

Legislative History for Connecticut Act

HB 7332 PA 306 1993

House: 11532 - 11894 (363)

Senate: 4838 - 4970 (133)

Emergency Certification: ~~0~~ (0)

496

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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DEPUTY SPEAKER PUDLIN:

The bill as amended passes. The Clerk will return to the Call of the Calendar.

CLERK:

The Speaker of the House has requested the presence of all members in the Chamber. The Speaker is requesting the presence of all members in the Chamber right now.

SPEAKER RITTER:

We figure if we're going sine die we might as well all be here. There may be an unusual motion before the Body, that's why I requested, in spite of the fact that dinner's arrived for people. It's one of those moments we may want to share together and certainly should be here together.

The Clerk please continue with the Call of the Calendar, and I appreciate everybody's patience and thoughtfulness.

CLERK:

Emergency Certified Bill 7332 entitled AN ACT CONCERNING ASSAULT WEAPONS. LCO73, excuse me, 8371.

SPEAKER RITTER:

Honorable Representative from East Haven, Michael Lawlor from the 99th District, Sir, you have the floor.

REP. LAWLOR: (99th)

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Thank you, Mr. Speaker. I move passage of the emergency certified bill.

SPEAKER RITTER:

Motion is on acceptance and passage of the emergency certified bill. Will you remark further?

REP. LAWLOR: (99th)

Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, I think as all members of the Chamber are aware, the bill which has just been announced is one that was certain to generate a great deal of debate and I think every member of the Chamber takes this legislation extraordinarily seriously. It is a moment of intense gravity in terms of the legislative process and in order to expedite the process and to get to other business, and many other pressing bills which are before us, at this time, although I intend to vote against the motion I am about to make and I would encourage others who feel similarly, to do the same, although I intend to vote against it, I move pursuant to Mason's, that this bill be tabled.

SPEAKER RITTER:

Thank you, Sir. The motion, for the edification of

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the membership is a motion to table this bill. Under Mason's, this motion is not debatable. Let me just say for our membership, that this, if people would like to debate this bill, they should vote red, you should vote red, not to table.

Those who would like to, that's how we explain the green and the red votes. That's all I'll explain. So if you'd like to, you understand the motion, okay?

REP. LAWLOR: (99th)

Mr. Speaker. I would ask for a roll call vote.

SPEAKER RITTER:

I will order a roll call vote, Sir. Okay. A green vote means that the vote is, I apologize, we're all tired. A green vote means that it is tabled, which means at any point, a member can make a motion, you can make a motion to get it untabled, off the table, but it would mean that we would not be taking action on it tonight and presumably for the rest of the year.

And a red vote would mean that we would immediately debate this tonight. Okay? I think I explained the red vote. Do we all understand? Representative Belden, for what reason do you rise, Sir?

REP. BELDEN: (113th)

Mr. Speaker, for a point of parliamentary inquiry.

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Please proceed.

REP. BELDEN: (113th)

I believe you just indicated that a member could make a motion to unstable, and I would appreciate that kind of a ruling from the Chair because it would be helpful in the future.

SPEAKER RITTER:

A particular member can make that motion, Sir. At this point, the machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members please report to the Chamber. The House of Representatives is voting by roll call. Members please report to the Chamber. Members to the Chamber, please.

SPEAKER RITTER:

We're not trying to keep this motion open in orderly, Representative Godfrey has not been feeling well and he's sick in my office and he requested to be able to vote on this, and as a courtesy of this, we'll just keep the machine open. Representative Godfrey should be here in a second.

CLERK:

The House is voting by roll call. Members to the Chamber please. Members kindly report to the Chamber.

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The House is voting by roll call.

SPEAKER RITTER:

While Representative Godfrey is coming, why don't members please check the roll call machine to make sure that your vote is properly cast. Have all the members voted? Please check the roll call machine to make sure your vote is properly cast. The machine will be locked. The Clerk please take the tally.

Representative Carter, for what reason do you rise, Madam.

REP. CARTER: (7th)

Mr. Speaker would you change mine to the negative please.

SPEAKER RITTER:

Representative Carter from the positive to the negative.

(Gavel) Will this Chamber please come to order. The Clerk please announce the tally.

CLERK:

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On a motion to table, House Bill Emergency  
Certified Bill 7332. Motion to table.

Total number voting	142
Necessary to table	72
Those voting yea	71
Those voting nay	71
Those absent and not voting	9

SPEAKER RITTER:

The motion to table fails. Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

(Gavel) The membership clearly has indicated that it would like to debate this subject. Representative Lawlor, you have the floor, Sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I think for the information of the membership, it should be clearly indicated what the emergency certified bill consists of. The emergency certified bill before us is in fact, identical to the bill which passed in the Senate as amended, and which was in our files prior to the introduction of this file, so nothing in this file is different as the Senate bill as amended.

And I'd like to, I think most of the members have

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had the opportunity to review this and many are intimately familiar with the provisions of the bill, and I'm sure as this debate evolves, members will become more familiar with what this bill does and what it does not do. But I'd like to begin by saying in a very brief and summary fashion what this bill intends to regulate and what it does not intend to regulate.

First of all, any person in this State who presently owns any of the 34 firearms which appear in Section 1 of the bill will not be affected by the provisions of this bill as long as they obtain a certificate from the State Police, a certificate for the ownership of what --

SPEAKER RITTER:

One moment, Representative Lawlor. For what reason do you rise Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. A point of order, please.

SPEAKER RITTER:

What is your point of order.

REP. PRELLI: (63rd)

I understand that this was an emergency bill and that we all were rushing to get it. But I do not have a copy of it on my desk.

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I'm sorry, I thought it was before everybody's --

REP. PRELLI: (63rd)

And if not, I'd prefer that we wait until everybody gets a copy of it before we discuss it.

SPEAKER RITTER:

I think it's right behind you, Sir. Apparently it was there. I did not realize your Clerk did not hand it out.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker, as I indicated, in section 1 of the bill, there are 37 separate firearms identified and persons in Connecticut who lawfully possess those weapons at the moment will be able to continue to possess them and pass them on to their heirs in perpetuity as long as they abide by the provisions which are set out in the bill regarding registration, the issuance of certificates and appropriate probate considerations.

In section 2 of the bill, establishes new penalties, criminal penalties, for the sale and distribution of the 34 weapons which have been identified as assault weapons.

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Section 3 establishes new criminal penalties for the possession of these assault weapons.

Section 4 establishes the procedures for obtaining a certificate of possession for an assault weapon.

Section 5 spells out the details, the procedures by which any citizen might relinquish an assault weapon to a police department, whether or not they have previously registered or are certified as provided in the bill.

Section 6 spells out the regulations which will pertain to the transportation of assault weapons by persons who are in effect certified to possess them or by a lawful gun dealer.

Section 8 of the bill establishes a civil liability when assault weapons are used in the commission of a crime following the theft of those assault weapons from persons who lawfully possess them when those persons have not notified the local police department of the fact within three days.

Section 9 establishes new enhanced mandatory minimum penalties for the commission of a felony with an assault weapon.

Section 10 establishes similar new penalties.

Section 11 regulates the transporting of assault weapons to and from shooting competitions and finally,

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Section 12 clarifies that manufacturers in the State of Connecticut who manufacture any of these 34 weapons may continue to manufacture them and sell them and transport them out of State or sell them within the State to law enforcement and military organizations.

Mr. Speaker, the Clerk has LCO Number 8374. I'd ask that the Clerk call and I be permitted to summarize.

SPEAKER RITTER:

The Clerk has amendment LCO8373 which will be designated as House "A". If the Clerk can please read and Representative Lawlor will summarize.

CLERK:

LCO8373, House "A" offered by Representative Lawlor and Representative Godfrey.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Essentially this amendment adds to the list of 34 weapons, the Colt Sporter, making it now 35 weapons.

I think this is important to the integrity of the underlying bill, Mr. Speaker, although I certainly think that the bill is long overdue and much needed, with or without this particular amendment.

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But the AR15 which is manufactured by Colt is virtually identical to the Colt Sporter and I point out to those persons in the Chamber unfamiliar with the terminology, the Colt AR15, AR stands for assault rifle, and with very minor modifications, it becomes what is known as the Colt Sporter. The Colt Sporter name is relatively new. It was first advertised just a few years ago when it became clear that Connecticut and New Jersey and California and other states were seeking to ban assault rifles of this nature. I think it ought to be part of this bill and I urge its adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further? Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. I would like the proponent of this amendment which appears to me to be redundant, to describe the difference between an AR15 and a Sporter. They are one and the same weapon. They have the same mechanical function. They're of slightly different cosmetics but the operation is completely the same.

So I don't believe that the Colt Sporter was ever out of this. If you understand the mechanical function of an AR15, that's what a Colt Sporter is, so I think

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this is somewhat redundant. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, the question was what's the difference between a Sporter. The difference is, as I understand it, they're relatively minor, almost cosmetic. The AR15 is capable of mounting a bayonet, and the Sporter is not. There are some minor changes, part of the barrel is of a somewhat different length. But aside from that, I think from the precision that is required for a criminal statute and make no mistake about it, this becomes a criminal statute since we are spelling out the names of specific weapons which we seek to ban, rather than providing a definition for those weapons.

For the sake of precision, we should include the Sporter because as Representative Fusco has just indicated, in virtually every respect it is identical to the Colt assault rifle 15, the AR15.

SPEAKER RITTER:

Representative Fusco, you have the floor, Sir.

REP. LAWLOR: (99th)

Mr. Speaker, I basically don't think that the proponent really has given any significant reason why

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the two weapons are different. I mean, for nine years we've been debating this issue and we've wanted to put in a definition of an assault rifle to include the mechanical function of the weapon, and the mechanical function of these two weapons is identically the same.

And here we have a proponent of an amendment arguing over cosmetics. Mr. Speaker, this amendment is not needed and I would hope that the House would reject it.

SPEAKER RITTER:

Representative Farr.

REP. FARR: (19th)

Thank you, Mr. Speaker. This amendment undoes what the Senate does. In one of their more unbelievable acts, the Senate apparently turned a gun control measure into a jobs will.

Apparently the message of the Senate was, if you use a Connecticut made assault rifle it's alright. Well, that's absurd. Following that logic we could pass a bill and say, if you commit a crime with a Connecticut gun we'll give you a couple of years off your sentence.

This isn't about jobs. This is about controlling assault rifles and it's absolutely outrageous to think that we would exempt Colt. I point out further, that

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Colt is, in fact, a Connecticut, it's the State-owned gun factory. As much as I've objected to it, the State of Connecticut has bought that factory and we're paying for the manufacture of assault rifles.

We ought to at least, if we're going to ban assault rifles in the State of Connecticut, ban the ones we made. I would urge adoption of this amendment.

REP. PISCOPO: (76th)

Mr. Speaker.

SPEAKER RITTER:

Will you comment further? Representative Piscopo.

REP. PISCOPO: (76th)

Thank you, Mr. Speaker. A question to the proponent of the amendment, please.

SPEAKER RITTER:

Please proceed, Sir.

REP. PISCOPO: (76th)

Thank you. I'm having a hard time understanding the logic behind this kind of definition of assault weapon. Setting up this kind of a laundry list, so to speak. What's to, my question is, what's to prevent a manufacturer from simply changing the name in the following year. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

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REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I'm not sure this question's appropriate, since we're only adding a Sporter in the amendment. I think that's appropriate on the bill itself.

SPEAKER RITTER:

Thank you, Sir. Representative Piscopo, you still have the floor.

REP. PISCOPO: (76th)

Thank you. Mr. Speaker, am I looking at LC08373, amendment LC08373.

SPEAKER RITTER:

Yes, Sir, we are on LC08373, Sir.

REP. PISCOPO: (76th)

Amendment LC08373 basically section 1 of the bill, sets up this definition of assault weapons. I'll save it for maybe after this debate and I'll talk on the bill. Thank you.

SPEAKER RITTER:

Thank you, Sir. Representative Andrews.

REP. ANDREWS: (87th)

Mr. Speaker.

SPEAKER RITTER:

Representative Andrews.

REP. ANDREWS: (87th)

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Thank you. Through you, if I may, a question to the proponent of the amendment.

SPEAKER RITTER:

Please proceed.

REP. ANDREWS: (87th)

Let me follow up, through you, Mr. Speaker. Representative Lawlor, on Representative Piscopo's question it would be a little bit more specific on the amendment itself. What we're doing in line 23 of the amendment is, we are prohibiting now the Sporter. What would happen if the State of Connecticut as the owner of Colt changes the name after this and some minor functions of the weapon? Would that not take that particular weapon off this list? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. No, it certainly wouldn't take that name off the list. At that point we could consider whether or not we wanted to add the new name to the list.

And I would point out, that wouldn't change the name of the weapons that were already in circulation.

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Representative Andrews, you have the floor.

REP. ANDREWS: (87th)

But through you, Mr. Speaker, I guess my biggest problem with having a list as we do here is, we have a list based on a name of a model. There's really no definition. If a name is changed, through you, Mr. Speaker, to follow up on your answer, Representative Lawlor.

If Colt changes the name of what is now the Sporter, to the Colt something else, would that automatically, just by the name change be prohibited under this amendment, or would we have to legislatively add that name to the list. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you. We know what the Colt Sporter is. If the weapon that, presumably this would only come up if someone were arrested or someone were attempting to get an opinion from the police. If an examination of the weapon indicated that it is what we know as the Colt Sporter by looking at it and evaluating it, by whatever name it's called, it's still a Sporter.

Subsequent to that, we could clarify a statute by

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adding the new name to the list.

REP. ANDREWS: (87th)

But, through you, Mr. Speaker. There really is not a definition of the Colt Sporter as to what the Colt Sporter is or does, other than the Colt Sporter is prohibited under this legislation.

Through you, Mr. Speaker, if the name tomorrow changes. If this is adopted and the name changes tomorrow, what is to prevent somebody from an exemption, if this were to become law tomorrow? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I point out. This is no stranger to our penal code, our criminal statutes. I mean, in the controlled drug section, all of which it's a felony to possess, it names certain drugs by a variety of names, including their brand names. And under those circumstances, you know, people are prosecuted for possession of those items.

REP. ANDREWS: (87th)

Through you, Mr. Speaker, just a clarification. Other than the laundry list from 18 down through 36, Representative Lawlor, is there anything other than a

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laundry list of names that would define what an assault weapon is? Or what a Colt Sporter actually is or does?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, no. It's just as specified in Section 1 of the bill.

REP. ANDREWS: (87th)

Thank you, Mr. Speaker, I oppose the amendment.

SPEAKER RITTER:

Thank you, Sir. Representative Cutler.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. A question, through you, to the proponent of the amendment.

SPEAKER RITTER:

Please proceed, Sir.

REP. CUTLER: (51st)

Through you, Mr. Speaker, Representative Lawlor, how many weapons in this amendment can be classified as fully automatic, that is, with one pull of the trigger, all rounds are spent. And how many weapons in this amendment, through you, Mr. Speaker, are classified as semi-automatic. That is, with one pull of the trigger only one round is shot off or fired.

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SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. The weapons on this list are semi-automatic firearms and one pull of the trigger shoots one shot. But I can point out for the information of the Body, just last night I took the time to learn a little bit about these types of weapons and I had the opportunity to fire the Colt AR15 at the Hartford Police Department firing range, and I was able to shoot 30 shots off in approximately 4 seconds.

SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

Through you, Mr. Speaker, so every weapon on this amendment is semi-automatic. That is, one bullet fired with one pull of the trigger. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

That is correct, Mr. Speaker.

SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

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Okay. My question, through you, Mr. Speaker to the proponent of the amendment. Why do we have a list of weapons that are semi-automatic when, should I say when nearly every single weapon except for bolt action rifles on the market today, in the world today, are semi-automatic and we only have 30 on this list.

Well, through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. The weapons on this list, it's a list that's culled down quite a bit since the original 60 or so weapons that had been considered in the past.

This list, for the information of the Body is very similar to the list that is now banned in the states of California and New Jersey. These weapons are characterized by their ability to be fitted with a cartridge which can contain 30, 50, 70, 100, or sometimes up to 200 rounds and which can be fired without reloading. And that is what distinguishes them from the other weapons you have mentioned. They're not subject to being loaded with a clip that can hold 30 or more rounds.

Plus, just a distinction between a fully automatic

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machine gun, maybe it can shoot 30 rounds in two, two and half seconds, as I indicated. Many of these weapons, if not most of these weapons, can discharge 30 rounds within four or five seconds.

SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

Thank you. I have another point or two to make. Back home on our farm we have a couple of shotguns, a couple of rifles, and I can tell this Chamber that in function, the 22 calibre rifle that we use to shoot woodchucks is exactly the same as the function of these rifles on this list right here and that is a Marlin 22 caliber rifle and it can be fitted with any kind of cartridge full of bullets.

It can have a 10 round cartridge. It can have an 18 round cartridge. It can have a 30 round cartridge.

I have a question with an amendment that has a garden variety list of weapons that are semi-automatic, just as almost every other gun on the face of the earth. They are semi-automatic, they are not fully automatic. Fully automatic weapons are banned in the United States under a federal act and if you want to buy one you have to pay a \$200 surcharge and go through mounds of paper work through the federal government.

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These are semi-automatic weapons. Any weapon on the market today is semi-automatic. We own some. I'm sure many people in this Chamber own semi-automatic weapons, and I think, in my opinion, I have to oppose this amendment because these weapons are going to be banned, or want to be banned simply because of their looks. They look like assault weapons, when in reality there's no such thing as a semi-automatic assault weapon. An assault weapon is fully automatic.

No military on the face of the earth, a modern one, that is, has semi-automatic weapons as its primary firearm. They'd get cut to shreds. Because every single army on the face of the earth, modern ones that is, have fully automatic weapons and they are assault weapons. Not semi-automatic weapons, that is one pull of the trigger and one bullet spent because we have them on our farm. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, Sir. Will you remark further on House Amendment "A". Representative Backer.

REP. BACKER: (121st)

Thank you, Mr. Speaker. A question, through you to Representative Lawlor.

SPEAKER RITTER:

He's right next to you. (Laughter) Did you ask him

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what he wants for breakfast.

REP. BACKER: (121st)

Thank you, Mr. Speaker. I'm looking at a diagram of the Colt Sporter and the definition in the bill. I was curious, I wasn't sure. If I was to remove the pistol grip from the Colt Sporter and leave the current mag, the 30 round magazine in there, would it still be illegal under the construction of this draft?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, it would still be illegal.

SPEAKER RITTER:

Representative Backer.

REP. BACKER: (121st)

Thank you, Mr. Speaker. Through you, what modifications would you need to make to the Colt Sporter to make it a legal firearm under this bill?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, under section 1, subsection 2, indicates a part or combination of parts designed or intended to convert a firearm into an

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assault weapon or any combination of parts from which an assault weapon may be rapidly assembled.

So assuming it had the parts, it's an assault weapon and it would be banned under this list.

REP. BACKER: (121st)

Well, Mr. Speaker, through you, I'm still a little ambiguous, if I were to move the flash suppressor and the pistol grip, and I left a 30 round magazine in the Sporter, I could still have that weapon on the street today? That assemblage of different parts is missing. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, that would still be prohibited, yes. You'd still be in possession of all the parts and that would be prohibited.

SPEAKER RITTER:

Representative Backer.

REP. BACKER: (121st)

I'm not sure I'm not sure if I'm talking about being in possession of all the parts. Well, I guess my question, I guess I'm confusing the issue. Is there any way I could retain this rifle and still have the capability of holding a magazine with 30, 40 or 100

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rounds by stripping parts off of it or having it remanufactured.

Or is there a round capacity. I guess my question is, through you, Mr. Speaker, in this bill, is there a prohibition on the number of rounds you can carry in any given weapon?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, no, there is not. These weapons are selected because they are easily adaptable to a magazine of 15, 30, or more rounds.

SPEAKER RITTER:

Representative Backer.

REP. BACKER: (121st)

Okay, so certain modifications, this rifle could still be on the streets of Connecticut or in the woods hunting or wherever, with multiple rounds and multiple rounds is not an issue in and of itself.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, no. If it's a Colt Sporter, and with or without the parts, if you have the parts, any of the parts, then it's banned.

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SPEAKER RITTER:

Representative Backer.

REP. BACKER: (121st)

Okay, through you, Mr. Speaker, my final question is, other than a Colt Sporter, the 30 round automatic rifle will remain on the streets? Oh, that's a question for, I'll ask it under the bill. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, Sir. Anybody else care to comment on House Amendment "A". Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. In Representative Lawlor's description of a weapon that I assume he's fired now, he indicated that he had some familiarization with that and so I would like to question him, through you, Mr. Speaker.

SPEAKER RITTER:

Please proceed.

REP. FUSCO: (81st)

Representative Lawlor, when you described, would you describe what weapon you were firing, the model of the weapon you were firing? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

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REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I was firing the Colt AR15.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Again, through you, Mr. Speaker. And did you indicate that the acronym for AR15 meant what? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, assault rifle.

REP. FUSCO: (81st)

Mr. Speaker, I would dispute that. And I would also like to ask Representative Lawlor how many times he has fired an AR15. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, 60 times.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker, was that 60 rounds or 60

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times?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

I fired two full clips, each of which contained 30 rounds.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker, Representative Lawlor, you fired the AR15 on one occasion and expended two magazines. Is that correct?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes. I just point out my purpose in going there was to see for myself, in fact, how fast you could fire an assault rifle.

REP. FUSCO: (81st)

Well, I hate to burst your bubble, and with all due respect, Representative Lawlor, but AR15 does not stand for assault rifle. It stands for Armalite which was the first company that developed and designed the AR15, which Colt products. It is not an assault rifle.

When a version of this bill left the Public Safety

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Committee, it had a definition of an assault rifle on it. It was a definition that said an assault rifle is what the military and the U. S. Government say it is, a selective firearm capable of expending all of its rounds with one squeeze of the trigger, with the option of fully auto, semi or burst, at the option of the user.

And so to portray the AR15 as an assault rifle is not a true and accurate description of what an AR15 is. I would venture to say that the military version of the AR15 which is the M16 fully automatic assault rifle which has a selector the option of semi, fully automatic or burst.

If you were in a fire fight with such a weapon, I would tell you that it would take three or four of those AR15's to take out that assault rifle and Mr. Speaker, I just find that when we start talking about semantics and worry more about the cosmetic applications of a weapon without seriously going into the mechanical function of what these weapons do, we are perpetrating a fraud on the people of Connecticut and that's what this amendment intends to do. It's another fraud. It's a feel good amendment.

We're going to take the Sporter. Next year we'll put something else on the list and you know, it's a

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warm fuzzy, it's a security blanket like a child would have that they would carry around suck their thumb and it doesn't do them any good, but they think so.

If you want to get serious about this, I believe I may have an amendment later that will give you the proper definition. Thank you.

SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. A question, through you, to the proponent of the amendment.

SPEAKER RITTER:

Please proceed.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. Representative Lawlor, you mentioned a few moments ago that you went to the police station, I believe here in Hartford to see exactly how fast you could fire a semi-automatic assault weapon, did you not? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Yes, in fact that's what I did.

REP. CUTLER: (51st)

Excuse me, I didn't hear him, Mr. Speaker.

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SPEAKER RITTER:

Would you repeat your answer, please.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes.

SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

Again, I'd like to say that there is no such thing as a semi-automatic assault weapon. Through you, Mr. Speaker, a question to the proponent of the amendment.

SPEAKER RITTER:

Please proceed.

REP. CUTLER: (51st)

Representative Lawlor, the gunk the weapon that you fired, that you shot rounds out of yesterday or the other day, is that semi-automatic weapon faster than any other semi-automatic made today, regardless of make or model?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. Faster than some, slower than others.

SPEAKER RITTER:

Representative Cutler.

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REP. CUTLER: (51st)

A question, through you, Mr. Speaker, to the proponent of the amendment.

SPEAKER RITTER:

Please proceed.

REP. CUTLER: (51st)

Representative Lawlor, you said that some of faster than others. So you believe that semi-automatic, the semi-automatic tag for a weapon has some give to it. A semi-automatic isn't necessarily a semi-automatic that some semi-automatic weapons are faster than others, as if they have tension on the spring for the trigger or that maybe someone's finger is faster at pulling the trigger, because you have to pull the trigger one time to spend one round.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Yes.;

SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

Through you, Mr. Speaker, yes. Some semi-automatic weapons are faster in firing because someone's finger is faster or because there is less or more tension on

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the trigger?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, both.

SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

Through you, Mr. Speaker. Representative Lawlor, so you think, so you believe, in your opinion that because someone can pull a trigger faster on one weapon that that weapon should be banned?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, no.

SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. Thank you, Representative Lawlor. If the proponent of the amendment does not believe that a weapon should be banned simply because someone can pull a trigger faster on one weapon than any other, then why do we have this amendment? Why are we going through this discussion?

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Because you cannot, there is no such thing as a degree of semi-automatic weaponness, if I may call it that. Semi-automatic is semi-automatic. It's like the difference between an automatic in a car and a standard in a car.

An automatic is an automatic but a standard transmission, a manual transmission, sure it can be revved faster, but you still have to go through all the gears. You still have to hit the gears. You still have to use the clutch.

On a semi-automatic weapon, you still have to pull the trigger one time to fire one bullet. The only way that a semi-automatic weapon can be fired faster than any other semi-automatic weapon is to pull the trigger faster. And if that is the case, why not ban every single semi-automatic weapon that has ever been made, because in function, they are all the same.

The rifle that we use on our farm, the rifles that many hunters have are semi-automatic rifles. Every pistol, every handgun, shall I say, is semi-automatic. One pull of the trigger, one round fired. Let's ban all of them. They should be on this list as well. It should be all semi-automatic weapons then because there is no semi-automatic assault weapon.

Thank you, Mr. Speaker.

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SPEAKER RITTER:

Thank you, Sir. Will you remark further?

REP. SAN ANGELO: (131st)

Mr. Speaker.

SPEAKER RITTER:

Representative San Angelo.

REP. SAN ANGELO: (131st)

Thank you, Mr. Speaker, a question, through you to the proponent of the amendment, please.

SPEAKER RITTER:

Please proceed.

REP. SAN ANGELO: (131st)

Thank you. Representative Lawlor, if a particular weapon is made outside of this country and it resembles the Colt Sporter functionally, but is under a different name and a different style, a slightly different cosmetic style, would that be banned under this?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you, the only weapons banned under this statute are the ones specifically listed in section 1, that the Sporter is being added to. So, presumably, if there are such weapons, they're on this list.

REP. SAN ANGELO: (131st)

Then through you, Mr. Speaker, the Daewoo K-1 which

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is crayon model of the Colt Sporter, it resembles the Colt Sporter, is basically the exact same type of gun that we're talking about with this amendment. It has the same functions, can do the same thing.

Under this amendment, people are still going to be allowed to buy weapons that resemble, that exactly resemble the Colt Sporter in functions, even though different in style or name. So what we're going to do is, we're going to have people instead buying the Colt Sporter, or buying weapons from out of this country that slightly differ from the Colt Sporter and we're going to still allow them to be purchased in the State of Connecticut.

This amendment is totally flawed, just as the listing of all the different guns is totally flawed, and I would ask that this Body not support the amendment. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, Sir. Representative O'Rourke.

REP. O'ROURKE: (32nd)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this amendment. I think it's a pretty simple, straightforward amendment and I think Representative Lawlor has done an excellent job in explaining it to the members of the Chamber.

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Ladies and gentlemen, when we vote on this amendment, the question before us is simple, and that is, is the Colt Sporter an assault rifle, a semi-automatic assault rifle. Is it the same rifle or nearly the same rifle as the AR15 which Colt produces, which is already on the list?

And I'd like to refer to you for reference, the NRA's magazine, American Rifleman, June 1993, and I quote, and this may be the only time tonight I'll quote the NRA. But with apologies to Colt's, we'll we'll use the term AR15 to cover the Sporter line. And again, in the American Rifleman in the NRA Magazine, almost identical rifles are called AF15s and later Sporters.

Ladies and gentlemen, this whole article from the recent American Rifleman explains in detail the genesis of the Sporter line derived from the M-16 military rifle used in Vietnam, used by the U. S. Army, which was civilianized as the AR15 and later turned in the Sporter rifle.

A little information about that. Another quote here. Colt made some minor changes to try to lose the assault rifle label in introducing the Sporter. Ladies and gentlemen, there's no need for extensive debate on this issue. The Sporter is the AR15. The AR15 is a

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semi-automatic version of the M-16, a military assault rifle, a military machine gun. The only difference between this military gun, weapon of war and a Colt Sporter is that the firing mechanism requires an additional pull for each bullet rather than a spray fire of the M-16.

But the whole reason this bill is before us is to try to get off our streets, the weapons of war that are being used to inflict mayhem on our streets, the most deadly rifles and weapons that are seen by police officers every day on the streets around this State and this country.

Ladies and gentlemen, let's get onto the bill and let's vote right now to add the Sporter to this list so we can debate the bill before us. Thank you.

SPEAKER RITTER:

Thank you, Representative O'Rourke. Anybody else? If not, I'll try your minds.

REP. ESPOSITO: (116th)

Mr. Speaker.

SPEAKER RITTER:

Representative Esposito.

REP. ESPOSITO: (116th)

Thank you, Mr. Speaker. A question to the proponent of the amendment, please.

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SPEAKER RITTER:

Please proceed, Sir.

REP. ESPOSITO: (116th)

Just for clarification. Representative Lawlor, you say that you went to the Hartford range and fired two clips of 30 rounds each and each clip took approximately 4 seconds? I believe that was the statement that was made.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, 4 or 5 seconds. I'm told that the Colt Sporter can discharge its 30 rounds in about 4-1/2 seconds. No matter how you slice it, it was pretty fast to me, Representative Esposito.

REP. ESPOSITO: (116th)

Well, Mr. Lawlor.

SPEAKER RITTER:

Representative Lawlor.

REP. ESPOSITO: (116th)

I'm sorry, through the Chair, Representative Lawlor. I was pretty sure of my fact but I went to check with one of the Reps from Colt and I went to check with one of the other lobbyists in competition time, the quickest time that they could do five shots is around 8 seconds, in competition pistol shooting.

I'm sure many members here in the Chamber were

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thinking of it and most of us have tried it. The most I could click off anything here in timing was about 12 to 14 times in 4 seconds, tops. And that's without recoil. And I just wanted to get clarification. I wasn't sure if it was 4 seconds or if he said 14 seconds. But thank you, Representative Lawlor.

SPEAKER RITTER:

Thank you, Sir. Will you remark further on this amendment? Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, first of all, as Representative Cutler asked me earlier, maybe I just have a quick finger, but it was pretty fast to me.

And secondly, I'd ask that when the vote is taken on this amendment it be taken by roll.

SPEAKER RITTER:

All in favor of a roll call on the amendment signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

It will be taken by roll. Would anybody remark further on this amendment? If not, staff and guests come to the well of the House. The machine will be opened.

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CLERK:

The House of Representatives is voting by roll.  
Members to the Chamber please. Members to the Chamber,  
please. The House is voting by roll call.

SPEAKER RITTER:

Have all the members voted? Please check the roll  
call machine to make sure your vote is properly cast.  
The machine will be locked. The Clerk please take the  
tally. The Clerk please announce the tally.

CLERK:

House Amendment "A" to House Bill 7332.

Total number voting 143

Necessary for adoption 72

Those voting yea 114

Those voting nay 29

Those absent and not voting 8

SPEAKER RITTER:

House "A" is adopted and ruled technical.

REP. LAWLOR: (99th)

Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. The Clerk has LCO Number  
7412. I'd ask that the Clerk call and I be permitted

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to summarize.

SPEAKER RITTER:

The Clerk has amendment LCO7412 which will be designated House "B". If the Clerk can call it, Representative Lawlor would like to summarize.

CLERK:

LCO7412, House "B" offered by Representative Lawlor et al.

SPEAKER RITTER:

The Clerk has amendment LCO7412 designate House "B". Can he please call it. Oh, he did call it? I'm sorry. Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This essentially clarifies in section 4c, the type of identification which would have to be provided when an owner is selling or transferring one of these banned assault weapons, indicating in lines 25 and 26 of the amendment, changing an and to an or.

Mr. Speaker, I'd urge adoption of the amendment.

SPEAKER RITTER:

The question is on adoption. Will you remark further? Representative Norton.

REP. NORTON: (48th)

Mr. Speaker, with the passage of the last

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amendment, House "A", I believe that this bill has a significant impact on jobs and economic development issues for the State of Connecticut. And I believe that also, since this bill, even in its earlier form never visited the Commerce and Exportation Committee, that it should go there.

Mr. Speaker, I move this bill be referred to the Committee on Commerce and Exportation and I would ask for a roll call vote.

SPEAKER RITTER:

We have two motions. Why don't we just stand at ease for a moment. I'd like to take an opinion on what's going on here. This Chamber stand at ease, please.

The Chamber will please come back into order. Representative Norton had the floor, but I asked for the Chamber to stand at ease to review the situation we are in. I'm sorry, Representative Norton. Why don't you reiterate the motion you have before us. Representative Norton, you have the floor.

REP. NORTON: (48th)

Mr. Speaker, in reading over the bill, I would actually prefer to make the motion, so I would withdraw the motion I just make.

SPEAKER RITTER:

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One second. Representative Norton has asked permission to withdraw his motion. It is hereby withdrawn. You have the floor, Sir.

REP. NORTON: (48th)

Mr. Speaker, I would rather make the motion that this bill be referred to the Committee on the Judiciary. On Judiciary.

SPEAKER RITTER:

Well, please make that motion, Sir.

REP. NORTON: (48th)

I believe there are constitutional issues that arise and I believe those are grounds for the Judiciary Committee to look at the bill, which has not looked at the bill.

SPEAKER RITTER:

Representative Norton, please make the motion, Sir.

REP. NORTON: (48th)

And I so move that referral.

SPEAKER RITTER:

Okay. (Gavel) I would just like to say, excuse me for one second, the motion that Representative Norton. We were on an amendment by Representative Lawlor. Representative Norton has asked to have this referred to Judiciary. It's clear by my reading that this motion is properly before us, as it takes priority over

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the amendment we are debating and so therefore, before us is this motion to refer this bill to Judiciary. You have the floor, Representative Norton.

REP. NORTON: (48th)

Mr. Speaker, I would move that the vote when taken be taken by roll.

SPEAKER RITTER:

All those in favor of a roll call vote on the referral to Judiciary signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

It will be taken by roll, Sir. Will you comment further this?

REP. LAWLOR: (99th)

Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Excuse me, Representative Lawlor, I apologize. The Majority Leader is on his feet. Could you yield to the Majority Leader please?

REP. LAWLOR: (99th)

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I would be more than happy to yield to the Majority Leader.

SPEAKER RITTER:

Thank you. Representative Luby. I apologize, Sir.

REP. LUBY: (82nd)

Thank you, Mr. Speaker. Thank you, Representative Lawlor. Mr. Speaker, members of the Chamber, first I want to thank Representative Norton for withdrawing the motion to Commerce. It is our view that Commerce does not in this case have jurisdiction.

However, it is clear, not just on constitutional grounds, but if you look at the E-Cert itself, there are a number of sections that deal with criminal penalties, including felonies, sections 9 and 10, and clearly, that is the kind of matter which is within the jurisdiction of the Judiciary Committee under our rules.

However, I'd just like to point out to the Chamber that this is an E-Cert bill. Under our rules regarding E-Certs, it is not necessary under our rules to send this matter to a Committee, even though the Committee might have jurisdiction. It is permissive.

Because this is an important issue, because opinions are wide-ranging and emotions run high as well, it is our intention on this motion to encourage

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the members of the Chamber to vote their conscience and their opinions on this.

I would just like to advise the Chamber on this, that a reference to Judiciary would naturally decrease the chances of this bill becoming law. A vote no would be likely to increase the chances of this bill becoming law and I'd ask the members merely to vote according to their opinion. Thank you.

REP. LAWLOR: (99th)

Mr. Chairman.

SPEAKER RITTER:

Representative Lawlor, and I appreciate your courtesy, Sir. You have the floor, Sir.

REP. LAWLOR: (99th)

Thank you very much, Mr. Chairman, I have all night, it's no problem. Mr. Speaker, I should say. Mr. Speaker, I just want to make it perhaps even more clear than the Majority Leader, that a vote to refer this to the Judiciary Committee is in effect killing this piece of legislation.

And I want to point out that the emergency certified bill before us is, although it's now been amended by the first amendment to add the Colt Sporter, is virtually the identical bill to File 704 amended by Senate "A", "B", and "C", which has already been to the

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Judiciary Committee. And in the Judiciary Committee we have analyzed each and every section of the bill that is before us in the form of an emergency certified bill. We have considered these issues and we have reported it out favorably, as have many other committees.

So I think it absolutely is not necessary, doesn't serve any purpose, other than to kill the bill, and I would urge all my colleagues in the Chamber who support this legislation to vote no on the motion to refer.

SPEAKER RITTER:

Will you remark further? If not, staff and guests -- I'm sorry, I apologize, Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I support the motion for a reference. It's clear not only the criminal penalties and in some ways very discretionary, are applicable in this bill. When tried to be pointed out before, they were not addressed. There are issues of liability, strict liability that don't belong in the bill. When pointed out before, they were not addressed in the Senate and certainly not addressed in the E Certed bill.

To say it's certain death is beyond me, Mr. Speaker, because as I recall, a bill with all those, a bill similar to this did come out, although I believe

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the Sporter Rifle was in it initially, the E-Certed bill.

I think it's an appropriate reference and I would urge those who support an analytical and true review to go to Judiciary.

SPEAKER RITTER:

When is the Senate Chairman coming back?

REP. TULISANO: (29th)

Who cares?

SPEAKER RITTER:

Representative Ireland. (Gavel) The distinguished, Deputy Majority Leader, Representative Ireland.

REP. IRELAND: (111th)

Thank you, Mr. Speaker. I certainly respect the opinion of Representative Tulisano, who has just spoken, as the distinguished Chairman of the Judiciary Committee.

However, as a supporter of this piece of legislation, I have to agree with the remarks of Representative Lawlor, that I do feel that the bill which unfortunately met procedural probably death, earlier today, certainly all parts and pieces of that had been to most of the Committees in the General Assembly that it needed to go to, and I don't think

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that it's fair to cheat the people of Connecticut out of a debate on this issue, regardless of how you may feel on the issue.

I think that the people of Connecticut deserve the right to have this issue fully debated. And for us to make a decision one way or the other on the issue itself and not try to kill this issue on a procedural vote.

So I would urge the Chamber not to refer in this instance, based on Precedent 275. An E-Certed bill, a referral is not required. It can be done, but it is not required. If the underlying portions of the bill had not already been fully discussed in public hearing and before all of the Committees of this General Assembly, I might feel differently, but I think that the State of Connecticut deserves the right to have the debate on this issue in an up or down vote on the issue not on a procedural motion. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you very much.

REP. FUSCO: (81st)

Mr. Speaker. Mr. Speaker.

SPEAKER RITTER:

Representative Angelo Fusco.

REP. FUSCO: (81st)

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Mr. Speaker, I would concur with the comments of Representative Tulisano and disagree with the other two speakers on the issue of referral.

Respectfully, this is not the same bill that's had a public hearing in this General Assembly, ladies and gentlemen. This is not the same bill that was reported out of Public Safety to the Judiciary Committee. The bill that was reported out of the Public Safety Committee had a definition of what the mechanical function of an assault weapon was, and that was put in by a bipartisan committee and a bipartisan vote.

Somehow, that got lost in the Judiciary Committee, but even worse than that, when the Senate took this bill up, Senate "A" which is now this bill, "A", "B" and "C", struck the file. Struck the file, ladies and gentlemen, and there are far reaching personal problems that people could encounter with their Constitutional rights in the way this is crafted.

Sure, under our rules we do not have a legal obligation to refer this to the Committee, but I would tell you, ladies and gentlemen, with what's contained in this bill, God forbid it should pass, we have a moral obligation.

SPEAKER RITTER:

(Gavel) It's an important subject. I think we are

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prepared for a vote. Staff and guests come to the well of the House. Staff and guests come to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber, please. Members kindly report to the Chamber. Members kindly report to the Chamber. The House of Representatives is taking a roll call vote. Members to the Chamber.

SPEAKER RITTER:

I'd like to remind the members. If you want to refer this to the Judiciary Committee, you vote green. If you do not want to refer it, you vote red. Just for all the people coming in, this is a motion to refer. A green vote is a motion to refer to the Judiciary Committee. A red vote is to keep the bill before us.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber please. Members please report to the Chamber. The House of Representatives is voting by roll call.

SPEAKER RITTER:

Have all members voted? Have all the members voted? Please check the roll call machine to make sure that your vote is properly cast. The machine

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will be locked. The Clerk will please take the tally.

The Clerk please announce the tally.

CLERK:

On the motion to refer House Bill 7332 to  
Judiciary Committee.

Total number voting	144
Necessary to refer	73
Those voting yea	71
Those voting nay	73
Those absent and not voting	7

SPEAKER RITTER:

The motion to refer fails. Representative Lawlor,  
you have the floor, Sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Once again, just  
explaining LC07412. The amendment simply clears up  
what by any account was an unintended error, and that  
was for a person who is supplying, identifying  
information, they would supply either their motor  
vehicle operator license or their social security card.

In the file copy before us, the indication is and,  
in other words they'd have to supply both. I think  
this is a needed change, an improvement in the bill and  
I'd urge its adoption.

SPEAKER RITTER:

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The question is on adoption. Will you remark further?

REP. FUSCO: (81st)

Mr. Speaker.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. A question to the proponent, through you.

SPEAKER RITTER:

Please proceed, Sir.

REP. FUSCO: (81st)

Through you, Mr. Speaker. Representative Lawlor, it talks about the certificate of transfer in this particular amendment, and I'm not clear as to where the certificate of transfer should be obtained. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. The amendment before us only concerns whether or not a licensed gun dealer is required to provide to the purchaser, both his motor vehicle license and his social security card or either one, as one of several forms of identification. That

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is all the amendment seeks to do.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Could you refer me to the lines? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you very much, Mr. Speaker. In the amendment it is on line 32. In the emergency certified bill, it appears on line 150, or I should say it does not appear there. That's where we're adding an or.

REP. FUSCO: (81st)

Well, through you, Mr. Speaker, the way I read this amendment, the section of the amendment that Representative Lawlor referred to me as the change, doesn't happen to be in bold on my amendment, and so I just assumed that this rewrites the section because it says delete subsection c and subsection 4 in its entirety and substitute the following.

And so, you know, my question is on the certificate of transfer and if that's not the intent of this amendment, I'll have to frame that question at another time, but I would just point out that it's not clear

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when you read this amendment, where the specific change is, Mr. Speaker.

SPEAKER RITTER:

Anybody else on House Amendment "B". If not, I'll try your minds. All in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, nay.

REPRESENTATIVES:

No.

SPEAKER RITTER:

House Amendment "B" is adopted and ruled technical.

REP. LAWLOR: (99th)

Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. The Clerk has LC08603. I'd ask that the Clerk call and I be permitted to summarize.

SPEAKER RITTER:

The Clerk has amendment LC08603. If the Clerk may call and Representative Lawlor has asked permission to summarize.

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CLERK:

LC08603, House Amendment "C" offered by  
Representative Ritter and Representative Krawiecki.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This amendment seeks to clarify an unintended consequence in the language of the emergency certified bill which was the procedures governing a person who is attempting to obtain a certificate during the period during July 1st of this year when the ban takes effect and July 1st of 1994 by which time all persons who lawfully possessed an assault rifle prior to July 1, 1993 will be required to obtain a certificate.

This clarifies that those persons who are applying for a certificate, who are naturally admitting that they do possess one of the weapons that is on the banned list, would not be subject to prosecution for possessing that weapon.

Mr. Speaker, I think the sponsors of the amendment speak for themselves. I think this technically cleans up a bill and I would urge its adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark

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further? Representative Rell.

REP. RELL: (107th)

Thank you, Mr. Speaker. Certainly, I think the amendment merits our attention and our vote, but I would like to ask Representative Lawlor what kind of proof he believes would be necessary to show that a person lawfully possessed the assault weapon prior to July 1, of 93.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you very much, Mr. Speaker. I'd point out this amendment only affects the penalty would be, clarifies that no penalty would be provided with or without this amendment, the same type of proof would have to be presented. This amendment only seeks to clarify that a person in that category would not be subject to any type of prosecution and does not in any other way alter the emergency certified bill regarding whether or not he possessed the assault weapon prior to July 1, 1993.

SPEAKER RITTER:

Representative Rell, you have the floor, Madam.

REP. RELL: (107th)

Through you, Mr. Speaker, I think I understand the

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answer that I was given, but I'm still looking for some kind of responses to the type of proof an individual would have to have to show that they owned this weapon prior to the effective date of this.

In other words, would a picture suffice, would a sales receipt suffice? What are we talking about that would be proof? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, although I don't think that is directly affected by this particular amendment, any type of proof sufficient to a bill of sale, a certificate of registration from another state, proof that you own the weapon before you moved into the State of Connecticut, anything along those lines would be considered.

REP. RELL: (107th)

Thank you.

SPEAKER RITTER:

Thank you, Madam. Representative Cutler.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. A question, through you, to the proponent of the amendment.

SPEAKER RITTER:

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Please proceed, Sir.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. Representative Lawlor, if a person who presently owns one of the weapons described in the bill, in the amendment, after one year has not applied for a certificate of ownership but kept it in his or her closet or chest back home, how would law enforcement personnel or the State or whomever, find and prosecute a person who owns that weapon, and would that person be a criminal? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, there's any number of ways a police officer can find contraband. They carry it in their car. They're in the house, for unrelated purposes. If a crime has been committed in the house or a report of a crime that any other person, a neighbor for example sees such a weapon and reports it to the police. There's a variety of ways by which the police might obtain a search warrant. To obtain it, I don't think it's any different than if you were storing cocaine in your house or a machine gun or anything else like that.

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SPEAKER RITTER:

Representative Cutler.

REP. CUTLER: (51st)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Anybody else care to comment on House Amendment  
"C". Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. Mr. Speaker, the  
proponent of the amendment indicated that this was a  
technical amendment and at first blush I thought it  
was. But through you, Mr. Speaker, just a question to  
Representative Lawlor.

Is it the intention of this amendment to say that  
an individual who lawfully possessed an assault weapon  
or possessed an assault weapon in compliance with  
subsection d would not be subject to criminal penalty.  
Is that the intent? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Could you ask the question one more time?

REP. RADCLIFFE: (123rd)

Certainly. It is the intention of this amendment  
to say that a person who lawfully possessed a weapon

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prior to July 1 of this year, in other words, currently has one, and received a certificate of possession would not be guilty of a criminal offense. I take it that's the intention of the amendment in the language. Is that true? Through you, Mr. Speaker.

REP. LAWLOR: (99th)

I apologize, Mr. Speaker, one more time. I was trying to read the amendment, I'm sorry.

REP. RADCLIFFE: (123rd)

I'm reading on lines 25 through 29, and I'll read the amendment if it will be of assistance to the proponent. It says the person presents proof that he has lawfully possessed the assault weapon prior to July 1 and he otherwise possessed it in compliance with subsection d.

If those two requirements are met, the person presents proof that he has lawfully possessed the assault weapon prior to July 1 and he otherwise possessed it in compliance with subsection d. If those two requirements are met, it is the intention of the amendment to say that that individual is not subject to criminal penalty. Is that correct? Through you, Mr. Speaker.

REP. LAWLOR: (99th)

After July 1, 1994, if a person presents proof

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that he lawfully possessed the assault weapon prior to July 1 and has otherwise been in compliance, he'd be subject to prosecution for a Class A misdemeanor.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, if I might comment just for a moment on this.

SPEAKER RITTER:

We might be able to satisfy your concern.

REP. RADCLIFFE: (123rd)

What concern is that, Mr. Speaker?

SPEAKER RITTER:

I'm just saying I think there's a flaw in the draft and we'd like to make the motion to PT. Could you yield to Representative Tulisano.

REP. RADCLIFFE: (123rd)

I will yield to the Chairman of the Judiciary Committee.

SPEAKER RITTER:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, if I might, reading line 25, I believe the word if should be unless, and if it's appropriate to PT and correct it and reflect the wishes.

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SPEAKER RITTER:

A withdrawal, let's withdraw. The question on withdrawing it. Thank you for bringing it to our attention. We'll clean up the amendment and offer it later.

REP. LAWLOR: (99th)

Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor, you have the floor. Mr. Speaker, the Clerk has LCO8607. I ask the Clerk to call and I be permitted to summarize.

SPEAKER RITTER:

Can you say the LCO number again, Michael, Representative Lawlor. What LCO number is this Sir?

