Legislative History for Connecticut Act

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Bill Number:	1402
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Committee:	Public Safety: 423-424, 433-434, 475, 476, 506, 507, 534, 535-536, 551-553, 567, 569-570, 622, (651-653), 658, 659, 712-719, 747 Judiciary: 2802-2803, 2911, 2913 36
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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The Senate reconvened at 7:03 p.m., the President in the Chair.

THE CHAIR:

The Senate will please come to order. Before we begin with the Calendar I will ask if there are any points of personal privilege or announcements? Seeing none, Mr. Clerk, would you begin with the Call of the Calendar.

Senator Jepsen.

SEN. JEPSEN:

Madam President, I would ask that the Clerk call from Page 11, Calendar 165 an item that was previously PTd. That's S.B. 1402.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Turning to Calendar Page 11, Matters Returned from Committee. Calendar 165, S.B. 1402 An Act Concerning a Single State Handgun Permit. Favorable Report of the Committees on Public Safety, Planning and Development, Finance, Revenue and Bonding, Judiciary. The Clerk is in possession of amendments.

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. I move adoption of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

The question is on passage. Will you remark?

SEN. PENN:

I believe the Clerk is in possession of an amendment, LCO7600. I ask that it be called.

THE CLERK:

LCO7600 which will be designated Senate Amendment Schedule "A". It is offered by Senator Penn of the 23rd District et al.

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. I move its adoption, ask its reading be waived and permission to summarize.

THE CHAIR:

The question is on adoption. Please proceed.

SEN. PENN:

Madam President, this is a strike all amendment and it brings us back to the days of the 1993 assault weapons ban and since that time we have known there have

been clones and imitators that have still wreaked havoc on our streets and our communities.

What this amendment does is add to the definition of assault weapons ban. The amendment adds the variations from the banned assault weapons like the AR-15 and the Intertech 9. And to the existing language from the ban of 93 and 94, all weapons with minor differences, clone, copies of the Colt AR-15. Also weapons with the physical characteristics included in the federal assault weapons bans. All semi-automatic firearms capable of firing 50 caliber ammunition and people who own these weapons as of October 1, 2001 will have one year to get a certificate of possession.

These weapons cannot be transferred after January 1, 2002 other than by bequest or interstate possession.

Also in the language is on the punitive side for those who are using the AR type two year probation for a person who unwittingly is a first time offender, the bill adds a provision that if the court finds the violations are not of a serious matter and that offender will probably not offend in the future, and has not previously been convicted of any other crime and not previously have not been in any violation suspended, the court may order suspension on prosecution and send the person to the custody of the Office of Adult Probation

for two years. Thereafter, the person may have their record expunged if the probation has been completely satisfied.

The ultra destructive 50 caliber armor piercing incendiary ammunition, one of these weapons as you know, if the President's car even came into the state and somebody decides to do some dastardly deed, one of these bullets could obviously pierce and cause destruction and loss of life with just having one of these types of weapons on the street.

As of the effective date, knowingly importing it t to this state, keeping or offering for sale or giving away ammunition that is an armor piercing or an incendiary 50 caliber bullet is a Class A misdemeanor for the first time offense.

Subsequent offense is a Class D felony. First time unwitting offenders are eligible for the above AR type two year probation.

Secondly, the large capacity magazines and that was defined as any ammunition feeding device with the capacity to set more than 10 rounds. If you have one of these and you keep it, you don't have to register it. However, as of the effective date it will be a Class A misdemeanor, first time offense to distribute, transport, or import it to the state, keep or expose for

sale, or give away any large capacity magazine other through interstate succession or probate.

Subsequent offenders are treated with a Class D felony, same as the AR type above.

Madam President, at his suggestion, I would like to yield to Senator Jepsen.

THE CHAIR:

Senator Jepsen, do you accept the yield?

SEN. JEPSEN:

I do, thank you, Madam President. I rise in support of this amendment. It's one of the pleasures of a long time of service in this body is that you can look back and see that sometimes we did make a right decision and we made a right decision in 1993 in banning assault weapons. It's been extremely successful. Report after report suggests that the use of assault weapons has declined significantly across Connecticut in the commission of crime. It's part of a broader culture of reducing violence in Connecticut and the assault weapons ban has been part and parcel to that.

This amendment strengthens Connecticut's already strong assault weapons ban by bringing within its ambit the many guns that gun manufacturers have in a very cavalier manner sought to add to the list as knock offs and as copycats to evade our very good law.

I strongly support this legislation and urge its passage. And I would ask at this time for a roll call vote.

THE CHAIR:

A roll call vote will be ordered. Will you remark further on the amendment? Senator Guglielmo.

SEN. GUGLIELMO:

Thank you, Madam President. I won't speak for very long but I think pretty much on a bill like this everybody's decided a long time ago. But I thought the original bill was a bad bill and this just makes a bad bill worse.

The people, basically the people who will obey this are not the problem. The problem is violent crime and if that's what we're trying to get at, we missed the target because we're really targeting people who are average citizens who raise families, pay taxes and they obey the laws and they'll obey this one.

But it will do nothing to reduce violent crime. It will make a good headline but not a very good law. Thank you very much Madam President.

THE CHAIR:

Thank you, Sir. Will you remark further? If not, would the Clerk please announce a roll call vote. The machine will be opened.

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:

Have all members voted? If all members have voted, the machine will be locked and the Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "A".

Total number voting 35; necessary for passage, 18. Those voting "yea", 22; those voting "nay", 13. Those absent and not voting, 1.

THE CHAIR:

The amendment is adopted. Will you remark further on the bill as amended? Senator Penn.

SEN. PENN:

Thank you, Madam President. The amendment became the bill so I would move its adoption.

THE CHAIR:

Will you remark further? Will you remark further? If not, Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Madam President. The Clerk has in his possession an amendment LCO7595. Would he please call and I be allowed to summarize.

THE CLERK:

LCO7595 which will be designated Senate Amendment Schedule "B". It is offered by Senator Cappiello of the 24th District et al.

THE CHAIR:

Senator Cappiello, the amendment is in your possession, Sir.

SEN. CAPPIELLO:

Thank you, Madam President. This simply adds a quarter of a million dollars for the firearms Trafficking Task Force for the fiscal year ending 2002. And I urge its adoption.

THE CHAIR:

The question is on adoption of Senate Amendment "B". Will you remark further? Will you remark further?

SEN. CAPPIELLO:

Thank you, Madam President.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

Briefly, this Task Force which was formed a year ago has been very successful at doing what needs to be

done by taking out of the hands of criminals a Sofor 389 firearms and also traces all, it helps trace all seized firearms in the State of Connecticut and I think this is a better way of getting at our problem at taking care of illegal guns out of the hands of criminals. Thank you, Madam President.

THE CHAIR:

Thank you, Sir. Will you remark further on the amendment? Senator Penn.

SEN. PENN:

Yes, Madam President. As worthy as the amendment is, I would have to oppose it. Simply, too, in Public Safety we had talked about that with some of the Committee members in trying to look at another vehicle but if we were to amend this bill right now, it would cause us a defeat and I urge to oppose the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Sir. Will you remark further? Senator, I'm sorry, I thought Senator Guglielmo was trying to reach. Senator Nickerson.

SEN. NICKERSON:

Thank you, Madam President. With all due respect to my colleague, I must oppose this amendment. First of all, it has a fiscal note. Secondly, it has, it could

blur, shall we say, the focus of the bill we just adopted which was, excuse me, the amendment which we just adopted which becomes the bill.

So I would suggest that in order to maintain the focus of the bill as it now stands as amended and in order to avoid a fiscal impact which perhaps would require going to another Committee, we defeat this amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Sir. Will you remark further? Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I rise in opposition to this amendment. I think that there are other appropriate vehicles that would not result in Approps referral. Those familiar with gun safety laws in this state unless they get down to the House in plenty of time to be heard, they tend to disappear.

So I would offer the opportunity to offer, not verbatim the same amendment, but a very similar amendment on another bill and move this bill along.

THE CHAIR:

Thank you, Sir. Will you remark further? Senator Penn.

SEN. PENN:

Yes, Madam President. I ask that when the vote be taken it be taken by roll.

THE CHAIR:

A roll call vote will be ordered, Sir.

SEN. PENN:

Thank you.

THE CHAIR:

Senator DeLuca.

SEN. DELUCA:

Thank you, Madam President. I rise in support of the amendment. One of the main things we always talk about, whether it be gun control is enforcement. And this addresses that. This amendment addresses enforcement and already, as the proponent said, has been working and it's taken 380 some odd guns off the street.

We talk about actually getting them off the street and doing something. This is what this amendment is all about and I would urge support in doing something meaningful in getting guns off the street.

Thank you, Madam President.

THE CHAIR:

Thank you, Sir. Will you remark further? If not, Senator Guglielmo.

SEN. GUGLIELMO:

Thank you, Madam President. Just very briefly to

the substance of the amendment. This Task Force has been around for 10 months. There's only five members on staff, there's a commander, a sergeant and three officers and as Senator DeLuca said, they've taken almost 400 illegal weapons off the street.

This is supportive, this idea by the Commissioner of the Department of Public Safety. Jack Bailey thinks it's a national model and I think it should be supported and expanded.

And the way they work is very simple. They just go to the gun stores, talk to the owners. They look at the records to see if one person's buying an enormous amount of weapons and then they check back to see why that person would be buying them, if they're selling them illegally.

If a gun is used in a crime and it's in possession of a felon, they trace it backward to the original source. The gun store owners are comfortable with this group, these five officers and they oftentimes will call the Task Force themselves to tell them that they think something's going on that's not proper.

So it's something that's worked, is working and I believe should be supported by this body and actually expanded, which this amendment does. So I urge its support.

THE CHAIR:

Thank you, Sir. Will you remark further? Senator Kissel.

SEN. KISSEL:

Thank you very much, Madam President. And I also rise in support of the amendment and would like to commend Senator Cappiello for bringing it forward.

We have over 30 laws on the books right now that have to do with guns and indeed, just watching the news last night, and I have to say as the father of a five year old boy, we just generally don't watch the news while he's up because we talk about violence in movies and on television. Probably, the most violence we see on a day to day basis is what's in the news.

And quite unfortunately in the last week or so, especially in the eastern part of the state, I think in the Town of Columbia they've just discovered someone else who's been murdered. In Coventry they've found a body. In the City of Hartford there's been a drastic increase in the number of shootings.

But at the same time I think proponents of the underlying bill are accurate in that the incidences of the utilization of assault weapons has gone down dramatically. So we're seeing violence and we're seeing violence being perpetrated by individuals that have guns

but they're not the guns that we've come in here and by the underlying amendment are voting to outlaw.

The $250,000 and granted, I support it not in the hopes that it would go to Appropriations and this bill would somehow die over there. I think that in a budget as vast and huge as the one we have, I think it's an extremely small investment that has a tremendous amount of positive results.

And if we really feel strongly about reducing the amount of gun violence in our society, I think that this is a proven way with a very small amount of resources that they actually performed quite well. And in fact, while it's not a direct parallel, I think that President Bush has proposed a new program, I think it's something, Safe Neighborhoods, or a title similar to that where the federal government would commit major resources to try to have a process where law enforcement would in a cooperative venture continue to go out there and take guns off the street.

So, you know, we are faced with that conundrum of that we pass laws and the law abiding people continue to follow those laws. But we really need to address those individuals that don't follow the laws and it's my believe that the increase in violent crime being perpetrated and the utilization of guns, it has to do

with guns that aren't assault weapons. It has nothing to do with assault weapons.

I can't tell you the last time I watched a news story where someone had an Uzi or some dramatic assault weapon in the State of Connecticut but yet we receive, to our great chagrin on an almost day to day basis, handguns and other gun violence. So I don't state here that we don't have a problem with guns and gun violence in the State of Connecticut, but I do think we have an honest disagreement as to how to address that and I think the underlying amendment, the amendment that Senator Cappiello is putting forward here, I personally believe that that has the greatest potentiality for success in the State of Connecticut.

And indeed, if it doesn't pass on this bill, I hope there is a commitment to try to get additional funding on another bill and to try to get it built into our budget because I really think in the long run that that will help advance the safety and welfare of our citizens far more than the underlying bill that the majority here just voted in favor of.

Thank you, Madam President.

THE CHAIR:

Thank you, Sir. Senator McKinney.

SEN. MCKINNEY:

Thank you, Madam President. Madam President, I wasn't going to speak on the amendment but I rise in support. And I rise in support to speak because just to note that those who have spoken in favor of the amendment I believe voted against the prior amendment.

And those who voted against this amendment voted for the first amendment. Well, I voted for the first amendment. And I think what we've seen is what's all too common with the politics of gun in this state and in the country whereby we have two groups talking in different directions.

One is talking about trying to get guns off our streets by bans of certain types of assault weapons and the other is saying, let's enforce existing laws and get guns off our street that way. I don't see why we can't do both. And why this amendment doesn't work perfectly with the underlying amendment we just passed.

The first amendment closed a loophole and corrected a poorly drafted assault weapons bill so that these assault weapons will not be on our streets. This amendment further provides funds for a task force which we all know has been very successful in getting handguns and other types of guns off the streets and out of the hands of criminals. I don't see why these two don't work together.

Now, I appreciate and respect the words of the Majority Leader of looking for a different vehicle for this and certainly he has been around a lot longer than I have. But in just my short tenure, I have seen this Legislature when it needs to and wants to, move with incredible speed on getting things through.

And if this is something we want to do and it is the will of the Legislature, and it should be to do this, I think we can get it done in time.

So I stand as someone, I think the only one to stand here to say I voted for the first one and I'm going to vote for this one because I don't think these two issues are opposed. I think they work together in a perfect marriage and I would urge its adoption.

THE CHAIR:

Thank you, Sir.

SEN. NICKERSON:

Madam President.

THE CHAIR:

Senator Nickerson.

SEN. NICKERSON:

Thank you, Madam President. Speaking for the second time. I did not plan to speak again, but I think it's important to speak only for the purpose of being sure we're characterizing this amendment for what it is

and what it isn't.

This amendment does not create or authorize the Firearms Trafficking Task Force. That group is already in place. More importantly, this amendment does not create the funding for that group to operate properly. That has already been done by the Appropriations Committee which acted to recommend a $500,000 appropriation for the Firearms Trafficking Task Force.

There is no debate among any of us in this circle, I'm sure, as to the existence of that group, its effectiveness and the need for funding. It already exists. We know it does a fine job that we support and it's already been funded. This adds funding.

And I think that's important to note because many of the speakers have cast this amendment in such terms as to lead someone to believe that if the amendment fails there will be no Firearms Trafficking Task Force or it will be underfunded. It has $500,000 of funding in the budget. And while granted, the budget hasn't been passed, that can be said of every other funding item approved by Approps.

So let's not vote for or against this amendment on the thought that it first time creates and for the first time funds the Trafficking Task Force. That is already created and already funded.

Rather, I think, as I said, and now I come back to my original thought, I think this is simply an effort to divert the focus of this bill from whence it belongs and thus I urge rejection.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Madam President. Through you, I have a question for the Chairman of Public Safety, if I may? Through you, Madam President, to Senator Penn.

Senator Penn, you had stated when you had spoke earlier that this amendment would kill the bill. Can you explain to me how this amendment kills the bill?

THE CHAIR:

Senator Penn.

SEN. PENN:

Madam President, I was referencing as my good friend and colleague, Senator Nickerson has just spoke upon. It's the same answer that I would explain at that time if Appropriations had done their due diligence in putting the fiscal note on what has taken place, so it was the exact same answer.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

Thank you. Through you, Madam President, I'm still not sure what the answer is. I understand that there's a fiscal note, that OFA put a fiscal note on this. But can you explain how this amendment, if it passes is an add on amendment. It doesn't do anything to the underlying bill as it stands. How does it kill the bill?

THE CHAIR:

Senator Penn.

SEN. PENN:

Madam President, I would reiterate the same thing to my esteemed colleague and brother. I believe that the action taken now will cause another action that would ultimately bring the bill down and that's my final answer.

THE CHAIR:

If you think I'm giving you a million dollars you're sadly mistaken, Senator Penn.

Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Madam President. Thank you, Senator Penn, or should I say Regis? My problem here with sa in that it would kill the bill, let's face it everybody, t e Appropr a ons Comm ee is year as killed almost nothing. Almost everything has flown

through the Appropriations Committee. We still have two weeks left. I don't understand it if this bill does go to Appropriations, why it would kill the bill.

It's a good amendment. The Task Force so far as I stated earlier, has seized 389 firearms in the State of Connecticut in less than a year and it's been able to trace more than 700 seized firearms. This is a good amendment. We should be going after the guns that are on the streets that are illegal, used by criminals.

I think you have all the Republicans' support. I can't speak for them but I would guess on the Appropriations Committee for this portion of the bill and I think you would have a lot of Democrat support as well. I don't know why we're afraid of sending it to the Appropriations Committee again. Nothing else seems to die there this year. Thank you.

