/HW 60-J-ST Bolt-Action Rifle
 Browning A-Bolt 22 Bolt-Action Rifle
 Browning A-Bolt Gold Medallion
 Cabanas Phaser Rifle
 Cabanas Master Bolt-Action Rifle
 Cabanas Espronceda IV Bolt-Action Rifle
 Cabanas Leyre Bolt-Action Rifle
 Chipmunk Single Shot Rifle
 Cooper Arms Model 36S Sporter Rifle
 Dakota 22 Sporter Bolt-Action Rifle
 Krico Model 300 Bolt-Action Rifles
 Lakefield Arms Mark II Bolt-Action Rifle
 Lakefield Arms Mark I Bolt-Action Rifle
 Magtech Model MT-22C Bolt-Action Rifle
 Marlin Model 880 Bolt-Action Rifle
 Marlin Model 881 Bolt-Action Rifle
 Marlin Model 882 Bolt-Action Rifle
 Marlin Model 883 Bolt-Action Rifle
 Marlin Model 883SS Bolt-Action Rifle
 Marlin Model 25MN Bolt-Action Rifle
 Marlin Model 25N Bolt-Action Repeater
 Marlin Model 15YN "Little Buckaroo"
 Mauser Model 107 Bolt-Action Rifle
 Mauser Model 201 Bolt-Action Rifle
 Navy Arms TU-KKW Training Rifle
 Navy Arms TU-33/40 Carbine
 Navy Arms TU-KKW Sniper Trainer
 Norinco JW-27 Bolt-Action Rifle
 Norinco JW-15 Bolt-Action Rifle
 Remington 541-T
 Remington 40-XR Rimfire Custom Sporter
 Remington 541-T HB Bolt-Action Rifle
 Remington 581-S Sportsman Rifle
 Ruger 77/22 Rimfire Bolt-Action Rifle
 Ruger K77/22 Varmint Rifle
 Ultra Light Arms Model 20 RF Bolt-Action Rifle
 Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette
 Anschutz 1808D RT Super Match 54 Target
 Anschutz 1827B Biathlon Rifle
 Anschutz 1903D Match Rifle
 Anschutz 1803D Intermediate Match
 Anschutz 1911 Match Rifle
 Anschutz 54.18MS REP Deluxe Silhouette Rifle
 Anschutz 1913 Super Match Rifle
 Anschutz 1907 Match Rifle
 Anschutz 1910 Super Match II
 Anschutz 54.18MS Silhouette Rifle
 Anschutz Super Match 54 Target Model 2013
 Anschutz Super Match 54 Target Model 2007
 Beeman/Feinwerkbau 2600 Target Rifle
 Cooper Arms Model TRP-1 ISU Standard Rifle

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 171 of 184

108 STAT. 2006

PUBLIC LAW 103-322—SEPT. 13, 1994

E.A.A./Weihrauch HW 60 Target Rifle
 E.A.A./HW 660 Match Rifle
 Finnish Lion Standard Target Rifle
 Krico Model 360 S2 Biathlon Rifle
 Krico Model 400 Match Rifle
 Krico Model 360S Biathlon Rifle
 Krico Model 500 Kricotronic Match Rifle
 Krico Model 600 Sniper Rifle
 Krico Model 600 Match Rifle
 Lakefield Arms Model 90B Target Rifle
 Lakefield Arms Model 91T Target Rifle
 Lakefield Arms Model 92S Silhouette Rifle
 Marlin Model 2000 Target Rifle
 Mauser Model 86—SR Specialty Rifle
 McMillan M—86 Sniper Rifle
 McMillan Combo M—87/M—88 50-Caliber Rifle
 McMillan 300 Phoenix Long Range Rifle
 McMillan M—89 Sniper Rifle
 McMillan National Match Rifle
 McMillan Long Range Rifle
 Parker-Hale M—87 Target Rifle
 Parker-Hale M—85 Sniper Rifle
 Remington 40—XB Rangemaster Target Centerfire
 Remington 40—XR KS Rimfire Position Rifle
 Remington 40—XBBR KS
 Remington 40—XC KS National Match Course Rifle
 Sako TRG—21 Bolt-Action Rifle
 Steyr-Mannlicher Match SPG—UIT Rifle
 Steyr-Mannlicher SSG P—I Rifle
 Steyr-Mannlicher SSG P—III Rifle
 Steyr-Mannlicher SSG P—IV Rifle
 Tanner Standard UIT Rifle
 Tanner 50 Meter Free Rifle
 Tanner 300 Meter Free Rifle
 Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
 Benelli Super Black Eagle Shotgun
 Benelli Super Black Eagle Slug Gun
 Benelli M1 Super 90 Field Auto Shotgun
 Benelli Montefeltro Super 90 20-Gauge Shotgun
 Benelli Montefeltro Super 90 Shotgun
 Benelli M1 Sporting Special Auto Shotgun
 Benelli Black Eagle Competition Auto Shotgun
 Beretta A—303 Auto Shotgun
 Beretta 390 Field Auto Shotgun
 Beretta 390 Super Trap, Super Skeet Shotguns
 Beretta Vittoria Auto Shotgun
 Beretta Model 1201F Auto Shotgun
 Browning BSA 10 Auto Shotgun
 Browning BSA 10 Stalker Auto Shotgun
 Browning A—500R Auto Shotgun
 Browning A—500G Auto Shotgun
 Browning A—500G Sporting Clays
 Browning Auto-5 Light 12 and 20
 Browning Auto-5 Stalker
 Browning Auto-5 Magnum 20
 Browning Auto-5 Magnum 12
 Churchill Turkey Automatic Shotgun
 Cosmi Automatic Shotgun
 Maverick Model 60 Auto Shotgun
 Mossberg Model 5500 Shotgun
 Mossberg Model 9200 Regal Semi-Auto Shotgun
 Mossberg Model 9200 USST Auto Shotgun
 Mossberg Model 9200 Camo Shotgun
 Mossberg Model 6000 Auto Shotgun
 Remington Model 1100 Shotgun
 Remington 11—87 Premier Shotgun
 Remington 11—87 Sporting Clays
 Remington 11—87 Premier Skeet

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 2007

Remington 11-87 Premier Trap
 Remington 11-87 Special Purpose Magnum
 Remington 11-87 SPS-T Camo Auto Shotgun
 Remington 11-87 Special Purpose Deer Gun
 Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun
 Remington 11-87 SPS-Deer Shotgun
 Remington 11-87 Special Purpose Synthetic Camo
 Remington SP-10 Magnum-Camo Auto Shotgun
 Remington SP-10 Magnum Auto Shotgun
 Remington SP-10 Magnum Turkey Combo
 Remington 1100 LT-20 Auto
 Remington 1100 Special Field
 Remington 1100 20-Gauge Deer Gun
 Remington 1100 LT-20 Tournament Skeet
 Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
 Browning BPS Pump Shotgun
 Browning BPS Stalker Pump Shotgun
 Browning BPS Pigeon Grade Pump Shotgun
 Browning BPS Pump Shotgun (Ladies and Youth Model)
 Browning BPS Game Gun Turkey Special
 Browning BPS Game Gun Deer Special
 Ithaca Model 87 Supreme Pump Shotgun
 Ithaca Model 87 Deerslayer Shotgun
 Ithaca Deerslayer II Rifled Shotgun
 Ithaca Model 87 Turkey Gun
 Ithaca Model 87 Deluxe Pump Shotgun
 Magtech Model 586-VR Pump Shotgun
 Maverick Models 88, 91 Pump Shotguns
 Mossberg Model 500 Sporting Pump
 Mossberg Model 500 Camo Pump
 Mossberg Model 500 Muzzleloader Combo
 Mossberg Model 500 Trophy Slugster
 Mossberg Turkey Model 500 Pump
 Mossberg Model 500 Bantam Pump
 Mossberg Field Grade Model 835 Pump Shotgun
 Mossberg Model 835 Regal Ulti-Mag Pump
 Remington 870 Wingmaster
 Remington 870 Special Purpose Deer Gun
 Remington 870 SPS-BG-Camo Deer/Turkey Shotgun
 Remington 870 SPS-Deer Shotgun
 Remington 870 Marine Magnum
 Remington 870 TC Trap
 Remington 870 Special Purpose Synthetic Camo
 Remington 870 Wingmaster Small Gauges
 Remington 870 Express Rifle Sighted Deer Gun
 Remington 879 SPS Special Purpose Magnum
 Remington 870 SPS-T Camo Pump Shotgun
 Remington 870 Special Field
 Remington 870 Express Turkey
 Remington 870 High Grades
 Remington 870 Express
 Remington Model 870 Express Youth Gun
 Winchester Model 12 Pump Shotgun
 Winchester Model 42 High Grade Shotgun
 Winchester Model 1300 Walnut Pump
 Winchester Model 1300 Slug Hunter Deer Gun
 Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
 Winchester Model 1300 Turkey Gun
 Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
 American Arms Silver I O/U
 American Arms Silver II Shotgun
 American Arms Silver Skeet O/U
 American Arms/Franchi Sporting 2000 O/U
 American Arms Silver Sporting O/U
 American Arms Silver Trap O/U

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 173 of 184

108 STAT. 2008

PUBLIC LAW 103-322—SEPT. 13, 1994

American Arms WS/OU 12, TS/OU 12 Shotguns
American Arms WT/OU 10 Shotgun
Armsport 2700 O/U Goose Gun
Armsport 2700 Series O/U
Armsport 2900 Tri-Barrel Shotgun
Baby Bretton Over/Under Shotgun
Beretta Model 686 Ultralight O/U
Beretta ASE 90 Competition O/U Shotgun
Beretta Over/Under Field Shotguns
Beretta Onyx Hunter Sport O/U Shotgun
Beretta Model SO5, SO6, SO9 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays
Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U
Charles Daly Lux Over/Under
E.A.A./Sabatti Sporting Clays Pro-Gold O/U
E.A.A./Sabatti Falcon-Mon Over/Under
Kassnar Grade I O/U Shotgun
Krieghoff K-80 Sporting Clays O/U
Krieghoff K-80 Skeet Shotgun
Krieghoff K-80 International Skeet
Krieghoff K-80 Four-Barrel Skeet Set
Krieghoff K-80/RT Shotguns
Krieghoff K-80 O/U Trap Shotgun
Laurona Silhouette 300 Sporting Clays
Laurona Silhouette 300 Trap
Laurona Super Model Over/Unders
Ljubic LM-6 Deluxe O/U Shotgun
Marocchi Conquista Over/Under Shotgun
Marocchi Avanza O/U Shotgun
Merkel Model 200E O/U Shotgun
Merkel Model 200E Skeet, Trap Over/Unders
Merkel Model 203E, 303E Over/Under Shotguns
Perazzi Mirage Special Sporting O/U
Perazzi Mirage Special Four-Gauge Skeet
Perazzi Sporting Classic O/U
Perazzi MX7 Over/Under Shotguns
Perazzi Mirage Special Skeet Over/Under
Perazzi MX8/MX8 Special Trap, Skeet
Perazzi MX8/20 Over/Under Shotgun
Perazzi MX9 Single Over/Under Shotguns
Perazzi MX12 Hunting Over/Under
Perazzi MX28, MX410 Game O/U Shotguns
Perazzi MX20 Hunting Over/Under
Piotti Boss Over/Under Shotgun
Remington Peerless Over/Under Shotgun
Ruger Red Label O/U Shotgun
Ruger Sporting Clays O/U Shotgun
San Marco 12-Ga. Wildflower Shotgun
San Marco Field Special O/U Shotgun
San Marco 10-Ga. O/U Shotgun
SKB Model 505 Deluxe Over/Under Shotgun
SKB Model 685 Over/Under Shotgun
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
Stoeger/IGA Condor I O/U Shotgun

PUBLIC LAW 103-322—SEPT. 13, 1994

108 STAT. 2009

Stoeger/IGA ERA 2000 Over/Under Shotgun
 Techni-Mec Model 610 Over/Under
 Tikka Model 412S Field Grade Over/Under
 Weatherby Athena Grade IV O/U Shotguns
 Weatherby Athena Grade V Classic Field O/U
 Weatherby Orion O/U Shotguns
 Weatherby II, III Classic Field O/Us
 Weatherby Orion II Classic Sporting Clays O/U
 Weatherby Orion II Sporting Clays O/U
 Winchester Model 1001 O/U Shotgun
 Winchester Model 1001 Sporting Clays O/U
 Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
 American Arms Gentry Double Shotgun
 American Arms Derby Side-by-Side
 American Arms Grulla #2 Double Shotgun
 American Arms WS/SS 10
 American Arms TS/SS 10 Double Shotgun
 American Arms TS/SS 12 Side-by-Side
 Arrieta Sidelock Double Shotguns
 Armsport 1050 Series Double Shotguns
 Arizaga Model 31 Double Shotgun
 AYA Boxlock Shotguns
 AYA Sidelock Double Shotguns
 Beretta Model 452 Sidelock Shotgun
 Beretta Side-by-Side Field Shotguns
 Crucelegui Hermanos Model 150 Double
 Chapuis Side-by-Side Shotgun
 E.A.A./Sabatti Saba-Mon Double Shotgun
 Charles Daly Model Dss Double
 Ferlib Model F VII Double Shotgun
 Auguste Francotte Boxlock Shotgun
 Auguste Francotte Sidelock Shotgun
 Garbi Model 100 Double
 Garbi Model 101 Side-by-Side
 Garbi Model 103A, B Side-by-Side
 Garbi Model 200 Side-by-Side
 Bill Hanus Birdgun Doubles
 Hatfield Uplander Shotgun
 Merkel Model 8, 47E Side-by-Side Shotguns
 Merkel Model 47LSC Sporting Clays Double
 Merkel Model 47S, 147S Side-by-Sides
 Parker Reproductions Side-by-Side
 Piotti King No. 1 Side-by-Side
 Piotti Lunik Side-by-Side
 Piotti King Extra Side-by-Side
 Piotti Piuma Side-by-Side
 Precision Sports Model 600 Series Doubles
 Rizzini Boxlock Side-by-Side
 Rizzini Sidelock Side-by-Side
 Stoeger/IGA Uplander Side-by-Side Shotgun
 Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
 Browning BT-99 Competition Trap Special
 Browning BT-99 Plus Trap Gun
 Browning BT-99 Plus Micro
 Browning Recoilless Trap Shotgun
 Browning Micro Recoilless Trap Shotgun
 Desert Industries Big Twenty Shotgun
 Harrington & Richardson Topper Model 098
 Harrington & Richardson Topper Classic Youth Shotgun
 Harrington & Richardson N.W.T.F. Turkey Mag
 Harrington & Richardson Topper Deluxe Model 098
 Krieghoff KS-5 Trap Gun
 Krieghoff KS-5 Special
 Krieghoff K-80 Single Barrel Trap Gun
 Ljubic Mono Gun Single Barrel

108 STAT. 2010

PUBLIC LAW 103-322—SEPT. 13, 1994

Ljutic LTX Super Deluxe Mono Gun
 Ljutic Recoilless Space Gun Shotgun
 Marlin Model 55 Goose Gun Bolt Action
 New England Firearms Turkey and Goose Gun
 New England Firearms N.W.T.F. Shotgun
 New England Firearms Tracker Slug Gun
 New England Firearms Standard Pardner
 New England Firearms Survival Gun
 Perazzi TM1 Special Single Trap
 Remington 90-T Super Single Shotgun
 Snake Charmer II Shotgun
 Stoeger/IGA Reuna Single Barrel Shotgun
 Thompson/Center TCR '87 Hunter Shotgun.”.

Subtitle B—Youth Handgun Safety

SEC. 110201. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 110103(a), is amended by adding at the end the following new subsection:

“(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

“(A) a handgun; or

“(B) ammunition that is suitable for use only in a handgun.

“(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

“(A) a handgun; or

“(B) ammunition that is suitable for use only in a handgun.

“(3) This subsection does not apply to—

“(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

“(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

“(ii) with the prior written consent of the juvenile’s parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

“(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

“(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile’s parent or legal guardian and at the direction of an adult who is not prohibited

A-1023

EXHIBIT 10

A-1024

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JUNE SHEW, et al.	:	NO. 3:13-CV-0739 (AVC)
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al.	:	
<i>Defendants.</i>	:	SEPTEMBER 18, 2013

AFFIDAVIT OF JOSEPH DELEHANTY

Joseph Delehanty having been duly sworn, testifies and affirms as follows:

1. I am over eighteen years of age and understand the obligations of an oath.
2. I am presently employed as an Academy Instructor with the Connecticut State Police (CSP) Academy in Meriden. The CSP is a division within the Connecticut Department of Emergency Services and Public Protection (DESPP).
3. I have been employed as a Trooper First Class by DESPP¹ since 1979. I am a Senior Firearms Instructor for the Connecticut Police Academy.
4. In my capacity as an Academy Instructor, I instruct State Police recruits. I typically assist with a wide range of Academy functions such as public outreach, firearms training and in-service training. Representative areas of my instruction include firearms and experiential scenario-based training.
5. I was certified as a firearms instructor by the National Rifle Association in 1987. I am re-certified every three years. I am also certified by the Police Officer Standards and Training Council (P.O.S.T.) to instruct in handgun, patrol rifle, shotgun, tactical firearms and shooting decisions. I am re-certified every three years by P.O.S.T.
6. I have over 25 years of professional experience in firearms. I have extensive on-the-job experience with instructing, training with and repairing thousands of different firearms.
7. I have received extensive training with respect to the use and safe handling of firearms. In addition, I have been trained and certified as an "armorer" on particular weapons, specifically those weapons that have been issued to CSP troopers. An armorer is someone who repairs and replaces parts of weapons.

¹ DESPP's predecessor agency was the State of Connecticut Department of Public Safety.

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 178 of 184

8. In 1997, I attended an armorer school established by Mossberg, a gun manufacturer, and became a certified armorer in the Mossberg Model 590. I was trained to take apart the Model 590 and replace or repair any defective part to make the firearm functional. In July 1996 and again in October 2012, I attended a similar armorer school established by SIGARMS, another gun manufacturer, where I became certified in repairing the SIGARMS firearms issued by CSP. In August 1995, I became a Remington armorer for the Remington 870 shotgun. In June 1993 and again in April 1996, I became a certified armorer for the Berretta Model 92 and the Berretta M9.
9. I have also been certified as a gunsmith for some makes and models of firearms issued by CSP. In 1996, I attended the Federal Bureau of Investigation (FBI) Precision Rifle Building course in Quantico, Virginia, where I was trained and certified as a gunsmith on the Remington 700 and the M14. As distinguished from an armorer, a gunsmith actually manufactures parts for firearms.
10. I spent a portion of my career as a Trooper stationed at the CSP gun range, where I worked as a firearms instructor, armorer and gunsmith. While there, I had the opportunity to repair many firearms, replace broken gun parts and manufacture gun parts for various weapons such as the H&R Reising sub-machine gun and the Remington 700.
11. Throughout my career, I have repaired and maintained many CSP duty and issued weapons. CSP troopers are issued a "duty weapon," which is the pistol carried in a holster on his or her person. I have worked extensively with CSP duty weapons such as the .45 caliber Sig P220; the .40 caliber Sig P229; the 9mm Beretta 92; and the Smith & Wesson Model 66 revolver with darkening.
12. While assigned to the CSP gun range, I had an opportunity to work with literally thousands of different types of weapons beyond those issued to CSP troopers. I fired, cleaned, and repaired these firearms, many of which are "in rem" weapons that were turned over to or seized by law enforcement and later brought to the range for training and educational purposes. This training with non-CSP issued firearms is invaluable, because a trooper needs to know how to handle both legal and illegal firearms he or she may come across and may have to "pick up" and operate in an emergency situation. When seizing a firearm during a search or stop, the trooper will also need to know how to make it safe.
13. In addition to my extensive experience in the operation, repair and manufacture of firearms, I have extensive professional experience as a trained marksman.
14. From September 1988 to January 2006, I was a member of the Connecticut State Police Tactical Unit, ("Tactical Team" or "SWAT Team"). The Tactical Team typically responds to incidents where an individual is believed to be armed and dangerous or where it is believed that weapons are present. The Tactical Team also provides protection for dignitaries visiting the state. For most of my tenure on the Tactical Team, I was a sniper.

15. The CSP issues AR-15 rifles to some, but not all, troopers. However, in my experience, some troopers purchase their own AR-15 rifle and request permission to carry it on duty in their official capacity. All riflemen must first “qualify” on any firearm before they are permitted to use it in performance of their official duties. In order to qualify on a particular firearm, a trooper must meet established standards to demonstrate marksmanship and accuracy. These standards are more rigorous than the standards that must be met by a citizen who applies for a pistol permit in Connecticut.
16. The CSP troopers who carry AR-15s keep them while off-duty for ease of use and training, and because CSP troopers are never truly “off-duty.” An off-duty CSP trooper may have to assist on-duty officers in a situation if they are in the vicinity. They may also have to interrupt a crime that they witness while off-duty. In the case of the Tactical Team, members could be called to duty at any time and have to be prepared to respond directly to a scene.
17. During my time on the CSP Tactical Team, I was expected to be able to respond to a situation in a very short period of time, even when “off-duty.” I recall specific instances of having to leave events while off-duty and respond directly to a scene with all of my equipment, including my firearms.
18. Assault weapons banned in Connecticut are a sub-category of the larger group of all semiautomatic weapons. A semiautomatic weapon fires one round for each squeeze of the trigger. After each shot, the firearm automatically loads the next round in the chamber and arms the firing mechanism for the next shot, thereby permitting a faster rate of fire as compared to manually operated guns.
19. In contrast to semiautomatic weapons, fully automatic weapons, such as machine guns, fire continuously as long as the trigger is pressed. A federal tax stamp is required in order to legally possess a machine gun in Connecticut, and it is my understanding that this has been the law for decades.
20. Assault weapons listed in the Act are essentially civilian versions of military weapons used by armed forces across the world. The most prolific military firearms in the world are the M-16/AR-15 and the AK-47. The primary difference between these military weapons and those assault weapons listed in the Act is that the civilian commercial version does not have the “fully automatic” selective-fire option.
21. The AR-15 originally was manufactured as a selective-fire machine gun, and was adopted by the United States military as the M-16 machine gun during the Vietnam War. Colt Manufacturing Company retained the AR-15 trademark for its semiautomatic version of the AR-15, which it began selling to the civilian market in the early 1960s. The AR-15 is now the civilian commercial term for the M-16, without the fully automatic fire option. It is my understanding that the M-16/AR-15 was designed for the military purpose of killing human beings in combat.

22. Based upon my experience and expertise, most of the firearms specifically enumerated in the Act and in the 1993 Act are semiautomatic versions of the original selective-fire AR-15/M-16, the AK-47, or variants thereof.
23. Public Act 13-3 lists 49 assault rifles by name. Of these 49 assault rifles, 20 are variants of the AK-47; 13 are variants of the AR-15/M-16; and 3 are variants of the HK 91 or FN type.
24. The remaining 12 rifles listed are types of rifles that are unique and different from the AK-47, M-16/AR-15 and HK91. It would be fair to say that although 49 rifles are listed in the Act, only 15 distinct types of rifles are covered by the Act: semiautomatic versions of AK-47s, M-16/AR-15s, HK91, and the 12 distinct rifles that are unique and not of "a type."
25. The assault rifle provision of the Act only covers semiautomatic, centerfire rifles, except for the Remington Tactical 7615, which is a pump action rifle. Centerfire rifles are designed for centerfire cartridges which are more powerful projectiles because they have a larger bullet, higher velocity, greater range, and more "foot pounds of energy" or stopping power, than other cartridges such as rimfire or pistol ammunition. An example of a centerfire cartridge would be a .223 round that is often used in an AR-15 type assault rifle.
26. The Act also bans certain semiautomatic pistols listed in the Act. A pistol is defined under Connecticut law as any firearm that has a barrel under twelve inches in length. Conn. Gen. Stat. § 29-27. Of the 22 assault pistols listed in the Act, 6 are variants of the AK-47 and 7 are variants of the M-16/AR-15. The remaining 9 pistols are unique and not of "a type."
27. There is only one shotgun specifically listed in the Act; the IZHMASH SAIGA 12 shotgun. Although it is a shotgun, the IZHMASH is based on an AK-47 frame and is basically a type of AK-47.
28. I have reviewed the enumerated firearms listed in the Act and, with the exception of the Remington Tactical 7615, which is a pump action, all of the specifically enumerated firearms would qualify as assault weapons under the applicable "military features" test.
29. Notwithstanding the assault weapons prohibited by the Act, there remain more than one thousand firearms that Connecticut residents can purchase for responsible and lawful uses like self defense, home defense, and other lawful purposes such as hunting and sport shooting.
30. There are many resources such as "Firearms of the World," "Rifles of the World" and "Gun Digest" that list numerous weapons (including rifles, pistols, revolvers and shotguns) that remain legal in Connecticut. Many of these weapons are suitable for home and self defense. (Exhibit 13).

31. For example, a recent issue of "Gun Digest" lists numerous rifles that can lawfully be purchased in Connecticut after the Act: 7 semi-automatics; 62 lever actions; 4 pump actions; 115 bolt actions; and 73 single shot. The same issue also lists numerous lawful handguns: over 300 semi-automatic pistols; 86 revolvers; 59 single action revolvers; and 21 derringers and single shot handguns. It similarly lists numerous lawful shotguns: 58 semi-automatics; 33 pump actions; 59 over unders; 30 side by sides; 31 bolt and single shots; 1 lever; and 14 double rifles and drillings. There are also 25 rimfire semi-automatic rifles; 12 lever and pump or slide rifles; and 37 bolt action and single shot rifles listed. This is not an exhaustive list of firearms that remain lawful in Connecticut.
32. Conservatively speaking, I would expect that a gun purchaser could identify over a thousand firearms he or she could purchase as an alternative to those now banned in Connecticut.
33. In the thirty plus years I have been working with firearms professionally, I cannot recall an instance when I could not identify the make and model of a firearm. In addition, in my experience, it would be unusual for a member of the public to not be aware of the type of firearm he or she owns or wishes to purchase.
34. The identity of most firearms can be discerned fairly quickly through a variety of means. For example, the vast majority of firearms have their make, model and caliber engraved directly on the firearm. (Exhibit 11). An individual need only locate the engraving on the firearm to determine the make and model of the firearm.
35. In addition, all firearms manufactured in the United States or imported into the United States after 1968 for retail sale are legally required have a serial number under federal law. (Exhibit 11). It has been my experience that you can gain information about a firearm by contacting the manufacturer. Based on the serial number, many manufacturers can provide information such as the make, model number, dates of production, standard round and other information about the firearm. Some manufacturers will even send a gun owner a letter with the information about the firearm. A person could also do an internet search with the serial number and learn the actual or likely make and model of the firearm.
36. A person can also easily determine the production date of his or her firearm in the same way described above by: checking the serial number engraved or cast on the receiver or frame of the weapon; contacting the manufacturer, or, in many instances, conducting a basic internet search using the serial number.
37. The "Avtomat Kalashnikov AK-47" is a selective-fire machine gun capable of firing on full automatic, and is banned under the part of General Statutes § 53-202a(1)(A)(i) that prohibits selective-fire weapons. In my experience, a reference to an "Avtomat Kalashnikov AK-47 type" is understandable as a reference to semiautomatic rifles modeled on the original selective-fire AK-47 machine gun. The "Avtomat Kalashnikov AK-47 type" assault weapon has been banned in Connecticut since 1993. Also the new Act bans any semiautomatic centerfire "AK-47" without the reference to the word

“Avtomat”, so under both the 1993 law and the Act the AK-47, both fully automatic and semiautomatic versions, are banned.

38. The AR-15 was originally manufactured as a selective-fire rifle, but was later modified and sold by Colt as a semiautomatic rifle for the civilian market. It is my understanding that Colt sold this semiautomatic version of the AR-15 under both the model name “Colt AR-15” and “AR-15.” The Colt AR-15 has been banned in Connecticut since 1993. I am not aware of any problems or concerns in the CSP or local law enforcement enforcing this ban for the past twenty years.
39. The Springfield Armory BM59 is a semiautomatic centerfire rifle. The Beretta BM59 is a selective-fire rifle that is capable of being fired on fully automatic, semiautomatic or burst fire, at the option of the user.
40. The Remington Tactical 7615 is a pump action rifle, not a semiautomatic. It uses detachable magazines that can accept more than ten rounds of ammunition.
41. Part of safe gun ownership and operation is proper maintenance of a gun. As a firearms instructor, I teach CSP troopers about the importance of being able to clean their firearm. Most gun owners take apart their weapons partially to clean its main components. This is commonly referred to as a “basic field strip.” Disassembling and reassembling a gun that has been “field stripped” is something that a gun owner can and should be able to do without special training, skills or tools in only a few minutes. A more involved disassembling of a gun or a “complete strip” down of the gun into its component parts is a process that requires time, tools and training. A gun cannot be quickly reassembled when it has been completely stripped down in this manner.
42. Ordinary ammunition magazines extend perpendicularly from the frame of the firearm and are fed with one round on top of the other. Tubular magazines, by contrast, generally are fixed magazines that run horizontally along the length of the barrel and are fed with cartridges end to end. Tubular magazines are only typically designed for lever action rifles, rimfire rifles and shotguns. (See e.g., Exhibit 12). I do not believe there are any centerfire semiautomatic rifles with tubular magazines that presently are in production.
43. Although tubular magazines often can accept different rounds of the same caliber that have varying lengths, the variance in the number of cartridges that may fit in a ten round tubular magazine usually is no more than 1-2 rounds depending upon the caliber used.
44. The definition of large capacity magazines under the Act specifically exempts .22 caliber tube ammunition feeding devices and tubular magazines that are contained in a lever-action firearm. In my experience, most rifles with tubular magazines are either .22 caliber or lever action. I am aware of one type of rifle (the Colt Lightning pump, copies of which are now made by Pedersoli, Taurus, and others) that has a tubular magazine and is not exempted from the large capacity magazine ban. All of the other rifles with tubular magazines with which I am familiar are exempted because they are either a .22 caliber or a lever action.

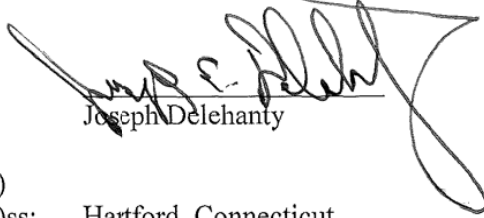
A-1030

Case 3:13-cv-00739-AVC Document 79-1 Filed 10/11/13 Page 183 of 184

- 45. Shotguns can also have tubular magazines, but most shotguns cannot fit more than ten shotgun shells of any length in the tubular magazine unless the gun owner has made a special effort to alter and extend the magazine.
- 46. In addition, firearms with fixed tubular magazines are manufactured to accept standard lengths and caliber of round. (See e.g. Exhibit 13 , p. 467 "Marlin Model" lever-action rifle). A gun owner can consult the specifications associated with his or her firearm to determine the type, length and number of standard rounds that the magazine can accept. The specifications should be provided with the firearm when it is purchased, and are available online, in gun publications or from the manufacturer.
- 47. If a firearm owner is concerned that a tubular magazine can fit more than ten of any non-standard rounds, then he or she can simply have the magazine permanently altered by a gunsmith so that it cannot fit more than ten of any round.

The foregoing is true and accurate to the best of my knowledge and belief.

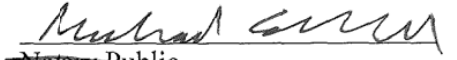
FURTHER AFFIANT SAYETH NOT.



Joseph Delehanty

STATE OF CONNECTICUT)
)ss: Hartford, Connecticut
 COUNTY OF HARTFORD)

Subscribed and sworn to before me, this 18th day of September, 2013.