REP. LAWLOR: (99th)

Through you, Mr. Speaker, 8607.

SPEAKER RITTER:

The Clerk has amendment, LCO8607 which will be designated House "D". If he may call and Representative Lawlor is asking permission to summarize.

CLERK:

LCO8607, House Amendment "D" offered by Representatives Lawlor, O'Rourke and Rennie.

SPEAKER RITTER:

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Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This amendment simply imposes a deadline on the Department of Public Safety to establish the regulations for the issuance of certificates of possession not later than January 1, 1994.

The emergency certified bill was silent as to this deadline. My concern and that of others who were reading it at the same time was that we want to insure that there's sufficient time for persons who would qualify for such a certificate of possession to obtain it prior to July 1, 1994 when the absolute ban would go into effect.

So I think this simply clarifies, gives enough time for people who would qualify for a certificate to obtain that certificate prior to the July 1 date. I would urge adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further?

REP. FUSCO: (81st)

Mr. Speaker.

SPEAKER RITTER:

Representative Fusco.

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REP. FUSCO: (81st)

Well, I'm glad we're talking about the certificate of possession, finally, Mr. Speaker, and I do have a question through you, to the proponent.

SPEAKER RITTER:

Please proceed.

REP. FUSCO: (81st)

Representative Lawlor, a certificate of possession is an interesting concept and you know, we have quite a system in place right now for pistol permits, and I was wondering if, since this is going to be a significant new system of administrative function, does the proponent have a fiscal note on the certificate of possession? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. We're checking. One moment. Mr. Speaker, it has not yet arrived.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Well, Mr. Speaker. I think this is significant. If the Department of Public Safety is going to be required to establish a program of certificate of

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certifications or certificate of possessions, I would assume that the same number of certificate of possessions would be equal to that for people who have semi-automatic pistols, who have a pistol permit and so I would say that at a minimum, it would be equal to the amount of pistol permits issued, plus adding all the other listed weapons.

There could be in excess of a couple of hundred thousand certificates and so, I don't know, we're in a situation where we don't have a fiscal note on a major administrative change, so I would suggest that maybe we PT this particular amendment until we get a fiscal note on it.

SPEAKER RITTER:

Will you remark further? Representative Jones.

REP. JONES: (141st)

Thank you, Mr. Speaker. Through you, a question to Representative Lawlor. Is the information in the certificates of possession as filed in the Department of Public Safety subject to the Freedom of Information Act?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, under the bill, no,

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they're not.

SPEAKER RITTER:

Representative Jones.

REP. JONES: (141st)

Then this information, through you, Mr. Speaker, is held in confidential files in the Department of Public Safety?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes, they would be pursuant to the terms of the bill.

SPEAKER RITTER:

Representative Jones.

REP. JONES: (141st)

Yes. I consider this information very sensitive because it would tell people where these weapons are. What would happen if an employee of the Department of Public Safety revealed this information? What sort of penalties would be available?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, I'm not sure what the penalties are, but I could certainly find out and get

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back to the question.

SPEAKER RITTER:

Representative Fusco, for what reason do you rise, Sir?

REP. FUSCO: (81st)

Mr. Speaker, for a point of order. I don't believe that this amendment is properly before us. It does not have a fiscal note.

SPEAKER RITTER:

Just one second. Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. You know, at this time, I'm sure LCO is really busy. I did ask or suggested that it be PTd but I will withdraw the point of order at this time. OFA, I'm sure hasn't finished all of those.

SPEAKER RITTER:

I appreciate it, Sir, and I think that, while I can't speak for every member here, I think that that courtesy should be extended to both sides when some other amendments come because I think as you say, the staff is working very hard under tough situations and I appreciate it, Sir, and I know OFA will get this over as soon as they can.

REP. FUSCO: (81st)

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I will withdraw my point of order and then seek the floor to ask some questions.

SPEAKER RITTER:

Thank you very much, Sir. I appreciate your courtesy. Anybody else care to comment on House Amendment "A".

REP. FUSCO: (81st)

Mr. Speaker.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Thank you. I do have a question, and I would also indicate that I thought before rising to the point of order that Representative Jones did have the floor. I don't know if he's, I'm not sure if he's relinquished the floor before I ask my questions.

REP. JONES: (141st)

I'd like to yield the floor to Representative Fusco.

SPEAKER RITTER:

Thank you, Representative Jones. Representative Fusco, do you accept the yield?

REP. FUSCO: (81st)

Thank you. Representative Lawlor.

SPEAKER RITTER:

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I assume that's yes.

REP. FUSCO: (81st)

Representative Lawlor, aside from the fact that we're not sure how the Department of Public Safety is going to implement this and the cost, we do have a situation where we're going to duplicate a lot of the information, and so through you, Mr. Speaker, as I pointed out before, the Department of Public Safety already has a large number of semi-automatics in which individuals do at this time have, and are in possession of pistol permits to carry.

And through you, Mr. Speaker, could the Department of Public Safety implement a program of certificate of possession similar to that that currently exists for pistol permits, rather than reinventing the wheel? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, I assume yes.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Well, thank you. I'm sure the Department of Public Safety will be glad to hear that because they could

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probably just expand their pistol permit program to include all the weapons that are not currently issued permits for. Thank you.

SPEAKER RITTER:

Anybody else care to comment? Representative Mazzoccoli.

REP. MAZZOCOLI: (27th)

Thank you, Mr. Speaker. I want to get back to the one question where it talks about the lawful possession, again to Representative Lawlor. Through you, Mr. Speaker.

SPEAKER RITTER:

Please proceed, Sir.

SPEAKER RITTER:

Representative Lawlor.

REP. MAZZOCOLI: (27th)

You stated before that a receipt would suffice --

SPEAKER RITTER:

Why don't you wait a second. (Gavel)

REP. MAZZOCOLI: (27th)

Okay, Mr. Speaker. Representative Mazzoccoli.

REP. MAZZOCOLI: (27th)

Would a, for instance if I received one of these weapons from a relative prior to July 1, 1993 and he signed a statement that he's transferred ownership of

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this weapon to me prior to July 1, 1993, would that qualify as a lawful possession? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, before July 1, 1993? Was that the question?

SPEAKER RITTER:

Please proceed, Sir.

REP. MAZZOCOLI: (27th)

Again, Mr. Speaker, through you. The question is. As an example. If my father gave me a weapon, one of these weapons prior to July 1, 1993, and he also signed a statement to that effect, would that constitute lawful possession as defined herein?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, yes.

REP. MAZZOCOLI: (27th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, Sir. Representative Cafero, you have the floor, Sir.

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REP. CAFERO: (142nd)

Thank you, Mr. Speaker. A question to the proponent of the amendment.

SPEAKER RITTER:

Please proceed, Sir.

REP. CAFERO: (142nd)

Through you, Mr. Speaker. Representative Lawlor, following up on Representative Mazzoccoli's question, in a hypothetical situation wherein a person were to have lost their receipt of, as I have heard of situations where say upon the death of a relative while cleaning out the attic, one of these weapons were found and they had no proof of purchase, etc., and this was obviously done prior to July 1, 1993, how would that individual prove that he lawfully owned that weapon and how would he be able to get a certificate of possession?

SPEAKER RITTER:

Representative Lawlor.

REP. CAFERO: (142nd)

Through you, Mr. Speaker.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I assume that individual would present all the evidence he had, including testimonial evidence from anyone who was aware of his

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possession of it prior to July 1 and that would be a judgment call being made by the issuing authority.

REP. CAFERO: (142nd)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Anybody else care to comment on House Amendment "D". If not, I'll try your minds. All in favor of House Amendment "D", please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

All opposed, nay. House "D" is amended and ruled technical. Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, I'd like to ask the Clerk to recall LCO8603.

SPEAKER RITTER:

The Clerk please call 8603 previously designated House Amendment "C". Actually, it was withdrawn, we should probably call it House Amendment "E". Okay, it will be House Amendment "C". Thank you. The Clerk may call and Representative Lawlor would like to summarize.

REP. LAWLOR: (99th)

Mr. Speaker, after some additional reflection --

SPEAKER RITTER:

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We'll let the Clerk call it please.

CLERK:

LCO Number 8603 previously designated House "C"  
offered by Representative Ritter and Krawiecki.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. After some consultation, it's clear that this amendment does do the job it was intended to do. I would urge adoption.

SPEAKER RITTER:

The question is on adoption. Representative Ward.

REP. WARD: (86th)

It was recalled. I think it has to be re-moved and permission to summarize or explained before we get on to urging us to vote on it. I think he's at least got to move it, if not explain it.

SPEAKER RITTER:

Absolutely, Sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I move acceptance.  
Adoption, I move adoption.

SPEAKER RITTER:

The question is on adoption of the amendment, Sir.  
Would you remark further?

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REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This amendment seeks to clarify that a person who is applying for a certificate of ownership who obviously in so doing is admitting to possession of a banned assault weapon will not be subject to prosecution. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, Sir. The question is on adoption. Representative Radcliffe. This is where we left off, Sir.

REP. RADCLIFFE: (123rd)

I think this is where we left off. Unfortunately, Mr. Speaker, we're picking up without missing a beat and I think the amendment that's before us is clearly as flawed as it was when I began asking the questions initially and the Speaker indicated that the amendment was flawed.

I agree with the observation which the Speaker made earlier. This amendment clearly says that it shall be a Class A misdemeanor if the person presents proof that he possessed the weapon prior to July 1, 1993 and had otherwise possessed the firearm in compliance with subsection d.

In essence, in order to be guilty of a Class A misdemeanor, we're asking the person first of all to

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incriminate himself or herself, and I'm not sure we can do that consistent with Fifth Amendment guarantees.

And secondly, you're saying that if you lawfully possess a firearm, if you have a permit and you had the weapon and you buy it in the next two months, and then you possess the firearm in accordance with subsection d which is the permit section, if you do both of those things which you're supposed to do, you're still guilty of a Class A misdemeanor.

I don't think the amendment does the job, unless by doing the job we want to say what the bill doesn't say explicitly, and that is that we want a complete, absolutely, utter and total ban on the possession of any of these weapons. If that's the case, then maybe this amendment does the job. That's not how this amendment was postured. That's now how this section of the bill has been postured.

If what you're looking to say is no one from the effective date on forward can lawfully possess an assault rifle as defined in this act, then this amendment does the job.

If it's to allow the grandfather provisions that we've talking about. If it is purely technical, then it doesn't. I would urge that this amendment be rejected, first of all on constitutional

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self-incrimination grounds because it's clearly contrary to the Fifth Amendment. You're asking someone to incriminate himself.

And secondly, because it's totally flawed. So I'd like to ask a couple of questions if I may, through you, Mr. Speaker, to the proponent of the amendment.

SPEAKER RITTER:

You may.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, to Representative Lawlor. If a person has a weapon prior to July 1, 1993, and receives a certificate of possession for that weapon, is that person guilty of a Class A misdemeanor under this amendment? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, through you, no.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, then the word if in line 25, to what does that refer? Am I to read the word if to mean unless? Through you, Mr. Speaker.

SPEAKER RITTER:

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Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. No, the new language in the amendment is contained in lines 23 of the amendment and 24. A person who has failed to apply for a certificate of possession by July 1, 1994.

REP. RADCLIFFE: (123rd)

Right. Thank you. Through you, Mr. Speaker.

SPEAKER RITTER:

Please proceed.

REP. RADCLIFFE: (123rd)

That's exactly what the amendment says. If the person fails to apply for a permit prior to July 1 of next year, and you assume that the person has failed to. If he lawfully possessed the firearm and did have a certificate of compliance in accordance with subsection d, doesn't this say that that person has committed a Class A misdemeanor? Through you, Mr. Speaker, that's precisely the way I read it.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

No, Mr. Speaker.

SPEAKER RITTER:

Representative Radcliffe.

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REP. RADCLIFFE: (123rd)

Thank you. Then I'd like to ask, what is the purpose, through you to the proponent of the amendment, Mr. Speaker, what is the purpose of the amendment?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. The purpose of the amendment is to clarify that a person who has, the only person who would be subject to the penalties in this bill would be someone who has failed to apply, prior to July 1 of next year, for a permit. For a certificate.

REP. RADCLIFFE: (123rd)

That's exactly correct, Mr. Speaker. That's what I think the gentleman said in summarizing. If that is the case, then the amendment could simply read a first time violation of the subsection by a person who has failed to apply for a certificate prior to July 1, 1994 in accordance with Section 4 of this act shall be a Class A misdemeanor, period.

Through you, Mr. Speaker. If that was the intention of the amendment, what is the purpose of the remaining language? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

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REP. LAWLOR: (99th)

Through you, Mr. Speaker, the intention of the remaining language is to clarify that after July 1, 1994, someone who did not obtain a certificate of ownership, if they were arrested and charged with possession of assault rifle, if they prove that they had owned that, if they had lawfully possessed that weapon prior to July 1, 1993, then rather than being charged with a felony, they would be charged with a misdemeanor.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, I wish that that was what this amendment said. Unfortunately, as we've learned on many other occasions, courts when looking at a bill, if it is unambiguous on its face are not going to look for the legislative history.

That clearly is what the proponent of the amendment intends. Just as clearly, that is not what this amendment says. This amendment says that for a first time violation if you had the weapon prior to July 1, 1993 and obtained a valid certificate of compliance in accordance with section 4 you're guilty of a Class A misdemeanor.

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This amendment taken literally on its face completely disarms anyone who has a weapon classified as an assault weapon under this bill as of the effective date of this act, notwithstanding the protestations of the proponent, and notwithstanding what we would like the legislative history to say.

Unfortunately, that's not what it says and I'd urge rejection of the amendment.

SPEAKER RITTER:

Will you remark further on House Amendment "C"? Representative Mazzocchi.

REP. MAZZOCOLI: (27th)

Mr. Speaker, for the second time I believe on this amendment. Is there an appeal process for this certificate of possession, Mr. Speaker, if for some reason there was a question of original possession or if there was some sort of a problem with the application for a certificate of possession?

I guess my question would two-fold. Is there an appeal process, and if so, who does it? It talks about the Department of Public Safety, the Department shall adopt regulations, but I can foresee, because this thing is going to be taking place July 1, 1993 which is somewhat of a short time fuse, whether or not there is an appeal of any sort here and who's going to conduct

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it. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Through you, the remedy would be to appeal through the Superior Court.

REP. MAZZOCOLI: (27th)

The Superior Court?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Yes, Mr. Speaker.

REP. MAZZOCOLI: (27th)

And would that mean that there would have to be a conviction prior to that? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, I assume you're asking about your ability to obtain a certificate of ownership? Is that correct?

REP. MAZZOCOLI: (27th)

Yes, Mr. Speaker.

REP. LAWLOR: (99th)

Then the answer to your question is no.

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SPEAKER RITTER:

You have the floor, Sir.

REP. MAZZOCOLI: (27th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, Sir. Anybody else on House Amendment "C". Representative Farr.

REP. FARR: (19th)

I don't often disagree with Representative Radcliffe, but I would in this case. As I read this, it says that an individual who has a permit is not included in this new language. But if he doesn't have a permit then it's a felony, with the exception that if he doesn't have a permit and it's a first-time offender who also can show that he possessed the weapon prior to July 1, 1993, then it's a misdemeanor.

So, a first-time offender who bought the gun after July 1, 1993 is going to be a felony, a felon. But one who bought the gun prior to July 1, 1993 is a misdemeanor. And if he brought it prior to July 1, 1993 and has a permit, it's no crime at all. Thank you.

SPEAKER RITTER:

Thank you, Sir. Representative Jones.

REP. JONES: (141st)

Through you, Mr. Speaker, may I have clarification

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from Representative Lawlor as to what subsection d of section 4 of the act means?

SPEAKER RITTER:

Can you repeat the question, Representative Jones, please.

REP. JONES: (141st)

Yes. In the amendment, the second condition that would reduce this crime to a Class A misdemeanor is that the person complied with subsection d of section 4. Would you tell me what that compliance would mean?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I think the subsection speaks for itself. It sets out the appropriate places and circumstances under which one can be in possession of an assault rifle, at a person's residence, place of business, property owned by that person, etc.

SPEAKER RITTER:

Representative Jones, you have the floor.

REP. JONES: (141st)

I thought it said that the person was issued a certificate of possession under this section. If he's been issued the certificate of possession, then it seems to me it doesn't make any sense to charge him

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with a Class A misdemeanor. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. If the person had a certificate of possession they would not be subject to prosecution.

REP. JONES: (141st)

Then through you, Mr. Speaker.

SPEAKER RITTER:

Please proceed, Sir.

REP. JONES: (141st)

It says in the amendment, that he has received a certificate under subsection d of section 4, line 28 and 29.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, no. If he has a certificate, he's all set. If he doesn't have a certificate and he gets arrested, or she, and that person presents proof that they lawfully possessed it before July 1 but have not yet gotten a certificate, and they show that they have otherwise possessed it in accordance with subsection 4d, then they're subject to

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prosecution only on a misdemeanor.

SPEAKER RITTER:

Representative Jones.

REP. JONES: (141st)

Well, I'm only confused because I'm not an attorney. But subsection d talks about a person who has been issued a certificate of possession. And if he has satisfied both 1 and 2, that is, he possessed it before July 1, 1993 and he has a certificate of possession, why would we charge him with a Class A misdemeanor in line 25?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. Perhaps it is confusing but that is why the word otherwise is in line 78 of the emergency certified bill.

It assumes that you don't have a certificate and if otherwise you have possessed it in accordance with the guidelines in that subsection, you're all set. You're going to get off on a misdemeanor.

You're going to get AR, the other kind of AR, accelerated rehabilitation.

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Representative Jones.

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REP. JONES: (141st)

Unfortunately, Mr. Speaker, I can't assume anything. I just read what it says, and that's what it says.

SPEAKER RITTER:

Will you remark further on House Amendment "C".  
Representative Garvey.

REP. GARVEY: (67th)

Thank you, Mr. Speaker. I'm not absolutely certain whether this is pertinent or not, but it relates to the possession section that we were just talking about.

SPEAKER RITTER:

Please proceed, Madam.

REP. GARVEY: (67th)

If I may ask a question of the proponent, please. In line 133 of the bill which Representative Jones was just referring to, where it talks about a person moving into the State in lawful possession. I think it pertains to the same thing that Representative Jones was just referring to, that it would, how would you prove the unlawful possession?

SPEAKER RITTER:

Representative Lawlor.

REP. GARVEY: (67th)

How are you in lawful possession I guess is what

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I'd like to ask.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I just didn't catch the line you referred to Representative. Which line did you refer to?

SPEAKER RITTER:

I think it was line 133, was it?

REP. GARVEY: (67th)

Yes, it's all part of that same section that is referred to in the amendment.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. If the person moves into the State, within 90 days they have to either surrender their weapon or render it inoperable.

SPEAKER RITTER:

Representative Garvey.

REP. GARVEY: (67th)

Thank you. Through you, Mr. Speaker. Where it refers to the section 2, the person otherwise possessed the firearm in compliance with section d, and in section d it says any person who moves into the State in lawful possession of an assault weapon. How would they determine that they were in lawful possession when

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they moved in?

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. For example, the gun was not reported as stolen, would not be lawful possession.

SPEAKER RITTER:

Representative Garvey.

REP. GARVEY: (67th)

I'm sorry, I did not hear the answer.

SPEAKER RITTER:

Representative Lawlor, could you repeat the answer.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. A couple of examples of being unlawful possession would be if the gun had been reported stolen or if the person was a convicted felon. That's not lawful possession, you'd have to prove that you weren't in those categories or other unlawful types of categories.

SPEAKER RITTER:

Representative Garvey.

REP. GARVEY: (67th)

Thank you.

SPEAKER RITTER:

Thank you. Anybody else on House "C"?

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Representative Metz.

REP. METZ: (101st)

Mr. Speaker, through you a question to Representative Lawlor, please.

SPEAKER RITTER:

Please proceed, Sir.

REP. METZ: (101st)

Representative Lawlor, Representative Radcliffe made reference to a problem with this amendment on grounds of self-incrimination. And in answering the questions you seemed to speak about an instance where a first-time offender who failed to apply for a certificate of possession by July 1, 1994 was then apprehended in possession of a prohibited weapon, in which case I would agree that self-incrimination doesn't apply.

But suppose someone simply fails to register the weapon and it's in his house. Wouldn't that mean that at any time after July 1, 1994 the weapon would be contraband in his home and there's no way that he could register it without incriminating himself, so that he would have no way of disposing of the weapon, transporting it, having it repaired, using it, or doing anything with it except by coming forward and incriminating himself or hoping that he didn't get

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caught and when he did get caught he'd finally get it over with.

SPEAKER RITTER:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Representative Metz is entirely right, that that is a concern. Section 5 addresses that concern and it's very short. I'll read it. Any individual may arrange in advance to relinquish an assault weapon to a police department or the Department of Public Safety and it shall be transported in accordance.

So, in other words, if that's what you were doing, you'd be, if you took the initiative and turned in the weapon, essentially and notified the Department that you were bringing it in, you would then be immune from prosecution under this statute.

REP. METZ: (101st)

So after July 1, 1994, the only alternative is to surrender the weapon.

SPEAKER RITTER:

Through the Chair please, Sir.

REP. METZ: (101st)

I beg your pardon, Mr. Speaker. Through you.

SPEAKER RITTER:

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Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker. Yes, although I suppose you could get out your welding set and render it inoperable and then you would not be subject to prosecution.

REP. METZ: (101st)

Thank you.

SPEAKER RITTER:

Thank you, Sir. Anyone else on House "C". If not, I'll try your minds. All in favor of House Amendment "C" please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, nay.

REPRESENTATIVES:

No.

SPEAKER RITTER:

I'll try your minds again. I can't tell. It's very close.

REP. LAWLOR: (99th)

Mr. Speaker. I ask for a roll call vote on this issue.

SPEAKER RITTER:

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Pardon.

REP. LAWLOR: (99th)

Mr. Speaker, I'd ask that a roll call be taken.

SPEAKER RITTER:

That's the logical thing. A roll call will be ordered. Open the machine.

CLERK:

The House is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber.

SPEAKER RITTER:

Have all members voted? Please check the roll call machine to make sure your vote is properly cast. The machine will be locked. The Clerk will please take the tally. The Clerk please announce the tally.

CLERK:

House Amendment "C".

Total number voting 144

Necessary for adoption 73

Those voting yea 68

Those voting nay 76

Those absent and not voting 7

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SPEAKER RITTER:

House "C", the Ritter-Krawiecki amendment fails.  
That's Democracy. Representative Rennie.

REP. RENNIE: (14th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO Number 7413. Would he please call that and may I be allowed to summarize?

SPEAKER RITTER:

The Clerk has an amendment, LCO7413 which will be designated House "E". If he may call it, Representative Rennie would like to summarize.

CLERK:

LCO7413, House "E" offered by Representatives Rennie, Lawlor and O'Rourke.

SPEAKER RITTER:

Representative Rennie. Did the Clerk call it?  
Representative Rennie.

REP. RENNIE: (14th)

Thank you, Mr. Speaker. Mr. Speaker, this amendment deletes Section 7 and 8 of the bill, and those sections would have become known as the civil liability sections and they have provoked not only much comment, but much deliberation and reflection and it appears to many of us who support this bill that it would be best not to include those in this law and the

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idea of this, enacting this sort of civil liability is not appropriate and we would like to remove it from the bill and we hope that others on both sides of this issue will see the wisdom in this amendment and support it allow it to pass forthwith.

And I move adoption of this amendment.

SPEAKER RITTER:

The question is on adoption. Will you remark further? Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Yes, a question if I may, Mr. Speaker, through you to the proponent of the amendment.

SPEAKER RITTER:

Please proceed, Sir.

REP. RADCLIFFE: (123rd)

Representative Rennie, section 7 standing alone simply requires an individual to report a theft from a home to law enforcement officers within 72 hours after the theft was discovered or should have been discovered.

Through you, Mr. Speaker, since that imposes no penalties, why did you remove section 7 along with section 8. Through you, Mr. Speaker? Madam Speaker.

DEPUTY SPEAKER LYONS:

You just posed a question to Representative Rennie?

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Representative Rennie.

REP. RENNIE: (14th)

Thank you, Madam Speaker. We removed that section, along with section 8 because that didn't have a penalty in it and it seemed inappropriate to have a section, right, it didn't have a penalty and it seemed to be sort of incomplete without some sort of penalty simply asking that it be --

REP. RADCLIFFE: (123rd)

Well, through you, Madam Speaker, even if it's directory and without a penalty, because as a basic principle of statutory construction, our citizens are expected to know what is in the General Statutes.

Through you, Madam Speaker, isn't it a good idea to tell a citizen that they really should report a theft of one of these inanimate objects in their home to the local police department, if in fact it's dangerous? Isn't that a good idea? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Rennie.

REP. RENNIE: (14th)

Through you, Madam Speaker, yes, I think that probably is a good idea.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

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REP. RADCLIFFE: (123rd)

Thank you, Madam Speaker. On that basis and on that basis alone, I would oppose this amendment. I think the very laudable intent of the amendment can be achieved. It can be achieved by removing the very onerous section 8 which is included in the amendment, but not section 7 and there is an amendment which is drawn specifically for that purpose.

And if this amendment were defeated, I would expect to call that amendment which would remove section 8 and would at the same time give a direction to honest citizens that really, if a criminal has stolen one of your weapons that it's a good idea for you to report it.

So I would urge rejection of the amendment, and I do intend to call another amendment to do precisely that if it's withdrawn.

DEPUTY SPEAKER LYONS:

Representative Rennie.

REP. RENNIE: (14th)

Madam Speaker, you know, in behalf of this bill, not since it's been originated, but I think within the last six weeks I think one feature that the proponents of this bill have had is the reasonableness and their

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willingness to listen and accept suggestions. I'm sorry to say that that has not always been met on the other side of this bill.

But in the spirit that I thank has characterized us on this side of this issue, I am certainly happy to withdraw this amendment and eagerly await the amendment that simply deletes section 8.

DEPUTY SPEAKER LYONS:

Thank you. Representative Rennie seeks to withdraw the amendment that is before you. Is there objection? Hearing none, the amendment is withdrawn.

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Yes, Madam Speaker. The Clerk has an amendment, LCO8372. May he please call and may I request leave of the Chamber to summarize.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession, LCO8372 which will be designated House "F". Would the Clerk please call and the Representative has asked leave to summarize.

CLERK:

LCO8372, House "F" offered by Representative Tulisano.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

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REP. RADCLIFFE: (123rd)

Yes. Madam Speaker, this amendment would remove section 8 of the file copy. It would, in essence, eliminate all of the civil penalties contained in the present bill. It would eliminate the possibility that an honest citizen 20 years after a theft from his or her home of a weapon could be civilly liable of an unspecified amount.

I move adoption,.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark?

REP. RADCLIFFE: (123rd)

Yes, Madam Speaker. This amendment, which I believe, you can see has approximately 40 co-sponsors and I hope based upon the dialogue which just ensued, we'll have additional sponsors in a moment.

This amendment seeks to remove what must be characterized as the most onerous section of this bill to honest citizens of the State of Connecticut. Because if this file copy is adopted, this file copy which was sent to us from the Senate, and apparently this escaped the notice of the Upper Chamber, that a citizen of the State of Connecticut who possesses a weapon, possesses it lawfully, maybe uses all the due

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are that one would be expected to use in the handling of this weapon and the care and the cleaning and the storage of this weapon, a criminal act ensues. That weapon is stolen. And the individual perhaps does not report it for 72 hours, may not know it was stolen for some time, and could be subject to serious civil penalties.

Not only by the thief who stole the weapon, but under this file copy, by a subsequent individual who may some day come into possession of that weapon, may some day commit a crime and then the individual against whom the crime is committed can sue the honest citizen whose weapon was stolen through no fault of his own, or her own, because this file copy provides for any damages resulting from the crime, not simply damages resulting from the use of the weapon.

The file copy is an atrocious precedent. It would break new and unprecedented and very dangerous grounds and subject people to liability for the first time in any situation that I know of, in which the intervening criminal act of a third party is not enough to break the chain of causation, the individual is still liable for any acts.

It's a strict liability standard against which it's impossible to insure. It would be bad law, bad public

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policy and I certainly hope this amendment will be adopted and section 8 will be expunged from this file copy.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? Representative Joyce.

REP. JOYCE: (25th)

Thank you, Madam Speaker. A question, through you to the proponent, please.

DEPUTY SPEAKER LYONS:

Please frame your question, Sir.

REP. JOYCE: (25th)

Thank you, Madam Speaker. I appreciate the reasoning behind the section 8, Representative Radcliffe. I just wonder, in section 7 which we're now leaving in the bill, isn't there civil liability Isn't it possible that civil liability could emanate from section 7? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker. I don't believe so, Representative Joyce. There is no criminal penalty. This is simply a statement in the law that is a matter of public that should happen. It would not impose

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civil liability because in any event, in my judgment at least, the failure to report this incident just as the failure to wear a seat belt or the failure to do some other act of general application of a similar nature, would not be the proximate cause of any injury.

So, even if an individual did not report it, that failure to report it would not be the proximate cause of any injury, any damages or any losses sustained to a third party. Through you, Madam Speaker.

REP. JOYCE: (25th)

Thank you, Representative Radcliffe. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. As was indicated by Representative Rennie when he brought out the amendment which was withdrawn immediately preceding this one, this is certainly a worthwhile idea.

I think, although the concept of liability for the theft of such a firearm from one's house I think is a valid one to be explored and I point back to Public Act 90-144 where we established criminal liability for negligent storage and built in certain standards. I

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think this is certainly a topic which we should explore in the future.

However, I think the bill is improved with the removal of this section and I would urge all of my colleagues to vote in favor of this amendment. Thank you.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the amendment that is before us? If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

Those opposed, nay. The ayes have it. The amendment is adopted.

Will you remark further on the bill?

REP. RADCLIFFE: (123rd)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Madam Speaker, in the same spirit in which the last amendment was offered, the Clerk has an amendment, LCO6819. May he please call and may I request leave of

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the Chamber to summarize.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO6819 which will be designated House "G". Will the Clerk please call and the Representative has asked leave to summarize.

CLERK:

LCO6819, House "G" offered by Representative Radcliffe et al.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Madam Speaker. Permission to summarize?

DEPUTY SPEAKER LYONS:

Please proceed, Sir.

REP. RADCLIFFE: (123rd)

Thank you. Madam Speaker, this amendment keeps many of the salient portions of the file copy. It retains section 1 in which the definition of assault rifle, which is a new definition in our law is maintained, where the various parts which could comprise an assault weapon are contained.

It strikes sections 2 through 8 of the file copy which retaining the mandatory provisions of the final sections, sections 9, 10, 11 and 12.

This amendment, which is very similar to an

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amendment which was introduced in the Judiciary Committee, so I know that some of the members of this Chamber are familiar with the amendment. This amendment was previously introduced and unfortunately failed at that time on a tie vote of 16 to 16 within the Judiciary Committee.

It attempts to define assault weapons, and yet it goes one step further. It targets the criminal. It targets the criminal by applying a particular procedure. We apply the definition of any firearm in Section 53a-3 to this particular provision, so the amendment would apply to any firearm and not simply those defined in section 1. 53a-3 of the General Statutes defines a firearm as anything from which a shot is capable of being discharged, so this procedure not only applies to the weapons in section 1 which is a new characterization, but to every existing weapon which is sold.

It provides for a consent form to be filed with the proprietor or the licensed gun dealer. It provides that the Department of Public Safety will prescribe a form and that that form will include among other things, the date of birth, social security number, the gender, the race, or other identification as may be specified by the Department of Public Safety in order to adequately

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identify the individual.

It provides that there shall be a 1-900 number, which means the cost will be borne not by the State, but by the individual owner of the establishment by which the individual can immediately access or quick check, if you will, whether or not the individual before him or her possesses a criminal record.

Now, there are various exceptions built in for electronic failure and in line 151 of the amendment, the Department of Public Safety is given the ability to adopt regulations to carry it out.

The only exception to this, and there is one exception built in, are to guns made prior to 1898. There are additional penalties contained here. These are penalties both on a dealer and an individual making a false statement. There is a penalty against a dealer if that dealer uses this information other than for a proper purpose.

In other words, if a dealer attempts to access the 1-900 number and misused that information for any other reason other than checking on the identity of the individual, that dealer, that licensed gun dealer would be guilty of a Class A misdemeanor, as this information only to be sought for that purpose.

It also makes making a false statement by an

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individual on that form which is listed a Class A misdemeanor. So if the individual who now, with a permit may be able to buy a weapon, now that individual would have to fill out a form in order to purchase this weapon, if there were misstatements on that form, material misstatements, and I'm sure the Department would request this, that would be a Class A misdemeanor as well.

It further requires, and that's on line 204 to 210, it further requires the Department of Public Safety to report to the General Assembly on the results of this particular program and requires the Commissioner to adopt suitable regulations on or before January 1, 1994 at the time the first report is made.

Madam Speaker, I move adoption.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Will you remark on the amendment that is before us. Representative Ward. I'm sorry, Representative Radcliffe, I apologize.

REP. RADCLIFFE: (123rd)

Yes, may I proceed on the amendment?

DEPUTY SPEAKER LYONS:

Please proceed, Sir.

REP. RADCLIFFE: (123rd)

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Thank you. Madam Speaker, as I indicated while summarizing, this is an amendment what retains what I think are the best features of the file copy, retains the definition of assault weapon, the new definition. Retains the mandatory sentencing for anyone using one of these weapons in the commission of a crime.

This amendment says, if you use a weapon, if you commit a crime, you go to jail, that's it. We retain that section of the file copy which is contained in sections 9 through 12.

What it does do, however, and what the file copy doesn't do is, it says what we are really facing in this State is not a gun control problem, but rather a crime control problem. The problem, as the debate on the previous amendment, on civil liability, I think clearly indicated, the problem deals with guns in the wrong hands used by people who usually have no right to possess them.

This will give a gun dealer in this State, another opportunity, actually a third opportunity to determine whether or not the individual seeking to purchase a weapon or weapons, or group of weapons, is an individual who can lawfully possess those weapons.

Two other things have not changed in this amendment. You may hear that in the State of Virginia,

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where this quick check system is in place, that there have been some problems with it, and there have. But one of the biggest problems is that the Washington, D. C. police force in Washington, D. C., where they have the highest homicide rate in the country and the strictest gun control laws, have refused to share their information with the State of Virginia so they in certain cases can access those criminal records.

The other thing that distinguishes Virginia from Connecticut, and this is extremely important, is that Virginia does not have a waiting period. They have quick check in lieu of a waiting period.

Nothing in this amendment, I repeat, nothing in this amendment changes the waiting period for a pistol or for a long rifle. This General Assembly two years ago passed a waiting period except if an individual had a hunting license, which I always thought was a ridiculous distinction. But nevertheless, passed a two week waiting period for handguns, for long rifles.

We have had a pistol permitting statute and a two week waiting period for pistols for many years. That two week waiting period would remain. So the individual gun dealer who is performing the quick check, still could not sell a pistol or a revolver to that person and pistols and revolvers would be covered

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under this quick check system as well, could not sell that to an individual until the quick check were completed and that individual had waited the two weeks.

Now, what we also have in the State of Connecticut, and I think this has to be understood too, which is not changed by this amendment, is a very difficult pistol permitting statute. An individual only obtains a pistol permit if that individual is approved by the chief of police, fingerprinted, and a background check has taken place and we've just dealt with legislation which would also include a photo ID on a pistol permit in this State. That isn't changed, and an individual seeking to purchase a gun who had a pistol permit, there would be nothing to prevent the gun dealer or the store owner under these circumstances, from asking that individual for a, to look at the pistol permit and perhaps compare that or compare the driver's license of that individual with the individual standing in front him before the gun is, before it's provided.

And it provides additional penalties for this. If people are concerned that individuals are obtaining weapons and then reselling them for huge profits, this restrains that too. That's already illegal under federal law.

But a gun dealer who uses this information for an

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improper purpose is going to have problems under this amendment because that's a new crime, a Class A misdemeanor for misusing these particular funds.

Madam Speaker, members of the Chamber, I believe that when this matter was considered in the Judiciary Committee, and it was the subject of extensive debate, I believed then that this was the way to go. This may not be as glamorous. It may not have all of the warm, fuzzy feel good type of aura which surrounds the notion of banning assault weapons.

But what it does do is, it targets the criminal element in our State. It says that guns don't belong in the hands of individuals who misuse them, and if they do misuse them, if they do commit a crime with a firearm, they're going to jail. We haven't touched the mandatory sentencing.

It defines for the first time what an assault rifle is for those who feel that that particular definition has meaning. Section 1 of this act hasn't been touched by this amendment.

But the real importance of a quick check system, when coupled with our two week waiting period for a pistol permit and two week waiting period for rifles which distinguishes us from other states that have tried this and you don't see in this particular

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amendment a sunset provision for those, or a replacement. That's not part of this amendment, although that has been the case in other states.

What this amendment does do, is it targets the criminal element without, without trampling upon the rights of law abiding citizens to own and possess weapons for legitimate purposes. Frankly, this is probably the testimony even of the proponents of the assault weapon ban, the testimony at our public hearing really indicated that this was the way to go.

I heard Chief Sweeney say here, and there's an amendment coming later to clear up this one discrepancy, that the only person in the City of Bridgeport, and I asked him this question, who had committed a crime, who possessed the pistol permit, who possessed a pistol permit. There was only one person he could think of that committed a crime who was a permitted individual and that was an individual who was using that permit to purchase weapons and sell them on the black market presumably for a profit. That's already a violation of federal law. It should be a violation of State law and there will be an amendment called to correct that.

But this system would target that type of individual who's already breaking the law. The type of

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individual who's looking to use the weapon in the commission of a crime, not the honest gun collector, target shooter or other individual who wishes to possess a weapon for those purposes and also in defense of himself or the State which under Article I, Section 15 of our Constitution is the right of every citizen in the State of Connecticut.

Madam Speaker, I hope this will be adopted in the same spirit of the previous amendment and I hope we'll stay on that roll. Thank you.

DEPUTY SPEAKER LYONS:

Will you remark further? Representative Jarmoc. I mean Representative Jarjura.

REP. JARJURA: (74th)

I'm getting confused with Representative Jarmoc. I think our names begin with J.

DEPUTY SPEAKER LYONS:

They're both Js.

REP. JARJURA: (74th)

Madam Speaker. I'll be brief.

DEPUTY SPEAKER LYONS:

If you promise. The last time, I promise this time. I won't go over the same area that Representative Radcliffe had gone over already, but I think it is imperative to point out that there was

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extensive debate and discussion in the Judiciary Committee and we heard extensive testimony.

I think the goal here is, and I heard from a lot of people on both sides of this issue and a lot of people have told me that they only wish people from representing the sportsmen or the NRA would sit down with the chiefs of police and the people for the ban. I think this amendment does that. It puts the focus where it needs to be put on, which is the criminal.

If somebody's a law abiding citizen and wants to own one of these guns, that person is not going to go out there and wreak mayhem and destruction in the streets. So it's not the object that where the focus of our attention should be. It should be on the criminal and the criminal element and it's imperative that people understand that this amendment extends the background check and the waiting period currently limited to pistols, to rifles, and I tend to think that a lot of rifle people probably would be upset with the amendment, but I do think it is a good balance.

I comment and congratulate Representative Radcliffe who put in extensive hours on the amendment. I heard the debate in Judiciary. It's unfortunate a lot of people didn't hear that debate, but I hope they listened. Thank you very much, Madam Speaker.

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DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the amendment that is before us? Representative Mulready.

REP. MULREADY: (20th)

Madam Speaker, through you, a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER LYONS:

Please frame your questions, Sir.

REP. MULREADY: (20th)

Through you, Madam Speaker, on lines 117 through 128, there's some language dealing with the records that can be kept or not be kept with regard to this that will be, as I understand it, and I must admit I haven't read each line carefully, but I was trying to follow along as it was claimed, as I understand it, there will be a unique identification number with this quick check program.

But on the lines that I referred to, 117 to 128, it seems that while it's given, there will be a quick check, somebody will say this person's okay or not okay. Then that information will disappear after some period of time.

My question is, a lot of what this amendment says makes sense, but it seems to me if one of those guns is then later used in the commission of a crime, wouldn't

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it be a good thing to know who had that gun so you could go back and check it? How is that covered? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, it certainly would and I apologize to the gentleman if I wasn't clear enough in the summary on that point. It certainly would, and there would be two methods by which that would happen.

Number one, the Department of Public Safety may adopt regulations under this regarding the forms and the information to be kept. And number two, on the form that is completed by the individual which must contain the name and address and other information, I would hope that there would be a place on that form and there certainly is nothing to preclude that from being put in the regulations, where the particular gun would be kept.

There is also a requirement by federal law as I understand it, that any licensed gun dealer who transfers a gun would have to keep this particular information. So if an individual violated this law, there are means of verifying this. There is the paper trail which I think the gentleman is referring to which

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would be present, it would be available to law enforcement personnel. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Mulready.

REP. MULREADY: (20th)

Through you, Madam Speaker, I'd like to follow up on that by asking, it seems, that explanation seems somewhat inconsistent with lines 122 through 124 at least. Nothing in this section shall be construed to allow the State to maintain records containing names of licensees who receive unique approval numbers. That seems to say exactly the opposite, namely that you can't do it.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, that language deals with the State, and that's absolutely right. It says nothing shall be construed to allow the State to maintain them. There is nothing to prevent in fact, existing law requires, that the dealer maintain that information according to federal law and the dealer would have to maintain the other information, so there would be information that would have to be retained by the dealer and that can be adopted through regulations.

That section applies only to the State. It doesn't apply to the private dealer. Through you, Madam

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Speaker.

DEPUTY SPEAKER LYONS:

Representative Mulready.

REP. MULREADY: (20th)

Through you, Madam Speaker. I don't know how many private dealers there are in the State but if a weapon like this that has been legally bought under this program is used in the commission of a crime, then they go back, they find the weapon, find the serial number, etc. and go back and try and find it out. Through you, would they have to inventory the records of 100 dealers? Or two dealers? Or 1,000 dealers. I have no idea of how many there are.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker. They would not have to inventory all of the information. As I indicated, there are forms in triplicate and the forms, if not the information under this section, the forms I believe they're filed in triplicate now, have to be kept by the State Police in boxes, as I understand it and would also have to be kept by the licensed gun dealer. So the State, I believe, could access that.

Another reason for this, I would point out, and

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where I'm very sensitive to the fiscal impact of anything like this, another reason for requiring both the 900 number and the maintenance of this material in the hands of the dealer, is to avoid excessive fiscal impact for the State although certainly I think that regulations could be provided which would provide for the keeping and the transmission of that material.

Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Mulready.

REP. MULREADY: (20th)

Madam Speaker, I have to try one more time because I'm still confused on this point. Representative Radcliffe talks about the State Police being able to keep these records through one portion of a triplicate form, yet again going back to lines 122 to 128 it says nothing in this section shall be construed to allow the State to maintain records.

So in other words, on the one hand you're saying we're going to keep them. On the other hand it's says we can't. So I'm still confused about that apparent discrepancy in the explanation and what I'm reading. Through you, perhaps you could clear that up.

REP. RADCLIFFE: (123rd)

Yes. Through you, Madam Speaker, under existing

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law for both federal purposes and State purposes, this information is maintained by gun dealers for several years, and I don't believe there's anything to prohibit the State from requiring gun dealers to keep or to maintain certain information. I believe the earlier sections of this bill dealt with certain information on the form and frankly, I would hope that some of the other information would be included and that's why the language in that earlier section of the bill was written in that fashion. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Mulready.

REP. MULREADY: (20th)

Madam Speaker. I'm not 100% convinced, but I'll pass on that one and go to one other item which is, which does concern me. The other idea that does concern me, and that's on line 191. It talks about provisions of this section shall not apply to a series of things and the fourth thing is transactions at a gun show.

Now, does this mean that through you, Madam Speaker, that one would have to go through this process, one would have to get a unique serial number, but if one happened to go to a gun show you could get around the whole process and be able to buy one of

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these weapons and so therefore anybody that wanted to get one without having any problems would just wait for a gun show and go to a gun show to buy it and not have any problems with getting one?

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

No. Through you, Madam Speaker, that is not the case. You could avoid a portion of the quick check if the transaction were a gun show. It would still be required that the gun show be licensed according to federal law and there are records that must be kept by every gun dealer on the premises, including much of the information we were talking about in earlier questions which would be available to authorities.

One of the reasons that gun shows are omitted is that the information required at that time is even much more extensive than that required by the quick check and therefore the information is going to be available. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Mulready.

REP. MULREADY: (20th)

Madam Speaker, I'm certainly not suggesting that 60 Minutes or some of its similar shows are infallible and

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without error from time to time, but I recall one of those shows, I'm not sure if it's 60 Minutes or what it was, had a series not long ago, or a section not long ago, about transactions at gun shows and it was startling to see how they had tapes of people trying to buy guns at some of these gun shows and how some of the licensed dealers would say to them, well, I'm supposed to make you fill out this form, but, you know, pay me this \$500 here underneath the table and I'll give you the gun and so forth and so on.

Well, I'd feel a lot more comfortable if there were a consistent check for all sales of these weapons within the State and not necessarily relying on some other agency to do our work for us.

I'd also feel a lot more consistent if, a lot more comfortable rather, if that language in the earlier section didn't, still didn't appear to be somewhat in conflict with what Representative Radcliffe tells me is in different sections of it. I think he wants to make a response to that, so whatever you consider to be a question in there, I'd be happy to hear a response to.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, I understood that to be

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a response. I should point out that if a gun show is held in the State of Connecticut it is still, it is still subject to all of our laws as far as the pistol permitting statutes, etc. That's not an exception. Unless, I believe it's licensed and I don't have the citation at hand. I don't have it in the file. Unless there is a specific federal license to sell certain weapons, such as a fully automatic weapon, which can be sold only by a federal permit and only under very careful supervision. That's not covered by this either because that's preempted by federal law and the possession of fully automatic weapon or a machine gun is illegal by existing law in the State of Connecticut. I thought I ought to make that clear on the record. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, Sir.

REP. MULREADY: (20th)

Thank you, Madam.

DEPUTY SPEAKER LYONS:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Thank you, Madam Speaker. I couldn't resist the opportunity to question Representative Radcliffe for a change. So since he's given me an opportunity.

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I think Representative Mulready has already brought out many of the serious flaws in this amendment. But I want to follow up on a couple of points. I think that we've already established that there is no way under this bill that the police will be able to maintain any records of those persons who purchase assault weapons under this amendment.

Through you, to the proponent of the amendment, Madam Speaker, is there any way once a crime was, a crime occurred with one of the listed weapons under your amendment, that police could possibly track down the owner of that weapon? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, yes.,

DEPUTY SPEAKER LYONS:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you, Madam Speaker, could the proponent perhaps share with us how that would work.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, that could be done in

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several ways. The form, as I indicated to Representative Mulready, I hope would be completed by the Department of Public Safety could include on that form, because the language is particularly open-ended, a space for the individual transferor, the licensed gun dealer, to provide information concerning that particular weapon on the form.

They are already required to report this information and as I'm sure Representative O'Rourke knows, it is reported to the Department of Public Safety and the Department of Public Safety does maintain the records of those types of transactions under existing law. This would merely enhance the existing procedure. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you, Madam Speaker, I guess I'm a little confused. I thought the earlier conversation and the language in line 122 to 128 states very clearly that nothing in this section shall be construed to allow the State to maintain records.

Through you, Madam Speaker, this seems to weaken the current system rather than enhance it. Perhaps the proponent could discuss that.

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REP. RADCLIFFE: (123rd)

Yes, thank you. Through you, Madam Speaker, as I'm sure Representative O'Rourke is aware, if this language were not here he would be asking me about a fiscal note and I would have to say that there was a huge cost to the State of Connecticut for the installation of this 1-800 number or for other such things.

This was an attempt to minimize costs. This section deals with what records the State shall maintain. It says nothing about the records that the State may require, or the information the State may require a licensed gun dealer to maintain or individual licensed under federal law, which is usually the same type of individual to maintain in the event of that type of sale.

So it is my expectation, just as the 900 number is a 900 number which is charged to the gun dealer and not to the taxpayers of the State of Connecticut, that the retention of much of this information would also be in the hands of the individual who seeks to profit from this transaction, thus minimizing what could have been and I know Representative O'Rourke is familiar with this, could have been an extremely high fiscal note. Through you, Madam Speaker.

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DEPUTY SPEAKER LYONS:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you, Madam Speaker, I'm not going to ask for a fiscal note. I do think this amendment would still be very costly.