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

Madam President, in response to Senator Cappiello, if we were to amend this bill and send it to Appropriations, it would not be acted upon in Appropriations until early next week at some time, possibly Monday, more likely Tuesday, which means it would not come back to our Calendar and be double

starred for action until Thursday or Friday at the earliest which means it would not be down on the House Calendar until Monday or Tuesday, the day before, at the earliest for action on the House Calendar.

Anybody familiar with, and I'm all too familiar with gun bills in the House in the last waning days of session is that they will simply not be called in the waning days.

And if you're serious about your amendment, and I know you are, then the most likely way to accomplish your objective or Senator Cappiello's objective would be to pass the amendment on another vehicle and it will be less controversial and more likely to be brought up in the House in those waning days.

So I oppose the amendment because it's the best way of making this bill law and also making Senator Cappiello's proposal law.

THE CHAIR:

Thank you, Sir. Will you remark further? If not, would the Clerk please announce a roll call vote. The machine will be opened.

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:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "B".

Total number voting 35; necessary for passage, 18. Those voting "yea", 12; those voting "nay", 23. Those absent and not voting, 1.

THE CHAIR:

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

SEN. RORABACK:

Thank you, Madam President. Through you, if I may, some questions to the proponent of the bill as amended.

THE CHAIR:

Please proceed.

SEN. RORABACK:

Thank you, Madam President. Senator Penn, directing your attention to line 4 of the amendment, I'm sorry, of Senate Amendment Schedule "A".

THE CHAIR:

Senator Penn.

SEN. PENN:

I'm directed to it.

SEN. RORABACK:

Senator Penn, the language there appears to make unlawful, all weapons that are variations with minor differences of those weapons listed in subdivision 1 of this subsection, including but not limited to a whole number of different weapons.

And through you, Madam President, I'm trying to put myself in the, sitting as a judge, how Madam President you determine what constitutes a minor difference? Through you, Madam President.

THE CHAIR:

Senator Penn, do you care to respond?

SEN. PENN:

Yes, Madam President. A lot of the criteria has already been done. We've done it in 1993. It was more effective and also part of the national ban derived in 1994, the federal ban. The list of things, the folding stocks and flash suppressors, a whole cadre, I don't know if you want me to go up, you have the bill in front of you, I don't know if you want me to read all of them.

But what the issue is here of how they took in, the manufacturers have taken those banned weapons and did cosmetic changes and we still have the same guns with

the same effect, to kill the most people in the shortest period of time.

And so what these issues that lay before you as they were drafted in 93 and 94 by the State of Connecticut and by the federal government is what you have before you.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Thank you, Madam President. But my specific question Madam President, is, how are we to know what's a minor difference and what's a major difference. And wouldn't that determination lie in the eyes of the beholder and isn't it possible that you might have different judges reaching different conclusions interpreting the same language as to what constitutes a minor difference? Through you, Madam President.

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. I believe it already has been celled in the courts of law, these bills have been through, it's been upheld by the courts. Even in the federal statutes, it says the semi-automatic assault weapon means any other firearms or copies or duplicates

of the firearms known as and it has a list and again it has a subsequent criterias I just spoke about this listed in the amendment, on the bill, now that's before you.

So I think it's self-explanatory. I think the courts have ruled, the State of Connecticut has put assault weapons ban in place since 1993 and the feds have acted on it since 1994. Thank you, Madam President.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Thank you, Madam President. Not to disagree with my learned colleague from Bridgeport, but Madam President, I think that the 1993 bill may have been construed by the courts as being permissible to ban the weapons that are enumerated but void with respect to vagueness as to things that have minor differences.

So, Madam President, to address that deficiency, the Clerk has an amendment which is LCO7603 and would the Clerk please call the amendment. 7603.

THE CLERK:

LCO7603 which will be designated Senate Amendment Schedule "C". It is offered by Senator Roraback of the 30th District.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Madam President, I move adoption.

THE CHAIR:

The question is on adoption. Will you remark?

SEN. RORABACK:

Thank you, Madam President. I request leave to summarize.

THE CHAIR:

Please proceed.

SEN. RORABACK:

Madam President, I don't give any defense to those entities which have tried to undercut what this Legislature concluded was appropriate public policy in 1993 by producing mimics of those weapons.

My difficulty, Madam President, is with the language that I referred to you before about minor differences. What this amendment does is specially outlaw the enumerated weapons and Madam President, it also strikes Section 4 of the bill which has language which the Federal Bureau of Alcohol, Tobacco and Firearms has found unworkable in implementing the federal law and I'd ask, Madam President, that we move adoption of this amendment.

THE CHAIR:

The question is on adoption of the amendment. Will you remark further? Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I oppose this amendment. Oddly enough, it's striking but what this amendment does is actually broaden the language because all weapons that are variations, the language of the underlying amendment says minor differences which is a qualifier and this just says that are variations.

And I would submit that a variation of something is broader than a variation with minor differences which is qualifying language. So if anything, this amendment defeats its own purpose.

I would then point to, this strikes all of the very sound language in the underlying amendment that sets criteria that's used currently in federal law and also in California law that has survived judicial challenge that describes broadly what could be an assault weapon.

So the underlying amendment that is now before us as the bill I think is a far sounder approach and would be less subject to the kind of distortion then the amendment would present.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Thank you, Madam President. With respect to Senator Jepsen's first point, I think if he looks at the language of the first sentence that says, the following specified weapons that are variations of those weapons.

So what the amendment does, Madam President, is not broadened it but gives precision to the specific weapons that are being banned and I'd hope that Senator Jepsen upon reflection and close reading would concede that that's what that language accomplishes.

With respect to Senator Jepsen's second observation, Madam President, I took it upon myself to telephone the Bureau of Alcohol, Tobacco and Firearms and to find out what their experience had been in implementing the language of the federal ban which is not weapon specific.

And Madam President, through you, what I learned from them is the difficult, Madam President, is that the weapons that are not specifically named, but weapons can become in and out of what is banned and what is not banned and that's what the information from the Bureau of Alcohol, Tobacco and Firearms has suggested makes it difficult to implement the language.

So Madam President, I think it's the right thing to

do to overcome people that have tried to subvert the intention of the 93 law but going further I think invites difficulty.

THE CHAIR:

Thank you, Sir.

SEN. NICKERSON:

Madam President.

THE CHAIR:

Senator Nickerson.

SEN. NICKERSON:

Thank you, Madam President. Speaking on the amendment, Madam President. A couple of points. First, it is not correct to suggest that there is either a drafting or a constitutional infirmity with the bill as amended with regard to the amendment that's been adopted.

The reason I can be very confident of that is, the exact point of constitutionally vague language was raised by the plaintiffs in the Deforest v. Bailey litigation in 1995 before the Connecticut Supreme Court which litigated comparable language in the original assault weapons bill. And that argument was rejected.

The standard applied by the court, the Connecticut Supreme Court was, language that is adequate for an ordinary person to identify a weapon with reasonable

certainty, that I suggest is a test most certainly met by the language that we adopted and there is no validity in my estimation to the suggestion that we need to alter that language by removing the language in the heading of Section 3.

With regard to Section 4. Section 4 which would be removed by this amendment is a direct lift from the federal assault weapons law. It is nothing new. It is nothing incomprehensible and there's a great deal of literature, including literature that is on the NRA web site as to exactly what is and is not banned.

So again, the suggestion that Section 4 is some untried, untested and unplowed new ground is just not legally correct. It is tested. It's been around for seven years. It is well understood by gun advocates and gun control proponents and so with all due respect, I suggest that this amendment therefore does not stand on the grounds as to which it is proffered and should be rejected.

THE CHAIR:

Thank you, Sir. Will you remark further on Senate Amendment "C"?

SEN. JEPSEN:

Madam President.

SEN. JEPSEN:

I would just ask for a roll call vote.

THE CHAIR:

A roll call vote will be ordered. Will you remark further? If not, Mr. Clerk, would you announce a roll call vote. The machine will be opened.

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:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "C".

Total number voting 35; necessary for passage, 18. Those voting "yea", 12; those voting "nay", 23. Those absent and not voting, 1.

THE CHAIR:

The amendment fails. Will you remark further on the bill? Will you remark further? Senator Roraback.

SEN. RORABACK:

Thank you, Madam President. The Clerk has another

amendment, LCO7613. Would the Clerk please call the amendment and might I be allowed to summarize.

THE CLERK:

LCO7613 which will be designated Senate Amendment Schedule "D". It is offered by Senator Roraback of the 30th District.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Thank you, Madam President. I move adoption.

THE CHAIR:

The question is on adoption.

SEN. RORABACK:

And request leave to summarize. Thank you. Thank you, Madam President. While the defeat of my prior amendment is going to make it difficult for me to support the bill as amended, nevertheless, Madam President, I offer this amendment which makes it clear that none of the weapons, as difficult as they are to define in my opinion under the bill as amended, that it won't operate to prohibit people from engaging in olympic sporting competition, olympic shooting competition and I move adoption.

THE CHAIR:

The question is on adoption. Will you remark

further on Senate Amendment "D". Will you remark further? Senator Penn.

SEN. PENN:

Thank you, Madam President. Just one quick question to the proponent of the amendment.

THE CHAIR:

Please proceed.

SEN. PENN:

Do you know of any of these weapons now that are listed in the federal ban that are being used by the olympic and sporting competition?

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Through you, Madam President. I don't have first hand knowledge but I have received correspondence and e-mails which suggest there's a risk that people that are engaging in lawful olympic competition might be at risk of not being able to deploy the, what they need to compete in those sports. Through you, Madam President.

THE CHAIR:

Senator Penn.

SEN. PENN:

I don't know if that's a final answer, Madam President, but I do with my democratic principles

believe that if the federal government with their ban allowing certain weapons to be used in the sporting competition, I would support your amendment and we can use a voice vote.

THE CHAIR:

Will you remark further on the amendment? Will you remark further? If not, I will try your minds. All those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? If not, will the Clerk please announce a roll call vote. The machine will be opened.

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:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on passage of S.B. 1402 as amended.

Total number voting 35; necessary for passage, 18. Those voting "yea", 25; those voting "nay", 10. Those absent and not voting, 1.

THE CHAIR:

The bill is passed. Senator Jepsen.

SEN. JEPSEN:

Madam President, we're going to take a brief recess at this time so that we can mark a second Go list.

THE CHAIR:

Thank you, Sir. Without objection, the Senate will stand in recess subject to the Call of the Chair.

On motion of Senator Jepsen of the 27th, the Senate at 7:46 p.m. recessed.

The Senate reconvened at 9:30 p.m. the President in the Chair.

THE CHAIR:

The Senate will please come to order. Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. For purposes of an announcement. I'd like to announce that the Environment

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rejection of Senate "B". Thank you, Madam President.

THE CHAIR:

Thank you, Sir. Will you remark further on the bill? Will you remark further? The motion before us is for passage of the bill in concurrence with the House. If not, Senator Coleman.

SEN. COLEMAN:

Thank you, Madam President. If there are no further comments to be made and if there are no objections, I would move that this bill be placed on our Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

THE CLERK:

Calendar 185, Files 139 and 837, S.B. 1402 An Act Concerning Assault Weapons, A Single State Handgun Permit, A Firearms Evidence Data Bank and Restraining and Protective Orders in Firearms Cases, as amended by Senate Amendment Schedules "A" and "D" and House Amendment Schedule "A". Favorable Report of the Committees on Public Safety, Planning and Development, Finance, Revenue and Bonding and Judiciary.

The House rejected Senate Amendment Schedules "A" and "D" and passed with House Amendment Schedule "A".

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. Similar to Senator Coleman, we, too, have just seen this bill and it was passed out of the Senate last week, I believe it was, or the week before last and I commend the Senate for being responsible for that.

I am rather concerned about some of the deletions but in spite of that, I move adoption of this bill, move the adoption of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

The question is on passage in concurrence. Will you remark? Senator Penn.

SEN. PENN:

Thank you, Madam President. Since we had such a lengthy discussion on it last time, I just ask permission to summarize and ask its reading be waived. Thank you.

What this bill does now with the amendment, it extends the current restrictions on firearms with certain characteristics by designating them as assault weapons with exceptions.

And the bill also makes it a crime, a Class A

misdemeanor for first offense and a Class D for felony for subsequent offenses to give away, transport, or bring into the state or keep, offer or expose for sale, armor piercing 50 caliber bullets.

Also, this bill expands the number of assault weapons covered by current restrictions, creates a single handgun permit regulation system, establishes a firearm evidence data bank and tightens control over people possessing firearms and in violent situations.

Also, at this time, Madam President, I would like to yield to Senator Jepsen.

THE CHAIR:

Senator Jepsen, do you accept the yield?

SEN. JEPSEN:

Thank you, Madam President. I do, very briefly. I am supportive of the bill as amended. Sometimes in this business you have to take the 85% or 90% of a full loaf. I would have preferred to keep the original guns in but by enacting this bill in addition to the armor piercing, the ban on the armor piercing and incendiary ammunition we got a proven, effective standard against assault weapons in our society, one that's badly needed and will be with us until some day, hopefully never, that it is changed.

I think that this puts this issue to bed for quite

some time. Thank you.

THE CHAIR:

Thank you, Sir. Will you remark further on the bill? Will you remark further? Senator Penn.

SEN. PENN:

I think we need a roll call vote, Madam President.

THE CHAIR:

Mr. Clerk, would you announce a roll call vote. The machine will be opened.

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:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on passage of S.B. 1402 in concurrence with the House.

Total number voting 36; necessary for passage, 19. Those voting "yea", 26; those voting "nay", 10. Those absent and not voting, 0.

THE CHAIR:

The bill is passed. Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I would ask that the Chamber stand in recess for approximately ten minutes. We'll come back. There's one more bill to run and then we'll take a break to assembly a second Go list.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Thank you, Madam President. For the purpose of an announcement.

THE CHAIR:

Yes, Sir.

SEN. CRISCO:

Madam President, the Appropriations Committee will meet on Tuesday, June 5th outside the House Chamber five minutes before the start of the House Session to take up business. Thank you.

THE CHAIR:

Thank you, Sir. Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. For purposes of an announcement. I believe we're going to have a recess at 4:30. We will be having a General Law meeting immediately following the House during that time in the

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The machine will be locked and the Clerk will take the tally.

The Clerk will please announce the tally.

CLERK:

H.B. 6461, as amended by House Amendment Schedule "A and Senate Amendment Schedule "A", in concurrence with the Senate

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	145
Those voting Nay	1
Those absent and not Voting	4

DEPUTY SPEAKER FRITZ:

The bill, as amended, in concurrence with the Senate is passed.

Will the Clerk please call Calendar number 582.

CLERK:

On page 21, Calendar 582, S.B. 1402, AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT, as amended by Senate Amendment Schedules "A" and "D".

Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Good afternoon.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill, in concurrence with the Senate.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage in concurrence with the Senate.

Will you remark?

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. First of all, I'd like to acknowledge the courtesy of Representative Dargan, the distinguished Chair of the Public Safety Committee for inviting me to explain this bill.

Second of all, Mr. Speaker, I would like to make a few general comments before I explain and ask that we introduce Senate Amendment "A", which was a "strike all" amendment.

Mr. Speaker, I think, over the past ten years, this Legislature has debated some wide ranging proposals to, in a variety of ways, control the flow of guns of a variety of descriptions in the State of Connecticut.

We've attacked it from different angles, Mr. Speaker, one looking at the extraordinarily dangerous

type of weapons, such as assault weapons and another, looking at the more routine weapons, pistols and rifles and making sure that we had clear standards responsible gun ownership and that there were mechanisms to appropriately monitor gun owners' behavior, in a sense, and to ensure that guns did not get into the wrong hands.

Back in 1993, Mr. Speaker, this Legislature adopted, and I think we were the second or third state in the country to adopt a ban on assault weapons. At that time, we chose to list a number of weapons and to prohibit purchasing or possession of those weapons except in conformance with specific standards that were set out in that bill.

Since that time, Mr. Speaker, there have been a number of changes that have taken place in our nation and in the gun business, in particular. One of those changes was the adoption of a federal ban on assault weapons, which I'll describe later, and also it has been the practice, apparently of some of the manufactures of these assault weapons to, in effect, re-name them in the hopes of avoiding some of the specific bans that exist in various states under the federal law.

But before we get into that, Mr. Speaker, I think it's indifference to the similarity with which this

Chamber has dealt with these bills in the past, I just want to make a couple of general comments.

First of all, in all of those steps along the road, the effort to enact common sense gun control has been bipartisan. Democrats and Republicans working together on very controversial issues, both in support of and in opposition to some of these proposals has been what has characterized it and its something that I'm particularly proud to have been a part of, bipartisan efforts to deal with this issue.

Second of all, Mr. Speaker, I think, unlike some places, we've gone to great extents to ensure that we didn't draft legislation that was over-broad and that went beyond the stated intentions. And I think as a result, Mr. Speaker, our various legislative enactments have stood the test of time.