Notary Public
 Commissioner of the Superior Court

CERTIFICATION

I hereby certify that on this 11th day of October 2013, a copy of the foregoing Affidavit of Joseph Delehanty in support of Defendants' Motion was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Maura Murphy Osborne
Assistant Attorney General

A-1032

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 1 of 56

EXHIBIT 11

A-1033

COLT 911

A-1034

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 3 of 56



A-1035

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 4 of 56



A-1036

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 5 of 56



A-1037

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 6 of 56



A-1038

REMINGTON BOLT ACTION

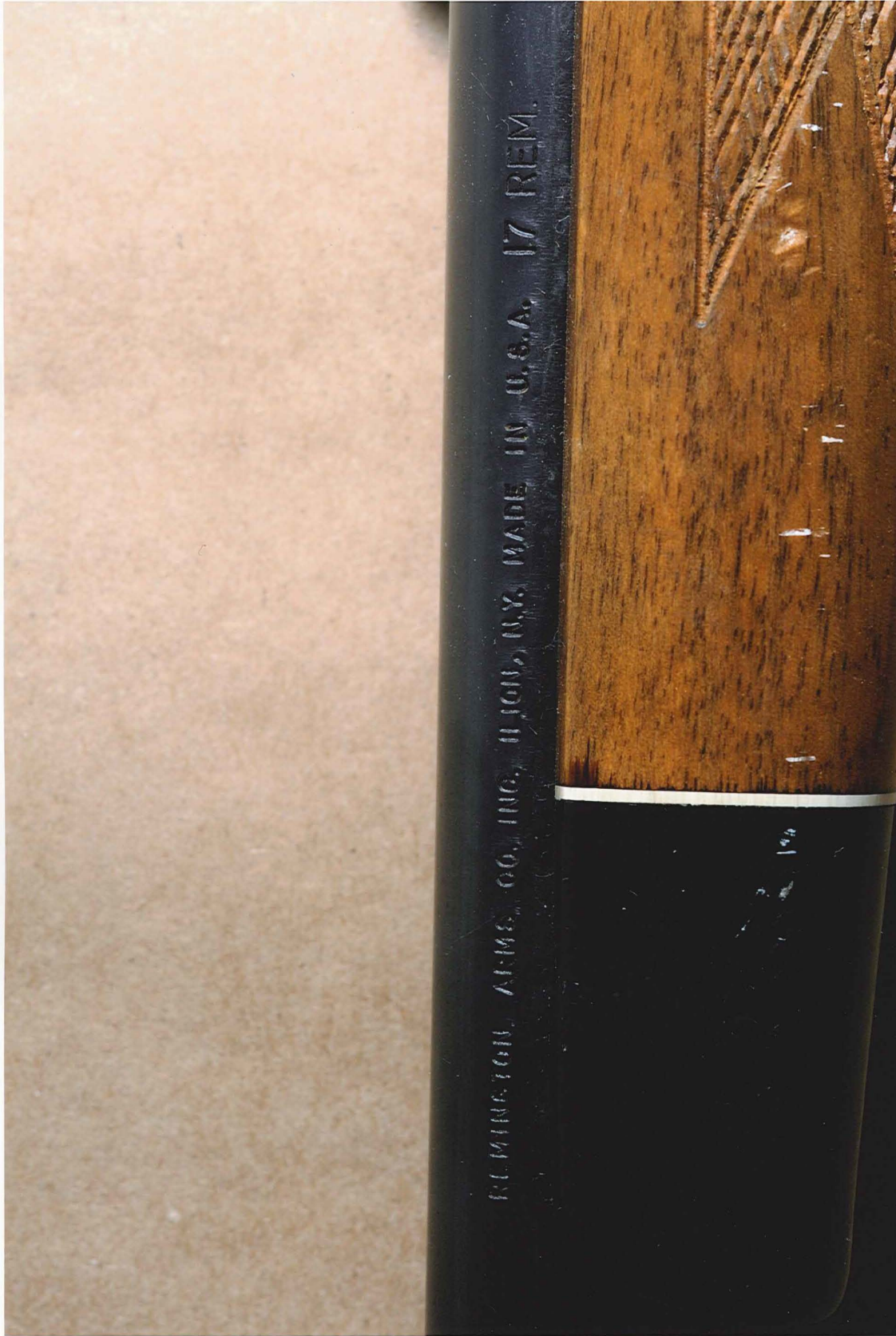
A-1039

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 8 of 56



A-1040

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 9 of 56



A-1041

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 10 of 56



A-1042

SRW MODEL 19

A-1043

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 12 of 56



A-1044

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 13 of 56



A-1045

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 14 of 56



A-1046

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 15 of 56



A-1047

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 16 of 56



A-1048

GLOCK MODEL 23

A-1049

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 18 of 56



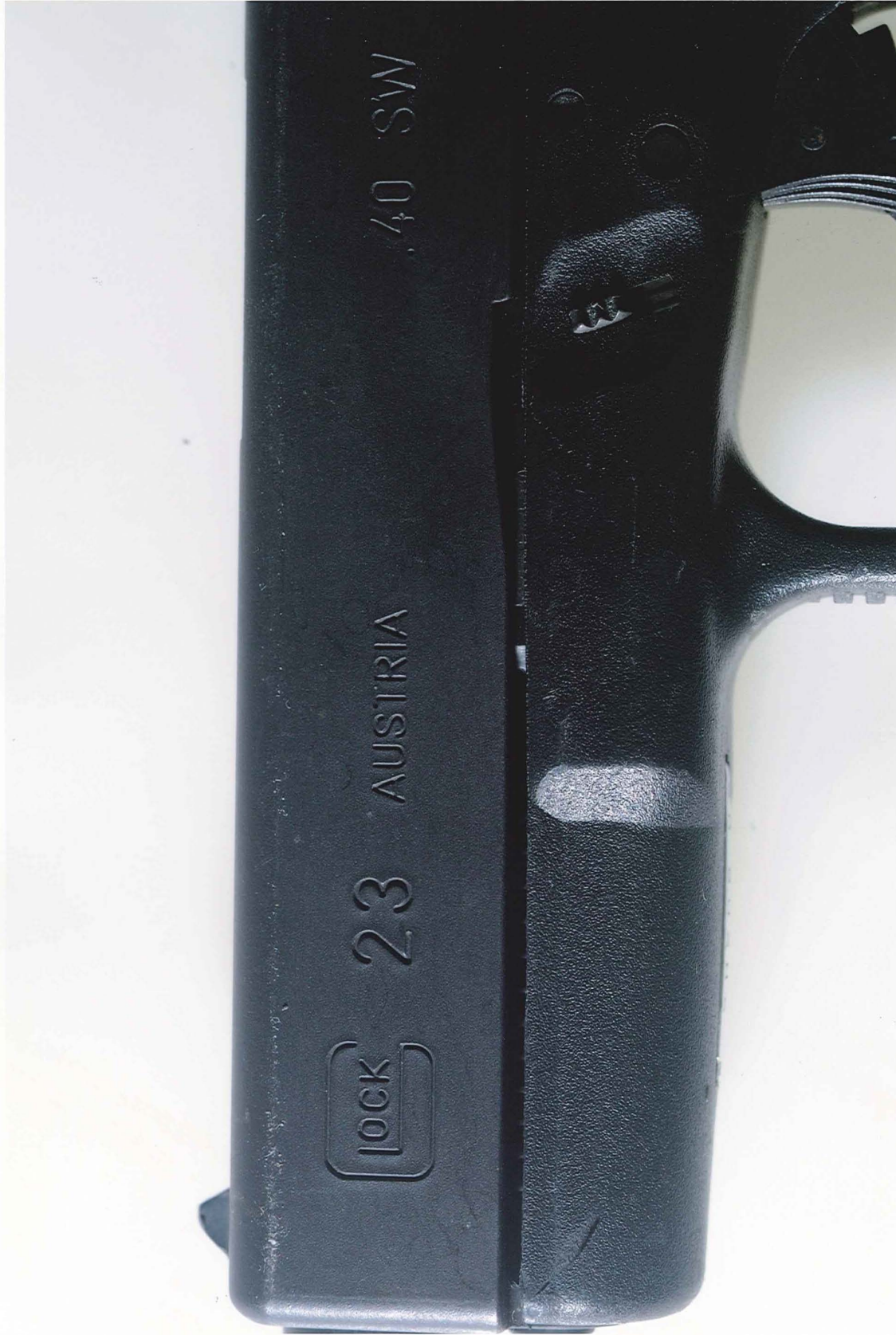
A-1050

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 19 of 56



A-1051

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 20 of 56



A-1052

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 21 of 56



A-1053

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 22 of 56



A-1054

SIG SAUER P229

A-1055

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 24 of 56



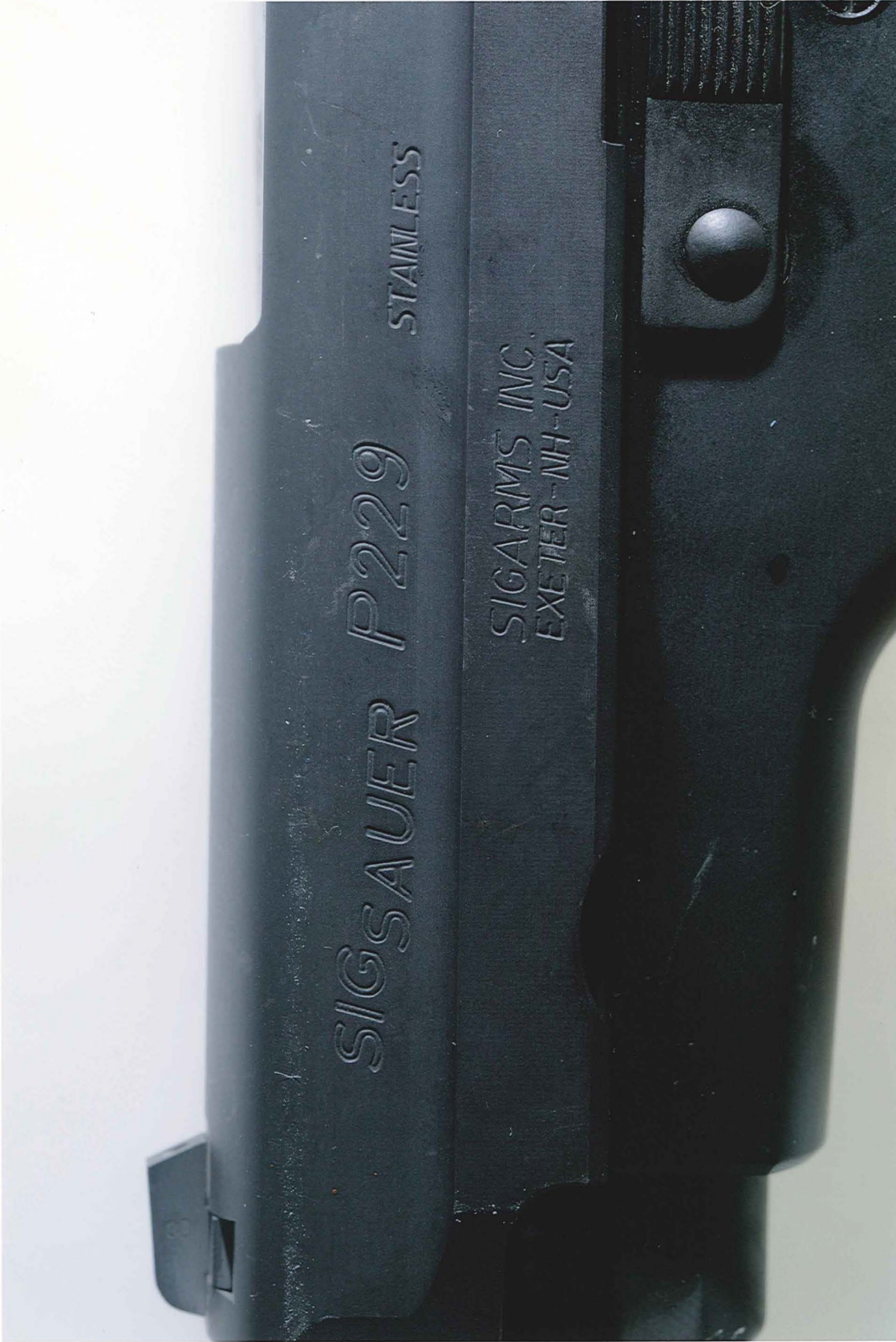
A-1056

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 25 of 56



A-1057

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 26 of 56



A-1058

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 27 of 56



A-1059

EXHIBIT 12

MARLIN LEVER ACTION

A-1061

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 30 of 56



A-1062

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 31 of 56



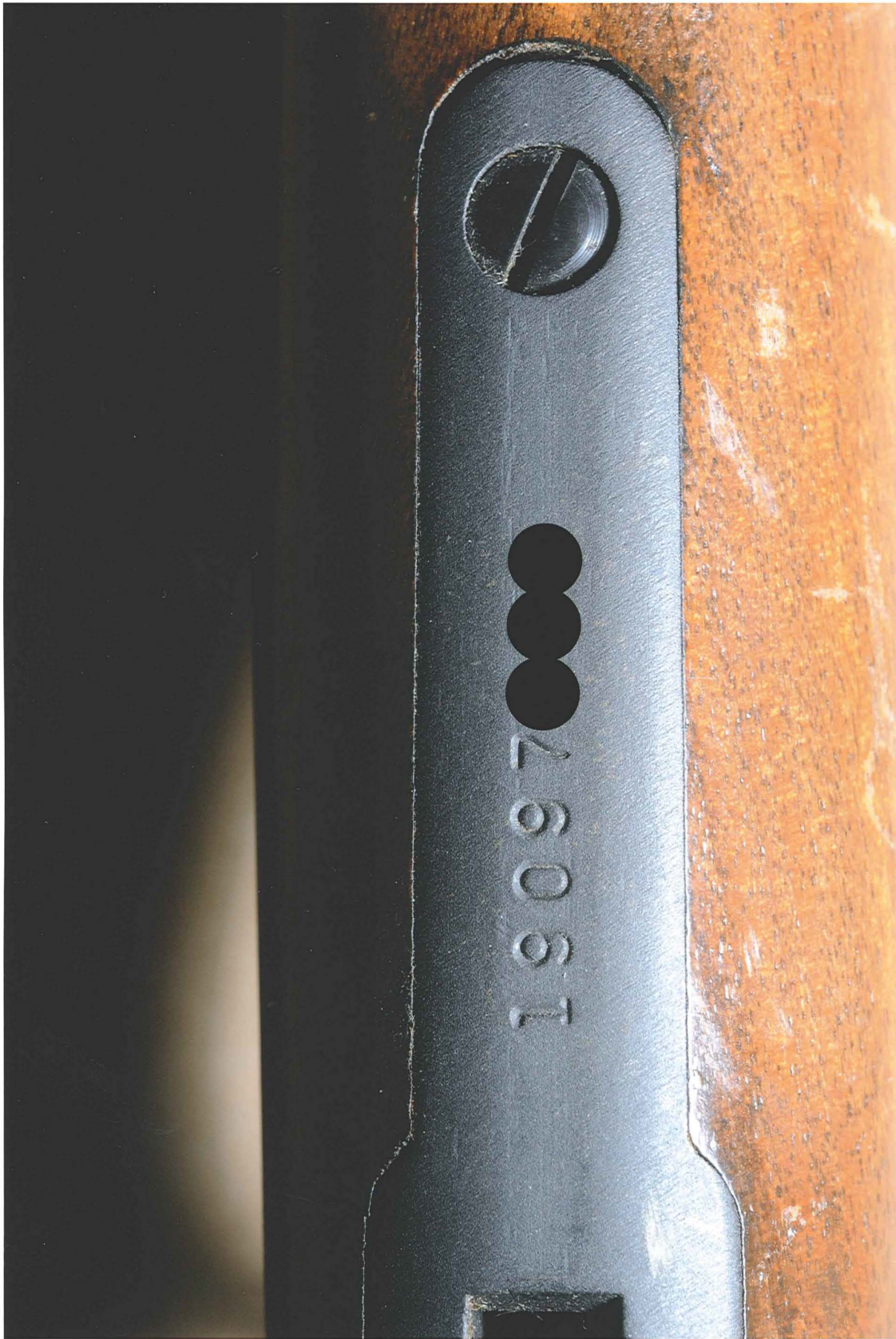
A-1063

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 32 of 56



A-1064

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 33 of 56



A-1065

EXHIBIT 13

HANDGUNS—Autoloaders, Service & Sport

steel slide, brushed or blackened stainless slide with black grip frame or blackened stainless slide with OD Green grip frame, ambi manual 1911-style safety, ambi mag release, mag disconnect, loaded chamber indicator, Ruger camblock design to absorb recoil, two 10 or 17-shot mags. Intr. 2008. Made in U.S.A. by Sturm, Ruger & Co.

- Price: SR9 (17-Round), SR9-10 (SS)\$525.00
- Price: KBSR9 (17-Round), KBSR9-10 (Blackened SS).....\$565.00
- Price: KODBSR9 (17-Round), KODBSR9-10 (OD Green Grip).....\$565.00



RUGER SR9C COMPACT PISTOL

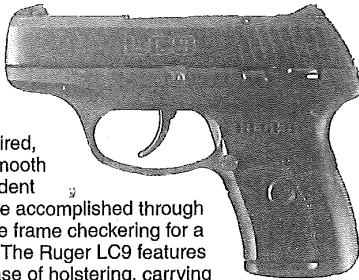
Compact double action only semiauto pistol chambered in 9mm Parabellum. Features include 1911-style ambidextrous manual safety; internal trigger bar interlock and striker blocker; trigger safety; magazine disconnect; loaded chamber

indicator; two magazines, one 10-round and the other 17-round; 3.5-inch barrel; 3-dot sights; accessory rail; brushed stainless or blackened allow finish. Weight 23.40 oz.

Price:\$525.00

RUGER LC9

Caliber: 9mm luger, 7+1 capacity. **Barrel:** 3.12" **Weight:** 17.10 oz. **Grips:** Glass-filled nylon. **Sights:** Adjustable 3-dot. **Features:** double-action-only, hammer-fired, locked-breech pistol with a smooth trigger pull. Control and confident handling of the Ruger LC9 are accomplished through reduced recoil and aggressive frame checkering for a positive grip in all conditions. The Ruger LC9 features smooth "melted" edges for ease of holstering, carrying and drawing. Made in U.S.A. by Sturm, Ruger & Co.



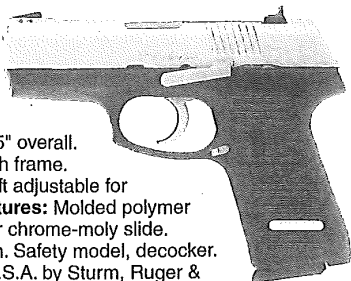
Price:\$443.00



RUGER LCP

Caliber: .380 (6-shot magazine). **Barrel:** 2.75" **Weight:** 9.4 oz. **Length:** 5.16" **Grips:** Glass-filled nylon. **Sights:** Fixed or LaserMax.

Price:\$379
Price:\$443 (LaserMax)



RUGER P95 AUTOLOADING PISTOL

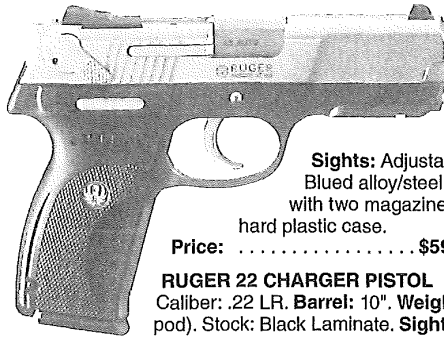
Caliber: 9mm, 15-shot magazine. **Barrel:** 3.9". **Weight:** 30 oz. **Length:** 7.25" overall. **Grips:** Grooved; integral with frame. **Sights:** Blade front, rear drift adjustable for windage; 3-dot system. **Features:** Molded polymer grip frame, stainless steel or chrome-moly slide. Suitable for +P+ ammunition. Safety model, decocker. Introduced 1996. Made in U.S.A. by Sturm, Ruger & Co. Comes with lockable plastic case, spare magazine, loader and lock, Picatinny rails.

Price: KP95PR15 safety model, stainless steel.....\$424.00

Price: P95PR15 safety model, blued finish\$395.00

Price: P95PR 10-round model, blued finish\$393.00

Price: KP95PR 10-round model, stainless steel.....\$424.00



RUGER P345
Caliber: .45 ACP (8-shot magazine). **Barrel:** 4.2" **Weight:** 29 oz. **Length:** 7.5"

Sights: Adjustable 3-dot. **Features:** Blued alloy/steel or stainless. Comes with two magazines, mag loader and hard plastic case.

Price:\$599, \$639 (stainless)

RUGER 22 CHARGER PISTOL

Caliber: .22 LR. **Barrel:** 10". **Weight:** 3.5 lbs (w/out bi-pod). **Stock:** Black Laminate. **Sights:** None. **Features:** Rimfire Autoloading, one configuration, 10/22 action, adjustable bi-pod, new mag release for easier removal,

precision-rifled barrel, black matte finish, combination Weaver-style and tip-off scope mount, 10-shot mag. Intr. 2008. Made in U.S.A. by Sturm, Ruger & Co.

Price: CHR22-10.....\$380.00

RUGER MARK III STANDARD AUTOLOADING PISTOL

Caliber: 22 LR, 10-shot magazine. **Barrel:** 4.5", 4.75", 5.5", 6", or 6-7/8". **Weight:** 33 oz. (4.75" bbl.). **Length:** 9" (4.75" bbl.). **Grips:** Checkered composition grip panels. **Sights:** Fixed, fiber-optic front, fixed rear. **Features:** Updated design of original Standard Auto and Mark II series. Hunter models have lighter barrels. Target models have cocobolo grips; bull, target, competition, and hunter barrels; and adjustable sights. Introduced 2005.

- Price: MKIII4, MKIII6 (blued)\$352.00
- Price: MKIII512 (blued bull barrel)\$417.00
- Price: KMKIII512 (stainless bull barrel)\$527.00
- Price: MKIII678 (blued)\$417.00
- Price: KMKIII678GC (stainless slabside barrel)\$606.00
- Price: KMKIII678H (stainless fluted barrel)\$620.00
- Price: KMKIII45HCL (Crimson Trace Laser Grips, intr. 2008)\$787.00
- Price: KMKIII454 (2009)\$620.00



A-1067

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 36 of 56

HANDGUNS—Autoloaders, Service & Sport

Ruger 22/45 Mark III Pistol

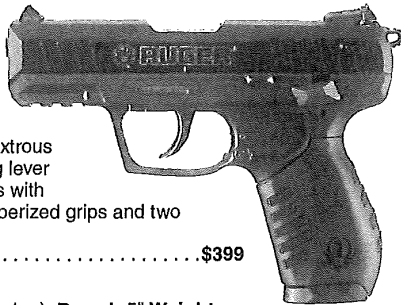
Similar to other 22 Mark III autos except has Zytel grip frame that matches angle and magazine latch of Model 1911 45 ACP pistol. Available in 4" standard, 4.5", 5.5", 6-7/8" bull barrels. Comes with extra magazine, plastic case, lock. Introduced 1992. Hunter introduced 2006.

- Price: P4MKIII, 4" bull barrel, adjustable sights\$380.00
- Price: P45GCMKIII, 4.5" bull barrel, fixed sights\$380.00
- Price: P512MKIII (5.5" bull blued barrel, adj. sights)\$380.00
- Price: KP512MKIII (5.5" stainless bull barrel, adj. sights)\$475.00
- Price: Hunter KP45HMKIII 4.5" barrel (2007), KP678HMKIII, 6-7/8" stainless fluted bull barrel, adj. sights\$562.00

RUGER SR22

Caliber: .22 LR (10-shot magazine). Barrel: 3.5" Weight: 17.5 oz. Length: 6.4" Sights: Adjustable 3-dot. Features: Ambidextrous manual safety/decocking lever and mag release. Comes with two interchangeable rubberized grips and two magazines.

Price:\$399



RUGER SR1911

Caliber: .45 (8-shot magazine). Barrel: 5" Weight: 39 oz. Length: 8.6" Grips: Slim checkered

hardwood. Sights: Novak LoMount Carry rear, standard front. Features: Based on Series 70 design. Flared and lowered ejection port. Extended mag release, thumb safety and slide-stop lever, oversized grip safety, checkered backstrap on the flat mainspring housing. Comes with one 7-shot and one 8-shot magazine.

Price:\$799

SEECAMP LWS 32/380 STAINLESS DA AUTO

Caliber: 32 ACP, 380 ACP Win. Silvertip, 6-shot magazine. Barrel: 2", Integral with frame. Weight: 10.5 oz. Length: 4-1/8" overall. Grips: Glass-filled nylon. Sights: Smooth, no-slug, contoured slide and barrel top. Features: Aircraft quality 17-4 PH stainless steel. Inertia-operated firing pin. Hammer fired double-action-only. Hammer automatically follows slide down to safety rest position after each shot, no manual safety needed. Magazine safety disconnect. Polished stainless. Introduced 1985. From L.W. Seecamp.

- Price: 32\$446.25
- Price: 380\$795.00

SIG SAUER 250 COMPACT AUTO PISTOL

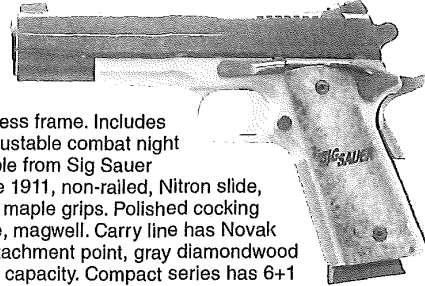
Caliber: 9mm Para. (16-round magazine), 357 SIG, 40 S&W and 45 ACP. Barrel: NA. Weight: 24.6 oz. Length: 7.2" overall. Grips: Interchangeable polymer. Sights: Siglite night sights. Features: Modular design allows for immediate change in caliber and size; subcompact, compact and full. Six different grip combinations for each size. Introduced 2008. From Sig Sauer, Inc.

Price: P250\$750.00

SIG SAUER 1911 PISTOLS

Caliber: 45 ACP, 8-10 shot magazine. Barrel: 5". Weight: 40.3 oz. Length: 8.65" overall. Grips: Checkered wood grips. Sights: Novak night sights. Blade front, drift adjustable rear for windage. Features: Single-action 1911. Hand-fitted dehorned stainless-steel frame and slide; match-grade barrel, hammer/sear set and trigger; 25-lpi front strap checkering, 20-lpi mainspring housing checkering. Beavertail grip safety with speed bump, extended thumb safety, firing pin safety and hammer intercept notch. Introduced 2005. XO series has contrast sights, Ergo Grip XT textured polymer grips. Target line features adjustable target night sights, match barrel, custom wood

grips, non-railed frame in stainless or Nitron finishes. TTT series is two-tone 1911 with Nitron slide and black controls on stainless frame. Includes burled maple grips, adjustable combat night sights. STX line available from Sig Sauer Custom Shop; two-tone 1911, non-railed, Nitron slide, stainless frame, burled maple grips. Polished cocking serrations, flat-top slide, magwell. Carry line has Novak night sights, lanyard attachment point, gray diamondwood or rosewood grips, 8+1 capacity. Compact series has 6+1 capacity, 7.7" OAL, 4.25" barrel, slim-profile wood grips,



weighs 30.3 oz. RCS line (Compact SAS) is Customs Shop version with anti-slug dehorning. Stainless or Nitron finish, Novak night sights, slim-profile gray diamondwood or rosewood grips. 6+1 capacity. 1911 C3 (2008) is a 6+1 compact .45 ACP, rosewood custom wood grips, two-tone and Nitron finishes. Weighs about 30 ounces unloaded, lightweight alloy frame. Length is 7.7". Now offered in more than 30 different models with numerous options for frame size, grips, finishes, sight arrangements and other features. From SIG SAUER, Inc.

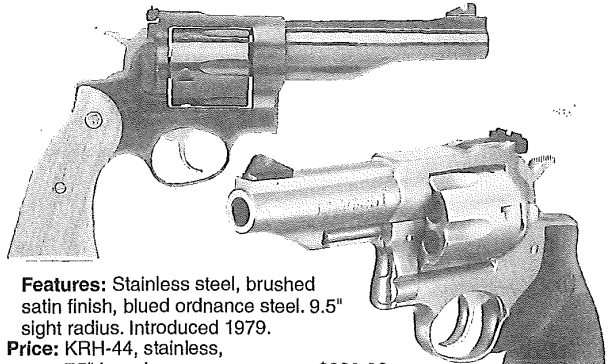
- Price: Model 1911-22-B .22 LR w/custom wood grips\$399.99
- Price: Nitron\$1,200.00
- Price: Stainless\$1,170.00
- Price: XO Black\$1,005.00
- Price: Target Nitron (2006)\$1,230.00
- Price: TTT (2006)\$1,290.00
- Price: STX (2006)\$1,455.00
- Price: Carry Nitron (2006)\$1,200.00
- Price: Compact Nitron\$1,200.00
- Price: RCS Nitron\$1,305.00
- Price: C3 (2008)\$1,200.00
- Price: Platinum Elite\$1,275.00
- Price: Blackwater (2009)\$1,290.00
- Price: Scorpion\$1,128.00

SIG SAUER P210 AUTO PISTOLS

Caliber: 9mm, 8-shot magazine. Barrel: 4.7". Weight: 37.4 oz. Length: 8.5" overall. Grips: Custom wood. Sights: Post and notch and adjustable target sights. Features: The carbon steel slide, machined from solid billet steel, now features a durable Nitron® coating, and the improved beavertail adorns the Nitron coated, heavy-style, carbon steel frame. The P210 Legend also offers an improved manual safety, internal drop safety, side magazine release, and

Prices given are believed to be accurate at time of publication however, many factors affect retail pricing so exact prices are not possible.

HANDGUNS—Double-Action Revolvers, Service & Sport



Features: Stainless steel, brushed satin finish, blued ordnance steel. 9.5" sight radius. Introduced 1979.

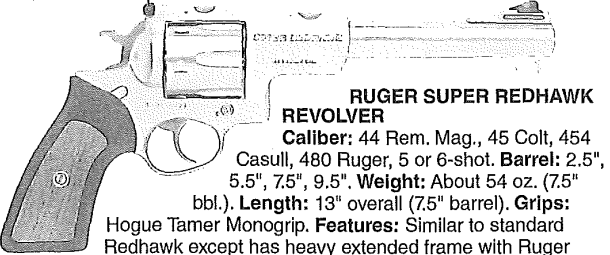
Price: KRH-44, stainless, 7.5" barrel \$989.00

Price: KRH-44R, stainless 7.5" barrel w/scope mount \$989.00

Price: KRH-44S, stainless 5.5" barrel \$989.00

Price: KRH-44A, stainless 4" barrel (2007) ... \$989.00

Price: KRH-45-4, Hogue Monogrip, 45 Colt (2008) \$989.00



RUGER SUPER REDHAWK REVOLVER
Caliber: 44 Rem. Mag., 45 Colt, 454 Casull, 480 Ruger, 5 or 6-shot. **Barrel:** 2.5", 5.5", 7.5", 9.5". **Weight:** About 54 oz. (7.5" bbl.). **Length:** 13" overall (7.5" barrel). **Grips:** Hogue Tamer Monogrip. **Features:** Similar to standard Redhawk except has heavy extended frame with Ruger Integral Scope Mounting System on wide topstrap. Wide hammer spur lowered for better scope clearance. Incorporates mechanical design features and improvements of GP-100. Ramp front sight base has Redhawk-style Interchangeable Insert sight blades, adjustable rear sight. Satin stainless steel and low-glare stainless finishes. Introduced 1987.

Price: .44 Magnum \$1049.00

Price: .454 Casull \$1079.00

Price: .454 Alaskan \$1079.00

Price: .44 Mag. Alaskan \$1079.00



SMITH & WESSON MODEL GOVERNOR™ REVOLVER
Caliber: .410 2 1/2", .45 ACP, .45 Colt; 6 rounds. **Barrel:** 2.75". **Weight:** 35 oz. (2.5" barrel). **Length:** 7.5", (2.5" barrel). **Grip:** Synthetic. **Sights:** Front: Tritium Night Sight (Dovetailed), Rear: fixed. **Grips:** Synthetic. **Finish:** Matte Black. **Weight:** 29.6 oz. **Features:** Capable of chambering a mixture of .45 Colt, .45 ACP and .410 gauge 2 1/2-inch shotshells, the Governor is suited for both close and distant encounters, allowing users to customize the load to their preference. The shooter's choice of ammunition is housed in the revolver's six-shot stainless PVD-coated cylinder, which adds an extra level of protection to this already rugged platform. On top of the revolver's compact 2-3/4" barrel, Smith & Wesson has added a dovetailed Tritium front night sight for enhanced accuracy in low-light conditions, while the Governor's fixed rear sight is aptly suited for this self-defense handgun. The Governor measures 8-1/2" inches in overall length along with a width of 1-3/4". Carry ability of this revolver has been further enhanced with the Governor's unloaded weight of 29.6 ounces and standard matte black finish designed to reduce unwanted glare while adding an all-business like demeanor to this self-defense handgun. On the lower portion of the frame, the revolver will be

packaged with either shock absorbing synthetic grips or with factory-installed laser grips from Crimson Trace®. Accurate, rugged and reliable, the Governor is further enhanced by Smith & Wesson's renowned smooth double-action and crisp single-action trigger pull. The new revolver will also come standard with 2-round and 6-round moon clips. Made in U.S.A. by Smith & Wesson.

Price: \$679.00

Price: with Crimson Trace® Laser Grip \$899.00

SMITH & WESSON MODEL 14 CLASSIC
Caliber: 38 Spec. +P, 6-shot. **Barrel:** 6". **Weight:** 35 oz. **Length:** 11.5". **Grips:** Wood. **Sights:** Pinned Patridge front, micro adjustable rear. **Features:** Recreation of the vintage Model 14 revolver. Carbon steel frame and cylinder with blued finish.

Price: \$995.00

Price: Model 14 150253, nickel finish \$1,074.00



SMITH & WESSON NIGHT GUARD REVOLVERS
Caliber: 357 Mag., 38 Spec. +P, 5-, 6-, 7-, 8-shot. **Barrel:** 2.5 or 2.75" (45 ACP). **Weight:** 24.2 oz. (2.5" barrel). **Length:** 7.325" overall (2.5" barrel). **Grips:** Pachmayr Compac Custom. **Sights:** XS Sight 24/7 Standard Dot Tritium front, Cylinder & Slide Extreme Duty fixed rear. **Features:** Scandium alloy frame, stainless PVD cylinder, matte black finish. Introduced 2008. Made in U.S.A. by Smith & Wesson.

Price: Model 325, 45 ACP, 2.75" barrel, large-frame snubnose \$1,049.00

Price: Model 327, 38/357, 2.5" barrel, large-frame snubnose \$1,049.00

Price: Model 329, 44 Magnum/38 Special (interchangeable), 2.5" barrel, large-frame snubnose \$1,049.00

Price: Model 386, 357 Magnum/44 Special +P (interchangeable), 2.5" barrel, medium-frame snubnose \$979.00

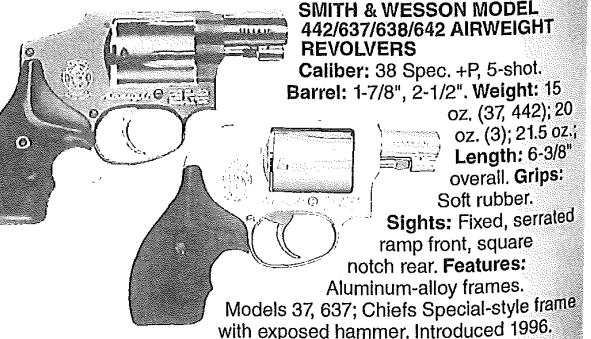
SMITH & WESSON J-FRAME REVOLVERS
 The smallest S&W wheelguns come in a variety of chamberings, barrel lengths, and materials, as noted in the individual model listings.

SMITH & WESSON 60LS/642LS LADYSMITH REVOLVERS
Caliber: .38 Spec. +P, 357 Mag., 5-shot. **Barrel:** 1-7/8" (642LS); 2-1/8" (60LS) **Weight:** 14.5 oz. (642LS); 21.5 oz. (60LS); **Length:** 6.6" overall (60LS); . **Grips:** Wood. **Sights:** Black blade, serrated ramp front, fixed notch rear. **Features:** 60LS model has a Chiefs Special-style frame. 642LS has Centennial-style frame, frosted matte finish, smooth combat wood grips. Introduced 1996. Comes in a fitted carry/storage case. Introduced 1989. Made in U.S.A. by Smith & Wesson.

Price: From \$749.00

SMITH & WESSON MODEL 63
Caliber: 22 LR, 8-shot. **Barrel:** 5". **Weight:** 28.8 oz. **Length:** 9.5" overall. **Grips:** Black rubber. **Sights:** Black ramp front sight, adjustable black blade rear sight. **Features:** Stainless steel construction throughout. Made in U.S.A. by Smith & Wesson.