But I want to follow up on this. Through you to the proponent. Is there anything in this amendment that would restrict the number of assault weapons that an individual could purchase. Through you, Madam Speaker.

SPEAKER BALDUCCI:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, there is no prohibition in this amendment concerning the number that a particular individual could purchase.

DEPUTY SPEAKER LYONS:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Thank you. Through you, Madam Speaker, is there any regulation under this amendment on a subsequent sale outside of a gun store by a person who purchases one of the weapons under this amendment. Through you, Madam Speaker.

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DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker. If an individual transfers a weapon and is not a licensed dealer and transfers it to an individual who the individual knows or has reason to know is not eligible to possess that weapon, that is a violation of federal law at the present time.

As I believe I indicated earlier, and perhaps should have been included in this amendment and didn't, although there is one drawn for that purpose, that is the one factor in our State law that I believe should be changed with the inclusion of a so-called straw man sale.

I believe what Representative O'Rourke is referring to is the straw man sale, where an individual who lawfully possesses a permit buys a weapon and resells it to one who is not lawfully in possession. That is already a violation of federal law. That's the one instance of State law that the chief of police in the City of Bridgeport said might be included, although it's really cumulative and I believe we have an amendment to address that. Through you, Madam Speaker.

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Representative O'Rourke.

REP. O'ROURKE: (32nd)

So, through you, Madam Speaker, under this amendment that's before us, there's absolutely no restriction on a person, no requirement that once I purchase through your system here, an assault weapon, that I would have to document to the State or any other person or governmental body, that the person I sold it to who their name and address was and whether or not they were a felon. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, that is covered, or at least most of that is already covered by federal law. It is an acknowledged loophole in our State law although it is not really a loophole because one can still be prosecuted by the Department of Alcohol, Tobacco and Firearms. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative O'Rourke.

REP. RADCLIFFE: (123rd)

And we will certainly attempt to fix that.

REP. O'ROURKE: (32nd)

Through you, Madam Speaker. I appreciate the

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gentleman's frankness. Ladies and gentlemen, I think it's very clear that this amendment guts the bill, that it's a badly flawed amendment and that it will allow the continued proliferation on the streets of this State of assault weapons, of dangerous weapons that are used on a regular basis in crimes.

And under this amendment there will be no way to stop the straw sales that go on in the State of Connecticut and around this country, whereby a person who has no criminal record is able to go in and buy unlimited guns and sell them on the streets. And when the police say to them, you've bought 100 weapons this week, what did you do with them, why did you need so many, the answer is, it's none of your business. There's no requirement here that I tell you what I did with the guns and under this amendment that will continue.

This really guts the bill. Madam Speaker, for the 73 people in this room who are still with us here tonight, who are committed to banning assault weapons, to banning the future sale of weapons of war in the State of Connecticut to the people who are determined to try to fight crime and violence in the State of Connecticut and see this as a real step in that direction, I'd urge rejection of this amendment. It's

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a bad amendment. I think it's offered in good faith, but it will not accomplish anything of real serious impact on the streets of our State and I'd urge rejection.

DEPUTY SPEAKER LYONS:

Will you remark further? Representative Farr.

6REP. FARR: (19th)

Yes, thank you, Madam Speaker. Through you, Madam Speaker to Representative Radcliffe. I don't pretend to be an expert on gun control in Connecticut, so just a little bit of a background here.

There's been some talk about waiting periods. Right now in Connecticut is there a waiting period if you want to buy a rifle or an assault rifle?

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker. There is, with certain exceptions.

DEPUTY SPEAKER LYONS:

Representative Farr.

REP. FARR: (19th)

Through you, what is the waiting period and what are the exceptions.

REP. RADCLIFFE: (123rd)

Based on legislation --

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Through the Chair.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker. Based on legislation this General Assembly passed, I believe two years ago, the waiting period for purchase of a rifle is two weeks. There is an exception, however, to one who has a valid hunting license. They are exempt from the two week waiting period an exemption that I've never been completely comfortable with. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Farr.

REP. FARR: (19th)

So, through you, if I understand it. If I want to get a hunting license at the present time in the State of Connecticut, I go to my town clerk and purchase a hunting license and I believe all I have to be is 18 and pay the money and get the information, or do I have to take a test to do that?

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker. No, that is not all that one has to do. One must take a valid hunter safety course. One must be certified, and that was the rationale for allowing an individual who had a valid hunting license, to avoid the two week waiting period.

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As I said, that's not part of this bill. I'm not particularly comfortable with it. But that was the reason.

Otherwise, there is a two week waiting period.

DEPUTY SPEAKER LYONS:

Representative Farr.

REP. FARR: (19th)

Anyone else can go in and purchase the 100 assault rifles and simply wait two weeks right now. Is that correct? Someone who wants, excuse me, through you, Madam Speaker, if someone wants to buy 100 assault rifles and you're 18, 20 years of age and you go in and put in an order for 100 assault rifles, you come back in two weeks and pick them up. Is that correct?

REP. RADCLIFFE: (123rd)

Well, through you, Madam Speaker, right now there's no definite, under existing law there is no definition for an assault rifle. The only definition we have is for a fully automatic weapon which is a machine gun. So under existing law, if you wish to purchase a certain category of rifle, and I'm not an expert in that type of information as well, one would have to go in, wait the two week waiting period and purchase the weapons.

I should point out, however, that a sale of that nature would require certain filings and registrations

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under federal law. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Farr.

REP. FARR: (19th)

And then, through you, this bill won't in any way change that. In other words, there was some comment made earlier, I think by Representative Jarjura that somehow we were going to be putting some restriction in terms of a waiting period on weapons that wouldn't exist now. There's no change in this bill, is that correct?

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, what I indicated at the outset, I hope and I hope I was clear on this, is that the waiting period that we currently have in our existing law remains unchanged.

However, what we will have that we did not have will be the computerized quick check while hopefully will be accessed through NCI the way police officers do on a regular basis and would provide an additional impediment to weapons falling into the hands of criminals or those who have previously been convicted of a felony. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Farr.

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REP. FARR: (19th)

Yes. Through you. So the only thing this bill does in terms of controlling assault rifles or guns in Connecticut is that it requires the so-called quick check which only will result in a denial of a sale of an assault rifle to someone who has a criminal record which shows up on the quick check. Is that correct?

REP. FARR: (19th)

Through you, Madam Speaker, that would be prohibited under this amendment. The sale to anyone with a criminal, with a felony record. I must also point out that with a pistol, which is unchanged in this act, a police chief can deny a pistol permit subject to appeal, to someone who may not have been convicted of a felony but whom the police chief does not believe possesses sufficient character to have a permit. Through you, Madam Speaker.

REP. FARR: (19th)

And then, through you, Mr. Speaker to Representative Radcliffe. There is no requirement to have a pistol permit under this proposal in order to buy assault rifles, is that correct?

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, this amendment does not deal with the pistol permitting statute except to the

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extent that it does not change existing law and superimposes quick check upon the current requirements for a pistol permit, which includes a background check. Through you, Madam Speaker.

REP. FARR: (19th)

Thank you, Representative Radcliffe. I'd just make a statement on it. I don't believe that this is a reasonable compromise. I understand Representative Radcliffe's attempt to do something reasonable, but I think there's a number of things that are missing here.

There is no separate licensing whatsoever for assault rifles to treat them different in any way. And in fact, there is a prohibition against the State keeping certain information about who's buying those. I think that's something that ought not to be in our laws. We ought to be keeping track of who's buying assault rifles.

If you want to talk about reasonable compromises, if you wanted to provide that somebody had to have a gun, a pistol permit to buy one, that might be a reasonable compromise, provided we set up some sort of system to keep track of these rifles and to find out who's purchased them. And instead, we have a proposal that prohibits us from doing that as far as anybody can determine.

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I also point out, I think there's some other problems with the amendment as I read it. I believe it becomes effective on July 1, 1993. I don't know how anybody's going to set up that program that quickly and I guess I would urge rejection at this point of the amendment.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. First of all, I'd ask that when the vote is taken on this amendment it be taken by roll.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on a roll call vote. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

In the opinion of the Chair, a roll call has been met and we will have a roll call at the appropriate time. Please proceed, Sir.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. First of all, I want to point out. This concept which is very wide ranging and elaborate, was never presented as a proposed bill,

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never had a public hearing. However, it did, it was raised when the Judiciary Committee considered the underlying bill, which is the ban on assault rifles and at that time I asked a question and I just want to ask the question one more time.

As I read this, Representative Radcliffe, through you, Mr. Speaker, in line, what this basically does as I understand it, it says that if I'm a firearm dealer and someone comes in to buy a weapon from me. that person is required to give me, the dealer, an assortment of information which I will then communicate to some 900 number which in turn will give me unique identification number.

So, as I understand it, someone comes in, they give their real name and address and whatever other identification information is necessary. Then the dealer calls a 900 number and gives whatever information, and in return receives a unique approval number once a record check is run automatically on that person and then the dealer writes down that unique approval number on, presumably on your application. And then, if it turns out that the dealer gave a weapon to someone other than by following these procedures, they're subject to a criminal penalty, in this case a Class A misdemeanor.

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However, if they intentionally did an end run on the system, you would be subject to felony charges.

But here's what I think the problem is. The problem is, under the file copy, under the amendment in line 111, it says once the dealer gets the OK, gets the unique approval number, then the person given the unique approval number has to destroy all records of whatever information was given to that person which generated the unique approval number.

So, what's to stop a dealer, under this proposed amendment, from saying, Charles Manson comes into the gun shop, gives his real name, his real birth date, all the other information. The dealer calls up the 900 number and says, I've got a guy here who's looking for a permit, his name is Mike Lawlor, he gives my date of birth and all my other identification information. He gets the approval number back, writes it on Charles Manson's form, Charles Manson then goes out and shoots up the town and then when the police come to arrest the dealer for selling him the gun, the dealer says, hey, look, here's the information. I've got the unique number on it, I called the number in. I got an OK. I didn't know this guy was a felon. They told me he was OK. And how do they prove it? Who's got the information? It's all been destroyed immediately,

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immediately, by the police department under line 111 here.

In other words, there's no way to enforce this. It doesn't work. This is the weak link in the chain. Any gun dealer can give any name that he knows is okay to get himself a unique approval number and then there's no way the law enforcement agency can prove what information was given to them to generate the unique approval number. So, a question to you Representative Radcliffe is, am I missing something? How do you prove this case after it happened?

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, I thought I attempted to answer that question in the summary, and that is that the State under this particular amendment is not required to keep the information. That information is available through the Alcohol, Tobacco and Firearms people. That information is already available to the State and would remain available to the State under existing law and furthermore, you're adding an additional requirement that the individual fill out a form, and on that form that the name, date of birth, social security number, gender of the individual and such other information as the commissioner may prescribe by regulation would be there.

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The individual could be required to keep those forms. Under existing practices, those forms that they do have are kept for approximately three years. That information would provide the necessary paper trail to allow for prosecution because the individual would sign the form, would attest to the truth of the information contained in that form and that would in and of itself constitute an additional offense that was not an offense under prior law and that is, making a false statement, through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker. Perhaps I didn't explain the question carefully enough. I'm not talking about the information on the form that's in the gun shop. I'm talking about, how does anyone prove what was told to the police in order to generate the number. I mean, who knows what information was given by the dealer to the police to get the unique approval number since all that's going to be immediately destroyed?

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, the dealer can be required to maintain that information by appropriate regulation.

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REP. LAWLOR: (99th)

Through you, Madam Speaker. That's not my question. My question is, he's got the accurate information there. How do we know that's what he conveyed to the police agency? How do you prove that he actually read from the form giving the real name.

In the example I gave you, Charles Manson, just for an example. He comes in, puts what his real name is there.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, through the testimony of the licensed gun dealer, through the records that he would be required to keep, those records would be kept by that individual, made reasonably contemporaneous with the event in question and in the ordinary course of business and would therefore be admissible as business entries under our law. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker. Maybe I've got to go a fourth time on this question. I'm conceding that the information on the forms is entirely accurate. But that's not what generates the unique approval number

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form the law enforcement agency. What generates the unique approval number is what is said over the telephone to get that unique approval number.

And since it's the dealer who's going to get arrested if he violates this, what incentive is he going to have to say anything other than what's on the form is what I said? My question is, how do we know what information was communicated over the telephone, not what information is on the form. How do we know a dealer has violated this provision if a dealer is going to either a, claim his privilege from self-incrimination or b, say hey, here's the form, look at the unique ID number. How do we know he didn't give a different name or a different date of birth over the telephone, to get a unique approval number. That's my question.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, that dealer's information could be checked by the dealer himself, by the information the dealer would have, and by the individual who would be providing it.

The State Police might also provide, by regulation, other means of retaining that information and perhaps

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verify. The State Police could provide by regulation that they shall immediately verify and they shall immediately transmit to the gun store owner, the information which he provided, and that would be provided, that's just one way that it could be done, but the State Police, certainly nothing would prohibit the State Police from telephonically or electronically then transmitting that information back to the individual and compelling him to keep that particular record.

And if those records jive, then we would know that the information, assuming a gun dealer was attempting to avoid the provisions of this law, that that information would be provided to the State. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Well, thank you, Madam Speaker. I'm not sure any of those answers responded to the question I asked. The simple fact remains that the law enforcement agency which is going to have to investigate and make an arrest in an instance where a gun dealer has lied on a date of birth or something else in order to get an approval number for someone he knows is other than the

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person, or someone he knows might have such a record, even though the person has supplied the real number, the real date of birth, the real name, or whatever it happens to be, there's nothing in here that requires the police department to keep the records of what was told to them over the telephone so that they can compare that with what other records in the guy's file, if he's going to get arrested.

That's the fatal flaw in this thing. It is completely unenforceable, even if the portion that required the police department to destroy the records immediately after they communicate the number were removed from this, I'd suggest that it is also flawed because it relies on those criminal records that are automated, that can be communicated immediately.

And in Connecticut, as of 1989, our automated system only contained 230,700 files out of the 401,400 which were available, either on paper or automated. So almost half of the offenses which we have criminal records for, some of which are on paper, some of which are automated, would be accessible through this type of a system.

And moreover, there are many instances where after the date of conviction in court, it takes 60, 90, 100 maybe more days for the information to get from the

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court into the possession of the State Police or any automated computer, so you're really going to allow a lot to fall through the cracks.

Our intention in the underlying copy is to ban assault weapons, to ban assault weapons. That is the intention. This doesn't do it. It guts the intention of the bill and I would urge, I would strongly urge rejection of this amendment.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the amendment that is before us?

REP. RADCLIFFE: (123rd)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Madam Speaker. I would urge adoption of this amendment as the reasonable, and I think a responsible alternative to what has been talked about earlier this evening.

Now, most of Representative Lawlor's questions dealt with a gun dealer, what if a gun dealer is going to act dishonestly. Well, if a gun dealer is going to act dishonestly, then he may lie on the form, he may lie to the State Police and will probably sell an

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assault rifle to someone, or more than one assault rifle if in fact there's a ban.

What this amendment does, and what none of the questions focused on, because the focus of the file copy and the focus of the amendment before us is not on the criminal, but on the honest citizen. This amendment puts the onus where it belongs, on the individuals who are getting guns, on the individuals who are using those guns and the individuals who are committing crimes.

It retains the definition for an assault weapon. It says that if you use one of those weapons in the commission of a crime, you're going to go to jail. No ifs, ands or buts about it. There are mandatory sentences in this bill for that.

And there's an additional means of trying to keep these weapons out of the wrong hands. The problem is not guns in the hands of honest citizens. The chief of police of the City of Bridgeport came to this Chamber earlier in this session, sat right over there in one of those chairs and said only one individual, one person who had a permit to carry a weapon in the City of Bridgeport was guilty of committing a crime with a firearm. When he was asked what type of crime, he said, the individual purchased weapons and sold them to

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a third party, which of course is already in the illegal act under federal law. That was the only individual that he could name.

This is a system when coupled with our waiting period bill, when coupled with the two week waiting period for handguns, when coupled with a pistol permit statute, which is one of the most stringent in the country which requires a background check, is going to continue to address the need for keeping guns out of the hands of criminals, out of the hands of those who have been convicted of felonies.

This is not revolutionary technology. This is technology that's in use in other states. This is technology that each and every one of us uses every time we use a credit card. It's simply a technology that says, we'll check to see whether or not this individual has been guilty of a felony. If they have, they have no right to have a weapon. They shouldn't have a weapon. To have one is already illegal.

We've received testimony on prior occasions of our existing laws, and how individuals may in fact get around those existing laws and the pistol permit statute. We've had laws in this session to strengthen those statutes and those are good.

But what this does is, it provides additional

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checks. I believe it's time that we stopped declaring war on inanimate objects and begin to focus on the real needs for making our streets safe, and that is for denying violent criminals the tools of their trade. By denying violent criminals the ability to reap the type of havoc and mayhem that we've seen in our city streets.

This amendment, not the file copy, does that. I have to point out that if we're talking about crime control, and you're talking exclusively about something called an assault weapon, which before this file copy didn't have a definition, you're talking about a very small percentage of those weapons used in the commission of a homicide. Most homicides are committed with handguns. Most homicides, most violent crime, is committed with weapons that aren't covered in this bill unless you pass this amendment.

Because this amendment doesn't only cover assault weapons. This amendment covers pistols. This amendment covers long rifles. This amendment covers any weapon from which a shot may be discharged. So this weapon attacks the weapons of choice of criminals. This amendment attacks not only assault weapons, it leaves that definition in tact, it attacks handguns which are the weapon of choice for criminals.

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So if you're really serious about denying criminals the tools of our trade, if you're really serious about doing it in a way that attacks the criminal and not the inanimate object while not penalizing the honest citizen who wants to possess a weapon for any number of lawful purposes, you'll vote for this amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the amendment? Representative Beals.

Representative Beals, perhaps you would like to speak from someone else's mic. It appears yours is not working

Representative Beals asked permission of the Chamber to speak from a mic other than her own. Hearing no objection, please proceed.

REP. BEALS: (88th)

Thank you, Madam Speaker. Just a couple of questions to the proponent of the amendment. It appears that the amendment tries to deal with the question of the sale of these weapons. I just want to know is there anything in this amendment that would make it more difficult for criminals to obtain assault weapons through illegal means, i.e. theft, black market sales, as many of them apparently do?

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DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, not only is there nothing in this amendment dealing with illegal sales on the black market, there is nothing in the file copy dealing with illegal sales on the black market, which are illegal today, and will remain illegal regardless of which version is approved. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Beals.

REP. BEALS: (88th)

Doesn't the file copy, through you, Madam Speaker, doesn't the file copy by banning the sale and possession of certain kinds of weapons make it more difficult to obtain them by theft or black market sales?

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, I don't believe that history will reveal any indication in any of the areas of this country where you have had a ban on weapons that that has deterred criminals from black market

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activities or other activities which are currently illegal. It is my hope that the quick check amendment will provide an additional deterrent to those types of sales because in addition to perhaps using a false pistol permit or false identification, he would also have this additional check which I believe would keep some of these weapons out of the hands of criminals, because criminals are the subject of the amendment, not inanimate objects. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Beals.

REP. BEALS: (88th)

Thank you, Madam Speaker. Again through you, you did indicate that the reason the quick check system was not working very well in Virginia was that the Washington, D. C. police were not willing to provide information. Is there any reason to believe that they would provide the information to Connecticut police?

DEPUTY SPEAKER LYONS:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, much of the information is available through NCIC. I believe what I said was that there were flaws in it, and one of them was ironically that the District of Columbia police did not

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give the information to the Virginia police. I also indicated that there are substantial differences between Virginia and Connecticut, most of them involving the other gun control or the other permitting statutes which are not covered by this amendment, but over which this amendment would be superimposed. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Beals.

REP. BEALS: (88th)

Thank you, Madam Speaker. Again I think I am still not entirely clear, is there anything in this amendment that would guarantee that the Connecticut police would be able to obtain information from either the Washington, D. C. police or the police in surrounding states?

REP. RADCLIFFE: (123rd)

Through you, Madam Speaker, unfortunately this General Assembly does not have jurisdiction over Washington, D. C. That jurisdiction rests with the Congress of the United States, so we cannot control that by way of an amendment. I would hope, however, that FBI reports and NCIC reports would be available to all such law enforcement personnel and would be accessed through this computer. Through you, Madam

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Speaker.

DEPUTY SPEAKER LYONS:

Representative Beals.

REP. BEALS: (88th)

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, madam. Will you remark further on the amendment that is before us? Will you remark?

Representative Tavegia.

REP. TAVEGIA: (83rd)

Thank you, Madam Speaker. I'll try to be brief, but I want to talk about this issue because when you sit on both of the Committees on Public Safety and Judiciary, you have a chance to hear these issues twice. Now you get to think about them twice. You get to agonize over them twice, and I can tell you that as of last April when we had a gangland shooting in Meriden in a commando style attack, it makes these issues much more difficult to think about and deal with when you try to deal about what is best for your community, what do you do?

And we thought about this issue a lot because the issue seems to center around the assault rifle, and I keep trying to hear the debate and the reason why we are so hung up about the assault weapons when I do not

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hear statistical evidence that this is the real problem we should be looking at, and I know that all of us that are in this Chamber are really concerned about the issue of guns and crime.

The statistics are staggering for all of us, and what bothers me is that in 1985 we had 5,840 cases of aggravated assault. 8.5% of those involved guns, not assault weapons, guns of all types. As of 1991, that number jumped to 9,308, an increase of 63% in just six years, but the number now jumped to 15% involved guns. In that same period of time, guns used in robberies jumped from 28% to 38%. In murder there were 119 murders and guns were used 64% of the time. They jumped to 65% by 1991.

What I find frustrating is we come back to the issue of why are we on assault weapons when it is guns in the hands of the wrong people we should be addressing? We're going to spend hours in this room debating this issue tonight, and I guess it's because we want to feel good about a piece of legislation we pass, because everybody fears the assault weapon, but I thin that we all know that that's not the problem. I can't believe we don't know that that's not the problem. Behavior of people with guns that is bad.

We continue to pass more and more laws to try to

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correct the judicial system that we all know is not working. In 86 and 87, we had 831 cases that fell within the 13 statutes that have mandatory sentences. Guilty verdicts were rendered in only 421 of those cases, or 54%. Mandatory sentences, we only won 54% of them. It means the criminal walk half the time.

Ladies and gentlemen, I think I know where the problem is. It's not the assault weapons. When we confiscated 11,000 guns of all types, and 177 were assault weapons. 1.7%, and we could not track one of those weapons that was used in a crime. Why are we targeting the assault weapon? I don't get it. Maybe I'm missing something and that's what bothers me. I sat in these committees twice, and I get waiting for somebody to tell me why. Is it because we fear that in the future these may become the weapons of choice? Are we making a prejudgment, a prejudicial remedy because we think that by 1997 these are the weapons?

Ladies and gentlemen, you know what the weapon of choice is in Detroit right now? It's the baseball bat, because you can walk around town with a baseball bat, and you will never be stopped by anybody, but the damage that can be inflicted in 30 seconds by three people with a baseball bat, you are going to wish you were shot.

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That is what's scary. Ladies and gentlemen, I feel that this amendment redirects our attention to what the real problem is. It is guns of all types in the hands of the wrong people, and I want to close with this because this is what bothered me the most when we had the hearings in Public Safety with gangs. The gang members made it very clear to us about the large caches of weapons that they had, and they made it clear to us that they were not registered, and they were never going to register them, and so now the issue becomes how are we going to find them? Do we have enough law enforcement people that are going to go search out and try to find all these deadly weapons?

I don't know how we're going to do it. And then the last thing I want to mention is that even if we arrested all these people, where are we going to put them? Representative Tulisano made it very clear in the Judiciary hearings that the behavior is becoming so bad that we cannot build jails enough to put these people away, and the taxpayers don't seem intent to spend enough money to build more jails, to incarcerate them all for the length of time they should be in jail, and ladies and gentlemen, finishing I want to tell you that in 1980, our Corrections Department was \$85 million in budget expense. In 1993, we are now

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at \$365 million, and we all know that we don't have enough prisons.

Ladies and gentlemen, I would urge you to adopt this amendment because the file copy is not going to solve the problem, but I think this amendment will put us in the right direction of trying to address the problems we should be addressing, and I urge your support. Thank you.

DEPUTY SPEAKER LYONS:

Will you remark?

REP. GERRATANA: (23rd)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Gerratana.

REP. GERRATANA: (23rd)

Thank you, Madam Speaker. I speak in opposition to this amendment. I think, of course, that it does gut the bill entirely and changes the whole direction of the main piece of legislation, the bill.

Representative Radcliffe also referred to the chief of police in the City of Bridgeport and stated that at that time I think there was only one or maybe none that the chief of police said had been affected by the assault weapons, and I have a letter dated June 2nd from the chief of police in Bridgeport which states

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that the assaults or deaths by assault weapons have increased 50% since 1992, 1993, and that the city police department has increased by 75% in one year the recovery of assault weapons, and I just wanted to say that for fellow members of the General Assembly, and I urge them to reject this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, madam. Will you remark further on the amendment that is before us? Will you remark?  
Representative Stripp.

REP. STRIPP: (135th)

Thank you, Madam Speaker. I think one of the points that perhaps should be cleared up is that assault weapons are responsible for about 2% of the crimes including guns, and it's a relatively small amount, and I believe regarding Bridgeport, at issue was that there was only one person with a permit that actually violated the law. That was the point. It wasn't how many people violated the law with guns, but how many people violated the law with a permit, and the answer to that was one.

I think there's three types of people when it comes to gun issues. I think one type is the person that feels that any gun control is another step on the

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slippery slope, and will lead to more and more controls. Then I think there's a great preponderance of people including most of the people in the General Assembly that feel that some reasonable control over guns is necessary and some middle ground should be struck.

Then I think there's a third type that is totally against any guns or any snakes and you'll never convince them that either one is anything that should be in this world. I would submit to you that the reasonable people that make up the majority of reasonable people in this General Assembly would look to try to find some middle ground, some law that would control it, would get the guns out of the hands people that would do violence with them, without disarming the honest law abiding citizen.

I think we can look at history in many countries, particularly in Europe not too many years ago where the method of taking guns away from citizens was a direction they went in to further political aims. I think this is something that should be considered, and I think what we really want to do is strike a reasonable balance here where guns will be kept out of the hands of people that would do violence with them, but allow the honest citizens to be able to have

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weapons.

I think this law actually goes much further than the file copy, this amendment. I think this amendment very boldly moves forward and has a process of checking out who is buying any type of weapon. I think when we consider that assault weapons only are responsible for 2% of all crimes with weapons that we know that that is perhaps some eyewash that sounds good in the press, but truly what we have to do is look at all guns and have some sort of reasonable control.

This particular amendment gives us that. It has a check on anyone that's buying any gun in the State of Connecticut, and I think it's going in the right direction. I think it's a reasonable middle ground, and I would urge people to join me in supporting it. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you. Representative Mazzoccoli.

REP. MAZZOCOLI: (27th)

Thank you, Madam Speaker. I want to commend Representative Radcliffe for doing the work on this thing. Unfortunately I do have to agree with some of those who say that it doesn't go far enough. I would prefer to see this kind of approach because I do believe we have a problem with the criminal justice

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system. This General Assembly has not seen fit to properly fund our prisons to take criminals off the street.

However, I think that the balance has been said with the public opinion anyway is that we've got to do something more, and I can't see why we can't go with some statewide registration. I think registration would be extremely helpful, and I would think it would make this amendment much more palatable. I would say the same with respect to the section that talks about the sale of, or transactions conducted at gun shows, if there was a provision here for the same sorts of registration procedures and waiting period at gun shows, I could support this amendment.

I would prefer to deal with this issue from this perspective, but again I think that the tide of public opinion is such that we have to do more, and it's just too bad we can't compromise on this proposal, but I would be willing to support this if I knew that there was a forthcoming amendment that dealt with further statewide registration, so that these records would be maintained centrally, and that there was provisions for registration at gun shows.

I don't think it's unreasonable now given the public sentiment on this issue, and I think that the

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compromise, if any is to be left, is lost here today. I don't like the file copy totally either, but until I think the sides on this issue can reach some sort of middle ground with respect to the important issues that at least as being perceived from both those people who provide us with the public safety and the members of the public who feel intimidated by these weapons, and us in here who have to deal with drafting legislation that satisfies both, we're not going to come to any objective.

I reluctantly will have to oppose this at this point, unless I know that there's going to be subsequent amendments to address these issues. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark?

REP. VILLANO: (91st)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Villano.

REP. VILLANO: (91st)

Thank you, Madam Speaker. I'm opposed to this amendment. It would take us in an entirely different direction from what the bill proposes to do controlling

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assault weapons, but two specifics I'd like to talk about. One is that this bill would leave to gun dealers the total responsibility of identifying and licensing purchasers of these guns. That is open to fraud and deception and we'd have no control over who gets the weapons.

Secondly, it not only fails to have a central, some registry for assault weapons, but it actually prohibits the state from maintain records of who purchases these assault weapons and who can use them, and how we can identify them. For those reasons, I urge my colleagues to oppose this amendment.

DEPUTY SPEAKER LYONS:

Thank you, sir. Representative Cutler.

REP. CUTLER: (51st)

Thank you, Madam Speaker. Very quickly, I voice my support for this amendment. A previous Representative made comments that this amendment would gut the present bill, and change its direction. I think she's right. I think it does gut the bill, and I do believe it does change its direction, because right now what the bill does, what the bill will do, I should say, if passed, take weapons away from everybody, these semi-automatic weapons.

They'll take the weapons away from everybody,

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except for a class of people, that is the criminals, and what this amendment will do, it changes the direction in that it will not ban the weapons. It focuses its attention towards an action, and that is if a criminal wants to buy a semi-automatic weapon, one that is on this list that's somewhere around here. I don't have it in front of me, he will not be able to do so.

Now if someone uses the argument, oh, but they're using them right now. Ah-ha, you're right, but they didn't get it legally, so why are we going to ban them? They're already using them illegally, and now we're going to ban them, and the only people that we're going to ban them from are the normal law abiding citizens. What a quick check system does is, it directs its focus and its attention at previous action. If someone has been convicted of using, of a crime or using the gun in a crime, they will not be able to purchase that gun.

Someone who has not been convicted of a crime will be able to use that gun. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Will you remark? Representative Fusco.

REP. FUSCO: (81st)

Thank you, Madam Speaker. I'd like to respond a little bit to Representative Gerratana. Frankly,

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ladies and gentlemen, the NRA does not like this amendment, and the reason is that number one, it establishes a system that applies to all guns. It also leaves in the 14 day waiting period, and I could go on and on. There are several reasons why the NRA is opposed to this amendment, but it is a step in a direction that we should go, and everything else in this bill's going to need more work, too, and so just because you think this guts the bill, this makes the bill tougher than the original bill, and it is opposed by the opponents of gun legislation. You've got to think about that.

Are you going to vote against something that's tougher than the file copy? You've got to think about that.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment? Will you remark? If not... Representative Kyle.

REP. KYLE: (36th)

Thank you, Madam Speaker. I've been listening to the debate here tonight on the issue of whether or not we should ban the things that have been called assault weapons, and I think we are beginning to miss the point here totally and completely. I would dare say that any of us in this Chamber would leap, absolutely leap at

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the opportunity to enact some legislation that would somehow reduce the carnage that is occurring on our streets and primarily in the large cities.

Unfortunately public relations and the media being what it is we seem to have acquiesced to the desirability of sound bites, and we seem somehow to be sacrificing true law enforcement and true possibility of keeping weapons out of the hands of people who should not have them on the altar of the sound bite around assault weapons.

Well, ladies and gentlemen, I would submit to you that the basic file copy on this thing, particularly Section 1 does not pass the giggle test. The giggle test is one that says well, gee this thing is really going to work or not work. It's a laughter. We put down a bunch of things on a piece of paper, big long list of guns or weapons that function in some particular fashion, and we say, oh my goodness, the boogie man is here and it's going to come and get us. It's going to kill all our kids in the schoolyards and on the streets. It's ridiculous, absolutely ridiculous.

I would submit to you that the crime rate will not change one iota based on your sound bite desires. You may get some warm fuzzy feelings. People say oh, gee,

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look, we passed this big gun bill. It's not going to do a silly thing. It doesn't pass the giggle test at all. However, with Amendment "G" which is before us right now, we do in fact have the opportunity to perhaps take a tentative step, a small step not an end all, but we would require people who would have the intension of buying a gun, a weapon of any kind, a gun of any kind, to call up the police and say look, have the dealer call up and say, look, does this person have a record? And the extent that that information is available in their computers, it may not be completely available, but certainly some of it is available, the dealer would be given the information, yes or no.

If the answer is yes, the person doesn't get the gun. We're looking at an opportunity right here, right now to perhaps install something in our statutes that will allow a true reduction of guns in the hands of people that shoot up our children and shoot up each other on the streets of our cities. It perhaps does away with your smoke and mirrors on this big sound bit thing that we want to pass that we'll feel so good about, but I think that the giggle test has to be applied to Section 1 of the file copy and this list of guns. It means absolutely nothing. It's meaningless. It's hollow. It's shallow. Yet it makes you feel nice

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and warm and good because boy, you sure did this great thing.

Folks, it's a shame it ain't going to work. I would urge the adoption of Amendment "G", which does give us a chance of keeping the guns out of the hands of the people who have no right to have them. I urge its adoption, Madam Speaker. Thank you.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark? If not, will staff and guests please come to the Well. Will members please take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, to the Chamber. The House is voting by roll call. Members, to the Chamber please.

DEPUTY SPEAKER LYONS:

If all the members have voted, the machine will be locked, and the Clerk will take the tally.

The Clerk will please announce the....

Representative Beamon.

REP. BEAMON: (72nd)

In the affirmative, please.

DEPUTY SPEAKER LYONS:

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Representative Beamon in the affirmative.

The Clerk will please announce the tally.

CLERK:

House Amendment "G", to House Bill 7332	
Total Number Voting	144
Necessary for Adoption	73
Those Voting Yea	63
Those Voting Nay	81
Those absent and not Voting	7

DEPUTY SPEAKER LYONS:

The amendment fails. Will you remark further on the bill as amended? Will you remark?

REP. TULISANO: (29th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Tulisano.

REP. TULISANO: (29th)

Madam Speaker, the Clerk has an amendment LCO8382.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO8382, which will be designated House "H". Would the Clerk please call and the Representative has asked leave to summarize?

CLERK:

LCO8382, House "H", offered by Representative Tulisano.

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DEPUTY SPEAKER LYONS:

Representative Tulisano.

REP. TULISANO: (29th)

Yes, Madam Speaker, this amendment attempts to try to incorporate some of the amendments that were passed earlier, but basically what it tries to do is make it clear that the criminal penalties are not effective until October 1, 1993. As I read the file copy, it makes the criminal penalties effective July 1, 1993. You may recall last week or sometime during the past week we had a long discussion about what's appropriate when criminal penalties become effective, and although it may be appropriate for registration and all to occur July 1st, it seems to me that criminal law, to give fair warning to individuals, it would be fair to make it October 1, 1993, and I would move its adoption.

DEPUTY SPEAKER LYONS:

Question before the Chamber is on adoption. Will you remark?

REP. TULISANO: (29th)

Madam Speaker, it is the long tradition of this General Assembly that as far as criminal law is concerned, in order to give folks.

DEPUTY SPEAKER LYONS:

(Gavel)

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I can barely hear Representative Tulisano. I know the hour is later. Could we please try and restrain our conversations? Please continue.

REP. TULISANO: (29th)

Madam Speaker, it's a long tradition in the Hall of this House and in the General Assembly itself to make sure that criminal penalties are not effective in such a quick time that in fact it may become unfair to people who could be accused. This is the normal October 1 deadline becoming effective, giving some time for people to be aware of the terms of this new legislation which may affect them. I move for its passage.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark? If not, Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I hadn't intended to ask questions immediately, but I just maybe a little bit awkward. I haven't read this. I just want to clarify what this is. If the proponent could simply explain the intent of the substituted Subsection A of Section 3. Just explain what that is.

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Representative Tulisano.

REP. TULISANO: (29th)

Through you, Madam Speaker, the amendment just reproduces the language from the other amendments. The LCO office has indicated that the amendment changes the effective date to October 1, 1993 on the provisions on possession, and it incorporates the changes to Section 4(a) by House "D", LCO8607. The effective date is now Section 12 due to House "F", so what's really happened is, it leaves all the other stuff effective the dates except for the criminal penalties.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

If I could just have one moment, Madam Speaker. Just for legislative intent if I could clarify through Representative Tulisano, and for the information of the Body, apparently this amendment is geared to the re-enumerated sections in light of the deletion of one of the sections in an earlier amendment.

REP. TULISANO: (29th)

Through you, Madam Speaker, that's absolutely correct. LCO has very professionally already incorporated into this amendment some of the amendments

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that have already been passed. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker, and I would join Representative Tulisano in commending LCO for their proficient work on a regular basis, so just to clarify, the only changes in this act are the changes in the effective dates. Is that correct?

REP. TULISANO: (29th)

Through you, Madam Speaker, for the criminal penalties. I haven't changed any other.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I concur with Representative Tulisano's guidance in this regard. I think a startup date of October 1 is entirely appropriate and I would urge adoption of the amendment.

DEPUTY SPEAKER LYONS:

Thank you, sir. Representative Gerratana.

REP. GERRATANA: (23rd)

Thank you, Madam Speaker. This amendment also deletes Section 12 in its entirety? My question is to the proponent of the amendment. Is that correct?

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Representative Tulisano.

REP. TULISANO: (29th)

Through you, Madam Speaker, as we just indicated between the dialogue with Representative Lawlor and myself, there have been one prior amendment delete, one section that moved it up. This brings 12 to which would then become the effective date. It changes the effective date, whoever asked that.

DEPUTY SPEAKER LYONS:

Representative Gerrantana.

REP. GERRATANA: (23rd)

Thank you, Representative Tulisano.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? If not, let me try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

Those opposed, nay. The ayes have it. The amendment is adopted, and ruled technical.

Will you remark further on the bill?

Representative Fusco.

REP. FUSCO: (81st)

Thank you, Madam Speaker. The Clerk has LCO8506.

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Would the Clerk please call and may I be allowed to summarize?

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO8506 which will be designated House "I". Would the Clerk please call. The Representative has asked leave to summarize.

CLERK:

LCO8506, House Amendment "I", offered by  
Representative Fusco.

DEPUTY SPEAKER LYONS:

Representative Fusco.

REP. FUSCO: (81st)

Thank you, Madam Speaker. This amendment simply says that in any instance when a murder is committed with an assault weapon as defined in the Connecticut law, if it plays a role, it shall be considered an aggravating factor, and I think if you want to get tough on crime, that's the way to go. I move adoption.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark?

REP. FUSCO: (81st)

Yes, Madam Speaker. There is a large outcry in Connecticut for crimes that are being committed with illegally obtained firearms. The firearms that usually

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are used are semi-automatic and automatics, a whole range of them that could be obtained illegally, and if you want to get tough on crime, make it an aggravating factor to murder with an assault weapon. Thank you.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment before us?

Representative Tulisano.

REP. TULISANO: (29th)

Madam Speaker, I think I would rise to oppose this amendment. I don't think, first of all as silly as the underlying bill is by my opinion, Madam Speaker, and certainly not reputing that to anybody else, the problems we have with the underlying bill trying to figure out what an assault weapon is, is also in this bill. I oppose the death penalty. I oppose this bill, but I don't think this amendment is very good, so I oppose this amendment also. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment?

REP. MAZZOCCOLI: (27th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Mazzoccoli

REP. MAZZOCCOLI: (27th)

Thank you, Madam Speaker. I would hope that this

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General Assembly, both sides who have looked at this issue pro and con strongly consider this amendment because it gets at the heart of what we've all been talking about. I don't care what side of the issue you stand on. We had the sexual violent predator bill the other day. Folks, if you really want gun control in one form or another, vote for this amendment, and if you don't want gun control, it makes good sense for our criminal justice policy.

I think it's a good amendment, and contrary to the desires of Representative Tulisano, and I understand your desires against the death penalty, Mr. Tulisano, we have a death penalty on the books. This simply puts more teeth into what we feel is a bad problem. If you really feel this is a bad problem, then let's start putting some teeth into our statutes. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Fusco.

REP. FUSCO: (81st)

Thank you, Madam Speaker. I would just simply request a roll call. I think this is a get tough on crime and I would like a roll call. Thank you.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on a roll call

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vote. All those in favor, please signify by saying  
aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

In the opinion of the Chair, the necessary 20% has  
been reached, and a roll call will be ordered. Will  
you remark further on the amendment that is before us?  
Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I also rise to oppose  
this amendment. I think this like many not all, but  
many of the amendments we'll be seeing and have seen  
tonight are intended to gut the bill, to deprive it of  
its intended affect which is to ban assault weapons,  
seeking to entice a veto by the Governor or otherwise.  
Whatever your feelings are on the death penalty, I  
think this is not the appropriate way to raise the  
issue.

This particular issue is never considered in the  
Judiciary Committee or any other Committee of this  
Legislature. There are many if, ands or buts in  
connection with what types of offenses should be  
subject to the death penalty. If this is legitimate  
addition to this legislation, perhaps the proponent

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would consider introducing legislation during the next session of the Legislature which begins next February, and I would urge my colleagues whatever your opinion is on the death penalty to reject this amendment because it is clearly intended at least in my opinion to cut the bill and insure it's not passed.

DEPUTY SPEAKER LYONS:

Will you remark further? Representative Cutler.

REP. CUTLER: (51st)

Thank you, Madam Speaker. I rise in favor of this amendment. I find it flabbergasting how we somehow direct our legislation, we direct our efforts at an inanimate object, and not people and not behavior and not actions. To me this is crazy. When I was growing up, if I stole a cookie from the cookie jar, my mother didn't blame the fact that the cookies were out in the open that I stole one, or that the cookie jar was clear so I could see they were cookies in it, she whacked my behind because I stole a cookie.

If someone murders someone why don't we address the action that has occurred, the crime that has occurred? Stop blaming the gun. If a gun sits on the counter, how long do you think it will take before that gun shoots somebody? Fifty years? One hundred years? One thousand years? It can't do anything without a human

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finger behind the trigger or in front of the trigger.

If someone commits a crime, commits a murder, takes a human life, this amendment will get much tougher.

The punishment will be much easier to impose the death penalty. A little bit easier, I should say, to impose the death penalty. It would be an aggravating factor.

When are we going to stop blaming and pointing the finger at objects and start pointing the finger at people and their behavior?

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Madam Speaker. Madam Speaker, ladies and gentlemen of the chamber, I rise to ask you to vote for this amendment and I want to give you the history because Representative Lawlor has said if you want to kill the bill, put this on.

Those of you who were here last year remember on the assault weapons, we went to a Conference Committee and not only was an amendment similar to this on the gun bill, but the death penalty was put on as a result of this because the bridge was made and the Governor said if we gave them the tough bill, he would sign the bill with the death penalty on it.

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Well, it was no deterrent for him when we put that on last year. So, Representative Lawlor I have to disagree with you. I don't think this does any harm at all to the bill. As a matter of fact, last year it seemed to please our Governor. When we put this on and then followed up with the death penalty on the bill, he said he would accept it.

So, Representative Lawlor is not right in saying this is the way to kill it for a veto. It is not all. It doesn't hurt it a bit. It puts some teeth in what we are talking about here, about criminals. And if we want to say that we are really for crime, then do something like this. Get serious with it and that is what we did last year. It didn't hurt it a bit. It won't hurt it this year.

Vote for this amendment.

DEPUTY SPEAKER LYONS:

Will you remark? Representative Ward.

REP. WARD: (86th)

Thank you, Madam Speaker. I would also like to echo what Representative Wollenberg said indicating this guts the bill, then the meaning of that expression is immediately changed. That is usually what one says when an amendment strikes most of the file.

None of the bill that is before us is stricken by

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this amendment. It adds a new section and it says, if as the proponent of the underlying legislation believe, these types of weapons are somehow worse than any other type of handgun so in the event they must be regulated in different manners, it is then appropriate to say their use in a capitol case, is in fact, an aggravating factor and that is all this does. It doesn't take any part of the underlying bill out. So, if you support the underlying bill and you truly believe that this is a much worse type of weapon, then you ought to support treating it as an aggravating factor. If you are opposed to the death penalty, I would certainly understand being opposed to this amendment because it would perhaps make it slightly easier to impose if the other factors were in place and this weapon was used.

But, if you believe these weapons are worse, there is no sense in not having this added as a possible aggravated factor.

DEPUTY SPEAKER LYONS:

Thank you. Will you remark further on the amendment?

Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. I rise in support of the

amendment. I promised I wouldn't get into this debate, but what the heck.

I would just like to say that that amendment, in no way, harms the file copy. The Governor and Representative Wollenberg pointed out, did say that this would not serve as a reason for not signing this bill last year. He does not consider this an issue that causes him to veto a bill dealing with assault weapons. That was made very clear by our Governor last year. The fear of a veto because of this small amendment is not real. I don't support the underlying bill, but I think if you want to make it mean something and if you want the criminals to have a stronger reason not to use the weapon of choice, which the assault weapons have been referred to in the press, then I think you strengthen the argument for them to leave these weapons alone. Because if it can be known, that it is an aggravating .....

DEPUTY SPEAKER LYONS:

(Gavel) Could the Chamber please direct their attention to Representative Nystrom? Please proceed, Sir.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Members of the Chamber, simply stating that this is an aggravating circumstance

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in no way endangers this bill. It does provide stronger reason for the bill to pass, in my estimation and who knows, you might even get a few of us to switch. So, support the amendment.

DEPUTY SPEAKER LYONS:

Will you remark further? Representative Mazzoccoli.

REP. MAZZOCOLI: (27th)

For the second time, Madam Speaker on this particular issue. For those of you who are pro, who solicited me on this issue, if you recall our discussion, I said let's have a little give and take. And as Representative Nystrom said, this is the kind of thing that could pose some vote from those of us who have been undecided on this issue.

It's gotten to the floor and are we going to have the same kind of non-discussion as I have talked about before? This is an important law and order bill. I ask you, for the same consideration, some of us have tried to give you. I hope we see it on this vote.

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative DiMeo.

REP. DIMEO: (103rd)

Thank you. I guess the committee assignments that

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I have are about the only committees in which this bill has not been referred to. So, I have to start from ground zero somewhere.

I have problems with the bill. And I had hoped as we went through this evening and that is why I voted to continue this debate, not because I enjoy being here at this ridiculous hour, but I had hoped that we, through amendment, would be able to come up with something that was reasonable. I thought we almost had it on that last amendment and there were some defects in that that I could not agree with and possibly, they will be corrected.

But we have to remember and I feel strongly about this that the issue of this gun control has to be something that is reasonable that will work that does have an affect.

I have to admit and I know in my heart that a year from now or two years from now that if all we do is merely ban a certain number of listed guns, the guns in the State of Connecticut, the criminal in the street will still be doing the same thing he is doing today. And many of my good friends out there who are gun owners, who are responsible people, whose hobby is hunting, whose hobby are guns, are going to be hurt.

Any maybe, possibly tonight, we will come to a

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resolution of the issue. I hope I am not looking for perfection because very seldom do we achieve that in legislation, but this is one portion of it. This is one amendment that I am going to rise and be in favor of. We are going to look the criminal in the eyes and say if you continue what you are doing, you have been convicted of this before, you are going to get the death penalty. And while I am not a great proponent of the death penalty, I do believe we have come to a point in history when we are going to have to impose it. And impose it effectively so that it does become a deterrent out there in the world.

Criminals can no longer, they cannot be allowed to ignore the rules of society. They can no longer shoot up our streets and this will help. This kind of amendment without a question in my mind, will have an affect as soon as they learn out in the streets that we mean business.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark? If not, will staff and guests please come to the well? Representative Garcia.

REP. GARCIA: (4th)

Thank you, Madam Speaker. There is no one in this House of Representatives who is adamant about the

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imposition of the death penalty as I am. But I believe today, that this amendment that is being attached here with the death penalty is inappropriate because it should have been attached when we debated the death penalty then not now.

The issue here is about assault weapons and I think it is inappropriate and I can't support this amendment and if anyone in this House is pro death penalty, I will be the one pulling the switch.

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Will you remark further? Representative Fusco.

REP. FUSCO: (81st)

Madam Speaker, hopefully in conclusion, this is not the death penalty, ladies and gentlemen. This says that if you use an assault weapon in a murder, it shall be considered an aggravating factor. It is not the death penalty. Come on, let's get reasonable.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? If not, will staff and guests please come to the well? Will members take their seats? The machine will be opened.

CLERK:

The House of Representatives is voting by roll.