Sometimes we've had lengthy debates on this topic. For example, the 1993 assault weapon ban and the 1994 comprehensive reform that dealt --

DEPUTY SPEAKER HYSLOP:

Excuse me, Representative Lawlor. You're talking about the amendment that you're getting ready to bring forward? Are you talking about the bill -

REP. LAWLOR: (99TH)

Mr. Speaker, I haven't offered any amendments yet.

I'm generally characterizing gun control legislation in this State.

DEPUTY SPEAKER HYSLOP:

Okay, proceed.

REP. LAWLOR: (99TH)

But I will offer the amendment in a moment. I want to set the tone, if it's okay, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Prelli, for what reason do you rise?

REP. PRELLI: (63RD)

On a Point of Order, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

What is your Point?

REP. PRELLI: (63RD)

The Point is that the bill before us is a single permit and has nothing to do with gun control and has nothing do with assault weapons.

If the gentleman wants to talk about the assault weapons, he should call the amendment and then discuss the assault weapon ban. If the gentleman wants to talk about the single permit, he should be talking about the bill before us before the amendment is called. And I think that's the action that we should be taking.

The bill before us, until he calls the amendment, is on the single permit and that's what we should be

discussing until the amendment is called, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Thank you, Representative Prelli.

Representative Prelli, your Point is well taken. Representative Lawlor, I would caution you to continue your talk in reference to the bill that is before us which talks about AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT and not assault weapons.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I will. I was just talking about bipartisanship.

So, now that people are listening, let's get back to bipartisanship.

Mr. Speaker, I'd be happy to offer the amendment, but I would just say, the underlying bill is an important bill on the gun control topic, a single permit. That was the topic of the 1994 - the bill that I was just describing a moment ago.

But Mr. Speaker, the Senate did offer a "strike everything" amendment.

The Clerk has LCO Number 7600. I would ask the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 7600, previously designated Senate Amendment "A" and the Representative has asked

leave to summarize.

CLERK:

LCO 7600, Senate "A" offered by Senator Jepsen, et al.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This amendment adds certain weapons to the list of banned assault weapons. It enacts the federal definition on what is an assault weapon. It bans armor piercing and incendiary 50 caliber ammunition and it bans cartridges which can contain more than 10 rounds.

I urge adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of Senate "A". Will you remark further?

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. As I was saying a moment ago, I think in justice to the process, we ought to take this very seriously because I think, like many people in this Chamber, I've received scores of e-mails from around the country, people reading characterizations of this amendment on the Internet and critiquing what turns out to be, based on my reading, the original version of

the assault weapon ban, the bill that was originally in the Public Safety Committee.

So with that in mind, Mr. Speaker, I'd like to begin to draw some distinctions between what's before us today and what people are complaining about in these e-mails and not, in any way, intended to criticize the complaints, I think it's a good thing that people are contacting us, even though they are from other states, in many cases and watching in on our in-house television system and perhaps later on, watching this on the Internet, that it's a very good thing that people have become involved because I think my experience has been the more people learn about this issue, the more informed the decisions become. And I found that the more people talk this through, the less disagreement there really is.

In my experience, Mr. Speaker, going back, having stood here eight years ago, almost to the day. It was June 5, 1993 that we went through an eight-hour debate to enact our first assault weapons ban, that the more you talk to people and they understood what precisely was being subjected to this ban and what the reasons for that were, including many gun owners, many law abiding gun owners, many of whom I represent in the 99th legislative district said, "if that's all it does, I

have no problem with that bill."

And for that reason, I'd like to take some time to explain exactly what this amendment does do. And what it does not do. And I would hope that as people learn about this amendment, that some of the concerns that are reasonable concerns, will be allayed by this description.

And I'd also point out, Mr. Speaker, that as members of the House review Senate Amendment "A", you can see reference made in that amendment to a number or specific weapons. And because each of us know, courtesy of the taxpayers, is blessed with internet access here in the Chamber, I would just encourage you, if you're curious about what these guns are, it's very easy to locate them on the Internet and get descriptions of them.

If you go to a search engine and just punch in the actual name of the weapon, in many cases, you'll get scores of pages which come back where you can see photos and descriptions of the characteristics of these weapons, the prices, the availability and the design features which I think are so important to understanding the significance of the bill before us.

So, I'd encourage you to do that because I think it's a great way to learn about what we're really

discussing here.

On the amendment itself, Mr. Speaker.

First of all, if I could just return, for a moment, to understand the context in which this is offered because references are made and definitions are borrowed from the federal law in many cases.

Mr. Speaker, assault weapons, as a political issue, never emerged until 1989 when then President George Herbert Walker Bush, President Bush, the first, I guess you would say. President Bush, by Executive Order, banned import into the country of assault weapons. And in his Order, issued through the Alcohol, Tobacco and Firearms Agency, there was a description of what actually constituted an assault weapon. And it's that very description which has survived in the subsequent federal ban on assault weapons which was enacted in 1994, which emerges in the bill today.

So the actual definition of an "assault weapon", not the list of weapons, but the definition itself, dates back to 1989 and was first promulgated during the first President Bush's administration to deal with import into the country.

Back then, import of these weapons were banned and then in 1994, future manufacture and sale to civilians was banned under the subsequent administration.

In 1993, our ban, which pre-dated the 1994 federal ban, obviously, listed certain weapons. At the time, there was a great deal of debate. I remember this very vividly, should we list weapons or should we use a definition?

And initially, the bill in 1993 actually used the federal definition, which we now borrow from which is now federal law, but the objections raised at that time were that that definition was too flexible and why don't we, instead, list the specific guns? This was, in essence the objection we received from the gun lobby itself.

And so, for ease of explanation of which guns the bill would effect, we switched to a system where we actually names specific guns, guns which were, at the time, the major problems in our State and throughout the country.

Ironically, Mr. Speaker, I just was to point out that subsequent to the passage of that bill, there was a constitutional challenge made to that bill and one of the allegations in the constitutional challenge is, why did you use a list? Why didn't you, instead, use a definition because there are readily available federal definitions of what these things are and I just thought it was kind ironic because the first complaint was, why

is the definition - why not just list the weapons? Once we listed the weapons, well, how come you just didn't define them and do it that way?

So now, this amendment contains both, a list and a definition so there can be no mistakes.

In 1994, the federal government did, in fact, ban weapons which fit the description. Ban the sale and possession of these weapons manufactured after the effective date of that bill, which I think was October 1, 1994.

It didn't apply to weapons fitting this description which were manufactured prior to that date, and that is one of the central loopholes which would be closed should this amendment become law. That any weapon, which meets this definition, could not be sold in Connecticut or transferred in Connecticut or lawfully possessed except under the specific procedures outlined in this amendment.

Subsequent to that, a number of states have adopted specific bans on assault weapons and different states have used different methods for describing what an assault weapon is. In some states, they've defined them and in other states they've listed them and in some states, they've done both.

For example, in California there is a list and

there's a specific authority in California, which is borrowed in this bill, by the way, in the amendment before us, the ban of assault weapons in California has now become part of this proposal.

California, however, has a mechanism which is not part of this amendment and that is --

DEPUTY SPEAKER HYSLOP:

Excuse me, Representative Lawlor. Representative Prelli, for what reason do you rise?

REP. PRELLI: (63RD)

Mr. Speaker, a Point of Order.

DEPUTY SPEAKER HYSLOP:

What is your Point of Order, sir?

REP. PRELLI: (63RD)

Mr. Speaker, my Point of Order is that this amendment is not germane to the underlying bill. Under Mason's 402, the underlying bill refers to Section 29 or our statutes. I'm sorry. Under 402-1, the underlying bill refers to Section 29 or our statutes. This amendment refers to Section 53 of our statutes. Under Section 402 of Mason's, two, there's not a logical sequence from the underlying bill which deals with permits to the amendment which deals with assault weapons that don't have anything to do with those permits.

And number three, it's not under 402-4. It's not germane because the main purpose doesn't - the main purpose of the amendment does not follow the original purpose of the bill.

DEPUTY SPEAKER HYSLOP:

The Chamber will stand at ease.

(Chamber at ease)

DEPUTY SPEAKER HYSLOP:

The Chamber will come back to order.

Representative Prelli, in reference to your Point of Order, I find that your Point is not well taken. The amendment and the underlying bill both deal with firearms. The question as to whether the bill and the amendment amend the same section, is not controlling. It is merely a criteria, but in most instances, this alone is not enough to decide germaneness.

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I'm taking it is germane?

DEPUTY SPEAKER HYSLOP:

It is germane.

REP. LAWLOR: (99TH)

Alright. So back to the bipartisanship thing, Mr. Speaker.

I was trying to explain some of the background

definitions. It's actually very important to keep in mind, as you understand how this amendment would fit into the existing schemes as they exist.

And just very briefly, the federal law has a definition, which is incorporated in total, in this amendment.

There have been efforts in other States to, by name, add additional assault weapons as they sort of pop up on the scene. Many of those, although not all of them, have been incorporated in this amendment.

But one thing that is not here that I know is the subject of some concern expressed in some of the e-mails and other comments I've gotten and a question I've gotten from members in the Chamber here, there's nothing in this amendment, nothing is being proposed that would give the Attorney General the discretion of adding new weapons to the list. That certainly is not here and not being proposed.

I think the flexibility of the federal definition is sufficient to encompass all the guns that people would want to have on the list and not include ones that people would be sure would not be on the list.

And I will just point out, they're already covered under federal law. The only difference is the federal law doesn't apply to guns that were manufactured prior

to 1994 and the federal law actually sunsets in two years and I think it's not clear what the federal government will do in that regard, but I think here in Connecticut we have our own standards and I think most people would agree that we should continue with the prohibition beyond whatever the sunset period is.

Next, Mr. Speaker, I just want to point out that in the original bill that the Public Safety Committee conducted a public hearing on, there was a longer list of weapons than what appears in this amendment.

Many members of the Legislature who support this initiative, including myself, listened very carefully to the testimony in that public hearing. I didn't attend it personally, I was in my office listening and we made careful notes of the concerns that were raised by different people. And many of them dealt with specific guns on the list and the guns that were complained about where the concern was, what I felt was realistic and others felt was realistic, have been removed from the list.

So, an attempt was made to meet the concerns raised in the public hearing process and that's why many of the guns on the original bill don't appear on this particular list.

Next, Mr. Speaker, it's important to understand how

these definitions work and why it is that assault weapons are really different from other rifles.

It's been suggested that this is simply a concern about cosmetics. Well, I'm sure there are plenty of people in our State that actually think these are nice looking. I'm not so sure it is a cosmetic issue, but let me tell you what it is about assault weapons that really sets them apart from other weapons.

For starters, Mr. Speaker, the sheer numbers or rounds which can be fired without reloading from these weapons. And by the way, later on in this amendment there's language relating to large capacity magazines.

I actually had the opportunity, eight years ago, to fire several of the guns that are now banned in Connecticut, including the AR-15 and it was - I was very surprised how much like a fully automatic machine gun it was, even though you had to pull the trigger each time to discharge a round, it was very easy and very quick and you empty out that entire magazine in just a few seconds, nine, ten, eleven, twelve seconds, I guess, depending on the gun. But if you were just watching this occur, it looked like a machine gun going off. And that, by itself, is what distinguishes these weapons from other guns.

But add to that, these weapons are specifically

designed to be fired in a very unique way, not from the shoulder, but instead, from the hip. That's why there's a special design in the barrel so you can hold the trigger and the barrel at the same time and just fire away in a spray fashion, not aiming from the shoulder like we would be accustomed to doing with a regular rifle, but instead, firing from the hip.

Second, you will notice in the characteristics of these different weapons, there are certain aspects, which in combination, would turn an ordinary rifle into an assault rifle.

For example, a flash suppressor. You know, people have argued that guns, in many cases, are kept for self-defense or for sporting purposes. Well, either way, there's no need for a flash suppressor.

There's no need to grip the gun from the barrel. That's another one of the characteristics that sets it apart. Also, a pistol grip on a rifle. Well, if you hold the rifle and fire from the shoulder, common sense tells you, you don't really need a pistol grip. That's why assault weapons, whether they're fully automatic or semi-automatic or designed with that special grip, that's what really sets these apart.

Now, another issue which was raised and it seems to be the clarion call of those who oppose any restrictions

on assault weapons, is a request for a list of the incidents where these types of weapons have been involved and where people have actually gotten killed. And I've noticed in a lot of these e-mails that when Commissioner Spada and Chief State's Attorney Bailey were asked - I forget what the exact question was, but it was sort of not necessarily in context, but it was just a question asked to either one of them, are these a big problem in Connecticut? And both, apparently, said something along the lines of no.

Well, let's just think of some of the specific incidents, not just in our State, but in other states where these weapons have been used and the two that come to mind, to me, the easiest to explain are the two incidents involving State Troopers.

The pre-1993 assault weapon ban murder of Trooper Bagshaw which was discussed extensively earlier in the session. Well, that murder was accomplished with a weapon that was subsequently banned in 1993. And by the way, in my view, had that weapon been banned at the time that murder took place, Trooper Bagshaw might very well be alive today because the only reason the murderers in that case had that weapon, was because it was for sale in the gun shop they were burglarizing.

And when the Trooper came in response to the

burglar alarm, Trooper Bagshaw, they opened up on Trooper Bagshaw, fired, I think, 21 rounds. Only one of them actually struck and wounded Trooper Bagshaw. Unfortunately, it missed the bullet proof vest he had. It came in under his armpit, essentially, even though he was in a car, seated with a bullet proof vest on.

And my sense is if it had been an ordinary gun that wasn't capable of firing a spray of 21 bullets in a very short period of time, the odds are that one of those bullets would not had found that specific location.

But what's clear is if those guns had been banned, those murderers would not have had access to an assault weapon to accomplish that crime.

Subsequently, just a few years ago, and many of us visited the Officer's Club to visit the Troopers who were shot by this guy by Edward Primo. And those three Troopers were responding to a concern that a neighbor had that the nearby neighbor, Mr. Primo, living in a trailer, was acting erratically, threatening people. And when the Troopers arrived, one after another, they met gunfire from Mr. Primo and that gunfire was accomplished with a weapon that, by anybody's definition, is an assault weapon and if you'd like to visit this on the Internet, you can visit www.fn-collectors -- fn - Frank/Nancy - hyphen - collectors.net.

It's a Belgium fn. Semi-automatic rifle. That's an assault weapon, not on our list of banned weapons. That's the weapon that Mr. Primo was able to legally acquire. Keep in mind, he was a law abiding citizen up until the time he started shooting at the State Troopers. He had a pistol permit, but he had a large arsenal of weapons and bombs in his trailer.

And the weapon he chose to open fire on the Troopers was a weapon that would be banned in Connecticut, should this legislation go forward and is not currently covered under the existing law.

Now, throughout the country, there's been a number of very high profile mass shootings accomplished with assault weapons. Some of which are covered under the definition in the federal law, some of which are not, but keep in mind those that are covered are not prohibited if they were manufactured before 1994.

The most notorious of all these incidents is the Columbine shooting where the principal weapon used to kill most of the kids at Columbine was an assault weapon. And there are plenty of images on that. I'm sure we've seen that image of the video tape inside Columbine High School, that one young guy holding that machine pistol, semi-automatic pistol, which was used to accomplish the murder of so many of those students.

Just a few months ago in Massachusetts, a guy in the computer company came in I think with an AK-47 and started shooting his co-workers.

And there's incident after incident after incident.

Beyond the actual shootings, in the last year and one-half, because of the legislation enacted here in 1999, police, for the first time, are able to respond when they have clear and convincing evidence that people pose an imminent danger to others, and seize weapons in order to protect the community.

And in many of those cases, in fact, there's been a total of 39 assault weapons seized in those various seizures. In some cases, and I've the notebook right here. If anyone cares to review it, the actual seizure affidavits from each one of those seizures with the list of weapons actually seized, and you will notice in many, many cases, including the most recent one where there were two pages of weapons seized, a whole assortment of assault weapons that are not currently covered under the Connecticut law that would be covered if this amendment were passed.

So this is a real problem. Do assault weapons account for most of the murders in Connecticut? No, they do not. But do they account for some of them? Yes, they do. And are they found from time-to-time? Yes

they are. Can they be legally purchased in our State? Yes, they can. Do you need a permit to purchase an assault weapon that was manufactured before 1994? No, you do not.

And I think at the heart of this issue from the start is, at some point we have to draw the line. And this Legislature, many times, has drawn the line when it comes to firearms.

As I mentioned, in 1993 the assault weapons ban. Prior to that, we banned sawed-off shotguns. We banned fully automatic machine guns. Obviously, we banned explosives, etcetera. At some point, you do have to draw the line and I think as long as we're reasonable and careful and deliberate in the way we do it, it's appropriate that we prohibit the sale of certain extraordinarily dangerous weapons to citizens who don't have a need for them. Weapons that are not related to self-defense, that are not related to hunting, and are not related to sport shootings.