Price: \$769.00

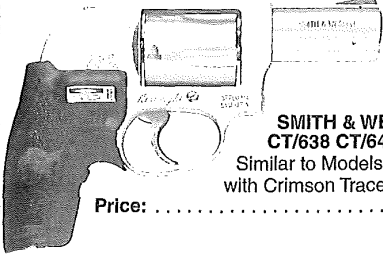


SMITH & WESSON MODEL 442/637/638/642 AIRWEIGHT REVOLVERS
Caliber: 38 Spec. +P, 5-shot. **Barrel:** 1-7/8", 2-1/2". **Weight:** 15 oz. (37, 442); 20 oz. (3); 21.5 oz.; **Length:** 6-3/8" overall. **Grips:** Soft rubber. **Sights:** Fixed, serrated ramp front, square notch rear. **Features:** Aluminum-alloy frames. Models 37, 637; Chiefs Special-style frame with exposed hammer. Introduced 1996. Models 442, 642; Centennial-style frame, enclosed hammer. Model 638, Bodyguard style.

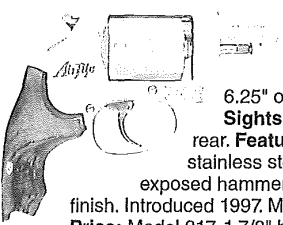
Prices given are believed to be accurate at time of publication however, many factors affect retail pricing so exact prices are not possible.

HANDGUNS—Double-Action Revolvers, Service & Sport

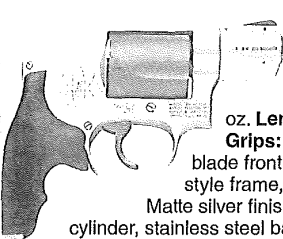
shrouded hammer. Comes in a fitted carry/storage case. Introduced 1989. Made in U.S.A. by Smith & Wesson.
 Price: From\$449.00



SMITH & WESSON MODELS 637 CT/638 CT/642 CT
 Similar to Models 637, 638 and 642 but with Crimson Trace Laser Grips.
 Price:\$669.00

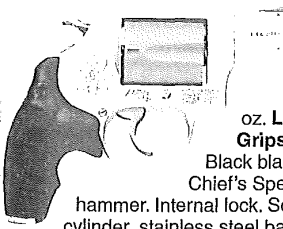


SMITH & WESSON MODEL 317 AIRLITE REVOLVERS
 Caliber: 22 LR, 8-shot. Barrel: 1-7/8". Weight: 10.5 oz. Length: 6.25" overall (1-7/8" barrel). Grips: Rubber. Sights: Serrated ramp front, fixed notch rear. Features: Aluminum alloy, carbon and stainless steels, Chiefs Special-style frame with exposed hammer. Smooth combat trigger. Clear Cote finish. Introduced 1997. Made in U.S.A. by Smith & Wesson.
 Price: Model 317, 1-7/8" barrel\$699.00

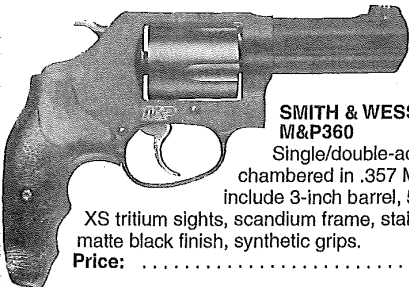


SMITH & WESSON MODEL 340/340PD AIRLITE SC CENTENNIAL
 Caliber: 357 Mag., 38 Spec. +P, 5-shot. Barrel: 1-7/8". Weight: 12 oz. Length: 6-3/8" overall (1-7/8" barrel). Grips: Rounded butt rubber. Sights: Black blade front, rear notch. Features: Centennial-style frame, enclosed hammer. Internal lock. Matte silver finish. Scandium alloy frame, titanium cylinder, stainless steel barrel liner. Made in U.S.A. by Smith & Wesson.
 Price: Model 340\$1,019.00

SMITH & WESSON MODEL 351PD REVOLVER
 Caliber: 22 Mag., 7-shot. Barrel: 1-7/8". Weight: 10.6 oz. Length: 6.25" overall (1-7/8" barrel). Sights: HiViz front sight, rear notch. Grips: Wood. Features: Seven-shot, aluminum-alloy frame. Chiefs Special-style frame with exposed hammer. Nonreflective matte-black finish. Internal lock. Made in U.S.A. by Smith & Wesson.
 Price:\$759.00



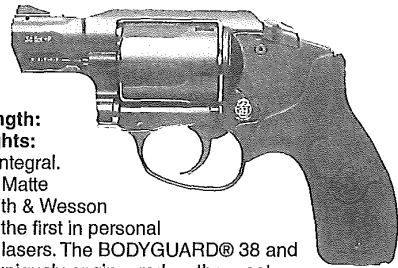
SMITH & WESSON MODEL 360/360PD AIRLITE CHIEF'S SPECIAL
 Caliber: 357 Mag., 38 Spec. +P, 5-shot. Barrel: 1-7/8". Weight: 12 oz. Length: 6-3/8" overall (1-7/8" barrel). Grips: Rounded butt rubber. Sights: Black blade front, fixed rear notch. Features: Chief's Special-style frame with exposed hammer. Internal lock. Scandium alloy frame, titanium cylinder, stainless steel barrel. Made in U.S.A. by Smith & Wesson.
 Price: 360PD\$988.00



SMITH & WESSON MODEL M&P360
 Single/double-action J-frame revolver chambered in .357 Magnum. Features include 3-inch barrel, 5-round cylinder, fixed XS tritium sights, scandium frame, stainless steel cylinder, matte black finish, synthetic grips.
 Price:\$980.00

SMITH & WESSON BODYGUARD® 38 REVOLVER

Caliber: .38 S&W Special +P; 5 rounds. Barrel: 1.9". Weight: 14.3 oz. Length: 6.6". Grip: Synthetic. Sights: Front: Black ramp, Rear: integral. Grips: Synthetic. Finish: Matte Black. Features: The Smith & Wesson BODYGUARD® series is the first in personal protection with integrated lasers. The BODYGUARD® 38 and BODYGUARD® 380 are uniquely engineered as the most state-of-the-art, concealable and accurate personal protection possible. Lightweight, simple to use and featuring integrated laser sights – nothing protects like a BODYGUARD.
 Price:\$509.00



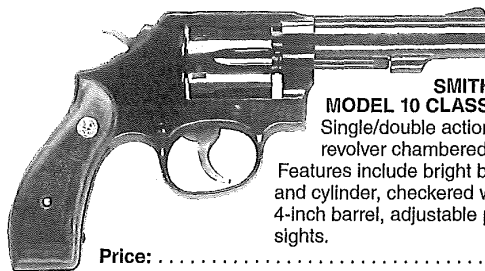
SMITH & WESSON MODEL 438
 Caliber: 38 Spec. +P, 5-shot. Barrel: 1-7/8". Weight: 15.1 oz. Length: 6.31" overall. Grips: Synthetic. Sights: Fixed front and rear. Features: Aluminum alloy frame, stainless steel cylinder. Matte black finish throughout. Made in U.S.A. by Smith & Wesson.
 Price:\$449.00

SMITH & WESSON MODEL 640 CENTENNIAL DA ONLY

Caliber: 357 Mag., 38 Spec. +P, 5-shot. Barrel: 2-1/8". Weight: 23 oz. Length: 6.75" overall. Grips: Uncle Mike's Boot grip. Sights: Serrated ramp front, fixed notch rear. Features: Stainless steel. Fully concealed hammer, snag-proof smooth edges. Internal lock. Introduced 1995 in 357 Mag.
 Price:\$798.00

SMITH & WESSON MODEL 649 BODYGUARD REVOLVER
 Caliber: 357 Mag., 38 Spec. +P, 5-shot. Barrel: 2-1/8". Weight: 23 oz. Length: 6-5/8" overall. Grips: Uncle Mike's Combat. Sights: Black pinned ramp front, fixed notch rear. Features: Stainless steel construction, satin finish. Internal lock. Bodyguard style, shrouded hammer. Made in U.S.A. by Smith & Wesson.
 Price:\$798.00

SMITH & WESSON K-FRAME/L-FRAME REVOLVERS
 These mid-size S&W wheelguns come in a variety of chamberings, barrel lengths, and materials, as noted in individual model listings.



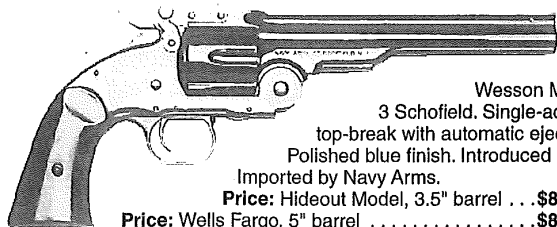
SMITH & WESSON MODEL 10 CLASSIC
 Single/double action K frame revolver chambered in .38 Special. Features include bright blue steel frame and cylinder, checkered wood grips, 4-inch barrel, adjustable patridge-style sights.
 Price:\$719.00



SMITH & WESSON MODEL 48 CLASSIC
 Single/double action K frame revolver chambered in .22 Magnum Rimfire (.22 WMR). Features include bright blue steel frame and cylinder, checkered wood grips, 4- or 6-inch barrel, adjustable patridge-style sights.
 Price:\$1,043.00 to \$1,082.00

Prices given are believed to be accurate at time of publication however, many factors affect retail pricing so exact prices are not possible.

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 39 of 56
HANDGUNS—Single-Action Revolvers



Wesson Model 3 Schofield. Single-action, top-break with automatic ejection. Polished blue finish. Introduced 1994. Imported by Navy Arms.
Price: Hideout Model, 3.5" barrel . . . \$882.00
 Price: Wells Fargo, 5" barrel . . . \$882.00
 Price: U.S. Cavalry model, 7" barrel, military markings . . . \$882.00

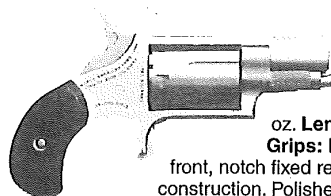


NAVY ARMS FOUNDER'S MODEL SCHOFIELD REVOLVER
Caliber: 45 Colt, 38 Spl., 6-shot cylinder. **Barrel:** 7.5". **Weight:** 41 oz. **Length:** 13.75".
Grips: Deluxe hand-rubbed walnut with cartouching. **Sights:** Blade front, notch rear. **Features:** Charcoal blued with bone color case-hardened receiver, trigger, hammer and backstrap. Limited production "VF" serial number prefix. Introduced 2005. Imported by Navy Arms.
Price: . . . \$924.00

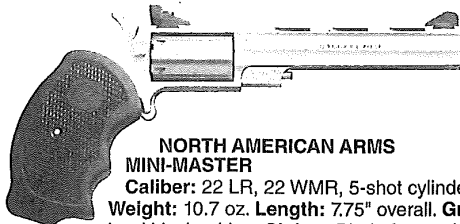


NAVY ARMS NEW MODEL RUSSIAN REVOLVER
Caliber: 44 Russian, 6-shot cylinder. **Barrel:** 6.5". **Weight:** 40 oz. **Length:** 12" overall. **Grips:** Smooth walnut. **Sights:** Blade front, notch rear.
Features: Replica of the S&W Model 3 Russian Third Model revolver. Spur trigger guard, polished blue finish. Introduced 1999. Imported by Navy Arms.
Price: . . . \$924.00

NAVY ARMS SCOUT SMALL FRAME SINGLE-ACTION REVOLVER
Caliber: 38 Spec., 6-shot cylinder. **Barrel:** 4.75", 5.5". **Weight:** 37 oz. **Length:** 10.75" overall (5.5" barrel). **Grips:** Checkered black polymer. **Sights:** Blade front, notch rear. **Features:** Blued with color case-hardened receiver, trigger and hammer; German silver backstrap and triggerguard. Introduced 2005. Imported by Navy Arms.
Price: . . . \$545.00

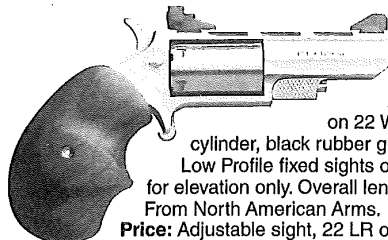


NORTH AMERICAN ARMS MINI REVOLVERS
Caliber: 22 Short, 22 LR, 22 WMR, 5-shot. **Barrel:** 1-1/8", 1-5/8". **Weight:** 4 to 6.6 oz. **Length:** 3-5/8" to 6-1/8" overall.
Grips: Laminated wood. **Sights:** Blade front, notch fixed rear. **Features:** All stainless steel construction. Polished satin and matte finish. Engraved models available. From North American Arms.
Price: 22 Short, 22 LR . . . \$229.00



NORTH AMERICAN ARMS MINI-MASTER
Caliber: 22 LR, 22 WMR, 5-shot cylinder. **Barrel:** 4". **Weight:** 10.7 oz. **Length:** 7.75" overall. **Grips:** Checkered hard black rubber. **Sights:** Blade front, white outline rear adjustable for elevation, or fixed. **Features:** Heavy vented barrel; full-size grips. Non-fluted cylinder. Introduced 1989.

Price: Fixed sight . . . \$284.00
Price: Adjustable sight . . . \$314.00



NORTH AMERICAN ARMS BLACK WIDOW REVOLVER
 Similar to Mini-Master, 2" heavy vent barrel. Built on 22 WMR frame. Non-fluted cylinder, black rubber grips. Available with Millet Low Profile fixed sights or Millet sight adjustable for elevation only. Overall length 5-7/8", weighs 8.8 oz. From North American Arms.
Price: Adjustable sight, 22 LR or 22 WMR . . . \$299.00
Price: Fixed sight, 22 LR or 22 WMR . . . \$269.00

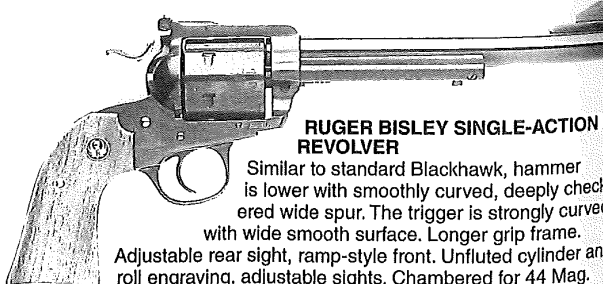
NORTH AMERICAN ARMS "THE EARL" SINGLE-ACTION REVOLVER
Caliber: 22 Magnum with 22 LR accessory cylinder, 5-shot cylinder. **Barrel:** 4" octagonal. **Weight:** 6.8 oz. **Length:** 7-3/4" overall. **Grips:** Wood. **Sights:** Barleycorn front and fixed notch rear. **Features:** Single-action mini-revolver patterned after 1858-style Remington percussion revolver. Includes a spur trigger and a faux loading lever that serves as cylinder pin release.
Price: . . . \$289.00 (22 Magnum only); \$324.00 (convertible)

RUGER NEW MODEL SINGLE SIX & NEW MODEL .32 H&R SINGLE SIX REVOLVERS
Caliber: 17 HMR, 22 LR, 22 Mag. **Barrel:** 4-5/8", 5.5", 6.5", 7.5", 9.5". 6-shot. **Grips:** Rosewood, black laminate. **Sights:** Adjustable or fixed. **Features:** Blued or stainless metalwork, short grips available, convertible models available. Introduced 2003 in 17 HMR.
Price: 17 HMR (blued) . . . \$519.00
Price: 22 LR/22 Mag., from . . . \$506.00

RUGER SINGLE-TEN
Caliber: 22 LR, 10-shot cylinder. **Barrel:** 5.5" **Weight:** 38 oz. **Length:** 11". **Grips:** Hardwood Gunfighter. **Sights:** Williams adjustable fiber optic. **Finish:** Stainless steel.
Price: . . . \$629



RUGER NEW MODEL BLACKHAWK/BLACKHAWK CONVERTIBLE
Caliber: 30 Carbine, 327 Federal, 357 Mag./38 Spec., 41 Mag., 44 Special, 45 Colt, 6-shot. **Barrel:** 4-5/8", 5.5", 6.5", 7.5" (30 carbine and 45 Colt). **Weight:** 36 to 45 oz. **Lengths:** 10-3/8" to 13.5". **Grips:** Rosewood or black checkered. **Sights:** 1/8" ramp front, micro-click rear adjustable for windage and elevation. **Features:** Rosewood grips, Ruger transfer bar safety system, independent firing pin, hardened chrome-moly steel frame, music wire springs through-out. Case and lock included. Convertibles come with extra cylinder.
Price: 30 Carbine, 7.5" (BN31, blued) . . . \$541.00
Price: 357 Mag. (blued or satin stainless), from . . . \$541.00
Price: 41 Mag. (blued) . . . \$541.00
Price: 45 Colt (blued or satin stainless), from . . . \$541.00
Price: 357 Mag./9mm Para. Convertible (BN34XL, BN36XL) . . . \$617.00
Price: 45 Colt/45 ACP Convertible (BN44X, BN455XL) . . . \$617.00

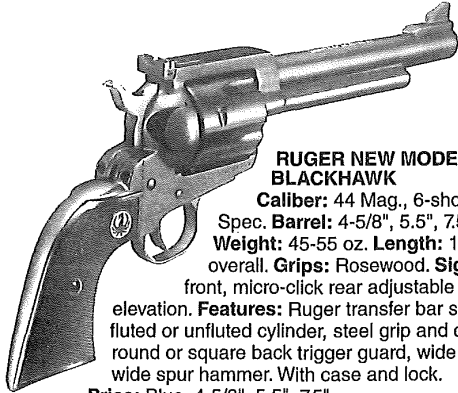


RUGER BISLEY SINGLE-ACTION REVOLVER
 Similar to standard Blackhawk, hammer is lower with smoothly curved, deeply checkered wide spur. The trigger is strongly curved with wide smooth surface. Longer grip frame. Adjustable rear sight, ramp-style front. Unfluted cylinder and roll engraving, adjustable sights. Chambered for 44 Mag.

A-1071

HANDGUNS—Single-Action Revolvers

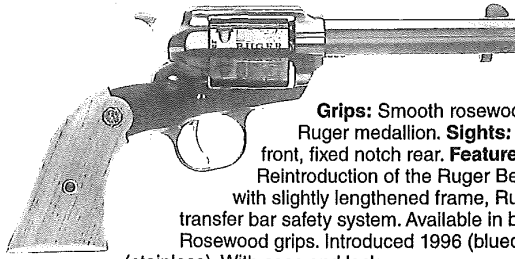
and 45 Colt; 7.5" barrel; overall length 13.5"; weighs 48-51 oz. Plastic lockable case. Orig. fluted cylinder introduced 1985; discontinued 1991. Unfluted cylinder introduced 1986.
 Price: RB-44W (44 Mag), RB45W (45 Colt)\$683.00



RUGER NEW MODEL SUPER BLACKHAWK

Caliber: 44 Mag., 6-shot. Also fires 44 Spec. **Barrel:** 4-5/8", 5.5", 7.5", 10.5" bull. **Weight:** 45-55 oz. **Length:** 10.5" to 16.5" overall. **Grips:** Rosewood. **Sights:** 1/8" ramp front, micro-click rear adjustable for windage and elevation. **Features:** Ruger transfer bar safety system, fluted or unfluted cylinder, steel grip and cylinder frame, round or square back trigger guard, wide serrated trigger, wide spur hammer. With case and lock.

- Price:** Blue, 4-5/8", 5.5", 7.5" (S-458N, S-45N, S-47N)\$650.00
 Price: Blue, 10.5" bull barrel (S-411N)\$667.00
 Price: Stainless, 4-5/8", 5.5", 7.5" (KS-458N, KS-45N, KS-47N)\$667.00
 Price: Stainless, 10.5" bull barrel (KS-411N)\$694.00
 Price: Super Blackhawk 50th Anniversary: Gold highlights, ornamentation; commemorates 50-year anniversary of Super Blackhawk\$729.00



Grips: Smooth rosewood with Ruger medallion. **Sights:** Blade front, fixed notch rear. **Features:** Reintroduction of the Ruger Bearcat with slightly lengthened frame, Ruger transfer bar safety system. Available in blue only. Rosewood grips. Introduced 1996 (blued), 2003 (stainless). With case and lock.

- Price:** SBC-4, blued\$501.00
 Price: KSBC-4, satin stainless\$540.00

STI TEXICAN SINGLE-ACTION REVOLVER

Caliber: 45 Colt, 6-shot. **Barrel:** 5.5", 4140 chrome-moly steel by Green Mountain Barrels. 1:16 twist, air gauged to .0002". Chamber to bore alignment less than .001". Forcing cone angle, 3 degrees. **Weight:** 36 oz. **Length:** 11". **Grips:** "No crack" polymer. **Sights:** Blade front, fixed notch rear. **Features:** Parts made by ultra-high speed or electron discharge machined processes from chrome-moly steel forgings or bar stock. Competition sights, springs, triggers and hammers. Frames, loading gates, and hammers are color case hardened by Turnbull Restoration. Frame, back strap, loading gate, trigger guard, cylinders made of 4140 re-sulphurized Maxell 3.5 steel. Hammer firing pin (no transfer bar). S.A.S.S. approved. Introduced 2008. Made in U.S.A. by STI International.

- Price:** 5.5" barrel\$1,299.99

UBERTI 1851-1860 CONVERSION REVOLVERS

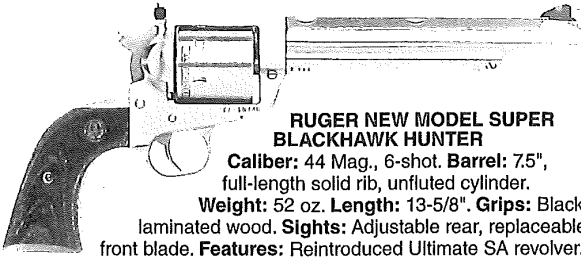
Caliber: 38 Spec., 45 Colt, 6-shot engraved cylinder. **Barrel:** 4.75", 5.5", 7.5", 8" **Weight:** 2.6 lbs. (5.5" bbl.). **Length:** 13" overall (5.5" bbl.). **Grips:** Walnut. **Features:** Brass backstrap, trigger guard; color case-hardened frame, blued barrel, cylinder. Introduced 2007. Imported from Italy by Stoeger Industries.

- Price:** 1851 Navy\$519.00
 Price: 1860 Army\$549.00

UBERTI 1871-1872 OPEN TOP REVOLVERS

Caliber: 38 Spec., 45 Colt, 6-shot engraved cylinder. **Barrel:** 4.75", 5.5", 7.5". **Weight:** 2.6 lbs. (5.5" bbl.). **Length:** 13" overall (5.5" bbl.). **Grips:** Walnut. **Features:** Blued backstrap, trigger guard; color case-hardened frame, blued barrel, cylinder. Introduced 2007. Imported from Italy by Stoeger Industries.

- Price:**\$499.00



RUGER NEW MODEL SUPER BLACKHAWK HUNTER

Caliber: 44 Mag., 6-shot. **Barrel:** 7.5", full-length solid rib, unfluted cylinder. **Weight:** 52 oz. **Length:** 13-5/8". **Grips:** Black laminated wood. **Sights:** Adjustable rear, replaceable front blade. **Features:** Reintroduced Ultimate SA revolver. Includes instruction manual, high-impact case, set 1" medium scope rings, gun lock, ejector rod as standard.

- Price:** Hunter model, satin stainless, 7.5" (KS-47NHNN)\$781.00
 Price: Hunter model, Bisley frame, satin stainless 7.5" (KS-47NHB)\$781.00



RUGER NEW VAQUERO SINGLE-ACTION REVOLVER

Caliber: 357 Mag., 45 Colt, 6-shot. **Barrel:** 4-5/8", 5.5", 7.5". **Weight:** 39-45 oz. **Length:** 10.5" overall (4-5/8" barrel). **Grips:** Rubber with Ruger medallion. **Sights:** Fixed blade front, fixed notch rear. **Features:** Transfer bar safety system and loading gate interlock. Blued model color case-hardened finish on frame, rest polished and blued. Engraved model available. Gloss stainless. Introduced 2005.

- Price:** 357 Mag., blued or stainless\$719.00
 Price: 45 Colt, blued or stainless\$719.00

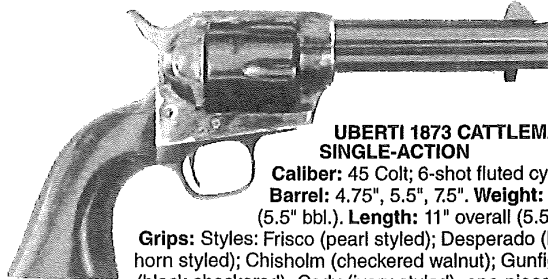
RUGER NEW MODEL BISLEY VAQUERO

Similar to New Vaquero but with Bisley-style hammer and grip frame. Chambered in 357 and 45 Colt. Features include a 5.5" barrel, simulated ivory grips, fixed sights, six-shot cylinder. Overall length is 11.12", weighs 45 oz.

- Price:**\$799.00

RUGER NEW BEARCAT SINGLE-ACTION

Caliber: 22 LR, 6-shot. **Barrel:** 4". **Weight:** 24 oz. **Length:** 9" overall.



UBERTI 1873 CATTLEMAN SINGLE-ACTION

Caliber: 45 Colt; 6-shot fluted cylinder. **Barrel:** 4.75", 5.5", 7.5". **Weight:** 2.3 lbs. (5.5" bbl.). **Length:** 11" overall (5.5" bbl.).

Grips: Styles: Frisco (pearl styled); Desperado (buffalo horn styled); Chisholm (checkered walnut); Gunfighter (black checkered); Cody (ivory styled), one-piece walnut. **Sights:** Blade front, groove rear. **Features:** Steel or brass backstrap, trigger guard; color case-hardened frame, blued barrel, cylinder. NM designates New Model plunger style frame; OM designates Old Model screw cylinder pin retainer. Imported from Italy by Stoeger Industries.

- Price:** 1873 Cattleman Frisco\$789.00
 Price: 1873 Cattleman Desperado (2006)\$789.00
 Price: 1873 Cattleman Chisholm (2006)\$539.00
 Price: 1873 Cattleman NM, blued 4.75" barrel\$479.00
 Price: 1873 Cattleman NM, Nickel finish, 7.5" barrel\$609.00
 Price: 1873 Cattleman Cody\$789.00

UBERTI 1873 CATTLEMAN BIRD'S HEAD SINGLE ACTION

Caliber: 357 Mag., 45 Colt; 6-shot fluted cylinder **Barrel:** 3.5", 4", 4.75", 5.5". **Weight:** 2.3 lbs. (5.5" bbl.). **Length:** 10.9" overall (5.5" bbl.). **Grips:** One-piece walnut. **Sights:** Blade front, groove rear. **Features:** Steel or brass backstrap, trigger guard; color case-

Prices given are believed to be accurate at time of publication however, many factors affect retail pricing so exact prices are not possible.

A-1072

CENTERFIRE RIFLES—Lever & Slide

EMF 1860 HENRY RIFLE

Caliber: 44-40 or 45 Colt. **Barrel:** 24". **Weight:** About 9 lbs. **Length:** About 43.75" overall. **Stock:** Oil-stained American walnut. **Sights:** Blade front, rear adjustable for elevation. **Features:** Reproduction of the original Henry rifle with brass frame and buttplate, rest blued. Imported by EMF.
Price: Brass frame \$1,149.90
Price: Casehardened frame \$1,229.90

EMF 1866 YELLOWBOY LEVER ACTIONS

Caliber: 38 Spec., 44-40, 45 LC. **Barrel:** 19" (carbine), 24" (rifle). **Weight:** 9 lbs. **Length:** 43" overall (rifle). **Stock:** European walnut. **Sights:** Bead front, open adjustable rear. **Features:** Solid brass frame, blued barrel, lever, hammer, buttplate. Imported from Italy by EMF.
Price: Rifle \$1,044.90
Price: Border Rifle, Short \$969.90

EMF MODEL 1873 LEVER-ACTION RIFLE

Caliber: 32/20, 357 Mag., 38/40, 44-40, 45 Colt. **Barrel:** 18", 20", 24", 30". **Weight:** 8 lbs. **Length:** 43.25" overall. **Stock:** European walnut. **Sights:** Bead front, rear adjustable for windage and elevation. **Features:** Color case-hardened frame (blue on carbine). Imported by EMF.
Price: \$1,099.90

EMF MODEL 1873 REVOLVER CARBINE

Caliber: 357 Mag., 45 Colt. **Barrel:** 18". **Weight:** 4 lbs., 8 oz. **Length:** 43-3/4" overall. **Stock:** One-piece walnut. **Sights:** Blade front, notch rear. **Features:** Color case-hardened frame, blue barrel, backstrap and trigger guard. Introduced 1998. Imported from Italy by EMF.
Price: Standard \$979.90 to \$1,040.00

HENRY .45-70

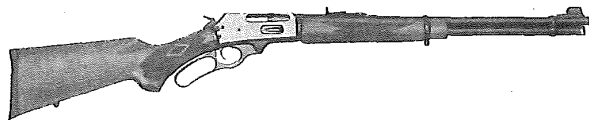
Caliber: 45-70 (4-shot magazine). **Barrel:** 18.5". **Weight:** 7 lbs. **Stock:** Pistol grip walnut. **Sights:** XS Ghost Rings with blade front.
PRICE: \$800

HENRY BIG BOY LEVER-ACTION CARBINE

Caliber: 357 Magnum, 44 Magnum, 45 Colt, 10-shot tubular magazine. **Barrel:** 20" octagonal, 1:38 right-hand twist. **Weight:** 8.68 lbs. **Length:** 38.5" overall. **Stock:** Straight-grip American walnut, brass buttplate. **Sights:** Marbles full adjustable semi-buckhorn rear, brass bead front. **Features:** Brassite receiver not tapped for scope mount. Made in U.S.A. by Henry Repeating Arms.
Price: H006 44 Magnum, walnut, blued barrel \$899.95
Price: H006DD Deluxe 44 Magnum, engraved receiver . . . \$1,995.95

HENRY .30/30 LEVER-ACTION CARBINE

Same as the Big Boy except has straight grip American walnut, 30-30 only, 6-shot. Receivers are drilled and tapped for scope mount. Made in U.S.A. by Henry Repeating Arms.
Price: H009 Blued receiver, round barrel \$749.95
Price: H009B Brass receiver, octagonal barrel \$969.95



MARLIN MODEL 336C LEVER-ACTION CARBINE

Caliber: 30-30 or 35 Rem., 6-shot tubular magazine. **Barrel:** 20" Micro-Groove. **Weight:** 7 lbs. **Length:** 38.5" overall. **Stock:** Checkered American black walnut, capped pistol grip. Mar-Shield finish; rubber buttpad; swivel studs. **Sights:** Ramp front with Wide-Scan hood, semi-buckhorn folding rear adjustable for windage and elevation. **Features:** Hammer-block safety. Receiver tapped for scope mount, offset hammer spur; top of receiver sandblasted to prevent glare. Includes safety lock.
Price: \$530.00

MARLIN MODEL 336SS LEVER-ACTION CARBINE

Same as the 336C except receiver, barrel and other major parts are machined from stainless steel. 30-30 only, 6-shot; receiver tapped for scope. Includes safety lock.
Price: \$650.00

MARLIN MODEL 336W LEVER-ACTION RIFLE

Similar to the Model 336C except has walnut-finished, cut-checkered

Maine birch stock; blued steel barrel band has integral sling swivel; no front sight hood; comes with padded nylon sling; hard rubber buttplate. Introduced 1998. Includes safety lock. Made in U.S.A. by Marlin.
Price: \$452.00
Price: With 4x scope and mount \$495.00



MARLIN 336BL

Lever action rifle chambered for .30-30. Features include 6-shot full length tubular magazine; 18-inch blued barrel with Micro-Groove rifling (12 grooves); big-loop finger lever; side ejection; blued steel receiver; hammer block safety; brown laminated hardwood pistol-grip stock with fluted comb; cut checkering; deluxe recoil pad; blued swivel studs.
Price: N/A



MARLIN 336 DELUXE

Lever action rifle chambered in .30-30. Features include 6-shot tubular magazine; side ejection; solid top receiver; highly polished deep blue finish; hammer block safety; #1 grade full fancy American black walnut stock and forend; 20-inch barrel with Micro-Groove rifling (12 grooves); adjustable semi-buckhorn folding rear, ramp front sight with brass bead and Wide-Scan™ hood. Solid top receiver tapped for scope mount; offset hammer spur (right or left hand) for scope use.
Price: N/A

MARLIN MODEL XLR LEVER-ACTION RIFLES

Similar to Model 336C except has an 24" stainless barrel with Ballard-type cut rifling, stainless steel receiver and other parts, laminated hardwood stock with pistol grip, nickel-plated swivel studs. Chambered for 30-30 Win. with Hornady spire-pointed Flex-Tip cartridges. Includes safety lock. Introduced 2006. Similar models chambered for 308 Marlin Express introduced in 2007
Price: Model 336XLR \$816.00



MARLIN MODEL 308/338 MXLR

Caliber: 338 Marlin Express. **Barrel:** 24" stainless steel. **Weight:** 7.5 lbs. **Length:** 42.5" overall. **Features:** Stainless steel receiver, lever and magazine tube. Black/gray laminated checkered stock and forend. Hooded ramp front sight and adjustable semi-buckhorn rear; drilled and tapped for scope mounts. Receiver-mounted crossbolt safety.
Price: Model 338MXLR \$806.00
Price: Model 308MXLR: 308 Marlin Express \$806.00
Price: Model 338MX: Similar to Model 338MXLR but with blued metal and walnut stock and forend \$611.00
Price: Model 308MX: 308 Marlin Express \$611.00

MARLIN MODEL 444 LEVER-ACTION SPORTER

Caliber: 444 Marlin, 5-shot tubular magazine. **Barrel:** 22" deep cut Ballard rifling. **Weight:** 7.5 lbs. **Length:** 40.5" overall. **Stock:** Checkered American black walnut, capped pistol grip, rubber rifle buttpad. Mar-Shield finish; swivel studs. **Sights:** Hooded ramp front, folding semi-buckhorn rear adjustable for windage and elevation. **Features:** Hammer-block safety. Receiver tapped for scope mount; offset hammer spur. Includes safety lock.
Price: \$619.00

MARLIN MODEL 444XLR LEVER-ACTION RIFLE

Similar to Model 444 except has an 24" stainless barrel with Ballard-

A-1073

CENTERFIRE RIFLES—Lever & Slide

type cut rifling, stainless steel receiver and other parts, laminated hardwood stock with pistol grip, nickel-plated swivel studs. Chambered for 444 Marlin with Hornady Evolution spire-pointed Flex-Tip cartridges. Includes safety lock. Introduced 2006.