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Members to the Chamber, please. The House is voting by roll call. The House of Representatives is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER LYONS:

Clerk, please announce the tally.

CLERK:

House I	
Total Number Voting	143
Necessary for Adoption	72
Those voting Yea	80
Those voting Nay	63
Those absent and not Voting	8

DEPUTY SPEAKER LYONS:

The amendment passes.

Will you remark further on the bill, as amended?

Representative Jones.

REP. JONES: (141st)

Thank you, Madam Speaker. This debate reminds me of an old saying, which goes "having loss sight of our objectives, we redoubled our efforts" and so I have an amendment to redouble my effort. LC08605.

If I may ask the Clerk to call it and I be allowed to summarize?

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LC08605, which will

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be designated House J. Would the Clerk please call and the Representative has asked leave to summarize.

CLERK:

LC08605, House "J" offered by Representative Jones.

DEPUTY SPEAKER LYONS:

Representative Jones.

REP. JONES: (141st)

Thank you, Madam Speaker. This is a very simple amendment, but it is ...

DEPUTY SPEAKER LYONS:

(GAVEL, GAVEL) Ladies and gentlemen, if we want to conclude this debate, can we please have quiet in the Chamber?

Wait a minute, Representative Jones.

REP. JONES: (141st)

Thank you, Madam Speaker. This amendment simply changes section 9 by making a mandatory prison sentence eight years instead of five upon a felony conviction where an assault weapon is used or threatened in the crime.

I move adoption of the amendment, Madam Speaker.

DEPUTY SPEAKER LYONS:

Question before the Chamber is on adoption. Will you remark?

REP. JONES: (141st)

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Yes, I will. I think one of the more important parts of this entire bill is the attempt to deter the use of guns by criminals. Specifically, the use of assault weapons, but also other guns. Toward that end, section 9 and section 10, deal with mandatory sentences that run consecutively and cannot be plea bargained.

The purpose, of course, is to make the penalties greater and greater if you use these weapons. Section 10 provide a five year mandatory sentence for the use of any gun. It is presumptuous in this legislation that assault weapons are worse than any other gun, therefore, I believe that section 9 should carry a stiffer prison term and have appropriately, therefore, proposed eight years instead of five.

Thank you. I hope everybody will support this.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark on the amendment that is before us? Will you remark on the amendment that is before us? If not...Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I think there is no question we are just, at least in my view, to add more and more and may or may not serve a useful purpose. I think the five year minimum mandatory was selected for a reason. It is one of the highest minimum mandatories

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we have, but whatever sentence the offender receives, he will or she will still be subject to what is the toughest minimum time to serve statute in the Country which goes into effect in our State of July 1st.

An offender, whether or not there is a minimum mandatory, whether it is eight years or five years is going to have to do fifty percent of the sentence received. So, I think five or eight years is going to be a short sentence for anybody convicted under this section.

I do oppose this amendment because in general, I oppose minimum mandatory sentencing. I just think it is piling on. If this one passes, I think the next one will be ten and then twelve and on and on.

But, in any event, I don't think it is well intended and I urge rejection.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark? Representative Jones.

REP. JONES: (141st)

Yes, thank you, Madam Speaker. Through you, a question to Representative Lawlor.

Is it not implicit in this bill that there is something about an assault weapon which makes it more formidable, more deadly, more to be decried than any

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other form of gun?

Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Yes, in fact, that is the case and I would assume that any sentencing judge or prosecutor would take that into consideration at the time the sentencing takes place and for that reason, I think five years or eight years will be short sentence under this legislation.

DEPUTY SPEAKER LYONS:

Representative Jones.

REP. JONES: (141st)

Through you, Madam Speaker, in view of your answer to that question, does it make any sense to have the five year mandatory sentence applied both to assault weapon felonies and other weapon felonies? I refer to section 10, or course.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Section 10 adds five years to the end of whatever other sentence you are receiving as a consequence of these acts. And that is

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why I am suggesting whether it is five years or eight years, either of those will be a short sentence.

In general, theoretically, if you committed murder or assault first degree with an assault weapon or if you committed robbery first degree, you are already going to be subject to a relatively, actually a very long sentence. This legislation requires five years to be tacked on to the end of that sentence which must run consecutively and which cannot be suspended or reduced in any manner.

So that would be in addition to the minimum mandatories that are already in existence for whatever the underlying crime was. So, it is five additional years on top of the other sentence.

DEPUTY SPEAKER LYONS:

Representative Jones.

REP. JONES: (141st)

Yes, I understand that and with my amendment, if it is an assault weapon, it is eight additional years tacked on to any other sentence. It is simply an order of magnitude that represents the more serious type of weapon involved. That was the purpose of the amendment.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment?

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Representative Cutler.

REP. CUTLER: (51st)

Thank you, Madam Speaker. Very, very briefly, I stand in favor of this amendment. This, as the last amendment is and was a put your money where your mouth is amendment that if you really want to get tough on the criminal, pass this amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative DiMeo.

REP. DIMEO: (103rd)

Thank you, Mr. Speaker. Mr. Speaker, I urge my colleagues to support this amendment. I think we are beginning tonight to head in the right direction. I think we are beginning to head in the direction which says to the criminal, we are not going to put up with this any longer. We are not going to allow these things to happen in our streets and if they do happen in our streets, we are going to get tough and we are going to give you sentences that you just cannot get out from underneath. This is the direction we should be heading in and I am pleased to see that in spite of the hour, we may be making some progress.

Thank you, Mr. Speaker.

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Thank you, Representative DiMeo. Will you remark further? Representative Collins.

REP. COLLINS: (117th)

Thank you, Mr. Speaker. I rise in strong support of this amendment. Representative Lawlor said that at minimum, they would serve fifty percent of the time whether it was five years or eight years which would mean two and one-half years or four years, in this case. Is that true or not? Through you, Mr. Speaker to Representative Lawlor.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor, do you care to respond?

REP. LAWLOR: (99th)

Through you, Mr. Speaker. No, that is not true. This is a minimum mandatory sentence. This is five years being tacked on on top of whatever other sentence you got is. This five years, you have to serve every day of the five years. If it was an assault first degree, or robbery first degree, you are already subject to a minimum mandatory for that offense, in most cases, five years. So it is ten years that cannot be reduced or suspended in any manner and you have to serve every day of it. This brings this up to eight years. My sense is, any of those can be relatively short to what most people get under this sentence and I

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guess the question is, why not nine years? Why not ten years? How high do you want to go?

Five years is on top of all the other stuff. Pick a number.

REP. COLLINS: (117th)

Mr. Speaker, I'll keep going up and I will vote for them. As most of the folks in this chamber know, I was a victim of a gun shot. I spent some five years in medical care. Why should the aggressor be out of prison in quicker time than I am out of medical care. That was thirty one years ago. And I still suffer.

So, I don't think adding a few more years does him much harm and it certainly would make me feel a lot better.

I think this is a great amendment and I urge passage. Mr. Speaker, I would ask for a roll call.

DEPUTY SPEAKER COLEMAN:

Representative Collins has requested a roll call vote. All those in favor of a roll call vote, please indicate by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

In the opinion of the Chair, one fifth of the members present has been met. When the vote is taken,

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it will be taken by roll.

Will you remark further? Will you remark further?  
Representative Lescoe.

REP. LESCOE: (49th)

Thank you very much, Mr. Speaker. We wouldn't be here tonight if we didn't have these people in the streets using these weapons. I hate to look back and see the sportsmen that do go to classes. I know, in my area, we have a large gun club. Living in my city for the last thirty, forty, fifty years, knowing these people, not one member of this club, which has over 1,500 members, have been convicted of any crime or used any weapon in any crime.

I agree with Representative Cutler. Let's get the people off the streets. Let's get tough. The problem is we don't do very much to these people. They are laughing at us when we got these in the mail. They are laughing at us.

Two or three convictions, the prosecutor, basically they are off in a year, two years. We all receive money from the Pequots. Everyone is happy about that and I being one of the poorest towns in the State, I am willing to give up my money for a year, two years, use the \$200 million, build some prisons and put these people where they belong.

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Don't say, you've got five years, but after you serve one year, there is going to be five years - serve five years, not four months, not six months, not a year. If it is five years, let them serve five years. Rehabilitate them. Put them where they belong. And I guarantee you you will not see very much crime with weapons. Guaranteed. The problem is the judicial system has broken down on us. This is why we are here. They don't prosecute these people. I've got stats.

So, the judicial system, we had runs on how many people were prosecuted. Only about ten percent, five percent. I like those odds if I need money.

This is a very good amendment and it is a step in the right direction and I hope you support it. Thank you.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Lescoe. Will you remark further on House "J"? Will you remark further? Representative Farr.

REP. FARR: (19th)

Yes. Thank you, Mr. Speaker. The problem is, let's be realistic, folks, I hear people on the other side say, gee, they are willing to put people in jail when I had amendments here to say let's hire some prison guards to provide enough jail space for the

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people already convicted. Those amendment were defeated. Where was the support for that then?

Where was the support in the budget that we just passed to fund adequately, the jails that we have already built? Every time we pass another one of these amendments and say, here is a mandatory sentence, you take somebody else out. Now who is going to be released? This doesn't say put more jails. It just says put some people in jail longer and some people shorter. Which ones are coming out? The burglars that burglarize your homes? The drug dealers that sell drugs on the streets? Which ones do you release first?

It is fine to say these things and we do it over and over and over again, but at some point, we are playing games. We passed a bill earlier in this session that put in a new parole provision. So, we can let convicted criminals out earlier to make space so that we can put more criminals in under mandatory sentences.

What is the point? What are we doing here? It's nice to do this, but we are just kidding folks out there. I am going to vote against it. I think, at the point where you start putting mandatory eight year sentences on, and haven't provided one more bed, we are just playing games here, folks.

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Thank you, Representative Farr. Will you remark further? Will you remark further on House "J"? If not, the Chair would ask that staff and guests please come to the well of the House. Members, please be seated. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber, please. The House of Representatives is voting by roll at the midnight hour. Members, please report to the Chamber. For the last vote of the day. Last roll call vote of the day.

DEPUTY SPEAKER COLEMAN:

Have all members voted? Have all members cast their vote? If all members have voted, the machine will be locked.

The Clerk will take the tally.

The Clerk will please announce the tally.

CLERK:

House "J"	
Total number Voting	145
Necessary for adoption	73
Those voting Yea	78
Those voting Nay	67
Those absent and not Voting	6

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DEPUTY SPEAKER COLEMAN:

House "J" is adopted.

Will you remark further? Representative Esposito.

REP. ESPOSITO: (116th)

Thank you, Mr. Speaker. The Clerk has an amendment, LCO7409. Would he please call and I be allowed to summarize?

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO7409, designated House "K"?

CLERK:

LCO7409, House "K" offered by Representative Esposito and Representative Fusco.

DEPUTY SPEAKER COLEMAN:

Was is your pleasure, Representative Esposito?

REP. ESPOSITO: (116th)

Thank you, Mr. Speaker. This amendment attempts to correct....

DEPUTY SPEAKER COLEMAN:

Representative Esposito.

REP. ESPOSITO: (116th)

Yes.

DEPUTY SPEAKER COLEMAN:

The Chair will entertain a motion for summarization or request for the Clerk to read the amendment.

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REP. ESPOSITO: (116th)

The Clerk just read it.

DEPUTY SPEAKER COLEMAN:

Is there objection to summarization? Is there objection to summarization? Without objection, please proceed, Representative Esposito.

REP. ESPOSITO: (116th)

Thank you, Mr. Speaker. I initially asked to summarize after the Clerk had read. Thank you.

DEPUTY SPEAKER COLEMAN:

I am sorry. I didn't hear you. Please proceed, Sir.

REP. ESPOSITO: (116th)

Your welcome. Mr. Speaker, what this amendment attempts to do is to clear up what was probably an oversight in the original bill. In section 2, it is unlawful for any person who transfers, sells or gives any assault weapon to a person under the age of 18.

Any adult who goes to a range with anyone who is under 18 years of age and passes that weapon over to them in the course of any event, would be in violation of this section.

What the amendment does is it changes the language, rather adds this section, subsection 4, if the person is a minor which is participating in a match or a

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sanctioned event and is given an assault weapon to be used for such purposes only, and supervised by an adult who lawfully possesses such assault weapon.

I move for the adoption, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

The question before the chamber is the adoption of House "K". Will you remark further? Will you remark further? Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. I would rise in favor of this amendment. What the amendment simply says is that if you are at a match and an adult legally has possession of a described weapon, then that adult can supervise the use of that weapon by a minor under 18.

Now, Representative Lawlor indicated that he had experienced with an AR-15 and he had the opportunity to shoot that and I sure, under arranged condition, he was satisfied with the way that weapon was handed to him and the instruction he go on firing it. Well, they do that with young people too and young people are in match competition all over the Country and this would help that situation and I would urge acceptance.

DEPUTY SPEAKER COLEMAN:

Will you remark further on House "K"? Will you remark further? If not...Representative Kirkley-Bey.

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REP. KIRKLEY-BEY: (5th)

Mr. Speaker, to the maker of the amendment. Is there anything currently in Connecticut statutes that would prohibit this from going on?

DEPUTY SPEAKER COLEMAN:

Representative Esposito.

REP. ESPOSITO: (116th)

Through you, Mr. Speaker, not to my knowledge.

DEPUTY SPEAKER COLEMAN:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Then it seems unnecessary to me. Thank you, Mr. Speaker and we should vote it down.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Kirkley-Bey. Will you remark further? Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. Representative Kirkley-Bey's analogy that there is nothing in the current statute that would prevent this, but if we adopt this legislation, Ma'am, that won't be allowed and it is a current practice that children under -- minors under eighteen that are fifteen, sixteen and seventeen that are already competing in competition would not be allowed to continue that.

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Thank you.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative Esposito.

REP. ESPOSITO: (116th)

Well, Mr. Speaker, seeing how there is some opposition to it, I would ask the Chair to order a roll call vote, please.

DEPUTY SPEAKER COLEMAN:

The question is for a roll call vote. All those in favor of a roll call vote, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

In the opinion of the Chair, for the members present are in support for the request of a roll call vote. When the vote is taken, it will be taken by roll.

Will you remark further? Representative O'Rourke.

REP. O'ROURKE: (32ND)

Thank you, Mr. Speaker. Ladies and gentlemen. I rise to oppose this amendment. We are giving assault weapons now to kids to minors and I am glad Representative Esposito asked for a roll call because I intended to.

There are many, many rifles other than assault

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weapons that can be used in target practices and sporting events. We don't need to put military style rifles in the hands of our young people and I don't think it is much to ask for someone to reach the age of 18 before they are able to use one of these in a sporting event.

I think it really goes against the whole purpose of this bill that is before us. I would ask people to oppose it.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative O'Rourke. Will you remark further? Representative Cutler.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. I rise in favor of this amendment. I think it is a great amendment. I have kids in my district, kids that go to my church that live in my neighborhood that shoot in supervised matches. They use handguns, they use rifles, they use match type semi automatic weapons that look like these military assault weapons, but really aren't. They just look like that. They are still semi-automatic weapons like every other gun on the market today.

What do we care about these kids are going if they are supervised in supervised matches for shooting? For competition use? Do we want to ban that too? I don't

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think so. I think this is a great amendment.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Cutler. Will you remark further? If not, would staff and guests please come to the well of the House? Would members please be seated? The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, please report to the Chamber. The House of Representatives is taking its first roll call of the day. Members, please report to the Chamber.

DEPUTY SPEAKER COLEMAN:

Have all members voted? Have all members voted and is your vote properly recorded? Please check the board. If all members have voted, the machine will be locked. The Clerk will please take a tally.

The Clerk will please announce the tally.

CLERK:

House "K"	
Total number Voting	144
Necessary for Adoption	73
Those voting Yea	70
Those voting Nay	74
Those absent and not Voting	7

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DEPUTY SPEAKER COLEMAN:

House "K" is rejected.

Will you remark further on the bill, as amended?

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, I am going to try to go over 500. The Clerk has an amendment. LCO8381. May he please call and may I be given leave of the Chamber to summarize?

DEPUTY SPEAKER COLEMAN:

Would the Clerk please call LCO8731, designated House "L"?

CLERK:

LCO8381, House "L" offered by Representative Radcliffe, et al.

DEPUTY SPEAKER COLEMAN:

The gentleman has requested leave to summarize. Is there objection to summarization? Without objection, please proceed, Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, this amendment would eliminate, from our law, the loop hole brought to the attention of the Judiciary Committee by the Chief of Police of the City of Bridgeport and would prescribe penalties for what have commonly been known as "straw men" sales.

I move adoption.

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DEPUTY SPEAKER COLEMAN:

The question is adoption of House "L". Will you remark further? Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, earlier this evening, we added debate on whether or not we should pass legislation that merely made us feel good and which had a title that made attractive headlines or whether we should pass meaningful legislation that targets the criminal element in our society while not imposing undue burdens on law abiding citizens who possess weapons for legitimate reasons.

When the Judiciary Committee had a hearing on this matter, a chief of police of our State's largest city was here in support of an assault ban. And I asked him about the type of crimes committed in the City of Bridgeport, particularly previous legislation passed by our General Assembly.

And one of the questions that was asked, has anyone in the last two years, anyone who had a pistol permit, or a permit to carry a weapon, have they been involved in any crimes involving firearms? Legitimate question in spite of the fact that he had just told us that our gun buyback bill that we passed a couple of years ago to feel good, had been a colossal failure and he said

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yes, there was one. And I thought he was going to say that someone had received a gun and had used that weapon in a hold up or a robbery or something of that nature and he said, no, there was one person, one person. And this individual had evidently purchased weapons and resold those weapons to someone who had no right to possess them. In other words, someone with a lawful permit could buy a weapon and resell it.

We had some discussion about this earlier this evening. Now, I wouldn't want anyone in this chamber to feel that this is not in violation of the law right now, it is. That is a violation of federal law and the Bureau of Alcohol, Tobacco and Firearms can, should and I believe, in this case, did arrest that particular individual.

But we were told that there were no provisions of State law, independent of federal law that required that individual to be arrested and charged. And therefore, in order to plug the one loop hole involving the one individual with a permit who abused that permit and in effect, committed a federal crime, I suggest in this amendment to make it a state crime.

What this amendment would do is say that any individual who purchased a weapon and gave that weapon or perhaps sold it on the black market at an inflated

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price to someone that he knew or had to reason to believe was prohibited from purchasing one, had a prior conviction for a felony, was underage, had any other disability, would commit a crime for which he could be fined not more than \$1,000 or be imprisoned not more than five years or both, which in essence, would make that a felony conviction.

And there are also penalties in this amendment for an individual who receives a weapon in violation of this law. So what is currently a federal crime and can be enforced by agents of the Bureau of Alcohol, Tobacco and Firearms, now becomes a State offense.

Furthermore, any person convicted of violating this section, who was previously convicted of a felony within the past five years, shall also be guilty of a class D felony.

Mr. Speaker, in the interest of targeting those who commit crimes, rather than those who pursue lawful activities in a lawful way with firearms, I respectfully suggest to the members of this Chamber that this amendment should carry the unanimous endorsement of the Chamber because it certainly deals with the one, only, solitary problem brought to our attention by the Chief of Police of the State's largest city, involving a person, who had a lawful permit to

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possess a firearm.

Thank you.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Radcliffe. Will you  
remark further on House "L"?

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

To the maker of the amendment. How does this  
amendment differ from federal statute?

DEPUTY SPEAKER COLEMAN:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker. I don't have the federal  
code here and I am not certain. I believe the federal  
penalties are somewhat more severe. It does not differ  
in its effect. It may differ in the wording. I don't  
have the answer to the actual wording of the federal  
statute because I don't have the United States Code  
here. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Mr. Speaker, through you to Mr. Radcliffe. Doesn't  
federal law take precedent over State Law?

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Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker. Yes, it would. However, in certain areas involving public health, safety and welfare, the State can also enact laws which protect the public health, safety and welfare concurrently with the federal law. So, there are some cases where federal laws would be pre-emptary. In the case of the regulation of firearms, we have what is known as Concurrent Jurisdiction and therefore, it is not precluded or pre-empted by Federal law.

Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Mr. Speaker, through you, as I have listened to the debate both here and the back room, Representative Radcliffe keeps referring to federal law, yet he doesn't have it in front of him. I just find it very difficult to believe that he has committed it all to memory. As a fantastic lawyer as he may be, I just feel it is very impossible that he has committed all of those sections, subsections, subdivisions, and all that other good stuff to memory.

The other question I have of Mr. Radcliffe, through

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you, Mr. Chair, is who will be responsible for enforcing this provision of the law?

DEPUTY SPEAKER COLEMAN:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, the enforcement of this law would rest with any municipal police department or with the State Police of the State of Connecticut.

If I may, Mr. Speaker, the federal law to which I referred earlier, was referenced by the Chief of Police in his testimony to the effect that this individual had been prosecuted under Federal law. That is the extent of the information that I have. I don't believe I said I committed the U.S. Code to memory. I don't believe anyone in this Chamber has done that.

Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Mr. Speaker, did I not hear him say that somebody would be persecuted under federal law? I am unable to hear exactly what is being said.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker. I hope I didn't use the word persecuted. I believe I used the word prosecuted

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under federal law and yes, an individual can be prosecuted under federal law by the Bureau of Alcohol, Tobacco and Firearms.

This would simply plug the one loop hold in our state law in which we do have concurrent jurisdiction and the enforcement procedures here would be with State and municipal police officers.

Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

The lady makes a good point. It is rather noisy in the Chamber. I would encourage the membership to make an effort to keep the volume of the conversations to a minimum so that debate may be progress.

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Mr. Speaker, through you, this seems to me to appear to be nice to have, but not necessarily needed. If federal law takes precedent over state law and the state law that is being recommended here is not as stringent as the federal law, then I don't see any need to pass it because the drug and alcohol firearm people would take care of it anyway. And I have listened to the dialogue and we are going on forever and I guess everybody is waiting for people to get tired and incoherent, but this is just some of the stall tactics

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that are being used over and over again by those people who want to kill the bill and I ask my colleagues to be above the foolishness and the games that are being played and vote down Representative Radcliffe's not needed amendment.

REP. RADCLIFFE: (123rd)

Mr. Speaker, Point of Order. Mr. Speaker, Point of Order.

DEPUTY SPEAKER COLEMAN:

What is your point, Sir.

REP. RADCLIFFE: (123rd)

My Point of Order is that in this Chamber, we debate the issues before us and not the personalities of the proponents of the amendments. Its Mason's 123, I would cite. I think those were disorderly words and I would cite the appropriate provision of Mason's, Sir.

DEPUTY SPEAKER COLEMAN:

The Chair would rule that the point is well taken. The Chair would caution the members to confine their remarks to the merits of the bills and amendments before us and to avoid even the appearance of impugning the motivations of any of the other members.

Will the House please come to order? As a matter of clarification, the Chair was responding to a Point of Order that was made by Representative Radcliffe.

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The Chair did not understand a specific section of Mason's to be cited. If it was, the Chair was not ruling on that specific section, but in general, on the words to be used during the course of debate. So that the Chair's ruling should not be interpreted as addressed to a specific section of Mason's.

Will you remark further? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I reviewed pretty carefully, the provisions of Representative Radcliffe's amendment and I think in spirit, I certainly support this concept of penalizing what is in effect, the "straw man" involved in these guns transfers.

But, I think, in the middle of the night is not the appropriate time to be making substantive decisions on what is in essence, a fundamentally new ingredient that is coming in to a somewhat unrelated legislation. We already have penalties in the emergency certified bill which deals with the transfer of assault weapons, under any circumstances.

I would urge rejection of this amendment. I would urge the proponent of the amendment to introduce the legislation or through his position as ranking member of the judiciary Committee to seek to have it raised as a committee bill next February.

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But I think the more that we add to this legislation, the more we sort of run the risk of undoing what we intend to do tonight which is to ban assault weapons. The proponents of the bill intend to ban assault weapons in Connecticut. That is their intent and while this is an interesting addition to the criminal statutes, I certainly think it should receive a full and fair discussion next year and I would urge my colleagues who feel similarly about the underlying bill to reject this amendment.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Lawlor. Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. Very briefly, I do wish to point out to the Chamber that this amendment is in addition to the current file copy. It does not strike any portion of the present file copy. It would be an add on amendment and so it would be at the end of the file copy, as it now stands as amended.

Secondly, in response to the distinguished Vice Chairman of the Judiciary Committee, I would have to indicate that this was a matter that was brought to the committee's attention after the session had begun. In fact, it was brought to our attention during public

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hearing. And it was in response to questions. And it was in light of those questions and those responses from the Chief of Police of the City of Bridgeport who did indicate what I think he felt was a loop hole in our law although it was covered by federal law, that I decided to propose this amendment at this time.

I believe that in light of those circumstances, it is timely. It certainly deals with the situation of crime control in the nature of guns. So, therefore, I think it is definitely related to what is being accomplished here this evening and if we are truly concerned about those individuals who abuse a public license or privilege and that is the privilege to have a pistol permit and that is not a right, that is a privilege that can be revoked by the Chief of Police for this type of conduct, then I think, putting this type of language in the law is appropriate and it might serve as a deterrent to those individuals who may be sophisticated in the law and may in fact, realize that there is no violation of state law when using this type of unfortunate arms merchandizing. Contrary to federal law which they, nonetheless, feel might be sanctioned by our law without this express prohibition.

Thank you, Mr. Speaker.

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Thank you, Representative Radcliffe. Will you remark further? Will you remark further on House "L"? Representative Jarjura.

REP. JARJURA: (74th)

Thank you, Mr. Speaker. Mr. Speaker, I listened to the Honorable Representative Lawlor and I think it is unfortunate that we are even here on a Saturday night. Time and time again, Representative after Representative in this Chamber has asked to find some common ground on this issue to work together and time and time again, we have been thwarted in these activities. I have done it in the Judiciary Committee, we have done it throughout the process and we are doing it again here tonight. It is unfortunate that this bill has to be shaped, if you will here as an anti crime bill here on the floor, but speaking specifically to the amendment, Mr. Speaker, this amendment, I think it is important for the members to very cognizant of each and every amendment. Some may seem flip to some members, but others are very, very critical in the prevention of crime especially in the prevention of the misuse of firearms. This amendment goes directly to the misuse of somebody who has a legal, valid permit and they buy, using that permit, they buy a firearm, and then for a profit, usually a very handsome profit,

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sell that gun or that assault weapon to somebody who couldn't buy it. Couldn't buy it legally because they usually have a criminal record.

So that is what this is going to plug that hole. It is an important hole to plug. I find these people, quite frankly, more copeable than the person committing the murder because, in effect, they are, through their actions, murdering the people in the streets that we are attempting to help through some way in the Legislature.

Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Jarjura. Will you remark further? Representative O'Rourke.

REP. O'Rourke:

Thank you, Mr. Speaker. Ladies and gentlemen, on a normal day, this bill had been through the process, I would be happy to support it. But I just want to point out to members in the Chamber. This is already illegal and adding the penalties to the State laws probably is a good idea down the road, but I don't think it is necessary to put it on this bill at this time. We have been here a long time tonight and I think we will probably be here a lot longer, but I really think that what we are here for today, is to

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take a preventative approach, to remove guns from the streets and this isn't going to do that. It may put a little additional fear in the minds of criminals, but I would say very little.

The underlying bill is more important that we pass. Mr. Speaker, at this time, I would like to ask for a roll call when this vote is taken.

DEPUTY SPEAKER COLEMAN:

Representative O'Rourke is requesting a roll call vote. All those in favor of a roll call vote, please indicate by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

In the opinion of the Chair, the requested number has been met. When the vote is taken, it will be taken by roll.

Representative Caruso.

REP. CARUSO: (126th)

Thank you, Mr. Speaker. I think it important because the name of the City of Bridgeport and most particularly, the Chief of Police of the City of Bridgeport have been bandied about this hall this evening by individuals who wish to add more and more onto the assault weapons ban.

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I would like to make an exceptionally clear for the record, so that there is no confusion that the Chief of Police in conjunction with other chiefs of police throughout the State of Connecticut have worked exceptionally hard, month after month, day after day, to get a ban on assault weapons in the State of Connecticut.

Now, clearly, some of the points raised, I am sure the Chief of Police who is sitting in the gallery this evening, would be in support of. But to weigh this bill down and then to see its demise, I assure you, the Chief of Police would not be supportive of that. It just seems, Mr. Speaker, as I am opposed to this amendment, that the name of the City of Bridgeport is used when it is most convenient to be used.

It is unfortunate that it is used when it pits people against people and in particular, urban area against urban area. Ladies and gentlemen, that is exactly what is happening tonight. And we look at this amendment and as the amendments done further, please keep in mind some very interesting statistics of areas of the State of Connecticut.

Now, we have talked just in this amendment tonight about statistics and laws and definitions. Let me give you some definitions that I think we have to be

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concerned about. And those definitions, ladies and gentlemen, are young people that have two arms and two legs, that have blond hair, that have blue eyes or brown eyes, that are different sizes and different ages and they're being destroyed by the gunfire that's taking place most particularly in urban areas. And to stand here tonight and to constantly use the name of the city of Bridgeport to defeat a ban on assault weapons is offensive not only to me, but it's offensive to every individual that I represent.

Drive by shooting injures three youths outside of apartment building. Innocent individuals, youths whose lives are being grabbed away by assault weapons. Individuals. AK-47's being used on the city of Bridgeport streets. AR-15's being used, ladies and gentlemen and this amendment, as in every other amendment, has done nothing more, in my opinion, than to weigh the camel down so that eventually it falls out from its own weight.

And I would only think that when you use the name of the city of Bridgeport, you also be concerned about its people, and most particularly, about its youth. And don't use the Chief of Police as an effort to pass something that is really going to go against what the Chief of Police and the citizens of our urban centers,

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and I might add the state of Connecticut residents, are in great support of a ban on assault weapons.

So for that I rise in opposition to this amendment and would urge my colleagues to do the same.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I rise in support of the amendment and I certainly don't mean to demean the city of Bridgeport or its people. In fact, just for the last two days with Representative Dyson and others, we've been working, trying to help and add some more effort to aid the city of Bridgeport and its people in combatting juvenile youth crime and work in the area of prevention.

But the fact is, Mr. Speaker, that the Chief of Police, when testifying on behalf of this bill, at the Judiciary Committee, pointed out quite clearly that one of the ways the AK-47's that Representative Caruso was just talking about get into the streets and kill people in those apartment houses, was by otherwise honest people, transferring weapons, what we would like to make under this amendment, illegally, but to this date

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is not.

Like it or not, he said that. In a television appearance on Channel 3, which I was co-panelist with him and Representative Rennie, the same issue was brought out, and the issue was presented to me: do something about it. Why hadn't I done something about this? And my answer was well, the Chief suggested it should be done, but I expected it to be for him to do it, since he was the proponent.

He didn't do it. We're here today fulfilling his wishes. If this bill is going to pass, Representative O'Rourke, it enhances the bill. It doesn't weigh it down. If it's not going to pass, I guess it's to no avail. But, if it's going to pass and everybody's for it, all it does is enhance it and does the job that proponents of the bill say we're absolutely missing, a missing ingredient from it. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Tulisano. Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. I also rise in support of the amendment and I would like to reassure this body that the Chief did, in fact, request that this be part of our effort. Without naming towns, one individual in

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this state purchased hundreds of weapons over a long period of time and resold them in this state.

Not one or two, not a couple dozen, it was hundreds of weapons. One person. That's hundreds of guns on our streets placed there illegally. This amendment addresses the problem of resale. To me, if you really want to get tough on assault weapons, you must address the problem of resale.

People buying weapons legally outside our state borders, transferring them into our state, and selling them to people who do not have the legal right or means to purchase them on their own. You really need this component. It does make this bill better.

DEPUTY SPEAKER COLEMAN:

Representative DiMeo.

REP. DIMEO: (103rd)

I support this amendment and I agree with the distinguished Chairman of the Judiciary Committee, Representative Tulisano. I can fully appreciate my brother, Representative Caruso, in his defense of his city and of his Chief. They have suffered previously in the urban areas because of weapons on the streets. And so that if he sometime might seem to be overactive to those of us that might not have that problem as quite as serious, I certainly think that it has to be

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respected and understood.

I also have a chief that has been a proponent of legislation of this type for as long as I've known him. Twenty years ago they were trying to fight this good fight of curtailing the proliferation of guns on our streets. I want to remind my brothers and sisters here, that if they think I'm going to get tired and go home early, if they think they can bring out legislation for whatever reason and usurp it and bring it out to the Floor of the House, at this ridiculous hour that it was brought out, and then we're going to go home early, no. This was a bad bill coming out of those committees. It was not well crafted. It needs a lot of work. It can be made better. Let's try to make it better here.

But the next time, if this thing does fail, let's do it in committee where it should be done, so we don't have to spend this time on the Floor.

DEPUTY SPEAKER COLEMAN:

Will you remark further?

REP. LEBEAU: (11th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative LeBeau.

REP. LEBEAU: (11th)

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Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative LeBeau, please proceed.

REP. LEBEAU: (11th)

In the last few years we debated a variety of gun bills and two years ago I journeyed down to Long Lane and had an opportunity to speak to a group of students, 14, 15, 16 year old kids who were down there, and I asked them about where did you get your guns. At that time, the opponents of some measures for gun control were saying that guns weren't purchased legitimately and sold in the streets.

Well, I asked the kids, where did you get them, they said we sent somebody into the store to buy them. They came out and they gave them to us. We gave them an extra fifty bucks. That's how they were getting on to the streets.

So very simply, Mr. Speaker, I think if this amendment can do something about that, it think it's in the right direction. I support it.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative LeBeau. Will you remark further?

REP. STRIPP: (135th)

Mr. Speaker.

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DEPUTY SPEAKER COLEMAN:

Representative Stripp.

REP. STRIPP: (135th)

Recently on a T.V. talk show, a legislator from one of our major cities made the comment that a lot of guns are getting into the inner city because they're purchased apparently legally, by people in the suburbs, and they're being traded for drugs.

I'll take that on face value and if that in fact is the case, if that in fact is a stream of guns going into the inner city, I certainly think that this particular amendment will help cut it off. And for that reason, I very strongly support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Stripp. Will you remark further? Will you remark further on House "L"? If not, would staff and guests please come to the Well of the House. Would members please be seated. The machine will be open.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House of Representatives is voting by Roll. Members to the Chamber.

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DEPUTY SPEAKER COLEMAN:

Have all members voted? Members, please check the board and see if your vote is properly cast. If all members have voted, the machine will be locked. Clerk will please take the tally. Will the Clerk please announce the tally.

CLERK:

House "L" to HB7332.	
Total Number Voting	146
Necessary for Adoption	74
Those Voting Yea	133
Those Voting Nay	13
Those Absent and not Voting	5

DEPUTY SPEAKER COLEMAN:

House "L" is adopted. Will you remark further on the bill as amended? Representative Varese.

REP. VARESE: (112th)

Thank you, Mr. Speaker. Good morning.

DEPUTY SPEAKER COLEMAN:

Good morning, sir.

REP. VARESE: (112th)

Mr. Speaker, I've listened to the debate both in the Chamber and out and I have to say, my position hasn't changed since the original bill came out of Judiciary. I still think we have the tail wagging the

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dog.

I talked with one of my police chiefs and he had indicated that he was supportive of this particular bill and I asked him why he thought this bill would be a success, as far as getting guns off the streets. What he said to me was, he said it was going to send a message. I then asked him specifically what it was going to do to get the guns off the streets, and he had to say to me, it was going to do nothing to really get the guns away from the criminals.

Ladies and gentlemen, all this bill is going to do is, it's going to affect the law abiding citizen. It's not going to affect the individual who's going to go out and perpetrate a crime. That person is going to have that weapon anyway. If that person can't buy that weapon in Connecticut, that person's going to get that weapon from some other state. That person's going to get that weapon shipped in illegally and they're still going to use it.

I'm sure you all know that some of the gang members came to the Capital and they testified regarding gangs, crimes, etc. Well, do we want to continue to go down this knee jerk lane and react in an emotional manner and pass a bill that's going to have no affect, because what those guys said was, hey, you can pass whatever

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bill you want. We'll get the weapons anyway.

So where are we going? It doesn't make any sense. Now, I just would suggest one thing. Maybe what we should do instead is, a resolution asking the federal government to make it illegal throughout the United States, and have it so that those weapons will be sold to specific entities, such as the military, the police, etc. Then we would have a handle on it.

But if Connecticut makes this illegal, don't kid yourself. Those guns are still going to be obtained by the criminals and the only people that will not have them, are the law abiding citizens. I think that is totally wrong. As a result, I'd like to request, Mr. Speaker, that the Clerk call LCO6230 and I be allowed to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO6230, designated House "M".

CLERK:

LCO6230 offered by Representative Varese.

DEPUTY SPEAKER COLEMAN:

LCO6230 will be designated House "M".

Representative Varese has requested permission to summarize. Is there objection? Without objection, please proceed.

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REP. VARESE: (112th)

Mr. Speaker, this amendment eliminates sections 2 through 8 of the bill which limits the possession of assault weapons. So individuals, again, will be able to utilize these particular weapons. It also eliminates section 12 which specifies that nothing in this act should be construed to prohibit any assault weapon manufactured in this state.

But the key to it is sections 2 through 8, and I would move for adoption.

DEPUTY SPEAKER COLEMAN:

The question is adoption of House "M". Will you remark further. Will you remark further on House "M".

REP. VARESE: (112th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Varese.

REP. VARESE: (112th)

Mr. Speaker, I just wanted to state that this is a very simple amendment. What it does is it allows people to legally own these types of weapons, but the penalty for committing crimes with these weapons, is still intact. So the mandatory sentences are there.

All I'm suggesting is if we want to send a message, let's send the right message. If we want to do

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something, let's do it against the perpetrators, not against the good citizens of this state. Thank you, Mr. Speaker. Mr. Speaker, I'd ask for a roll call.

DEPUTY SPEAKER COLEMAN:

The request is for a roll call vote. All those in favor of a roll call vote, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

In the opinion of the Chair, one-fifth of members present in the Chamber are in support of the request for a roll call vote. When the vote is taken, it will be taken by roll. Will you remark further on House "M"? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Earlier on tonight, Representative Ward scolded me a little bit because I claimed that an amendment which in effect, added a provision gutted the bill. I stand corrected. Obviously that didn't gut it; it changed the intent. But this guts the bill. So, if you're in favor of the bill, please vote against this amendment. Thank you.

DEPUTY SPEAKER COLEMAN:

Will you remark further? If not, would staff and

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guests please come to the Well? Members please be seated. The machine will be open.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber.

DEPUTY SPEAKER COLEMAN:

Have all members voted? Please check the roll call board and see that your vote is properly recorded. If all members have voted, the machine will be locked. Clerk will take a tally. Clerk will announce the tally.

CLERK:

House "M".	
Total Number Voting	144
Necessary for Adoption	73
Those Voting Yea	56
Those Voting Nay	88
Those absent and not Voting	7

DEPUTY SPEAKER COLEMAN:

House "M" is rejected. Will you remark further on the bill as amended.

REP. FUSCO: (81st)

Mr. Speaker.

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Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. The Clerk has LCO6823. That's 6823. Would the Clerk please call and may I be allowed to summarize?

DEPUTY SPEAKER COLEMAN:

Would the Clerk please call LCO6823, designated House "N".

CLERK:

LCO6823, designated House "N", offered by Representative Fusco.

DEPUTY SPEAKER COLEMAN:

The gentleman has requested leave to summarize. Is there any objection to summarization? Hearing none, please proceed, Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. Mr. Speaker and Members of the General Assembly, this amendment reaffirms an action already taken by the Public Safety Committee, when we reported the original file of this bill out. What this amendment does, is at the head of the list, at the head of the list, it describes the mechanical function of a true assault weapon, which is a selected firearm capable of expending all of its rounds with one squeeze of the trigger, having the option of fully

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automatic, semi and burst, at the option of the user.

Ladies and gentlemen, that is what an assault weapon is. That's what it does. That's what the federal government says it does. One of the things that's wrong with this list, is this list of semi-automatics? Now, if the state of Connecticut is going to decide that certain semi-automatics are considered assault weapons, then we ought to have the definition of the mechanical function of a true assault weapon, and I was pleased that the Public Safety Committee reported this out in the original file, and somewhere along the way it got lost, but it was a bipartisan vote in Public Safety, and I would urge and move adoption.

DEPUTY SPEAKER COLEMAN:

The question is adoption of House "N". Will you remark further?

REP. FUSCO: (81st)

Thank you, Mr. Speaker. I think this is so important because it's an action of a Committee of Cognizance that made its wishes known on the public safety aspects of a bill, and I would hope that we would have a roll call on this, so that Committee could reaffirm its cognizance. So I would ask for a roll call.

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DEPUTY SPEAKER COLEMAN:

Representative Fusco's request is for a roll call vote. All those in favor, please say aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

In the opinion of the Chair, the requisite 20% has been satisfied. When the vote is taken, it will be taken by roll. Will you remark further on House "N".

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, this amendment simply also guts the bill, because what it does is, it requires that only machine guns, fully automatic weapons be banned under this language. It's selective fire, it says fully automatic, semi-automatic or burst fire at the option of the user, which means, to me, perhaps I'm reading it wrong, but it means to me it's got to be fully automatic as being one of the options, and through you, Mr. Speaker, I would ask the proponent if in fact that is true?

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Representative Fusco.

REP. FUSCO: (81st)

Mr. Speaker, I think Representative Lawlor hasn't continued the lines of that statement, and I hope he's looking at, there are other drafts of this, I hope he's looking at LCO6823 which says, and I'll read, it's very brief, "any selective fire firearm capable of fully automatic, semi-automatic or burst fire at the option of the user or any of the following", ladies and gentlemen, "the following". The list remains intact.

And LCO is so good, ladies and gentlemen, that the previous action by this House is contained in this, because the Sporter's in here. Now is you're going to have this laundry list, you should have the mechanical definition of a true assault weapon also.

So, Representative Lawlor is incorrect. It bans fully automatics and it bans the semi-autos on this list. Now either you want to ban true assault weapons or you don't. I got to tell you, ladies and gentlemen, there are a lot of things that fall under that definition that are missed in that list. Thank you.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I was only seeking to

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clarify it. I'm reading this for the first time. I just want to make sure that it wasn't something other than what it appears to be.

So, through you, Mr. Speaker, a question to the proponent of the amendment.

DEPUTY SPEAKER COLEMAN:

Please proceed.

REP. LAWLOR: (99th)

This will be to clarify. Representative Fusco, this amendment, and I haven't checked them item for item, this contains each and every one of the banned weapons that appear in the emergency certified bill plus also banning the selective fire weapons which are capable of, any weapon capable of automatic fire, etc. Is that correct?

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker. That is correct and I got to tell you, I can think of probably, I'm tired, but I can think of a dozen that have selective fire that aren't on this list that are truly assault weapons and they should be there. This would cover them by definition, because it has their mechanical function.

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Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I just - I think it's great. Subject to further investigation, I'll support it and I'll just double check to make sure it's what it appears to be. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Lawlor. Will you remark further on House "N"? Representative San Angelo.

REPRESENTATIVE SAN ANGELO: (131st)

Thank you, Mr. Speaker. Mr. Speaker, I also rise in support of this new list with the functions in it. What this does do, is this includes all those foreign made weapons with different names, that are now functionally the same as the current list. So if you have a gun that's the exact same thing, but made in a foreign country, it is now currently under this list, where the previous list didn't do that.

So it think this really enhances the bill and I encourage everyone to support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, sir. Representative Cutler.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. I don't know what to think

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of this amendment. I have seen it before. I am on the Public Safety Committee and while I think the one good part about this amendment is that it actually addresses the term assault weapon. An assault weapon is a firearm that can be fired, that can be shot, either fully automatically or fully automatic, that is, pull the trigger once and all the rounds are expired, or, you can flip a switch and you can shoot on burst, that is for one pull of the trigger, three bullets are fired, or it can be semi-automatic, at the flip of a switch.

That is an assault weapon. A semi-automatic gun is not an assault weapon. So while I think that this amendment stands by the original purpose of this bill, that is to ban assault weapons, I wish that the garden variety list that follows that definition of a selective fire firearm, should be dropped, because a semi-automatic weapon is not an assault weapon. Thank you.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Cutler. Will you remark further? Representative O'Rourke.

REP. O'ROURKE: (32nd)

Thank you, Mr. Speaker. Just a couple of questions to clarify this amendment, if I could, through you, to

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the proponent.

DEPUTY SPEAKER COLEMAN:

Please proceed.

REP. O'ROURKE: (32nd)

Thank you, Mr. Speaker. Through you to Representative Fusco. Representative Fusco, can you please tell me the purpose of adding the fully automatics to this list? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Could you have the gentleman reframe the question? There is a slight din. It's not as bad as it has been earlier this evening, but he's facing away and I can't read lips, anyway.

DEPUTY SPEAKER COLEMAN:

The Chair would request quiet in the Chamber so that Representative Fusco can hear Representative O'Rourke's question. Please proceed, Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you, Mr. Speaker. Fully automatic firearms are already prohibited under federal law for sale to the general public across this country. So, I'm asking, through you, Mr. Speaker, what possible good is

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done by adding it into the state law in this amendment?  
What is added to the state law that isn't already  
illegal under federal law? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO (81st)

Thank you. I could ask that question about several  
things that are in, but I'll tell you this: yes, if  
you're a civilian and you have one of these, that is a  
true assault weapon under the definition. You have to  
have a federal permit to own one. You have permitted  
through the federal process.

But if you are a civilian who doesn't have a  
federal permit, and you buy one in the streets of  
Bridgeport or the north end of Hartford, in Bridgeport  
in Father Panik Village or P.T. Barnum, M-16's,  
AK-47's, fully automatic, you're breaking the law and  
this puts it into the list.

You know what, ladies and gentlemen, something the  
Public Safety Committee asked to be in this bill and I  
would hope that the rest of the members would  
understand that this is the true definition of assault  
weapon and we have not tinkered with the laundry list,  
willing to let those stay.

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Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you, Mr. Speaker. I think I did receive an answer that said this doesn't change the law at all. It seems to me that it's unnecessary to draft an amendment that adds language that is already covered under federal law, already covered under laws in this state, but through you, Mr. Speaker, I just want to be very clear, that people understand. I want to ask one more time to Representative Fusco. There are no additions to the list in the file copy before us? You haven't made any additions to that list, other than the language at the very beginning of the amendment?

Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker. Yes, that is true, except for LCO and recrafting this amendment did put the Sporter in which wasn't in the original amendment, but we've taken an earlier action that includes the Sporter, so this is the complete list as amended by all the amendments this evening.

To answer the question, why do we need this in the law if it's already federal law? Well, ladies and

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gentlemen, we would be codifying that the federal law is also the law in Connecticut, and the illegal purchases of these firearms that is going on in our cities, would be now listed as assault weapons, and so, those illegal purchases are already illegal, too, but that doesn't stop them, so let's have the proper definition and get on with it.

DEPUTY SPEAKER COLEMAN:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Mr. Speaker, I think I'm done questioning, asking questions about this amendment. But I would point out to the members that our bill and the file copy before us sets up a system of regulating semiautomatic assault rifles and assault weapons, very much different from the very strict controls placed on fully automatic firearms.

I really, I tend to believe that this is unnecessary to put this language in, just for the benefit of the members. That is a freeze, a set number of people around this country who are allowed, a long time ago, to own fully automatic weapons. There's an incredible bureaucratic process to go through. There are no increases in the amounts of permits. You have to pay an incredible amount of money. I think it's in

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the neighborhood of \$2,000 to get a permit for a fully automatic firearm.

There really is no point that I can see to amending this bill to add this language. Fully automatic weapons are illegal for sale in the state of Connecticut, and nothing is gained by doing this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Mr. Speaker.

REP. DIAMANTIS: (79TH)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. I would like to address the proponent of the amendment with a question, if I may?

DEPUTY SPEAKER COLEMAN:

Please proceed.

REP. DIAMANTIS: (79th)

To you, Representative Fusco, I would certainly agree with the definition that you proposed for an assault weapon, i.e., if you would indulge me, "any selective fire firearm capable of fully automatic, semi-automatic or burst fire at the option of the user."

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The definition, I would think, would end there, would it not?

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

I don't believe so, because it has been the wishes of this particular House, to say that under Connecticut law, we also have some other weapons that are a problem in this state, that we would like to include in the Connecticut definition.

So what we are doing is, we are marrying the federal definition, codifying that as also law in Connecticut, and using Connecticut's definition with the list. So, that's why the language continues and says, "or any of the following specific semi-automatic firearms."