And I suppose, from time-to-time, there maybe a weapon that we prohibit that could actually be used in some sort of a competition and then we have to employ a balancing test, the danger it poses, in general, compared to the sporting purpose, the limited sporting purpose it's used for.

So I think these are all tough decisions, but fortunately, over the past ten years, we've been able to work our way through these decisions.

Mr. Speaker, the amendment also contains two other types of restrictions on access to types of weapons.

First of all, Mr. Speaker, the amendment prohibits certain types of ammunition. And let me be explicit in this, only 50 caliber ammunition, which is either armor piercing or incendiary.

Now, 50 caliber ammunition is, I guess, in laymen's terms more like a cannon than a gun. These types of bullets, when fired from a 50 caliber gun, can penetrate steel and armor and under certain circumstances, can penetrate concrete walls. If you use it for self-defense, it will shoot the guy coming through your door, you'll shoot through your door, you'll shoot through your neighbor's house and probably to the next neighbor's house. That's how powerful these weapons are.

They've been demonstrated time and time again, which clearly indicates the unique danger of this type of weapon.

And our proposed ban applies not to all 50 caliber ammunition, but only 50 caliber ammunition which is designed and advertised as either armor piercing or incendiary.

And that's another thing you can search for on the Internet. I've got the web sites if you care to come over and look at them. But you can see how these are held out, how these are advertised. In some cases, both armor piercing and incendiary.

This is the type of thing you could use against an armored limousine, for example. And although there haven't been a lot of incidents in this category yet in our country, I think it's fair to say that in recent years, with this growing trend that we saw so demonstrably evidenced in the bombing of the building in Oklahoma City where we first learned about the dimensions of this malitia movement, that there are actually people out there who view the government as the enemy and who have armed themselves to the teeth to accomplish the kinds of goals, which I think all of us would condemn instantly.

And if you think it's not related to Connecticut, I direct you once again to some of these affidavits. You can see this kind of ammunition has been found in Connecticut in some of these seizures as part of entire arsenals which have been accumulated in people's homes.

And just in the same way as I think even though hand grenades have not been used in many crimes recently in Connecticut, none of us would say that is a reason to

legalize access to hand grenades for civilians. These types of weapons are extraordinarily dangerous, serve no legitimate purpose, and should be prohibited.

And finally, magazines, magazine which can contain more than ten rounds. The definition in this amendment is exactly the same as the definition contained in the current federal law that prohibits the sale and transport and possession of magazines which contain more than ten rounds.

There are exceptions in all these laws, by the way, for law enforcement and military purposes.

But it's the exactly the same as the federal law. The difference is, under the federal law, if they were manufactured prior to 1994, they can still be legally bought and sold in our State today and that is the case. If you wanted to buy one, two, or 100 or 1,000 of these high capacity magazines, you have every right to do so under our current law.

So the question is, do you need a magazine with more than ten rounds for self-defense? Do you need a magazine of more than ten rounds for hunting? Do you need a magazine of more than ten rounds for sport shooting, target shooting? I really don't think so. And again, we have to draw the line somewhere. The federal government has drawn the line at this point. It makes

sense that we should do the same.

Now, in terms of exceptions, Mr. Speaker, there are exceptions in this bill. And I want to make a couple of things clear because this was the subject of a great deal of discussion eight years ago when we first debated assault weapons.

First offenders, people who may not have been aware of the law -- you know, people offer the example of maybe they have one of these weapons in the attic and don't even know about it, don't realize it's been banned. Do we subject them to a felony penalty? Well, no. We have a special program written into the 1993 assault ban law and it's duplicated here in all of the three sections we have related to the additional assault weapons, the incendiary and armor piercing ammunition and the high capacity magazines.

Although it will be a crime to sell them and transport them for the purpose of selling them, that if, in fact, one is arrested and if it's clear they have no record, they've got no previous record of this type of conduct, and they're not likely to offend again, they can take advantage of a specially designed first offender program which results in no criminal record.

But, of course, in the case of people who are deliberately trafficking this stuff, advertising it on

the Internet as armor piercing incendiary ammunition, if they knowingly do this, then they can be prosecuted to the fullest extent of the law. And I think that's an appropriate exception to separate the major league dealers from the people who might possess this, not knowing it's actually prohibited, and make sure that the prosecutors and the judges always have discretion to be lenient in these cases.

So, Mr. Speaker, in summary, this is not the same bill that was before the Public Safety Committee. It's been amended extensively, in large part, based upon the concerns raised during the public hearing. I think it's very tightly written. It borrows upon enactments of the federal government and some of our sister states and we know for sure it's all constitutional because our Supreme Court voted unanimously, during the challenge of the assault weapons ban, that the General Assembly has every right, under our State Constitution, to enact reasonable restrictions such as those contained in this amendment.

Mr. Speaker, I urge adoption of the amendment.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of Senate "A". Will you remark further on Senate "A"?

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. Mr. Speaker, I guess I rise today reluctantly because in the last four years, Mr. Speaker, myself and Representative Lawlor have worked, I believe extremely well together.

In the last four years, Mr. Speaker, I'm proud of what this House has accomplished and I guess I'm going to start off by talking a little about we did, this House Chamber, working in a bipartisan way. Some of the things that we've accomplished by having two parties sit at the table, those that support gun control and legitimate sportsmen of the State of Connecticut.

Mr. Speaker, I don't know anywhere else in the United States where those two parties are at the table negotiating gun legislation. Nowhere else in the country but here in Connecticut because of the work that this House Chamber has done over the last four years.

I want to talk a little bit about what we've done in this Chamber and I'm going to start with the 1998 legislative compromise that passed in this Chamber unanimously.

I don't think that we've ever passed a gun bill with as many provisions unanimously in this House Chamber. I want to talk a little bit about what it's done in reference to this amendment.

In 1998, you remember, we passed a provision that basically said people who have been committed to a psychiatric hospital and who have guns would lose their guns because they were committed to a hospital. It was very controversial in nature, but we passed it in that compromise amendment.

We also made it a crime to carry a loaded gun while intoxicated and eliminated a provision of prior law that allowed anyone with a valid permit to carry a handgun onto school property. It was something, again, that we all worked together on to make it a little safer in terms of our children in school, to make sure nobody could walk into school with a gun, even if they were legitimate pistol holders in Connecticut.

We prohibited anyone convicted as a delinquent for a serious juvenile offense from obtaining a certificate to acquire or permit to carry a handgun and subjected such people with convictions to criminal penalization if they possess guns.

The next thing we did is we basically protected the ranges in the State of Connecticut where honest sportsmen, honest Connecticut citizens go to target shoot and to enjoy their sport.

I remember how controversial it was trying to pass that bill. I don't think anyone in the Chamber ever

expected that to pass.

We require law enforcement agencies to trace and attempt to identify all seized guns using state and federal resources and return them to the owners if they were stolen. And we also required handguns to be sold equipped with reusable trigger locks.

Ladies and gentlemen, that's what we did. We did it together. We can be proud of what we did in 1998 and we did it in a way where both sides were at the table compromising.

And I remember when we first started talking about that bill, going into a room with all the parties at the table and remember the screaming and the yelling that went on in that room. You couldn't get those people to agree on the time of day, never mind any of the provisions in this 1998 bill. The gun control people accused the sportsmen that they wanted guns everywhere. The police chiefs didn't have any trust in what the State Police were doing. It was absolute chaos, which is the way we passed gun legislation prior to 1998. An absolute chaos.

But those people, little by little, but sitting down and working the police chiefs, the sportsmen and the State Police, we started working with some of the legislation that Representative Lawlor passed out of the

Judiciary Committee and we sat in a room for hours and hours and hours to work out a compromise. We put many of the amendments that Representative Lawlor himself had passed through the Judiciary Committee and we came up with a compromised bill and went to Representative Lawlor and together we worked out something that was good for everybody in Connecticut. We did it together and we should be damned proud of what we did. It passed unanimously in this House Chamber.

1999 was a little bit different, but it was another compromised bill that passed by all of us. And I've got to admit, I was proud to work with Representative Lawlor because I believe he honestly wants to protect the citizens of Connecticut and was impressed with many of the pieces of legislation that he brought forward. And while we shared different philosophies and different ideas, we both had one common interest at the table, is to protect the lives of citizens in this State.

So what did we do in 1999? And I've got to admit that this first bill, I couldn't stand and I still don't like it today. But voted for it because it was a compromise that Representative Lawlor wanted. And what it did was to allow police to seize guns under certain limited circumstances and following specified procedures from people posing a risk of imminent personal injuries

to themselves or to others. That's the famous "turn in your neighbor" provision. Do you remember it? Many of you were mad that we came to that compromise and it was a very tough vote, in particular, for the sportsmen who came to the table and ended up supporting that particular provision.

I remember coming outside the Senate Chamber the other night when this bill, Senate Amendment "A" was passed up in the Senate Chamber and I remember standing outside as one of the Senators came out and was doing a radio interview and he was talking about how sportsmen wouldn't support any gun bill. Anytime you talk about guns, they were fighting.

Ladies and gentlemen, the sportsmen came to the table in 1998 and they came back in 1999 and they passed legislation that they didn't like because it was a compromise to save lives in Connecticut.

The Senators weren't at the table. I don't remember a single Senator at the table when me and Representative Lawlor were working on this legislation. Yet, they passed that amendment upstairs in 25 minutes - in 25 minutes they passed the gun bill that destroys the future of compromises of gun bills in Connecticut.

And why does it do that? Because this underlying bill that we're talking about today doesn't attack

criminals. It's not going to effect many criminals at all. Less than 1% of gun bills are used in crime. But it attacks legitimate honest sportsmen that shoot at our ranges in Connecticut.

Representative Lawlor says there's no use for these guns, but in my hand, what I have is a schedule of competitions that use many of the guns, or at least three of the most popular guns that Representative Lawlor would like to ban in this amendment. They use them in competitions every week at Blue Trails. They have a league captain's meeting at Blue Ridge Trail on March 11. Another training match on April 8. A big bore league on April 22. A steward match on May 6. Another big bore league on May 20. Another one on June 10, June 24, July 8, August 12, August 26, September 23, and October 14.

Those are competitions that use some of the guns that are specifically banned by name in the bill that we're talking about today. That's who we're going to effect, ladies and gentlemen.

It's not going to effect criminals. Representative Lawlor, he talked about what the Commissioner of the Department of Public Safety said in the Public Safety Committee and what Chief State's Attorney Jack Bailey said in the press conference that I did on the Firearms

Trafficking Task Force. Both of them, both of them, when asked, is there a problem in Connecticut with assault weapons, is there a problem on the streets or gang members and criminals using these guns? The answer was no.

And it's very, very easy to understand, ladies and gentlemen. Assault weapons are usually large in size. Most of them are rifles. Gang members don't carry long rifles on the streets. It just doesn't make sense. They're not concealable. They generally carry small handguns and they usually carry cheap guns, not expensive assault weapons that are used specifically for target training. Frankly, the whole name of assault weapon is just thrown up there for public image. They're really called, "high powered rifles" is what we're talking about. They're not assaulting anybody or very few people, if you look at the crime statistics and they've been told by our two chief law enforcements, they're not even a problem.

So you have to ask yourself, why are we doing this bill at all? It sounds really good. We're going to ban these nasty looking guns and I've got to be the first to admit, they look really nasty. Okay. But there's not a problem here. The only people who use them are legitimate citizens.

In the year 2000, Mr. Speaker, we passed legislation that I think in the nine years I've been in this Chamber I guess I'm most proud of, we passed a piece of legislation that created the Gun Trafficking Task Force. Mr. Speaker, a lot of people say that legislators that favor sportsmen and favor the Second Amendment, that they don't want to take guns off the street. But this amendment, this creation of this task force, came from what we might call the "pro-gun legislators" in this General Assembly. And it had over 101 co-sponsors to that piece of legislation from both sides of the aisle.

Mr. Speaker, I remember going to OPM and fighting to try to get the money in the budget to do this and it was pretty tough to get it and I remember having to compromise with OPM and saying I really wanted to get like $700,000 because that's what I was told it was going to cost to create this, but in the end, we got $500,000. I wasn't sure how it would work, but we got the $500,000 in the state budget for two years. And what has happened in ten months that this task force has been created, we've taken over 400 guns away from not honest citizens, but from gang members and thugs on the streets of Connecticut. Four hundred guns in ten months.

I would say, Mr. Speaker, that we clearly, I would

say, Mr. Speaker, we've done more in the last ten months in getting guns off the streets away from thugs than we've done in the last six years. Because we pass legislation and then we don't enforce it. And that's what this task force has done and it shows very clearly that if we enforce the laws that we already have on the books, that we can take the guns away from people who don't deserve them.

It's not that complicated. Criminals, by nature, don't have gun permits. It's not that hard to understand, a lot of these thugs, a lot of these gang members, they can't get permits because they usually have some kind of conviction.

So what we're trying to do is we're trying to go after the wrong people and we're doing that. We're more successful now than we've ever been in this State. And do you know what? We did it together. This Chamber, Republican and Democrats did it together.

But the Senate wants to destroy the compromises that this Chamber has worked on. The Senate wants to destroy that, to put through a bill, an underlying bill that isn't going to do anything that reduces crime in Connecticut.

I have a hard time understanding that because I have tried to put both people to the table and I've got

to tell you, Representative Lawlor has been one of the most reasonable guys I've ever had to work with at sitting down at the table to put together these compromises that, in my opinion, I'll say it again because it's important, it saved lives in the State of Connecticut. Maybe there's one store clerk that ain't going to see one of these guns in his face because some gang member doesn't have it anymore.

Because let me tell you, the odds of those guns being used in crimes, are a lot more than assault weapons that are, for the most part, used on the ranges in the State of Connecticut that in nature, are very expensive and too expensive for criminals to use.

And I said I'm concerned of why the Senate would do something with this bill to destroy this compromise we had. And I want you to understand why it destroys the compromise.

Because this so-called amendment to ban assault weapons is going to be looked at from the sportsmen community as undercutting the work they've done over the last four years. In targeting them, they aren't going to come back to the table and I've got to tell you, it would be hard for me to ask them to come back to the table because they, in effect, think that this is not going after the criminals on the street because they

support that because they supported the task force, why would they come back to this Legislature, sit down at the table and negotiate, after they've already attacked? I don't understand why they would do that.

So what does this mean? Are we going to go back to where we were prior to the agreements that this Chamber has voted on? Is that where we want to go?

I remember sitting in this Chamber listening to Representative Fusco bring out amendment after amendment to fight what was going on in terms of guns and we all sat here for hours and hours and hours. Is that what we want to go back to? Why would we want to go back there? Are we going to pass new legislation that's going to save lives like the compromises we've made in the last three years? How are we going to do that under that?

We always ended up with crazy laws that didn't make sense. We had this amendment, that amendment, some passed, some failed. It was like a mixture of garbage in the end. That's why our gun laws were screwed up in the first place in so many instances.

I guess in being here for nine years, I guess this is probably the most important piece of legislation that I've ever dealt with because I really believe we did some good things. I really, really believe in my heart and my soul that we saved some lives in what we've done

in the last couple of years.

And do you know what? I'm not interesting in having a fight with Representative Lawlor over gun bills. I'm not all that really interested in that. It's not my agenda in this Chamber. I would rather sit down at the table and work with him and we can fight about our differences, but we can pass something good at the end of the day. That's where I want to be next year, not sitting here offering 800 amendments to fight the piece of legislation that he's doing.

So I guess my first question is a real simple one. My question goes to you, Representative Lawlor. We've worked together four years on this particular legislation. We've accomplished a lot of good things. This amendment is going to destroy that, in my opinion.

My first question is, will you work with me in the future to pass good legislation and compromises? Will you ask your supporters to reject Senate Amendment "A" and let's go back to the table and let's pass reasonable compromises that will save lives in Connecticut?

So I'm asking you, Representative Lawlor, will you get up and ask to reject Senate "A"?

DEPUTY SPEAKER HYSLOP:

Representative Lawlor, do you care to respond?

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Well, let me begin by saying, you know, virtually everything that Representative San Angelo has just said, I concur with and that is that it's always better to work together in compromise where it's appropriate.

And I think that in large part, the people of Connecticut are served when we can accomplish that goal because I do think - and my experience has always been on these gun things that when you really get down to the details and you really talk them through, people's disagreements aren't that far apart and, for the most part, people actually agree that I have no problem with this, I'm just afraid that something else is going to happen down the road. But from time-to-time, now there are those legitimate differences of opinion, sort of those irreconcilable differences that are talked about often in divorce court and elsewhere and I think this assault weapon thing is one of them. And it's kind of a struggle and it's hard to answer your question, Representative San Angelo, through you, Mr. Speaker, because on the one hand, I do look forward to working with you and other members of the Chamber on any topic, to write bills that work. And you may have noticed from some of the tone of my comments on other bills, that what really bothers me is if we have laws that sound

great, but don't work in practice, whether it's the death penalty or anything, that's a critique I have and a concern I have.