Price: (Model 444XLR)\$816.00

MARLIN MODEL 1894 LEVER-ACTION CARBINE

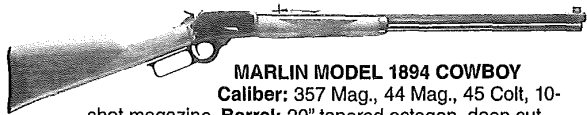
Caliber: 44 Spec./44 Mag., 10-shot tubular magazine. Barrel: 20" Ballard-type rifling. Weight: 6 lbs. Length: 37.5" overall. Stock: Checkered American black walnut, straight grip and forend. Mar-Shield finish. Rubber rifle butt pad; swivel studs. Sights: Wide-Scan hooded ramp front, semi-buckhorn folding rear adjustable for windage and elevation. Features: Hammer-block safety. Receiver tapped for scope mount, offset hammer spur, solid top receiver sand blasted to prevent glare. Includes safety lock.

Price:\$576.00

MARLIN MODEL 1894C CARBINE

Similar to the standard Model 1894 except chambered for 38 Spec./357 Mag. with full-length 9-shot magazine, 18.5" barrel, hammer-block safety, hooded front sight. Introduced 1983. Includes safety lock.

Price:\$576.00



MARLIN MODEL 1894 COWBOY

Caliber: 357 Mag., 44 Mag., 45 Colt, 10-shot magazine. Barrel: 20" tapered octagon, deep cut rifling. Weight: 7.5 lbs. Length: 41.5" overall. Stock: Straight grip American black walnut, hard rubber buttplate, Mar-Shield finish. Sights: Marble carbine front, adjustable Marble semi-buckhorn rear. Features: Squared finger lever; straight grip stock; blued steel forend tip. Designed for Cowboy Shooting events. Introduced 1996. Includes safety lock. Made in U.S.A. by Marlin.

Price:\$822.00

MARLIN MODEL 1894SS

Similar to Model 1894 except has stainless steel barrel, receiver, lever, guard plate, magazine tube and loading plate. Nickel-plated swivel studs.

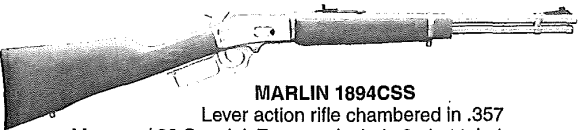
Price:\$704.00



MARLIN 1894 DELUXE

Lever action rifle chambered in .44 Magnum/.44 Special. Features include 10-shot tubular magazine; squared finger lever; side ejection; richly polished deep blued metal surfaces; solid top receiver; hammer block safety; #1 grade fancy American black walnut straight-grip stock and forend; cut checkering; rubber rifle butt pad; Mar-Shield finish; blued steel fore-end cap; swivel studs; deep-cut Ballard-type rifling (6 grooves).

Price:N/A



MARLIN 1894CSS

Lever action rifle chambered in .357 Magnum/.38 Special. Features include 9-shot tubular magazine; stainless steel receiver, barrel, lever, trigger and hammer; squared finger lever; side ejection; solid top receiver; hammer block safety; American black walnut straight-grip stock and forend; cut checkering; rubber rifle butt pad; Mar-Shield finish.

Price:N/A



MARLIN MODEL 1895 LEVER-ACTION RIFLE

Caliber: 45-70 Govt., 4-shot tubular magazine. Barrel: 22" round. Weight: 7.5 lbs. Length: 40.5" overall. Stock: Checkered American black walnut, full pistol grip. Mar-Shield finish; rubber

butt pad; quick detachable swivel studs. Sights: Bead front with Wide-Scan hood, semi-buckhorn folding rear adjustable for windage and elevation. Features: Hammer-block safety. Solid receiver tapped for scope mounts or receiver sights; offset hammer spur. Includes safety lock.

Price:\$619.00

MARLIN MODEL 1895G GUIDE GUN LEVER-ACTION RIFLE

Similar to Model 1895 with deep-cut Ballard-type rifling; straight-grip walnut stock. Overall length is 37", weighs 7 lbs. Introduced 1998. Includes safety lock. Made in U.S.A. by Marlin.

Price:\$630.00

MARLIN MODEL 1895GS GUIDE GUN

Similar to Model 1895G except receiver, barrel and most metal parts are machined from stainless steel. Chambered for 45-70 Govt., 4-shot, 18.5" barrel. Overall length is 37", weighs 7 lbs. Introduced 2001. Includes safety lock. Made in U.S.A. by Marlin.

Price:\$752.00

MARLIN MODEL 1895 SBLR

Similar to Model 1895GS Guide Gun but with stainless steel barrel (18.5"), receiver, large loop lever and magazine tube. Black/gray laminated buttstock and forend, XS ghost ring rear sight, hooded ramp front sight, receiver/barrel-mounted top rail for mounting accessory optics. Chambered in 45-70 Government. Overall length is 42.5", weighs 7.5 lbs.

Price:\$979.00

MARLIN MODEL 1895 COWBOY LEVER-ACTION RIFLE

Similar to Model 1895 except has 26" tapered octagon barrel with Ballard-type rifling, Marble carbine front sight and Marble adjustable semi-buckhorn rear sight. Receiver tapped for scope or receiver sight. Overall length is 44.5", weighs about 8 lbs. Introduced 2001. Includes safety lock. Made in U.S.A. by Marlin.

Price:\$785.00

MARLIN MODEL 1895XLR LEVER-ACTION RIFLE

Similar to Model 1895 except has an 24" stainless barrel with Ballard-type cut rifling, stainless steel receiver and other parts, laminated hardwood stock with pistol grip, nickel-plated swivel studs. Chambered for 45-70 Govt. Government with Hornady Evolution spire-pointed Flex-Tip cartridges. Includes safety lock. Introduced 2006.

Price: (Model 1895MXLR)\$816.00



MARLIN 1895GBL

Lever action rifle chambered in .45-70 Government. Features include 6-shot, full-length tubular magazine; 18-1/2-inch barrel with deep-cut Ballard-type rifling (6 grooves); big-loop finger lever; side ejection; solid-top receiver; deeply blued metal surfaces; hammer block safety; pistol-grip two tone brown laminate stock with cut checkering; ventilated recoil pad; Mar-Shield finish, swivel studs.

Price:N/A

MOSSBERG 464 LEVER ACTION RIFLE

Caliber: 30-30 Win., 6-shot tubular magazine. Barrel: 20" round. Weight: 6.7 lbs. Length: 38.5" overall. Stock: Hardwood with straight or pistol grip, quick detachable swivel studs. Sights: Folding rear sight, adjustable for windage and elevation. Features: Blued receiver and barrel, receiver drilled and tapped, two-position top-tang safety. Available with straight grip or semi-pistol grip. Introduced 2008. From O.F. Mossberg & Sons, Inc.

Price:\$497.00

NAVY ARMS 1874 SHARPS #2 CREEDMORE RIFLE

Caliber: 45-70 Govt. Barrel: 30" octagon. Weight: 10 lbs. Length: 48" overall. Sights: Soule target grade rear tang sight, front globe with 12 inserts. Features: Highly polished nickel receiver and action, double-set triggers. From Navy Arms.

Price: Model SCR072 (2008)\$1,816.00

NAVY ARMS MILITARY HENRY RIFLE

Caliber: 44-40 or 45 Colt, 12-shot magazine. Barrel: 24.25" Weight: 9 lbs., 4 oz. Stock: European walnut. Sights: Blade front, adjustable

Prices given are believed to be accurate at time of publication however, many factors affect retail pricing so exact prices are not possible.

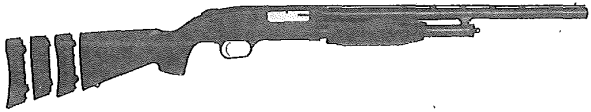
A-1074

SHOTGUNS—Pumps



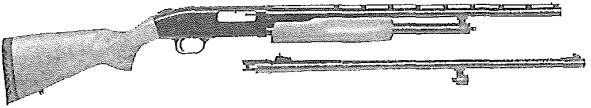
camouflage. Cut-checked grip and forend. **Sights:** White bead front, brass mid-bead; fiber-optic. **Features:** Ambidextrous thumb safety, twin extractors, disconnecting safety, dual action bars. Quiet Carry forend. Many barrels are ported. From Mossberg.

Price: Turkey \$435.00
Price: Waterfowl, from \$435.00
Price: Combo, from \$414.00
Price: Field, from \$375.00
Price: Slugster, from \$375.00



MOSSBERG 510 MINI BANTAM PUMP SHOTGUN
Gauge: 20 & .410 ga., 3" chamber. **Barrel:** 18 1/2" vent-rib. **Weight:** 5 lbs. **Length:** 34 3/4" **Stock:** Synthetic with optional Mossy Oak Break-Up Infinity **Features:** Available in either 20 gauge or .410 bore, the Mini features an 18 1/2" vent-rib barrel with dual-bead sights. Parents don't have to worry about their young shooter growing out of this gun too quick, the adjustable classic stock can be adjusted from 10 1/2" to 11 1/2" length of pull so the Mini can grow with your child. This adjustability also helps provide a proper fit for young shooters and allowing for a more safe and enjoyable shooting experience. Weighing in at 5 pounds and only 34 3/4" long, the 510 Mini proves that big things do come in small packages.

Price: Standard Stock \$389.00

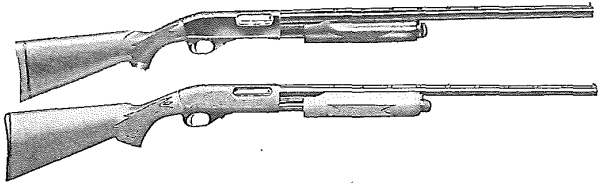


MOSSBERG MODEL 500 BANTAM PUMP SHOTGUN
 Same as the Model 500 Sporting Pump except 12 or 20 gauge, 22" vent rib Accu-Choke barrel with choke tube set; has 1" shorter stock, reduced length from pistol grip to trigger, reduced forend reach. Introduced 1992.

Price: \$375.00
Price: Super Bantam (2008), from \$484.00

NEW ENGLAND PARDNER PUMP SHOTGUN
Gauge: 12 ga., 3" **Barrel:** 28" vent rib, screw-in Modified choke tube. **Weight:** 7.5 lbs. **Length:** 48.5" **Stock:** American walnut, grooved forend, ventilated recoil pad. **Sights:** Bead front. **Features:** Machined steel receiver, double action bars, five-shot magazine.

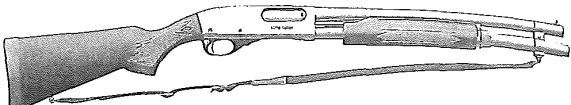
Price: \$265.00



REMINGTON MODEL 870 WINGMASTER SHOTGUNS
Gauge: 12, 20, 28 ga., .410 bore. **Barrel:** 25", 26", 28", 30" (RemChokes). **Weight:** 7-1/4 lbs. **Length:** 46", 48" **Stock:** Walnut, hardwood. **Sights:** Single bead (Twin bead Wingmaster). **Features:** Light contour barrel. Double action bars, cross-bolt safety, blue finish. LW is 28 gauge and .410-bore only, 25" vent rib barrel with RemChoke tubes, high-gloss wood finish. Gold-plated trigger, American B Grade walnut stock and forend, high-gloss finish, fleur-de-lis checkering.

Price: \$818.00 to \$929.00

REMINGTON MODEL 870 MARINE MAGNUM SHOTGUN
 Similar to 870 Wingmaster except all metal plated with electroless

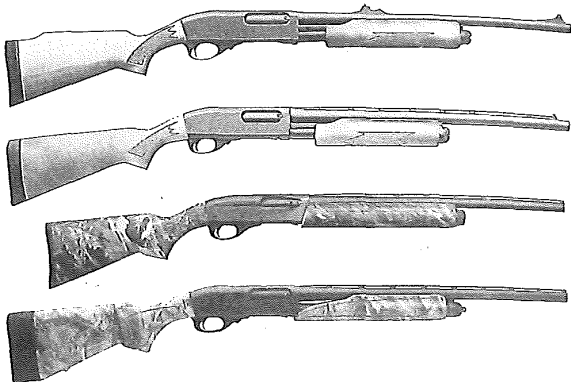


nickel, black synthetic stock and forend. Has 18" plain barrel (cyl.), bead front sight, 7-shot magazine. Introduced 1992. XCS version with TriNyte corrosion control introduced 2007.

Price: \$829.00

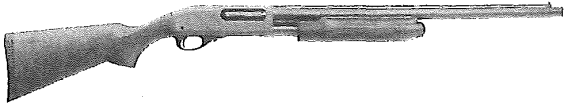
REMINGTON MODEL 870 CLASSIC TRAP SHOTGUN
 Similar to Model 870 Wingmaster except has 30" vent rib, light contour barrel, singles, mid- and long-handicap choke tubes, semi-fancy American walnut stock, high-polish blued receiver with engraving. Chamber 2.75". From Remington Arms Co.

Price: \$1,039.00



REMINGTON MODEL 870 EXPRESS SHOTGUNS
 Similar to Model 870 Wingmaster except laminate, synthetic black, or camo stock with solid, black recoil pad and pressed checkering on grip and forend. Outside metal surfaces have black oxide finish. Comes with 26" or 28" vent rib barrel with mod. RemChoke tube. ShurShot Turkey (2008) has ShurShot synthetic pistol-grip thumbhole design, extended forend, Mossy Oak Obsession camouflage, matte black metal finish, 21" vent rib barrel, twin beads, Turkey Extra Full Rem Choke tube. Receiver drilled and tapped for mounting optics. ShurShot FR CL (Fully Rifled Cantilever, 2008) includes compact 23" fully-rifled barrel with integrated cantilever scope mount.

Price: \$411.00 to \$571.00



REMINGTON MODEL 870 EXPRESS SUPER MAGNUM SHOTGUN
 Similar to Model 870 Express except 28" vent rib barrel with 3-1/2" chamber, vented recoil pad. Introduced 1998. Model 870 Express Super Magnum Waterfowl (2008) is fully camouflaged with Mossy Oak Duck Blind pattern, 28-inch vent rib Rem Choke barrel, "Over Decoys" Choke tube (.007") fiber-optic HiViz single bead front sight; front and rear sling swivel studs, padded black sling.

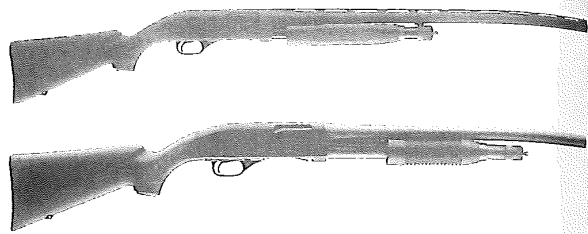
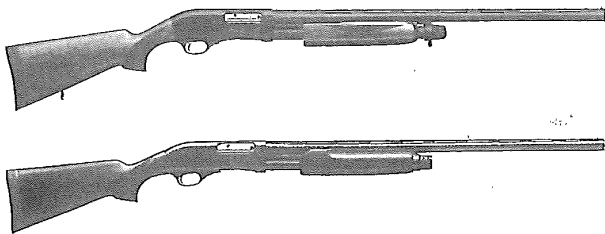
Price: \$462.00 to \$620.00

REMINGTON MODEL 870 SPECIAL PURPOSE SHOTGUNS (SPS)
 Similar to the Model 870 Express synthetic, chambered for 12 ga. 3" and 3-1/2" shells, has Realtree Hardwoods HD or APG HD camo-synthetic stock and metal treatment, TruGlo fiber-optic sights. Introduced 2001. SPS Max Gobbler introduced 2007. Knox SpecOps adjustable stock, Williams Fire Sights fiber-optic sights, R3 recoil pad, Realtree APG HD camo. Drilled and tapped for Weaver-style rail

Price: SPS 12 ga. 3" \$671.00
Price: SPS Super Mag Max Gobbler (2007) \$819.00
Price: SPS Super Mag Max Turkey ShurShot 3-1/2" (2008) \$644.00
Price: SPS Synthetic ShurShot FR Cantilever 3" (2008) \$671.00

A-1075

SHOTGUNS—Pumps



with gloss finish, all metalwork is gloss black for a distinctive look, vented top rib dissipates heat and aids in target acquisition. Comes with 3 application-specific choke tubes (IC/M/F). Made in Turkey.

Price: PA-08 Upland \$449.00
Price: PA-08 Synthetic (New 2011) \$399.00

WINCHESTER SUPER X PUMP SHOTGUNS

Gauge: 12, 3" or 3.5" chambers. **Barrel:** 18", 26" and 28" barrels are .742" back-bored, chrome plated; Invector Plus choke tubes. **Weight:** 7 lbs. **Stock:** Walnut or composite. **Features:** Rotary bolt, four lugs, dual steel action bars. Walnut Field has gloss-finished walnut stock and forearm, cut checkering. Black Shadow Field has composite stock and forearm, non-glare matte finish barrel and receiver. Speed Pump Defender has composite stock and forearm, chromed plated, 18" cylinder choked barrel, non-glare metal surfaces, five-shot magazine, grooved forearm. **Weight,** 6.5 lbs. Reintroduced 2008. Made in U.S.A. from Winchester Repeating Arms Co.

Price: Black Shadow Field, 3" \$470.00
Price: Black Shadow Field, 3.5" \$500.00
Price: Defender \$400.00
Price: Waterfowl Hunter, 3" \$530.00
Price: Waterfowl Hunter, 3.5" \$580.00
Price: Turkey Hunter, 3.5" \$600.00

SHOTGUNS—Over/Unders



BERETTA DT10 TRIDENT SHOTGUNS

Gauge: 12, 2-3/4", 3" chambers. **Barrel:** 28", 30", 32", 34"; competition-style vent rib; fixed or Optima choke tubes. **Weight:** 7.9 to 9 lbs.

Stock: High-grade walnut stock with oil finish; hand-checked grip and forend, adjustable stocks available. **Features:** Detachable, adjustable trigger group, raised and thickened receiver, forend iron has adjustment nut to guarantee wood-to-metal fit. Introduced 2000. Imported from Italy by Beretta USA.

price: DT10 Trident Trap, adjustable stock \$8,650.00

price: DT10 Trident Skeet \$8,050.00

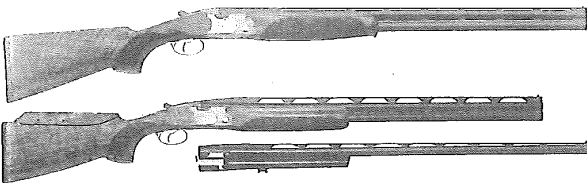
price: DT10 Trident Sporting, from \$7,650.00



BERETTA SV10 PERENNIA O/U SHOTGUN

Gauge: 12, 3" chambers. **Barrel:** 26", 28", 30" Optima-Bore profile, polished blue. Bore diameter 18.6mm (0.73 in.) Self-adjusting dual conical longitudinal locking lugs, oversized monobloc bearing shoulders, replaceable hinge pins. Ventilated top rib, 6x6mm. Long guided extractors, automatic ejection or mechanical extraction. Optimachoke tubes. **Weight:** 7.3 lbs. **Stock:** Quick take-down stock with pistol grip or English straight stock. Kick-off recoil reduction system available on request on Q-Stock. **Length of pull:** 14.7"; drop at comb, 1.5"; drop at heel, 2.36" or 1.38"/2.17". Semibeavertail forend with elongated forend lever. New checkering pattern, matte oil finish, rubber pad. **Features:** Floral motifs and game scenes on side panels; nickel-based protective finish, arrowhead-shaped sideplates, solid steel alloy billet. Kick-Off recoil reduction mechanism available on select models. Fixed chokes on request, removable trigger group, titanium single selective trigger. Manual or automatic safety, newly designed safety and selector lever. Gel-Tek recoil pad available on request. Polypropylene case, 5 chokes with spanner, sling swivels, plastic pad, Beretta gun oil. Introduced 2008. Imported from Italy by Beretta USA.

Price: From \$2,890.00 to \$3,295.00



BERETTA SERIES 682 GOLD E SKEET, TRAP, SPORTING O/U SHOTGUNS

Gauge: 12, 2-3/4" chambers. **Barrel:** skeet-28"; trap-30" and 32". Imp. Mod. & Full and Mobilchoke; trap mono shotguns-32" and 34" Mobilchoke; trap top single guns-32" and 34" Full and Mobilchoke; trap combo sets-from 30" O/U, to 32" O/U, 34" top single. **Stock:** Close-grained walnut, hand checked. **Sights:** White Bradley bead front sight and center bead. **Features:** Receiver has Greystone gunmetal gray finish with gold accents. Trap Monte Carlo stock has deluxe trap recoil pad. Various grades available. Imported from Italy by Beretta USA.

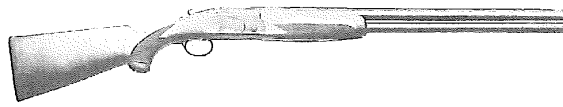
Price: 682 Gold E Trap with adjustable stock \$4,800.00

Price: 682 Gold E Sporting \$4,600.00

Price: 682 Gold E Skeet, adjustable stock \$4,800.00

BERETTA 686 ONYX O/U SHOTGUNS

Gauge: 12, 20, 28; 3", 3.5" chambers. **Barrel:** 26" 28" (Mobilchoke tubes). **Weight:** 6.8-6.9 lbs. **Stock:** Checkered American walnut. **Features:** Intended for the beginning sporting clays shooter. Has wide, vented target rib, radiused recoil pad. Polished black finish on receiver and barrels. Introduced 1993. Imported from Italy by Beretta U.S.A.



Price: White Onyx \$2,240.00

PPrice: White Onyx Sporting \$2,460.00



BERETTA SILVER PIGEON O/U SHOTGUNS

Gauge: 12, 20, 28, 3" chambers (2-3/4" 28 ga.). .410 bore, 3" chamber.

Barrel: 26", 28" **Weight:** 6.8 lbs. **Stock:** Checkered walnut. **Features:** Interchangeable barrels (20 and 28 ga.), single selective gold-plated trigger, boxlock action, auto safety, Schnabel forend.

Price: \$2,240.00 to \$4075.00

BERETTA ULTRALIGHT O/U SHOTGUNS

Gauge: 12, 2-3/4" chambers. **Barrel:** 26", 28"; Mobilchoke tubes.

Weight: About 5 lbs., 13 oz. **Stock:** Select American walnut with checkered grip and forend. **Features:** Low-profile aluminum alloy receiver with titanium breech face insert. Electroless nickel receiver with game scene engraving. Single selective trigger; automatic safety. Introduced 1992. Ultralight Deluxe except has matte electroless nickel finish receiver with gold game scene engraving; matte oil-finished, select walnut stock and forend. Imported from Italy by Beretta U.S.A.

Price: \$2,075.00

Price: Ultralight Deluxe \$2,450.00

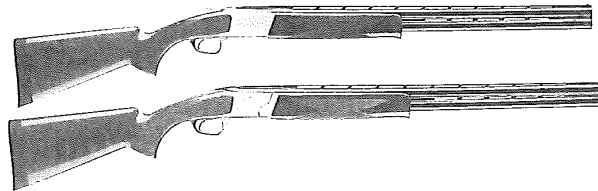


BLASER F3 SUPERSPORT O/U SHOTGUN

Gauge: 12 ga., 3" chamber. **Barrel:** 32" **Weight:** 9 lbs. **Stock:**

Adjustable semi-custom, turkish walnut wood grade: 4. **Features:** The latest addition to the F3 family is the F3 SuperSport. The perfect blend of overall weight, balance and weight distribution make the F3 SuperSport the ideal competitor. Briley Spectrum-5 chokes, free floating barrels, adjustable barrel hanger system on o/u, chrome plated barrels full length, revolutionary ejector ball system, barrels finished in a powder coated nitride, selectable competition trigger.

Price: From \$7,250.00



BROWNING CYNERGY O/U SHOTGUNS

Gauge: .410, 12, 20, 28. **Barrel:** 26", 28", 30", 32" **Stock:** Walnut or composite. **Sights:** White bead front most models; HiViz Pro-Comp sight on some models; mid bead. **Features:** Mono-Lock hinge, recoil-reducing interchangeable Inflex recoil pad, silver nitride receiver; striker-based trigger, ported barrel option. Models include: Cynergy Sporting, Adjustable Comb; Cynergy Sporting Composite CF; Cynergy Field, Composite; Cynergy Classic Sporting; Cynergy Classic Field; Cynergy Camo Mossy Oak New Shadow Grass; Cynergy Camo Mossy Oak New Break-Up; and Cynergy Camo Mossy Oak Brush. Imported from Japan by Browning.

Price: Field Grade Model, 12 ga. \$2,800.00

Prices given are believed to be accurate at time of publication however, many factors affect retail pricing so exact prices are not possible.

SHOTGUNS—Side-by-Side

ARRIETA SIDELOCK DOUBLE SHOTGUNS

Gauge: 12, 16, 20, 28, .410. **Barrel:** Length and chokes to customer specs. **Weight:** To customer specs. **Stock:** To customer specs. Straight English with checkered butt (standard), or pistol grip. Select European walnut with oil finish. **Features:** Essentially custom gun with myriad options. H&H pattern hand-detachable sidelocks, selective automatic ejectors, double triggers (hinged front) standard. Some have selfopening action. Finish and engraving to customer specs. Imported from Spain by Quality Arms, Inc.

Price: Model 557	\$4,500.00
Price: Model 570	\$5,350.00
Price: Model 578	\$5,880.00
Price: Model 600 Imperial	\$7,995.00
Price: Model 601 Imperial Tiro	\$9,160.00
Price: Model 801	\$14,275.00
Price: Model 802	\$14,275.00
Price: Model 803	\$9,550.00
Price: Model 871	\$6,670.00
Price: Model 872	\$17,850.00
Price: Model 873	\$16,275.00
Price: Model 874	\$13,125.00
Price: Model 875	\$19,850.00
Price: Model 931	\$20,895.00

AYA MODEL 4/53 SHOTGUNS

Gauge: 12, 16, 20, 28, 410. **Barrel:** 26"; 27"; 28"; 30". **Weight:** To customer specifications. **Length:** To customer specifications. **Features:** Hammerless boxlock action; double triggers; light scroll engraving; automatic safety; straight grip oil finish walnut stock; checkered butt. Made in Spain. Imported by New England Custom Gun Service, Lt.

Price:	\$2,999.00
Price: No. 2	\$4,799.00
Price: No. 2 Rounded Action	\$5,199.00

BERETTA 471 SIDE-BY-SIDE SHOTGUNS

Gauge: 12, 20; 3" chamber. **Barrel:** 24"; 26"; 28"; 6mm rib. **Weight:** 6.5 lbs. **Stock:** English or pistol stock, straight butt for various types of recoil pads. Beavertail forend. English stock with recoil pad in red or black rubber, or in walnut and splinter forend. Select European walnut, checkered, oil finish. **Features:** Optima-Choke Extended Choke Tubes. Automatic ejection or mechanical extraction. Firing-pin block safety, manual or automatic, open top-lever safety. Introduced 2007. Imported from Italy by Beretta U.S.A.

Price: Silver Hawk	\$3,750.00
--------------------	------------

CONNECTICUT SHOTGUN MANUFACTURING COMPANY RBL SIDE-BY-SIDE SHOTGUN

Gauge: 12, 16, 20, 28. **Barrel:** 26"; 28"; 30"; 32". **Weight:** NA. **Length:** NA. **Stock:** NA. **Features:** Round-action SXS shotguns made in the USA. Scaled frames, five TruLock choke tubes. Deluxe fancy grade walnut buttstock and forend. Quick Change recoil pad in two lengths. Various dimensions and options available depending on gauge.

Price: 12 gauge	\$2,850.00
Price: 16 gauge	POR
Price: 20 gauge	\$3,995.00
Price: 28 gauge	\$5,450.00



CZ BOBWHITE AND RINGNECK SHOTGUNS

Gauge: 12, 20, 28, .410. (5 screw-in chokes in 12 and 20 ga. and fixed chokes in IC and Mod in .410). **Barrel:** 20". **Weight:** 6.5 lbs. **Length:** NA. **Stock:** Sculptured Turkish walnut with straight English-style grip and double triggers (Bobwhite) or conventional American pistol grip with a single trigger (Ringneck). Both are hand checkered 20 lpi. **Features:** Both color case-hardened shotguns are hand engraved.

Price: Bobwhite	\$789.00
Price: Ringneck	\$1,036.00

CZ HAMMER COACH SHOTGUNS

Gauge: 12, 3" chambers. **Barrel:** 20". **Weight:** 6.7 lbs. **Length:** NA. **Stock:** NA. **Features:** Following in the tradition of the guns used

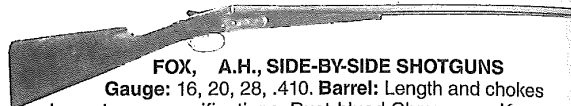
by the stagecoach guards of the 1880's, this cowboy gun features double triggers, 19th century color case-hardening and fully functional external hammers.

Price:	\$904.00
--------	----------

EMF OLD WEST HAMMER SHOTGUN

Gauge: 12. **Barrel:** 20". **Weight:** 8 lbs. **Length:** 37" overall. **Stock:** Smooth walnut with steel butt place. **Sights:** Large brass bead. **Features:** Colt-style exposed hammers rebounding type; blued receiver and barrels; cylinder bore. Introduced 2006. Imported from China for EMF by TTN.

Price:	\$474.90
--------	----------



FOX, A.H., SIDE-BY-SIDE SHOTGUNS

Gauge: 16, 20, 28, .410. **Barrel:** Length and chokes to customer specifications. Rust-blued Chromox or Krupp steel. **Weight:** 5-1/2 to 6.75 lbs. **Stock:** Dimensions to customer specifications. Hand-checkered Turkish Circassian walnut with hand-rubbed oil finish. Straight, semi or full pistol grip; splinter, Schnabel or beavertail forend; traditional pad, hard rubber buttplate or skeleton butt. **Features:** Boxlock action with automatic ejectors; double or Fox single selective trigger. Scalloped, rebated and color case-hardened receiver; hand finished and handengraved. Grades differ in engraving, inlays, grade of wood, amount of hand finishing. Introduced 1993. Made in U.S. by Connecticut Shotgun Mfg.

Price: CE Grade	\$14,500.00
Price: XE Grade	\$16,000.00
Price: DE Grade	\$19,000.00
Price: FE Grade	\$24,000.00
Price: 28/.410 CE Grade	\$16,500.00
Price: 28/.410 XE Grade	\$18,000.00
Price: 28/.410 DE Grade	\$21,000.00
Price: 28/.410 FE Grade	\$26,000.00

GARBI MODEL 100 DOUBLE SHOTGUN

Gauge: 12, 16, 20, 28. **Barrel:** 26"; 28"; choked to customer specs. **Weight:** 5-1/2 to 7.5 lbs. **Stock:** 14.5"x2.25"x1.5" European walnut. Straight grip, checkered butt, classic forend. **Features:** Sidelock action, automatic ejectors, double triggers standard. Color case-hardened action, coin finish optional. Single trigger; beavertail forend, etc. optional. Five additional models available. Imported from Spain by Wm. Larkin Moore.

Price: From	\$4,850.00
-------------	------------



GARBI MODEL 101 SIDE-BY-SIDE SHOTGUN

Similar to the Garbi Model 100 except hand engraved with scroll engraving; select walnut stock; better overall quality than the Model 100. Imported from Spain by Wm. Larkin Moore.

Price: From	\$6,250.00
-------------	------------

GARBI MODEL 103 A & B SIDE-BY-SIDE SHOTGUNS

Similar to the Garbi Model 100 except has Purdey-type fine scroll and rosette engraving. Better overall quality than the Model 101. Model 103B has nickel-chrome steel barrels, H&H-type easy opening mechanism; other mechanical details remain the same. Imported from Spain by Wm. Larkin Moore.

Price: Model 103A. From	\$14,100.00
Price: Model 103B. From	\$21,600.00

GARBI MODEL 200 SIDE-BY-SIDE SHOTGUN

Similar to the Garbi Model 100 except has heavy-duty locks, magnum proofed. Very fine Continental-style floral and scroll engraving, well figured walnut stock. Other mechanical features remain the same. Imported from Spain by Wm. Larkin Moore.

Price:	\$17,100.00
--------	-------------

LEBEAU-COURALLY BOXLOCK SIDE-BY-SIDE SHOTGUN

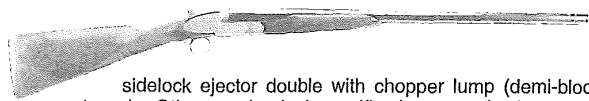
Gauge: 12, 16, 20, 28, .410-bore. **Barrel:** 25" to 32". **Weight:** To customer specifications. **Stock:** French walnut. **Features:** Anson & Deely-type action with automatic ejectors; single or double triggers. Custom gun built to customer specifications. Imported from Belgium by Wm. Larkin Moore.