DEPUTY SPEAKER COLEMAN:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker. While again I could adopt a definition, if you were to include "or any of the following specified semi-automatic firearms", the ones that are stolen in the state of Connecticut right now, the ones that are on this list, would not meet the definition up to the point of "or". Is that not true?

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DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

I think that is incorrect, Mr. Speaker. This is the state of Connecticut. We have our state's rights. We can marry our federal definition. Whatever Connecticut says is the list that we will also consider.

What we're saying is, it shall be the federal definition "or any of the following specific semi-automatics" and so, we're just basically saying that that is Connecticut's definition of an assault weapon and we have the right as a state to do that.

DEPUTY SPEAKER COLEMAN:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. No other questions.

DEPUTY SPEAKER COLEMAN:

Representative Farr.

REP. FARR: (19th)

Thank you, Mr. Speaker. Through you, a question for the proponent of the amendment.

DEPUTY SPEAKER COLEMAN:

Please frame your question, sir.

REP. FARR: (19th)

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Yes, Representative Fusco, the amendment says that it includes "any selective fire firearm capable of fully automatic, semi-automatic or burst fire." Is the intent to say that this includes a selective fire firearm that is capable of all three or any two of those options? Through you, Mr. Speaker to Representative Fusco.

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

The definition as described means all three of those options and that is what a military assault weapon is.

DEPUTY SPEAKER COLEMAN:

Representative Farr.

REP. FARR: (19th)

Through you, just for clarification. The weapon, then, would have to have the ability to include, would have to be capable of both being automatic, semi-automatic, and burst fire. Is that correct? Through you to Representative Fusco.

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker, that is correct and there

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are several weapons in the streets today that fit that definition.

REP. FARR: (19th)

One last question. Then a weapon that was capable of semi-automatic or burst fire, but did not have a capacity for automatic would not fit this definition unless it was in the specified semi-automatic list. Is that correct?

REP. FUSCO: (81st)

That is correct.

REP. FARR: (19th)

Thank you.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative Concannon.

REP. CONCANNON: (34th)

Thank you, Mr. Speaker. I have a question I would like to ask of Representative Fusco, if I may.

DEPUTY SPEAKER COLEMAN:

Please frame your question.

REP. CONCANNON: (34th)

Through you, Mr. Speaker. Representative Fusco.

DEPUTY SPEAKER COLEMAN:

Please proceed, ma'am.

REP. CONCANNON: (34th)

I don't think I have his attention, Mr. Speaker.

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DEPUTY SPEAKER COLEMAN:

Representative Fusco, please prepare yourself for a question.

REP. FUSCO: (81st)

Yes, Mr. Speaker.

REP. CONCANNON: (34th)

MD question is, how many of the guns listed on amendment "A" can be converted into fully automatic weapons, with the addition of a special attachment?

REP. FUSCO: (81st)

Well, I would tell you that a gunsmith who has the special tools that are necessary could probably do that to most weapons that are semi-automatic, but I got to tell you, that's an illegal act in itself. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Concannon.

REP. CONCANNON: (34th)

Thank you very much. Through you, Mr. Speaker. I knew it was illegal, but I wondered if it could be done with most of these weapons in any event. Thank you, Representative Fusco.

DEPUTY SPEAKER COLEMAN:

Thank you, Madam. Will you remark further on House "N"? Will you remark further?

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REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. For the second time, through you a question to the proponent of the amendment. Representative Fusco, it seems to me that if this amendment becomes part of the bill and the bill becomes law, that any person who currently owns a machine gun which is properly registered, will be required to obtain a certificate of ownership which is called for in the other section of this bill.

So, through you, Mr. Speaker, Representative Fusco, is that your intent with this bill to require persons who already have a registered machine gun, under the Connecticut law, for fully automatic weapons, to now have to obtain a certificate of ownership in addition to the permit that they currently hold?

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker. Representative Lawlor, that might be considered by some to be somewhat redundant, since the federal law may supersede the

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state law, but I would not be opposed to that and surely anyone who's taken the trouble and the time to be fingerprinted at all three levels of government, gone through the expense of \$2,000 or whatever, if Representative O'Rourke is correct, by the time you get done buying the weapon, it could be in excess of \$3,000.

If they've gone through that trouble, I'm sure they wouldn't mind complying with one more piece of paper. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. One additional question, through you, to Representative Fusco. Is it your intention that anyone who fails to obtain a certificate of ownership for a machine gun, pursuant to 53-202 which is Connecticut's machine gun statute which allows the special procedures for permitting a machine gun, if someone fails to obtain a certificate of ownership, my reading of this amendment being added to the underlying bill indicates that the total ban on ownership would then apply to anyone who currently owns a machine gun and has it properly permitted, who has not then taken the extra step of obtaining a certificate of ownership,

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prior to July 1, 1994.

Through you, Mr. Speaker, is that the effect of this amendment?

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker, I would agree with Representative Lawlor, that that could be the effect of this and that these people who have federal permits like to be able to have interstate transportation of these, and they already are required to adhere to the laws of any state that they are participating in matches in or wherever they go.

They're already used to knowing the laws of the states they travel through. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I have no further questions.

DEPUTY SPEAKER COLEMAN:

Will you remark further on House "N"?

Representative Caron.

REP. CARON: (44th)

Thank you, Mr. Speaker. Mr. Speaker, I'd just like

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to make a quick statement and a quick observation. I rise in support of the amendment, and as a member of the Public Safety Committee, I recall when we did discuss this bill and did accept this language in the course of our debate and I recall then that members who were in favor of some kind of a ban on assault weapons, so-called assault weapons, were very wary of Representative Fusco actually defining an assault weapon, or a fully automatic weapon.

What this amendment does, it strengthens the bill that you're hoping to pass and it gives an actual definition of the guns or the weapons. Instead of just saying we think, these are probably what we want to ban, this gives you something more to work with and it's a little more flexible. I would just urge adoption and I do think this does help your cause just a little bit. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Caron. Will you remark further on House "N"? Will you remark further? I believe a roll call vote has been approved on House "N", therefore, will staff and guests please come to the Well? Will members please be seated? The machine will be open.

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The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER COLEMAN:

Have all members voted? Have all members voted?  
If all members have voted, the machine will be locked.  
The Clerk will take the tally. The Clerk will please  
announce the tally.

CLERK:

House "N".	
Total number Voting	146
Necessary for Adoption	74
Those Voting Yea	129
Those Voting Nay	17
Those absent and not Voting	5

DEPUTY SPEAKER COLEMAN:

House "N" is adopted.

REPRESENTATIVE FUSCO: (81st)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Will you remark further. Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. I have one more brief  
amendment, and I will not ask for a roll call. It's a  
technical change that I think is necessary. Would the

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Clerk please call LCO8604 and may I be allowed to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO8604, designated House "O".

CLERK:

LCO8604, designated House Amendment Schedule "O"  
offered by Representative Fusco.

DEPUTY SPEAKER COLEMAN:

The gentleman has requested leave to summarize. Is there objection to summarization? Seeing none, please proceed, sir.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. It simply strikes off the last section of the last sentence in the section of the bill which is the exemption for members and employees of the Department of Public Safety, Police Departments, military and naval forces of the United States and so forth, and it ends with a period after agencies and strikes when on duty or the use of this within the scope of their duties, because the reason for this is because many times these people are traveling to and from, they're not actually on duty and they often in their spare time have to go, and are required to qualify on an annual basis or semi-annual basis on

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their own.

So, I would move adoption, Mr. Speaker. I think it's necessary.

DEPUTY SPEAKER COLEMAN:

The question is adoption of House "O". Will you remark further? Will you remark further?  
Representative Simmons.

REP. SIMMONS: (43rd)

Thank you, Mr. Speaker. Through you, a question to the proponent of the amendment.

DEPUTY SPEAKER COLEMAN:

Please frame your question, sir.

REP. SIMMONS: (43rd)

Am I to understand from my reading of this amendment, that we would not include within the ambit of this amendment, sworn members of the drug enforcement agency, sworn members of the F.B.I., sworn members of the Central Intelligence Agency and sworn members of the Bureau of Alcohol, Tobacco and Firearms? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker, that is correct. This is a partial list that attempts to address specific

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requirements within Connecticut. I don't think we have the right to enforce this on federal agents, anyway and if we did, I'm sure we'd have a later amendment in the Senate.

REP. SIMMONS: (43rd)

Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Will you remark further on House "O"?  
Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I rise to oppose the amendment. All this does is delete from the emergency certified bill at the end of the paragraph which you see before you in the amendment, the following words: "when on duty and the uses within the scope of their duties." I'd suggest to all of my colleagues in the House that to the extent sworn police officers will be carrying around weapons we've enumerated here, which is predominantly going to be the AR-15's, because apparently that is the weapon used by most law enforcement agencies when they're using a weapon of this type, that the only time they'll be allowed to carry it or have it in their possession is when they're on duty and the uses within the scope of their duties.

So that we're not talking about keeping these

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weapons at home unless they're required to do so as part of their duties and we're not talking about duck hunting or target shooting, other than part of the course of their duties. I think the language in the emergency certified bill is very finely tuned to require, to allow law enforcement officers to use the weapons on duty and in the scope of their duties, rather than just at any time, under any circumstances, no matter what.

Mr. Speaker, I oppose the amendment.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Lawlor.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I rise also to oppose the amendment. It seems to me that, to be honest with you, if they're off duty, hanging out with guns, if this bill passes, they ain't no better than me. There is no reason, if in fact you really believe in this bill, and if this bill is going to pass, individuals, unless they happen to use it for their business, the business they're in, should not be having these weapons.

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I don't frankly believe in the underlying bill, Mr. Speaker, but I certainly don't want to set up two classes of individuals, some, because they happen to have one job, who can have weapons that I can't have, and I think I'm just as capable and reliable as anybody else is. Thank you, Mr. Speaker.

REP. FUSCO: (81st)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. I would respectfully disagree with my distinguished colleague from Rocky Hill. There are many members, many members of the Department of Public Safety, the military department, both state and federal, the militia, that in their spare time, in their spare time when they're not on duty, participate in match competitions all over the place.

This would be an additional burden on them and you know, ladies and gentlemen, these are the people that when it really gets tough and you need a SWAT team, they're the ones that are called in, and sometimes they're not on duty, but the weapon is in their trunk and they're ready to go at any time.

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So I think we've got to be careful about whether they're on duty or not, because they're really never off duty, even though they're officially off duty. So I would urge adoption and I'll close there.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Will you remark further on House "O"? If not, the question before the Chamber is the adoption of House Amendment Schedule "O". The Chair will try your minds. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed, please say nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER COLEMAN:

The no's have it. House "O" is rejected. Will you remark further on the bill as amended. Representative Jones.

REP. JONES: (141st)

Thank you, Mr. Speaker. In order to help me in clarifying one part, I would like to ask a question, though you, of Representative Lawlor.

DEPUTY SPEAKER COLEMAN:

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Please frame your question, sir.

REP. JONES: (141st)

Representative Lawlor, may I refer you to lines 221 and 222 in the file copy. Through you, Mr. Speaker, have we arrived at those lines? Representative Lawlor. Through you, Mr. Speaker, throughout the file copy there are numerous references to licensed gun dealer, and considerable accountability placed on licensed gun dealers for transfer, sale, recording of weapons.

The question I have, through you, Mr. Speaker, of Representative Lawlor is, according to this definition, a licensed gun dealer is one who has a federal firearm license. Is he also licensed under Connecticut law? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, no.

DEPUTY SPEAKER COLEMAN:

Representative Jones.

REP. LAWLOR: (99th)

Not necessarily, I should add. I'm sorry.

REP. JONES: (141st)

The concern I have is that I've been told by my local gun dealer that there are people with federal

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licenses operating out of their homes, and in the reselling business, and through you, Mr. Speaker, I'm just interested in whether or not these people should be known to Connecticut Public Safety authorities, given the wide scope of this bill?

DEPUTY SPEAKER COLEMAN:

Is that a question, Representative Jones?

REP. JONES: (141st)

Yes, it is, sir.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Could the proponent of the question restate it, please?

DEPUTY SPEAKER COLEMAN:

Would you mind restating the question?

REP. JONES: (141st)

Not at all. Through you, Mr. Speaker, I understand that there are people with a federal firearms license who operate out of their homes in a community, who may not be known to the local police authorities, and I'm wondering if they could be operating without being known by our Public Safety Department? Through you, Mr. Speaker.

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Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, what do you mean by known?

DEPUTY SPEAKER COLEMAN:

Representative Jones.

REP. JONES: (141st)

Identified. Known as to name and address. Known if they resell an assault weapon or give a certificate of possession or whatever is required under this file. Will the state authorities be assured that everything that's required in this law, carried out by the so-called licensed gun dealer, is known to proper authorities of the state. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Law enforcement agencies within the state are certainly able to find out who is a licensed gun dealer with a federal firearms license. Persons who hold such a license who receive any of the enumerated assault weapons, would be subject to all of the same penalties as anyone else would be subject to, if they did anything with the assault rifle which was other than what was specified in the law.

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For example, taking possession for the purpose of transferring it to another person or transferring it to a repair shop.

DEPUTY SPEAKER COLEMAN:

Representative Jones.

REP. JONES: (141st)

We do have a section of the statute, Mr. Speaker, that requires the licensing of retailers who sell pistols and revolvers, in section 29. Through you to Representative Lawlor, would there be any reason to require such permit to be taken out by a federal firearms licensee, if this act is passed?

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

That's a topic worth discussing.

REP. JONES: (141st)

In that case, Mr. Speaker, I'll call LCO6234, ask that it be called and I be given permission to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO6234, designated House "P"?

CLERK:

LCO6234, House "P" offered by Representative Jones.

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DEPUTY SPEAKER COLEMAN:

Representative Jones has requested leave to summarize. Is there objection? Seeing none, please proceed, Representative Jones.

REP. JONES: (141st)

This simply takes this section sub-d of section 6 and adds that a licensed gun dealer used in this act, is a person who has a federal firearms license and a permit to sell firearms, pursuant to Connecticut state statutes. I move adoption.

DEPUTY SPEAKER COLEMAN:

The question of adoption of House "P". Will you remark further? Will you remark further regarding House "P"? Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. Representative Lawlor and I did enter into a similar discussion about this item previously and so I have a question to the proponent, through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Please frame your question.

REP. FUSCO: (81st)

Representative Jones, is it your intention in this amendment to also allow Colt who would fall in this category, to sell to the federal government, under

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their permit, any of their weapons? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Jones.

REP. JONES: (141st)

I'm not sure I understand the question. To allow Colt, you mean the corporation?

REP. FUSCO: (81st)

The Colt Firearms Corporation currently has many sales, through you, Mr. Speaker, that go to the federal government, and they sell fully automatic firearms that fit the definition that we now have, the mechanical definition that we now have in the act, and I would like to know if it is your intention and I think it's a good intention, to emphasize for legislative intent, that we would allow Colt to continue that practice, since they are a federal firearms dealer. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Jones.

REP. JONES: (141st)

I don't think anything in this amendment prevents a licensed federal firearms dealer to sell whatever he can sell now. It simply would require him to have a Connecticut permit to operate and sell at retail.

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DEPUTY SPEAKER COLEMAN:

Representative Fusco.

REP. FUSCO: (81st)

Through you, Mr. Speaker, I understand the retail portion, but Colt does sell fully automatic with mini-selectifier firearms to the federal government, and my concern is that this is I think this is a good amendment, but I hope the intention is to allow that practice that exists at Colt now to continue. Through you, Mr. Speaker.

REP. JONES: (141st)

Through you, Mr. Speaker, I would have no intent to circumscribe what the Colt Manufacturing Company can do legally in selling products it manufactures.

REP. FUSCO: (81st)

Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Fusco. Will you remark further on House "P"?

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Mr. Speaker, I think it's a good amendment. I

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would urge adoption.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Will you remark further on House "P"? If not, the question before the Chamber is the adoption of House Amendment Schedule "P". The Chair will try your minds. All those in favor of House "P", please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed, indicate by saying no. The ayes have it. House "P" is adopted. Will you remark further on the bill as amended? Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. The Clerk is in possession of LCO7414. Would the Clerk please call, and I be permitted to summarize.

DEPUTY SPEAKER COLEMAN:

Would the Clerk please call LCO7414, designated House "Q"?

CLERK:

LCO7414, House "Q", offered by Representative Nystrom and Representative Wollenberg.

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The gentleman has requested leave to summarize. Is there objection to summarization? Seeing none, please proceed, Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Members of the Chamber, this amendment, I think, strengthens the bill, as was done earlier through previous action where we amended the bill providing that the use of an assault weapon in the commission of a murder would be considered an aggravating factor. This amendment requires that a judge or jury in considering whether to impose the death penalty to determine the relative weight of aggravating and mitigating factors.

It strengthens our death penalty statute, and I move its adoption.

DEPUTY SPEAKER COLEMAN:

Question is adoption of House "Q". Will you remark further? Will you remark further regarding the adoption of House "Q"?

REP. NYSTROM: (46th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. I think it's only

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appropriate that if we're going to ban assault weapons, and that if we're going to consider them and their use to be an aggravating factor, that a court can find in a trial for capital felony murder, that that individual who uses that weapon should also face the ultimate penalty.

Therefore, I would urge the adoption of this amendment, and that when the vote is taken I would ask it be taken by roll.

DEPUTY SPEAKER COLEMAN:

The request is for a roll call vote. All those in favor of a roll call vote, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

In the opinion of the Chair, the requisite number has been satisfied. When the vote is taken, it will be taken by roll. Will you remark further on House "Q"? Will you remark further on House "Q"?

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

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Mr. Speaker, just so there's no mistake, this as far as I can read it quickly, this is the exact same bill which was considered earlier in the legislative session which was vetoed by the Governor and is presently awaiting action on an override of the veto.

Now, nothing could be clearer than a point of several things. There was an earlier amendment which added as an aggravating factor the use of an assault weapon in the commission of a murder would then be an aggravating factor in determining whether or not, when a jury or a court was determining whether or not to impose the death penalty, and clearly that was a bridge to introduce this amendment.

Now, two things, two reasons which I think compel every member of this Chamber who supports the underlying bill which is an attempt to ban assault weapons in Connecticut to vote against this amendment. Number one, this is an attempt to kill that bill, not to pass the death penalty, and number two, if you are against the death penalty, if you are for the death penalty, and you wish to attempt this legislation which sits on our desk as this amendment, then you can vote to override the Governor's veto on that bill. That is on our Calendar, and you can, if it's called, we can vote to override the Governor.

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Either way, if this amendment is attached to the file copy bill banning assault rifles, there's no greater likelihood that this amendment will pass to strengthen the death penalty than there otherwise would be if we could override his veto, so if you support the underlying legislation as I do, please recognize this as simply an attempt to kill the bill, not an attempt to strengthen the death penalty in Connecticut, and for that reason, I would urge you to reject this amendment, as I urge you to reject several earlier amendments for the same reason. This is an attempt to kill the bill, not to strengthen the death penalty. I'd ask, Mr. Speaker, that when the vote is taken, it be taken by roll. If it's already ordered, thank you.

DEPUTY SPEAKER COLEMAN:

My recollection tells me, Representative Lawlor, that we've already approved the roll call vote.

REP. NYSTROM: (46th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. For the second time, I would just like to correct for the Body the case in point that this is not the bill that Governor Weicker

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vetoed. That bill considered six factors to be an aggravating factor. This bill considers seven. The addition of the use of an assault weapon. The bill that the Governor vetoed was a bill that required the administering of a lethal injection as the means of execution. This bill does not do that. This bill retains the use of electrocution as the existing law does so this bill is in fact very different from the one that Governor Weicker vetoed, and it is not an attempt to kill the bill.

It strengthens the bill, because the ultimate penalty that someone could face for use of an assault weapon in taking someone's life is to lose their own. They're not afraid to go to prison. That's nothing they fear right now. For some of them, prison's a step up. I urge adoption of the amendment. Thank you.

DEPUTY SPEAKER COLEMAN:

Will you remark further on House "Q"?

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Yes, thank you, Mr. Speaker. Mr. Speaker, just to respond again to Representative Lawlor who says this is an attempt to kill the bill. It's not an attempt to kill the bill at all, and I will remind the Chamber once again that the same scenario was played out last

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year and the Governor at that time said if you give me a strong gun bill, I'll sign it even with the death penalty on it.

Well, he has a chance again this year. Ladies and gentlemen, this is very similar to the bill that we saw earlier in the year. It does add the weighing test for aggravating and mitigating circumstances. We've just had the trial in eastern Connecticut. Johnson who killed the state trooper Bagshaw, and I think anyone who has looked at that including some of the people that sat on the jury including the judge probably feel that there's some mitigating circumstances here.

It was overridden I think by the jury by the fact that a state trooper was killed, and there certainly was emotion throughout the state let alone just in that part of Connecticut over the fact that the person who was killed was a state trooper. In addition, aggravation was a concern in this case as well. Had it not been a state trooper, I doubt if they would have found aggravation, even in spite of the fact that I think he was shot 26 times of something, but ladies and gentlemen, I think this is an opportunity for us to do what we did earlier in the year, and that is pass a death penalty this year.

I think there was some 88 votes at that time. I

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don't think it hurts the bill. I don't think it hurts it a bit. I think the Governor has spoken with regard to a tough gun bill. We're giving him that certainly tonight. I think the Senate will see it that way, and I think this will go on to become law just as it is. I ask you to vote for this. Thank you very much.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Wollenberg. Will you remark further?

REP. LUBY: (82nd)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Luby.

REP. LUBY: (82nd)

Mr. Speaker, a question to the proponent of the amendment.

DEPUTY SPEAKER COLEMAN:

Please frame your question, sir.

REP. LUBY: (82nd)

Through you, Mr. Speaker, the question I have is, is there any portion of this amendment that has already been adopted by this Chamber on this bill tonight?

DEPUTY SPEAKER COLEMAN:

Representative Nystrom.

REP. NYSTROM: (46th)

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Thank you. Through you, Mr. Speaker, let me find the lines. Through you, Mr. Speaker, if you refer to page 5, lines 144 through 146, that language was added specifically so that LCO in an effort to assist LCO in codifying our intent in the legislation with the number of amendments offered tonight, I wanted to be consistent with the prior action of this Chamber, so in order to do that, and again in order to assist LCO, that language was added in for that purpose.

REP. LUBY: (82nd)

Through you, Mr. Speaker, another question to the proponent of the amendment.

DEPUTY SPEAKER COLEMAN:

Please proceed.

REP. LUBY: (82nd)

Through you, Mr. Speaker, is it accurate to say that if you exclude the language of this amendment already adopted by this Chamber, everything else in this amendment is the same as the bill passed by this Chamber and vetoed by the Governor?

DEPUTY SPEAKER COLEMAN:

Representative Nystrom.

REP. NYSTROM: (46th)

Through you, Mr. Speaker, that is not accurate. The bill that passed this Chamber required lethal

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injection as the means of execution. This bill does not do that. This bill simply leaves the law as it is today, that the method would be electrocution. Thank you. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Luby.

REP. LUBY: (82nd)

Mr. Speaker. Thank you, Mr. Speaker, and I appreciate the responses of the proponent of the amendment. This does appear, based on the last response, to be in fact different than the bill that was presented to the Governor. Thank you.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Luby. Will you remark further? Representative Garcia.

REP. GARCIA: (128th)

Thank you, Mr. Speaker. Mr. Speaker, I rise to oppose this amendment. The death penalty has no place in this file copy, and Mr. Speaker, we've been here since approximately 8:20 p.m. We've taken this proposed legislation. We've torn it apart. We've gone through it inch by inch, and I guess the idea is to discourage those who are supporting this legislation. I will not be discouraged, and I urge the members who are supporting the ban on assault weapons to reject any

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and all following amendments, and let's get on to the business of doing what we were supposed to do, which is make a decision and pass legislation to ban assault weapons. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Garcia. Will you remark further on House "Q"? Will you remark further? If not, would staff and guests please come to the Well. Members, please prepare to record their votes. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, to the Chamber. The House is voting by roll call. Members, to the Chamber please.

DEPUTY SPEAKER COLEMAN:

Have all members voted? Have all members voted? If all members have voted, the machine will be locked. The Clerk will please take the tally.

The Clerk will please announce the tally.

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House "Q" to House Bill 7332.

Total Number Voting	145
Necessary for Adoption	73
Those Voting Yea	59
Those Voting Nay	86
Those absent and not Voting	6

DEPUTY SPEAKER COLEMAN:

House "Q" is rejected. Will you remark further on the bill as amended? Will you remark further?

Representative Mazzocchi.

REP. MAZZOCOLI: (27th)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to Representative Lawlor.

DEPUTY SPEAKER COLEMAN:

Please frame your question, sir.

REP. MAZZOCOLI: (27th)

As I read the section that has to do with lawful times of possession, beginning with subsection D line 155, if a person is in transit to one of the lawful places listed, but stops for instance at a 7-11, for purposes of legislative intent, would that person be in violation of the law?

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

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Thank you, Mr. Speaker. Through you, no, that person would not be in violation of law assuming they're complying with the other sections of this bill and assuming they don't point the assault rifle at the person behind the counter in the 7-11 and ask for money.

REP. MAZZOCOLI: (27th)

Thank you. I don't bring this up to be facetious, but to be sure because we define certain activities that are legal. By assumption other activities may not be legal. One of the problems I have with this in reading this, it would appear that there are six conditions under which transport would be allowed while under Section 6, it talks specifically of transporting the assault weapon to the places mentioned in the subsection or to any licensed gun dealer.

My concern has to do with transport out of state. I would assume that transport out of state is allowed under any of these conditions, but it would appear that there are states that do not have assault weapons bans, may have different licensing requirements for target shooting or gun clubs or otherwise, and because of the way this amendment has been worded, a person who proposes to transport his weapon out of state may technically be in violation of the law.

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I would ask the Clerk to call LCO6235, and ask that I be allowed to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO6235, designated House "R"?

CLERK:

LCO No. 6235, designated House "R", offered by Representative Mazzoccoli.

DEPUTY SPEAKER COLEMAN:

Is there objection to summarization? Is there objection? Hearing none, please proceed, Representative Mazzoccoli.

REP. MAZZOCCOLI: (27th)

Thank you, Mr. Speaker. What this amendment does is it places a new section beginning at line 172, I believe was the original reference. I'm sorry. After 178, add the Section 7, and what it simply does is allows a person to transport the weapon out of state if prior to that transport the person files a letter of that intent to transport, prior to the transport, to the local police department in the municipality where the person lives or with the Department of Public Safety, and basically says that that statement of intent to transport would state the purpose of the transport and the time of that transport.

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This simply would again allow a person to make that transport out of state to states where the law may be slightly different, and not be in violation of Connecticut law. The person is going to have to state that he's going to transport the weapon in the hopes again of being in compliance with state law. I would move adoption of the amendment, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

The question is adoption of House "R". Will you remark further?

REP. MAZZOCOLI: (27th)

As I stated, Mr. Speaker, it helps close a gap, a flaw in this bill which is not clear with respect to out of state transport. I think people who legitimately own a weapon with a certificate should be allowed a means to transport their weapon out of state for legitimate purposes. Again, I move adoption. Thank you, Mr. Speaker.

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I think that I can't imagine any set of circumstance which would be

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legitimate and which would not be permitted pursuant to Sections 1 through 6 of the relevant, I guess it's Section 4(d) and subsections 1 through 6. Any legitimate purpose for taking it out of state would have been covered in one of these six sections, and I would urge defeat of the amendment for that reason, and add to that the additional and significantly more confusing paperwork than is already provided for in this bill.

This is a whole separate procedure of notification of a police department. It leaves an open question about what constitutes adequate notice, etc. etc., and I think that whether a person is taking it out of the state to transport it to a dealership or a gun show or an exhibition or a target shooting or to a new residence, all of those would be protected under the emergency certified bill, assuming a person is otherwise qualified.

REP. MAZZOCCOLI: (27th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Mazzoccoli.

REP. MAZZOCCOLI: (27th)

Again, I can understand the proponent of the bill, the reasons for not wanting to allow this, but the fact

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of the matter is we are defining specific regulations for the State of Connecticut which may not apply in another state. I can tell you of one specific circumstance. If I own an assault weapon and I want to go on vacation, I have a cottage in Maine. I may not have a specific purpose in mind at that point. I may go to a friend's cottage or I may go to a hotel for instance.

In the one case, where the bill says somebody's residence, that would be covered, but I can think of a specific circumstances, for instance, under the hunting laws where certain of these weapons might be allowed where the person wants to comply with the law. This simply allows the person to comply with the law, and I see it as a friendly amendment, Through you. There's nothing in here that is more onerous than what we've provided.

If a person is going to take a weapon out of state or would like to, it gives them a reasonable vehicle to do so. They provide notice of what their intent is. It's simple. If we don't want them to transport these things, we should simply say that, but if they do, we should provide a reasonable process for them to be able to transport out of state. Again, Mr. Speaker, I would urge this Assembly to approve this. I see it as very

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technical, and helping the cause here, and I'd ask for a roll call vote on this, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

The request is for a roll call vote. All those in favor of a roll call vote, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

In the opinion of the Chair, the requisite 20% has not been met. When the vote is taken, it will be taken by voice.

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

I just in addition to the sections I cited earlier, Section 11 does make specific provision for out of state transportation and specifically states that the provisions in Section 2 and Section 3 which prohibit the possession or sale of these weapons shall not apply to transporting out of state.

DEPUTY SPEAKER COLEMAN:

Will you remark further on House "R"? Will you

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remark further? If not, the question before the Chamber is the adoption of House Amendment Schedule "R". The Chair will try your minds. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed, say no.

REPRESENTATIVES:

No.

DEPUTY SPEAKER COLEMAN:

The nos have it. House "R" is rejected. Will you remark further on the bill as amended? Will you remark further?

REP. SIMMONS: (43rd)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Simmons.

REP. SIMMONS: (43rd)

Thank you, Mr. Speaker. The Clerk has an amendment LCO No. 6824. I'd ask that he draw the amendment and I be allowed to summarize.

DEPUTY SPEAKER COLEMAN:

Would the Clerk please call LCO6824, designated House "S"?

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CLERK:

LCO No. 6824, designated House "S", offered by  
Representative Tonucci, et al.

DEPUTY SPEAKER COLEMAN:

The gentleman has requested leave to summarize. Is  
there objection? Seeing none, please proceed,  
Representative Simmons.

REP. SIMMONS: (43rd)

Thank you, Mr. Speaker. Very briefly to summarize,  
the office of the director of civilian marksmanship  
sponsors matches involving a certain specified number  
of firearms. The list of these firearms authorized by  
the Department of the Army for use in these DCM  
enrolled clubs. What this amendment does is simply  
provide a list of these firearms that are used in these  
matches, and authorizes their use for this purpose. I  
move the amendment.

DEPUTY SPEAKER COLEMAN:

The question is adoption of House "S". Will you  
remark further? Will you remark further regarding  
House "S"?

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

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REP. LAWLOR: (99th)

Just a question, through you, to the proponent of the amendment. Are any of the weapons mentioned on this list capable of being switched to fully automatic?

DEPUTY SPEAKER COLEMAN:

Representative Simmons.

REP. SIMMONS: (43rd)

Mr. Speaker, not without certain special adaptations in my view, although some of them are that type.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, since we're trying to be so precise tonight, does the answer to that mean no, that none of these are under any circumstances capable of being switched to fully automatic?

REP. SIMMONS: (43rd)

Under certain circumstances, yes, through you, Mr. Speaker.

REP. LAWLOR: (99th)

And, through you, Mr. Speaker, are any of these listed in the emergency certified bill?

REP. SIMMONS: (43rd)

I would have to go through the bill line by line,

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Mr. Speaker.

REP. LAWLOR: (99th)

Well, through you, Mr. Speaker, I'd just say that the bill is fine tuned. As amended, it now bans fully automatic weapons, unless a certificate of ownership has been obtained. It bans the enumerated weapons which have been the subject of debate all night, and I would urge rejection of this amendment.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Lawlor. Will you remark further regarding House "S"? Will you remark further?

REP. FARR: (19th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Farr.

REP. FARR: (19th)

Yes, through you, a question to the proponent of the amendment.

DEPUTY SPEAKER COLEMAN:

Please frame your question.

REP. FARR: (19th)

Unless I'm misreading this, didn't you by striking out B, eliminate a lot of the exclusions that. I'm sorry this is B of 1, that you struck out. Is that correct, so that the language that you've stricken from

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the present bill or the bill as it now stands says that any, is the language that says including any firearms modified to render as permanently inoperable?

If not, through you, Mr. Speaker, what language, what paragraph is being, did you strike out of the bill, as amended? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Simmons.

REP. SIMMONS: (43rd)

It was my understanding that the subsection in Section 1 would be a listing of weapons, but I don't have the file copy before me. Let me, if the House would stand at ease for a moment, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

The House please stand at ease.

REP. SIMMONS: (43rd)

Mr. Speaker. Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Will the Chamber please come to order?

Representative Simmons.

REP. SIMMONS: (43rd)

Yes, Mr. Speaker. As I read the amendment, I believe it is flawed in its drafting, and on that basis, I will withdraw it.

DEPUTY SPEAKER COLEMAN:

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Representative Simmons has requested the withdrawal of House "S". Is there objection? Without objection, House "S" is withdrawn. Will you remark further on the bill as amended? Will you remark further? If not, would staff and guests please come to the Well. I'm sorry. Representative O'Neill.

REP. O'NEILL: (69th)

Yes. Mr. Speaker, just briefly, we are on the bill as I see, and I would just like to make a few very brief comments. I haven't spoken on any of the amendments, haven't brought out any amendments, and I beg the Chamber's indulgence while I take just a couple of minutes here.

DEPUTY SPEAKER COLEMAN:

Please proceed, sir.

REP. O'NEILL: (69th)

I'm going to be voting against this. I voted against the bill that was very similar to this, at least as it started out in the Judiciary Committee, and my reason for doing so is that quite simply I believe that this bill is unconstitutional under the terms of the Connecticut State Constitution, Article 1, Section 15, which has been cited here tonight several times by Representative Radcliffe and others.

That provides that everyone has the right, every

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citizen has the right to bear arms in defense of himself and the state. It seems to me it's very plain. There's no problem as with the second amendment trying to read in a requirement for an organized militia that has to be part of that right, or that somehow it's a collective right. It's very clear that it's an individual right, and it has never been construed by any Connecticut court as something that is no longer a political, or it can be waived or it can be just overridden by the legislature.

Now recently, recently a Connecticut Bar Association Bar Journal produced an article in which they said basically as one of their conclusions that, yes, the Connecticut legislature could with relative ease ban assault rifles or assault weapons as we are talking about doing here this evening.

If you read the article, you don't even have to read it carefully. Just read the article, you find that after they reach the conclusion which is at the end, that yes, you can do the banning, the whole thing is based on one case in the State of Michigan which dealt with banning black jacks as a dangerous weapon and being carried in an automobile, and there's absolutely nothing in that case related to rifles, assault rifles, or anything like that that was

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construed by that Michigan court.

Now that's the only, as far as I can tell, this is a fairly thorough article case, that attempts to say that assault rifles can be banned under the terms of the kind of constitutional language that we have here. The reason why they cite that Michigan case is that under Michigan's Constitution it's very similar to the Connecticut Constitution with respect to the provision about defense of self and state. Now I don't think there's any doubt in anyone's mind that a black jack is a concealable weapon, and that it's something that could be used and has been used by criminals, and carrying weapons in vehicles is something that we have recognized as something we should not allow to be done, and if those are things that are clearly reasonable restrictions that can be placed on the right of people to bear arms, and ultimately the standard by which we should evaluate a piece of legislation such as this, a gun control or any other arms ban or limitation is whether it is in some way reasonable and related to crime control.

That's what we're here to do, not just to pick things out and say arbitrarily you can have this, you can't have that. We are the Legislature. We decide. No one seems to really believe or tried to advocate

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that AR-15s or Ruger Mini-14s or M-1 rifles are the weapon of choice of criminals, that they are a type of weapon that the criminal population utilizes with large frequency. Everyone, and this article even cites Senators Kennedy and Metzenbaum, when they're referring to Saturday night specials, they cite the statistics that show that criminals prefer easily concealable short barreled types of weapons, not the semi-automatic rifles that we're talking about here tonight.

Now this legislation bears no reasonable relationship to effective crime control, and I think that on that basis alone, it is unconstitutional because it is not reasonably related to something that we have a legitimate interest in doing, and I really think that this is a serious element of the reason for opposing this legislation. There's nothing in the Constitution about the rights of hunters, although we should try to protect everyone's rights, even if they're not specifically enumerated in our Constitution.

There's nothing in there about target practice, although again it's something that there's nothing that I think automatically makes that something that we ought to ban or regulate, but clearly, we have very specific language in a document our Constitution, that

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was adopted in 1965. When I was preparing my remarks, I left them sitting on my desk, and one of my colleagues was kind enough to put a little something here, and she wrote, the crafters did not have in mind assault weapons. Neither did our forefathers.

A lot of people like to talk about the fact that the Constitution was written back in the early part of the 19th century, but it was rewritten in 1965, and as late as 1986, the Connecticut population had to vote on a referendum as to whether to have a new constitution with a new convention, and we voted no. This thing has been carefully considered. We looked at it as late as 1965, and all of the weapons we're talking about banning here were in existence or some version of them was in existence in 1965, and this language was still left here.

I would urge the Chamber to reject this legislation. It is simply and plainly unconstitutional, and the best effort that I've seen to try to find a legal rational analysis of case law to support the constitutionality of this thing, fails miserably citing a case that has absolutely nothing to do with assault rifles and has absolutely nothing to do with the State of Connecticut, so I would urge the Chamber to oppose this legislation because we do have

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an obligation, I think, to reject laws that are on their face violative of our State Constitution. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative O'Neill. Will you remark further? Representative Norton.

REP. NORTON: (48th)

Just a few comments. Like Representative O'Neill I have refrained from speaking on the amendments and offering any, but I do want to make a couple observations. I've actually had quite a few constituents tell me they think I should vote for this bill, and to a man or woman, I believe, they believed that none of the weapons are used by a hunter or a target shooter. I believe they think these are weapons only desired by someone who wants to go in and wipe out a McDonald's, but the fact of the matter is that these guns are used regularly by law abiding citizens in law abiding hobbies, and so I think that myth should be put to bed.

The other myth I think that should be put to bed is that somehow if these are made illegal, people aren't going to get them. For example, much of these seem to be associated with people involved in other criminal activities, in particular the drug trade. Why would

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someone whose whole livelihood is enmeshed on a daily basis violating several year sentence crimes all of the sudden pause and say I'd better get out of this business. I'd better carry out my life in a different fashion because having this gun is a crime now.

If someone is willing to violate our serious laws against selling cocaine or raping a woman or shooting a child or robbing a store, why would this additional prohibition, why would us having a legal sanction against owning the gun all of the sudden stop them in their activity? None of these other laws with severer sentences than this have stopped them. The black market will carry another item on its shelves. I mean, we've made cocaine illegal. It doesn't seem to stop them in selling or using cocaine. Making these guns illegal certainly won't stop them.

On additional point I'd like to make, this proposed statute calls for minimum mandatory sentence, and I would just like to refer people to Section 53A-216b of our statutes, which says criminal use of a firearm is a Class D felony for which five years of a sentence imposed may not be suspended or reduced by the court. It says you've got to serve five years for criminal use, A, B or C felony with a firearm. It reads almost exactly. There is a difference with the statute as

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being proposed today.

It's been on the books since 1981. The statute is so little used, that this General Assembly keeps repassing it. We did it three or four years ago. We're doing it again tonight. We're passing the same law over and over again. That's how little used it is. I would put forward that this legislation is next to useless. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative Jarjura.

REP. JARJURA: (74th)

Mr. Speaker, not to belabor the point, and I know everybody's tired, and I join them in that, but I just want to follow up on a few points that the distinguished Representative Arthur O'Neill has raised, and I don't disagree at all with Representative O'Neill's conclusions or his analysis, but I think it's important, it's important for everybody in the Chamber to realize what's going on here tonight, what we're voting on.

Article 1, Section 15 of the State of Connecticut Constitution, provides every citizen has the right to bear arms in defense of himself and the state. This is a fundamental right. It's a specifically enumerated fundamental right. Now that's to be distinguished, Mr.

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Speaker, from implied rights. This is a specifically enumerated fundamental right. I think it's important to make that distinction. I will divert from what Representative O'Neill did say. He mentioned the test as being rationally related, and maybe I misinterpreted that, but when I was in law school, and it wasn't that long ago, in constitutional law, one of the basics that we learned is when you're dealing with a fundamental right, and other fundamental rights that you may be familiar with are the right of speech, and while they're not absolute, obviously you can't yell fire in a crowded theater.

While they're not absolute, any state action, and that's what we are. We're the state taking action here. Any state action must meet the compelling interest test. It must be substantially related to an important state interest. Now some people may say that the protection of human life is a very substantial and important test, but it doesn't end there. You must next go on to make sure that the fit is a tight fit, meaning that the law that you have crafted is narrowly drafted to meet the specific problem you're looking to address.

Now that's very important. It's got to be very narrowly drafted. I think there's a lot of problems

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with this bill. I think a lot of them have been brought out, and quite frankly, at this point, I'm not sure what the bill looks like. I don't know which amendments have passed. I would hope that this bill would have been dealt with in a committee process, sat down where we had time to look at it and deal with the chiefs of police and the interested parties and come up with a good law.

Ladies and gentlemen, Art O'Neill, distinguished Representative Art O'Neill, is correct. This bill that we are voting on is unconstitutional, and I'll tell you another thing, ladies and gentlemen, the State Supreme Court has ruled time and time again that the State Constitution is an independent source of laws, independent from the federal constitution. They have expanded upon the rights in the state constitution. I think that this issue if it should pass this House, and it should pass the Senate, is going to end up in court, and I'd be very interested to see what our distinguished justices do over there, but we have the first crack at it over here, and ladies and gentlemen, I think when you judge this against the principles of constitutional law, realizing this is a specifically enumerated, expressly enumerated fundamental right, and other rights that I'm sure many in this Chamber hold

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dear, that are number rights. They're implied rights. They don't expressly are stated in the constitution.

One is the right to have an abortion, the freedom of choice. Those rights are not even specifically enumerated, yet many in this Chamber have no problem defeating any attempt in which to narrowly define conditions with those rights. Yet many seem in this Chamber that this specifically enumerated right is less worthy of protection. I think that's a very dangerous precedent, ladies and gentlemen. I won't take any more of your time because I'm sure everybody has made up their minds. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Jarjura. Representative Farr.

REP. FARR: (19th)

Mr. Speaker, just so the Chamber understands what the bill now says as I understand. The bill has been substantially changed. The bill that came before us dealt primarily with the outlying restriction of assault weapons in Connecticut. People argued that it is criminals that are the problems and we have to increase the criminal penalties. The bill was amended. Representative Norton said, you already have a five year mandatory sentence for use of a gun. This bill

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now says an eight year sentence of the use of an assault weapon.

The bill was amended in addition to say that as a factor in determining whether you get a death sentence. If you use an assault weapon, you may be subject to the death penalty, so those of you who say criminals are the problem, the bill addresses that, and the other question was raised by Representative Radcliffe who said the problem is the sale of weapons illegally and that we have a problem with straw men, and we ought to address that, and the bill now addresses that.

So this bill has been changed substantially. If you were concerned because it only dealt with one issue, it deals with more than that, and as far as any defects in the provisions of the assault rifle part, the ban on assault rifles goes into effect July of 94, there is some time so if there are any defects in this, we're going to have a chance to address it next session.

I think at this point the bill addresses all of the issues that have been raised, and I urge passage of the bill.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

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Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, a few questions to the proponent of the bill, Mr. Speaker, not intended to prolong the debate, but, through you, Mr. Speaker, to Representative Lawlor. Directing you to lines 37 through 41 of the proposal, this indicates that a person who has a part or combination of parts which are intended to convert or design, is that intention on the part of the manufacturer or the possessor of that part who might be subject to criminal penalty?

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. The possessor.

REP. TULISANO: (29th)

And through you, Mr. Speaker, are these parts, as parts of an assault weapon, in the possession or under the control of the same person. We have some understanding of that is intended to mean, through you, Mr. Speaker?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. Yes, I'd be happy to elaborate. We did discuss this matter earlier. Section 2 can be violated in two ways. First of all,

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if a person possesses a special part which when combined with an existing weapon in the possession of that person makes it into an assault weapon, the possession of those two parts would constitute a violation of the statute, and the second way to violate this statute is to possess what is in essence a disassembled weapon which constitutes one of the enumerated weapons in Section 1.

In other words, if you had all the parts disassembled which could easily be, and it says rapidly assembled, I might add, so not something that could take some time to put together, but if it's just a matter of inserting a clip into a gun or a stock, or whatever, that's what is intended. In other words, if you have before you a complete, but not fully assembled assault weapon that is an assault weapon, and my understanding going back to the first part, the only one of the weapons on the list in Section 1 which would constitute the type that could be not an assault weapon with the absence of one part would be the Ruger Mini-14/5F folding stock model only.

Without the folding stock, it's not an assault weapon, and if you had both those together, it would violate the statute.

REP. TULISANO: (29th)

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Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Tulisano.

REP. TULISANO: (29th)

In line 40, then what's under the control of the same person mean? Through you, Mr. Speaker.

REP. LAWLOR: (99th)

Through you, Mr. Speaker, for legislative intent, it means, I guess it means the same as possession. It means within easy reach or within their home or their car.

REP. TULISANO: (29th)

Through you, Mr. Speaker, does that also mean that maybe I have undue influence over somebody else who might have these?

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

I don't believe so. No, Mr. Speaker.

REP. TULISANO: (29th)

Through you, Mr. Speaker, is it possible to be interpreted that way?

REP. LAWLOR: (99th)

That is possible.

REP. TULISANO: (29th)

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Mr. Speaker, Clerk has an amendment LCO8376.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO8376, designated House "T" as in tooler.

CLERK:

LCO No. 8376, designated House "T", offered by Representative Tulisano.

DEPUTY SPEAKER COLEMAN:

Is there objection to summarization? If not, please proceed, Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, this amendment just strikes that section, those lines 37 through 41. I would move its adoption.

DEPUTY SPEAKER COLEMAN:

The question is adoption of House "T". Will you remark further?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, I think the language in this amendment in this particular section of the bill is really too vague for enforcement. Just as Representative Lawlor just indicated that the individual, it may mean a number of things, and it certainly gives so much discretion on the part of any enforcing officer that one cannot conform their conduct

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to rule of law and to make sure that they're not violating this public act.

It may be one thing if this were a minor offense, but they are now treating this control of somebody else or even a small part which you may not even know is intended to be converted. Meanwhile subject to now excessive penalties, and in fact I guess is possession of an assault weapon, if you even had a part in your pocket and some minor crime were involved, or even if you had it in your car, there are a number of series of criminal offenses one becomes subject to as a result of this.

Mr. Speaker, because of it being so vague, I think it's inappropriate to be in this act at this time. I move its adoption.

DEPUTY SPEAKER COLEMAN:

Will you remark further on House "T"? Will you remark further?

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

I would urge rejection of the amendment. I think it's important that persons who have disassembled guns

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in their possession are also subject to the same penalties that would be. I would fly in the face of the intent of this bill to have someone avoid prosecution simply by pulling a clip out of a gun.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I couldn't agree with Representative Lawlor more if that's what the section said, but it's got a lot to do more than just pulling the clip out of a gun. It's got to do with a possible firing pin. It's got to do with the mechanical device. The possessor which may not even know what it was manufactured for, and also as he himself indicated, also might be an individual who has undue influence over another.

It could be a parent. It could be an uncle. It could be anybody who has control over another person. It's not necessarily possession of what he has referred to disassembly. We're passing a penal statute right now, a criminal law with substantial mandatory minimum sentencing. We're not playing, and I think that it's our obligation to write those statutes narrowly and the

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way people can conform their conduct. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Tulisano. Will you remark further on House "T"? Will you remark further?

REP. LAWLOR: (99th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Lawlor.

REP. LAWLOR: (99th)

For the second time, possession is clearly defined in the criminal statute. Possess means to have physical possession or otherwise to exercise dominion or control over tangible property.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Lawlor. Will you remark further? Will you remark further on House "T"? If not, the question before the Chamber is adoption of House Amendment Schedule "T". The Chair will try your minds. All those in favor of House "T", please say aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed, say nay.

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REPRESENTATIVES:

No.

DEPUTY SPEAKER COLEMAN:

The Chair is in doubt. The Chair will try your minds again. All those in favor of House "T", say aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed to House "T", say no.

REPRESENTATIVES:

No.