But on the other hand, I think this is one of those topics where there is the fundamental divide, you know, there's no halfway point and ultimately you get to that sooner or later. It's kind of like the death penalty. You're either for it or against it. You can argue the details and people can have differences of opinion in how it works, but in general, people have very clear cut points of view on the issue. And this is one of those issues where I think there is irreconcilable differences.

On the one hand, I would like to work together to figure out a way to appropriately deal with things that fit what I call assault weapons. But I think on the other hand, I think the sportsmen or gun enthusiasts, or however you want to characterize them, they just really can't abide by any law that bans any weapon of any description. That's been my experience.

So I don't how we break through this impasse. If you have suggestions, Mr. Speaker, I would like to ask for them. In good conscience, I can't call for the rejection of this amendment. I share concerns about the process that got it to where we are today, but I would

just point out, that's been the case in all these other bills with the two exceptions that you mentioned, 1998 and 1999. But in 1993 and 1994, it was an all night, all day discussion, millions of amendments offered, but in the end, we ended up with something that has worked pretty well and I would just point out that it wasn't just thugs that have been targeted by the task force, it's also people who were engaging in gun transactions which, prior to 1994, would not have been prohibited under our State's laws. Those were very controversial at the time, but they've stood the test of time, they've been very effective.

So, maybe this is one issue we can't figure out where the middle ground is, assault weapons. Maybe there is a way, I'm not sure, but I think in order to make -- because my goal, from the start -- let me just finish by saying -- my goal from the start is to make sure law abiding citizens who wish to own firearms for legitimate purposes, for example, self-defense, hunting and sporting purposes, that their right to do so should not, in any way, be effected by any legislation that's enacted here and I think that's basically been the case up until now.

However, people who are irresponsible or who are criminals or who are not prepared to abide by certain

common sense standards, for example, getting some training before you get a permit and reporting to whom you're selling guns and when and checking to make sure the person you're selling a gun to is, in fact, eligible to own it. People who aren't prepared to abide by those rules, should forfeit their right to own firearms and there should be some firearms, presumably, there will always be some firearms that are just too dangerous. You've got to draw the line somewhere, sawed off shotguns, machine guns, and I think guns that meet this definition.

So, if there is a legitimate purpose for them that overrides the dangerousness of these weapons, I think we should debate that, but I do support the amendment, as written. And I urge its adoption, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. I did find Representative Lawlor's comments interesting. I just got done explaining, not too long ago, that many of these guns that are banned under this bill, are used by legitimate, honest citizens who simply want the right to go out and target shoot.

In particular, in sub (3) of this amendment in

Section 1, sub (3), it starts outlining specific guns that -- am I understanding, when I was first told about this legislation that what we were trying to do is we were trying to ban copy-cat guns, the guns that the manufacturers, they looked at the Connecticut law and they said, okay, we need to change the name. We need to change the gun a little bit and that would make it legal. And the manufacturers, all nationwide, it sounds to me, under that logic, they all got together and they all said, okay, let's change it because you know what, we're really concerned about the Connecticut marketplace. So we're going to change our guns nationwide to make sure that they conform to the Connecticut marketplace.

In the beginning, I guess I bought into that thinking that manufacturers were all somehow looking at their own interests and they said, gee, that's what we need to do. If they went around the Connecticut law and they did that just to get around the ban that we created, we ought to ban those guns.

And then they started learning a little bit about this bill and how it worked. And I realized that the manufacturers didn't do that. They would not even consider changing their whole line of guns to meet with Connecticut standards. In fact, they didn't have any

reason to do that. The marketplace wasn't big enough to do it. So what they did is in 1994, as Representative Lawlor quite correctly pointed out, there was a federal ban and in the federal ban, it basically said - let me get to it because I want to say it correctly.

They defined semi-automatic rifle. And they say, "A semi-automatic rifle that has an ability to accept a detachable magazine and has at least two of the following...". And they put "a folding or telescoping stock, a pistol grip that protrudes conspicuously beneath the action of the weapon, a bayonet mount. It listed a number of items and it said, "These guns are banned if it's a semi-automatic with a detachable magazine and has two of these following...".

So what the gun manufacturers did is they didn't conform to Connecticut law. Frankly, I don't think they cared that much about this small market. They conformed the guns they were selling to the federal ban. And inadvertently, some of those changes effected what we did here in Connecticut.

But don't believe, don't believe for a minute that every manufacturer that sells guns was worried about the Connecticut ban and changed all their guns just to get around it. There might have been one that was a little bit more concerned, Colt, and that's only because

they're here in Connecticut. So they had a little bit bigger issue than the national manufacturers did.

But let me tell you, everybody has been asking me that question, aren't we just banning the copy-cat guns those manufacturers did in order to get around our law? The answer is - the truthful answer to that question is no, that was never the intent of the manufacturers. They were dealing with federal law.

I wanted to point out one more thing that the gun people compromised on. And I thought it was interesting during the negotiations. There's a nationwide controversy over gun shows and the sale of gun shows without going through Insta-Check. And many of the states around our country, there are wars between the gun control people and the gun owners about having to go through Insta-Check.

In Connecticut, I think it was in the 1998 compromise, that was part of the compromise that said every gun purchased through a gun show, had to go through Insta-Check. I just want to point out something because over and over I hear about how the gun guys, they don't support anything. I just want you to know, it was the sportsmen in Connecticut that added that provision to that compromise. It wasn't a bill that came out of the Judiciary Committee. It came from the

sportsmen in Connecticut because they felt, you know what, this is one area where we, the sportsmen in Connecticut, we think we ought to put it in the bill, it makes some sense.

Mr. Speaker, I said that I really wanted to go back to compromises, that I was frankly tired of the fight and the destruction that happens to what I'll call destruction to new legislation that happens when we fight, when we have all these crazy amendments and we ban them.

I don't think it makes sense and I don't think it's good government. And frankly, the underlying bill shouldn't make sense to anybody in the Chamber because right now, all the people who support gun control like you because you pass good bills that provided safety to people in terms of using guns. And all the sportsmen like all you guys because you're getting illegal guns off the street. You gave them range protection. You gave them all these things that were positive things that the gun control people aren't concerned about either.

So right now, both sides of this fight think that the Connecticut Legislature is making sense. It's amazing sometimes, but we do it.

Now we're going to put in a bill that aggravates one side of this argument in each of you. So, if you

happen to support sportsmen and gun owners' rights, the gun control people are going to be angry with you. If you happen to support gun control, all your sportsmen are writing you letters, they're beating you guys up. They're going to be against you.

You have to look at this underlying bill and say, wait a minute, why are we doing this? The Commissioner of Public Safety says we don't really need to deal with it. The Chief State's Attorney says we don't really need to deal with it. The Public Safety Committee of this Legislature voted no and rejected this bill in committee. It didn't come out of the Public Safety Committee. That's why Representative Lawlor is bringing out the bill instead of Representative Dargan.

So everybody sort of says there's no problem here, but we're doing it. And I guess this is where I think that this is, in my mind, the worse form of politics.

I don't know why we're doing this bill other than to think that somebody wants to be able to use this in some campaign commercial in the future. And I'm not saying that's Representative Lawlor. But you have to ask yourself, what's this all about?

So, I want to go back to the compromise, Mr. Speaker. I think that's what this Chamber, this House Chamber, does a heck of a lot better than the Chamber

upstairs.

So with that in mind, Mr. Speaker, the Clerk has an amendment -- sorry, got to adopt Amendment "A". A little ahead of myself.

I'm going to ask you and I'd ask Representative Lawlor to reject Senate "A". If you are for gun control and you really believe that what we did in the last four years is good, if you believe that stopping guns from going into schools is good, if you believe that closing the loophole at gun shows is a good thing, if you believe that taking guns away from intoxicated people is a good thing, if you believe that people who have mental problems that we should take away their guns if they're confined to an institution under the Probate Court, if you think that's good, you ought to vote to reject Senate "A" because we're never going to be able to get the compromise that we've had in the last three years if the sportsmen walk away from the table.

So if you're for gun control, you should vote to reject Senate "A" and move onto compromises and get back to where we were the last two years.

If you're for the sportsmen, you want to vote to reject Senate "A" because it goes against direct sportsmen's rights to be able to go out and shoot at a target range if they want to. Who cares? If that's what

they want to do, I might like it, but they have the right to do it under the Second Amendment.

And if you're against crime, if you're against crime in the streets of Connecticut, you ought to be against Senate "A" because what we've done in compromises are a lot more important than the underlying bill.

So I guess no matter what side of this debate, from my perspective, you ought to vote to reject Senate "A" and following that, we'll have some amendments that make a little bit more sense, that don't end up getting a whole bunch of people in your district mad at you and most of all, most of all, it will be good public policy for the people of Connecticut.

I hope we all reject Senate "A" and get on with this - get away from this silliness and move onto good business.

DEPUTY SPEAKER HYSLOP:

Representative Ferrari.

REP. FERRARI: (62ND)

Thank you, Mr. Speaker. I just want to make a couple of points. I think there is some unfair representation of what gun owners want and are willing to do to get illegal guns off the street.

Connecticut already has some of the strongest gun

laws in the country, with the cooperation of our sportsmen and women. Connecticut gun owners support the gun trafficking task force and harsher sentences for people who use guns in the commission of crimes.

Clearly, this group is for safe firearms use.

Mr. Speaker, my constituents are calling me and asking me why this General Assembly is willing to further erode their constitutional rights for no reason other than to satisfy political agendas of some in the Legislature and other special interest groups in our State.

I tell them that some believe that these restrictions will help reduce the level of violence in our State. They then ask me, how can this be since a great deal of the shootings and illegal use of these firearms result from illegal use? These are folks that don't obey the laws in getting firearms.

Firearms used by felons or under-aged people who have obtained guns illegally, and ask how these laws are going to cut back on these incidents. I don't have an answer.

Section 15 of the Connecticut State Constitution states that every citizen has a right to bear arms in defense of himself and the State. Obviously, the U.S. Constitution has the Second Amendment.

They asked me how we can look at our State and federal constitutions and rationalize that we can say to people who sent us here that we are going to restrict their rights that they are born with to satisfy a politically correct agenda for a few.

I don't have an answer for them.

Some of the people I have spoken to and as recently as this Saturday, asked me if it's a time for civil disobedience. I can't advise them in this regard. I believe the rule of law and I have taken an oath to obey the laws of the State.

Clearly, we have a segment of our state citizens who are frustrated with their government and their frustration is so great that they are considering acts of civil disobedience.

They're losing faith in our state's government, its laws and its ability to govern fairly. I don't know about you, but this concerns me a great deal.

There are people -- these are the people who work and pay taxes and if they lose faith in us, in our systems, then what?

These are the women and men who work hard every day who enjoy hunting and shooting sports. They enjoy the sport. They don't cause anyone any harm. And they can't understand why they're made to feel like criminals, even

though they committed no crime.

This bill, as presented to us, represents a further erosion of my constituents' constitutional rights and they're clearly becoming fed up.

And I'd like to ask the Chamber, let's defeat this bill today and pursue responsible legislation that keeps guns out of the hands of criminals and protects the constitutional rights of our citizens.

I hope my colleagues will vote to drive a stake into this evil black hearted bill and once again, once and for all.

Thank you. Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. Evil black hearted bill. Well, I don't know about that, but I have some question before I make up my mind, Mr. Speaker.

So through you, may I pose some questions to Representative Lawlor?

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. Through you. Representative Lawlor, it's my understanding, as you

brought out the bill, that included in this bill is the current federal law description or definition of what constitutes an assault weapon? Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. That's correct. And just to be precise, it's included both in the 1989 prohibition on import of certain weapons adopted - well, enacted without the benefit of congressional action, but through the ATF, under President Bush, the first President Bush and then in 1994, the Congress banned, subsequent to the effective date of that bill, the purchase of sale to civilians of assault weapons manufactured after that date.

So it's the same definition in both the 1989 and 1994 federal laws.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

And through you, Mr. Speaker and I believe I know the answer for this, but just for the record, I believe federal law would control, in the State of Connecticut,

in this particular case? Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Federal law certainly controls. However, there are two important distinctions here.

Number one, this amendment and the existing Connecticut law applies to weapons, regardless of when they were manufactured. So if they're on the list, they're banned regardless of when they're manufactured. The federal law only applies to weapons manufactured after 1994.

And I should add, as a side line on that one, it also sunsets, two years from now, in 2004, I believe it is, or 2003.

And secondly, the amendment before us incorporates not only the federal definition, but also additional listed items which are contained in other states which have identified these items since 1993.

So other states have picked out specific weapons that present a problem in those states and added those to the specific list. We've done the same.

And finally, this bill also covers all semi-

automatic 50 caliber rifles, which is not subject to the federal law.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. So therefore, through you, Mr. Speaker, Representative Lawlor, if nothing more were to happen on the federal level, all those guns that were banned by the 1994 act, would be able to be manufactured two years hence because that 1994 law sunsets. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Correct, Mr. Speaker, with one distinction. That is, you can manufacture them now. You just can't sell them other than to law enforcement, military. There are specific exceptions on who can buy them. So they're still manufactured for military -- I mean, that's the whole problem in the first place. Made for military purposes and sold to civilians.

So that can continue. It's just that the sale to civilians is what's prohibited under the federal law.

That will disappear if Congress takes no action before the sunset date, which I think is 2003.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. Through you, Mr. Speaker. Representative Lawlor, do you have - and I don't know if you're privy to the legislative history of the federal law in 1994. But I assume there was some logic and/or argument that was made for banning guns from - or the sale of these guns to people other than military or police personnel, after 1994 and not touching any guns manufactured prior to that. Was there a reason behind that?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Well, I can only speculate. I do recall it was in the nature of a compromise and I think it's analogous to the compromise we actually made here in 1993 by saying that persons who already owned weapons listed in our ban could keep them as long as they took certain steps, for example,

register them with the State Police.

So we made - we banned all these weapons. We said, if you've already got it, you can keep it, as long as you tell us you have it. And properly register it and you're eligible to own it, that type of thing.

So, I think that was an acknowledgement that people who have already got them, haven't done anything wrong, but we're going to treat them in a different way in the future and we're going to prohibit the subsequent sale of those weapons in our State. I think the feds did the same thing. They said it's better to at least prohibit -- better to prohibit them in the future than to do nothing. From my point of view, ideally you would have it cover the weapons, regardless of when they were manufactured, but as I recall, it was a compromise acknowledging the concerns raised by people who already own those guns.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. So in other words, Representative Lawlor, there are people today that legally purchased guns prior to 1994 that were subsequently outlawed by both the federal law and even,

for that matter, the state law that we passed in 1993 that exists today. These are people who legally purchased these guns and now have them, presumably, in their possession, having followed the proper registration procedures. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. As I understand, the federal law doesn't require that the old guns be registered. Under our state law, we did. So I think the other main distinction is under the federal law, if you actually had one, you could also sell it. Under our law, you can't do that.

If you had one of the assault weapons that was banned in Connecticut in 1993, you could keep it, as long as you registered it, but you couldn't legally sell it to someone else in Connecticut. You could sell it out-of-state, for example.

Under the federal law, the guns manufactured before 1994 were simply exempt from the ban. So if you had it, you could keep it, you could sell it, you could do whatever. Those guns are still involved in commerce, but those assault weapons manufactured after that date,

could not be sold to civilians and there's a process by which those guns are tracked and the date of manufacture is known and people are not allowed to sell those guns to civilians today.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

I guess I'm a little confused. Through you, Mr. Speaker. When you said those people are not allowed to sell those guns today, were you referring to Connecticut or federally?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I'm sorry, through you. The guns that were manufactured after 1994. They're still manufactured, but you can't sell them to civilians, basically. So police departments purchase them, that type of thing.

It's illegal to sell any of the post 1994 assault weapons under federal law. They can't be sold to civilians. That's the distinction. But the pre-1994 assault weapons, under the federal law can be sold to

anyone, in many cases, with no questions asked.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. Representative Lawlor, again through the Speaker, it's my understanding that we have this federal definition that defines what an assault weapon is and in addition to that, and in addition to the list of guns we banned in 1993, we list other guns.

Am I to assume from that those guns, by themselves, would not fall under the federal definition because if they did, we wouldn't need to define them?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. On the contrary. They do fall under the federal definition. The reason -- it is not superfluous or it's not redundant to list them again because in some of the challenges that have been raised, in particular, in our State Supreme Court, one of the -- in effect, we're allowed to take two different approaches. We can either list them or define what the

gun is or do both. And the safest course of action, when in doubt, since some of these are criminal statutes, is if it's both listed and defined, you're going to have a hard time arguing it's not covered by the law.