Price: From	\$25,500.00
-------------	-------------

SHOTGUNS—Side-by-Side

LEBEAU-COURALLY SIDELOCK SIDE-BY-SIDE SHOTGUN

Gauge: 12, 16, 20, 28, .410-bore. **Barrel:** 25" to 32". **Weight:** To customer specifications. **Stock:** Fancy French walnut. **Features:** Holland & Holland-type action with automatic ejectors; single or double triggers. Custom gun built to customer specifications. Imported from Belgium by Wm. Larkin Moore.
Price: From \$56,000.00



sidelock ejector double with chopper lump (demi-bloc) barrels. Other mechanical specifications remain the same. Imported from Italy by Wm. Larkin Moore.
Price: From \$39,900.00

MERKEL MODEL 47E, 147E SIDE-BY-SIDE SHOTGUNS

Gauge: 12, 3" chambers, 16, 2.75" chambers, 20, 3" chambers. **Barrel:** 12, 16 ga.-28"; 20 ga.-26.75" (Imp. Cyl. & Mod., Mod. & Full). **Weight:** About 6.75 lbs. (12 ga.). **Stock:** Oil-finished walnut; straight English or pistol grip. **Features:** Anson & Deeley-type boxlock action with single selective or double triggers, automatic safety, cocking indicators. Color case-hardened receiver with standard arabesque engraving. Imported from Germany by Merkel USA.
Price: Model 47E (H&H ejectors) \$4,595.00
Price: Model 147E (as above with ejectors) \$5,795.00

PIOTTI PIUMA SIDE-BY-SIDE SHOTGUN

Gauge: 12, 16, 20, 28, .410. **Barrel:** 25" to 30" (12 ga.), 25" to 28" (16, 20, 28, .410). **Weight:** 5-1/2 to 6-1/4 lbs. (20 ga.). **Stock:** Dimensions to customer specs. Straight grip stock with walnut checkered butt, classic splinter forend, hand-rubbed oil finish are standard; pistol grip, beavertail forend, satin luster finish optional. **Features:** Anson & Deeley boxlock ejector double with chopper lump barrels. Level, file-cut rib, light scroll and rosette engraving, scalloped frame. Double triggers; single non-selective optional. Coin finish standard, color case-hardened optional. Imported from Italy by Wm. Larkin Moore.
Price: From \$19,200.00

MERKEL MODEL 47EL, 147EL SIDE-BY-SIDE SHOTGUNS

Similar to Model 47E except H&H style sidelock action with cocking indicators, ejectors. Silver-grayed receiver and sideplates have arabesque engraving, engraved border and screws (Model 47E), or fine hunting scene engraving (Model 147E). Limited edition. Imported from Germany by Merkel USA.
Price: Model 47EL \$7,195.00
Price: Model 147EL \$7,695.00

RIZZINI SIDELOCK SIDE-BY-SIDE SHOTGUN

Gauge: 12, 16, 20, 28, .410. **Barrel:** 25" to 30" (12, 16, 20 ga.), 25" to 28" (28, .410). To customer specs. Chokes as specified. **Weight:** 6.5 lbs. to 8 lbs. (12 ga. to customer specs). **Stock:** Dimensions to customer specs. Finely figured walnut; straight grip with checkered butt with classic splinter forend and hand-rubbed oil finish standard. Pistol grip, beavertail forend. **Features:** Sidelock action, auto ejectors. Double triggers or non-selective single trigger standard. Coin finish standard. Imported from Italy by Wm. Larkin Moore.
Price: 12, 20 ga. From \$106,000.00
Price: 28, .410 bore. From \$95,000.00

MERKEL MODEL 280EL, 360EL SHOTGUNS

Similar to Model 47E except smaller frame. Greener cross bolt with double under-barrel locking lugs, fine engraved hunting scenes on silver-grayed receiver, luxury-grade wood, Anson and Deeley boxlock action. H&H ejectors, single-selective or double triggers. Introduced 2000. Imported from Germany by Merkel USA.
Price: Model 280EL (28 gauge, 28" barrel, Imp. Cyl. and Mod. chokes) \$7,695.00
Price: Model 360EL (.410, 28" barrel, Mod. and Full chokes) \$7,695.00
Price: Model 280EL Combo \$11,195.00

STOEGER UPLANDER SIDE-BY-SIDE SHOTGUNS

Gauge: 16, 28, 2-3/4 chambers. 12, 20, .410, 3" chambers. **Barrel:** 22", 24", 26", 28". **Weight:** 7.3 lbs. **Sights:** Brass bead. **Features:** Double trigger, IC & M fixed choke tubes with gun.
Price: With fixed or screw-in chokes \$369.00
Price: Supreme, screw-in chokes, 12 or 20 ga. \$489.00
Price: Youth, 20 ga. or .410, 22" barrel, double trigger \$369.00
Price: Combo, 20/28 ga. or 12/20 ga. \$649.00

MERKEL MODEL 280SL AND 360SL SHOTGUNS

Similar to Model 280EL and 360EL except has sidelock action, double triggers, English-style arabesque engraving. Introduced 2000. Imported from Germany by Merkel USA.
Price: Model 280SL (28 gauge, 28" barrel, Imp. Cyl. and Mod. chokes) \$10,995.00
Price: Model 360SL (.410, 28" barrel, Mod. and Full chokes) \$10,995.00

STOEGER COACH GUN SIDE-BY-SIDE SHOTGUNS

Gauge: 12, 20, 2-3/4", 3" chambers. **Barrel:** 20". **Weight:** 6.5 lbs. **Stock:** Brown hardwood, classic beavertail forend. **Sights:** Brass bead. **Features:** IC & M fixed chokes, tang auto safety, auto extractors, black plastic buttplate. Imported by Benelli USA.
Price: Supreme blued finish \$469.00
Price: Supreme blued barrel, stainless receiver \$469.00
Price: Silverado Coach Gun with English synthetic stock. \$469.00

MERKEL MODEL 1620 SIDE-BY-SIDE SHOTGUN

Gauge: 16. **Features:** Greener crossbolt with double under-barrel locking lugs, scroll-engraved case-hardened receiver, Anson and Deeley boxlock action, Holland & Holland ejectors, English-style stock, single selective or double triggers, or pistol grip stock with single selective trigger. Imported from Germany by Merkel USA.
Price: \$4,995.00
Price: Model 1620E; silvered, engraved receiver \$5,995.00
Price: Model 1620 Combo; 16- and 20-gauge two-barrel set \$7,695.00
Price: Model 1620EL; upgraded wood \$7,695.00
Price: Model 1620EL Combo; 16- and 20-gauge two-barrel set \$11,195.00

TRISTAR BRITTANY CLASSIC SIDE-BY-SIDE SHOTGUN

Gauge: 12, 16, 20, 28, .410, 3" chambers. **Barrel:** 27", chrome lined, three Beretta-style choke tubes (IC, M, F). **Weight:** 6.3 to 6.7 lbs. **Stock:** Rounded pistol grip, satin oil finish. **Features:** Engraved case-colored one-piece frame, auto selective ejectors, single selective trigger, solid raised barrel rib, top tang safety. Imported from Spain by Tristar Sporting Arms Ltd.
Price: From \$1,419.00

PIOTTI KING NO. 1 SIDE-BY-SIDE SHOTGUN

Gauge: 12, 16, 20, 28, .410. **Barrel:** 25" to 30" (12 ga.), 25" to 28" (16, 20, 28, .410). To customer specs. Chokes as specified. **Weight:** 6.5 lbs. to 8 lbs. (12 ga. to customer specs.). **Stock:** Dimensions to customer specs. Finely figured walnut; straight grip with checkered butt with classic splinter forend and hand-rubbed oil finish standard. Pistol grip, beavertail forend. **Features:** Holland & Holland pattern sidelock action, automatic ejectors. Double trigger; non-selective single trigger optional. Coin finish standard; color case-hardened optional. Top rib; level, file-cut; concave, ventilated optional. Very fine, full coverage scroll engraving with small floral bouquets. Imported from Italy by Wm. Larkin Moore.
Price: From \$38,300.00

WEATHERBY SBS ATHENA D'ITALIA SIDE-BY-SIDE SHOTGUNS

Gauge: D'Italia: 12, 20, 2-3/4" or 3" chambers, 28, 2-3/4" chambers. **Barrel:** 26" on 20 and 28 gauges; 28" on 12 ga. Chrome-lined, lengthened forcing cones, backbored. **Weight:** 6.75 to 7.25 lbs. **Length:** 42.5" to 44.5". **Stock:** Walnut, 20-lpi laser cut checkering, "New Scottish" pattern. **Features:** All come with foam-lined take-down case. Machined steel receiver, hardened and chromed with coin finish, engraved triggerguard with roll-formed border. D'Italia has double triggers, brass front bead. PG is identical to D'Italia, except for rounded pistol grip and semi-beavertail forearm. Deluxe features sculpted frameheads, Bolino-style engraved game scene with floral engraving. AAA Fancy Turkish walnut, straight grip, 24-lpi hand checkering, hand-rubbed oil finish. Single mechanical trigger; right barrel fires first. Imported from Italy by Weatherby.
Price: SBS Athena D'Italia SBS \$3,129.00
Price: SBS Athena D'Italia PG SBS \$3,799.00

PIOTTI LUNIK SIDE-BY-SIDE SHOTGUN

Similar to the Piotti King No. 1 in overall quality. Has Renaissance-style large scroll engraving in relief. Best quality Holland & Holland-pattern

A-1079

EXHIBIT 14

A-1080

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JUNE SHEW, et al.	:	NO. 3:13-CV-0739 (AVC)
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al.	:	
<i>Defendants.</i>	:	SEPTEMBER 19, 2013

AFFIDAVIT OF BARBARA MATTSON

1. My name is Barbara J. Mattson. I am over eighteen years of age and I believe in the obligations of an oath.

2. I have read the Plaintiffs' Amended Complaint in the above captioned matter, and am familiar with the claims set forth therein.

3. I presently am employed as a Detective/Trooper First Class for the Department of Emergency Services and Public Protection ("DESPP"). I have been employed by DESPP and its predecessor agency, the Department of Public Safety ("DPS"), since January 1986.

4. I have been assigned to the Special Licensing and Firearm Unit ("SLFU") since 1999. In my role at the SLFU, some of my responsibilities include processing the issuance and revocation of firearm permits, and monitoring the purchase, sale and transfer of firearms in this state. I also track court protective and restraining orders that involve firearm issues, and communicate with the subject of the order and local law enforcement agencies to ensure compliance on any firearm related aspects of the order. I frequently participate in the seizure of firearms that may be required following an individual's arrest or conviction. I often assist arresting officers in determining whether a seized weapon has been lawfully purchased, sold or registered, or whether it is a lawful weapon to possess in Connecticut.

5. The SLFU receives a high volume of telephone calls each day from members of the public inquiring about various topics including compliance, licensing, permitting and registration issues. Since the passage of Public Act 13-3, as amended by Public Act

13-220 (“the Act”), many of these calls now relate to questions about changes in the law.

6. In carrying out my duties in the SLFU, I have developed substantial knowledge of and familiarity with Connecticut’s firearms laws, particularly in the areas of licensing, permitting, and registration. Under the new laws, there are four types of firearm permits and eligibility certificates in Connecticut, each of which has a different purpose.
7. First, a Pistol Permit allows the holder to purchase ammunition and any lawful firearms, including handguns and long guns. It also permits the holder to carry handguns in public in accordance with other applicable laws and regulations.¹ To obtain such a permit, the applicant must apply to his or her local issuing authority, which ordinarily is the local Chief of Police or First Selectman. If the issuing authority determines that the individual is a “suitable person” to carry a firearm in public, has not been convicted of a felony or any of the eleven statutorily enumerated disqualifying misdemeanor offenses, has passed an approved handgun safety course and is not otherwise statutorily prohibited, the issuing authority will issue a temporary sixty day permit. The individual must then bring the temporary permit to the SLFU and be photographed. The SLFU will then conduct a background and criminal history check and, if the applicant passes the background check, the SLFU will issue a state permit that is valid for five years. *See* Conn. Gen. Stat. §§ 29-28, 29-28a, 29-29, 29-30 and 29-35.
8. Second, a Handgun Eligibility Certificate allows the holder to purchase any lawful firearms and ammunition, but does not permit the holder to carry handguns in public. The application process for this Eligibility Certificate is subject to the same disqualifiers as a Pistol Permit, although the applicant does not need to apply with the local authority and the “suitable person” requirement does not apply.
9. Third, effective on April 1, 2014, the Act requires that persons wishing to purchase a long gun in this state must obtain an Eligibility Certificate or have a Pistol Permit to do so. Although a Pistol Permit and a Hand Gun Eligibility Certificate allow the holder to purchase both long guns and handguns, the Long Gun Eligibility Certificate is an alternative means to purchase a long gun. This Certificate allows the holder to purchase ammunition and any lawful long gun. It does not allow the holder to purchase handguns or to carry them in public. The process for obtaining the

¹ Under Connecticut law, an individual does not need any kind of permit to carry a long gun in public, assuming, of course, that they do so in compliance with all other applicable state laws and regulations.

Eligibility Certificate includes proof that the applicant has completed an approved safety course, a fingerprint-supported background check, the appropriate fees and application forms. *See* Public Act 13-3, section 2.

10. Finally, the Act also established an Ammunition Certificate, which allows the holder to purchase any lawful ammunition, but does not allow the holder to purchase or to carry a handgun in public. *See* Public Act 13-3, section 15.
11. Through September 17, 2013, DESPP has issued 197,521 Pistol Permits, 73 Handgun Eligibility Certificates, and 201 Ammunition Certificates. DESPP has not yet issued any Long Gun Eligibility Certificates.
12. In addition to the Pistol Permit and Eligibility Certificates described above, there are two other requirements established by the Act. First, since 1993 Connecticut has generally banned the purchase, sale or possession of any weapon that qualifies as an “assault weapon.” Any individual who possessed a statutorily defined assault weapon when the 1993 ban went into effect could continue to do so by obtaining a certificate of possession for it, provided no statutory prohibitors applied. The Act includes a similar grandfathering provision that allows an individual to continue possessing an assault weapon defined in the Act as long as they lawfully possessed it prior to the Act’s effective date and obtain a certificate of possession for it.² *See* Conn. Gen. Stat. § 53-202d
13. To obtain a certificate of possession, the assault weapon owner must fill out Form DPS-414-C and submit it to the SLFU by January 1, 2014. Among other things, that form will require the owner to identify the weapon’s make, model, serial number, caliber, and any unique markings. The owner must also provide a thumbprint and valid proof that he or she lawfully possessed the weapon prior to April 4, 2013. Such proof may take the form of a valid sales receipt or a sworn affidavit.
14. Through September 5, 2013, DESPP has issued 10,666 assault weapon certificates of possession, which includes 222 that have been issued since the Act went into effect.
15. It is helpful to law enforcement professionals to be aware that a member of the public with whom we may interact may have possession of an assault weapon for safety considerations.

² Under the Act, individuals do not have to obtain a second certificate of possession if they already obtained a certificate of possession for their firearm under the initial ban.

16. The Act also generally prohibits the purchase, sale, or possession of large capacity magazines (“LCMs”). The Act defines a LCM as “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” Public Act 13-3, section 23. As with assault weapons, the Act permits any person who lawfully possessed a LCM prior to April 5, 2013, to continue doing so as long as they declare possession of the magazine to the Department of Emergency Services and Public Protection, and possess it in compliance with certain statutory restrictions.
17. To properly declare possession of such magazines, an individual must fill out Form DESPP-0788-C and submit it to the SLFU by January 1, 2014. That form requires the owner to identify the make, type, capacity, and number of magazines being declared. The owner also must submit proof that he or she purchased the magazine before April 5, 2013. Such proof may take the form of a valid sales receipt or a sworn affidavit.
18. In the course and scope of my duties, I have been involved in thousands of firearms licensing, permitting and registration issues. I also have received thousands of phone calls from members of the public inquiring about various firearms questions, including numerous calls about whether a particular firearm qualifies as a banned assault weapon. In my experience, it has been unlikely that an individual is unable to identify the make and model of a firearm that he or she possesses. Indeed, it could be unsafe for an individual to possess or handle a firearm that they are unfamiliar with.
19. Even assuming that an individual for some reason does not know the make and model of the weapon that he or she possesses, that information may be readily discoverable from a number of sources. First, the vast majority of firearms are engraved with the make and model. A person need only locate those engravings and then read the statute to determine whether the gun is on the list of enumerated weapons.
20. Second, it is my understanding that any firearm manufactured for retail in (or imported into) the United States after 1968 must be engraved with a serial number under federal law. A person can contact the manufacturer of the firearm and provide the serial number and most manufacturers will locate the model of the firearm with the serial number. In addition, there are procedures in place for an owner to contact the SLFU to determine the information on file regarding his or her firearm.
21. It would be unusual for a legal firearm’s make and model to not be readily discernible from an examination of the firearm, or by consulting with a federally licensed firearm dealer or the manufacturer.
22. In addition, Connecticut law has long required that the parties to the purchase or sale of any handgun (either through a private sale or at retail) fill out and submit a Form DPS-3-C and a DPS 67c. (Exhibit 15). Under the Act, on April 1, 2014, this same

A-1084

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 53 of 56

requirement will apply to all long gun sales. Form DPS-3-C specifically requires that the parties to the transaction identify the make, model, and serial number of the weapon being transferred.

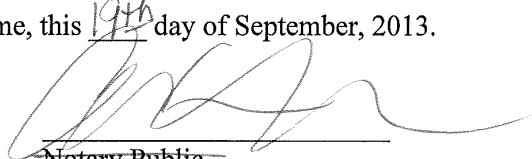
The foregoing is true and accurate to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.


Barbara Mattson

STATE OF CONNECTICUT)
)ss: Middletown, Connecticut
COUNTY OF MIDDLESEX)

Subscribed and sworn to before me, this 19th day of September, 2013.



Notary Public
Commissioner of the Superior Court

A-1085

Case 3:13-cv-00739-AVC Document 79-2 Filed 10/11/13 Page 54 of 56

CERTIFICATION

I hereby certify that on this 11th day of October, 2013, a copy of the foregoing Affidavit of Barbara Mattson was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Maura Murphy Osborne

Assistant Attorney General

A-1086

EXHIBIT 15

A-1087

STATE OF CONNECTICUT
 DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
 DIVISION OF STATE POLICE
Sale or Transfer of All Firearms

Date of Sale	Sale Authorization No.	Manufacturer	Exact Model	Serial Number	
Caliber/Gauge	General Description	Barrel Length	Handgun <input type="checkbox"/>	Date of Birth	Place of Birth
			Long Gun <input type="checkbox"/>		
			Other <input type="checkbox"/> *		
Purchaser or Transferee (Print First, Middle, Last Name)			Purchaser or Transferee's Pistol Permit, Eligibility Certificate, Police ID or FFL #		
Purchaser or Transferee's Address (No., Street, City/Town, ZIP Code)					
Seller or Transferor's (Print First, Middle, Last Name)			Seller or Transferor's Pistol Permit, Eligibility Certificate, Police ID or FFL #		
Date of Birth	Seller or Transferor's Address (No., Street, City/Town, ZIP Code)				
Signature of Seller or Transferor			Signature of Purchaser or Transferee		

Seller, obtain authorization number by calling (860) 685-8400. Retain the original copy for your records, give one copy to the purchaser as a receipt, submit one copy to the local police authority where the purchaser resides, and submit a final copy to the Department of Emergency Services and Public Protection, Special Licensing and Firearms Unit, 1111 Country Club Road, Middletown, Connecticut 06457-2389. See **Appendix A, DESPP-788-C**, to declare large capacity magazines.

DPS-3-C (Rev. 06/30/13) * "Other" refers to frames, receivers, NFA weapons, etc. See instructions for Question 18 on ATF form 4473

PRINT

A-1088

Case 3:13-cv-00739-AVC Document 79-3 Filed 10/11/13 Page 1 of 215

EXHIBIT 16

A-1089

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JUNE SHEW, et al.	:	NO. 3:13-CV-0739 (AVC)
Plaintiffs,	:	
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al.	:	
Defendants.	:	SEPTEMBER 17, 2013

AFFIDAVIT OF LIEUTENANT ERIC COOKE

Eric Cooke having been duly sworn, testifies and affirms as follows:

1. I am over eighteen years of age and understand the obligations of an oath.
2. I am presently employed as a Lieutenant with the Connecticut State Police (CSP), and am currently the Commanding Officer for the Special Licensing and Firearms Unit (SLFU). The CSP is a division within the Connecticut Department of Emergency Services and Public Protection (DESPP). I have been in my role as Commanding Officer for the SLFU since December 2012.
3. Prior to my current position, I was Master Sergeant, Executive Officer at Troop K in Colchester, Connecticut.
4. I have reviewed portions of the Plaintiffs' Amended Complaint (Doc. #10), and although I am not an attorney, it is my understanding that they allege that provisions of the newly enacted Public Act 13-3, as amended by Public Act 13-220, ("the Act") as well as provisions of the original assault weapon ban enacted in 1993 (the "1993 law") and amended in 2001, are confusing or vague.
5. As the Commanding Officer for the SLFU, I am sometimes called upon to provide guidance to members of the public and other state and local law enforcement officers about whether certain features or firearms are covered by Connecticut's ban on assault weapons and large capacity magazines.
6. Connecticut General Statute § 53-202a lists specific enumerated weapons such as the Algimec Agmi listed in Conn. Gen. Stat. § 53-202a(A)(i), and the AK-47 listed in Conn. Gen. Stat. § 53-202a(B)(i), that are banned by the Act and the 1993 law. It is my

Case 3:13-cv-00739-AVC Document 79-3 Filed 10/11/13 Page 3 of 215

understanding that Plaintiffs assert that they are confused about how to tell if they possess one of the prohibited enumerated firearms.

7. In my experience, most gun owners know the manufacturer or make and model of the firearm they own or possess, in addition to other information about the firearm. If for some reason an owner has some uncertainty about the make and model of the gun they possess, that information can be discerned in most cases by examining the firearm because the make and model is often engraved directly on the firearm. (Exhibit 11)
8. If the make and model are not engraved on the firearm, the gun owner may be able to use the serial number on the weapon to determine the make or model of the firearm. It is my understanding that all firearms legally manufactured or legally imported into the United States after 1968 must have a serial number engraved or cast on the receiver or frame of the weapon. An exception to this would be circumstances in which someone personally manufactures their own firearm. However, in those limited circumstances, the person who owns and assembled their firearm would know what he or she owns since he or she assembled it. The gun owner can use the serial number to determine the make or model of a firearm by contacting the manufacturer and inquiring, or even possibly conducting an internet search. In addition, there are procedures in place for an owner to contact the SLFU to determine the information on file regarding his or her firearm.
9. In addition to the specifically enumerated weapons, the Act also prohibits “copies or duplicates” of the enumerated weapons.
10. Some firearms are so closely modeled on one of the firearms specifically enumerated in the Act that they will be banned because they are effectively “copies or duplicates” of an enumerated weapon. This language was added to Connecticut’s ban for the first time in the Act, and there have not yet been many circumstances in which DESPP has been presented with a “copy or duplicate” of one of the enumerated firearms. Obviously, any exact copy or duplicate of an enumerated weapon would be covered by this language.
11. In the course and scope of my duties as Commanding Officer of the SLFU, if a question arises regarding a firearm’s characteristics that is outside the scope of my knowledge, one of the people to whom I would refer to in order to assist me in responding to questions would be TFC Joseph Delehanty. It is my understanding that TFC Delehanty has concluded based on his review of the enumerated weapons listed in the Act that all of those specific firearms meet the features test in the Act, with the exception of the Remington 7615 which is a pump action rifle and not a semiautomatic rifle. Based upon that understanding, I believe that it is extremely likely that any firearm that would be banned under the “copies or duplicate” language would, even if it was not an exact copy, most likely also be banned under the military features test of the Act.
12. If a person is concerned about possessing a copy or duplicate of an enumerated weapon, he or she can first undertake to learn about the firearm in the ways described above in paragraphs 7-8. A person could also look to determine whether the firearm is a semiautomatic with a detachable magazine and has one of the banned features. If it is, it

is banned irrespective of whether it was copied from some other model. Lastly, the person could contact the SLFU with any remaining questions..

13. Notwithstanding the fact that the issue of copy or duplicates has only rarely, if ever, arisen because of the more stringent features test, the language is subject to reasonable interpretation. Given the common usage definitions of “copy” or “duplicate”, to be a copy or duplicate of a listed firearm, the firearm must essentially be a reproduction of, and basically identical to, at least one of the listed firearms.
14. It is my understanding that the Plaintiffs assert that they cannot understand whether a gun they possess is an enumerated weapon or a copy or duplicate of an enumerated weapon “that [was] in production prior to or on April 4, 2013.” Conn. Gen. Stat. § 53-202a(B)(i).
15. A gun owner can determine the production date of a firearm based on its serial number. If the firearm does not have a serial number, then the individual should know that it was either produced before 1968 or is unlawful to possess under federal law, unless it was personally manufactured by the owner, in which case the manufacturer should have specialized knowledge about the firearm. If the firearm has a serial number, the individual can use the same process described above in paragraphs 7-8 for identifying the make and model of a weapon to also discern information about the production date of his or her weapon.
16. Even if a gun owner lacks precise information about the make, model or date of production of a firearm, it is still possible to know if a firearm is an assault weapon if it is: (1) a centerfire semiautomatic rifle that has one of the banned features; (2) a rimfire rifle that has two of the banned features under the 2001 law, Public Act 01-130; or (3) a semiautomatic pistol or shotgun that has one of the banned features.
17. One of the additional ways that the Act defines an assault weapon is as: “A part or combination of parts designed or intended to convert a firearm into an assault weapon, ..., or any combination of parts from which an assault weapon, ..., may be rapidly assembled if those parts are in the possession or under the control of the same person.” Conn. Gen. Stat. §§ 53-202a(1)(A), (F).
18. This language in the Act has been the law in Connecticut for nearly twenty years, since the passage of the original assault weapon ban in 1993. I am not aware of any significant problems applying or understanding that language.
19. As a practical matter, the parts or combination of parts that are “designed or intended” to convert a firearm into an assault weapon generally refers to the banned military features. For example, the possession of a telescoping stock, a flash suppressor, a grenade launcher or any other prohibited feature that can be added to an otherwise legal semiautomatic rifle or pistol with a detachable magazine that is in the same person’s possession would fall under that language.

20. Similarly, the “rapidly assembled” language in Conn. Gen. Stat. § 53-202a(1)(A), has been in the Connecticut statutes for twenty years. I am not aware of any significant problems applying or understanding that language. A person would fall within both the “assembled” or “rapidly assembled” language if they possess the completed upper and lower receivers for any firearm that would constitute an assault weapon under the Act. An ordinary gun owner can assemble those two parts into a completed assault weapon in minutes without much knowledge or expertise.
21. “Large capacity magazine” is defined under the Act as a 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. Public Act 13-3, § 23; Public Act 13-220, § 1(a)(1).
22. I understand Plaintiffs claim that they cannot understand when a magazine can be “readily restored or converted” to accept more than ten rounds. Under the Act magazines that “can be readily restored or converted” to accept more than ten rounds are magazines that a gun owner has only temporarily modified to hold ten rounds or less and which can quickly be changed back into LCMs. A magazine cannot be readily restored or converted to accept more than ten rounds if it requires the services of a gunsmith to perform such a restoration or conversion or any attempts to restore it back would render it inoperable.
23. For example, a magazine would be readily restorable if a gun owner were to insert a dowel plug into a 15-round magazine because the dowel plug would only temporarily prevent the loading of more than ten rounds into the magazine. That magazine could be “readily restored or converted” back to its 15-round capacity by the gun owner simply removing the dowel plug.
24. By contrast, for example, a magazine would be considered to be “permanently altered” from a 15-round magazine to a 10-round magazine if the gun owner or a gunsmith permanently affixed a plug into the base of the magazine that prevents the spring from being compressed to accept more than ten rounds of ammunition.

A-1093

Case 3:13-cv-00739-AVC Document 79-3 Filed 10/11/13 Page 6 of 215


The foregoing is true and accurate to the best of my knowledge and belief.

FURTHER AFFIANT SAYTH NOT.


Eric Cooke

STATE OF CONNECTICUT)
) ss: Middletown, Connecticut
COUNTY OF MIDDLESEX)

Subscribed and sworn to before me, this 17th day of September, 2013.


Commissioner of the Superior Court

CERTIFICATION

I hereby certify that on this 11th day of October 2013, a copy of the foregoing Affidavit of Eric Cooke in support of Defendants' motion was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Maura Murphy Osborne
Assistant Attorney General

A-1095

EXHIBIT 17

A-1096

Case 3:13-cv-00739-AVC Document 79-3 Filed 10/11/13 Page 9 of 215



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

JUL 06 1989

MEMORANDUM TO: Director

FROM: Associate Director (Compliance Operations)

SUBJECT: Report and Recommendation on the
Importability of Certain Semiautomatic Rifles

The working group has completed its evaluation of the semiautomatic rifles whose importation was suspended pending a determination as to whether these weapons are, as required by 18 U.S.C. § 925(d)(3), of a type "generally recognized as particularly suitable for or readily adaptable to sporting purposes".

Attached for your review and approval is the report and recommendation on the importability of these rifles.

Daniel R. Black
Daniel Black

Attachment

Approved: *Stephen E. Higgins 7/6/89*

Disapprove: _____

**REPORT AND RECOMMENDATION OF THE ATF WORKING GROUP
ON THE IMPORTABILITY OF CERTAIN
SEMIAUTOMATIC RIFLES**

SUSPENSION OF ASSAULT-TYPE RIFLE IMPORTATIONS

On March 14, 1989, ATF announced that it was suspending, effective immediately, the importation of several makes of assault-type rifles, pending a decision as to whether these weapons meet the statutory test that they are of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes. The announcement stated that ATF would not approve, until further notice, the importation of AKS-type weapons, Uzi carbines, FN/FAL-type weapons, FN/FNC-type weapons and Steyr Aug semiautomatic weapons. On April 5, 1989, the suspension was expanded to include all similar assault-type rifles.

For purposes of this suspension, assault-type rifles were rifles which generally met the following criteria:

- a. military appearance
- b. large magazine capacity
- c. semiautomatic version of a machinegun

Based on these criteria, ATF suspended action on pending applications and suspended outstanding permits covering certain firearms listed in Attachment 1. These included both centerfire and .22 rimfire caliber firearms. At that time, ATF indicated that the reexamination of these weapons would take approximately 90 days.

This ATF working group was established to conduct the reevaluation of the importability of these semiautomatic rifles. This report represents the findings and recommendations of the working group.

BACKGROUND

Section 925(d)(3) of Title 18, United States Code, as amended, provides in pertinent part that:

The Secretary shall authorize a firearm. . .to be imported or brought into the United States . . . if the firearm . . .

(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily

adaptable to sporting purposes, excluding surplus
military firearms. . .

This provision was originally enacted by Title IV of the Omnibus Crime Control and Safe Streets Act of 1968, and was also contained in Title I of the Gun Control Act of 1968, which amended Title IV later that year. According to the Senate Report on Title IV, this provision was intended to “curb the flow of surplus military weapons and other firearms being brought into the United States which are not particularly suitable for target shooting or hunting.” S. Rep. No. 1097, 90th Cong. 2d Sess. 80, 1968 U.S. Code Cong. and Admin. News 2112, 2167.

Moreover, there is legislative history which indicates that Congress intended the standard to allow the importation of traditional sporting rifles, while excluding military-type rifles. The Senate Report on the Gun Control Act observed that the importation standards “. . . are designed and intended to provide for the importation of quality made, sporting firearms, including . . . rifles such as those manufactured and imported by Browning and other such manufacturers and importers of firearms.” S. Rep. No. 1501, 90th Cong. 2d Sess. 38 (1968). Significantly, the rifles being imported by Browning at that time were semiautomatic and manually operated traditional sporting rifles of high quality.¹

An explanation of the effect of this section by one of the sponsors of the bill specifically stated that military firearms would not meet the “sporting purposes” test for importation. The mere fact that a military firearm may be used in a sporting event does not make it importable as a sporting firearm.²

There is a reference in the Senate Report on Title IV which notes that the importation prohibition “. . . would not interfere with the bringing in of currently produced firearms, such as rifles . . . of recognized quality which are used for hunting and for recreational purposes, or for personal protection.” S. Rep. No. 1097, 90th Cong. 2d Sess. 80, 1968 U.S. Code Cong. and Admin. News 2112, 2167. However, this language is not inconsistent with the expressed purpose of restricting importation to firearms particularly suitable for target shooting or hunting since firearms particularly suitable for those purposes can obviously be used for other purposes such as recreational shooting and personal protection.

The determination of a weapon’s suitability for sporting purposes “rest[s] directly with the Secretary of the Treasury.” 114 Cong. Rec. 27465 (1968) (Statement of Sen. Murphy). While the legislative history suggests that the term “sporting purposes” refers to the traditional sports of target shooting, trap and skeet shooting, and hunting, the statute itself provides no criteria beyond the “generally recognized” language of section 925(d)(3). S. Rep. No. 1097, 90th Cong. 2d Sess. 80, 1968 U.S. Code Cong. and Admin. News 2167. The Senate Report on the Gun Control Act stated:

The difficulty of defining weapons characteristics to meet this target [of eliminating importation of weapons used in crime] without discriminating against sporting quality firearms, was a major reason why the Secretary of the Treasury has been given fairly broad discretion in defining and administering the import prohibition.

S. Rep. No. 1501, 90th Cong. 2d Sess. 38 (1968).

Following enactment of the Gun Control Act in 1968, the Secretary established a Firearms Evaluation Panel to provide guidelines for implementation of the "sporting purposes" test of section 925(d)(3). This panel was composed of representatives from the military, law enforcement, and the firearms industry. The panel focused its attention on handguns and recommended the adoption of factoring criteria to evaluate the various types of handguns. These factoring criteria are based upon such considerations as overall length of the firearm, caliber, safety features, and frame construction. An evaluation sheet (ATF Form 4590) was developed thereafter by ATF and put into use for evaluating handguns pursuant to section 925(d)(3). Attachment 2.

The 1968 Firearms Evaluation Panel did not propose criteria for evaluating rifles and shotguns under section 925(d)(3). Other than surplus military firearms which Congress addressed separately, long guns being imported prior to 1968 were generally conventional rifles and shotguns specifically intended for sporting purposes. Thus, in 1968, there was no cause to develop criteria for evaluating the sporting purposes of rifles and shotguns. Until recently, all rifles and shotguns were approved for importation so long as they were not otherwise excluded by section 925(d)(3). Only rifles and shotguns covered by the National Firearms Act (NFA), 26 U.S.C. S 5845(a) (for example, machineguns and short-barreled rifles and short-barreled shotguns), and surplus military rifles and shotguns had been denied importation.

The Firearms Evaluation Panel did briefly comment on whether a model BM59 Beretta, 7.62mm NATO Caliber Sporter Version Rifle was suitable for sporting purposes. Minutes of the Firearms Advisory Panel, December 10, 1968. Attachment 3. It was the consensus of the Panel that this rifle did have a particular use in target shooting and hunting. Accordingly, it was recommended that importation of the Beretta BM59, together with the SIG-AMT 7.62mm NATO Caliber Sporting Rifle and the Cetme 7.62mm NATO Caliber Sporting Rifle, be authorized for importation. (The Beretta BM59 and the Cetme, the predecessor to the HK91, are two of the rifles whose importation has been suspended. The SIG-AMT is no longer being produced.) However, the Panel recommended that importation of these weapons should include the restriction that they not possess combination flash suppressors/grenade launchers.