DEPUTY SPEAKER COLEMAN:

The Chair will order a roll call.

(Laughter)

Will staff and guests please come to the Well. Members, please prepare to record your votes. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber.

DEPUTY SPEAKER COLEMAN:

Have all members voted? Have all members voted, and is your vote properly recorded? If all members have voted, the machine will be locked. The Clerk will

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take a tally.

The Clerk will please announce the tally.

CLERK:

House "T" to House Bill 7332.

Total Number Voting 145

Necessary for Adoption 73

Those Voting Yea 71

Those Voting Nay 74

Those absent and not Voting 6

DEPUTY SPEAKER COLEMAN:

House "T is rejected. Will you remark further on  
the bill as amended?

REP. BEAMON: (72nd)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Beamon.

REP. BEAMON: (72nd)

Thank you, Mr. Speaker. I'd like to some degree  
associate my remarks with Representative O'Neill and  
Representative Jarjura. Those two members of our House  
are lawyers by profession. I didn't think in two  
sessions I would say that I am not a lawyer, but I  
am not a lawyer, and I don't understand all the  
intricacies of this bill, and what it may mean for our  
communities.

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I try to feel I'm like a common man with a little common sense who just happened to be lucky enough to get elected. So I'm not..

(laughter)

Four times, so I'd like to be a realist at 2:30 in the morning. Coming from a city, I would hope that any legislation that we pass to some degree would be real. If I thought deep in my heart that in some way this proposed ban on assault weapons would stop the carnage in our cities, I would really really want to vote for it. I really would. I'd also like to thank Representative Norton for pointing out that we have laws already on the books that all they have to do is be utilized to some degree and we could put people who do these things away, and then other members through the debate talked endlessly about more jails and more jails and throw away the key, and then we heard Representative Farr say that anytime that you put someone in, you've got to let somebody out.

That's a whole new debate, a whole new debate, but very quickly, if this bill would solve the problem, I think many of us who are in the middle on it, would sign on. I think there are some good aspects of the amendments that were passed, but basically what they do is already mirror what's already on the books with

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the exception of a few more years. I don't know if it works. All I do know, Mr. Speaker, and members of the House, is constituents of mine calling me, telling me about gunfire every night, and again if this would stop that gunfire every night, I'd vote for it, but I don't think anything we're going to do, being real again, in this Legislature is going to stop the carnage on the streets, because the criminals will get these weapons and any other weapons they want, and decent citizens, once again, will be trapped at home, afraid to go out, afraid to put their children on schoolbuses, afraid to stand up outside of a mall, afraid, sorry McDonald's as Andrew said, they'e going to McDonald's.

We can't continue to live this way, but we have to be real about it. We're put here to pass real bills for real people and real problems, and this isn't real. This is unreal, and I'm supposed to feel good about it because I'm from the city. I'm supposed to be able to go back and campaign for the fifth time maybe and tell everybody I voted to ban assault rifles and assault weapons, and they'll say la di da.

Did you see Johnny Jones with that great big AK-47. He's going to blow somebody away. That's the real world, and everybody in the community knows that Johnny Jones is a bad apple, but I'm a Legislator. I went and

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did a real bill. I said you're not supposed to have that. Let's get real this evening, this early morning. Let's defeat this legislation. Let's come back and do something which is correct, which is right, which is real, and which will send a message once again this session to our citizens that if you hurt Connecticut residents, you go to jail, you pay for it, and that we are tired of being locked in our communities.

Let's do the right thing. Let's reject this.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Beamon. Representative Caron.

REP. CARON: (44th)

Thank you, Mr. Speaker. Mr. Speaker, I know that everyone is getting tired this evening. I did not rise to call any amendments, even though I do feel like I'm getting my third wind. I will try to be very brief. This evening and this morning, we have tried to define a very difficult issue to define. The past two days we've discussed a number of constitutional issues. Both I think are very close and very near and dear to many people's hearts in here, and they are very definite ideas about what the constitution means to them, whether it's desecrating, physically desecrating a flag or whether it's protecting the right to protect

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our state, our country, our families.

I'm not sure how the people of Yugoslavia feel, or the former Yugoslavia feel about gun control, but I have a very good idea that perhaps the Muslims and the Bosnians are happy they have the guns they have. We've talked a lot about banning certain weapons, and I think what has happened is we have missed the point of why we even discuss banning weapons at all.

It seems to me, and I'm just a person from northeastern Connecticut, very rural, but it seems to me that the fundamental problem here is there is violence in the cities, and we're not addressing why there is violence in the cities. What causes the violence in the cities? Guns are just an outgrowth of some of the violence in the cities. Why are there gangs in the cities? In the Public Safety Committee this year, a young gentleman showed up and testified on some of our guns bills. His name was Scott X. He represented the Elm City Nation from New Haven.

He's a very well spoken young man, and you could hear the jaws of the Legislators dropping on the desk as he spoke, and he actually addressed the problem of violence, and why kids join gangs, to find some self worth. They come from broken families. It's difficult to concentrate in school if you don't have enough food

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in your belly. It's difficult to go home if a parent isn't there, and certainly if there are not two parents there, and so one of the programs he has instituted is to take many of the drug dealing and the entrepreneurial spirit that is inherent in that and try to re-channel it, and it's basic economics.

They now market their own line of clothing, and it's not some chain that comes in and says we're going to do all these wonderful things for you, your community, your inner city community. These are people who actually own the shirts, the sweatshirts, the underpants, the socks, and when a 15, 16, 18, 21 year old can go out and sell a sweatshirt and make more on commission than he can make selling a dime bag of coke, what do you think he does?

Well, according to Scott X, they sell the sweatshirts, and they don't just up and give up the gang, but they slowly wean themselves off of it, and it takes time, but it seems to me he's got a very good program, but did we do anything about that this year? Did we even address it? The last I heard of Mr. Scott X was that day in the Public Safety Committee public hearing. I have not heard a word about it since.

Unfortunately, I haven't been able to see the young man since, and it's too bad, and in next year, I hope

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he comes back and I hope we finally begin to address the fundamental problem of poverty that breeds the violence, the drug dealing, the gangs, the territoriality, and ultimately the violence and the gunfire in the cities. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Caron. Representative Cutler.

REP. CUTLER: (51st)

Thank you, Mr. Speaker. I don't particularly think this bill as a whole will do a lot to curb crime or to get guns off the streets. I think there are good parts in it, parts through the amendment process that definitely improved it, and those are the mandatory sentencing requirements when crimes are committed. I think those are a great idea. I think those are a great idea because I believe that those amendments were directed at the problem.

The problem is what? The problem isn't a gun. The problem is a crime. The problem is a lot of crime. Crime does not begin or originate when a gun is made at Colt Firearms in Hartford. It doesn't originate when one goes and picks up a gun at a gun store. The part that I don't like about this bill is the banning part of the bill. That may be a surprise, but I have to

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think that the folks out there when this bill is passed if it does get signed by the Governor, if it is passed by the Senate, and if it is passed by the House here this morning, if we hadn't have passed those amendments for the mandatory sentences, the people that would have laughed in our faces were the criminals because this bill wouldn't have made a hill of beans difference in getting guns off the street because the guns that are there are there illegally now, and they'll just be there even more illegally, but they're still illegal today.

If we hadn't had passed those amendments, they would have said, ha, ha, ha, ha, ha. Now the good people don't have guns. Just us and the cops. Again it goes back to what I said a week earlier when we passed a law that would take automobiles away from people who solicited prostitutes. I just wish that we would get off this habit of blaming inanimate objects and point the finger of blame and direct punishment at an individual.

It's not a gun's fault for shooting somebody. It's a person's fault, and that is terribly wrong, and I wish that we would just address that problem, and I don't think banning a weapon does, but I'm really happy that we do have the mandatory sentencing in this bill.

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Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Cutler. Representative  
Mushinsky.

REP. MUSHINSKY: (85th)

Thank you, Mr. Speaker. I have to confess here  
that one of my brothers owns an assault rifle.

(Boos)

I know you find that out of character for my  
family, but he does. He lives in Virginia where every  
red blooded American male owns a pickup and a gun.

(Applause and cheers)

Anyway the first time he - he has a dog, too, and  
the first time he brought his assault rifle to the  
target range, he could not hit the target. He took it  
back to the dealer, and complained about this, and the  
dealer said, what did you expect. It's designed to be  
used indoors at a range of less than 20 feet. In other  
words, these assault weapons are designed to kill a lot  
of people in a dense setting. They are ideal for drive  
by shootings, warfare and mass murders by a psychotic.

They are especially lethal in our cities because of  
the continuous spray action fire kills or maims  
innocent victims which just happened only two weeks ago  
in Bridgeport. So we must take this step to limit the

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spread of these guns, and I would point out that under this bill, my brother could still keep his beloved assault rifle, as long as he got his certificate from the police. This is a reasonable bill, and it is also fair to current gun owners, and I will support it.

DEPUTY SPEAKER COLEMAN:

Representative Boughton.

REP. BOUGHTON: (109th)

Thank you, Mr. Speaker. The figures I'm about to cite may have been used earlier today. I wasn't here all day, and some of the other Representatives probably weren't, and maybe some of you who were here didn't hear these figures, but between 1988 and 1993, 11,350 weapons were recovered by the police. 197 of those were assault guns. 11,153 were revolvers, pistols, rifles and shotguns. The energy that we've expended on less than 2% of the weapons that were recovered by the police astonishes me that we have this many weapons out there, and we're looking at the 2% or less than 2% and trying to ban those. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Caruso.

REP. CARUSO: (126th)

Thank you, Mr. Speaker. Mr. Speaker, thank you. I feel it most important that I rise for a second time

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because I feel of all of the issues that we as Legislators will decide this year, this is probably one of the most important, and it affects probably even more importantly urban legislators, and I must say that my two years and now onto my third year here in the Legislature, I have met some of the most interesting and fascinating people that I have met so far in my life, and which I hold with great respect.

The debate has been of high level. The issue has been discussed fairly. We've discussed this evening the constitutionality of the bill. We've discussed the definition of what an assault weapon is. We've discussed enactment of the death penalty, and we even discussed the possible training of young people with assault weapons, but the voices that have been silent tonight, ladies and gentlemen, are the young people in urban communities that have been silenced and cannot speak, so for them, ladies and gentlemen, I speak.

I speak for Jose Santiago who on May 25th of 92, he was shot in his apartment with an AK-47. I speak, ladies and gentlemen, for Alex Sapante, who on December 14th of 92, was shot in front of his house with an assault weapon firing .223 rounds by a Colt AR-15 Sporter and a Ruger Mini-14. The weapon was so powerful that it passed through a nearby residence and

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shot a young boy between the fourth and fifth wall of the apartment building.

Ladies and gentlemen, I speak for a 15 year old boy, John Barnes, who was shot on May 12 of 1993 with an AK-47 weapon. I speak for Annette Richardson who on March 23 of 93 was killed by spray fire from an assault weapon in the Father Panic Village Housing Project. I speak for Marcus Ramos who on April 24 of 93, was shot 23 times from a high capacity weapon near 250 Black Rock Avenue, and I speak for three young people who only on May 15, ladies and gentlemen, were standing out on Stamford Street, and I quote from the newspapers: Masked men spray machine gun fire into a crowd of children and adults standing outside a Stamford Place apartment building Friday evening, wounding two children and a teenager, and what I want to say most to you tonight is something that many of may experience because you have daughters of your own and think of them for just a moment.

One young girl, her dress stained with blood. Allow me to repeat that. One young girl, her dress stained with blood screamed in terror as she hugged her friend who had been struck with the bullet. Stained with blood, ladies and gentlemen. A young girl, who in most cases would be stained with mud from playing with

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the other children or stained from dropping ice cream of cake on her dress. This child was stained with blood, and I speak for the young child on Arctic and Pembroke Street who's only seven years old who was shot in the back seat of his father's Bronco Jeep by just spray gunfire, ladies and gentlemen, and I speak for them, and so tonight, I know that question is not finalized in your mind.

I've spoken to some colleagues this evening who are still troubled as whether or not they will vote for this assault weapon. I ask you to vote for them. Now will this correct all the problems in the world? No, and I wouldn't be so bold as to say it would, but it would be a step in the right direction to provide urban areas which is so desperately needed that of hope, and I would also welcome any legislator who will take me up on this opportunity to spend an evening in an urban community, spend it with me, and experience the problems that we as urban legislators daily go through.

At night when you go home after this session, many of you go home to a community where you don't have to look over your shoulder and worry about the problem that occurs. Many of us don't have that same opportunity. What I'm speaking of, ladies and gentlemen, is our children, not the children of just Bridgeport and New

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Haven and Hartford, the children of Easton, of Coventry, of Durham, of New London, on Norwich. They are all our children. Geographically we have decided and in the constitution that they are the children of the State of Connecticut, and because they live in an urban community, they are no different than those that live in suburban or rural communities.

They are all of our children, and tonight you make a statement for those children. If you're not concerned about the adults that are getting shot by the weapons, concern about the children. You see, hunters and NRA and Sportsmen Alliance people will argue the fact that they need the opportunity for these guns. There is no logical reason, ladies and gentlemen, that this much firepower is on the streets of our cities and of our suburbs and our rural communities. There's no logic, and where does it stop. If today it's an AK-47, next year do we allow the issuing of tanks and other weapons of violence to continue to destroy our community?

So tonight, ladies and gentlemen, I ask for those young people that I've spoken of and those people that have been shot to cast a vote for a ban on assault weapons. It's not going to hurt, ladies and gentlemen, but it's going to give hope and opportunity to people

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that are in need of that. Thank you very much.

REP. AMANN: (118th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Amann.

REP. AMANN: (118th)

Mr. Speaker, I would just like to first tell my friend, Chris Caruso, that I sympathize with the problems of the inner cities, but I think as a Legislature we have bigger things to look at, to solve the problem of violence in the inner cities. First of all the rifles that we would ban in this bill are basically of no use in the military as some people have said here this evening.

They are not the weapons of choice for criminals. As was just said earlier, most of the weapons that are out there, less than 1%, that are confiscated or used are assault rifles. People who use these firearms are mostly law abiding citizens who partake in competitive rifle matches, sanctioned by the state or even the federal government. Many of the firearms that the bill proposes to ban are not new super weapons, but are weapons that have been around since the 1940s. It is interesting that many people who own these weapons aren't even aware that soon these firearms may be

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affected by the bill, the ones that they own.

Let's face it. More realistically gun laws will not solve our crime problem. Criminals are still going to get guns illegally whatever we do here this evening. Basically if you vote for this bill, you are willing to make some gunowners felons who have done nothing except own a firearm. Until we are willing to punish those who use these weapons illegally, you are not going to have an impact on crime. Bridgeport, Hartford, New Haven and other cities have many problems which lead to the rise in violence.

In this legislation will not solve the problems of the inner city. The problems of the inner city and our society in general goes deeper, much deeper than that. In this day and age, most of us lock ourselves behind closed doors in fear of thugs, in fear of violence being caused upon ourselves and the guns basically are the tools of the criminals, and the violence is their trade.

The streets are much too often a place where the criminals learn their trade, where they get educated, in my opinion, much too young to the realities of drugs, guns and violence. The little children in our cities know how much certain guns cost. They came to the Public Safety Committee and were asked, can you get

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this gun? Can you purchase this gun? And they said, sure we can purchase for this amount of money or this kind of money, or where we can get them, and it's amazing how much we learn from the kids that came to the different committees and explained to us what their plight is.

I remember in a Public Safety meeting how a few of these youngsters, a few in the gangs, a couple of the gang members came up and said, what we're doing here is a joke. They said it's not going to solve anything, because we don't go and buy the guns legally. We buy them illegally, and they'll continue to do that. Removing the guns will not stop the killing. It will not stop the violence, and anybody who thinks that is sadly mistaken.

The bigger picture is what's gone wrong with our society, especially in our inner cities. Senator Larson said it best last year when he said, trying to remove guns in our streets is like putting a band-aid on an open wound. Ladies and gentlemen, we have a crisis in our communities which is not simply a law enforcement problem. Poverty, lack of jobs, inadequate housing, the breakdown of family. These are the things that are causing the inner cities to have their problems, and it's spreading like a cancer.

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Every one of us in suburbia, if we don't think it's not going to affect us that the epidemic isn't coming to affect us, then we're sadly mistaken, too. Until we start facing ourselves as a society and as a Legislature to take care of the problems, what causes the violence, which is the drugs. Until we take the same initiative to remove the drugs from our society, and the motivation to sell drugs to make the money which causes the turf wars which causes the violence, we will solve nothing, and I'll guarantee you all, unfortunately, that if we do pass this law, next year we'll be back here.

The statistics won't change because the young people in the inner cities will still be dying on the streets at the same numbers they are today, because we do not want to take on the responsibility of our socio-economic problems and we don't want to deal with it in suburbia, especially suburban legislators like myself and people in that part of our, that want to sit down with our urban legislators and talk about the problems and try to help. We have a problem dealing with the problems that suburbia and urban communities have, the differences, I should say amongst each other.

So, ladies and gentlemen, please stop all the hype, this feel good legislation that we can go back to the

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communities and say that we passed a piece of legislation here tonight, which may make a lot of people happy and think that this was the right thing to do, but in reality, most of us even some of the legislators that are voting for this this evening know deep in their hearts that this will not solve anything.

The only ones that you are going to hurt by passing this legislation are the gun owners that have legally purchased these weapons or these firearms. So, I urge you all to think and as a Legislature again try to face the real problems, the cause of the violence, not the tools. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Garcia of the 128th.

REP. GARCIA: (128th)

Good morning, Mr. Speaker. Mr. Speaker, honorable members of this Chamber, I rise in support of this legislation. These past weeks have not been easy for me. I received numerous letters and telephone calls, some urging me to support this, others criticizing, and the comments were brought about an article that appeared in the paper a week after I had made it on a Judiciary Committee.

I stated at that time that sometimes I have to sit on the floor of my house to read the paper fearful of a

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bullet coming through the walls, and people took that out of context and because of that I received a lot of harassing telephone calls. One of them told me if you are so afraid of getting shot, why don't you pack up and get the hell out? Why don't you go back where you came from and leave us alone? Ladies and gentlemen, for the past 25 years I have been a Connecticut resident. I have given my best to my community, and it is easy for people who do not have to live in inner city neighborhoods, that have practically become war zones, to be quick and critical and criticizing and ridiculing individuals such as I who have the courage to speak out and tell it like it is.

I wonder how many of them would have remained in such a place and struggled day after day, year after year because you believe you will make a difference. Yes, ladies and gentlemen, I am terrified by the escalating violence in my city, but ladies and gentlemen, I am even more terrified at the apathy and ignorance that feeds it. It is not hysteria that demands gun control. It is the assault and suicides, the murders, the robberies that are committed with these guns.

It is not hysteria that compels me to cry out to their ears in favor of this legislation. It is the

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death of 65 people last year and 29 people so far this year in the City of Bridgeport. Drive by shootings have become an almost every day event. Last week a 12 year old girls was shot in the face, and an eight year old was shot in the leg while standing in front of their houses. No, I am not over emotional. I am saddened beyond description for many of the victims that are not faceless strangers to me. They were young people, some of them children, some of them my students, my neighbors, my friends.

I have shared their grief, their helplessness and despair, and it hurts. Last month a 17 year old young man as shot 23 times while his mother watched and begged for his life. I cannot even imagine or begin to think of the pain that this woman must have felt seeing her son go down like an animal. Who is good conscience can weigh the probably risk of fear incidence arising from gun control against the brutal fact of 29 murders committed in one of our communities by firearms.

Some of you call it feel good legislation. Ladies and gentlemen, what is their to feel good about, when through our major cities, our children are being massacred before our own eyes, and we are not doing a thing to stop it? The statistics are a shameful representation of our indifference for the lives of our

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citizens. If we continue to do nothing to limit the population of these weapons of death and destruction, I am afraid that each one of us will be responsible for the untold lives that will be wasted.

I strongly urge you to support this legislation before us. It's an opportunity to make a difference in the quality of life in Connecticut and also to bear a greater responsibility for the lives to be lost if we fail to establish controls over guns. As elected officials it is the moral obligation to create a reverence for life, and to seek tolerance and concern for others.

Assault weapons of any type glorify the power of violence while ignoring its pity. I urge adoption of this legislation. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, madam. Will you remark further?  
Representative Santiago.

REP. SANTIAGO: (130th)

Thank you, Mr. Speaker. Ladies and gentlemen, I'm not going to talk about Bridgeport and how Bridgeport is because this has been mentioned since we began the debate on the assault weapons, the criminals and Bridgeport. I would like to talk a little bit about our customs and the way that this country is seen by

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other societies.

When we were at war in Vietnam, we probably lost thousands of young men, but if you compare the amount of people that we lost in Vietnam in one year with what we have lost here in the United States in one year, I think we are doing pretty good here in this country. If you look, for example, at Germany, England and Japan, you will find out that last year there were less than 300 or 400 people got killed with a weapon.

If you look at the total numbers of Connecticut probably you have more than that. Connecticut has 3.3 million people. Japan, Germany and England have around 300 million people. Look at the numbers. In the United States, we have over 10,000 people getting killed with a weapon last year. This is a great American tradition. Our Representative Mary Mushinsky said, well, I have a brother and he has an assault rifle. He's a red blooded American male. He's from Virginia.

Good tradition. So what do we do? We bring the weapons from Virginia, other parts of the states, country to Connecticut? To New York? And here we stand today and say, well, this legislation doesn't mean anything. To some of us it's good because we could put the death penalty and we send you to jail for

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eight years. We've got to build more prisons. Others we say, well, it's not good enough because it's not going to take the weapons out of the streets, so we must be a little bit confused because we contradict each other.

We tend to say one thing, and say the other. To me what it means is that at least we are taking step forward. To me it means that if nobody else is doing it, Connecticut is doing it, and if the federal law by our great President and Senate and House of Representatives hasn't decided to do anything about it, Connecticut's doing something about it, and that's what's important. This is the Constitution state. This is the state that is supposed to be the one that promote the Constitution. Well, somebody will say, well, you're going to violate the constitutional rights of those people because of the first amendment or because you want the right to bear arms.

Well, let me tell you one thing. Who am I going to defend us against, a missile attack from Germany or Russia? If I want to bear arms because I want to defend my state and my country, I need to have nuclear missiles and bombers and all those machine guns, that I don't have the money and nobody over here has the money to buy, so those people probably are the ones that are

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saying we want to bear arms, or I want to bear arms because I want to have a shootout in the streets and defend myself against who?

I have to do it because the streets where I live there are shootouts every other night, so I don't want to bear arms. I want to go home, go to sleep and feel safe. I don't want to have a weapon. I want to have a different habit. I like to go swimming, running, something else, but I don't want to shoot off weapons. For that I got drafted and sent to Vietnam and I almost got killed. Let me tell you. I had enough of it.

I think it's about time that this country wakes up and face reality. People don't even want to come to Connecticut. Forget about Bridgeport, Hartford and New Haven. Connecticut, they don't want to come over here from other countries because they fear that they are going to get killed, and they don't want to come to the good old United States because they fear that they're going to get killed. Forget about the Puerto Ricans, blacks and poor whites who live in the inner cities.

I'm talking about people from other countries. They don't want to come over here because of that, but this is a good red blooded American male, the good old tradition. We've got the guns. We've got the weapons. We can do whatever we please, so if we are so good how

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about taking care of our own first? Thank you. Let's pass this legislation and move forward, and show to other states that we have the guts to do it.

DEPUTY SPEAKER COLEMAN:

Representative Collins.

REP. COLLINS: (117th)

Thank you, Mr. Speaker. We've heard a lot of shootings tonight, and my heart goes out to everyone of them that we've heard of. Representative Caruso, every one of those children you talked about tears my heart apart. My wife was stained with blood. It was my blood. You should know I don't belong to the NRA and never have. I don't own a gun, never have, have never gone hunting. I'm not a gun nut, but of all the shootings that we've heard in this room tonight, not one I would dare to guess has been committed by a registered gun, by somebody who had a hunting permit or a pistol permit, not the one that shot me. I know that for sure.

I don't think that this law is going to do anything. Certainly the folks that are going to continue these shootings are not going to have certificates of possession. They're not going to be filing their permits. They're going to continue with the shooting. We're going to be making felons out of

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non-felons. That's for sure, but accomplishing nothing.

The only place you'll be able to buy guns is in Bridgeport, New Haven and Hartford. I can do it now. I know that with three days notice and cash in advance, I can get any weapon that I want through the projects of New Haven. That is not a weapon. It's the weapon of my choice. I can go through this list and get you anything you want. If you live in New Haven, you know that, too. That will continue. Is this doing anything? No, it's not.

DEPUTY SPEAKER COLEMAN:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

I'd like to say two things to this Body. One is on a couple of occasions I speak loudly and speak opinionatedly about the things that I believe in, but it's because it comes from my soul. I've listened to the debate today, and I've listened to people talk about the problems that are going on are social and economic problems and that passing this assault weapon bill will not do very much to solve those problems.

We have three days left to my freshman session. We reinstated general assistance and asked men who are the ages and younger of every man in this room to live with

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dignity and pride on \$300 a month, and I wonder if any of you could do that. We asked women with three children to live on \$500 a month with pride and dignity. I wonder how many of you in here could do that. We talked about desegregation and we want a choice, but to me and some others who come from urban areas, it didn't sound like he wanted to have a mixture of your kids meeting with ours. It was our children going out because of the fear that you have for your children coming into the city.

Hatred, fear and bigotry are not born in a child. They're taught, and it's not taught by another child. It's taught by an adult. We sat here and we talked about legislation that would provide opportunities for young children 17 and 18 years old, not to have police and felon records, and maybe have an opportunity in life, and you fought hard to try to get that not to work, so I'm asking you, you're asking me as a woman who lives in the inner cities, who deals with poverty and pain every day, who deals with people who cannot hardly put their lives together, who don't have hope any more, who don't believe this system works for them, who don't believe this body really cares about them, to vote against a bill that you feel is not necessary because it doesn't provide anything, but I ask you,

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what have you provided them with, and we only have three days left of this session?

They need dignity. They need self respect, and they need to believe in a future, and we haven't offered that. Assault weapons isn't the cure to everything, but many of the things we've done in this session is not going to give it to them either, but as my Representative Caruso said from Bridgeport, it does supply a degree of hope to the hopeless and those of you who don't live in the inner city cannot relate in any way to what I'm saying because in order to do it, you've got to walk a mile in my shoes to know what the pain is in my heart. Thank you.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative Garcia.

REP. GARCIA: (4th)

Thank you, Mr. Speaker. Today's been a very difficult day for me, and the last few weeks also, because my house has been inundated with numerous calls from both sides, pros and cons. For me it's been extremely difficult because just 200 feet east of my house there's a big plant with a blue dome and little horse on top of it pumping out of sporter weapons and weapons that only are designed to really kill, some people say for sporting and all that, and it means

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jobs, union jobs. It means economic viability for our state, and I look out that window and I see these people working. Then I go to my living room window and I look at the neighborhood that I grew up in. Martin Luther King and Dutch Point projects.

What do I see? I see economic despair, and on occasions I hear rapid fire. Prrruh, prrruh, prrruh, and I wait for the telephone to ring to find out who got killed. I get sick to my stomach because if I look east the chances of maybe someone in my neighborhood buying a home in the suburbs and leaving this Vietnam that we live in, and if I look west all I see is a road to DeLeon Funeral Home, where I go many times to wakes, seeing the youth of the state being shot up like swiss cheese, because they happen to live in Hartford. They didn't have the opportunity to live in the comforts of the suburbs.

Today's a difficult day for me because I'm pinned, I'm pinned between two hard rocks here. I'm in the middle. Do I give the luxury of someone enjoying their target shooting like some of my buddies on the police department who come around my locker and say, hey, let me have the opportunity to go shoot targets? Or do I say here Mrs. Maria Rodriguez. Hey, Eddie, fight to ban these weapons because my kid's up in Mount

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Benedict Cemetery. He got shot up on a drive by. So what do I say here? Keep my friends happy at work so they can continue to target shoot, or do I protect the people that elected me to keep at least a ray or hope keeping these weapons of destruction because that's what they do on the west side of the window of my living room.

I work midnights. You know why? Because in my neighborhood at night you can't sleep because all you hear is West Beirut, and all we do in the morning is read who got killed, and I'm sick of it, and it's going to be a difficult decision for me, but I'm also tired of going to the courts and seeing these jokers laugh at the judges, and posting big bonds and lawyers and judges cutting their deals along with court personnel letting these guys walk, and I'm sick and tired of that. While other people are ending up at Mount St. Benedict's if they can afford the fees to bury their kids in a Catholic cemetery, because it's overcrowded in Northwood Cemetery.

I'm sick and tired of all of this. My kids in my district deserve an opportunity and a ray of hope, and that's why it's going to take courage, and I don't care if they put mud, and if they put stickers and everything on my locker at work, damn, I'm going to

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vote for this ban because the kids in Dutch Point are no different than the kids in Greenwich and no different than the kids in Stonington and no different than the kids in West Hartford and no different than the kids in Wallingford who live next to the range. They've got a right to live, and they've got a right to start living now, and I'm going to vote for this ban. Thank you.

DEPUTY SPEAKER COLEMAN:

Representative Scipio.

REP. SCIPIO: (93rd)

I speak to you from a small city, but it's referred to as an urban city, and believe me the people in there are much the same as we are, or we hope to be. Even you in the northwest corner of the state or the northeast corner of the state. We have people in our city who are wealthy, who are poor, who are middle class. We have people there who are white, black, Asian, whatever extraction you want, and it is the central seat of education in the state.

It houses the home of Yale University, one of the more prominent universities in the country which is suddenly receiving a very detrimental reputation for being a site of an urban city where people are of a disastrous nature. I come to this thing as a freshman

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legislator trying to find out what has been happening to everything that happens in this city. I'm not politically inclined. I only know what I see.

They send me a paper from an area called Litchfield County newspaper. I speak to my finance chairman and tell him about the problems our city is having with taxes. I look in this paper. They're having a problem with taxes worrying whether their rate is going from 15 to 18. I'm talking about ours going from 79 possibly to 102.

Our people, they're not any different from the northwest corner of the state. They're brilliant. They're smooth talking. They're wise and they're clever. The poor people who are enjoying themselves in city with all this disaster and crime, they didn't come there by choice, but came there by the very thing that people accuse them of. They came there to work, even though they're accused of being lazy, but what has happened because of the economics of the times and the change of our whole industrial society, those types of businesses have left New Haven, and we now have an area where people are just fighting for an existence to get a job anywhere.

The people from the suburbs are normal placid lovely housewives who claim that they can't walk in a

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city such as New Haven because the crime is so ramped, found ample reason to come there and practically take all of the lovely jobs where stenographers, lawyers, secretaries, Macy's loaded with prominent people from all parts of the suburban areas, and then they claim that they can't walk in the city and shop.

However, when Macy's went bankrupt and left the city, the stores were loaded with these same people buying these very bargains where they couldn't walk in before. They can't come in to see the stores. They can't come in go to the shows, but as soon as a play of prominence and popularity in New York comes off of Broadway and comes to New Haven, those same people seem to find their way to the door.

They ride in cars where they're paying only \$500 a year for, where our poor people in our city are paying \$1500 for the privilege of riding in the same car because of the unequalization of taxes. There are many inequities in this thing, but the most prominent one I see is the insult that's given to me when I come to a place like this, and I listen to people who are making laws and legislating laws and argue back and forth both pro and cons about the very existence of rules that are only common courtesy.

One man wants to make a legislator and put a bill

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on the Floor that somebody has to answer a telephone because his child had some kind of a disease and the man didn't call him up to let him know that the disease was there. Now why do you need to legislate laws that. It's only common courtesy, only a practicality of a performance of your job that you're supposed to do.

These are the many things I see. You tell me about all the things that you could do if you lived in suburbia. One Representative tells me about he comes into New Haven to get a gun. I happen to know my sister lives in one of the finest parts of Milford, and the biggest drug drop in Milford is stationed about a half a block away from her home, and that's not in a black neighborhood as you might suspect. It's in a white neighborhood, loaded with wealth, but it broke every rule and regulation that they had in Milford, and that goes right farther into West Haven, which has its own set of troubles but chooses to use the term or the vernacular of a suburban area.

You go into Madison. You go anywhere. New Haven is no different. We do subscribe to the reasons that we want to live in a very comfortable society. We have people there that love it. I've been inundated by mail from people within the confines of the City of New Haven, and the biggest thing I've ever gotten, the

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press made a facility and faculty out of the casino. We didn't. My people never wrote much about the casino, whether we took it or not.

They didn't write much about the budget. They knew they had their own set of problems, but they did write me about this very thing we're here this evening for, and they know full well that I'll come back and tell them that nothing was done because we have about 150 legislators who predominantly make up about 80% of areas that are remote and away from the violent crimes of our cities, but don't forget New Haven was once a comfortable little city.

I look at the paper again. In one of these small suburbs they're bringing in a Waldbaum's. The town is upset. It's going to put some little store out of business and a Waldbaum is coming in which eventually brings in another big discount chain in. Eventually that means there will be other businesses. Once they get to have factories in their towns, the same people that are in our cities now without work will search out and reach out to them, but all of these things in and of themselves make for crime areas anywhere, but I do hope and I do pray that at least in your minds you'll forget all the things that you talk about what you can't do, how this bill won't work.

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I don't know whether this is a first, apparently this is a first year you've ever done a gun law, and it's probably the first year you've ever done a budget, because all the things I hear and see are the same rhetoric I've heard by watching the newspapers over the last six, seven or eight years. So I do hope at this particular time, and I'm not trying to be nasty or pervasive about this, but I do wish that you would go for this thing because our police chief was up here yesterday. He's a man of his own problems, both personally and with his own force, in favor of this bill, so please for the sake of the cities that want something please go for this bill. Thank you.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative Dillon.

REP. DILLON: (92nd)

Thank you, Mr. Speaker. I'll speak very briefly. It's early in the morning. A lot of people have spoken tonight. My goodness. I haven't spoken. I speak in support of the bill, and I did so with some reluctance because I'm not sure I'm very happy with the product that I see before us.

I've listened to some of the things that my colleagues have said in this Chamber and outside this Chamber, and I'm afraid that sometimes we tend to

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stereotype each other when we come to issues like this. It's not easy for me to say that I necessarily support any ban on guns. I come from a family that has a lot of police officers in it.

My husband had his first shotgun when he was 13 years old. He went hunting with his father. It was a rite of passage. I don't necessarily trust government to implement all the laws that we pass here, but it's also true if you look at the homicide rates, internationally there are three countries that are at the top of homicide rates for men between the ages of 15 to 24. Number one is the United States, not in terms of numbers, but in terms of homicide per 100,000 people. Number two is Scotland, and number three is New Zealand. That might surprise you. What those three countries have in common is a high consumption of whiskey.

What's different about the United States is that we have about six times higher the rate of any other country because there are two parts of this equation. The supply side and the demand side. The supply side is what we're dealing with tonight. The demand side is the issue that many other people have addressed, and that is the social conditions and some of the issues that drive individuals to seek those guns, but the

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supply side cannot be avoided. If you look at the demographics and the epidemiology of homicide in the United States and you separate out any kind of firearm related homicide, the rates are flat.

If you look at only those things that are related to firearms, that is entirely what pushes up our homicide rate, and that is that young men tend to fight, and we are talking here largely about young men, 15 to 24. They are the ones who are dying. Young men are always going to fight. When you have guns, that's when it's going to be fatal.

I represent a district which is largely almost a suburban district except for the taxes that we pay, but I do represent also one sliver which has the largest number of shootings perhaps in the state and that's right around St. Raphael's. There are young men who have died who I knew when they were babies and registered their mothers to vote, and it's been painful, and when I go to church I took my son to religious instruction one morning, we couldn't go because Christian Prince had been murdered outside St. Mary's Church. I had to take my son away from the church because of the yellow tape outlining his body.

Christian Prince's murder unfortunately attracted a lot more attention than the murders of a lot of other

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young men who happened to be of color, and their lives and their futures should have been of equal value in the eyes of the press and perhaps some of our decision makers. Unfortunately, that isn't the way things work sometimes when it comes to the press and it comes to the opinion leaders.

For those of you who would say you know where to get guns in New Haven, I know where to get guns in South Carolina, and I have relatives who could go south and find places to get those guns, so I know that what we are voting on is flawed. It's an imperfect world, and it's going to a national solution, but we have to make some steps. There are a lot of parts of this bill as we've amended it that I do not like, but we have to look at two parts of this equation. We have to look at the lives and the risk factors that are driving some of our young men to do the things they're doing, but we also have to look at the blood stained hands that we have that are providing the weapons and enabled them to destroy each other.

That is what is happening here, and we have to vote for this. Thank you.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Representative Samowitz.

REP. SAMOWITZ: (129th)

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Thank you, Mr. Speaker. I know it's late. I know it's 3:38 in the morning. We all want to go home as quickly as we can to bed, and so do I, but I can't. I can't go in a straight line because I know it's Saturday night and there's certain areas that I have to go past that I know are dangerous. I can't go on a straight line to my own house. I can't go safely. I long for a time when I can. I long for a time when I'm able to do that, but it's these weapons, these particular weapons that I'm most afraid if I drive by the area, weapons, firepower that can make a projectile go very far and straight and kill me.

I don't want to have anybody else go that. As a matter of fact, my wife and child will not drive any time during that area and go around in a circle in order to get to our house. I want to go home just like you want to go home, but I want to go home safely. Give us a chance. Thank you.

DEPUTY SPEAKER COLEMAN:

Will you remark further? Will you remark further?  
Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This is great that we've been going at it for almost eight hours now, and I think I probably speak for most people in the Chamber

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when I say that this is one of the main reasons we run for public office. Instead of these decisions getting made in the backroom of some Polit bureau of whatever, ordinary people like you can I get to make these important decisions on public policy in our state, and I think that's one of the great things about this country, and when we consider a bill like this, put a couple of things in context.

If you look at our general statutes, Section 53-206, it talks about the carrying and sale of dangerous weapons, and imposes a three year prison term for the possession of a slingshot, an air rifle, beebe gun, black jack, a sandbag, brass knuckles, switchblade with a blade of more than 1 1/2 inches, numchuck sticks, even an electronic defense weapon. Three years you go to jail for any of those if you don't have a permit, but in Connecticut tonight it's perfectly legal to run around with an assault weapon that you can fire 30 rounds of ammo from in what? Four seconds, five seconds? Eight seconds? No problem. Perfectly legal, no penalty whatsoever. With or without a permit.

The issue has been raised about constitutionality and the Michigan case involving a blackjack was cited, but I'd like to read you just a small section from that case, because I think it will instruct each of us about

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how the Connecticut Supreme Court might consider this statute because the standard is the same. The Michigan constitutional provision is identical to Connecticut's.

Some arms, the decision says, although they have a valid use for the protection of the state by organized and instructed soldiery in times of war or riot, are too dangerous to be kept in a settled community by individuals and in times of peace, find their use by bands of criminals and have legitimate employment only by guards and by police. This bill is constitutional.

And finally, and finally, it's almost ironic that almost two years ago to the day, almost two years ago to the minute, not too far from here in Connecticut a state trooper, named Trooper Bagshaw, was on routine patrol and he pulled up to an arms store where there was some suspicious activity, and within a few seconds 19 rounds were shot at him, 17 rounds hit his car and himself. Four actually hit him in his bulletproof vest and one of those 19 shots, because he was reaching up to protect himself entered under this shoulder and killed him, and if you look on line 36 of the emergency certified bill before you, you see the name Wilkinson "Linda" Pistol, and that's what discharged those shots, and if this bill was in effect that day, that gun shop where he took this weapon from would not have had it

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stocked.

He took the weapon. He loaded the clip. He put the clip in the gun, and when the state trooper came by for the second time, he opened up on him. 19 shots. Only one killed him. Well, if this law had been in effect prior to that day, that gun would not have been in that gun shop, so if you need a reason to vote for that bill, if you think it won't help anybody, Trooper Bagshaw would not have been killed that day if that gun had not been in that store because it's impossible to believe that one shot would have killed him. It took 19 shots so that one would get through and kill him.

Enough is enough. Please vote for this bill.

DEPUTY SPEAKER COLEMAN:

Staff and guests, please come to the Well of the House. Members, please be seated. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, to the Chamber please. Members, please report to the Chamber. The House is taking a roll call vote. Members, to the Chamber. Thank you.

DEPUTY SPEAKER COLEMAN:

Have all members voted? Have all members voted?  
Have all members voted, and is your vote properly

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recorded? Please check the roll call board to determine that your vote is properly recorded. If all members have voted, the machine will be locked, and the Clerk will take a tally.

(Applause)

The Clerk will please announce the tally.

CLERK:

House Bill 7332, as amended by House Amendments "A", "B", "D", "F", "H", "I", "J", "L", "N" and "P".

Total Number Voting	146
Necessary for Passage	74
Those Voting Yea	83
Those Voting Nay	63
Those absent and not Voting	5

DEPUTY SPEAKER COLEMAN:

The bill, as amended, is passed.

REP. LUBY: (82nd)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Luby.

REP. LUBY: (82nd)

Thank you, Mr. Speaker, for the purposes of an announcement.

DEPUTY SPEAKER COLEMAN:

Please proceed, sir.

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SENATOR COLAPIETRO:

I apologize, Madam President. I thought I did that. Yes, I would.

THE CHAIR:

Thank you very much. Is there any objection to the immediate transmittal of Senate Calendar 369, Senate Bill 939, to the House? Is there any objection to the immediate transmittal of that item? Any objection? Hearing none, so ordered. Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. At this time I would ask that we stand at ease until we receive the amendments and then we will move forward with the bills as I have --.

THE CHAIR:

Thank you very much. It would be appreciated if everyone would stay close by so we can come back into order quickly.

The Senate please come to order, and Mr. Clerk, I believe you called Senate Calendar 652.

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",

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"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

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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

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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,

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would you please 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 motion regarding Senate Calendar 652. It is a motion by Senator Kissel to vote on each House Amendment Schedule independent, separately. The machine is on. You may record your vote. A yes is in favor of the motion for separate votes on the amendments and no --.

SENATOR KISSEL:

Point of Order, Madam President. It's my understanding that there is precedence on this and that there is not a vote on this motion. That's what I am informed of. So it's just as a Point of Order could there be further look at this because I am requesting a vote on --?

THE CHAIR:

Do you have the precedent?

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SENATOR KISSEL:

It's my request to vote on each and every amendment that's been passed up by the House.

THE CHAIR:

I just asked you for the citation of the precedent. That's all I asked you for, Senator.

SENATOR KISSEL:

I understand. Madam President, would you please stand at ease or may we all please stand at ease until we get the precedent.

THE CHAIR:

Senator Penn.

SENATOR PENN:

Point of Order, I don't know if we should stop in the middle of the voting to announce his Point of Order. I know you can call it at any time, but did the voting suspend itself right now or do we conclude with voting before we take up the second Point of Order?

THE CHAIR:

I think that I would concur at least to finishing the voting with Senator Penn and then we can go from there. I think Senator Penn's point is well taken. The Clerk has called for the motion. There was not an objection at that time. We started the voting. Let's just finish the voting, get through that and then we

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will back up and look at the precedent.

SENATOR PENN:

Thank you, Madam President.

THE CHAIR:

Would you vote for the motion and let's get this off the docket.

SENATOR KISSEL:

Again, Madam President, can we please just stand at ease because everything that happened earlier this afternoon was quite important regarding the timeliness. I don't want to lose any rights.

THE CHAIR:

Senator, we have a roll call vote going on now.

SENATOR KISSEL:

Point of Order.

THE CHAIR:

Let's just finish the count on.

SENATOR FLEMING:

A Point of order, Madam President.

THE CHAIR:

Yes, Senator Fleming.

SENATOR FLEMING:

A Point of Order was raised. The Chair has not ruled on that. You accepted the Point of Order. I do not believe, and you can check the record as to whether

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or not you had actually called for a vote. The machine may have been opened, but I do not believe the Chair had asked for a vote.

The Point of Order was properly raised and the Chair has to rule on a Point of Order when it's raised by a member and you have not done that.

THE CHAIR:

I'm sorry, Senator. I fail to understand you. I don't understand what you mean, that I didn't call for the vote. I did call for the vote. I don't understand what you mean. That's why the machine is. I'm sorry --.

SENATOR FLEMING:

I believe that a Point of Order was raised before you called for a vote.

THE CHAIR:

No, no. I don't believe so, sir. Senator Larson.

SENATOR LARSON:

Madam President, in fact, the vote had been called and the machine was open, then Senator Kissel sought to be recognized.

THE CHAIR:

Exactly. Exactly and then Senator Penn took issue with it and I'm going to ask to have the vote finished and I said that I would agree with Senator Penn that he

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raise the issue that the vote had started.

SENATOR ANISKOVICH:

Madam President, notwithstanding the fact that the machine is open and the vote was called, am I correct in understanding that notwithstanding the fact that a Point of Order has validly been raised, that you are refusing to rule on the Point of Order?

THE CHAIR:

There was a roll call requested. The machine was open. Senator Kissel asked me if I would listen to a precedent. I said you'll have to cite it to me. Senator Penn then stood up and said the machine is open. I would ask that the roll call be completed and I agreed with Senator Penn's point, that the roll call had started. He had raised the objection to stopping it. I cited with him in that and said, yes, let's finish it, because the fact that there was a roll call means there's something already on the table. There is something already being acted on and it cannot be interfered with.

It was not a timely time to raise that point. I guess that's how --.

SENATOR ANISKOVICH:

So that --.

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We are going to complete this roll call.

SENATOR ANISKOVICH:

So that what's being stated is that a Point of Order may not be raised while a roll call vote is open.

THE CHAIR:

After there was announcement that there was not an objection to the roll call vote at the time. I think Senator Jepsen made the point for a roll call vote, the Clerk announced it.

Could we finish the vote please?

Is Senator Balducci here. Senator Aniskovich. Senator Maloney. Senator Freedman. Senator Nickerson. 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  
19 Nay  
1 Absent

The motion fails.

Now, where do we go from here.

The Senate will stand at ease for just a minute.

The Senate will please come to order. Senator Penn.

SENATOR PENN:

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Thank you, Madam President. Since we're just going to be starting, I'd just like to acknowledge and ask the Circle to welcome back one of its favorite members, Senator Margaret Morton is now in the Chamber right now.

APPLAUSE

Thank you. I could never fill her shoes or her chair. Thank you. Just her being here gives me such great inspiration. Thank you.

THE CHAIR:

She doesn't know what she's missing does she?

LAUGHTER

SENATOR PENN:

Madam President, just one more Point of Personal Privilege. I'd also like to welcome Bridgeport's mayor, Mayor Ganim is in the audience at this present time too.

APPLAUSE

Thank you, Madam President.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Kissel.

SENATOR KISSEL:

Yes, Madam President, Point of Order, and  
personally I apologize if I raised my voice in that

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last --.

THE CHAIR:

That's all right.

SENATOR KISSEL:

In reference to Precedent No. 74, on Page 27 of our Rules and Precedents of the General Assembly 1993, I would move for rejection of House "A".

THE CHAIR:

Thank you very much. On the bill, thank you very much. You have before you Senator Kissel's motion to reject House "A" in conformance with Precedent No. 74. Is there any remarks? If not, then all those in favor of --.

SENATOR KISSEL:

Through you, I don't know.

THE CHAIR:

Go ahead.

SENATOR KISSEL:

I was going to request, Madam President, through you, to the proponent, since we are voting on House Amendment "A", if House Amendment "A" could be explained to the Circle before we could take a vote on possible rejection of that amendment and I would ask for a roll call --.

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Yes, Senator Kissel. I think you had the floor. The vote is on your motion to reject. You can comment on your reasons as to why you want to reject House Amendment "A".

SENATOR KISSEL:

And as it is my motion, I would ask the proponent of the bill to explain it. He's proposing that we adopt it.

THE CHAIR:

Are you asking a question of someone in the Circle?

SENATOR KISSEL:

Yes, through you, Madam President, to the proponent, Senator Jepsen, I would like to have the ramifications of House Amendment "A" -- I mean I'll come out -- I mean I don't know the procedure. Should I be the one to explain it or should you?

THE CHAIR:

Well, you have the floor, sir, if this is your motion and the point is that we're acting on the motion to reject House Amendment "A". You must have a reason for why you want to reject it.

SENATOR KISSEL:

Thank you, Madam President. Then, through you, Madam President, to the proponent, would the proponent of House Amendment "A" please explain.

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SENATOR JEPSEN:

I'm the proponent of the bill as amended and I think that we're all very familiar with this issue. We debated it ad nauseum --.