So it's an over-abundance of caution that we've listed identified guns, but they are, also, they wouldn't fall under the definition, although if they're not listed, it makes it easier to argue that they shouldn't fall under the definition or they didn't have the flash suppressor. You know, there are ways out of it, I suppose, under the definition, but not if you name them, as well.

So that's the reason - you don't really have to. It's better that we do, so we did.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you. So, through you, Mr. Speaker, in your opinion, Representative Lawlor, in the event it was decided that they would not list those guns, if this law were to pass with the federal definition in place, would it be your opinion or if you were prosecuting this case, that all the guns that we do happen to list would fall under the federal definition anyway and we're just being

safer by listing them?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Yes, I would agree with that with the only exception being the semi-automatic 50 calibers which are, depending on how the gun is designed, may or may not fall under the definition. There's a reason 50 caliber is there. I could certainly go into it if you want, but that wouldn't be included.

But otherwise, all the list of guns do fit the definition, as well.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. Representative Lawlor, you brought up the 50 calibers and I know next to nothing about guns, but let me ask you, in this bill we seem to ban the use of or sale of incendiary or armor piercing 50 caliber bullets or ammunition.

Does that mean there are 50 caliber bullets or ammunition that are different than incendiary or armor piercing?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Through you, Mr. Speaker. Yes.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

If this bill were to pass, would any 50 caliber weapon be allowed to - and frankly, I don't know if there is such a thing, but through you, Mr. Speaker to Representative Lawlor, would any 50 caliber weapon be allowed to exist and be sold by a civilian?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Yes. The single shot 50 caliber weapons, not the semi-automatics, this bill covers the semi-automatics.

In other words, a weapon that has a bunch of different rounds in it, all of which are 50 caliber. You start pulling the trigger, it's going off, the Arnold Schwarzengger kind of gun. You and I would have a hard time lifting it up, but they do sell such a thing.

So it's the semi-automatics and since you asked, the reason for that is, this is an extraordinarily powerful gun. It could literally shoot through the wall of the State Capitol Building right now, It would go through you, through the wall behind you and maybe into the - my aim isn't that good. But maybe into the building across Trinity Street there. That's the kind of weapon we're talking about and you can imagine to shoot one round that's extremely powerful, but imagine if you were actually shooting of a bunch of them and if you were targeting, let's say, an armored limousine, which is certainly a concern when it comes to terrorists, that that's the kind of gun you would want to have because you could probably get most of those rounds through the limousine and the more you could fire, the greater your chances are of killing somebody.

So, under the original bill that was before the Public Safety Committee, all 50 caliber weapons were banned. Under this bill, it's simply the semi-automatics because it's extraordinarily dangerous to just start pulling the trigger and firing off these weapons. These bullets can go through the guy burglarizing your home, through his car, through the neighbor's house and through the next neighbor's house. I mean, that's what we're talking about. It's very dangerous to start firing

this weapon, especially shooting it frequently like that.

So, that's what's banned under the file copy, just semi-automatics and when it comes to ammunition, it's only the sale or import into the State, not the possession, but the sale, import into the State, of two types of the ammunition, the armor piercing, the specially designed ammunition for armor piercing and the incendiary. In some cases, it's both armor piercing and incendiary and if anyone is interested, that's another thing you find in the web sites out there. You can buy this stuff, you know, the MA-8 armor piercing, incendiary round. And you could buy a couple of crates of those if you'd like. That's the kind of stuff we can't imagine if there's any sporting, self-defense, or target shooting purpose for armor piercing ammunition.

And so they would be banned.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Through you, Mr. Speaker. This weapon that could go through me and the wall of the Capitol and the LOB and the whole nine yards, now is that the weapon that does that or is that the ammunition, as you described it as

incendiary or armor piercing?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Well, obviously, it's the combination. It needs to be fired from something and the thing that's designed to fire it is the 50 caliber weapon.

But it's the powers and the ammunition, obviously. As I understand, it, any of the bullets we're describing could probably make it through a pretty thick concrete wall, but in particular, there are specially -- but again, there are people who apparently use these for sporting purposes. Not hunting. As I understand it, under the regulations of DEP, you can't use anything greater than a 22 caliber, I believe it is, for hunting purposes. Okay. So you can't use this for hunting. You'd be foolish to use it for self-defense unless the burglars in your house are coming with a tank. And for sport shooting, I suppose there must be some contest where people use 50 calibers, but the only distinction we've made is the semi-automatic versus the single shot weapon.

So, I think any of these bullets can penetrate very

thick things. Okay. The armor piercing ones are specially designed to penetrate virtually anything, as I understand it. They can penetrate things that the regular 50 caliber ammunition cannot and the incendiary things are designed, obviously, to penetrate stuff and then start a fire or to act as tracer bullets or both.

So, those are the kinds of things that are extraordinarily dangerous. You would only use them if you were targeting a target other than in self-defense to do as much damage as possible. Not for sports. Not for target shooting.

So that's why those have been singled out, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. Again, through you. Representative Lawlor, I can understand - I guess I can't, but I will take your word for it that there are so-called sportsmen that use 50 caliber weapons, be they single shot or semi-automatic for sport. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Through you. That is correct and again, that's based on the testimony before the Public Safety Committee and as I said, we took careful note of what concerns were raised and apparently there are some specific weapons that are 50 caliber that are used in sporting purposes. The distinction we chose to use was single shot versus semi-automatic. I think it's appropriate. I think it's defensible and again, the 50 calibers that are already possessed by people would be, in effect, grandfathered as with all of the assault weapons listed. If you already have one, you could keep it as long as you registered it appropriately. It would be future sales which would be prohibited or future possession not registered.

So, that's all we're talking about with these semi-automatic 50 calibers. I understand they're quite expensive. I suppose if you're a terrorist, price is really not an object. But people who have them can keep them as long as they register them. So, they're not covered by the ban.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. I guess I understand if, in fact, these 50 caliber weapons are used for sport, because of the type of weapon and the power in which it has, though I'm not a gun person, I can somewhat understand that.

What I don't understand and this is rhetorical, is the necessity in this sport to use an incendiary or armor piercing ammunition. In other words, I presume whatever the sport is in shooting these things, you could get just as much thrill in using a 50 caliber non-armor piercing, non-incendiary piece of ammunition as you would armor piercing incendiary.

Do you agree with that?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Yes, I do. And I'll just add a couple of things.

I'd be the first to acknowledge this is fun. I actually went out eight years ago and fired a lot of these weapons. It certainly is fun and exciting. I understand it. Again, we're balancing it against legitimate concerns that we can have as a Legislature and we certainly banned other stuff that's fun, but

dangerous.

The other thing is, and I forgot your other question, so I'll yield back to you.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you. Representative Lawlor, a lot of this stuff I don't understand because I'm not a gun guy, but there are a lot of gun people out there.

Let's assume I'm a perfectly law abiding citizen and I have in my home and I purchased legally prior to these laws, certain assault weapons that were now subsequently banned, certain 50 caliber weapons that would be banned under this and I bought them and I registered them and I did everything the law told me to do.

And now I, say, hit the age of 75 and I no longer enjoy the sport or God forbid, my eyes are failing me and the target practice that I used to enjoy so much, I no longer do.

But I have a son in-law who enjoyed that sport with me. And I want to sell or give him my 50 caliber semi-automatic legally purchased, properly registered weapon because I can't use it anymore.

If this bill were to pass, would I be able to do

that?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. If I could just inquire. How old is your son in-law?

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Forty-six next June.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I only asked because, obviously, under our various gun laws we have, there are certain constraints on selling these guns or giving these guns to children.

I believe that -- I'd have to double check because I'm not 100% sure the answer to your question. I believe the answer is no, you could not do that.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. LAWLOR: (99TH)

But, if I could --

DEPUTY SPEAKER HYSLOP:

Excuse me.

REP. LAWLOR: (99TH)

I'm sorry.

REP. CAFERO: (142ND)

So if I understood the question correctly, I'm, again, a legal owning sports person who shoots 50 caliber semi-automatic weapons. I prefer not to use armor piercing or incendiary. I buy the other ones. I enjoy it. I got glaucoma. My eyes are failing. I can't use the gun anymore. I want to sell it to my 46 year old son in-law. This law is passed. I cannot do that.

Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. The caveat I wanted to add a moment ago was if he was in this state, you could not. If he lived in another state, you could do so because under the specific provisions of the bill, there a variety of ways where you're allowed to transfer ownership of the gun out-of-state, for example, or you could sell it to a dealer, for example. But assuming your son in-law was of age and in this State, it's the further transfer of these assault weapons or 50

calibers, in this instance, that would be prohibited regardless to whom it is, other than a dealer or someone who is in another state.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. If I was a member of -- another question. As I'm trying to see, you know, how this bill would apply to real life stuff. If I am a member of a gun club and I have a bunch of buddies that I target shoot with, with weapons legally purchased prior to the enactment of this law before us, and I pass away. My widow, would she be able to give or gift or sell my gun collection to my fellow buddy member of the shooting club, target club thing, whatever it is?

Through you, Mr. Speaker. If he's over 18.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. CAFERO: (142ND)

Or 47-1/2 next June. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. Well, first of all, I want

to apologize to the Chamber that I am mistaken in my previous two answers. Under the specific provisions of the bill, you can transfer properly registered assault weapons and 50 calibers, either through the administration of an estate or by bequest.

There are specific provisions. You can see in the amendment, in lines - as it relates to the assault weapons. It's on page five. I'm assuming we're looking at the same page, I'm not sure, but lines 108 through 117.

I knew there was something in there, Mr. Speaker, and it took me a minute to find it, but apparently, under the existing law and we're not proposing changing that as it relates to banning assault weapons, there is a procedure where they can be transferred as part of an estate or a bequest.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

So in other word -- thank you, Mr. Speaker. Through you.

In other words, Representative Lawlor, unless I'm dead, I've got to keep this gun because I can't, under my first hypothetical, sell my gun that I could no

longer use because of my poor eyesight, to my son-in-law. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Through you, Mr. Speaker. I'm not expert enough on the laws of trusts and estates, but I defer to others' interpretations on this. I think you can have a -- can you have an executor or an administrative of an estate and not be dead? Can you be incompetent, I think? Perhaps you can.

I think if you can, then this language would also apply. But assume you were in sound mind and body, etcetera and you didn't have a conservator, apparently, no, you could not, but there is a provision to transfer upon death, that type of thing.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. And I guess that's the thing that bothers me, Mr. Speaker, because in fairness to Representative Lawlor, the answer to my question is, unless you're dead or mentally incompetent, if you have

this perfectly legal, prior to the enactment of this act, weapon in your possession, you can't get rid of it unless you die or go through the proper channels of abandoning it or giving it up or turning it over to a dealer.

You can't just say, son in-law, Joe, you and I have shot this gun together for 14 years and I want you to have it because I can't use it anymore.

Now, I never picture myself, with all due respect to the sports people in this Chamber and in this building, I can never picture myself have a father-son moment with a 50 caliber semi-automatic weapon in my lifetime.

But there's a lot of things that I can't picture doing that a lot of people do, quite legally. That's what makes the world go round. We're all interested in different things.

And under our laws today, and under the federal law, there was a point, rightfully or wrongfully, where these things were legal and people, honest law abiding citizens purchased them. It's an asset.

As been mentioned by Representative Lawlor, in some cases, especially with this 50 caliber thing, quite an expensive asset. And maybe these individuals, in fact, most of these individuals use them quite lawfully. They

take them in a locker thing and they bring them to their shooting range. Some of them keep them there. They target practice and they go home.

Personally, that doesn't sound like a good time to me, but to these people, it's a good time and that's their right.

But we're passing a law that says this perfectly legal weapon that you own, this asset that you own, this asset that you legally enjoy, in fact, this asset that even after the passage of this bill, you can continue to use. If for some odd reason, you could no longer use it, or did not care to use it, you could not sell this to your son. You could not give this to your daughter. You could not sell it to your son in-law. That's something I have a problem with.

I have a problem with that. I personally have no problem banning 50 caliber armor piercing or incendiary ammunition. There is absolutely, in my mind, again all due respect to sportsmen, no use for those things except to do damage.

But once again, as has happened here so often, unfortunately this session, we take a real concern, a real problem and there are so many of us in this room that voted for the assault weapons bill in 1993 and there are so many of us here that wouldn't know which

end of the gun to shoot. We could are less about it. We don't have a bunch of constituents saying, you'd better not do any gun stuff. I got a D-, I think, the last time from the NRA thing. Good decent people. That's just not my thing.

But once again, we're passing legislation that over-shoots the mark. And then we have that dilemma again. Are you for making our citizenry safe? Or are you for guns?

Are you for 50 caliber semi-automatic armor piercing incendiary blow-up, go through nine buildings? Is that what you're for? Or are you for this legislation?

Ladies and gentlemen, I think there is a middle ground. We are on the amendment now. That's going to be voted up or down. If it's voted up, I encourage all of us to listen because I believe there is a middle ground, a middle ground that can say, we believe that these weapons, not as defined by name, because we found out people can get around that, but as defined by description, one that the federal government uses. They are not good things. They should no longer be manufactured and then sold to citizenry. That's personally the way I feel.

We could also pass something that says this 50

caliber armor piercing incendiary thing, that's not a good thing, we shouldn't have them any longer.

But we could pass something that doesn't go as far as this does. es.

I would encourage the Chamber to vote down this amendment because I know of several other amendments that do sincerely strike a middle ground to people who are concerned about gun control and proper use of guns and public safety, but also respect the ownership and proprietary rights of law abiding citizens that might engage in an activity that you and I find so foreign and ridiculous, but it's perfectly legal.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Greene of the 105th.

REP. GREENE: (105TH)

Thank you, Mr. Speaker. Mr. Speaker, I've been listening to this debate for quite a while here and Representative Lawlor did bring up the Public Safety Committee meeting and the public hearing. And Commissioner Spada's comments regarding if there were any problems with crime. And I happened to ask those questions. I asked Mr. Spada, I said, "First of all, Commissioner, are you currently experiencing a problem with assault weapons in the State of Connecticut? And

secondly, how many crimes have been committed with the use of assault weapons?"

His response was, "No, we're not." And, "None."

So right then and there I asked the question, well, why? Why are we doing this legislation? And I keep asking myself this question right now because according to some of the testimony that we've heard today, Representative San Angelo pointed out that a lot of these weapons that are on this list are being used right now legally by sporting groups for competitions. Some, even for olympic competition. And yet, they're on this list to be banned.

And I know Representative Lawlor did make reference that he tried to eliminate some of the sporting guns that were originally on the bill that was before Public Safety, but I had to ask, why are we doing this or who are we going to effect and what are we going to accomplish?

You know, we know right now, at least in the last year or so, there haven't been any crimes committed with assault weapons. And yet, we need to go ahead and do this legislation because we're going to accomplish something. And I'm asking myself, what are we going to accomplish?

Well, I think the only thing we're going to

accomplish with this legislation is that current, legitimate people who legally own guns are going to be impacted. The criminals, they may own the guns, they may have them, but right now they're not using them to commit a crime.

So, in effect, who is going to be impacted if we make this law -- when we adjourn on the 6th of June, whose going to be impacted? It's going to be the sportsmen. It's going to be the gun enthusiasts, the collector. That's who we're impacting.

If this bill was going to make a difference in the safety on the streets, I certainly would be in support of some of the provisions that are in here. And as Representative Cafero talked about, I think there is some middle ground. I mean, there's always room to work for public safety and I think everyone in here would agree that that's something we all need to do.

But this particular amendment that we're talking about right now, I really don't think it's going to do anything. I mean, currently with the task force that Representative San Angelo has talked about, it's out there, they confiscated over 400 guns. I was at the press conference they had a few weeks back where they had some of the seized weapons and these guns weren't necessarily confiscated because they were committing a

crime with them, these were taken out of the gangs' hands, the people that own the guns illegally and I think that's what we should be focusing our efforts on.

We shouldn't be continually taking the rights away from our citizens, which we are doing with this particular amendment.

I urge this Chamber to vote against this amendment, to listen to further debate on other amendments that I know are going to be coming forward and again, I hope everybody asks themselves the same question I'm asking myself, what are we doing and what affect is this going to have on the law abiding citizens of the State of Connecticut?

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dargan.

REP. DARGAN: (115TH)

Thank you, Mr. Speaker. If I could just take a moment to talk about the process, the process of our committee, Public Safety.

It's not much different than many other committees within this Chamber. We're somewhat diversified, but we're a conservative bunch, democrats and republicans.

You could ask that to Representative Carter. Any time any bills come forward with any money issues,

whether it be democrat or republican, we always seem to vote against them.

Also, the Committee is more bipartisan and I have to say that more so than most of the committees up here. Although we do share different values, we always seem to come to a consensus.

This year, we did have a couple of bills that were referred to us from the Department of Public Safety. One was a single gun permit bill, which is before us today that was, of course, stripped. And also a firearms evidence data bank and there is great debate on both sides, but both of those bills that were referred to our committee came out unanimous out of Public Safety because of the consensus that we worked for.