The working group found the Panel's consideration of these rifles to be superficial and unpersuasive. The vast majority of the work of the 1968 Panel was devoted to handguns and the establishment of the factoring criteria for the importation of handguns. Indeed, we found compelling evidence that these rifles are not generally recognized as particularly suitable for sporting purposes.

The first time that ATF looked beyond the restrictions on NFA and surplus military rifles and shotguns and undertook a meaningful analysis under the "sporting purposes" test was in 1984. At that time, ATF was faced with a new breed of imported shotgun. It was clear that the historical assumption that all shotguns were sporting was no longer viable. Specifically, ATF was asked to determine whether the Striker-12 shotgun was suitable for sporting purposes. This shotgun is a military/law enforcement weapon initially designed and manufactured in South Africa for riot control. When the importer was asked to provide evidence of sporting purposes for the weapon, ATF was provided information that the weapon was suitable for police/combat style competitions. ATF determined that this type of competition did not constitute "sporting purposes" under the statute, and that this shotgun was not suitable for traditional sporting purposes, such as hunting, and trap and skeet shooting. Accordingly, importation was denied. Attachment 4.

Thereafter, in 1986, the Gilbert Equipment Company requested that the USAS-12 shotgun be classified as a sporting firearm under section 925(d)(3). After examination and testing of the weapon, ATF found that it was a semiautomatic version of a selective fire military-type assault shotgun. In this case, ATF determined that, due to its weight, size, bulk, designed magazine capacity, configuration, and other factors, the USAS-12 was not particularly suitable for or readily adaptable to sporting purposes. Again, ATF refused to recognize police/combat competitions as a sporting purpose under section 925(d)(3). The shotgun was reviewed on the basis of its suitability for traditional shotgun sports of hunting, and trap and skeet shooting and its importation was denied. Attachment 5. This decision was upheld by the United States District Court in Gilbert Equipment Company, Inc. v. Higgins, 709 F. Supp. 1071 (S.D. Ala. 1989). The case is currently on appeal to the Eleventh Circuit.

These two cases involving shotguns represent ATF's first thorough examination of the suitability of certain combat-type weapons for sporting purposes. In these cases ATF adopted an interpretation of sporting as being limited to certain traditional sports and not simply any lawful activity in which the weapons might be employed.

ANALYSIS

A. Defining the type of weapon under review.

As noted above, section 925(d)(3) expressly provides that the Secretary shall authorize the importation of a firearm that is of a type that is generally recognized as particularly suitable for sporting purposes. The legislative history also makes it clear that the Secretary shall scrutinize types of firearms in exercising his authority under section 925(d). Specifically, in its explanation of section 925(d)(3), the Senate Report on the Gun Control Act stated:

This subsection gives the Secretary authority to permit the importation of ammunition and certain types of firearms--(1) those imported for scientific or research purposes or for use in competition or training under chapter 401 of title 10 of the United States Code; (2) an unserviceable firearm other than a machinegun; (3) those firearms not coming within the purview of the National Firearms Act (26 U.S.C. 5801, et seq.) and suitable for sporting purposes (in the case of surplus military weapons this type is limited to shotguns and rifles) and those taken out of the United States. (Emphasis added.)

S. Rep. No. 1501, 90th Cong. 2d Sess. 38 (1968).

In light of the statutory mandate that types of firearms be scrutinized, the working group first attempted to determine whether the semiautomatic rifles suspended from importation fall within a type of firearm.

The working group determined that the semiautomatic rifles in question are generally semiautomatic versions of true selective fire military assault rifles.³ As a class or type of firearm they are often referred to as "assault rifles," "assault-type rifles," "military style rifles," or "paramilitary rifles."⁴ Since we are only concerned with semiautomatic rifles, it is somewhat of a misnomer to refer to these weapons as "assault rifles." True assault rifles are selective fire

weapons that will fire in a fully automatic mode.⁵ For the purposes of this paper, it was necessary to settle on one term that best describes the weapons under consideration, and we will refer to these weapons as “semiautomatic assault rifles.” They represent a distinctive type of rifle distinguished by certain general characteristics which are common to the modern military assault rifle. The modern military assault rifle, such as the U.S. M16, German G3, Belgian FN/FAL, and Soviet AK47, is a weapon designed for killing or disabling the enemy and, as described below, has characteristics designed to accomplish this purpose.

We found that the modern military assault rifle contains a variety of physical features and characteristics designed for military applications which distinguishes it from traditional sporting rifles.⁶ These military features and characteristics (other than selective fire) are carried over to the semiautomatic versions of the original military rifle. These features and characteristics are as follows:

1. Military Configuration.

- a. Ability to accept a detachable magazine. Virtually all modern military firearms are designed to accept large, detachable magazines.⁷ This provides the soldier with a fairly large ammunition supply and the ability to rapidly reload. Thus, large capacity magazines are indicative of military firearms. While detachable magazines are not limited to military firearms, most traditional semiautomatic sporting firearms, designed to accommodate a detachable magazine, have a relatively small magazine capacity. In addition, some States have a limit on the magazine capacity allowed for hunting, usually 8 rounds or less.⁸ That a firearm is designed and sold with a large capacity magazine, e.g., 20-30 rounds, is a factor to be considered in determining whether a firearm is a semiautomatic assault rifle.
- b. Folding/telescoping stocks. Many military firearms incorporate folding or telescoping stocks.⁹ The main advantage of this item is portability, especially for airborne troops. These stocks allow the firearm to be fired from the folded position, yet it cannot be fired nearly as accurately as with an open stock. With respect to possible sporting uses of this feature, the folding stock makes it easier to carry the firearm when hiking or backpacking. However, its predominant advantage is for military purposes, and it is normally not found on the traditional sporting rifle.
- c. Pistol grips. The vast majority of military firearms employ a well-defined pistol grip that protrudes conspicuously beneath the action of the weapon.¹⁰ In most cases, the “straight line design” of the military weapon dictates a grip of this type so that the shooter can hold and fire the weapon. Further, a pistol grip can be an aid in one-handed firing of the weapon in a combat situation. Further, such grips were designed to assist in controlling machineguns during automatic fire. On the other hand, the vast majority of sporting firearms employ a more traditional pistol grip built into the wrist of the stock of the firearm since one-handed shooting is not usually employed in hunting or competitive target competitions.
- d. Ability to accept a bayonet. A bayonet has distinct military purposes.¹¹ First, it has a psychological affect on the enemy. Second, it enables soldiers to fight in close quarters

with a knife attached to their rifles. We know of no traditional sporting application for a bayonet.

- e. Flash suppressor. A flash suppressor generally serves one or two functions. First, in military firearms it disperses the muzzle flash when the firearm is fired to help conceal the shooter's position, especially at night. A second purpose of some flash suppressors is to assist in controlling the "muzzle climb" of the rifle, particularly when fired fully automatic.¹² From the standpoint of a traditional sporting firearm, there is no particular benefit in suppressing muzzle flash. Those flash suppressors which also serve to dampen "muzzle climb" have a limited benefit in sporting uses by allowing the shooter to reacquire the target for a second shot. However, the barrel of a sporting rifle can be modified by "magna-porting" to achieve the same result. There are also muzzle attachments for sporting firearms to assist in the reduction of muzzle climb. In the case of military-style weapons that have flash suppressors incorporated in their design, the mere removal of the flash suppressor may have an adverse impact on the accuracy of the firearm.
 - f. Bipods. The majority of military firearms have bipods as an integral part of the firearm or contain specific mounting points to which bipods may be attached.¹³ The military utility of the bipod is primarily to provide stability and support for the weapon when fired from the prone position, especially when fired fully automatic. Bipods are available accessory items for sporting rifles and are used primarily in long-range shooting to enhance stability. However, traditional sporting rifles do not come equipped with bipods, nor are they specifically designed to accommodate them. Instead, bipods for sporting firearms are generally designed to attach to a detachable "sling swivel mount" or simply clamp onto the firearm.
 - g. Grenade launcher. Grenade launchers are incorporated in the majority of military firearms as a device to facilitate the launching of explosive grenades.¹⁴ Such launchers are generally of two types. The first type is a flash suppressor designed to function as a grenade launcher. The second type attaches to the barrel of the rifle either by screws or clamps. We are not aware of any particular sporting use for grenade launchers.
 - h. Night sights. Many military firearms are equipped with luminous sights to facilitate sight alignment and target acquisition in poor light or darkness.¹⁵ Their uses are generally for military and law enforcement purposes and are not usually found on sporting firearms since it is generally illegal to hunt at night.
2. Whether the weapon is a semiautomatic version of a machinegun.

The vast majority of modern military firearms are selective fire, *i.e.*, they can shoot either fully automatic or semiautomatic. Since machineguns are prohibited from importation (except for law enforcement use) the manufacturers of such weapons have developed semiautomatic versions of these firearms.¹⁶
 3. Whether the rifle is chambered to accept a centerfire cartridge case having a length of 2.25 inches or less.

Modern military assault rifles and submachineguns are generally chambered to accept a centerfire cartridge case of 2.25 inches or less.¹⁷ On the other hand, while many traditional sporting rifles will fire a cartridge of 2.25 inches or less, such firearms usually do not have the other military features outlined in Items 1a-h.

These features and characteristics are not usually found on traditional sporting firearms.¹⁸ This is not to say that a particular rifle having one or more of the listed features should necessarily be classified as a semiautomatic assault rifle. Indeed, many traditional sporting firearms are semiautomatic or have detachable magazines. Thus, the criteria must be viewed in total to determine whether the overall configuration places the rifle fairly within the semiautomatic assault rifle category.

Using these criteria, we determined that, on balance, all of the firearms on the original suspension list are properly included in the semiautomatic assault rifle category, with the exception of the .22 rimfire caliber rifles and the Valmet Hunter. While the .22 rimfire caliber rifles bear a striking resemblance to the true assault rifle, these rifles employ, by and large, conventional .22 rimfire caliber semiautomatic mechanisms.¹⁹ Moreover, they are not semiautomatic versions of a machinegun and contain only a few of the other relevant characteristics. Further, the working group determined that, in general, .22 caliber rifles are generally recognized as suitable for small game hunting. The Valmet Hunter, while based on the operating mechanism of the AK47 assault rifle, has been substantially changed so that it is now akin to a traditional sporting rifle and does not properly fall within the semiautomatic assault rifle category. More specifically, its receiver has been modified and its pistol grips, bayonet, and flash suppressor have been removed. The trigger mechanism has been moved to the rear of the modified receiver to facilitate its use with a traditional sporting stock. Also, its military-style sights have been replaced with traditional sporting-style sights. See Attachment 6.

B. Scope of "Sporting Purposes".

The second step of our process was to determine the scope of "sporting purposes" as used in the statute. This is a critical aspect of the process. The broadest interpretation could take in virtually any lawful activity or competition which any person or groups of persons might undertake. Under this interpretation, any rifle could meet the "sporting purposes" test. A narrower interpretation which focuses on the traditional sports of hunting and organized marksmanship competition would result in a more selective importation process.²⁰

To determine the proper interpretation, we consulted the statute itself, its legislative history, applicable case law, the work of the original Firearms Evaluation Panel, and prior interpretations by ATF. In terms of the statute itself, the structure of the importation provisions would suggest a somewhat narrow interpretation. In this regard, firearms are prohibited from importation (section 922(1)) with certain specific exceptions (section 925(d)(3)). A broad interpretation which permits virtually any firearm to be imported because someone may wish to use it in some lawful shooting activity would render the statute meaningless.

As discussed earlier, the legislative history suggests a narrow meaning and indicates that the term "sporting purposes" refers to the traditional sports of target shooting, skeet and trap shooting, and hunting. Moreover, the history discussed earlier strongly suggests that Congress intended the provision to allow the importation of traditional sporting type rifles while excluding military type rifles. There is nothing in its history to indicate that it was intended to recognize every conceivable

type of activity or competition which might employ a firearm. To the contrary, the history indicates that mere use in some competition would not make the rifle a sporting rifle.

Finally, the 1968 Firearms Evaluation Panel specifically addressed at least one informal shooting activity and determined that it was not a legitimate sporting purpose under the statute. The panel addressed what is commonly referred to as "plinking" (shooting at randomly selected targets such as bottles and cans). It was the Panel's view that "while many persons participated in this type of activity and much ammunition was expended in such endeavors, it was primarily a pastime and could not be considered a sport for the purposes of importation. . . ." See Attachment 3.

Based on the above, the working group determined that the term "sporting purpose" should properly be given a narrow reading. It was determined that while hunting has been a recognized rifle sport for centuries, and competitive target shooting is a recognized rifle sport, the so-called activity of plinking is not a recognized sport. Moreover, we believe that reference to sporting purposes was intended also to stand in contrast to military and law enforcement applications. Consequently, the working group does not

believe that police/combat-type competitions should be treated as sporting activities. This position is supported by the court's decision in Gilbert Equipment Company, Inc., v Higgins, 709 F. Supp. 1071 (S.D. Ala. 1989) and is consistent with prior interpretations of ATF as noted on pages 4 and 5 in discussing the Striker-12 shotgun and USAS-12 shotgun.

C. Suitability.

The final step in our review involved an evaluation of whether semiautomatic assault rifles are a type of rifle generally recognized as particularly suitable for or readily adaptable to the traditional sporting applications discussed above.

The criminal misuse of semiautomatic assault rifles is a matter of significant public concern and was an important factor in the decision to suspend their importation. Nevertheless, the working group did not consider criminal misuse as a factor in its analysis of the importability of this type of rifle. Instead, the working group confined its analysis to the question of whether this type of rifle meets the test provided in section 925(d)(3).

Rather than criminal misuse, our comprehensive examination of this issue focused on the legal analysis and technical assessment of these firearms discussed earlier. In addition, the working group used the information gathered under Items 1-7 outlined in the next section in determining whether this type of firearm is generally recognized as particularly suitable for sporting purposes. These items take into account technical and marketing data, expert opinions, the recommended uses of the firearms, and data on the actual uses for which the weapons are employed in this country.

In evaluating these firearms, we believe that all rifles which are fairly typed as semiautomatic assault rifles should be treated the same. Therefore, the fact that there may be some evidence that a particular rifle of this type is used or recommended for sporting purposes should not control its importability.²¹ Rather, all findings as to suitability of these rifles as a whole should govern each rifle within this type.

This is consistent with the approach taken with respect to handguns since 1968. Although certain handguns may be used or recommended for sporting purposes, they may fall within the type of easily concealable handguns barred from importation by the administrative factoring criteria used by ATF to determine the importability of handguns. Furthermore, a pistol specifically designed for target shooting, but lacking a safety as required by the factoring criteria, would be a type of handgun prohibited from importation as not particularly suitable for sporting purposes for this reason. Finally, just as ATF allows handguns to be modified so as to meet the factoring criteria, a semiautomatic assault rifle could be modified into a sporting configuration and be importable, as was done in the case of the Valmet Hunter referred to earlier.

D. Evaluation of Information from Outside Sources

As part of our comprehensive analysis as to whether semiautomatic assault rifles meet the statutory criteria for importation, the following sources of information were also considered:

1. How has the weapon been advertised, marketed and categorized by the manufacturer and/or importer?
2. How has the use of the rifle been described by firearms technical writers?
3. What is the rifle's reported use by importers?
4. Do hunting guides recommend the rifle?
5. Do editors of hunting magazines recommend the rifle?
6. Is the rifle used in target shooting competitions?
7. Do State game commissions allow the use of the rifle to hunt?

Items 1-6 focus upon how the rifles are marketed, advertised, and recommended for use. Item 7 addresses the legal restrictions pertaining to the use of the weapons for sporting purposes.

The working group reviewed the advertising and marketing literature concerning each of the weapons (Item 1) and reviewed evaluations of the firearms by technical writers (Item 2). In addition, the working group solicited information from the importers of the weapons and other knowledgeable sources (Items 3-6).

Questionnaires were drafted and sent out to licensed hunting guides, State game and fish commissions, local hunting associations, competitive shooting groups, and hunting/shooting magazine editors to determine the extent to which the weapons are used for sporting purposes or recommended for such use. The working group believed that the actual uses of the weapons for sporting purposes would be a factor to be considered in determining whether this type of rifle meets the sporting purposes test.

The review of advertising and marketing literature indicates that these rifles are not generally marketed for hunting or competitive shooting. The review of the technical evaluations revealed that these rifles are not regarded as suitable for these sporting activities.²²

To the extent that the technical evaluations made recommendations with respect to the use of the rifles suspended from importation, the majority recommended them for law enforcement or military use or for activities such as collecting, plinking, home and self-defense, and combat target shooting. Only 5 of over 50 evaluations reviewed contained recommendations for the use of these firearms for hunting purposes.

The importers were asked to submit information concerning the sporting uses of the semiautomatic rifles they import. Thirty-nine importers were asked to submit this information and 19 responded. In general, their comments were conclusory and stated that their weapons could be used for sporting purposes. A small number of importers, *e.g.*, Gun South, Inc., and Heckler & Koch, Inc., provided more specific data showing the sporting uses made of their firearms by their customers.

Of 3 hunting associations to whom questionnaires were sent, 2 responded. They stated that they place no restrictions on the use of semiautomatic rifles by their members, on the minimum caliber of ammunition used to hunt large game, or on the number of rounds allowed in semiautomatic rifle magazines. However, over 1,800 hunting guides were sent questionnaires and, of these, 706 responded. Over 73 percent of those responding indicated that their patrons used either bolt or lever action rifles for hunting. Only 10 of the 706 guides indicated that their patrons had used any of the rifles whose importation had been temporarily suspended.

Of the 20 hunting/shooting editors to whom questionnaires were sent, 14 responded. Nine of the fourteen editors recommended semiautomatic rifles for use in hunting large game, including 5 who recommended use of any of the rifles subject to the temporary suspension. Eleven of the fourteen editors recommended semiautomatic rifles for target competitions, including 7 who recommended semiautomatic assault rifles for such use.

The recommendations of editors were contradictory. One editor pointed out that what made the assault rifle successful as a military weapon made the semiautomatic version totally unfit for any other use. On the other hand, another editor stated that semiautomatic rifles had certain advantages over conventional sporting rifles especially for the physically disabled and left-handed shooters. While this may be true, there appears to be no advantage to using a semiautomatic assault rifle as opposed to a semiautomatic sporting rifle.

A total of 54 competitive shooting groups were sent a questionnaire and 53 groups responded (some of the responses were from unsolicited groups). Fifty of these groups indicated that they sponsor high power rifle competition events. While none of the groups prohibited the use of the semiautomatic assault rifles in their competitions, none stated that any of the rifles covered by the temporary suspension were used in a specific event.

Finally, the information gathered under Item 7 reveals that most of these weapons could legally be used in most States for most hunting purposes.

The working group reviewed all of the information gathered under Items 1-6 and determined that while these weapons may legally be used for sporting purposes in most States, the evidence was compelling that, as a type of firearm, the semiautomatic assault rifle is not generally recognized as particularly suitable for sporting purposes. The working group found persuasive the technical and expert evaluations of these firearms which generally did not recommend them as particularly suitable for sporting purposes. The group was also impressed by the comments of the hunting guides which showed that these rifles were not widely used for hunting purposes. The comments of the hunting guides are consistent with the opinion of the technical experts who generally do not recommend the rifles for hunting purposes.

The opinions of the editors were fairly divided with respect to the sporting uses of these rifles. The importers generally recommended their own weapons for such uses. The competitive shooting groups indicated that the rifles could be used in certain shooting events. Thus, while there was some evidence that these rifles could be used for hunting and target shooting, there was no evidence of any widespread use for such purposes. The mere fact that they are not generally prohibited from use for sporting purposes does not mean that the rifles meet the test for importation.

CONCLUSIONS

The working group has dealt with a complex issue, the resolution of which has required the group to take into account interpretations of law, technical assessments of firearms and their physical characteristics, marketing data, the assessment of data compiled from responses to questionnaires and, finally, Bureau expertise with respect to firearms. We fully recognize that particular findings as well as the results will be controversial.

From the cross section of representation within ATF, we have brought to bear our technical, legal, and administrative expertise to resolve the issues in what we believe to be a fair manner, taking into consideration all points of view. While some of the issues were difficult to resolve, in the end we believe that the ultimate conclusion is clear and compelling. These semiautomatic assault rifles were designed and intended to be particularly suitable for combat rather than sporting applications. While these weapons can be used, and indeed may be used by some, for hunting and target shooting, we believe it is clear that they are not generally recognized as particularly suitable for these purposes.

The purpose of section 925(d)(3) was to make a limited exception to the general prohibition on the importation of firearms, to preserve the sportsman's right to sporting firearms. This decision will in no way preclude the importation of true sporting firearms. It will only prevent the importation of military-style firearms which, although popular among some gun owners for collection, self-defense, combat competitions, or plinking, simply cannot be fairly characterized as sporting rifles.

Therefore, it is the finding of the working group that the semiautomatic assault rifle is not a type of firearm generally recognized as particularly suitable for or readily adaptable to sporting purposes and that importation of these rifles should not be authorized under 18 U.S.C. § 925(d)(3).

Based on our evaluation, we recommend that the firearms listed on Attachment 7 not be authorized for importation. For the reasons discussed in this report, we recommend that the firearms listed on Attachment 8 be authorized for importation. These are the .22 rimfire caliber rifles and the Valmet Hunter which we do not believe are properly included in the category of semiautomatic assault rifles. Attachment 9 is a compilation of the responses from the questionnaires. Attachment 10 combines the criteria for identifying semiautomatic assault rifles and the items considered in assessing suitability. Attachments 11 and 12 contain the data compiled for each of the criteria listed in Attachment 10. Finally, Attachment 13 contains the source materials used in locating persons and organizations who were sent questionnaires.

NOTES

1. Paul Wahl, ed., Gun Trader's Guide, 13th Edition, (South Hackensack, NJ. 1987), 155-162.
2. Although a firearm might be recognized as "suitable" for use in traditional sports, it would not meet the statutory criteria unless it were recognized as particularly suitable for such use. Indeed, Senator Dodd made clear that the intent of the legislation was to "[regulate] the importation of firearms by excluding surplus military handguns; and rifles and shotguns that are not truly suitable for sporting purposes." 114 Cong. Rec. 13325 (1968) (Statement of Sen. Dodd) [emphasis added].

Similarly, it is apparent that the drafters of the legislation did not intend for "sports" to include every conceivable type of activity or competition which might employ a firearm; otherwise a "sporting purpose" could be advanced for every firearm sought to be imported. For example, in response to Sen. Hansen's question concerning the meaning of "sporting purposes" in the bill which became section 925(d), Senators Dodd and Hansen engaged in the following colloquy:

Mr. HANSEN. Would the Olympic shooting competition be a "sporting purpose?"

Mr. DODD. I would think so.

Mr. HANSEN. What about trap and skeet shooting?

Mr. DODD. I would think so. I would think trap and skeet shooting would certainly be a sporting activity.

Mr. HANSEN. Would the Camp Perry national matches be considered a "sporting purpose?"

Mr. DODD. Yes; that would not [sic] fall in that arena. It should be described as a sporting purpose.

Mr. HANSEN. I understand the only difference is in the type of firearms used at Camp Perry which includes a wide variety of military types as well as commercial.

Would all of these firearms be classified as weapons constituting a “sporting purpose?”

Mr. DODD. No. I would not say so. I think when we get into that, we definitely get into military type of weapon for use in matches like these at Camp Perry; but I do not think it is generally described as a sporting weapon. It is a military weapon. I assume they have certain types of competition in which they use these military weapons as they would in an otherwise completely sporting event. I do not think that fact would change the nature of the weapon from a military to a sporting one.

Mr. HANSEN. Is it not true that military weapons are used in Olympic competition also?

Mr. DODD. I do not know. Perhaps the Senator can tell me. I am not well informed on that.

Mr. HANSEN. It is my understanding that they are. Would the Senator be inclined to modify his response if I say that is true? (27461)

Mr. DODD. It is not that I doubt the Senator’s word. Here again I would have to say that if a military weapon is used in a special sporting event, it does not become a sporting weapon. It is a military weapon used in a special sporting event. I think the Senator would agree with that. I do not know how else we could describe it.

Mr. HANSEN. If I understand the Senator correctly, he said that despite the fact that a military weapon may be used in a sporting event it did not, by that action become a sporting rifle Is that correct?

Mr. DODD. That would seem right to me As I said previously the language says no firearms will be admitted into this country unless they are genuine sporting weapons..... I think the Senator and I know what a genuine sporting gun is.

114 Cong. Rec. 27461-62 (1968).(Emphasis added.)

3. Ken Warner, ed., Gun Digest 1989, (Northbrook, IL. 1988), pp. 293-300; William S. Jarrett, ed., Shooter’s Bible, No. 80, (Hackensack, NJ. 1988), pp. 345-363; Edward Clinton Ezell, Small Arms of the World, (Harrisburg, Pa. 1983), p. 844; Pete Dickey, “The Military Look-Alikes,” American Rifleman, (April 1980), p. 31. Also, see generally, Ian V. Hogg, ed., Jane’s Infantry Weapons, 1987-88, (New York 1987); Jack Lewis, ed., The Gun Digest Book of Assault Weapons, (Northbrook, IL. 1986).
4. Art Blatt, “Tomorrow’s State-of-the-Art Sporting Rifle,” Guns & Ammo, (July 1981), p. 48; Jarrett, pp. 345-363; Warner, pp. 293-300.
5. Daniel D. Musgrave and Thomas B. Nelson, The World’s Assault Rifles, (Virginia, 1967), p. 1.
6. See generally, Angus Laidlaw, ed., Paul Wahl’s Big Gun Catalog/1, (Bogota, NJ. 1988); Musgrave and Nelson; Hogg; Jarrett; and Warner.

7. Ibid.
8. Arizona, 5 rounds; Colorado, 6 rounds; Michigan 6 rounds; New Hampshire, 5 rounds; New York, 6 rounds; North Carolina, 6 rounds; North Dakota, 8 rounds; Oregon, 5 rounds; Pennsylvania, semiautomatic rifles prohibited; Vermont, 6 rounds.
9. See generally, Hogg; Musgrave and Nelson; Ezell; Warner; Jarrett; Laidlaw; and Lewis.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid.
14. Ibid.
15. Ibid.
16. Ezell, p. 844; Dickey, p. 31.
17. Musgrave and Nelson, pp. 11-29; and, see generally, Hogg; and Ezell.
18. Ezell, pp.844-866; and, see generally, Warner; Jarrett; and Laidlaw.
19. See, for example, Walter Rickell, "The Plinker's AK GunsMagazine, (July 1986) p. 21; John Lachuk, "Bantam Battle Rifles," Guns & Ammo, (January 1987), p. 37; John Lachuk, ".22 Erma Carbine," Guns & Ammo, (May 1968), p. 58; JackLewis, "Something New: The AK in Twenty-Two," Gun World, (July 1985), p. 32; Roger Combs, "A Most Unique Carbine," Gun World, (December 1985), p. 28; Garry James, "Mitchell Arms AK-22," Guns & Ammo, (November 1985), p. 72.
20. See note 2, colloquy between Senators Dodd and Hansen.
21. Ibid.
22. See generally, bibliography.

BIBLIOGRAPHY

- "Armalite AR-180 Rifle," American Rifleman, (February 1981), 65-66.
- "Beretta AR. 70 Rifle," American Rifleman, (March 1988), 64-66.
- Blatt, Art. "Beretta M-70/Sport Rifle," Guns & Ammo, (December 1983), 64-65.
- Blatt, Art. "Tomorrow's Sporting Rifles," Guns & Ammo, (July 1981), 48-57, 78, 79.
- Bruce, Robert. "The AUG Assault System," Guns Magazine, (September 1986), 37-39, 42,43, 57-61.
- Clapp, Wiley. "Great To-Do With the Daewoo," The Gun Digest Book of Assault Weapons, (1986), 82-87.
- Combs, Roger. "A Most Unique Carbine," Gun World, (December 1985), 28-31, 47.
- Combs, Roger. "Galil 7.62mm Nato Rifle", Gun World, (October 1985), 32-36.
- Combs, Roger. "The Avtomat Kalashnikov Goes .22," The Gun Digest Book of Assault Weapons, (1986), 182-195.
- Combs, Roger. "The Uniquely Unique F-11," The Gun Digest Book of Assault Weapons, (1988), 188-195.
- "Cooking and Heckling with H & K's HK94A3," Gun World, (August 1984), 18-20.
- Davis, Russ. "Have Your AK and Shoot it, Too," Guns Magazine, (February 1987), 39, 62-64.
- Dickey, Pete. "The Military Look-Alikes," American Rifleman, (April 1980), 30-31, 76.
- Egolf, Dick. "Heckler & Koch's Super Semi-Auto," American Rifleman, (June 1985), 29-32, 65-67.
- Ezell, Edward Clinton. Small Arms of the World. Harrisburg: Stackpole Books, 1983.
- "FN FNC Rifle," American Rifleman, (January 1988), 58-60.
- Ferguson, Tom. "A Hard Look at The AR-180", The Gun Digest Book of Assault Weapons, (1986), 121-127.
- French, Howard. "H & K's 9mm Paracarbine," Guns & Ammo, (November 1983), 42-44.
- Grennell, Dean A. "The Mitchell AK-47," Gun World, (September 1986), 40-41.

- "Heckler & Koch 91," American Rifleman, (October 1981), 56-58.
- "Heckler & Koch Model 94 Carbine," American Rifleman, (February 1988), 46-48.
- Hogg, Ian V., ed. Janes' Infantry Weapons. 1987-1988. New York: Jane's Publishing Company, 1987.
- Hunnicut, Robert W. "The Bullpups Have Arrived", American Rifleman, (March 1987), 30-35, 70-71.
- James, Frank W. "The Springfield Armory SAR-3," Special Weapons and Tactics, (July 1989), 42-46.
- James, Garry. "Australian L1A1 Rifle," Guns & Ammo, (December 1987),
- James, Garry. "Chinese AK-47 .223," Guns & Ammo, (August 1986), 84-86.
- James, Garry. "Mitchell Arms AK-22," Guns & Ammo, (November 1985), 72-73, 97.
- James, Garry. "Mitchell Heavy Barrel AK-47," Guns & Ammo, (November 1986), 83-84.
- James, Garry. "PTK Chinese M-14S Rifle," American Rifleman, (July 1988), 81-82.
- James, Garry. "The SAR-48 Rifle, Springfield Armory Reproduces a Classic," Guns & Ammo, (August 1985), 64-66.
- Jarrett, William S., ed. Shooter's Bible. No. 80. Hackensack: Stoeger Publishing Company, 1988.
- Kapelsohn, Emanuel. "Steyr's Space-Age AUG," The Gun Digest Book of Assault Weapons, (1986), 45-49.
- Karwan, Chuck. "The Fetching Famas," Gun World, (October 1988), 18-21, 78.
- Karwan, Chuck. "The Rugged Rifles of Springfield Armory," Gun World, (March 1989), 72-76.
- Karwan, Chuck. "ilalmet's Assault Family," The Gun Digest Book of Assault Weapons, (1986), 70-75.
- Lachuk, John. ".22 Erma Carbine," Guns & Ammo, (May 1968), 58-60.
- Lachuk, John. "Bantam Battle Rifles," Guns & Ammo, (January 1987), 36-39, 75-76.
- Laidlaw, Angus, ed. Paul Wahl's Big Gun Catalog/I. Bogatao Paul Wahl Corporation, 1988.
- Lewis, Jack, ed. The Gun Digest Book of Assault Weapons. Northbrook: DBI Books, Inc., 1986.
- Lewis, Jack. "A Family Affair," The Gun Digest Book of Assault Weapons, (1986), 76-81.

- Lewis, Jack. "EMF's Look-Alike AP-74," The Gun Digest Book of Assault Weapons, (1986), 166-171.
- Lewis, Jack. "Something New: The AK in Twenty-Two," Gun World, (July 1985), 32-35.
- Lewis, Jack. "Springfield's S.A.R. 48," The Gun Digest Book of Assault Weapons, (1968), 88-93.
- Lewis, Jack. "The Why and How of Rimfires," The Gun Digest Book of Assault Weapons, (1986), 160-171.
- Mason, James D. "The Maadi in America," Guns Magazine, (January 1983), 33-35, 78.
- Musgrave, Daniel D. and Nelson, Thomas B. The World's Assault Rifles. Washington, DC: Goetz Company, 1967.
- O'Meara, Robert. "The Guns of Israel," Guns Magazine, (January 1989), 33-35, 51.
- Paige, Alan. "The AK-47 As A Bullpup?" Firepower, (January 1989), 48-53.
- Rees, Clair. "Valmet M71-S," Guns & Ammo, (October 1976), 86, 137.
- Rickell, Walter. "The Plinker's AK," Guns Magazine, (July 1986), 21.
- Roberts, J.B. "Bernosky Wins His Fourth," American Rifleman, (Oct. 1980), 49-51.
- Sanow, Ed. "National Match AK-47/S," Firepower, (January 1989), 66-71.
- Shults, Jim. "The Mean Machine," Gun World, (April 1982), 26-28.
- "Springfield Armory S.A.R. 48," American Rifleman, (March 1986), 57-58.
- Steele, Kevin E. "Beretta BM-59," Guns Magazine, (January 1983), 14.
- Steele, Kevin E. "Sporting Firearms Update," Guns Magazine, (February 1980), 52-55, 79, 84-85.
- "Steyr-AUG: The Terrible Toy," Gun World, (December 1984), 32-35.
- Swenson, Thomas J. "The Incredible Uzi," Guns & Ammo, (January 1982), 32-36, 76. Tappan, Mel. "Survive: Survival Rifles-Part 2," Guns & Ammo, (August 1978), 68, 96-97.
- Traister, John. "AK Rifle: Chinese AKS or Type 56S," American Rifleman, (May 1988), 50-51.
- "UZI Semi-Automatic .45 Carbine," American Rifleman, (January 1986), 59.
- "Uzi Semi-Automatic Carbine," American Rifleman, (August 1981), 55-57.

A-1114

Case 3:13-cv-00739-AVC Document 79-3 Filed 10/11/13 Page 27 of 215

“Valmet M78 Rifle,” American Rifleman, (April 1988), 64-66

Wahl, Paul, ed. Gun Trader’s Guide, 13th Edition, South Hackensack: Stoeger Publishing Company, 1987.

Warner, Ken, ed. Gun Digest 1989. Northbrook: DBI Books, Inc., 1988.

Wood, J.B. “Beretta’s AR70 Sporter,” Guns Magazine, (March 1986), 38-39, 65-66.