LAUGHTER

Some 12 or 13 days ago. I think that Senator Kissel is perfectly aware of the different perspectives on this and just to state very clearly my reasons for this, they're the same as they were 12 days ago. It is that the Colt Sporter is a close copy derivative of the AR-15, an acknowledged assault weapon. The changes in it are minor and do not bring it to the level where it should not be included in the list of assault weapons that we assembled for this bill and I would ask that when this vote is taken that it be taken by roll.

THE CHAIR:

Thank you very much, Senator Jepsen. The Chair would recognize Senator Robertson.

SENATOR ROBERTSON:

Madam President, as a non-introducer of the motion before us, through you, to Senator Jepsen, am I to understand that House "A" is the amendment which now puts the Colt Firearms back into the list of those weapons which will be now banned from sale within the State of Connecticut?

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THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

I think that the file copy speaks for itself.

SENATOR ROBERTSON:

Madam President.

THE CHAIR:

Let him finish please.

SENATOR JEPSEN:

I am speaking and I will finish without  
interruption.

THE CHAIR:

Thank you very much, Senator.

SENATOR JEPSEN:

And I think that everybody knows that this restores  
the Colt Sporter. This is clearly an attempt to kill  
this bill. Any amendment that passes will kill this  
bill with the little time remaining in our schedule.

SENATOR ROBERTSON:

Madam President, again.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Again, Senator Jepsen referred to the file. I have  
no file. I have asked for some bit of information as

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to what this bill. It has not been supplied to me so I would therefore ask that we stand at ease.

THE CHAIR:

Until what time? Until such time.

The Senate will please come back to order. I will remind you that we a motion on the floor which is a motion from Senator Kissel to reject -- a motion to reject Senate Amendment "A" on Senate Calendar 652. Senator Robertson has the floor. Apparently he's received the file copy that was circulated in his caucus.

SENATOR ROBERTSON:

Madam President, thank you very much. I appreciate it. As I now see, Senate "A" or House "A" now includes the Colt Sporter in the designated list of assault weapons which would be banned for sale in the State of Connecticut. If I might, through you, to Senator Jepsen, ask a question. It should be a simple question, a simple answer.

It's your opinion, Senator Jepsen, that the Colt Sporter represents those criteria which you use to establish the list and beyond question the Colt Sporter should be part of that list?

THE CHAIR:

Senator Jepsen.

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SENATOR JEPSEN:

Reference the comments I made moments ago to that effect, yes.

SENATOR ROBERTSON:

Thank you, Madam President.

THE CHAIR:

Thank you very much. Would anybody else wish to remark on --? Senator Kissel. For the second time.

SENATOR KISSEL:

Thank you, Madam President. Speaking on my motion to reject House "A", I asked a rhetorical question, what has changed in this Chamber in the last few days where we would take an about face on this particular aspect of this legislation and exclude this weapon from lawful possession, this firearm, this product manufactured in the State of Connecticut that is used by sportsmen throughout the United States.

The last time we talked about the Colt Sporter it was brought out here in the Chamber that the sale of that particular firearm brings in about a half a million to Colt Manufacturing, a corporation that very clearly is in financial difficulties. We're talking about real dollars for Connecticut in a business where we have placed pension funds or funds to try to keep it.

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It's my understanding that over 200 people in Hartford, about 100 people in East Hartford, about 30 people in Manchester, 20 people in South Windsor, they all work at Colt, real jobs, struggling to make ends meet.

My problem with excluding the Colt Sporter above and beyond the fact that this particular firearm I believe is used primarily, if not exclusively for honest reasons by sportsmen is that also in this Chamber as part of our past debate, it was brought out, I believe by Senator DiBella, that there are knockoffs manufactured in places like Maine and Ohio, extremely similar to the Colt Sporter, yet would not be excluded, would not be part of this ban on so-called assault weapons and the problem is in our rush to create meaningful legislation in the waning days of this session, you know, we just -- we're willing to overlook certain fundamental fairnesses.

We have a laundry list of weapons and by trying to call them all assault weapons build up support for this bill. Again, the rhetorical question, what has changed in our Chamber so that we feel that this bill has got to go forward? I believe that the men and women of the Circle can in all honesty and justification take out House Amendment "A". I understand there's a danger

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that this might ultimately kill the bill, but quite frankly, that is not my justification. This is not

There are parts of this legislation that I feel are inappropriate and just bad public policy. It's been very clear that the House is able to act upon things relatively quickly if it so desires. If we act upon this bill with amendments this evening, the House has a full 24 hours to act on it.

So I don't think rushing to the judgment that by amending this bill and trying to make the law more honest, I think by stating that that ultimately will kill this bill is not completely forthright. I think the individuals involved with the manufacturing of the Colt Sporter deserve a little bit better out of this legislature and it has been brought out during past debates that, well, you know, it's just unfair or it might be unconstitutional to single out this particular firearm and my logical response to that is if you had a definition of assault weapon where you could bring a weapon to that list, a firearm and be able to tell unambiguously whether it was outlawed or not, then I think that argument would make a lot of sense, but we don't have that. We have a laundry list and therefore we can pick and choose what's in that list and what's out.

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So I think we all have to think long and hard regarding this. This is not an amendment. This is not a motion to try to tank the bill. This is something I feel sincerely about and I would honestly ask everyone to search their consciences and try to come to grips with the fact that rushing to pass legislation just for the fact of passing it may not ultimately be in the best public interest. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Penn, on the motion.

SENATOR PENN:

Thank you, Madam President. Through you, to Senator Kissel, he asked a most important and pertinent question. What has changed since we last had this particular debate on this bill? Through you, Madam President, I say to Senator Kissel, three more deaths in Bridgeport, another shooting in Senator DiBella's and Senator Milner's district, as I read it during the people as during caucus, other shootings occurring around the state and I am not going to stand here before you and tell you that it's this particular weapon no more than it is Mothers Against Drunk Driving that says this particular brand of whiskey or beer or something or that particular make of car, that

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Cadillac killed my son versus that brand of whiskey  
influenced him to do it.

What has changed, Senator Kissel, is five more  
deaths and no one is talking about taking jobs from  
anybody. That's another smoke screen. The concurrence  
is exactly what Senator Jepsen, it's a move to send  
this bill back. There's no concern about this make and  
model. It's a ploy to try to upstage folks on an issue  
and move them to point of hysterics that somebody is  
trying to take their jobs. Nobody is trying to take  
their jobs.

I saw some of the folks from Colt. I talked to  
them. Some of them are living under the same  
conditions that we're trying to help them in and I  
think it's wrong for folks to motivate other folks for  
their personal point of view and to play on their fears  
that this Assembly and this Circle is trying to make  
people unemployed, it's about saving lives and all the  
other rhetoric has to stop. What has changed? That  
has changed, Senator Kissel. Some more lives are being  
lost, and again, I reiterate, I can't say it's that  
particular Sporter, no, I can't. I don't intend to say  
it's that particular weapon.

New York just passed a gun bill I believe yesterday  
in the New York Assembly and not that we have to model

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after anybody else, but I think if the Sporter is included, not in name, but in copy. It's these type of weapons that's causing the carnage in the streets of our municipalities in our urban and suburban areas. That is what's changed, Madam President. Thank you.

THE CHAIR:

Thank you very much. Senator DiBella, on the motion.

THE CHAIR:

Thank you, Madam President. I would agree with Senator Kissel. I think the issue here is one of definition. It is a definitional issue. We do not have in this bill or in Amendment "N" a definition that represents an assault rifle.

The assault rifle definition is one that talks about an automatic weapon or the ability to fire on automatic. The Sporter does not meet that criteria, but most importantly, Colt's Firearms has gone to great lengths to avoid the same operative mechanism that an assault rifle represents. Let's be realistic and talk about what an assault rifle is. It's a weapon that can be fired on semi-automatic, automatic or burst. It's a heavy-duty weapon. It is used in the military.

Colt's Industries manufacturers and produces the finest assault weapon in the world, the M-16A2. It is

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produced in Hartford, Connecticut. The Sporter is not a similar weapon. They have gone to great extremes to ensure that the operational or functional parts of the trigger mechanism cannot be converted to fire automatic. That's what the definitional issue addresses itself and I'll address that in Amendment "N".

What this does is it substitutes in House Amendment "A" the word "Sporter" or reintroduces the word "Sporter" after Colt AR-15. The Colt AR-15 is a different gun than the Sporter from a functional and operational standpoint in the sense that it cannot easily be converted. You have before you in this amendment a random group of guns with no definitional purpose with respect to what an assault rifle is or represents. That's the difficulty in this legislation. There is nothing to preclude the manufacture of a similar weapon -- type of a Sporter to come in and produce that without that name. I will give you four additional guns. I pointed out three of these in the last debate. I notice that neither of the amendments carry the weapons that I articulated in that debate, namely, produced in Illinois, a total knockoff of the Sporter in the sense of what it looks like, the Eagle Arms EA-15A2. Washington State, the Olympic Arms

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AR-15. Maine, Quality Arms various models. Florida, Night Armaments AR-15 manufactured in Florida. Again, an add-on to a random list of guns, not a definitional issue and I think that that's the basic flaw in this amendment, that there is a definitional identification as to the type of weapon we're talking about, and again, I think as Senator Kissel pointed out, in our desire to put together a bill that represents something that deals with assault rifles, we still don't have a viable definition here. We have a random sample of guns.

There were 61 when we started out or 63. There's now 31. What was the magic that we used to eliminate that other series of guns? Why did we not add to this the list of guns that are similar to the Colt Sporter and I think that's the flaw you have in this amendment. It's a basic issue and to stand here and to tell me that in my district someone in Senator Milner's district, someone was killed. Were they killed with one of these weapons? Of course, they weren't, but that would not preclude the four weapons I talked to you about being sold in the State of Connecticut because they don't appear on this list or a definitional change by name to exclude these weapons from that list.

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That's what we're dealing with here and that's why I oppose this amendment.

THE CHAIR:

Thank you very much, Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. A follow up on some of the comments that have been made. Just to make sure everybody understands what's going on here, this is an attempt to protect a local industry even though what is being -- the gun in question clearly fits the description of the other guns on the list and is consistent with the AR-15, Assault Rifle-15, also produced by Colt.

The criteria that these guns share, except for the cylindrical drum shotgun and the Street Sweeper and similar guns, is that the guns are semiautomatic and they're capable of holding clips, large numbers of bullets. Typically this is more than 15 and typically it's 30, 50, 70. We've seen them of 100 and 200 and the Colt Sporter is clearly of that genre. Although it comes with a clip for five bullets, it can be easily equipped without changing the gun with a clip for 30 or for 50 bullets.

So for those reasons, it is consistent with the other guns on this list and ought to be retained on

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this list -- be retained on this list for intellectual honesty.

The changes that were made from the AR-15 to convert it to the Sporter were that the bayonette clip was taken off. Senator DiBella is correct. It was changed so it is much more difficult, though far from impossible, to convert the Sporter from a semiautomatic to a full automatic, but as I said two weeks ago and I repeat tonight, that is absolutely irrelevant to the discussion before us. Full automatics already are banned. They are banned by federal law.

At stake here today are simply semiautomatics and the Colt Sporter, even after the modification remains one. So to raise that distinction is to imply a condition that is absolutely irrelevant to our discussion.

And finally, the third change is what I reference earlier. The clip -- it was changed so that the clip with comes with the gun is for five bullets because I pointed out that can be easily replaced with a clip for 30 or for 50 bullets.

If Senator DiBella has other guns that he feels ought to be on this list, we would be more than happy to include them. IN fact, we routinely amend other bills to fix up bills that come along and I would be

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more than happy to sit down with Senator DiBella, you  
Senator Kissel, representatives of the National Rifle  
Association and develop a list that includes more guns,  
but this points to one of the problems that we've had  
throughout this debate.

The National Rifle Association has no interest  
whatsoever in sitting down and working out a workable  
definition for guns. If we restrict the list, we're  
damned because of the guns we left out. If we expand  
the list, we're damned for the guns we keep in.  
They're only interest lies in killing this bill. They  
have shown no interest whatsoever despite offers by  
myself and others to sit down and review what can be  
done to protect the legitimate needs of sportsmen.  
We've offered to do that. They've never taken us up on  
it. Their entire M-O throughout this long debate has  
been to kill this bill. Every effort has been directed  
in that direction, no effort whatsoever to protect  
legitimate's sportsmen's interest and so then it comes  
time for a vote, they suddenly realize that they're  
going to lose a vote and what is their entire effort,  
it is directly solely at killing the bill, in this case  
because the list is a little bit more restricted.  
Well, we criticized them for not including guns. If we  
had made a longer list, they would have criticized us

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for including guns. Damned if you do, damned if you don't.

We remain open, by the way, to sitting down with legitimate sportsmen interest in developing legislation next year or if we had time this year even amending some other bill. We remain open to doing that. We're not out to destroy the legitimate sportsman, but until we're given some level of cooperation from them, we had no choice but to go forward as we have done.

I would like to quote from the National Rifle Association's own magazine, The American Rifleman, June 1993 issue. They have a piece on Colt, still the industry leader and copies are available for anybody who wants it, but reading from it, we normally avoid the affectation of using the manufacturer's stock numbers, but in the case of the AR-15, it is useful in Colt's nomenclature. Thanks to several management changes in the 1980s it can be very confusing.

The names listed in the firms' catalogs often don't jive with the roll markings on the guns. When in doubt we use the catalog listing for names, but here the R Series names are clear especially when almost identical rifles are called AR-15s and later Sporters.

The Sporter is an assault rifle. It's a semiautomatic. You can fire it very rapidly like the

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other guns on this list. It merits being placed on this list. We will fight to keep it on this list, but again, and I repeat this, we remain open to working with anybody from the other side to develop a better list in the future and to develop ways to protect Connecticut sportsmen.

THE CHAIR:

Thank you, Senator Jepsen. Senator DiBella, for the second time.

SENATOR DIBELLA:

Thank you, Madam President. I rise not as a member of the National Rifle Association because I don't belong to the National Rifle Association. Again, I don't believe that Senator Jepsen has qualified the issue here. The basic issue is he says if someone has more guns to add to the list, we'll allow you to add the guns to the list.

Are we to meet here every three weeks or every six weeks to add some more guns to the list? The basic fowl in this amendment is very clear and distinct. It's just a random sample of guns. I just articulated four guns that aren't on that list. Three of those I articulated four or five days ago. I didn't see those reappear on the amendment that was filed that's before you tonight which was represented in House "A". Again,

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anyone can come in and change the name of a weapon. That means it doesn't qualify under it. It doesn't say anything about it has more than five -- it has a clip of more than five rounds in it. It doesn't qualify any of that as a criteria or a standard to identify the differentials between these weapons.

All it says is here's a list of weapons. That list of weapons is illegal to sell in the State of Connecticut or possess without the grandfather clause and the basic issue you have here is that we can continue to add to this list and meet here every week, but there are four guns that I have articulated here that will be, if this bill passes, the four guns that I articulated made in Illinois, Washington State, Maine and Florida will be salable in the State of Connecticut because they're not on this list. They're not inclusive in this list.

That's the flaw that exists in this piece of legislation. Now, we can talk about the emotion issue of people dying and no one is supporting any kind of legislation that talks about killing people in the streets, but let's be fair and realistic with each other. By taking a random sample of guns here and laying them on a piece of paper and saying this will eliminate, and to quote the chief state's attorney,

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save a new generation or save a generation of  
Americans, let's stop deceiving ourselves.

This is a flawed piece for legislation, and let's  
admit it, the bottom line issue was they had the  
ability to change it to come up with a realistic  
definition that would not create a situation where a  
Colt Sporter is placed on this list is precluded from  
sale in this state, but in reality an Eagle Arms made  
in Illinois could be sold in the state.

If we're going to do it, let's do it right. Let's  
not say because the National Rifle Association didn't  
come to the party that the bill should still remain  
flawed and blame the National Rifle Association. We,  
the legislature of the General Assembly of the State of  
Connecticut, are creating the laws in this state. The  
National Rifle Association is not charged with the  
responsibility and obligation to create a piece of  
legislation. That's the issue at hand this evening and  
if that's not to be dealt with, then fine. Let's just  
deal with a random sample of guns and if your gun isn't  
on there, then you're fine. There is no definitional  
issue that separates these guns.

THE CHAIR:

Thank you, Senator DiBella. Senator Nickerson.

SENATOR NICKERSON:

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Thank you, Madam President. Let me bring the debate back to the motion before us, which is to reject House Amendment "A". The rejection of House Amendment "A" raises one issue and one issue only and that is whether the word "Sporter" should succeed the word "Colt" on line about 10.

There are two objections that have been raised to the inclusion of the Sporter that separate them and deal with them. The first objection is economic. It has been said that it would be economically disadvantageous for the Colt Company, of which the state is a part owner, to include the Sporter Rifle. Okay, let's deal with that.

I would refer those who believe that objection to be valid to Section 12 of the act. Section 12 makes crystal clear that this act does not prohibit anyone from manufacturing an assault weapon of any description, Colt Sporter or otherwise, in the State of Connecticut. It does not prohibit them from shipping that manufactured weapon out of state or even selling in in-state to those agencies which are otherwise permitted in the law to acquire this weapon. So I asked before when we had had this what statistical fact can those who make this economic objection adduce to ratify the notion that the Colt Sporter is

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disadvantageously harmed by the bill before us. I heard none then, I've heard none now.

I repeat, there is nothing in this bill which prohibits the manufacture of any quantity of Colt Sporters or any other firearms by Colt or any other manufacturer. There's nothing that prohibits the sale of the Colt Sporter anywhere in the country where it is legal, of course, or Connecticut, where it is legal.

So the only element of economic impact of House Amendment "A" before us is with regard to the sale of the Colt Sporter within the State of Connecticut. Now when this issue arose, what was it, a week ago, I specifically asked those who held this belief what statistical evidence could they adduce to support the proposition that this was disadvantageous, I heard none.

I think in all fairness it is incumbent on the maker of the motion, the burden is on the maker of the motion to adduce factual evidence to support the rationale? Hearing none, I'll move off that objection and move to the next item. It's been much debated. Clearly, in determining whether the Colt Sporter should or should not be within the scope of the definition, we shouldn't talk about what we feel, what it looks like, what someone told us on the telephone, but we should

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look at what dispassionate outside sources have told us. The most relevant is the Federal Bureau of Tobacco and Firearms. I read into the record and won't read again the letter written by the Bureau of Tobacco and Firearms in Washington which said unequivocally that should this weapon be manufactured abroad, it would run afoul of the current federal prohibition on importations of assault weapons. It would not be an importable weapon, (a).

(b) Not citing the NRA as an exclusive repository of all knowledge, but as an interested party, it's very fair to note, as I believe Senator Jepsen has, that in their current edition of The American Rifle Magazine, they specifically and unequivocally say that the Sporter is simply an AR-15 and I'm reading now under the name Sporter.

So I believe I have adduced to the Circle two authoritative sources characterizing the Sporter as the equivalent of the AK-15, thus not importable, and thus, in the same category of the NRA.

I've asked and have never yet received statistical economic evidence justifying the concern with regard to a negative impact of the manufacture, particularly given the provisions of Section 12 which clearly permits the manufacturer in unlimited quantity.

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Therefore, I do feel that it's fair to point out that the proponent of the motion to strike Amendment "A" has not made a factual case and I urge rejection. Thank you, Madam President.

THE CHAIR:

Thank you very much. Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Madam President. I do want to address --.

THE CHAIR:

The motion to reject Senate "A"?

SENATOR GUGLIELMO:

Yes, and also the three Senators who made statements, I'd like to take them one at a time, if I could. Senator Jepsen said that this is an effort to kill the bill and on my part it certainly is. I think it's bad legislation. I said that when I was here the last time we debated it. Legal gun owners do not participate in drive-by shootings. Legal gun owners do not purchase their rifles where I purchase mine at Wilderness Sports. I haven't seen anyone in there from 20 Love or Aryan Nation or the Latin Kings because they get their weapons from illegal sources and what we do and say here makes no difference to those folks who are causing the problem. It only makes a difference to the

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legal gun owners in the third smallest state in the nation. It has very little impact.

Senator Penn mentioned that there were three deaths in Bridgeport and that's deplorable, but I wonder how many of those deaths were caused by these weapons on the list. No one has told me of one single death caused by one of these weapons on the list. Senator Nickerson talks about being factual. Well, where are the proponents? Stand up. Give us one. Give us a clipping. We don't have any and we sure as heck don't have any caused by honest citizens who register weapons because they are not part of the problem. People who go to Rockville Fish and Game and Bristol Clubs do not cause the problems.

And lastly, Senator Nickerson asked about the economic impact and I'd like to address that. Sure, maybe there's only 500 Sporters sold here in the State of Connecticut, but you know, while the gangs are not watching us, I'll tell you who is watching us. It's the legislators in other states who are looking at similar legislation and if I was sitting in the legislature in Maine or Texas and somebody told me that the State of Connecticut had banned a weapon that was manufactured in their state, a company that was in financial trouble and a company in which the State of

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Connecticut had a financial interest, I would say to myself, that must be one vicious weapon. That would make a lot of sales and change a lot of votes in a lot of legislatures across this country because they're going to be watching us because the weapon is made here and it is not an automatic weapon. It is not the same. We've gone through that discussion many times. It may look like an automatic weapon, but it is not. It's a semiautomatic weapon. There is not a military organization in the world that would put their troops on the field with a Colt Sporter, not even a Third World Country because it is not an assault weapon and I think that's one of the problems with this whole political process. We're never precise. We don't use the English language precisely. We call taxes revenue enhancements. We call them contributions and that's why everybody is disgusted with us. Yes, because we don't talk straight. This is not an assault weapon. I don't care what The Hartford Courant says. The trouble is some of the people have not been in the military and they don't understand the difference and there are some of us to do and I think the police chief from the Town of Bridgeport did this body a tremendous disservice when he stood up and held up a vest with two holes in it and said these were made by a Sporter Rifle knowing

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full well that any rifle would penetrate one of those vests. Now that's not intellectual honesty and that disappoints me. So I would urge that we reject this amendment and reject the entire bill because I think it's foolish. It targets the wrong people and we've wasted a ton of time on feel good legislation. We ought to spend some time on sure and swift punishment of people who commit crimes. Thank you, Madam President.

APPLAUSE

THE CHAIR:

Thank you, Senator. Would anybody else wish to remark? (Gavel) The Senate please come to order and the Chair would recognize Senator Eads.

SENATOR EADS:

Thank you, Madam President. I'm not a member of the NRA, nor do I own a gun, which is probably just as well. I wouldn't perhaps know one end from the other. I would just like, through you, Madam President, if I may, ask the proponent of the bill if he has any statistics on how many murders were committed or drive-by's with an assault weapon or whatever. Yes, I think you're the gentleman that brought it out, right?

THE CHAIR:

Senator Jepsen. Senator Jepsen, Senator Eads has

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asked you a question, sir.

SENATOR JEPSEN:

Well, that's a very difficult number to trace. I have in the file the -- because police are not required to report in all instance which weapon of which type are used in which crime. The Bureau of Alcohol Tobacco and Drugs does maintain a list of guns that are traced and the number of AR-15s and Colt Sporters, including -- the Colt Sporter has only been around since 1990, so it hasn't been in circulation as long as the AR-15, but we have a listing from the Bureau of Alcohol, Tobacco and Drugs, a list of hundreds of instances of the Colt Sporter and the AR-15 being used in the last couple of years.

I appreciate your bringing up that point because since we have only statistics available between 1986 and 1991, we don't have statistics yet for 1992, but between 1986 and 1991 Colt manufactured assault weapons which 1986 to 1990 includes only the AR-15, but since 1990 includes the Colt Sporter has ranked every year in the top four manufacturers of guns that are used, assault weapons used in violent crimes, every year since 1986 in the top four, including I think three of those years, Colt manufactured assault weapons and was number one.

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So this is every much part of our crime situation. I, myself, when I was in Bridgeport and I will repeat the invitation I made two weeks ago. I would encourage anyone to make a trip down to Bridgeport Police Headquarters, I'm sure Chief Sweeney would be happy to indulge you, and visit the weapons room where the captured weapons are available for your viewing and I saw Colt Sporters there, including one which had been outfitted, with of all things, a launcher for grenade like things. It was hand tooled onto it, but it was a Colt Sporter. That was seized in a crime.

THE CHAIR:

Senator Eads.

SENATOR EADS:

You're confusing me with the facts right now, Senator, but I'll proceed on. I would like to know, did these statistics come from the State of Connecticut or did they come from Alcohol, Tobacco and Firearms?

THE CHAIR:

Senator Jepsen.

SENATOR JEPSEN:

This is their national listings, but we know, as I mentioned, I've seen the Colt Sporters that have been seized in crimes here in Connecticut, so we know that they are used in crimes in Connecticut and we also know

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for a fact nationally that they have been a party to hundreds of violent crimes.

THE CHAIR:

Senator Eads.

SENATOR EADS:

Thank you, Madam President. I will say, you know, I don't dispute what Senator Jepsen has said, but I certainly would dispute what the Alcohol, Tobacco and Firearms did or have said, particularly after their situation in Waco, so I think I'd probably take that with a little bit of salt.

However, I think if you go through and find out the statistics in the State of Connecticut, you'll find the assault weapons were used very seldom in crimes here in the State of Connecticut and I had those figures and unfortunately did not bring them with me.

I also feel that the Sporter is used for competition. It's used for hunting. It's used for target practice. In my part of the state this is great recreation for people who perhaps do not go out and play golf and don't go out and play softball or whatever it is or fish. They like to go out and hunt. They like to target practice and they also go to competitions.

You are depriving people of their recreation and

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something that they enjoy doing and why we should do that, we're interfering with their lives too much as it is, so let's starting thinking about those people and I think that we can come up with something much better than what we're coming up with now. I think we're going too fast on this. Everybody is throwing everything into the pot and we're not coming up with good, sound legislation.

As Senator Kissel said, what has changed in two weeks. Senator Penn said the several killings. Might I say, Senator, they're killing every single day and if that was the case, we'd be barring every single gun, including knives and everything else that goes down because there have been an awful lot of assaults and murders where people have been stabbed this week and last week.

So I think we've got to give attention to this. I think what you also have to remember is that over the 20,000 gun laws in the United States, I think we have ample. New York was mentioned, New Jersey and Washington, D.C. passed the most stringent gun laws you could ever come across, and guess what, the murder rate increased in every one of those three places. Is that what we want? Are we sending an invitation to the criminals who are going to go out and get those guns?

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We law-abiding people, as Tony Guglielmo said, we're not going to be going out and shooting by's or whatever you call them, but it's the criminals. They're not going to stop to think whether the gun was made by Colt or "Joe Blow" in another state. So you're not doing anything. You're just postponing the agony. They're going to go out of the state and I would also ask the proponent of the bill, suppose I owned a Sporter and moved from the Midwest, came into the State of Connecticut, do I relinquish it?

SENATOR JEPSEN:

You would have to relinquish it.

SENATOR EADS:

Here we go again. Big Brother is after you and we might as well continue on. Next year we will be taking more away. It's slightly reminiscent, and this is very small potatoes, but do you remember when we were doing radar detection. We could sell them, the detectors, we could sell them in the State of Connecticut, but we couldn't put them in our automobiles. So remember that, because a lot of the people put them in the automobiles and paid the \$40 fine.

I would ask you to reject House "A".

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THE CHAIR:

Thank you very much. The Chair would recognize  
Senator Milner.

SENATOR MILNER:

Thank you, Madam President. First of all, after listening to the last comments by Senator Jepsen, the two weapons that he talks about, the two AR-15s, are still in that bill that are made by Colt. This just takes out the one that's been made since 1991, the one that he states we have no record of. The other two are still in the bill.

Secondly, I resent the implications that those of us from Hartford who eliminated the Colt Sporter from the last bill, did so to protect a local business. I can just as easily say that there are those in this Circle who are still upset because this state, through its treasurer, provided money to save Colt's and have included the Colt Sporter as a way to protest the earlier action. I could say that, but I won't.

LAUGHTER

The last time this bill was before us, I too supported taking out the Colt Sporter and may do so today and I say may do so. And let me make one thing clear, I won't do it because of any parochial interest, as some have alluded to and not because I felt that

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Colt workers would lose their jobs. I know that this is a management and a union leadership ploy, but because I felt as I do now that as modified, it did not and does not belong on the lists.

There was mentioned a letter from the Department of Treasurer to the Mayor of the City of Bridgeport and it was alluded that the Bureau of Alcohol, Tobacco and Firearms has said in the letter that the Colt Sporter was an assault weapon, but let me read in part what the letter said to the Mayor of Bridgeport. The letter does not address assault weapons at all. It talks about semiautomatic rifles.

They state that the Bureau of Alcohol, Tobacco and Firearms issued a report on the importability of certain semiautomatic rifles. Again, not assault weapons. It concludes by saying based on the importation criteria of semiautomatic rifles, again, not assault rifles, the Colt Sporter Rifle would be banned from importation based on semiautomatic rifles, not assault rifles and it didn't say not for sale. It didn't say not for distribution in the United States. It didn't say not for any other reason except for importation.

I conclude by saying if you have any additional questions, please feel free to contact me. This bill

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that we have before us, not the Bureau of Alcohol, Tobacco and Firearms, has called the Colt Sporter an assault rifle and the letter is to Thomas J. Sweeney, Chief of Police, the City of Bridgeport from James O. Pasco, Department of the Treasurer, Bureau of Alcohol, Tobacco and Firearms.

The list already includes two Colt firearms, like I said before, however the bigger issue for me was and is in the increase of once legally obtained assault weapons on our streets. That is why I have supported the bill. Infringing on the rights of sportsmen, gun collectors or the NRA is not the issue either. Banning these listed weapons in no way attacks the intent of the second amendment or anyone's rights under it and the NRA knows that.

It is most disturbing to me that the management and union leadership, of course, through the City of Hartford and State of Connecticut worked hard to salvage is now misleading its workers, more than half of them living in my district, by leading them to believe that if Colt Sporter is not eliminated, they may lose their jobs. It is a fact that only about one and one half of Colt Sporters are sold in Connecticut and this bill only talks about what's sold in Connecticut, does nothing about manufacturing.

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The bill in no way bans the manufacturing of the Colt Sporter or any other firearms. It is also a fact that Colt's just received a contract with the army. Some may say it's not major because it's only eight point something million dollars, but it is a new contract from the U.S. Army to make more firearms.

Madam President, whether it be the NRA, Colt management or union leadership, no one gets my support by intimidating me or misleading my constituents, those workers of Colt who live in my district, or by intimidating or misleading me.

The bill may not be the solution, it won't stop crime, it won't stop drugs, it won't eliminate all support weapons, all assault weapons, but I would not be able to live out the rest of my life in peace if through my neglect to do what I consider best, not best for me, but for those whom I was elected to represent and if one child, just one child in this state is cut down with any one of the listed assault weapons, and I'm saying listed assault weapons on this list. No we can't ban everything, but we can put restrictions on those weapons that have been labeled and have been used as assault weapons in this state.

Like the Workers' Compensation bill, the desegregation bill, the unemployment compensation bill,

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the no fault bill, all passed this Circle. No, like them, this ban is not the solution. Well, like we said on each one of those bills, it is a beginning. It is a chance, a ray of hope for those communities where guns are not used as collectors' items, guns are not used as for hunting, guns are not used by police and security personnel, are not kept by individuals for protection, but are used to assault on our streets as assault weapons to shoot down innocent children, parents, grandparents on our streets.

Whether you live in the rural parts of Connecticut, the suburban parts or urban Connecticut, with all the firearms available for legitimate use, there is no need for the real assault weapons and I would urge all my colleagues to support the bill as we have supported other legislation that provided some security, some comfort, if not a solution.

Again, and I will say it again and again and again, particularly after reading the real letter that was sent to the Mayor of Bridgeport, that I do not believe the Colt Sporter should be on this list nor do I believe that it will take away jobs, nor do I believe that it will close Colt's, but I personally do not believe it belongs on this list.

The Colt weapons that Senator Jepsen spoke about

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are on this list and will remain on this list. I may or may not support the amendment, rejecting the amendment only because I would like to see the bill go forward, but I don't want you to feel in any way that I feel that the Colt Sporter is an assault weapon and there has been no documented proof, there is no proof in this letter that there is and until somebody proves it to me without trying to penalize someone that got some support from the state to stay in business, then I may believe it. Thank you.

THE CHAIR:

Thank you very much. Is there anybody else that wishes to remark on the motion to reject House Amendment "A"? Senator Upson.

SENATOR UPSON:

Yes, very quickly. I sat through the testimony in the Hall of the House, etc. There was no testimony of anyone being -- any crime in Connecticut being committed with or by an assault rifle, one, no matter what you want to call the assault rifle.

Two, of the hundreds of people that have been arrested for crimes in Connecticut, only one in the last 700, my understanding, had a permit. So what we're doing tonight or what we're proposing to do, it has to be yes or no, isn't going to solve any problems.

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I do vote to take out the Colt Sporter and I urge your support.

THE CHAIR:

Thank you very much. Senator Penn, for the second time.

SENATOR PENN:

Thank you, Madam President. I hope for the last. I feel some other folks do to, but I concur with some of my colleagues and Thirman Milner, and again, I concur with what his decision has to be, just like every member of the Circle's has to be. I heard some things which were fallacies, but fallacy also depends on who you talk to and who you listen to and who you believe.

I have some problems with what I heard about saying that, and again, this surprises me how we become so opinionated. As Senator Jepsen said, early on, and I know I did since I originated the bill in Public Safety and there was no TV cameras. There was no crowds. As a matter of fact, as I spoke earlier, Madam President, I didn't think anybody cared, but I knew I had a mission to do coming from Bridgeport. It was something I had to do.

I went as far as Senator Eads' District way up there in Salisbury. I think I was the only one in

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Salisbury, but I didn't go and I never expected applause or anything, but I did that to try to make people understand I have a problem. I'm not trying to stop you front hunting or recreational shooting. Way up in Salisbury, Senator, where they use knives instead of guns.

But I think people in Bridgeport would be most assuredly happy if somebody would drive down the street and throw knives out of the window.

LAUGHTER

It's not knives that's going through these windows that's got all these people anxious. It's not knives or bats that has 63 homicides in Bridgeport one year and 62 another. I know people are tired of me saying that, but nonetheless, it's a fact. 29 so far this year. As much as I love Senator Eads, it wasn't knives, dear, we'd welcome knives, believe me. We can barter. But learn from what's happening in our areas, as I stated last time. Don't wait until it hits home. Take somebody else's word for it, and my good friend, Tony, through the Chair, he says there's nothing wrong with the -- the Aryan Nation are not the ones. As much as know him, I know where his heart. I said who left a message on my machine last night when I got home asking me why I'm protecting the hamhocks of Father Pannik

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Village.

I don't think that somebody who is a honest citizen would take the time to put that on the player where children can hear that. I said if I wasn't right, if I wasn't right, get white. I don't think that was put on my machine by somebody who was an honest citizen who bought the legitimate guns. There were seven rhetorical things on my machine. I tried very hard to not even bringing it and let some people hear it. I understand that goes with the territory, but children should not have to listen to that and I have no problem debating with somebody on the issue and they can, Senator Penn, you won't have my vote again. That's fair. I can understand that.

But something tells me what I'm doing is right when I hear that nonsense. Somebody is being affected by that bill that does not need to have a weapon. That's obvious to me. I don't know. I don't know where all this help was when I was looking around trying to find somebody to put our minds to better.

I've seen more attempt her to kill bill, a stickler on one issue, the Sporter, and you can look at the amendments and seeing everybody urge to put it back in and everybody who urged the amendments are all those opposing the bill. It speaks for itself, Madam

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President. The amendments are there. I do not see Senator Jepsen or Senator Penn or this one or that. All those folks in the House or the Senate who oppose the bill put those amendments forward, only one issue and that is to kill the bill.

I don't know what else you can say to the Circle. I don't know exactly how much blood has to be lost. When are we going to start getting our act together and I agree with Senator Milner, I also agree with Senator Guglielmo on this. I do believe that we still have a long way to go. Nothing in this bill is perfect, but every attempt, and as far as the launching of this was made, every attempt was made to work out some kind of compromise that would help the City of Bridgeport and Hartford and the urban cities in the State of Connecticut and I urge its passage. Thank you, Madam President.

THE CHAIR:

Thank you very much.

SENATOR FLEMING:

Madam President.

THE CHAIR:

I was going to recognize Senator DeLuca. Senator DeLuca.

SENATOR DELUCA:

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Thank you, Madam President. I'm not a member of the NRA, as I said before, nor would I know one of these guns from the other. I wouldn't pick one up because I would not trust myself, but I heard here this evening that the motive of the NRA is to stop this bill and to prevent gun control. I agree with him. The NRA has never been less than honest that they are against this form of gun control. What's the surprise?

They sound out forthright and say we do not believe this does what you say. Now the proponents of this bill say it's for crime control. Is it crime control or is it gun control? If it was crime control, we would be addressing the problem. I believe it's just plain gun control and it has been said that we hope it will make some difference. It also has been said this is approximately one percent of the guns used in crimes. Does that mean that the other 99 percent of the guns used in crimes were illegal? So now we'll make it 100 percent. That doesn't stop the crime.

I believe crime control is the issue and I sympathize with Senator Penn about the number of killings and that is wrong, but something came across in a little corner of my paper yesterday, an article about East St. Louis, Illinois. It was described as the nation's highest per capita murder, the highest per

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capita in this country and it said, it continued that murders are decreasing in this once deadly city. According to the chief of detectives, it's because they have become aggressive in their law enforcement. That's crime control. Large dealers are being arrested and convicted. Small dealers are fleeing because they're afraid of being arrested and convicted. They didn't pass a law to ban any guns. They didn't do it. They had the highest per capita and they did something about it. They didn't talk about it. They didn't hope about it. They said we've got to stop this and the way to stop it is to go out and pick up these criminals and convict them. It worked.

But when we talk about doing something about our judicial system here, it was said earlier, we've got to do that, we don't have time, but we will. Well, we'll probably address that next year. We can't put them into our prisons because that will let somebody out the other end. We've got two prisons built, not staffed. We don't have the money, but there's been \$85 million worth of Pequot money laying around here for the last two weeks that people are fighting about. How can we take it home? We could fund the prisons. We could beef up the judicial system. We could put the police back into the streets. The state police have proposed

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putting in a crime squad to go in and help in the cities. We could beef that up. \$85 million would do a lot towards crime control and as it did in East St. Louis, Illinois, it would produce something to reduce those murders in Bridgeport, Senator Penn, because criminals will not stop and obey this law because they don't obey any law. The definition of a criminal is someone who doesn't obey the law. Pass another law. Is he going to obey this one? It doesn't change. This is where it's at, crime control. And we can do it. We have the money. We have the wherewithal. Do we have the will or do we just continue to hope that this bill and if next year this bill doesn't do it, maybe we can add some more guns to it and maybe that'll do it.

And as I mentioned earlier, 99 percent, let's push it to five percent, 95 percent of the crimes and murders committed with guns are already illegal and that hasn't stopped one damn criminal.

I jokingly said after the Judiciary Committee passed 988, that did you see all the lines outside the police stations in Hartford, Waterbury, Bridgeport? All the criminals were standing in line to pass in their guns. They didn't do that, did they? They don't care. They don't care.

But if we put them away, we automatically take away

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their guns at the same time. We do two things at once and it stops the killing and it reduces the killing and it works, as indicated here.

I say let's do something instead of hoping. I urge that we reject this amendment. Thank you.

THE CHAIR:

Thank you very much. Senator Fleming.

SENATOR FLEMING:

Yes, thank you, Madam President. Madam President, I rise for a couple of reasons, but first to say that I know that Route 8 runs from Northwest Connecticut to Bridgeport and I share a portion of Litchfield County, some of those small towns with Senator Eads and for that reason traveled down Route 8 to Bridgeport and spent a shift with the police. It was at the request of Chief Sweeney and it was after having sat through public hearings in the Public Safety Committee on this issue and other issues surrounding gun control and listening to some of the stories about Bridgeport and about how bad things are there and I couldn't believe it could get that bad, so again, I went down to Bridgeport and spent a little time down there and I found that there are areas of Bridgeport where people are trying to raise a family and they're afraid to come out on the streets. There is no doubt a serious

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problem in Bridgeport and the argument is being made here that if we ban assault weapons or if we in this case on this amendment ban the Colt Sporter that we're going to do something to correct that situation.

If I believed that, I would vote to keep the Colt Sporter in and I would vote for this bill, but I don't think that's going to be the effect of this bill at all. I went down into the basement of the Bridgeport Police Department, and if none of you have ever been there, I would recommend, no matter where you are on this issue, you go and take a look at the collection that Chief Sweeney has down there. It's quite extensive. I saw weapons down there that you might see on the back of a truck in Somalia, gigantic weapons, amazing weapons, all incidentally illegal or taken off somebody who had them illegally under our existing statutes. I saw sawed off shotguns down there. Those are illegal under our existing statutes. I saw machine guns. Machine guns are illegal under our existing statutes.

I didn't see a Colt Sporter, I might have missed it because there were so many weapons down there, but even if a Colt Sporter were down there, I would venture to guess that it was taken off somebody who already had broken the law and had that gun or any other gun

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illegally. That is not what this bill is about. That  
is not what this amendment is about.

If we want to get serious about correcting the  
awful situation in Bridgeport, Connecticut, then you  
have to start, number one, enforcing the laws that we  
have on the books right now and that means when a judge  
comes before this Chamber who is not enforcing  
mandatory sentences, we ought to boot him and we ought  
to set up a system whereby we can judge those judges  
and whether or not they are in fact doing what the  
legislature had mandated for at least the 13 years that  
I've been here and that is to try and get tough on  
crime.

We ought to take a look at what's happening with  
plea bargaining and if we -- if we have a concern about  
overcrowded prisons, as Senator DeLuca perhaps was  
suggesting, perhaps we ought to use some of the Pequot  
money to open up some of those prisons so that we can  
put criminals in jail and not put prosecutors and judge  
into a situation where they're afraid to impose  
mandatory penalties because they'll go to overcrowded  
prisons and perhaps mean that people are going to be  
released onto the streets that we don't want released  
onto the streets and we also have to make sure that we  
back up the cops.

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I drove around the City of Bridgeport with some terrific police officers and they told me stories about police officers who were mugged, mugged in the City of Bridgeport, had their weapons taken off of them and I said, "Well, how could that happen?" And the way that happens is that the cops are afraid to use the proper force necessary to enforce the law because when they do that, somebody brings them up on charges. That is the problem in Bridgeport, Connecticut. That is what this legislature ought to be addressing, not feel good bills like this that will do nothing to address the crime problem in this state. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Fleming. The Chair would recognize Senator Larson.

SENATOR LARSON:

Madam President, I rise on a procedural point for the remainder of this evening and tomorrow. I would just like to point out to my esteemed colleagues in the Circle that clearly, in going through each amendment, "A" through "N" in the House and the ten amendments that are filed will clearly take a great deal of time and I will support any individual who wants to be heard on each and every one of those amendments, but I would also think that it's only fair, I think if each and

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every one of us recognizes that this matter has been before this Chamber and the House and that there are people, both in the balcony and who expect this Chamber to deliberate not only on the matter at hand before us, but several other pieces of business that must come before this Chamber and it's clear that, and I would not impede or restrict debate in terms of this issue, but I do think that the dialogue is not going to change the positions of people in this Circle.

And so, Madam President, I would ask as a matter of courtesy that we might proceed with the debate and keep that fact in mind, that we are operating against the clock and that there are other pieces of information that are coming before this body and that's not to deny any individual an opportunity to get up and speak their mind on any amendment or any issue, but as the Senate leader, I have an obligation to remind people of the rest of the business that we have before us and I would simply close by saying this is a matter that reasonable minds can disagree on, but those who enforce the laws, who have asked us who create the laws to come to their aid.

We are fortunate in this Chamber this evening to be visited by Mayor Ganim, who also led a task force of elected officials who have asked for this bill for

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themselves, for their communities, for our state.  
Thank you, Madam President.

THE CHAIR:

Thank you very much. Would anybody else wish to  
remark? Are there any --? Senator Freedman.

SENATOR FREEDMAN:

Thank you, Madam President, and I'll take the  
opportunity now and I promise not to speak later, but I  
do think some comments have been made about this first  
attempt to kill the bill and I think it would be wrong  
of this body to support the motion that is currently on  
the floor.

I think one by one we can avoid that from happening  
if we not succeed and let that happen on this one. My  
feeling is that what we have before us is probably the  
best piece of legislation that this Chamber and the  
House can put together in terms of any form of keeping  
guns out of the hands of criminals and maintaining our  
sanity.

A comment was made a few minutes ago about the  
judicial system and about our prosecutors and about our  
public defenders and about our courts in general and I  
have to point out to my colleagues that our jails are  
full right now and that there is an in and out policy  
and yes maybe we should consider some more opening of

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our jails, but we have some very good current laws on the books right now.

This bill goes one step further though. The bill that came up to us from the House has some amendments on it that will make it even more difficult for people to avoid some of the penalties that this state would like to impose, but it's imperative on this first motion that we now allow ourselves to be deceived and allow this bill to be undermined in any way and I would ask my colleagues to search their consciences. This is not the perfect bill. It's not the solution, but it's a step in the right direction.

We must begin to make people realize that we are serious about looking at the weapons that are out there, and as I said in the debate two weeks ago or whenever it was, one life is worth the risk we take tonight by letting this bill go through as is without any changes and that's the plea I make to my colleagues in the Circle. Let it go through as it is right now. Give it a chance. We can always come back to add to the list, to change the list, to do other things, but this state, once and for all, has got to be gutsy and do something right for my colleagues in the city as well as my colleagues in the suburban areas.

Our police have asked for this. Let's give it to

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them. Thank you.

THE CHAIR:

Thank you very much. Would anybody else wish to remark on the motion to reject House "A"? Are there any further remarks? If not, Madam Clerk, would you please 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, Madam President. The issue before the Chamber is a motion on Senate Calendar 652. It is a motion to reject House Amendment "A", to reject House Amendment "A". A vote yes means to reject. A vote no does not. The machine is on. You may record your votes.

Senator Milner, Senator Sullivan and Senator Daily. Is Senator Daily here? Have all Senators voted and are your votes properly recorded? Have all Senators voted and are your votes properly recorded? The machine is closed.

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The result of the vote:

18 Yea

18 Nay

0 Absent

The motion fails.

Senator Kissel.

SENATOR KISSEL:

Yes, thank you, Madam President. As a Point of Order, and again, utilizing the same -- I'm sorry.

THE CHAIR:

Wait a minute. (Gavel) Senator Kissel.

SENATOR KISSEL:

Madam President, I move to reject House Amendment

"I" and wish permission to speak.

THE CHAIR:

"I" as in India.

SENATOR KISSEL:

"I" as in Indian Ink.

THE CHAIR:

Thank you very much. Can I assume from that motion, just as a Point of Inquiry to you, that you're not going to try to reject "B", "D", "F" and "H"?

SENATOR KISSEL:

That is correct, Madam President.

THE CHAIR:

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Goodie.

LAUGHTER

We now have before us a motion to reject House Amendment "I", as in India. Would you like to remark on your motion please?

SENATOR KISSEL:

Yes, I would, Madam President. Fellow members of the Circle, House Amendment "I" puts a very interesting issue squarely before us. What it does, it makes the use of assault weapons in a capital felony an aggravating factor in death penalty decisions. No matter how you feel about the underlying bill, this particular House Amendment deserves our honest attention.

I urge its rejection and I believe that I am justified as a proponent of the use of the death penalty. Essentially what Senator DiBella and several others in the Circle had noted as a -- what we perceive to be a fatal flaw in this bill is that we do not have a definition of assault weapon in this bill, but we merely have a laundry list of weapons. Why am I concerned? Very simply, if an individual utilizes one of these on the laundry list of weapons in a capital felony, it is automatically considered an aggravating factor, but a similar weapon exactly alike in every

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physical means except in title and name would not be an aggravating factor and it is my honest belief that a defense attorney, because of its absence from the laundry list, would be able to use in argument that the fact that it is absent, the inverse implication is that it could not so be used as an aggravating factor.

For those to whom the issue of the imposition of the death penalty is important, this aspect of the underlying bill deserves your considered attention. In our zeal to pass this bill, if you feel strongly regarding this one way or the other, you owe it to the individual who may have this utilized against him or her and likewise you owe it to the victims and the victim's families who should they be and the victims murdered and yet a weapon that is not on this laundry list is used, we should be prepared to address the arguments of defense counsel.