There was one bill that was referred to us from Judiciary that was a little bit more confrontational dealing with restraining and protective orders of firearms cases. That will eventually come up.

And my point is this. I know Representative San Angelo stated before about the process and about the Public Safety Committee and we, at that time, did not take that bill up because we couldn't come to any consensus. We did realize that there would be the opportunity that there might -- which is before us now, that it would be amended.

I listened very closely to Representative Cafero and I've listened to Representatives Lawlor and San Angelo. And I know in the past, we have worked very, very closely on these issues.

Like Representative Cafero says, I don't have an interest on either side. I got an "F" from the NRA and I got an "A" from the NRA and I've been in the middle on a number of gun issues in the past.

So I hope, as we go forward here tonight, we will come to some consensus and move forward. But just for the sake of process, I wanted to just give a little background on some bills that we did take up this year within Public Safety.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Chapin.

REP. CHAPIN: (67TH)

Thank you, Mr. Speaker. I wanted to align my remarks with Representative Greene. I too, ask myself before I vote on a piece of legislation, whether or not there's a need for it and how my constituents would feel about that.

I have gotten more e-mails and phone calls on this particular bill than any other bill since I started in January.

I think I'm up around 22, at this point, and all 22 have asked me to oppose this bill.

As far as the need for this particular bill, I do agree with Representative Greene. One thing I always try to take a look at is the OFA report and the OFA report for this particular amendment, states that presently there are only four people in the State of Connecticut that are incarcerated for violation of assault weapon statutes.

Now, if my math is correct, that translates to .024% of those incarcerated of the 17,000 in the State of Connecticut. That, to me, doesn't demonstrate a need and that's why I'm going to oppose this amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Thank you, Mr. Speaker. This debate is one of those that is very - becomes very personalized in the sense that folks either like the idea of being able to possess a weapon or not.

I heard a term earlier, "gun people". And I don't mean to slight the use of the term, but I don't know that anyone is a "gun person" other than the fact that some are fisherman, some are hunters, some merely like

to collect. And I don't want it to come across as a negative term, but rather focus on the passion of the bill and the passion of the subject. I hope those of us that are here in the Chamber listening to the debate and those listening in other places, understand that at some point in time there needs to be a limit on what we're looking to accomplish and whether or not we've accomplished our goal.

And in some cases, it may not be the problem to begin with. Putting more bans on more guns doesn't necessarily solve the problem. I don't think that we've seen, by putting the assault weapon ban in the first place, solve any of the problem.

I'm not sure there's evidence that has suggested that and certainly not in this debate and certainly not the presentation of the bill.

Now, I'd like to echo the comments of Representative Cafero on having that endearing moment with a child, with your child and he has a son, I have three daughters, but the other thing that strikes me are some of the terms of the other semi-automatic firearms not listed in subdivision one, line 47, but meets following criteria. And one of them would be having a grenade launcher.

Clearly, there are some things that are absurd that

I think none of us would dispute we would object to them not being in the appropriate hands of the right folks.

I don't think those people who support the possession of firearms are suggesting that people should be able to walk around with grenade launchers or 50 caliber guns, machine guns, for the most part.

But I think what's also most important is why we are looking to expand the list.

And through you, Madam Speaker - I looked quickly and I saw that we made the switch.

Through you, Madam Speaker. A question to Representative Lawlor and the first question would be, what was the goal of this additional piece of legislation? What were we looking to accomplish as a state in enacting, should this piece of legislation pass?

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. The goal of this legislation, as it relates to assault weapons, is to cover - to prohibit the sale of those weapons which are currently legal to sell in the State of Connecticut, including the weapon used by Edward Primo to shoot the three State Troopers just a little over a year ago.

Madam Speaker, the federal ban does not cover assault weapons manufactured prior to 1994 and in many guns shops in our State today, you can legally purchase it, purchase those with not a lot of formality and aside from purchasing it in a gun shop, outside of a gun shop you can purchase an assault weapon, which would meet the federal definition, but was manufactured before that, with on questions asked. That's one of the problems we dealt with handguns, but it doesn't apply to rifles, including assault rifles.

We do know, from recent police experience, that guns that fit this description have been seized in a variety of circumstances, including the commission of crimes, murders, and in instances where persons posed an imminent danger to others.

So, it's to close that loophole that - the purpose of presenting this bill is to close that loophole.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Thank you, Madam Speaker. And I have a few more questions, through you, Madam Speaker, to Representative Lawlor.

In my interest in asking that question was in the

Benjamin vs. Bailey case, it had been said in that particular case, with the Chamber's indulgence, that under a rational test, the court's function is to decide whether the purpose of legislation is a legitimate one and whether the particular enactment is designed to accomplish that purpose in a fair and reasonable way.

The trial court, in the underlying case, had suggested that, "some weapons not proscribed by the statutory ban, are virtually identical to weapons that are proscribed suggest that while the un-banned weapons may share many of the functional characteristics of the banned weapons, the two categories, nonetheless, are, in fact, distinguishable."

I read that, through you, Madam Speaker, because in Section 3 of the bill, on line 34, we suggest that "all weapons that are variations with minor differences."

Through you, Madam Speaker. Can the proponent suggest to me the difference between the Bush Master AR15 on line 37, what the minor difference would be from that listed in -- those items listed in Section 1 of the bill? And what "minor differences" are? And I think it's important for legislative intent. Based on the Benjamin vs. Bailey case, it should be our decision of what we mean by "minor differences" since the list goes on as to rather than have the court interpret that.

What are "type of minor differences" are we leading to?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, the most obvious minor difference would be the name.

DEPUTY SPEAKER CURREY:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Through you, Madam Speaker. So, in fact, the Bush Master AR15 was called anything but that, that didn't suggest that it was an AR. It would permissible under this legislation if it was not a Bush Master AR 15, it was hunter's rifle number 27. Would that be permissible?

Through you, Madam Speaker, based on a previous answer.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Under the present law, the same gun by a different name apparently would be legal. However, under the present law, there are some of the weapons that list type, like AR15-type. The Supreme

Court said that's perfectly constitutional. Where is says "type", that also encompasses any other weapon which is identical except for minor differences.

The way the amendment is phrased, that would not be a loophole were this to become law, should this become law because it would apply to any of the named weapons or other weapons which are the same type or virtually identical or similar and it may also be caught under the catch-all of the federal definition, as well.

So, it's our intent to cover every weapon that fits the definition and for those we can name, we're naming them and that's what the Supreme Court upheld in that decision.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Through you, Madam Speaker. The Supreme Court also upheld in that decision that the Legislature can ban all or ban none.

So the question we're trying to reach at this point, at least the answer I'm trying to reach at this point is, what is that definition and what guns are waved and I'm not clear on what the term "minor differences" mean.

Manufacturers are going to produce other weapons. There are going to be minor differences. Is it the size of the trigger? Is it if you have a four clip magazine instead of a five clip magazine? And you can buy 24 clip magazines and change them just as fast. So you have one less round, but so what? Would that pass muster?

Through you, Madam Speaker. What are those differences that we're talking about?

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, if it was different enough to take it out of the definition of an assault weapon that exists under the federal law, then it probably would be not a minor difference, but a major difference. The purpose of these laws is to give notice and the Supreme Court was very emphatic about this. They said as long as there's been a reasonable and rational attempt by the Legislature to explain what exactly is against the law, then that will pass constitutional muster.

So it's in an over-abundance of caution that we've attempted here to define what is an assault weapon and also to list, as extensively as we can, all those weapons that we know meet that definition so that

persons who are trying to determine what is and what isn't an assault weapon, wouldn't have any doubt if, in fact, the weapon they're purchasing is on the list.

So, the minor differences that take it out from the categorization of an assault weapon would not be minor differences, they'd be major differences.

So I hope that answers the question, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Thank you, Madam Speaker. The court also, in that case, used a particular balancing test and that is the State's interest in public safety, individuals' rights under the constitution. And if we combine that and we talk about that balancing test and we talk about the definition as cleary annunciated by Representative Lawlor, the reasonable test, I guess I need to tie in the fiscal note because I find the fiscal note somewhat interesting on the Senate Amendment and hopefully, Representative Lawlor has a copy of that fiscal note in his possession on this particular LCO.

I find it interesting because on the back page of the fiscal note, it talks about justifying why there's a net minimal fiscal impact and potential minimal revenue gain.

And it says that, "people found guilty in violations of these provisions are also eligible for accelerated rehabilitation." The impact of these new provisions, the impact being the new naming of weapons that makes the sale and distribution of armor piercing incendiary 50 caliber ammunition illegal, etcetera, is an additional indeterminate cost. It goes on to say, "they are not anticipated to be significant because," one, "few violations are anticipated." And two, "the availability of accelerated rehabilitation to violators."

But the first part is interesting. And through you, Madam Speaker, would you have - to Representative Lawlor. Representative Lawlor would have any indication as to how few those violators might be and how large that group might be, for instance? Do we have an idea and was any information forwarded about the number of violations? Because clearly, the fiscal note is suggesting that we're not talking about a large pool of individuals that would be violating this particular act and if, in fact, the whole purpose of doing this is to prevent the assault of individuals, and if the reasonableness behind this Chamber in enacting restrictive legislation is prevent the harm and the prevent and to further the issue of public safety, but

yet on the other hand, we are suggesting that the information is that so few violations are going to exist that is near negligible, then why are we doing this if, in fact, the number of people that we're suggesting is not going to bring forth a public safety issue and how reasonable are we, therefore, in doing it?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, I think it's relatively easy to answer. The point of this legislation is to stop people from selling guns that fit this description and I think our experience was in 1993, the minute the law went into effect, people stopped selling the guns that were on the list.

So, I think that might account why there's relatively few violations. Stop selling them, they stop selling them. And this is a much more extensive list, but I take the gun dealers at their word. They're law abiding citizens. They may not agree with it, but if we prohibit them from selling these guns in the future, I'm sure they'll stop selling them and there won't be violations.

But the benefit will be, there will be fewer of

these guns in circulation and if you wanted to buy one, you won't be able to buy one except by going out-of-state in some other fashion.

So, through you, Madam Speaker, that's the goal, to stop people from selling these guns and to make sure they're not readily available in the State.

DEPUTY SPEAKER CURREY:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Through you, Madam Speaker. I have one final question to Representative Lawlor.

Under the underlying bill that we had done, which brought about the Benjamin vs. Bailey case, was it not one of the suggestions in the opinion of the court at that particular time and upholding the legislation as constitutional, is that a representation had been made that these weapons were readily available on the streets and that they were tied to specific crimes and they seemed to have been on the upswing?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Through you, Madam Speaker. Some of the weapons were in some of those categories. I don't think each one

of them was in each one of those categories you just mentioned, but each of them was related to an actual problem. Either they were readily available or they were being used in crimes or both.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Through you, Madam Speaker. Then I would suggest, at that particular time, our interest was not to stop the sale of particular weapons for the sake of stopping them, but to stop them because they were specifically tied to crimes that were being committed at that particular time and the suggestions were made that those crimes were on the upswing. We weren't suggesting, at any point in time, that it was all of the weapons being used in those crimes, but clearly those specific types of weapons being used in crimes and it was a legitimate purpose and a reasonable effort being purported by the Legislature, the court found, to, in fact, suggest the legislation was constitutional.

Through you, Madam Speaker, the question now is, while we're doing this piece of legislation, have we found, since 1993, that these new additional weapons or types or copy-cats or whatever the proponent would

suggest, are now also being utilized in these types of crimes and we have the same amount of crime? Or is this merely the reaction because of the unfortunate and regrettable and certainly - I can't think of the right word -- with respect to the police officer that was shot using this weapon?

Do we find that to be as often the case as it was in 1993 when the Legislature took a reasonable effort in banning assault weapons as it determined then?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I think the combination of the federal and state laws on this topic have had a big impact and I was just searching for the statistics, which I do have around here somewhere. When I find them, I'll share them with the Chamber.

But the 1989 ban on the importation of all assault weapons; the 1994 ban on the sale of assault weapons manufactured after that date nationally, together with the 1993 Connecticut ban on assault weapons, have had a big impact on crimes committed with assault weapons.

I think that success is what motivates this legislation to close the loopholes that are readily

available.

As I encouraged earlier, I think people should look around on the Internet, look at this topic on the Internet. You'll see quite a few companies that are actually selling guns that they advertise as not subject to the ban saying you should buy them before the ban takes effect, etcetera.

So I think there's definitely an aggressive effort being made to market these kinds of guns.

And finally, I just want to point out that federal law will sunset in a year or two and if nothing is done in Washington, the protections that are currently in place, will disappear. That's why I and others think it would be important to ensure, at least here in our State, we continue to have the protections that have yielded such positive results over the last few years.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Thank you, Madam Speaker. And I appreciate the answers from Representative Lawlor.

I guess what it boils down to is the protection from whom? We engage in a debate and I'm sure part of it was somewhat distant in the fact we were talking about

reasonableness and the basis for the courts in determining constitutionality. But I think one of the things that was clear is that the intent of this is to restrict the selling of weapons.

And I guess I suggest to members of this Chamber, while you may hate the idea of people owning weapons, what it boils down to is, do they have the right and should they have the right to own weapons? Law abiding citizens, do they have they right to own weapons?

I will not sit here with a straight face and suggest to you that I would want to be in a fishing game association with a 50 caliber machine gun or with a grenade launcher. I don't understand why anybody would want that. I don't think there's a sportsman sitting here or anywhere or at home listening, that would suggest that that's what they're interested in.

This legislation, I think, appears to try to play even further with the emotions of those of us here to suggest there's no way that I'm going to support a 50 caliber machine gun permit. I wouldn't either. Or a grenade launcher. I wouldn't either.

But I don't think that it is our purpose to suggest, at this point, that we should, and find it reasonable, by the way, to simply say we will not sell these kinds of guns. No legitimate purpose this time. I

had not heard, in legislative intent, that there's an up-rise in crimes being committed by these new types. I have not heard that we are now at a place where we need to outlaw particular weapons because there is an urgent need to do so.

What there appears to be is a preventative course. In the future, they cannot be purchased. There's no problem with them at this point. We just don't like them and you can't buy them because we don't like them.

This is not 1993. And I would point out again, the decision to you of the Supreme Court. This is not 1993 where the underlying reason and the hype and the urgency was there was an upswing of sale of these weapons that were continually being utilized in crimes and they needed to be removed. That was premise number one.

Premise number one in this particular instance is, we don't want them to be sold, case closed. And if the feds don't do it, we will.

I guess the next question is, why? Because we don't like them? That is not the way to legislate.

The fact that we don't like them personally is not the way to legislate. The fact that we may not want to have one, each and every one of us may not wish to have one in our home is not a basis for saying no.

There needs to be a reasonable basis, not just in

the court system, but one here. And I guess you have to search out, as the debate goes on, as to why you will vote one way or another and hopefully, it won't merely be because of the distaste.

But clearly, there is nothing to suggest that we're back in the mode of 1993, that there's an insurgence or there's an upswing of crime utilizing these particular weapons. We just don't want them to be sold.

And we call it a loophole and we're tying up a loophole. I suggest to you we're not tying up a loophole only. We are going far beyond that purpose. We are taking a futuristic view and simply saying, we will impose our morality or our particular bias on this particular subject and we're saying no, you can't have them. We are going to be the parent telling law abiding citizens you can't have these. Nobody is committing more crimes with them. Nobody is doing anything with them. As a matter of fact, OFA says there's so few, we can't even count them. Not sure how big the numbers are, but Big Brother is going to say no, you can't have them.

That's not the way to legislate. And I think that's the problem that I have with it and certainly, if this thing got adopted and there's an amendment to suggest -- or if it didn't and somebody was to raise an amendment about grenade launchers and 50 caliber machine guns and

bayonet cites maybe and a host of other things that I think are clearly the types of things not even sportsmen would want to entertain, or myself, for that matter, as a reasonable -- I like to think of myself as reasonable. That's one side of the issue. Military versus civilian.

But because something looks like something and because we don't like it for whatever our personal reason is, I don't think is a reasonableness, passes the reasonableness test.

And for that reason, I urge you to reject it.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Jarjura of the 74th.

REP. JARJURA: (74TH)

Thank you, Madam Speaker. Madam Speaker, many of the points I was going to make, my good friend, Representative Diamantis has hit on many of the same themes.

So I would like to associate myself with the comments of my colleague, Representative Diamantis.

One of the things in looking at this that struck me as interesting and I wanted to bring to the attention of my colleagues here at the Chamber, was that in looking at this issue, I think one of the first things we should

remember is that the court would obviously ask, looking at it, is there state action?

And of course, we know there's state action because we are the State and we're acting.

The second question the court would say is, does this action of the State effect a fundamental right or a suspect class? And clearly, we're talking about a fundamental right and the fundamental rights are both expressed in the federal law and the state law.