Woods, Jim. “Firepower From the Far East-Daewoo,” Guns Magazine, (February 1986), 28-29, 60-61.

Zwirz, Bob. “Valmet’s Military Look,” Gun World, (September 1988), 28-30.

NOTE: This information was extracted from the document titled, “**Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles**”, published in a memorandum to the Director, Stephen E. Higgins from the Associate Director, Daniel R. Black and approved on July 6, 1989.

A-1115

Case 3:13-cv-00739-AVC Document 79-3 Filed 10/11/13 Page 28 of 215

EXHIBIT 18

A-1116

483

Assault Weapons Profile



**United States
Department of the Treasury**

Bureau of Alcohol, Tobacco and Firearms

April 1994

AK's -- Norinco, Mitchell, Poly Technologies

Background

These assault rifles are semi-automatic copies of machineguns designed in Communist block countries. They are variations of post-World War II military rifles.

Production

These firearms have been imported as follows: Norinco from China, Mitchell from Yugoslavia, Poly Technologies from China. In 1989, these assault rifles were banned from importation into the United States, because they did not meet the sporting purpose criteria under the Gun Control Act. Approximately 100,000 of these firearms have been imported into the U.S., and are still in circulation.

Ammunition Magazine

These assault rifles come equipped with a 30-round magazine.

Numbers Traced *

During the years 1990 to 1993, these firearms accounted for 2,061 of the firearms traced for law enforcement officials nationwide. The traces included 329 narcotics investigations and 272 murder cases.

* not all firearms used in crime are traced.

Examples of Use in Crime

In a Detroit, Michigan suburb, a Norinco AK-47 was recovered in a narcotics-related double homicide. The weapon had an obliterated serial number. The AK-47 was one of the weapons purchased by an individual who was diverting them to drug traffickers.

Federal, State and local officers recently raided the Kentucky Courts public housing complex in Washington, DC, following the fatal shooting of police officer Jason White. The seizure turned up six guns, including an AK-47 assault rifle. The Kentucky Court Crew gang is suspected of doling out guns, including assault weapons, and crack from an apartment within firing range of where Officer White was gunned down.



Shown is Norinco AK-47

M-10, M-11, M-11/9, and M-12

Background

These semi-automatic assault pistols are manufactured in the United States, and designed as semi-automatic copies of submachine guns. The M-11/9 weighs 3.25 pounds unloaded, 4.25 pounds when fully loaded, some of SWD's M-11/9 models were manufactured as rifles.

Production

Approximately 100,000 of these firearms have been manufactured.

Ammunition Magazine

These assault pistols come equipped with a 32-round magazine.

Numbers Traced *

During the years 1990 to 1993, these firearms accounted for 3,091 of the firearms traced for law enforcement officials nationwide. They were traced for 561 narcotics investigations, 313 murder cases, and 125 instances of assault.

According to ATF's Tracing Center, from 1991 through the present, the M11/9 has been in the top 10 firearms that were traced.

* not all firearms used in crime are traced.

Examples of Use in Crime

In October 1992, a bank in Sykesville, Maryland was robbed by two gunmen using a MAC firearm that had been purchased in West Virginia. Four tellers were taken hostage and shot. Two of the tellers subsequently died.

In Atlanta, Georgia, 11 individuals were indicted in a gun-trafficking scheme. For 2 years, nearly 1,000 guns were shipped illegally to New York, where many were recovered in crimes in New York City. The men had converted a number of semi-automatic Cobray 9mm pistols (MAC 10) into automatic operation.

A Houston, Texas police officer made a traffic stop and was critically wounded, shot four or five times by the driver. The suspect got away and later, the suspect attempted a robbery. A trooper approached the suspect's car and was met with assault weapon fire. After abandoning his car, the suspect continued shooting at the pursuing officers and a gun battle ensued. The suspect was clutching a MAC 11 when he was killed. A search of his vehicle disclosed an AK-47.



Shown is SWD M11/9

Action Arms UZI and Galil

Background

These assault rifles and pistols are semi-automatic copies of machineguns designed in Israel. They are variations of post-World War II military rifles.

Production

In 1989, these assault rifles were banned from importation into the United States because they did not meet the sporting purpose criteria under the Gun Control Act. Approximately 10,000 of these firearms were imported into the U.S. prior to the ban and are in circulation today. The UZI assault pistol was banned from importation into the United States in 1993 by President Clinton because it did not meet the sporting purpose criteria under the Gun Control Act. The UZI assault rifle has the same appearance as the submachine gun, and was first imported in 1980. The Galil was introduced into U.S. commerce in 1982.

Ammunition Magazine

The UZI Carbine chambers 9mm ammunition, and comes equipped with a 25-round magazine.

The Galil is a .308 caliber semi-automatic rifle and comes equipped with a 20-shot magazine.

Numbers Traced *

During the years 1990 to 1993, these firearms accounted for 755 of the firearms traced for law enforcement officials nationwide. Galils were traced for 9 narcotics investigations, 2 murder cases, and 2 instances of assault. UZIs were traced for 151 narcotics investigations, 47 murder cases, and 30 instances of assault.

* not all firearms used in crime are traced.

Examples of Use in Crime

A Louisville, Kentucky police officer stopped a suspect in a shooting incident. The officer found, in the suspect's car, a 9mm UZI with an obliterated serial number and loaded with a magazine of 17 rounds.

In Boston, Massachusetts, an undercover agent infiltrated an Asian gang involved in illegal narcotics and gun sales. The undercover agent bought over a kilo of 91% pure heroin (street value of \$1 million), and 29 guns. The purchased firearms included an Action Arms UZI, an SWD/Cobray M-11/9 pistol, an Intratec TEC-9 (converted to fire fully automatic), and an AK-47 assault rifle.



Shown is UZI Pistol

Beretta AR-70

Background

These assault rifles are semi-automatic copies of machineguns designed in Italy. They are variations of post-World War II military rifles.

Production

In 1989, these assault rifles were banned from importation into the United States because they did not meet the sporting purpose criteria under the Gun Control Act. Approximately 1,000 of these firearms were imported into the U.S. prior to the ban, and remain in circulation.

Ammunition Magazine

This gas-operated semi-automatic 5.56 x 45 mm assault rifle comes equipped with a 30-round ammunition magazine.

Numbers Traced *

During the years 1990 to 1993, these firearms accounted for 3 of the firearms traced for law enforcement officials nationwide.

* not all firearms used in crime are traced.

Examples of Use in Crime

In April 1992, ATF agents in Fargo, North Dakota recovered a Beretta AR-70, another long gun, 3 handguns and approximately 8,000 rounds of ammunition from a convicted illegal manufacturer of explosives.

In May 1993, the San Bernardino, California Sheriff's Office recovered a Beretta AR-70 and Intratec TEC 9 mm pistol and two pounds of methamphetamine from a suspected drug dealer. The suspect was convicted under California law of possessing an unregistered assault weapon and is awaiting trial on the drug charges.



Shown is Beretta AR70

Colt AR-15

Background

These assault rifles are semi-automatic copies of machineguns manufactured in the United States. Semi-automatic versions of the M-16, they are variations of post-World War II military rifles.

Production

Approximately 400,000 of these firearms have been manufactured. In 1989, these assault rifles were banned from re-importation into the United States because they did not meet the sporting purpose criteria under the Gun Control Act.

Ammunition Magazine

The Colt AR-15 comes equipped with a 5-round detachable box magazine. However, this firearm is typically fitted with a 30-round magazine as shown below.

Numbers Traced *

During the years 1990 to 1993, these firearms accounted for 1,802 of the firearms traced for law enforcement officials nationwide. They were traced for 212 narcotics investigations, 106 murder cases, and 39 instances of assault.

* not all firearms used in crime are traced.

Examples of Use in Crime

In San Fernando Valley, California, a son shot and killed his father using an AR-15. He then opened fire on the police as they arrived on the scene. One police officer was killed.

Seven-year old Dantrell Davis and his mother were walking to school in the Chicago, Illinois housing project where they lived. A sniper armed with an AR-15 fired into the area as part of a violent feud between gangs. A shot hit the boy in the head and he was killed instantly.



Shown is AR-15

Fabrique Nationale FN/FAL, FN/LAR, and FNC

Background

These assault rifles are semi-automatic copies of machineguns designed in Belgium, and used by various NATO countries. They are variations of post-World War II military rifles.

Production

In 1989, these assault rifles were banned from importation into the United States because they did not meet the sporting purpose criteria under the Gun Control Act. Approximately 30,000 of these firearms had been imported into the U.S., and are in circulation today.

Ammunition Magazine

These semi-automatic assault rifles come equipped with a 30-round magazine.

Numbers Traced *

During the years 1990 to 1993, these firearms accounted for 39 of the firearms traced for law enforcement officials nationwide.

* not all firearms used in crime are traced.

Examples of Use in Crime

Police in Las Vegas, Nevada recovered an FN rifle and silencer, RPB 9mm converted machinegun and 2,268 rounds of ammunition from a convicted burglar.

A suspect was arrested by ATF agents in St. Louis, Missouri for dealing in cocaine. The suspect was arrested at his residence with 30 firearms in his possession, the majority of which were assault weapons, including an FN FNC assault rifle.



Shown is FN FNC

Steyr AUG

Background

These assault rifles are semi-automatic copies of machineguns designed in Austria. They are used by military forces in Austria, Australia and various NATO countries, and are variations of post-World War II military rifles.

Production

In 1989, these assault rifles were banned from importation into the United States because they did not meet the sporting purpose criteria under the Gun Control Act. Approximately 10,000 of these firearms were imported into the U.S. prior to the ban, and remain in circulation. They have subsequently been manufactured in the United States in limited quantities.

Ammunition Magazine

This semi-automatic assault rifle comes equipped with either a 30 or 40-shot magazine.

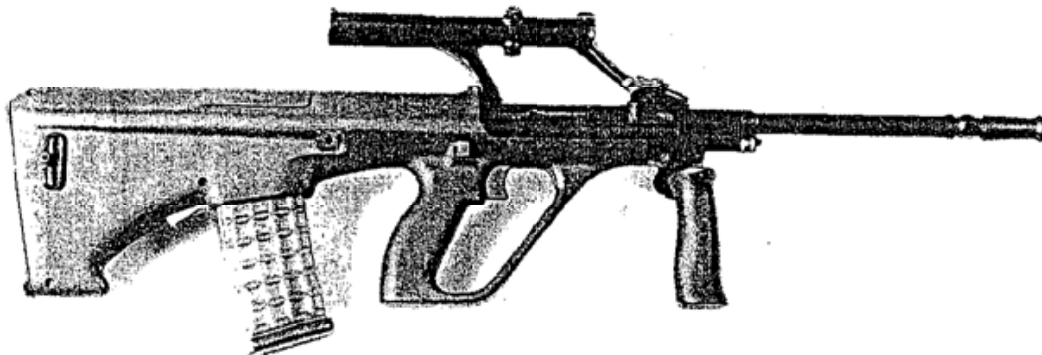
Numbers Traced *

During the years 1990 to 1993, these firearms accounted for 18 of the firearms traced for law enforcement officials nationwide.

* not all firearms used in crime are traced.

Examples of Use in Crime

A self-styled survivalist and weapons expert was arrested by ATF agents in Dallas, Texas for possession of a large quantity of cocaine. Police searched a storage unit owned by the suspect and seized 2 Steyr AUGs and parts to convert them to fully automatic operation (all of the work to convert had been completed on the guns), a grenade launcher on a Colt AR-15 with the parts to convert the firearm to fully automatic, another AR-15 and several other firearms. The suspect later was convicted on Federal firearms charges and received 27 months in prison.



Shown is Steyr AUG

Intratec TEC-9, TEC-DC9, and TEC-22

Background

The TEC-9 weighs 50 ounces unloaded, and 72 ounces when fully loaded.

Production

This semi-automatic assault pistol is manufactured domestically by Intratec in Miami. Approximately 200,000 have been manufactured.

Ammunition Magazine

The TEC-9 chambers 9mm ammunition and comes equipped with a 36-round magazine.

Numbers Traced *

During the years 1990 to 1993, these firearms accounted for 3,710 of the firearms traced for law enforcement officials nationwide. They were traced for 638 narcotics investigations, 319 murder cases, and 234 instances of assault.

According to ATF's Tracing Center, from 1991 through 1993, the TEC-9 has been in the top 10 firearms that were traced.

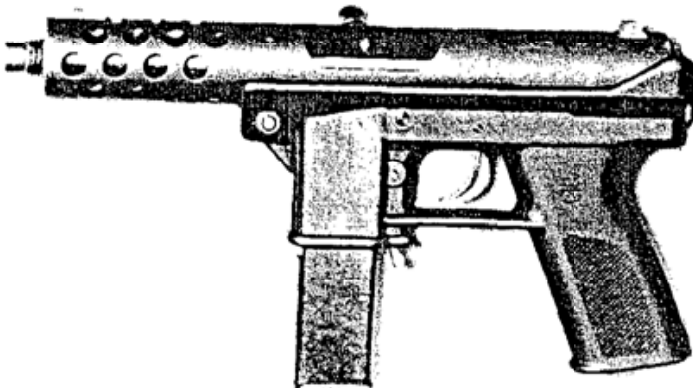
* not all firearms used in crime are traced.

Examples of Use in Crime

An ATF undercover agent in Colorado Springs, Colorado attempted to buy illegally purchased firearms from members of a Los Angeles based street gang (in Colorado). The gang members critically wounded the agent with a TEC-9, 9mm semi-automatic pistol.

In Anchorage, Alaska, the police department investigated an armed robbery in which a TEC-9 semiautomatic assault pistol was used. The suspect was one of 17 defendants in an ATF drug/gun conspiracy investigation.

A convicted felon with gang affiliations was arrested after taking a TEC-22 into the Louisiana State University Medical Center.



Shown is TEC 9 (DC 9)

Street Sweeper/Striker 12 (also including the USAS 12)

Background

On March 1, 1994, these assault shotguns were classified as destructive devices under the National Firearms Act. As such, they may still be manufactured, but must be registered with ATF.

Production

In 1984 and 1988, these shotguns were denied for importation because they did not meet the sporting purpose criteria under the Gun Control Act. They have subsequently been manufactured in the United States. Approximately 18,000 have been manufactured domestically to date.

The Striker was originally designed in Rhodesia and manufactured in South Africa for the purposes of crowd control. The Street Sweeper is a domestic copy of the original Striker 12. The USAS-12 was originally produced in Korea and was based on an automatic version of the weapon used by the military.

Ammunition Magazine

These shotguns come equipped with magazine capacities of 12 shotgun shell rounds.

Numbers Traced *

During the years 1991 to 1993, these shotguns accounted for 176 of the firearms traced for law enforcement officials nationwide. They were traced for 42 narcotics investigations, 11 murder cases, and 6 instances of assault.

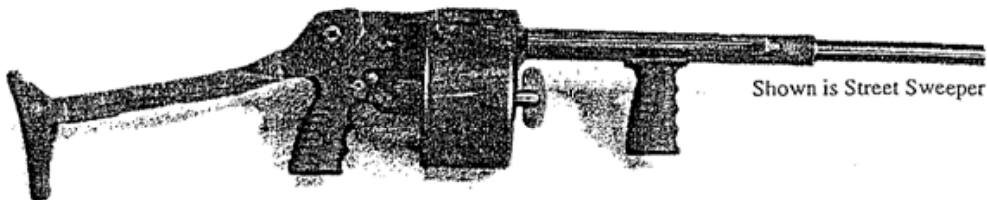
* not all firearms used in crime are traced.

Examples of Use in Crime

In New Orleans, Louisiana, a multiple conviction felon, with a conviction for drive-by shootings, was found in possession of a Street Sweeper and TEC-22. He was a known gang member and escaped from custody after an initial arrest. He has been recaptured and is a suspect in several California homicides.

A Street Sweeper was confiscated from a tax protester in Minneapolis, Minnesota during a DWI. The Street Sweeper was decorated with Nazi insignias -- the words "White Power" and swastikas.

A Street Sweeper was confiscated from a suspect who was believed to have participated in the recent Brooklyn Bridge attack on a group of Hasidic Jews in New York City.



Shown is Street Sweeper

Questions and Answers About Semi-Automatic Assault Weapons

What are semi-automatic assault weapons?

As defined in the Senate Crime Bill and in legislation pending in the House of Representatives, assault weapons are large capacity, semi-automatic firearms designed and configured for rapid fire, combat use (the Street Sweeper/Striker 12 shotguns have a wind-up drum). Most are patterned after machine guns used by military forces. They have distinct features which separate them from sporting firearms.

Many are banned from being imported into the United States, but all can be legally manufactured in this country. Passing assault weapons legislation removes these guns from circulation.

Why ban semi-automatic assault weapons?

Assault weapons make up only 1% of the guns in circulation in the United States. They account for up to 8% of the guns traced by law enforcement officials in the investigation of criminal activity. They are preferred by criminals over law abiding citizens 8 to 1. A number of these guns rank in the top 10 of all guns traced in relation to crime.

The way to show that we are serious about violent crime is to ban assault weapons. We are not being tough on gangsters if we allow open access to gangster weapons. Passing assault weapons legislation puts an end to an arms race on our streets.

Some people say semi-automatic assault weapons are just different looking versions of sporting firearms?

Some people might try to tell us that a diesel locomotive is like a family sedan because they have internal combustion engines. Assault weapons were designed for rapid fire, close quarter shooting at human beings. That is why they were put together the way they were. You will not find these guns in a duck blind or at the Olympics. They are mass produced mayhem.

Can't conventional sporting firearms be fitted with large magazines?

The legislation now pending in Congress bans ammunition magazines with a capacity greater than 10 rounds.

If someone crafts an illegal magazine, we can prosecute that person. Right now factories legally turn out such magazines and distribute them by the truckload.

Don't some gun owners say that this ban will lead to a ban of their semiautomatic sporting firearms?

The legislation pending in Congress specifically exempts nearly 700 conventional sporting firearms from its provisions. This legislation doesn't threaten the law abiding gun owners; it protects them and protects those who own no guns at all.

Will banning these firearms have an impact on crime?

Yes, it will. These guns help the criminals who have them to commit their crimes, adding to the carnage. They embolden the crook. Access to them shifts the balance of power to the lawless.

It is also a matter of principle that we ban these semi-automatic assault weapons. For people who say they are serious about addressing violent crime, it is time to vote seriously about the firearms criminals prefer.

The AR-15 comes equipped with a 5-round magazine. How can you classify this firearm as a rapid fire assault weapon?

Any weapon that takes a detachable magazine will hold a magazine of a larger capacity. Large capacity magazines of up to 150 rounds are available in unknown quantities for all of the firearms identified in this legislation, except the Street Sweeper. However, twenty and fifty-round magazines are readily available for use with these firearms.

A-1128

Firearms Exempted in Proposed Legislation as Hunting and Sporting Firearms

Centerfire Rifles—Autoloaders

- Browning BAR Mark II Safari Semi-Auto Rifle
- Browning BAR Mark II Safari Magnum Rifle
- Browning High-Power Rifle
- Heckler & Koch Model 300 Rifle
- Iver Johnson M-1 Carbine
- Iver Johnson 50th Anniversary M-1 Carbine
- Marlin Model 9 Camp Carbine
- Marlin Model 45 Carbine
- Remington Nylon 66 Auto-Loading Rifle
- Remington Model 7400 Auto Rifle
- Remington Model 7400 Rifle
- Remington Model 7400 Special Purpose Auto Rifle
- Ruger Mini-14 Autoloading Rifle (w/o folding stock)
- Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

- Browning Model 81 BLR Lever-Action Rifle
- Browning Model 81 Long Action BLR
- Browning Model 1886 Lever-Action Carbine
- Browning Model 1886 High Grade Carbine
- Cimarron 1860 Henry Replica
- Cimarron 1866 Winchester Replicas
- Cimarron 1873 Short Rifle
- Cimarron 1873 Sporting Rifle
- Cimarron 1873 30" Express Rifle
- Dixie Engraved 1873 Rifle
- E.M.F. 1866 Yellowboy Lever Actions
- E.M.F. 1860 Henry Rifle
- E.M.F. Model 73 Lever-Action Rifle
- Marlin Model 336CS Lever-Action Carbine
- Marlin Model 30AS Lever-Action Carbine
- Marlin Model 444SS Lever-Action Sporter
- Marlin Model 1894S Lever-Action Carbine
- Marlin Model 1894CS Carbine
- Marlin Model 1894CL Classic
- Marlin Model 1895SS Lever-Action Rifle
- Mitchell 1858 Henry Replica
- Mitchell 1866 Winchester Replica
- Mitchell 1873 Winchester Replica
- Navy Arms Military Henry Rifle
- Navy Arms Henry Trapper
- Navy Arms Iron Frame Henry
- Navy Arms Henry Carbine
- Navy Arms 1866 Yellowboy Rifle
- Navy Arms 1873 Winchester-Style Rifle
- Navy Arms 1873 Sporting Rifle
- Remington 7600 Slide Action
- Remington Model 7600 Special Purpose Slide Action

Rossi M92 SRC Saddle-Ring Carbine
 Rossi M92 SRS Short Carbine
 Savage 99C Lever-Action Rifle
 Uberti Henry Rifle
 Uberti 1866 Sporting Rifle
 Uberti 1873 Sporting Rifle
 Winchester Model 94 Side Eject Lever-Action Rifle
 Winchester Model 94 Trapper Side Eject
 Winchester Model 94 Big Bore Side Eject
 Winchester Model 94 Ranger Side Eject Lever-Action Rifle
 Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
 A-Square Caesar Bolt-Action Rifle
 A-Square Hannibal Bolt-Action Rifle
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700D Bavarian Bolt-Action Rifle
 Anschutz 1733D Mannlicher Rifle
 Barret Model 90 Bolt-Action Rifle
 Beeman/HW 60J Bolt-Action Rifle
 Blaser R84 Bolt-Action Rifle
 BRNO 537 Sporter Bolt-Action Rifle
 BRNO ZKB 527 Fox Bolt-Action Rifle
 BRNO ZKK 600, 601, 602 Bolt-Action Rifles
 Browning A-Bolt Rifle
 Browning A-Bolt Stainless Stalker
 Browning A-Bolt Left Hand
 Browning A-Bolt Short Action
 Browning Euro-Bolt Rifle
 Browning A-Bolt Gold Medallion
 Browning A-Bolt Micro Medallion
 Century Centurion 14 Sporter
 Century Enfield Sporter #4
 Century Swedish Sporter #38
 Century Mauser 98 Sporter
 Cooper Model 38 Centerfire Sporter
 Dakota 22 Sporter Bolt-Action Rifle
 Dakota 76 Classic Bolt-Action Rifle
 Dakota 76 Short Action Rifles
 Dakota 76 Safari Bolt-Action Rifle
 Dakota 416 Rigby African
 E.A.A./Sabatti Rover 870 Bolt-Action Rifle
 Auguste Francotte Bolt-Action Rifles
 Carl Gustaf 2000 Bolt-Action Rifle
 Heym Magnum Express Series Rifle
 Howa Lightning Bolt-Action Rifle
 Howa Realtree Camo Rifle
 Interarms Mark X Viscount Bolt-Action Rifle
 Interarms Mini-Mark X Rifle
 Interarms Mark X Whitworth Bolt-Action Rifle
 Interarms Whitworth Express Rifle
 Iver Johnson Model 5100A1 Long-Range Rifle
 KDF K15 American Bolt-Action Rifle
 Krico Model 600 Bolt-Action Rifle
 Krico Model 700 Bolt-Action Rifles

Mauser Model 66 Bolt-Action Rifle
 Mauser Model 99 Bolt-Action Rifle
 McMillan Signature Classic Sporter
 McMillan Signature Super Varminter
 McMillan Signature Alaskan
 McMillan Signature Titanium Mountain Rifle
 McMillan Classic Stainless Sporter
 McMillan Talon Safari Rifle
 McMillan Talon Sporter Rifle
 Midland 1500S Survivor Rifle
 Navy Arms TU-33/40 Carbine
 Parker-Hale Model 81 Classic Rifle
 Parker-Hale Model 81 Classic African Rifle
 Parker-Hale Model 1000 Rifle
 Parker-Hale Model 1100M African Magnum
 Parker-Hale Model 1100 Lightweight Rifle
 Parker-Hale Model 1200 Super Rifle
 Parker-Hale Model 1200 Super Clip Rifle
 Parker-Hale Model 1300C Scout Rifle
 Parker-Hale Model 2100 Midland Rifle
 Parker-Hale Model 2700 Lightweight Rifle
 Parker-Hale Model 2800 Midland Rifle
 Remington Model Seven Bolt-Action Rifle
 Remington Model Seven Youth Rifle
 Remington Model Seven Custom KS
 Remington Model Seven Custom MS Rifle
 Remington 700 ADL Bolt-Action Rifle
 Remington 700 BDL Bolt-Action Rifle
 Remington 700 BDL Varmint Special
 Remington 700 BDL European Bolt-Action Rifle
 Remington 700 Varmint Synthetic Rifle
 Remington 700 BDL SS Rifle
 Remington 700 Stainless Synthetic Rifle
 Remington 700 MTRSS Rifle
 Remington 700 BDL Left Hand
 Remington 700 Camo Synthetic Rifle
 Remington 700 Safari
 Remington 700 Mountain Rifle
 Remington 700 Custom KS Mountain Rifle
 Remington 700 Classic Rifle
 Ruger M77 Mark II Rifle
 Ruger M77 Mark II Magnum Rifle
 Ruger M77RL Ultra Light
 Ruger M77 Mark II All-Weather Stainless Rifle
 Ruger M77 RSI International Carbine
 Ruger M77 Mark II Express Rifle
 Ruger M77VT Target Rifle
 Sako Hunter Rifle
 Sako Fiberclass Sporter
 Sako Safari Grade Bolt Action
 Sako Hunter Left-Hand Rifle
 Sako Classic Bolt Action
 Sako Hunter LS Rifle
 Sako Deluxe Lightweight
 Sako Super Deluxe Sporter
 Sako Mannlicher-Style Carbine
 Sako Varmint Heavy Barrel

Sako TRG-S Bolt-Action Rifle
 Sauer 90 Bolt-Action Rifle
 Savage 110G Bolt-Action Rifle
 Savage 110CY Youth/Ladies Rifle
 Savage 110WLE One of One Thousand Limited Edition Rifle
 Savage 110GXP3 Bolt-Action Rifle
 Savage 110F Bolt-Action Rifle
 Savage 110FXP3 Bolt-Action Rifle
 Savage 110GV Varmint Rifle
 Savage 112FV Varmint Rifle
 Savage Model 112FVS Varmint Rifle
 Savage Model 112BV Heavy Barrel Varmint Rifle
 Savage 116FSS Bolt-Action Rifle
 Savage model 116FSK Kodiak Rifle
 Savage 110FP Police Rifle
 Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
 Steyr-Mannlicher Luxus Model L, M, S
 Steyr-Mannlicher Model M Professional Rifle
 Tikka Bolt-Action Rifle
 Tikka Premium Grade Rifles
 Tikka Varmint/Continental Rifle
 Tikka Whitetail/Battue Rifle
 Ultra Light Arms Model 20 Rifle
 Ultra Light Arms Model 28, Model 40 Rifles
 Voere VEC 91 Lightning Bolt-Action Rifle
 Voere Model 2165 Bolt-Action Rifle
 Voere Model 2155, 2150 Bolt-Action Rifles
 Weatherby Mark V Deluxe Bolt-Action Rifle
 Weatherby Lasermark V Rifle
 Weatherby Mark V Crown Custom Rifles
 Weatherby Mark V Sporter Rifle
 Weatherby Mark V Safari Grade Custom Rifles
 Weatherby Weathermark Rifle
 Weatherby Weathermark Alaskan Rifle
 Weatherby Classicmark No. 1 Rifle
 Weatherby Weatherguard Alaskan Rifle
 Weatherby Vanguard VGX Deluxe Rifle
 Weatherby Vanguard Classic Rifle
 Weatherby Vanguard Classic No. 1 Rifle
 Weatherby Vanguard Weatherguard Rifle
 Wichita Classic Rifle
 Wichita Varmint Rifle
 Winchester Model 70 Sporter
 Winchester Model 70 Sporter WinTuff
 Winchester Model 70 SM Sporter
 Winchester Model 70 Stainless Rifle
 Winchester Model 70 Varmint
 Winchester Model 70 Synthetic Heavy Varmint Rifle
 Winchester Model 70 DBM Rifle
 Winchester Model 70 DBM-S Rifle
 Winchester Model 70 Featherweight
 Winchester Model 70 Featherweight WinTuff
 Winchester Model 70 Featherweight Classic
 Winchester Model 70 Lightweight Rifle
 Winchester Ranger Rifle
 Winchester Model 70 Super Express Magnum
 Winchester Model 70 Super Grade

Winchester Model 70 Custom Sharpshooter
 Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
 Brown Model One Single Shot Rifle
 Browning Model 1885 Single Shot Rifle
 Dakota Single Shot Rifle
 Desert Industries G-90 Single Shot Rifle
 Harrington & Richardson Ultra Varmint Rifle
 Model 1885 High Wall Rifle
 Navy Arms Rolling Block Buffalo Rifle
 Navy Arms #2 Creedmoor Rifle
 Navy Arms Sharps Cavalry Carbine
 Navy Arms Sharps Plains Rifle
 New England Firearms Handi-Rifle
 Red Willow Armory Ballard No. 5 Pacific
 Red Willow Armory Ballard No. 1.5 Hunting Rifle
 Red Willow Armory Ballard No. 8 Union Hill Rifle
 Red Willow Armory Ballard No. 4.5 Target Rifle
 Remington-Style Rolling Block Carbine
 Ruger No. 1B Single Shot
 Ruger No. 1A Light Sporter
 Ruger No. 1H Tropical Rifle
 Ruger No. 1S Medium Sporter
 Ruger No. 1 RSI International
 Ruger No. 1V Special Varminter
 C. Sharps Arms New Model 1874 Old Reliable
 C. Sharps Arms New Model 1875 Rifle
 C. Sharps Arms 1875 Classic Sharps
 C. Sharps Arms New Model 1875 Target & Long Range
 Shiloh Sharps 1874 Long Range Express
 Shiloh Sharps 1874 Montana Roughrider
 Shiloh Sharps 1874 Military Carbine
 Shiloh Sharps 1874 Business Rifle
 Shiloh Sharps 1874 Military Rifle
 Sharps 1874 Old Reliable
 Thompson/Center Contender Carbine
 Thompson/Center Stainless Contender Carbine
 Thompson/Center Contender Carbine Survival System
 Thompson/Center Contender Carbine Youth Model
 Thompson/Center TCR '87 Single Shot Rifle
 Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Baretta Express SSO O/U Double Rifles
 Baretta Model 455 SxS Express Rifle
 Chapuis RGEExpress Double Rifle
 Auguste Francotte Sidelock Double Rifles
 Auguste Francotte Boxlock Double Rifle
 Heym Model 55B O/U Double Rifle
 Heym Model 55FW O/U Combo Gun
 Heym Model 88b Side-by-Side Double Rifle
 Kodiak Mk. IV Double Rifle
 Kreighoff Teck O/U Combination Gun
 Kreighoff Trumpf Drilling

Case 3:13-cv-00739-AVC Document 79-3 Filed 10/11/13 Page 46 of 215

Merkel Over/Under Combination Guns
 Merkel Drillings
 Merkel Model 160 Side-by-Side Double Rifles
 Merkel Over/Under Double Rifles
 Savage 24F O/U Combination Gun
 Savage 24F-12T Turkey Gun
 Springfield Inc. M6 Scout Rifle/Shotgun
 Tikka Model 412s Combination Gun
 Tikka Model 412S Double Fire
 A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
 AMT Lightning Small-Game Hunting Rifle II
 AMT Magnum Hunter Auto Rifle
 Anschutz 525 Deluxe Auto
 Armscor Model 20P Auto Rifle
 Browning Auto-22 Rifle
 Browning Auto-22 Grade VI
 Krico Model 260 Auto Rifle
 Lakefield Arms Model 64B Auto Rifle
 Marlin Model 60 Self-Loading Rifle
 Marlin Model 60ss Self-Loading Rifle
 Marlin Model 70 HC Auto
 Marlin Model 9901 Self-Loading Rifle
 Marlin Model 70P Papoose
 Marlin Model 922 Magnum Self-Loading Rifle
 Marlin Model 995 Self-Loading Rifle
 Norinco Model 22 ATD Rifle
 Remington Model 522 Viper Autoloading Rifle
 Remington 552BDL Speedmaster Rifle
 Ruger 10/22 Autoloading Carbine (w/o folding stock)
 Survival Arms AR-7 Explorer Rifle
 Texas Remington Revolving Carbine
 Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle
 Marlin 39TDS Carbine
 Marlin Model 39AS Golden Lever-Action Rifle
 Remington 572BDL Fieldmaster Pump Rifle
 Norinco EM-321 Pump Rifle
 Rossi Model 62 SA Pump Rifle
 Rossi Model 62 SAC Carbine
 Winchester Model 9422 Lever-Action Rifle
 Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
 Anschutz 1416D/1516D Classic Rifles
 Anschutz 1418D/1518D Mannlicher rifles
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700 FWT Bolt-Action Rifle
 Anschutz 1700D Graphite Custom Rifle