I don't take issues regarding the imposition of the death penalty likely. If we are going to make the utilization of something an aggravating factor in that most extraordinary of decisions, we should strive for consistency. Therefore, I urge my fellow Senators to reject House Amendment "I". Thank you, Madam President. Yes, I would like a roll call, Madam President.

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THE CHAIR:

Thank you very much. Would anybody else wish to remark? Yes, Senator Penn.

SENATOR PENN:

Thank you, Madam President. Since there nobody else here to debate him.

LAUGHTER

Just quickly, Madam President. Again, another one of those attempts and one of the sore issues, particularly they know the Governor's feelings on this, your feelings on this, my feelings on this and other people's about this death penalty bill, amendment to put on this. It is true that I have no great love for the termination of life and I still don't understand for the life of me, and that's not a pun, why we run so fast on retribution and the termination of life and they always vote again and again for the preservation of life, I will never understand that, but if they must have this pound of flesh for this bill because this bill must succeed and it must move forward because we are talking about preserving life with this bill and I would urge to support and keep them eminent.

THE CHAIR:

Thank you very much.

SENATOR PENN:

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Thank you, Madam President.

THE CHAIR:

Thank you very much. Would anybody else wish to  
remark? Senator Jepsen.

SENATOR JEPSEN:

Just a reminder to those who are here that an  
amendment at this time would have the effect of killing  
the bill. I concur on the remarks of Senator Penn and  
I would encourage those -- even those who have problems  
with the death penalty in general or as it's applied  
specifically here to bear that in mind and reject this  
amendment so that the bill can move forward.

THE CHAIR:

Thank you very much. Would anybody else like to  
speak on the motion to reject House Amendment "I", as  
in India? Any further remarks? If not, Madam 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:

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Thank you very much, Madam Clerk. The issue before the Chamber is a motion in connection with Senate Calendar 652. It is a motion to reject House Amendment "I". The machine is on. You may record your 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:

Senator Cook. Senator Cook, Senator Przybysz, Senator Genuario. Is Senator Przybysz here? Senator Przybysz or Senator Cook. Here comes somebody. It's my understanding that Senator Cook is unavailable. Is that correct? Is she coming? Is she coming? 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:

13	Yea
23	Nay
0	Absent

The motion fails.

Senator Kissel.

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SENATOR KISSEL:

Madam President, I would move that we strike House  
Amendment "N".

THE CHAIR:

"N" as in Ned.

SENATOR KISSEL:

As in Nathaniel.

LAUGHTER

THE CHAIR:

Thank you very much. Senator, you now have before  
you a motion to reject House Amendment "N" as in Ned.

LAUGHTER

Senator Kissel, would you like to remark on your  
motion?

SENATOR KISSEL:

Yes, Madam President, thank you. It's my belief  
that House Amendment "N" changes very fundamentally the  
definitional section of assault weapon. We've gone  
through the debate regarding a laundry list and here we  
have the added definition of a weapon with selective  
fire capability.

I'm concerned that this entire aspect of this  
legislation did not pass through committees, that it  
certainly may entail added costs in enacting this  
legislation, in bringing it forward, and that also

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there may be questions by individuals who own pistols, other various types of weapons, regarding this expansion of the definition of assault weapon, a definition which we heretofore have had great problems with in any event.

For these various reasons, I would urge my fellow Senators to reject House Amendment "N".

THE CHAIR:

Thank you very much. The Chair would recognize Senator Penn.

SENATOR PENN:

Thank you, Madam President. I think what it does fundamentally it not reject, it's the same reason why he wants to take it out is to kill the bill and for the same reason, I would urge its passage. Thank you, Madam President.

THE CHAIR:

Thank you very much. Senator Jepsen.

SENATOR JEPSEN:

I would urge rejection of this amendment for the reason given by Senator Penn and I would add to that that this in fact was heard in committee. It's something we have reviewed and it's been given great scrutiny by the committee. It actually passed in the original draft of the legislation.

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THE CHAIR:

Thank you very much. Would anybody else wish to remark on the motion to reject House Amendment "N" as in Ned? If not, Mr. Clerk, would you please 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 in connection with Senate Calendar 652. It is a motion to reject House Amendment "N" as in Ned. The machine is on. You may record your vote.

Senator Aniskovich. Senator Przybysz. 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:

15	Yea
21	Nay
0	Absent

The motion fails.

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Does that do it, Senator Kissel. *those only*

SENATOR KISSEL: *those only*

Madam President, I guess it's time to move along to the proposed amendments.

THE CHAIR:

Thank you very much. Mr. Clerk. He wants to call the amendments. They're not Senate Amendments to be proposed.

THE CLERK:

Madam President, I have about 12 amendments. Is there any special order that the Senator wishes to have them called or --? LC07917, which will be designated Senate Amendment Schedule "A". It's offered by Senator Kissel for the 7th District.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Kissel.

SENATOR KISSEL:

May we stand at ease for one minute?

THE CHAIR:

Certainly. The Chair would recognize Senator Kissel.

SENATOR KISSEL:

To speed matters along, if we could do my amendment, 7914, I'd be happy to discuss that while we

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iron out these so that I could proceed on these, only  
because their wording differs from my wording.

THE CHAIR:

Well, you're going to have to withdraw then Senate  
Amendment "A" or something. It's on the floor. It's  
been called.

SENATOR KISSEL:

Madam President, I'd like to withdraw that  
amendment.

THE CHAIR:

Thank you very much. Senate Amendment 7917 has  
been withdrawn by Senator Kissel. Now which is the one  
you wish to have called?

SENATOR KISSEL:

7914, Madam President.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I would like to  
instruct the Clerk to withdraw all the amendments that  
I have filed.

THE CHAIR:

That's the greatest news. 7914 is --.

THE CLERK:

In which case, Madam President, I only have 12

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amendments left. LC07914, which will be designated  
Senate Amendment Schedule "B". It's offered by Senator  
Kissel of the 7th District.

THE CHAIR:

The Chair would recognize Senator Kissel.

SENATOR KISSEL:

Madam President, I urge adoption of this amendment,  
waive the reading and wish to summarize.

THE CHAIR:

Please proceed, Senator.

SENATOR KISSEL:

Thank you.

SENATOR JEPSEN:

It's probably my fault, but I can't find my copy of  
the amendment. If I could -- thank you. Please  
proceed.

THE CHAIR:

Do you have a copy? Good. Thank you very much.  
Senator Kissel.

SENATOR KISSEL:

Ladies and gentlemen of the Senate, I would urge  
adoption of this particular amendment as it corrects  
what I view as an essential flaw in our underlying  
bill. Once again, in our zeal to bring forward a gun  
bill in the waning days of this legislative session, we

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have forgotten a fundamental factor when dealing with any types of firearm legislation and that is putting in there who may properly possess these particular items.

In the legislation before us, the legislation that no one wishes to have amended for fear that it might somehow be killed in the last before the House, we have forgotten and neglected to include that those who may properly possess these items are federal marshals or federal law enforcement agents. God forbid that a situation which occurred in Waco occurs in the State of Connecticut.

It's my firm belief that the legislation, as before us, would prohibit secret service agents, agents of the Federal Bureau of Alcohol, Tobacco and Firearms from possessing any of the weapons listed on the laundry list of the pending legislation.

It was a mistake, but it's a mistake that we should correct. In Section 2-1E of our Connecticut General Statutes, there is a provision regarding firearms which includes officers of the federal government and including agents from other states.

Also in Section 29-33 of the General Statutes, that does not apply to holders of valid state permits nor to federal marshals.

And once again, Section 29-35, that statute does

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not apply to the carrying of pistols or revolvers by sheriffs, parole officers, peace officers, and if you read on, federal marshals or federal law enforcement agents. Once again, this can be found in another General Statute, Section 53-205 regarding shotguns, rifles and muzzle loaders. It does not apply to the enforcement officers, security guards, other persons employed to protect private property, federal agents.

All this amendment does is include federal marshals or federal law enforcement agents in a section that allows individuals involved in the public safety, police departments and the Department of Correction, military or naval forces, to possess these weapons. I believe that that is an important oversight and it is incumbent upon us to correct this bill before we make it law.

I would urge adoption of the amendment. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Kissel. Senator Jepsen.

SENATOR JEPSEN:

Thank you, Madam President. Very briefly, this is an issue we addressed in the original floor debate. I would oppose this amendment for the obvious reason that

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it would kill the bill, and secondarily, through federal preemption, I believe it is clear that the FBI is entitled to use these kinds of weapons. The state has no right to tell the FBI what to do on a matter of FBI security.

THE CHAIR:

Thank you very much. Senator Penn.

SENATOR PENN:

I'm just concurring with the remarks by Senator Jepsen and I think it's already addressed in the federal statutes and I urge movement of the amendment. Thank you.

THE CHAIR:

Thank you very much.

SENATOR FLEMING:

Madam President.

THE CHAIR:

Senator Fleming.

SENATOR FLEMING:

Thank you, Madam President. Madam President, I rise to support the amendment. The Chairman of the Judiciary Committee pointed out that this issue was addressed during the original debate on this bill, which is to say it was discussed, but the issue I do not -- was --.

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THE CHAIR:

I'm speaking to your neighbor. I'm sorry.

SENATOR FLEMING:

The issue I do not believe is adequately addressed in the bill. This brings the language of this bill, this E-Certed bill into compliance with other sections of our statutes where we specifically provide for an exemption for federal law enforcement officials.

Again, the Chairman of the Judiciary Committee I think would have the Chamber believe that the State of Connecticut cannot in fact pass laws which would impact on federal officials.

That would mean that we could not pass a law that would prevent federal officials from speeding and breaking other laws that are on our books. We clearly can and we clearly do. If we mean to exempt federal officials from this assault weapons bill, we have to put it into statute. That is all that this amendment does, and Madam President, I would ask that the members support it and would ask for a roll call vote at that time.

THE CHAIR:

Thank you very much, Senator Fleming. Would anybody else wish to remark on Senate Amendment "B"? Are there any further remarks? If not, Mr. Clerk.

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SENATOR PENN:

I request a roll call vote, Madam President.

THE CHAIR:

Yes, thank you very much, Senator Penn. 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 LCO No. 7914, designated by the Senate Clerk as Senate Amendment "B". 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.

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Mr. Clerk. Senator Kissel, do you have --?

SENATOR KISSEL:

Madam President, I'd like to have one more amendment called that has my name on it and then I would ask that the Clerk not call any other amendments that have my name on it.

The amendment that I'd like to have called is LCO No. 8631.

THE CHAIR:

Say that again, I'm sorry.

SENATOR KISSEL:

I'm sorry, No. 8631.

THE CHAIR:

Thank you very much, Senator. Mr. Clerk.

THE CLERK:

LC08631, which will be designated Senate Amendment  
Schedule "C". It's offered by Senator Kissel of the  
7th District.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Kissel.

SENATOR KISSEL:

Madam President, I would urge adoption of this amendment, waive the reading and ask to summarize.

THE CHAIR:

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Please proceed, Senator.

SENATOR KISSEL:

Thank you, Madam President. What this particular amendment address is again what I consider to be a flaw in the pending legislation. What it does, and I will simply say, the Commissioner of Public Safety shall adopt regulations in accordance with the provisions of Chapter 54 of the General Statutes to identify the part or combination of parts which are designed or intended to convert a firearm into an assault weapon.

Again, my problem with this legislation is founded upon the definitional section and you've got a laundry list, but we also have this provision which regards parts. Very often those involved in sporting, gun collecting and endeavors of that nature are tinkering down in their basement with these firearms because that's what they do. That's their hobby. And I believe that it is unclear what items they may have in their possession which could end up converting a lawful weapon into something that might be involved now in this category of assault weapons and therefore technically might be found to be a violation of the law.

In the interest of everybody knowing exactly what is legal and illegal, I'm merely proposing through this

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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

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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

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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.

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SENATOR LOVEGROVE:

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

THE CHAIR:

Yes, sir.

SENATOR LOVEGROVE:

I would like to introduce two friends of mine from Fairfield to the Chamber. These two friends have been my constant companions since the public debate of this bill began, Cathy O'Brien and Linda Bluestein.

APPLAUSE

THE CHAIR:

Senator Smith, you've been very patient, sir. The Chair is pleased to recognize you. Senator Smith.

SENATOR SMITH:

Thank you, Madam President. I'd request at this time that any amendments with my name on them please be withdrawn.

THE CHAIR:

Thank you very much, sir. Mr. Clerk.

THE CLERK:

LCO7456, which will be designated Senate Amendment  
Schedule "D". It's offered by Senator Robertson of the 34th District.

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Thank you very much. The Chair would recognize  
Senator Robertson.

SENATOR ROBERTSON:

Thank you, Madam President. Madam President, I'd  
move adoption of the amendment and seek leave of the  
Chamber, ma'am, so that I might summarize.

THE CHAIR:

Yes, sir. Please proceed.

SENATOR ROBERTSON:

Thank you very much, ma'am. Though I certainly did  
not agree with the majority on the very, very first  
vote on the Sporter, I feel for the purposes of being  
consistent, and I understand what the argument will be  
from the people opposed to this amendment and that is  
we don't want to kill the bill and certainly I can  
understand their motivation, but at least if the bill  
is to pass, let's do it with some level of fairness and  
I say fairness because thank goodness the large group  
of people from Colt Firearms are no longer here.

The simple fact is the Sporter has two clones,  
specifically two clones. Clones in the computer  
business mean they're identical other than they have a  
different name on it, a different company name on it.

There are two specific clones to the Colt Sporter  
which presently there is a suit against those two

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companies because of copyright infringement. Those two weapons, one is referred to as the Eagle Arms EA-15, specifically the EA-15E2, and the second one is the Olympic Arms AR-15. These are identical. They are the same length barrel. They are the same size. They look identical. The core of the barrel is the same. The swirl of the barrel is the same. They are identical. There is one difference. Both of these firearms don't come retain with clips of five rounds. They come with clips of 20 rounds, so they are look alike except for the number of rounds that they could fire in the retail clip, the clip that they buy from the company, and in reality, they would be more dangerous than the Sporter because of the Sporter only having a clip which comes retain at five.

It seems incredible to me that we would refuse such an amendment on the fear that we would lose the bill. The House wished for the Sporter to be included. Certainly the House and the Senate, I would hope, would not express an opinion that it's wrong for a Connecticut company employing Connecticut citizens who are paying taxes here in Connecticut, who are feeding their families here in Connecticut, that it's wrong for them to sell their gun to Connecticut residents, but it's all right for two other firms outside the State of

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Connecticut that produce the exact same weapon, copies, clones, which ever you wish to call it, it's all right for them to sell the gun in this state, depriving our citizens of that income and sending the income to other states.

So this amendment very simply adds to the list of "Senator Jepsen's assault weapons instruments of death" it adds the Eagle Arms EA-15, specifically the E2 as well as the Olympic Arms AR-15 and I would ask that when the vote be taken, Madam President, it be taken by roll.

THE CHAIR:

Thank you very much, Senator Robertson. Senator Jepsen and then Senator Penn.

SENATOR JEPSEN:

I move to oppose the amendment, number one, to repeat myself, it would have the impact of killing the bill, and number two, I would point out that under the amended version of this bill, as it came up from the House, I think a clear case would be made under Section 1 of any selective firearm capable of fully automatic, semiautomatic or burst fire at the option of the user, it would be a very easy thing in court to make clear that if the Colt Sporter, and some of its copies, by the way, the -- where did they go, the

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Daewoo K-1, K-2, Max-1, Max-2. These are Colt Sporter  
copies as well. If they could be included in the  
clearly the broader language which begins in Section 1  
was intended to include exactly those kinds of weapons  
and I would ask that this vote be taken by roll call.

THE CHAIR:

Thank you very much, Senator Jepsen. Senator Penn.

SENATOR PENN:

Thank you. I stand in concurrence with Senate  
Jepsen's remarks and I was going to ask for a roll call  
vote. Thank you, Madam President.

THE CHAIR:

Thank you very much. Would anybody else wish to  
remark? Senator DeLuca.

SENATOR DELUCA:

Thank you, Madam President, just a brief remark. I  
note that it has been indicated here that the Daewoo  
K-1 and K-2 are also replicas of the Colt Sporter, but  
they are specifically listed in this bill, but the ones  
that are in this amendment weren't. So we have here in  
their haste to get a bill together, some were missed  
and I think that just illustrates that we're here not  
to attack the central issue of crime, we're here to get  
these -- get a gun control bill and we can add these  
later or we can make it better later, but the intent

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here is to get a gun control bill because otherwise, if they were doing this and eliminating the Colt Sporter and the Daewoo K-1 and K-2, which are exact replicas, as are the ones that were just illustrated by Senator Robertson, they would have been included also, so it seems to me that in the haste, we're doing something, and one last comment was made that it could be proven in court.

I keep hearing that things can be proven in court. It's constitutional or it's unconstitutional. I'm not a lawyer, but I thought judges had to make those decisions. I thought you had to go to court and prove these things, not just stand here in this Chamber and say it's unconstitutional or it is constitutional or it can be defended in court or it can't be. That's why we have judges and I don't see too many black robes around this Circle, so I disagree with the comments made on this.

So I would urge support of this amendment. Thank you.

THE CHAIR:

Thank you very much, Senator DeLuca. Would anybody else wish to remark on House Amendment "D"? Any further remarks? If not, Mr. Clerk, would you please make the necessary announcement for a roll call vote.

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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 an amendment to Senate Calendar 652. It is LCO No. 7456, designated by the Senate Clerk as Senate Amendment "D". 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.

Mr. Clerk.

THE CLERK:

LC07515, which will be designated Senate Amendment Schedule "E". It's offered by Senator DeLuca of the 32nd District.

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THE CHAIR:

The Chair would recognize Senator DeLuca.

SENATOR DELUCA:

May I ask that that amendment be withdrawn and instead the Clerk call LCO No. 8628?

THE CHAIR:

8628.

THE CLERK:

LCO8628, which shall be designated Senate Amendment Schedule "F", offered by Senator DeLuca of the 32nd District.

THE CHAIR:

Thank you very much. The Chair would recognize Senator DeLuca.

SENATOR DELUCA:

Thank you, Madam President. I move acceptance of the amendment. Waive the reading and ask permission to summarize, I guess. I'll get the word out. This amendment, what it does, is delete Subdivisions 3 and 4 of Subsection D, of Section 4 in their entirety. Because in those sections it says that while on a target range which holds a regulatory or business license for the purpose of practicing and shooting at the target range and also Section 4 while on the premises of a licensed shooting club.

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Once again, I think this illustrates in the haste to get a bill together, I didn't check in Connecticut, but it has been at least on my impression that we do not license shooting clubs in the State of Connecticut, but they are sanctioned by various sporting groups, so I think by doing this, we were just bringing this into correcting an inequity in the bill. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator DeLuca. Would anybody else wish to remark on Senate Amendment "F", LCO No. 8628? Senator Jepsen.

SENATOR JEPSEN:

I would oppose this amendment, clearly another attempt to kill the bill. Any licensing that might be required, if there's a technical correction that needs to be made, it can be made in other statutes and we can take care of it there. Thank you very much. Senator Penn.

SENATOR JEPSEN:

I would ask that this vote be taken by a roll call vote.

THE CHAIR:

Thank you. Senator Penn.

SENATOR PENN:

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He took my lines.

THE CHAIR:

Thank you very much, Senator Penn. Would anybody else wish to remark on Senate Amendment "F"? Any further remarks? If not, Madam Clerk, please 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, Madam Clerk. The issue before the Chamber is an amendment to Senate Calendar 652. It is LCO No. 8628, designated by the Clerk as Senate Amendment "F". 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

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The amendment fails.

Just a minute. Senator Penn.

SENATOR PENN:

Thank you, Madam President. I'd like a Point of Personal Privilege please.

THE CHAIR:

Yes, sir.

SENATOR PENN:

I'd like to welcome also to the Senate Chambers, Mayor Bergin, also a strong supporter of safe streets. Welcome, the Mayor of Waterbury. Could we have a warm Senate welcome please.

APPLAUSE

THE CHAIR:

Thank you very much, Senator. Senator Upson.

SENATOR UPSON:

Yes, I just want to join in that welcome. He didn't say assault rifles. He said safe streets. Thank you.

THE CHAIR:

Thank you very much, Senator Upson. Anybody else? If not, Madam Clerk, would you please call the next amendment.

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THE CLERK:

LC08025, designated Senate Amendment Schedule "G",  
offered by Senator Lovegrove.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you, Madam President. I move adoption of the amendment, ask waiver of reading and leave of the Chamber to summarize.

THE CHAIR:

Please proceed, Senator.

SENATOR LOVEGROVE:

What this amendment does is require those people who wish to file a certificate of possession of one of the weapons on the inventory in the bill to pay a five dollar filing fee. As one who does not own a weapon, does not plan to own a weapon in the future, I don't care to have my tax money used for someone else's hobby. Nobody helps me pay for my hobby and I know the argument against this amendment is going to be it's an attempt to kill the bill. Well, I'm kind of tired of hearing that in the Chamber tonight. Why was it not an attempt to kill the bill what went on in the House Sunday.

They had a bill on their Calendar, yes, it did not

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have the Colt Sporter included in the inventory, but the House sought to put it back. I fail to understand why the House can amend our bills and it's only for the purpose of making legislation better. When we attempt to amend bills from the House, we're trying to kill the bill.

I urge adoption of the amendment.

THE CHAIR:

Thank you very much, Senator Lovegrove. Senator Jepsen.

SENATOR JEPSEN:

I rise to oppose the amendment. It, once again, would have the effect of killing the bill. It would also, in these days of trying to look for ways to avoid new fees, it would establish --.

LAUGHTER

Another fee on the backs of our people. I've seen the light.

LAUGHTER

And for that reason, I would oppose it as well and I would ask that when the vote be taken that it be taken by roll.

THE CHAIR:

Thank you very much. Senator Penn, have you seen the light.

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SENATOR PENN:

Yes, I've seen the light. I stand in concurrence with Senator Jepsen and ask for a roll call vote.

Thank you, madam.

THE CHAIR:

Thank you very much. Would anybody else wish to remark on Senate Amendment "G"? Are there any further remarks? If not, Madam Clerk, would you make the necessary announcement for a roll call vote please.

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.f

THE CHAIR:

Thank you very much, Madam Clerk. The issue before the Chamber is an amendment to Senate Calendar 652. It is LCO No. 8025, designated by the Clerk as Senate Amendment "G". 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:

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14 Yea  
22 Nay  
0 Absent

The amendment fails.

Madam Clerk.

THE CLERK:

LC08542, designated Senate Amendment Schedule "H",  
offered by Senator Gunther.

THE CHAIR:

The Chair would recognize Senator Gunther.

SENATOR GUNTHER:

Madam President, I move adoption of the amendment,  
waive the reading, I'll explain it, and call for a roll  
call.

THE CHAIR:

Thank you very much, Senator.

SENATOR GUNTHER:

Now the file copy of the bill right now has in it  
something that I probably would strongly agree, but  
it's pretty misdirected, and that is the file copy has  
stipulated that a murder that is committed with an  
assault rifle will be considered a capital crime  
punishable by death. Of course, our death penalty in  
the state I don't think has a hell of a lot of worry to  
the criminals and that out there, but this amendment

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would take any murder committed by any firearm and make it a capital crime.

Now the truth of the matter is there are few, if any, murders committed in this state with assault weapons and that can be documented because there isn't any documentation to indicate that, so you don't have a heck of a lot of worry if they have so-called assault weapons out on the street that they're going to end up on death row, but you can bet your boots if you had people out there with normal firearms, the ones that are the choice of the criminal, you might have them think twice before they carry a gun, and second of all, twice before they use the gun.

Now if you have any question that this thing is an emotional thing, it's a paper type tiger that we put into the law, but I have a letter here that was dated June 2nd that the chief guru of this bill, Chief Sweeney from Bridgeport wrote, and this was in answer to a remark that was made I think myself and many others, saying there was no documented evidence of assault weapons that have killed one person. His documentation, Madam President, on May 22, 1992, Jose Santiago, was shot inside his apartment at 1202 Pembroke Street with an AK-47 type weapon.

Now if that was confiscated, if that was proven, if

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that was documented, why do you call it an AK-47 type weapon. Certainly one of the categories that's anticipated in this bill certainly should have been identified. In fact, if you want to, go out and take a look at the newspaper any day. They no longer say somebody was shot. They now say he was shot with a semiautomatic 38 caliber Gloc or a 9 mm Gloc which had 14 shells in it. They don't take and the newspaper does a hell of a lot better reporting apparently than some of our police records and I'll say maybe especially in Bridgeport.

The second item, December 14th, Alec Ponti shot in front of 77 Howlett Street with an assault weapon firing .223 rounds. Now this terminology, I think he means caliber, but I don't know whether that could also in this type of a report mean 223 rounds, but besides the point, Colt AR-15 Sporter, Ruber Mini-14 or similar type. Now this I don't know whether he meant there was three assault rifles over there used in this particular firing, but he does list three different type of guns, not one of them could be documented probably in the police report in Bridgeport.

March 12, 15 year old John Barnes shot eight times with an AK-47 type weapon. Mind you, how can you tell what the weapon was if they don't confiscate it, if

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they don't catch the person in the act and yet this was an AK-47. The fourth item, March 23rd, Annette Richardson killed in a spray fire from an assault weapon in Father Pannik. In all 78 casings from 9 mm and 45 caliber assault weapons which were recovered at the scene.

The witness indicated that Ak-47 type weapons jammed during that attack, so there was three of them there, but again, if they were arrested were they confiscated? Did somebody go in the court and that and have these weapons identified with a new bill that's in our file. They now will be open to the possibility of being electrocuted.

Then on May 14 three youths shot in a drive-by shooting outside an apartment house on Sanford Place. The assailants were firing a high capacity assault type weapon. Again, you know, what documentation do we have? Did they have a movie of them? All I can tell you, there's an awful lot of media hype on so-called assault weapons and that every time you turn around, the newspapers will identify them by caliber, by the type they are and everything else and yet do you see them? Are they in court? Have they been prosecuted? Was it documented in any such killing? And I think killing with any weapon is wrong.

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Now we have 17 laws on the state that all require mandatory sentencing even with the use of a firearm in the commitment of a crime. Very few, if any, have ever had those laws enforced and they've been on the books for at least 10 to 15 years, to my knowledge.

Now if you were able to catch them -- we couldn't catch Janet Reno on Nightline last night, but Ted Koppel had Janet Reno, and for those that don't know, she's the district attorney. She's a hard-headed gal who goes for law enforcement and they asked her about the problem, the violence problem in the United States. She had three answers for that, declining family values, insufficient quantities of jail and weak punishment for violent crimes.

Now this particular amendment is not a weak kneed type criminal prosecution. Let's take these guys out there and notify them that they get caught or they get involved in these crimes, and incidentally, a lot of them, I said before, it's too bad we don't have an arena and if they want to take and have a fight between drug lords and that stuff, put them in there and let them go at and we'll take the one that comes out last and let's have capital crime for him, take care of that and get rid of them all.

But all I can tell you is we pass laws up here,

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they're paper tigers. This is another paper tiger. Remember the amnesty law last year? Man, we had the same people that are fighting for this bill, including the members of this Circle. This was going to be a great thing. We're going to take the guns off the street, not one damn street guns was taken off the street. It was the most miserable program that we've ever had. We've had other ones in there, the irresponsible gun owner. There's another paper tiger for you. And for years we passed mandatory laws on guns and they were paper tigers.

I'd like to predict you can take the real enforcement in this bill, take that out, take the other garbage about the assault rifles, all this gobbledy-gook you have in that bill and press the judges of this state that we mean that they're going to take and be prosecuted. Yes, they happen to be -- I happen to know one of the members of this Circle is intimately aware of one of those judges. All right? And a good spokesman for him. All I can tell you, take a look at the track record of the crimes we have on the books. Let's make it mandatory. Let's make it mandatory that the best sentence can go on any murder with any firearm.

Now, you know, I've heard a lot of cracks about the

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NRA. I'm not a member either. I'm not a member of the Writer's Guild either, but to me, this whole thing has been a media event and I represent the people in my district and I can tell you the ratio of calls in support that I've gotten for this bill by people who know what they're talking about is about ten to one or more and that's the people I represent, not the Guild, not the editorial writers, not the editorialization that's appeared in all our media. I represent people and they know what they're talking about because 90 percent of the time you get an opponent of this bill, ask them what the bill does, 90 percent of them couldn't answer you. They couldn't tell you what was in the bill. They couldn't tell you what an assault weapon is. They couldn't tell you the penalties, and even now, the people that are supporting this, I'd like to see some of them when they wake up and find out there's a death penalty in this particular bill. We can't get a death penalty through this whole place up here.

So all I say, Madam President, I would love to see us in a wide open situation here where we can some of this tough legislation through, but without the gobbledy-gook that's in this bill now.

THE CHAIR:

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Thank you very much, Senator Gunther. The Chair would recognize Senator Penn.

SENATOR PENN:

Thank you, Madam President. I know Doc's temperament, so I won't debate him. A matter of time is up. I would urge defeat of this amendment. As Doc said, there's some folks who don't understand and don't know what the caliber of these weapons are, but you can rest assured, I know what they do. I've seen what they've done.

The folks who live in every one of those areas that Doc talked about wasn't statewide. They were in my district. Also with the Mayor we have visited -- that's the wrong term. A lot of times at night in responding to police calls and trying to be on the scene wherever we can to try and delete some of these problems that happens here. We have seen the bodies of folks who have been killed and minutes later after these type of atrocities have occurred. No, Doc, I can't tell you what the speed and rate and the velocity of the firearm. Again, I can tell you exactly what they do. So I would urge defeat of this amendment. Thank you, Madam President.

THE CHAIR:

Thank you very much. Would anybody else wish to

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remark? Senator Jepsen. A roll call vote, yes.  
Senator Gunther asked for one. Would anybody else wish  
to remark? Are there any further remarks? If not,  
Mr. Clerk, would you please 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 an amendment to Senate Calendar 652. It  
is LCO No. 8542, designated by the Senate Clerk as  
Senate Amendment "H". 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.

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Mr. Clerk.

THE CLERK:

Madam President, just clarification. On Senate Amendment Schedule "G", which was previously rejected, the LCO Number should have been 8525, which is the LCO Number on the inside of the amendment. However, on the jacket typed at LCO, it indicated that it was 8025. The correct LCO is 8525, just for the record.

THE CHAIR:

Thank you very much, Mr. Clerk. The Journal will so note.

THE CLERK:

LC08537, which will be designated Senate Amendment Schedule "I". It's offered by Senator Guglielmo of the 35th District.

THE CHAIR:

The Chair would recognize Senator Guglielmo.

SENATOR GUGLIELMO:

Madam President, I move the amendment, waive reading and seek leave to summarize and I'd ask for a roll call.

THE CHAIR:

Thank you very much, Senator. Please proceed.

SENATOR GUGLIELMO:

The bill is pretty straightforward. It says

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nothing in this bill shall be construed to apply to the classes of militia as defined by Section 27-2 of the General Statutes and all it attempts to do is the ban right now exempts police organizations and National Guard. We would like to make certain that the militia is treated in the same manner as the police and National Guard. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Guglielmo. Senator Jepsen.

SENATOR JEPSEN:

I would oppose this amendment. It would have the obvious impact of killing the bill. We would be happy to hold public hearings next year as to what groups or varieties of groups. This is not an issue that came before us in committee. We may want to consider certainly what we want to do with clubs. In fact, I think this is a good opportunity just to mention that, you know, to re-extend the invitation that I made earlier in my remarks, they would be happy to meet and deal with gun clubs or other groups and see how we can regulate these weapons in a manner that allows them to use them as necessary without jeopardizing the public safety and you asked for a roll call vote.

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Thank you very much. Senator Penn. ... part of

SENATOR PENN:

Thank you, Madam President. I stand in concurrence with Senator Jepsen's remark and too would ask for a roll call vote.

THE CHAIR:

Thank you very much, Senator. Would anybody --?

SENATOR FLEMING:

Madam President.

THE CHAIR:

Senator Fleming.

SENATOR FLEMING:

Thank you, Madam President. Madam President, I stand in support of this amendment and just to correct a statement made by the Chairman of the Judiciary Committee, it may be that when this issue was before the Judiciary Committee that the issue of whether the militia would or would not be exempt maybe was not discussed there.

It was in fact I believe discussed in the Public Safety Committee and we attempted to again make sure that language of the statute would in fact mirror what is in existing statute, which is very clear that the militia is exempt from other gun control provisions that we have in our statutes. So it was in fact

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addressed in public hearing and it ought to be part of this bill. We shouldn't have to wait until next year to address this issue. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Fleming. Would anybody else wish to remark? Senator Eads.

SENATOR EADS:

Thank you, Madam President. I certainly concur with Senator Fleming. I have been hearing now for the past two or three hours that whatever we're doing is to kill the bill, but what you people are doing is leaving a poor bill and hoping it will go through. You know, we are trying to make a bad bill better, but apparently Senator Jepsen doesn't want to do that. We're going to turn around, we're going to wait until the start of February of 1994 and then see what we can do.

We're not out here to kill a bill. We're out here to make a bill just a little bit better, but it would seem that you want this bill passed as it is, indifferent and not good and let it go and not determine anything that should be better put into it.

So I think we ought to take a good look at this and just see what we can do to make a bad bill better, particularly when I understood and read in the paper that the Co-chair from the House said this was the

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worst legislation he had ever seen written and voted against the bill in committee and also on the floor.

So I think we should all take heed of this. Nothing is really perfect. Certainly nothing we do up here is perfect or we'd all be floating around up there someplace, but at least we try to make things a little bit better, so please keep that in mind when you're listening to some of these amendments that really should be added. We are not killing the bill, but you people are killing the rest of us by just saying the laissez faire attitude, here it is, take it or leave it, whether you like it or not. We're not going to do anything about it until next year.

THE CHAIR:

Thank you very much, Senator Eads. Senator Penn, for the second time. No remarks, I'm sorry. Would anybody else wish to remark on Senate Amendment "I", as in India? Any further remarks? If not, Mr. Clerk, would you please 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

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Chamber.

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is an amendment to Senate Calendar 652. It is LCO No. 8537, designated by the Senate Clerk as Senate Amendment "I". The machine is on. You may record your vote.

Is Senator DeLuca here? Senator DeLuca. He was just here a minute ago. Senator DeLuca. Thank you. 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.

Mr. Clerk.

THE CLERK:

LCO7460, which will be designated Senate Amendment Schedule "J". It's offered by Senator Guglielmo of the 35th District. Thank you very much. Senator Guglielmo.

SENATOR GUGLIELMO:

Madam President, I move the amendment, waive the

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reading and seek leave to summarize and I would ask for a roll call after.

THE CHAIR:

Thank you very much, Senator. Please proceed.

SENATOR GUGLIELMO:

I'll be very brief. It's been long and I guess this is the last one, but what it does do, right now the way the bill reads, it allows only national and state sanction competitions. This bill would add the word "local entity" which would mean the local clubs like we have so many of them around Connecticut, Rockville Fish and Game, Fur, Fin and Feather. There are so many. The Manchester Club. They're all over. They would be allowed now to have competition matches and it would correct something that I don't believe was the intent of the original legislation. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator. The Chair would recognize Senator Jepsen. Senator Jepsen. Yes, he asked for a roll call vote.

SENATOR JEPSEN:

Thank you, Madam President. I would oppose the amendment. It's impact would be to kill the bill and I would further say that I think it's unnecessary in all

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sincerity. I don't -- if it's a state sanctioned event, then it's not violate -- if the club is not in violation of state law in doing the event, I think it would be permissible.

THE CHAIR:

Thank you very much. Senator Guglielmo, for the second time.

SENATOR GUGLIELMO:

I just like to correct the Senate. There are local matches at the clubs which do not have state sanction. Thank you.

THE CHAIR:

Thank you. Senator Penn.

SENATOR PENN:

Thank you, Madam President. Again, I concur with Senator Jepsen and would ask for a roll call vote.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Amendment "J"? Are there any further remarks on Senate Amendment "J"? If not, Mr. Clerk, would you please 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

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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 an amendment to Senate Calendar 652. It is LCO No. 7460, designated by the Senate Clerk as Senate Amendment "J". 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.

Are there any further amendments, Mr. Clerk?

THE CLERK:

Madam President, it's my understanding that all other amendments filed are to be withdrawn.

THE CHAIR:

All right. Is there anyone here who has an amendment who wishes to have it called that has not been called? If not, Senator Penn, you have before

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you, sir, House Bill No. 7332, as amended by the House Amendments.

SENATOR PENN:

Thank you, Madam President. Let me just summarize exactly what the bill is in its final stage. With some exceptions it makes selling an assault weapon a Class C felony with a mandatory minimum two year sentence, an additional mandatory minimum six year sentence if the sale is to a minor under the age of 18.

With some exceptions, make possessing an assault weapon a Class D felony with a mandatory one year sentence. It requires a mandatory minimum eight year sentence for anyone who uses, threatens to use, displays or gives the impression that he possesses an assault weapon while committing a Class A, B or C felony. It's a mandatory eight year sentence in addition and consecutive to any imprisonment imposed for the felony.

It requires a mandatory five year sentence for anyone who uses, threatens to use, displays or gives the impression that he possesses any firearm other than an assault weapon while committing a Class A, B or C felony with a mandatory five year sentence in addition and consecutive to any imprisonment for the felony. It gives nine months, to July 1, 1994 for anyone who

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lawfully possesses an assault weapon before October 1, 1993 to apply to the Department of Public Safety for a certificate of possession which allows possession under specific conditions.

It requires that when an assault weapon is stolen from its lawful possessor, the person reports its theft to a law enforcement agency less than 72 hours after he discovers or should have discovered the theft. As to the use of an assault weapon in a crime punishable by death to a list of aggravating circumstances justifying a death sentence and makes it a crime for anyone to buy a firearm from intending to transfer it to someone prohibited from purchasing such a firearm or for someone who is prohibited from purchasing a firearm to solicit one.

That, Madam President, is the summary of the bill as it has been amended.

THE CHAIR:

Thank you.

SENATOR PENN:

And I also move for adoption.

THE CHAIR:

Thank you very much.

SENATOR PENN:

And before I ask for a roll call vote, Madam

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President, in regards to which way the vote goes, I just would like to thank you, Madam President, also the Governor and all the work that went into this particular bill. This bill means a lot to me and to our cities and to our state.

I also would like to personally thank Senator Larson for emergency E-Certing the bill to make sure that it had its proper day in the sun because had he not done it, I doubt that we would have had the opportunity to debate this bill and give the relief to the State of Connecticut it so richly starves for and deserves. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Penn. Senator Nickerson and then Senator Scarpetti.

SENATOR NICKERSON:

Madam President. Thank you, Madam President. Madam President, there's a poem in today's Bulletin that pokes fun at the legislature and says you shouldn't watch a sausage or a law made. I reject that inference and I think today's bill is a perfect example of why we should reject that.

This bill has been to two committees. It's been to the House and the Senate. It's been weighed, scrutinized, examined, cast under a bright light, all

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as it should be, all as it should be. The lobbyists have had their day. The folks in the gallery have had their day. The editorial writers have had their day. The House has had their day. The lawyers have had their day. Everyone has been involved in the process, has had their day. It's now our turn.

I have no doubt that this is a better bill for that scrutiny, better in its text for the improvements that we've debated here tonight, better in the public understanding of what we do. This bill is ready. The time is now. I urge approval. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Nickerson. Senator Scarpetti.

SENATOR SCARPETTI:

Thank you, Madam President. Madam President, I rise a little disheartened. I was hoping we could get more out of this bill because, as Senator DeLuca had said earlier, Madam President, this is not a -- this should not be an anti-gun bill. This should be an anti-crime bill. I can relate to the problems in Bridgeport, as my colleague, Senator Penn knows, and my Mayor and some of the other people from Bridgeport realize that I do know what the problems are there and

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I have worked hard and what bothers me is that we do not have enough police force out on our streets. We do not have those young people with those guns, be they assault guns, handguns, whatever they are, Madam President, they are weapons. We need the policemen out there. Let's not just make it difficult for the honest law-abiding citizen, as I hear what this bill says, they have to do this and they have to do that. What are we going to do to these criminals that have the guns. We know where they are. There have been 29 murders, Senator Penn, if I have to stand to be corrected? Has anyone been caught? Have any of these assault weapons been picked up? That's what bothers me, Madam President.

We need policemen on our street and I will defend that to the nth degree. I think that those of us that voted -- are going to vote against the bill, and I am, I'm going to vote against the bill, Senator Penn, but only because I don't feel that's the right way to go. I agree there has to be some laws on the books concerning guns. We have them. Why don't we enforce them? What has happened to our young people who don't even respect the police? That's what we should be concentrating on, Madam President. We should let these young people, these criminals with the guns know, hey,

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you've got a gun, you're going to jail, but we don't seem to be realizing that. We seem to say, you have a gun. You're going to have to report it. You're going to have to be licensed. You may have to turn it in and if someone steals it, if someone steals it, if you don't report it, you're going to be in trouble, but yet the criminal that steals the guns, the criminal that does the crime seems to get away with it. I hope that this works. I really do, Madam President, but I think we have to get to the enforcement of the law. We have to get our judicial system changed. We have to get our policemen out there to work and that's how I truly feel and I know how I'm voting, and it's for your sake, Senator Penn, and for the sake of the people in the municipalities who have this problem. This is not going to solve it, but I hope it does some good. Thank you, Madam President.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Sullivan.

SENATOR SULLIVAN:

Thank you very much, Madam President. This is one of those issues that, frankly, on both sides we find a fair measure of hysteria at times, a measure in the debate where the symbolism on both sides exceeds the

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substance.

I'm going to support this legislation because I believe it draws a fair, bright line, but I also believe it's important that in this debate some of the folks who will not be supporting it have reminded us appropriately that this should not be interpreted or seen as the beginning of the end for the legitimate hunting, sporting, shooting, collecting of firearms in the State of Connecticut.

This is about one small issue. It is not the "Apocalypse Now" in terms of guns in the State of Connecticut that it has been depicted as by some of its opponents, nor is it the panacea that it has been characterized as by some of its proponents. I think it is a modest step. It is a reasonable step. I commend in particular Senator Jepsen for his advocacy on the floor, but more than Senator Jepsen, I want to commend Senator Penn. I think it has been the reality of day-to-day living with the mayhem in the streets of the State of Connecticut.

That reality of life for far too many in Connecticut, Senator Penn has brought in championing this issue in the state legislature this year. It's an issue that's been around many times, and Senator Penn, I think you have given it the kind of focus, the kind

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of human understanding that it takes to galvanize this legislature to take a modest but significant and important step and I want to commend you for the hard work you've done.

THE CHAIR:

Thank you very much, Senator Sullivan. Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. When we were here about offering amendments to the underlying bill, at that time I stated I didn't want to see the bill killed and indeed at that time I thought that we had a bad bill before us and I wanted to see that it was amended so that whatever law that we passed here in this Chamber was good law, but we're at a different juncture at this time and I can say without equivocation that I urge my fellow Senators to vote against this measure.

In no way can this be misconstrued that I am soft on crime or that I feel any less upset, indignant, indeed horrified over what has happened in our urban centers any less than Senator Penn, and indeed, I empathize with Senator Penn. I feel, as he feels, that there's something that must be done, but this is not it. We can congratulate ourselves when this is over

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because indeed it does appear that the proponents of this legislation have been victorious, but I'd like to revisit the issue a year or a year and a half from now and let's see how many lives were saved by this legislation.

I do not share the optimism that the proponents of this legislation share amongst themselves. I asked in our initial debate regarding this measure, let's address the real problems in the State of Connecticut. I have worked in GA Courts. I have worked defending people accused of crimes. I have spoken to prosecutors. The problem is that the courts are overcrowded, so prosecutors, as a matter of course, reduce charges.

I would like to see how many people are convicted under the terms of this law if and when it is passed. Right now we have severe penalties on the books for the commission of crimes using firearms. One of our television stations in the Hartford area recently aired some information regarding those charges. In over 200 cases those charges were reduced, nollied. That's the problem in the State of Connecticut.

The police do the best that they can and I want to associate myself with the remarks of Senator Angelina Scarpetti, who is no stranger to the inner city, who is

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no stranger to crime and violence, who wants to see positive change in this state, no less than any proponent of this bill.

Do not confuse people who oppose this legislation with individuals who are soft on crime. Indeed when you look at people's voting record, you will see that it is the people who oppose this measure more often than not back hard, tough laws against crime, but Senator DeLuca is absolutely correct.

This isn't about crime control. This is about gun control, and as a basic, philosophical, fundamental belief, I don't think it works, but we'll have to come back to that and I hope when we come back to the issue a year or a year and a half from now, that the answer is not we need to ban more guns. You know, our problem with this legislation was we should ban all guns, handguns, rifles. You can laugh now, but that's the path that you are going down.

You know, we don't have protections for the possession of weapons just for the military. I believe our constitutional forefathers put these constitutional rights in our constitution and I would object with any constitutional interpretation to the contrary because the citizenry fear their government. It was a means for the honest man and woman to protect themselves

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against governmental authority. Statistics have been bantied about here, but one thing seems very clear to me that very often, very many instances, weapons are utilized because people who are the victims of crime wish to protect themselves.

It is a difficult argument for me to make that these particular weapons would be used by anyone to protect themselves against crime. I think the weapons that we start to tread upon here are honestly used for sporting purposes, but the next step is to treat on someone else's toes and it's wrong, unequivocally wrong.

If you want to make an impact against crime, you've got to change people's attitudes, you've got to change people's opportunities. You have to make the inner city a place where a person's hopes and dreams can be realized. You have to take down a person's desire to become a criminal in the first place. Ladies and gentlemen, I feel extraordinarily strongly about this issue and about crime and I urge everyone in this Chamber if this bill passes, then you can't go falling back on this in the future, so let's roll up our shirt sleeves, proceed to the real issues which has to do with urban decay, lack of opportunity, lack of an ability to climb the economic ladder, fair and safe

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housing, proper support for our police officers on the streets, an ability -- give prosecutors the ability to handle the workload, investigate, form a task force to study plea bargaining and the problem it's causing in our courts and properly fund our prison system so that those convicted of a crime serve the time.

Therefore, ladies and gentlemen of the Circle, I urge defeat of this bill. Thank you, Madam President.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Genuario.

SENATOR GENUARIO:

Madam President, under normal circumstances, I would never make this request and I know a lot of people have strong feelings on this bill, but I have very good reasons to get out of here right.

THE CHAIR:

I understand, Senator.

SENATOR GENUARIO:

And if others would not mind, if we could curtail the debate, I would certainly appreciate it.

THE CHAIR:

I would hope that the Senate would extend that courtesy to you. We've been in debate roughly almost three hours. I would think that what's been said has

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been said, but certainly we're not here to limit debate. If there are no further remarks, I would ask that the Senate Clerk would please make the necessary announcement for a roll call vote.

Senator Larson, please.

SENATOR LARSON:

Thank you, Madam President. I want to thank Mrs. Genuario.

LAUGHTER AND APPLAUSE

THE CHAIR:

Madam Clerk, make the announcement.

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, Madam Clerk. The issue before the Chamber is Senate Calendar 652, House Bill No. 7332. The machine is on. You may record your vote.

APPLAUSE

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

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The result of the vote:

18 Yea

18 Nay

0 Absent

The Chair casts one vote, aye.

The bill passes.

APPLAUSE

Thank you, Mrs. Genuario.

SENATOR SULLIVAN:

Madam President.

THE CHAIR:

I'm sorry, who is speaking. (Gavel) Senator  
Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President. On Senate Agenda #3, I  
would like to take up Senate Bill 959.

THE CHAIR:

What do you mean by take off?

SENATOR SULLIVAN:

I would like to move its adoption so that we may  
amend it and send it to the House.

THE CHAIR:

Oh, take up. I'm sorry. I couldn't hear you.  
Thank you very much. (Gavel) Will the Senate please  
come to order.

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SENATOR DIBELLA:

Thank you, Madam President. Before we take up that bill, could I move for immediate transmittal of the last bill to the Governor?

THE CHAIR:

Thank you very much. You have before you -- is that all right with you, Senator Sullivan? Will you accept that?

SENATOR SULLIVAN:

Absolutely.

THE CHAIR:

Senator DiBella has moved for the immediate transmittal of Senate Calendar 652 to the Governor. Is there any objection? Can you hear? Senator DiBella has moved for the immediate transmittal of Senate Calendar 652 to the Governor. Is there any objection? Any objection? Hearing none, so ordered. Now, Senator DiBella. I mean Senator Sullivan.

SENATOR SULLIVAN:

We're so easily confused.

LAUGHTER

Now I would like to renew my request that we take up Senate Bill 959.

THE CHAIR:

Thank you very much.