Anschutz 1700D Bavarian Bolt-Action Rifle
 Armscor Model 14P Bolt-Action Rifle
 Armscor Model 1500 Rifle
 BRNO ZKM-452 Deluxe Bolt-Action Rifle
 BRNO ZKM 452 Deluxe
 Beeman/HW 60-J-ST Bolt-Action Rifle
 Browning A-Bolt 22 Bolt-Action Rifle
 Browning A-Bolt Gold Medallion
 Cabanas Phaser Rifle
 Cabanas Master Bolt-Action Rifle
 Cabanas Espronceda IV Bolt-Action Rifle
 Cabanas Leyre Bolt-Action Rifle
 Chipmunk Single Shot Rifle
 Cooper Arms Model 36S Sporter Rifle
 Dakota 22 Sporter Bolt-Action Rifle
 Krico Model 300 Bolt-Action Rifles
 Lakefield Arms Mark II Bolt-Action Rifle
 Lakefield Arms Mark I Bolt-Action Rifle
 Magtech Model MT-22C Bolt-Action Rifle
 Marlin Model 880 Bolt-Action Rifle
 Marlin Model 881 Bolt-Action Rifle
 Marlin Model 882 Bolt-Action Rifle
 Marlin Model 883 Bolt-Action Rifle
 Marlin Model 883SS Bolt-Action Rifle
 Marlin Model 25MN Bolt-Action Rifle
 Marlin Model 25N Bolt-Action Repeater
 Marlin Model 15YN "Little Buckaroo"
 Mauser Model 107 Bolt-Action Rifle
 Mauser Model 201 Bolt-Action Rifle
 Navy Arms TU-KKW Training Rifle
 Navy Arms TU-33/40 Carbine
 Navy Arms TU-KKW Sniper Trainer
 Norinco JW-27 Bolt-Action Rifle
 Norinco JW-15 Bolt-Action Rifle
 Remington 541-T
 Remington 40-XR Rimfire Custom sporter
 Remington 541-T HB Bolt-Action Rifle
 Remington 581-S Sportsman Rifle
 Ruger 77/22 Rimfire Bolt-Action Rifle
 Ruger K77/22 Varmint Rifle
 Ultra Light arms Model 20 RF Bolt-Action Rifle
 Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette
 Anschutz 1808D RT Super Match 54 Target
 Anschutz 1827B Biathlon Rifle
 Anschutz 1903D Match Rifle
 Anschutz 1803D Intermediate Match
 Anschutz 1911 Match Rifle
 Anschutz 54.18MS REP Deluxe Silhouette Rifle
 Anschutz 1913 Super Match Rifle
 Anschutz 1907 Match Rifle
 Anschutz 1910 Super Match II
 Anschutz 54.18MS Silhouette Rifle
 Anschutz Super Match 54 Target Model 2013

Anschutz Super Match 54 Target Model 2007
 Beeman/Feinwerkbau 2600 Target Rifle
 Cooper Arms Model TRP-1 ISU Standard Rifle
 E.A.A./Weihrauch HW 60 Target Rifle
 E.A.A./HW 660 Match Rifle
 Finnish Lion Standard Target Rifle
 Krico Model 360 S2 Biathlon Rifle
 Krico Model 400 Match Rifle
 Krico Model 360S Biathlon Rifle
 Krico Model 500 Kricotronic Match Rifle
 Krico Model 600 Sniper Rifle
 Krico Model 600 Match Rifle
 Lakefield Arms Model 90B Target Rifle
 Lakefield Arms Model 91T Target Rifle
 Lakefield Arms Model 92S Silhouette Rifle
 Marlin Model 2000 Target Rifle
 Mauser Model 86-SR Specialty Rifle
 McMillan M-86 Sniper Rifle
 McMillan Combo M-87/M-88 50-Caliber Rifle
 McMillan 300 Phoenix Long Range Rifle
 McMillan M-89 Sniper Rifle
 McMillan National Match Rifle
 McMillan Long Range Rifle
 Parker-Hale M-87 Target Rifle
 Parker-Hale M-85 Sniper Rifle
 Remington 40-XB Rangemaster Target Centerfire
 Remington 40-XR KS Rimfire Position Rifle
 Remington 40-XBBR KS
 Remington 40-XC KS National Match Course Rifle
 Sako TRG-21 Bolt-Action Rifle
 Steyr-Mannlicher Match SPG-UIT Rifle
 Steyr-Mannlicher SSG P-I Rifle
 Steyr-Mannlicher SSG P-III Rifle
 Steyr-Mannlicher SSG P-IV Rifle
 Tanner Standard UIT Rifle
 Tanner 50 Meter Free Rifle
 Tanner 300 Meter Free Rifle
 Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
 Benelli Super Black Eagle Shotgun
 Benelli Super Black Eagle Slug Gun
 Benelli M1 Super 90 Field Auto Shotgun
 Benelli Montefeltro Super 90 20-Gauge Shotgun
 Benelli Montefeltro Super 90 Shotgun
 Benelli M1 Sporting Special Auto Shotgun
 Benelli Black Eagle Competition Auto Shotgun
 Beretta A-303 Auto Shotgun
 Beretta 390 Field Auto Shotgun
 Beretta 390 Super Trap, Super Skeet Shotguns
 Beretta Vittoria Auto Shotgun
 Beretta Model 1201F Auto Shotgun
 Browning BSA 10 Auto Shotgun
 Browning BSA 10 Stalker Auto Shotgun
 Browning A-500R Auto Shotgun

Browning A-500G Auto Shotgun
 Browning A-500G Sporting Clays
 Browning Auto-5 Light 12 and 20
 Browning Auto-5 Stalker
 Browning Auto-5 Magnum 20
 Browning Auto-5 Magnum 12
 Churchill Turkey Automatic Shotgun
 Cosmi Automatic Shotgun
 Maverick Model 60 Auto Shotgun
 Mossberg Model 5500 Shotgun
 Mossberg Model 9200 Regal Semi-Auto Shotgun
 Mossberg Model 9200 USST Auto Shotgun
 Mossberg Model 9200 Camo Shotgun
 Mossberg Model 6000 Auto Shotgun
 Remington Model 1100 Shotgun
 Remington 11-87 Premier Shotgun
 Remington 11-87 Sporting Clays
 Remington 11-87 Premier Skeet
 Remington 11-87 Premier Trap
 Remington 11-87 Special Purpose Magnum
 Remington 11-87 SPS-T Camo Auto Shotgun
 Remington 11-87 Special Purpose Deer Gun
 Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun
 Remington 11-87 SPS-Deer Shotgun
 Remington 11-87 Special Purpose Synthetic Camo
 Remington SP-10 Magnum-Camo Auto Shotgun
 Remington SP-10 Magnum Auto Shotgun
 Remington SP-10 Magnum Turkey Combo
 Remington 1100 LT-20 Auto
 Remington 1100 Special Field
 Remington 1100 20-Gauge Deer Gun
 Remington 1100 LT-20 Tournament Skeet
 Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
 Browning BPS Pump Shotgun
 Browning BPS Stalker Pump Shotgun
 Browning BPS Pigeon Grade Pump Shotgun
 Browning BPS Pump Shotgun (Ladies and Youth Model)
 Browning BPS Game Gun Turkey Special
 Browning BPS Game Gun Deer Special
 Ithaca Model 87 Supreme Pump Shotgun
 Ithaca Model 87 Deerslayer Shotgun
 Ithaca Deerslayer II Rifled Shotgun
 Ithaca Model 87 Turkey Gun
 Ithaca Model 87 Deluxe Pump Shotgun
 Magtech Model 586-VR Pump Shotgun
 Maverick Models 88, 91 Pump Shotguns
 Mossberg Model 500 Sporting Pump
 Mossberg Model 500 Camo Pump
 Mossberg Model 500 Muzzleloader Combo
 Mossberg Model 500 Trophy Slugster
 Mossberg Turkey Model 500 Pump
 Mossberg Model 500 Bantam Pump
 Mossberg Field Grade Model 835 Pump Shotgun

Mossberg Model 835 Regal Ulti-Mag Pump
 Remington 870 Wingmaster
 Remington 870 Special Purpose Deer Gun
 Remington 870 SPS-BG-Camo Deer/Turkey Shotgun
 Remington 870 SPS-Deer Shotgun
 Remington 870 Marine Magnum
 Remington 870 TC Trap
 Remington 870 Special Purpose Synthetic Camo
 Remington 870 Wingmaster Small Gauges
 Remington 870 Express Rifle Sighted Deer Gun
 Remington 879 SPS Special Purpose Magnum
 Remington 870 SPS-T Camo Pump Shotgun
 Remington 870 Special Field
 Remington 870 Express Turkey
 Remington 870 High Grades
 Remington 870 Express
 Remington Model 870 Express Youth Gun
 Winchester Model 12 Pump Shotgun
 Winchester Model 42 High Grade Shotgun
 Winchester Model 1300 Walnut Pump
 Winchester Model 1300 Slug Hunter Deer Gun
 Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
 Winchester Model 1300 Turkey Gun
 Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
 American Arms Silver I O/U
 American Arms Silver II Shotgun
 American Arms Silver Skeet O/U
 American Arms/Franchi Sporting 2000 O/U
 American Arms Silver Sporting O/U
 American Arms Silver Trap O/U
 American Arms WS/OU 12, TS/OU 12 Shotguns
 American Arms WT/OU 10 Shotgun
 Armsport 2700 O/U Goose Gun
 Armsport 2700 Series O/U
 Armsport 2900 Tri-Barrel Shotgun
 Baby Bretton Over/Under Shotgun
 Beretta Model 686 Ultralight O/U
 Beretta ASE 90 Competition O/U Shotgun
 Beretta Over/Under Field Shotguns
 Beretta Onyx Hunter Sport O/U Shotgun
 Beretta Model S05, S06, S09 Shotguns
 Beretta Sporting Clay Shotguns
 Beretta 687EL Sporting O/U
 Beretta 682 Super Sporting O/U
 Beretta Series 682 Competition Over/Unders
 Browning Citori O/U Shotgun
 Browning Superlight Citori Over/Under
 Browning Lightning Sporting Clays
 Browning Micro Citori Lightning
 Browning Citori Plus Trap Combo
 Browning Citori Plus Trap Gun
 Browning Citori O/U Skeet Models
 Browning Citori O/U Trap Models

Browning Special Sporting Clays
 Browning Citori GTI Sporting Clays
 Browning 325 Sporting Clays
 Centurion Over/Under Shotgun
 Chapuis Over/Under Shotgun
 Connecticut Valley Classics Classic Sporter O/U
 Connecticut Valley Classics Classic Field Waterfowler
 Charles Daly Field Grade O/U
 Charles Daly Lux Over/Under
 E.A.A./Sabatti Sporting Clays Pro-Gold O/U
 E.A.A./Sabatti Falcon-Mon Over/Under
 Kassnar Grade I O/U Shotgun
 Krieghoff K-80 Sporting Clays O/U
 Krieghoff K-80 Skeet Shotgun
 Krieghoff K-80 International Skeet
 Krieghoff K-80 Four-Barrel Skeet Set
 Krieghoff K-80/RT Shotguns
 Krieghoff K-80 O/U Trap Shotgun
 Laurona Silhouette 300 Sporting Clays
 Laurona Silhouette 300 Trap
 Laurona Super Model Over/Unders
 Ljutic LM-6 Deluxe O/U Shotgun
 Marocchi Conquista Over/Under Shotgun
 Marocchi Avanza O/U Shotgun
 Merkel Model 200E O/U Shotgun
 Merkel Model 200E Skeet, Trap Over/Unders
 Merkel Model 203E, 303E Over/Under Shotguns
 Perazzi Mirage Special Sporting O/U
 Perazzi Mirage Special Four-Gauge Skeet
 Perazzi Sporting Classic O/U
 Perazzi MX7 Over/Under Shotguns
 Perazzi Mirage Special Skeet Over/Under
 Perazzi MX8/MX8 Special Trap, Skeet
 Perazzi MX8/20 Over/Under Shotgun
 Perazzi MX9 Single Over/Under Shotguns
 Perazzi MX12 Hunting Over/Under
 Perazzi MX28, MX410 Game O/U Shotguns
 Perazzi MX20 Hunting Over/Under
 Piotti Boss Over/Under Shotgun
 Remington Peerless Over/Under Shotgun
 Ruger Red Label O/U Shotgun
 Ruger Sporting Clays O/U Shotgun
 San Marco 12-Ga. Wildflower Shotgun
 San Marco Field Special O/U Shotgun
 San Marco 10-Ga. O/U Shotgun
 SKB Model 505 Deluxe Over/Under Shotgun
 SKB Model 685 Over/Under Shotgun
 SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
 Stoeger/IGA Condor I O/U Shotgun
 Stoeger/IGA ERA 2000 Over/Under Shotgun
 Techni-Mec Model 610 Over/Under
 Tikka Model 412S Field Grade Over/Under
 Weatherby Athena Grade IV O/U Shotguns
 Weatherby Athena Grade V Classic Field O/U
 Weatherby Orion O/U Shotguns
 Weatherby II, III Classic Field O/Us
 Weatherby Orion II Classic Sporting Clays O/U

Weatherby Orion II Sporting Clays O/U
 Winchester Model 1001 O/U Shotgun
 Winchester Model 1001 Sporting Clays O/U
 Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
 American Arms Gentry Double Shotgun
 American Arms Derby Side-by-Side
 American Arms Grulla #2 Double Shotgun
 American Arms WS/SS 10
 American Arms TS/SS 10 Double Shotgun
 American Arms TS/SS 12 Side-by-Side
 Arrieta Sidelock Double Shotguns
 Armsport 1050 Series Double Shotguns
 Arizaga Model 31 Double Shotgun
 AYA Boxlock Shotguns
 AYA Sidelock Double Shotguns
 Beretta Model 452 Sidelock Shotgun
 Beretta Side-by-Side Field Shotguns
 Crucelegui Hermanos Model 150 Double
 Chapuis Side-by-Side Shotgun
 E.A.A./Sabatti Saba-Mon Double Shotgun
 Charles Daly Model Dss Double
 Férlib Model F VII Double Shotgun
 Auguste Francotte Boxlock Shotgun
 Auguste Francotte Sidelock Shotgun
 Garbi Model 100 Double
 Garbi Model 101 Side-by-Side
 Garbi Model 103A, B Side-by-Side
 Garbi Model 200 Side-by-Side
 Bill Hanus Birdgun Doubles
 Hatfield Uplander Shotgun
 Merckel Model 8, 47E Side-by-Side Shotguns
 Merckel Model 47LSC Sporting Clays Double
 Merckel Model 47S, 147S Side-by-Sides
 Parker Reproductions Side-by-Side
 Piotti King No. 1 Side-by-Side
 Piotti Lunik Side-by-Side
 Piotti King Extra Side-by-Side
 Piotti Piuma Side-by-Side
 Precision Sports Model 600 Series Doubles
 Rizzini Boxlock Side-by-Side
 Rizzini Sidelock Side-by-Side
 Stoeger/IGA Uplander Side-by-Side Shotgun
 Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
 Browning BT-99 Competition Trap Special
 Browning BT-99 Plus Trap Gun
 Browning BT-99 Plus Micro
 Browning Recoilless Trap Shotgun
 Browning Micro Recoilless Trap Shotgun
 Desert Industries Big Twenty Shotgun

Harrington & Richardson Topper Model 098
Harrington & Richardson Topper Classic Youth Shotgun
Harrington & Richardson N.W.T.F. Turkey Mag
Harrington & Richardson Topper Deluxe Model 098
Krieghoff KS-5 Trap Gun
Krieghoff KS-5 Special
Krieghoff K-80 Single Barrel Trap Gun
Ljutic Mono Gun Single Barrel
Ljutic LTX Super Deluxe Mono Gun
Ljutic Recoilless Space Gun Shotgun
Marlin Model 55 Goose Gun Bolt Action
New England Firearms Turkey and Goose Gun
New England Firearms N.W.T.F. Shotgun
New England Firearms Tracker Slug Gun
New England Firearms Standard Pardner
New England Firearms Survival Gun
Perazzi TM1 Special Single Trap
Remington 90-T Super Single Shotgun
Snake Charmer II Shotgun
Stoeger/IGA Reuna Single Barrel Shotgun
Thompson/Center TCR '87 Hunter Shotgun."

A-1141

Case 3:13-cv-00739-AVC Document 79-3 Filed 10/11/13 Page 54 of 215

EXHIBIT 19



DEPARTMENT OF
THE TREASURY
STUDY ON
THE SPORTING
SUITABILITY
OF MODIFIED
SEMI-AUTOMATIC
ASSAULT RIFLES

APRIL 1998

TABLE OF CONTENTS

	Page
1. Executive Summary.....	1
2. Background.....	4
3. Defining the Type of Weapon Under Review.....	16
4. Scope of “Sporting Purposes”.....	16
5. Method of Study.....	19
6. Suitability for Sporting Purposes.....	21
7. Determination.....	36
8. Exhibits:	
White House Memorandum: Importation of Modified Semiautomatic Assault-type Rifles	
Study Rifle Models	
Study Rifles	
ATF Form 4590, Factoring Criteria for Weapons	
Military Configuration	
Memorandum to File From First Meeting of Firearms Advisory Panel	
State Fish and Game Commission Review	
9. Appendix: Summary of Externally Gathered Information	

EXECUTIVE SUMMARY

On November 14, 1997, the President and the Secretary of the Treasury ordered a review of the importation of certain modified versions of semiautomatic assault rifles into the United States.¹ The decision to conduct this review stemmed in part from concerns expressed by members of Congress and others that the rifles being imported were essentially the same as semiautomatic assault rifles previously determined to be nonimportable in a 1989 decision by the Bureau of Alcohol, Tobacco and Firearms (ATF). The decision also stemmed from the fact that nearly 10 years had passed since the last comprehensive review of the importation of rifles, and many new rifles had been developed during this time.

Under 18 U.S.C. section 925(d)(3), the Secretary shall approve applications for importation only when the firearms are generally recognized as particularly suitable for or readily adaptable to sporting purposes (the “sporting purposes test”). In 1989, ATF denied applications to import a series of semiautomatic versions of automatic-fire military assault rifles. When ATF examined these semiautomatic assault rifles, it found that the rifles, while no longer machineguns, still had a military configuration that was designed for killing and disabling the enemy and that distinguished the rifles from traditional sporting rifles. This distinctively military configuration served as the basis for ATF’s finding that the rifles were not considered sporting rifles under the statute.

The military configuration identified by ATF incorporated eight physical features: ability to accept a detachable magazine, folding/telescoping stocks, separate pistol grips, ability to accept a bayonet, flash suppressors, bipods, grenade launchers, and night sights. In 1989, ATF took the position that any of these military configuration features, other than the ability to accept a detachable magazine, would make a semiautomatic rifle not importable.

Subsequent to the 1989 decision, certain semiautomatic assault rifles that failed the 1989 sporting purposes test were modified to remove all of the military configuration features other than the ability to accept a detachable magazine. Significantly, most of these modified rifles not only still had the ability to accept a detachable magazine but, more specifically, still had the ability to accept a detachable large capacity magazine that

¹ The President and the Secretary directed that all pending and future applications for importation of these rifles not be acted upon until completion of the review. They also ordered that outstanding permits for importation of the rifles be suspended for the duration of the review period. The existence of applications to import 1 million new rifles and outstanding permits for nearly 600,000 other rifles threatened to defeat the purpose of the expedited review unless the Department of the Treasury deferred action on additional applications and temporarily suspended the outstanding permits. (See exhibit 1 for a copy of the November 14, 1997, memorandum directing this review.)

The rifles that are the subject of this review are referred to in this report as “study rifles.”

was originally designed and produced for the military assault rifles from which they were derived. These magazines are referred to in this report as “large capacity military magazines.” Study rifles with the ability to accept such magazines are referred to in this report as “large capacity military magazine rifles,” or “LCMM rifles.” It appears that only one study rifle, the VEPR caliber .308 (an AK47 variant), is not an LCMM rifle. Based on the standard developed in 1989, these modified rifles were found to meet the sporting purposes test. Accordingly, the study rifles were approved for import into the United States.

These modified rifles are the subject of the present review. Like the rifles banned in 1989, the study rifles are semiautomatic rifles based on AK47, FN-FAL, HK91 and 93, Uzi, and SIG SG550 military assault rifles. While there are at least 59 specific model designations of the study rifles, they all fall within the basic designs listed above. There are at least 39 models based on the AK47 design, 8 on the FN-FAL design, 7 on the HK91 and 93 designs, 3 on the Uzi design, and 2 on the SIG SG550 design (see exhibit 2 for a list of the models). Illustrations of some of the study rifles are included in exhibit 3 of this report.

This review takes another look at the entire matter to determine whether the modified rifles approved for importation since 1989 are generally recognized as particularly suitable for or readily adaptable to sporting purposes.² We have explored the statutory history of the sporting purposes test and prior administrative and judicial interpretations; reexamined the basic tenets of the 1989 decision; analyzed the physical features of the study rifles, as well as information from a wide variety of sources relating to the rifles’ use and suitability for sporting purposes; and assessed changes in law that might have bearing on the treatment of the rifles.

This review has led us to conclude that the basic finding of the 1989 decision remains valid and that military-style semiautomatic rifles are not importable under the sporting purposes standard. Accordingly, we believe that the Department of the Treasury correctly has been denying the importation of rifles that had any of the distinctly military configuration features identified in 1989, other than the ability to accept a detachable magazine. Our review, however, did result in a finding that the ability to accept a detachable large capacity magazine originally designed and produced for a military assault weapon should be added to the list of disqualifying military configuration features identified in 1989.

Several important changes have occurred since 1989 that have led us to reevaluate the importance of this feature in the sporting purposes test. Most significantly, by passing the 1994 bans on semiautomatic assault weapons and large capacity ammunition feeding

² The study was carried out by a working group composed of ATF and Treasury representatives. The working group’s activities and findings were overseen by a steering committee composed of ATF and Treasury officials.

devices, Congress sent a strong signal that firearms with the ability to expel large amounts of ammunition quickly are not sporting; rather, firearms with this ability have military purposes and are a crime problem. Specifically, Congress found that these magazines served “combat-functional ends” and were attractive to criminals because they “make it possible to fire a large number of rounds without reloading, then to reload quickly when those rounds are spent.”³ Moreover, we did not find any evidence that the ability to accept a detachable large capacity military magazine serves any sporting purpose. Accordingly, we found that the ability to accept such a magazine is a critical factor in the sporting purposes test, which must be given the same weight as the other military configuration features identified in 1989.

In addition, the information we collected on the use and suitability of LCMM rifles for hunting and organized competitive target shooting demonstrated that the rifles are not especially suitable for sporting purposes. Although our review of this information indicated that, with certain exceptions, the LCMM rifles sometimes are used for hunting, their actual use in hunting is limited. There are even some general restrictions and prohibitions on the use of semiautomatic rifles for hunting game. Similarly, although the LCMM rifles usually may be used, with certain exceptions, and sometimes are used for organized competitive target shooting, their suitability for this activity is limited. In fact, there are some restrictions and prohibitions on their use.

Furthermore, the information we gathered demonstrated that the LCMM rifles are attractive to certain criminals. We identified specific examples of the LCMM rifles’ being used in violent crime and gun trafficking. In addition, we found some disturbing trends involving the LCMM rifles, including a rapid and continuing increase in crime gun trace requests after 1991 and a rapid “time to crime.” Their ability to accept large capacity military magazines likely plays a role in their appeal to these criminals.

After weighing all the information collected, we found that the LCMM rifles are not generally recognized as particularly suitable for or readily adaptable to sporting purposes and are therefore not importable. However, this decision will in no way preclude the importation of true sporting firearms.

³ H. Rep. No. 103-489, at 18-19.

BACKGROUND

Importation of Firearms Under the Gun Control Act

The Gun Control Act of 1968 (GCA)⁴ generally prohibits the importation of firearms into the United States.⁵ However, the GCA creates four narrow categories of firearms that the Secretary of the Treasury shall authorize for importation. The category that is relevant to this study is found at 18 U.S.C. section 925(d)(3).

The Secretary shall authorize a firearm . . . to be imported or brought into the United States . . . if the firearm . . .

(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 and **is generally recognized as particularly suitable for or readily adaptable to sporting purposes**, excluding surplus military firearms, except in any case where the Secretary has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled. (Emphasis added)

This provision originally was enacted, in a slightly different form, by Title IV of the Omnibus Crime Control and Safe Streets Act of 1968⁶ and also was contained in Title I of the GCA, which amended Title IV later that year.

The GCA was enacted in large part "to assist law enforcement authorities in the States and their subdivisions in combating the increasing prevalence of crime in the United States." However, the Senate Report to the act also made clear that Congress did not intend the GCA to place any undue or unnecessary restrictions or burdens on responsible, law-abiding citizens with respect to acquiring, possessing, transporting, or using firearms for lawful activities.⁷

⁴ Pub. L. No. 90-618.

⁵ 18 U.S.C. section 922(l).

⁶ Pub. L. No. 90-351.

⁷ S. Rep. No. 1501, 90th Cong. 2d Sess. 22 (1968).

Consistent with this general approach, legislative history indicates that Congress intended the importation standard provided in section 925(d)(3) to exclude military-type weapons from importation to prevent such weapons from being used in crime, while allowing the importation of high-quality sporting rifles. According to the Senate Report, section 925(d)(3) was intended to "curb the flow of surplus military weapons and other firearms being brought into the United States which are not particularly suitable for target shooting or hunting."⁸ The report goes on to explain that "[t]he importation of certain foreign-made and military surplus nonsporting firearms has an important bearing on the problem which this title is designed to alleviate [crime]. Thus, the import provisions of this title seem entirely justified."⁹ Indeed, during debate on the bill, Senator Dodd, the sponsor of the legislation, stated that "Title IV prohibits importation of arms which the Secretary determines are not suitable for . . . sport The entire intent of the importation section is to get those kinds of weapons that are used by criminals and have no sporting purpose."¹⁰

The Senate Report, however, also makes it clear that the importation standards "are designed and intended to provide for the importation of quality made, sporting firearms, including . . . rifles such as those manufactured and imported by Browning and other such manufacturers and importers of firearms."¹¹ (The rifles being imported by Browning at that time were semiautomatic and manually operated traditional sporting rifles of high quality.) Similarly, the report states that the importation prohibition "would not interfere with the bringing in of currently produced firearms, such as rifles . . . of recognized quality which are used for hunting and for recreational purposes."¹² The reference to recreational purposes is not inconsistent with the expressed purpose of restricting importation to firearms particularly suitable for target shooting or hunting, because firearms particularly suitable for these purposes also can be used for other purposes such as recreational shooting.

During debate on the bill, there was discussion about the meaning of the term "sporting purposes." Senator Dodd stated:

[h]ere again I would have to say that if a military weapon is used in a

⁸ S. Rep. No. 1501, 90th Cong. 2d Sess. 22 (1968).

⁹ S. Rep. No. 1501, 90th Cong. 2d Sess. 24 (1968).

¹⁰ 114 Cong. Rec. S 5556, 5582, 5585 (1968).

¹¹ S. Rep. No. 1501, 90th Cong. 2d. Sess. 38 (1968).

¹² S. Rep. No. 1501, 90th Cong. 2d. Sess. 22 (1968).

special sporting event, it does not become a sporting weapon. It is a military weapon used in a special sporting event As I said previously the language says no firearms will be admitted into this country unless they are genuine sporting weapons.¹³

Legislative history also shows that the determination of a weapon's suitability for sporting purposes is the direct responsibility of the Secretary of the Treasury. The Secretary was given this discretion largely because Congress recognized that section 925(d)(3) was a difficult provision to implement. Immediately after discussing the large role cheap imported .22 caliber revolvers were playing in crime, the Senate Report stated:

[t]he difficulty of defining weapons characteristics to meet this target without discriminating against sporting quality firearms, was a major reason why the Secretary of the Treasury has been given fairly broad discretion in defining and administering the import prohibition.¹⁴

Indeed, Congress granted this discretion to the Secretary even though some expressed concern with its breadth:

[t]he proposed import restrictions of Title IV would give the Secretary of the Treasury unusually broad discretion to decide whether a particular type of firearm is generally recognized as particularly suitable for, or readily adaptable to, sporting purposes. If this authority means anything, it permits Federal officials to differ with the judgment of sportsmen expressed through consumer preference in the marketplace¹⁵

Section 925(d)(3) provides that the Secretary shall authorize the importation of a firearm if it is of a "type" that is generally recognized as particularly suitable for or readily adaptable to sporting purposes. The legislative history also makes it clear that the Secretary shall scrutinize types of firearms in exercising his authority under section 925(d). Specifically, the Senate Report to the GCA states that section 925(d) "gives the

Secretary authority to permit the importation of ammunition and certain types of firearms."¹⁶

¹³ 114 Cong. Rec. 27461-462 (1968).

¹⁴ S. Rep. No. 1501, 90th Cong. 2d Sess. 38 (1968).

¹⁵ S. Rep. No. 1097, 90th Cong. 2d. Sess. 2155 (1968) (views of Senators Dirksen, Hruska, Thurmond, and Burdick). In *Gun South, Inc. v. Brady*, F.2d 858, 863 (11th Cir. 1989), the court, based on legislative history, found that the GCA gives the Secretary "unusually broad discretion in applying section 925(d)(3)."

¹⁶ S. Rep. No. 1501, 90th Cong. 2d. Sess. 38 (1968).

The Senate Report to the GCA also recommended that the Secretary establish a council that would provide him with guidance and assistance in determining which firearms meet the criteria for importation into the United States.¹⁷ Accordingly, following the enactment of the GCA, the Secretary established the Firearms Evaluation Panel (FEP) (also known as the Firearms Advisory Panel) to provide guidelines for implementation of the "sporting purposes" test. This panel was composed of representatives from the military, the law enforcement community, and the firearms industry. At the initial meeting of the FEP, it was understood that the panel's role would be advisory only.¹⁸ The panel focused its attention on handguns and recommended the adoption of factoring criteria to evaluate the various types of handguns. These factoring criteria are based upon such considerations as overall length of the firearm, caliber, safety features, and frame construction. ATF thereafter developed an evaluation sheet (ATF Form 4590) that was put into use for evaluating handguns pursuant to section 925(d)(3). (See exhibit 4.)

The FEP did not propose criteria for evaluating rifles and shotguns under section 925(d)(3). Other than surplus military firearms, which Congress addressed separately, the rifles and shotguns being imported prior to 1968 were generally conventional rifles and shotguns specifically intended for sporting purposes. Therefore, in 1968, there was no cause to develop criteria for evaluating the sporting purposes of rifles and shotguns.

1984 Application of the Sporting Purposes Test

The first time that ATF undertook a meaningful analysis of rifles or shotguns under the sporting purposes test was in 1984. At that time, ATF was faced with a new breed of imported shotgun, and it became clear that the historical assumption that all shotguns were sporting was no longer viable. Specifically, ATF was asked to determine whether the Striker-12 shotgun was suitable for sporting purposes. This shotgun is a military/law enforcement weapon initially designed and manufactured in South Africa for riot control. When the importer was asked to submit evidence of the weapon's sporting purposes, it provided information that the weapon was suitable for police/combat-style competitions. ATF determined that this type of competition did not constitute a sporting purpose

under the statute, and that the shotgun was not suitable for the traditional shotgun sports of hunting, and trap and skeet shooting.

¹⁷ S. Rep. No. 1501, 90th Cong. 2d Sess. 38 (1968).

¹⁸ Gilbert Equipment Co. v. Higgins, 709 F. Supp. 1071, 1083, n. 7 (S.D. Ala. 1989), aff'd without op., 894 F.2d 412 (11th Cir. 1990).

1986 Firearms Owners Protection Act

On May 19, 1986, Congress passed the Firearms Owners Protection Act,¹⁹ which amended section 925(d)(3) to provide that the Secretary "shall" (instead of "may") authorize the importation of a firearm that is of a type that is generally recognized as particularly suitable for or readily adaptable to sporting purposes. The Senate Report to the law stated "it is anticipated that in the vast majority of cases, [the substitution of 'shall' for 'may' in the authorization section] will not result in any change in current practices."²⁰ As the courts have found, "[r]egardless of the changes made [by the 1986 law], the firearm must meet the sporting purposes test and it remains the Secretary's obligation to determine whether specific firearms satisfy this test."²¹

1986 Application of the Sporting Purposes Test

In 1986, ATF again had to determine whether a shotgun met the sporting purposes test, when the Gilbert Equipment Company requested that the USAS-12 shotgun be classified as a sporting firearm under section 925(d)(3). Again, ATF refused to recognize police/combat-style competitions as a sporting purpose. After examining and testing the weapon, ATF determined its weight, size, bulk, designed magazine capacity, configuration, and other factors prevented it from being classified as particularly suitable for or readily adaptable to the traditional shotgun sports of hunting, and trap and skeet shooting. Accordingly, its importation was denied.

When this decision was challenged in Federal court, ATF argued, in part, that large magazine capacity and rapid reloading ability are military features. The court accepted this argument, finding "the overall appearance and design of the weapon (especially the detachable box magazine . . .) is that of a combat weapon and not a sporting weapon."²² In reaching this decision, the court was not persuaded by the importer's argument that box magazines can be lengthened or shortened depending on desired shell capacity.²³ The court also agreed with ATF's conclusion that police/combat-style competitions were not considered sporting purposes.

¹⁹ Pub. L. No. 99-308.

²⁰ S. Rep. No. 98-583, 98th Cong. 1st Sess. 27 (1984).

²¹ Gilbert Equipment Co., 709 F. Supp. at 1083.

²² Id. at 1089.

²³ Id. at 1087, n. 20 and 1089.

1989 Report on the Importability of Semiautomatic Assault Rifles

In 1989, after five children were killed in a California schoolyard by a gunman with a semiautomatic copy of an AK47, ATF decided to reexamine whether certain semiautomatic assault-type rifles met the sporting purposes test. This decision was reached after consultation with the Director of the Office of National Drug Control Policy. In March and April 1989, ATF announced that it was suspending the importation of certain "assault-type rifles." For the purposes of this suspension, assault-type rifles were those rifles that generally met the following criteria: (1) military appearance; (2) large magazine capacity; and (3) semiautomatic version of a machinegun. An ATF working group was established to reevaluate the importability of these assault-type rifles. On July 6, 1989, the group issued its Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles (hereinafter 1989 report).

In the 1989 report, the working group first discussed whether the assault-type rifles under review fell within a "type" of firearm for the purposes of section 925(d)(3). The working group concluded that most of the assault-type rifles under review represented "a distinctive type of rifle [which it called the "semiautomatic assault rifle"] distinguished by certain general characteristics which are common to the modern military assault rifle."²⁴ The working group explained that the modern military assault rifle is a weapon designed for killing or disabling the enemy and has characteristics designed to accomplish this purpose. Moreover, it found that these characteristics distinguish modern military assault rifles from traditional sporting rifles.

The characteristics of the modern military assault rifle that the working group identified were as follows: (1) military configuration (which included: ability to accept a detachable magazine, folding/telescoping stocks, separate pistol grips, ability to accept a bayonet, flash suppressors, bipods, grenade launchers, and night sights) (see exhibit 5 for a thorough discussion of each of these features); (2) ability to fire automatically (i.e., as a machinegun); and (3) chambered to accept a centerfire cartridge case having a length of 2.25 inches or less.²⁵ In regards to the ability to accept a detachable magazine, the working group explained that:

[v]irtually all modern military firearms are designed to accept large, detachable magazines. This provides the soldier with a fairly large ammunition supply and the ability to rapidly reload. Thus, large capacity magazines are indicative of military firearms. While detachable

²⁴ 1989 report at 6.

²⁵ 1989 report at 6.