And in the federal law, which most people are familiar with, it's the Second Amendment and it reads, "A well regulated militia being necessary for the security of a free state, the rights of the people to keep and bear arms shall not be infringed."

But I think if you look to the State Constitution, as we must, and as the courts must, because it has been determined that the State Constitution is a separate body of law, worthy of independent interpretation, and it has been also ruled that the State Constitution can provide for greater rights.

And many times people have heard about these greater rights when we're talking about the rights of criminals, whether they be the rights of due process and other criminal matters.

And I don't think it's been given a full review by

the courts about looking at whether or not our Constitution of the State of Connecticut provides greater rights in the area of the right to bear arms. And I think if you read our State Constitution, and I think it's an excellent document and worthy of purview, looking at this particular issue under Article First, Section 15 and that's important of itself. It was such importance, it's put in the First Article.

And it reads, "Every citizen has the right to bear arms in defense of himself and the State." And I would say clearly, just on the language of the two constitutions, be it federal or state, clearly I think, Connecticut's intent was to provide for greater rights.

In the inquiry on this, the courts would give an inquiry and I think Representative Diamantis hit on some of these points. But one of the main core analysis would be, what did the Legislature, given the fact that they're effecting a fundamental right -- we're not talking about a suspect class which is when we get into discrimination areas of race and things like that, we're talking about a fundamental right, did the Legislature craft this law in such a way that it was so tightly fitted, as tight as you can get it, that it would pass a heightened scrutiny?

And I think, as we've focused in on, what the heck

does all the weapons that are variations with minor differences mean?

And many of you, I'm sure, have also received the calls and the e-mails and you know, these are coming from people that shouldn't be afraid of the law. These are coming from people that have never had a run in with the law, who conduct themselves in a law abiding way. They're good citizens. They pay their taxes. They probably have the best lawns on the street. Probably are the first to put their Christmas decorations out. These are the citizens that we should look to for support and that actually adds the stability. That's who I'm getting calls from. And there's something wrong when they're afraid that they're not going to know whether or not they're a convicted felon or not. That's not what lawmakers should be about the business of doing.

We shouldn't be making felons and criminals out of people that have never had a run in with the law. And they won't know if they're in violation of the law or not because of why? Because - and as many of you in this Chamber, including myself. I'm not a gun expert. I don't own a gun. I don't have a permit to carry a gun.

I wouldn't know the difference between one or the other. But what I do know is the people that do know this difference, who have a - want to collect these

things, want to use them for target practice, use it as a sport, they're very concerned about this. They're concerned to the level that it's got me concerned as a lawmaker and a Representative of the people.

You know, where are we going here? Why are we attacking the very core of our society that we look to for stability? I can't figure that out for the life of me.

So I'm going to join with Representative Diamantis and others in asking this Legislature to do the rational thing and reject this amendment. And over the course of the summer, Public Safety and others could look at this issue and come back with a report to us. But right now, I would caution you to be very careful on what we're doing here today.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Piscopo from the 76th.

REP. PISCOPO: (76TH)

Thank you, Madam Speaker. Madam Speaker, Representative Jarjura just made a lot of sense. I hope a lot of people were listening to him when he just spoke and Diamantis and the others that spoke against this amendment.

The only thing I can add to this debate is the

underlying file. I think a lot of us have been kind of frustrated and guilty of this is where we lose a bill in committee, we'll bring it back as an amendment on the floor.

But in this case, in the Senate, in my opinion, in its arrogance, added this bill, poorly drafted, in my opinion, also on this underlying file.

So I guess my argument here and what I can add to this debate is to make a case for the underlying file. I think the bill that's in front of us, without the amendment, is definitely deserving of the full debate of this Chamber. It's made it through the Judiciary Committee, the Finance Committee, Planning and Development Committee and the Public Safety Committee. It's gone through four committees, at least, and came through pretty good.

The amendment in front of us went through a public hearing and failed in Public Safety.

So I think, let's vote down this amendment and get about debating the underlying file and thank you very much, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Would you care to remark further on the amendment?

Representative San Angelo. Oh, Representative

Boughton of the 138th.

REP. BOUGHTON: (138TH)

Thank you, Madam Speaker. Madam Speaker, members of the Chamber, I've been listening with interest to the debate that's gone on here about this amendment. I think that people on both sides of the issue have made some very interesting points.

And I have a lot of mixed emotions about this amendment. I'm not even quite sure how I'm going to vote on it right now as I stand here on the floor.

On one hand I feel the need to address what I think we all really want to address which is the violence in our culture, but on the other hand, I'm concerned that this amendment reaches too far.

And that's a struggle for me. Many of you know because I joke around with you and we talk about it and you ask some questions and things like that. Many of you know that I'm a public school teacher. Every day I walk into my classes in the morning and I have concerns about issues of safety in the building. We have 2,700 kids, which constitute the largest high school in the State of Connecticut that I work in. And you don't really know who you're talking to at any given time in the halls or what you might say that might cause somebody to be upset or angry or somebody that's bringing in something from

the outside. It had nothing to do with you, but it just happened to be your bad luck to talk to them that day.

And when I see a piece of legislation like this, my initial reaction is that I should immediately vote for this because I think that this might do something to better protect the people that I represent, both in my district and here in the State of Connecticut.

But then I have to balance that with the idea that you know, is this really going after what we're trying to go after? We're trying to address violence in our culture.

It's the same issue that we had when we back and if you look back a week ago and we talked about the point and shoot video games. It's the same principle.

Are we going to make our culture a safer, more secure place to be if we pass this legislation? And I'm not so sure that we're going to do that.

Are we going to do anything to effect the terrible tragedies of the school shootings at places like Columbine and Kentucky and Washington State and all those areas? Is this legislation going to do that?

I'm not so sure it's going to do that. Because we're not really looking at why people feel the need to settle their problems through a confrontational manner. We're looking at the gun and we're blaming the gun when

the blame lies within who we are as a society, not with a particular weapon or style of weapon.

You know, those kids at Columbine took propane tanks and they wired them and created bombs with them, propane tanks from a gas grill. Yet, I don't hear us discussing banning propane tanks because that could be used as a potential dangerous weapon.

I'm not sure if this is the way in which we want to go by addressing the problems that we have in our society. I'm not sure if this isn't too far reaching, it doesn't reach into the pocket too far to people who are legally and lawfully owning weapons and are practicing sound gun safety measures in their homes.

And I think you have to consider that when you vote for this amendment. This is not an either/or issue. There is definitely areas of grey here and I hope the members consider that when they vote for it.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

Representative O'Connor of the 35th.

REP. O'CONNOR: (35TH)

Thank you, Madam Speaker. I rise in opposition to

this bill. I believe the bill does not, in any way, reduce crime and is an infringement on our Second Amendment right to bear arms, a right that I believe protects all others.

All this bill does is make criminals out of law abiding citizens and criminals do not care what laws we pass. They could care less. If we, as a Legislature, are serious about reducing crime, we should focus on the enforcement of current laws by allocating more dollars to the Illegal Firearms Trafficking Task Force.

This is a proven program that takes guns out of the hands of criminals. The guns listed in this bill are not based on utilization, but on cosmetics only and is in effective in cutting crime.

I urge members of this Legislature to reject this amendment.

Thank you.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Dickman of the 132nd.

REP. DICKMAN: (132ND)

Thank you, Madam Speaker. In the time that I've been here in the Legislature, I voted on two gun bills and I voted for both of them. And I voted for them because they were reasonable compromises and I believe

that legislation is best when it is compromised legislation. After all, compromise is the mother's milk of legislators.

So, Madam Speaker, I see no compromise this year. I have no choice, whatsoever. I think it's a bad amendment and I certainly can't support it under these circumstances and I really wish that I could because I really want to do something, but this is not what I want to do.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Kirkley-Bey of the 5th.

REP. KIRKLEY-BEY: (5TH)

Good afternoon, Madam Speaker. I've sat and listened to the debate and I have mixed emotions with regard to this specific bill/amendment.

I have supported everything we've done in the past in my tenure here in the General Assembly with regard to gun control. And try, as I may, to understand and to curb the amount of violence that goes on in this country of ours.

With all of the gun laws that we have, in the ten years that I've been here, at least 10,000 young people have died on the streets of this country. There is a

great deal of anguish on the part of the mother of the child who was shot, as well as the mother of the child who will be incarcerated.

I do not understand how whether there are ten bullets in a magazine or sixteen, it takes one bullet in the right spot to take a life.

So I don't understand what all of this debate is about. The ability maybe to pass guns if I'm a gun collector onto a family member, maybe something that rightfully we should not prohibit folks from being able to do because I believe like there are family heirlooms, there are heirlooms that are all different kinds and guns can be something that families like because of the joy of being a hunter. Just like fishing, I like Hard Rock Cafe pins, if anyone is going near one this summer, don't forget me.

I say that in jest, but we can't bring back all the people who have died because of guns. We have to got to get to the illegal guns that are on the street. To those individuals that are supplying them, when you hear on "60 Minutes" that any 13 year old in any given metropolitan and rural area can tell you where they can get their hands on a gun, there is something very, very wrong.

Representative Cafero said he couldn't tell one end

or the other from a gun and I'm not very profoundly prolific with them myself. I think I shot one a couple of times when I was in high school at a practice range.

If we're going to do gun control in a meaningful manner and I know that we here are people of good will and good hearts, we need to find a way to stop the flow of guns to the streets that are killing our children.

When people can walk into the places like the Lottery and do away with five innocent lives because of anger, we, as a country -- (audio system stopped working at this point)

DEPUTY SPEAKER CURREY:

Push your button, Representative Kirkley-Bey.

Proceed, Madam.

REP. KIRKLEY-BEY: (5TH)

Did I offend you?

DEPUTY SPEAKER CURREY:

Not at all.

REP. KIRKLEY-BEY: (5TH)

I'm really seriously torn and it's because we have got to get to the root cause of the violence and the death that's happening on our streets.

In the City of Hartford already, the death rate is up over what it was last year. They claim it is not related to gangs. And the Rico laws and things we used

in the early 1990's to get rid of all the gang members and some of them are coming out, are not the problem.

So I don't understand what difference it makes if there's ten bullets in a magazine or if there are sixteen bullets in a magazine. It only takes one placed in the right place to take a human life.

So I'm very torn and I think for the first time in my tenure here, I probably will not support an amendment that deals with guns and curtailing the amount of guns that can be out there because I don't believe you've gotten to the root cause of the problem.

DEPUTY SPEAKER CURREY:

Thank you, Madam.

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

Representative Backer of the 121st.

REP. BACKER: (121ST)

Thank you, Madam Speaker. I was listening to the debate on the amendment and I was a bit confused.

The issue of Columbine came up, which is a horrendous tragedy along with the other school shootings in our country.

And there was some discussion about these could have been prevented or they were caused by semi-

automatic rifles. My information is quite different. That they were caused by sawed off shotguns and one high tech 9 pistol and that there were none of these guns that are on our list there.

That is also true of Paducah, Kentucky, San Diego, California. Almost all our school shootings have been done with sawed off shotguns which are illegal or with handguns or with hunting rifles.

So if the purpose of this is to protect students in schools by eliminating these guns, it's not going to happen. So if that's what you're doing, if you're trying to protect kids in school, then we're going to have to target all guns.

Now, that's what I think this argument is really about. We know, through testimony here today and testimony at hearings, that these guns are not being used in crimes, but we're going to whittle them down. So if we're going to whittle them down, where are we going?

The point is, let's be honest enough to stand up here when we're supporting things like this and say that we want to get rid of all guns because if you're trying to reduce crime and reduce injury and reduce horrendous murders, these aren't the guns you should be going after. And we get a lot of smiles when I say that. Because do you know what we're doing? We're whittling

away at the rights.

Let's talk about guns, in general. I wish Representative Lawlor was here, but I'd like to ask what the functional difference between a 9 millimeter handgun and a semi-automatic rifle. If anybody would like to answer that, it would entertain an answer. Mike, welcome back.

The functional difference between a 9 millimeter pistol and a semi-automatic rifle. That's the question.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, the difference, of course, is size. Right. The difference is the - the fact is that 9 millimeter pistols are used by many police departments. I mean, it's the -- I guess the best way to answer the question is to go back to the Connecticut Supreme Court decision on this whole topic which is, look, there appears to be a constitutional right to bear arms in defense of yourself or the State in the Connecticut Constitution.

So you say, what does that mean? Well, that means you have the right to defend yourself. Now, the next question is, does the Legislature have the right to make

distinctions between different types of weapons and ban some and allow others? The Supreme Court said, yes they do as long as there's a rational basis for it.

So, people carry handguns for self-defense. I would never do it. I think it's a very dangerous thing to do. Some people choose to do it. Some people are very highly trained. Some people are very responsible, others are not, but nonetheless, that's their right and it's a handgun.

So, that's one thing.

You can't carry an AK47 in the same way you can carry a 9 millimeter, for example, because obviously you can conceal it and in Connecticut, unlike other states, you're required to keep it concealed.

So I think that's one distinction is the size, just the fact that you couldn't carry around an assault weapon, any of the ones we've described here, really, without people noticing it and reacting accordingly, etcetera, etcetera.

So I think that's one major distinction, that there is really no reasonable self-defense use that you can put an assault weapon to, but a 9 millimeter handgun, yes you can. I wouldn't carry around either one, but apparently some people choose to carry the handgun around. I think that's the main distinction.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Backer.

REP. BACKER: (121ST)

Thank you, Madam Speaker. I thank Representative Lawlor for his answer.

I think his answer falls far short. What he says is the Supreme Court says we can distinguish between types of firearms that the public can carry. That's part of what this debate is about. If we're going to make that distinction, we should be making it based on knowledge.

The fact that you - let's take a Colts Sporter, 223 caliber. It's got a pretty hot load in it, but it's a 223 caliber. Let's take a 9 millimeter Glock, Heckler and Kotch. Bigger diameter bullet. Puts a bigger hole in you. The difference in function is distance. That's why you have a difference - a rifle, you shoot at distance. Handguns are used for close targets.

The functional difference between a 9 millimeter pistol and an M-16 or any other of the firearms that we're talking about is zero. There's no difference. The difference is distance. The difference is that the rifles that we're talking about here generally are smaller caliber. The handguns that we're willing to

allow people to carry are generally more powerful at closer range. And the fact that you can conceal them and walk them into a school or you can conceal them and walk them into a bar, should be the reason why we're talking about handguns and not about rifles that aren't used in crime.

So, I understand Representative Lawlor points out the Supreme Court. The Supreme Court said we can regulate firearms as long as we do it with some kind of reasonability.

Well, where's the reasonability? If they both function the same, they both can kill at any distance that would have happened in a school yard or a store or a car. So why are we talking about banning one type of firearm when all those semi-automatic weapons, whether they're rifles or pistols, work the same?

Because we are really trying to whittle away a gun ownership here. And if you're for that, you vote for that, but don't tell me you're trying to save kids. Because you're not trying to save kids by banning rifles that are not used in here.

Take Daddy's 22 pistol away, take his shotgun away, take his dear rifle away, because that's what was used at Columbine. That's what was used at Paducah, that's what was used in California. The weapons we're talking

about have not been the ones that have been used there.

So every time someone brings up Columbine or some horrible thing for their political purposes to chew away at the rights of people in this State who want to own these firearms, they're writing that in the blood of those kids because those were not the firearms potentially used there.

Twenty kids were killed with a sawed-off shotgun at that school. Shotguns are legal. Sawed-off shotguns are illegal.

So when you start to do this, realize that this is not about what we call an assault weapon. A semi-automatic rifle, the only difference between that and that pistol is how far it can shoot. And these kids were killed because they froze in their tracks and they were killed at point blank range.

And you can take away these assault rifles, which were not there anyway, and the next choice is going to be a handgun. So we have to make a choice here.

And that's the choice we're talking about. If you think you're helping people, the next gun is going to be the 9 millimeter pistol. It just has a bigger magazine. It puts a bigger hole in you at close range. So what are you trying to do? You're trying to fool yourself.

So when you go home and you try to fool yourself,

stand up, everyone stand up now and say, really I'm trying to get rid of all guns. Don't stand up and tell me you're starting down the road to protect people because this particular semi-automatic rifle is more dangerous than the 9 millimeter Glock, the Heckler and Kotch or even the 38 revolver.

They are no more dangerous. They are no more effective at killing people. They're all about the same, functionally they're the same.

So when you stand up to talk today, don't tell me you're going to protect people. Tell me the only way to protect people is to get rid of all firearms and vote that way.

But don't come in here time and time again and say I'm trying to protect people. These weapons are not the ones being used in crimes, yet we're standing here saying the Supreme Court said it's okay to put a hole this big in someone at 40 yards, but not a hole this big in 200 yards. That's what we're talking about here.

So when we get up to talk about, let's be honest with ourselves and let's be honest with our constituents. Belly up to the bar and say you don't want them to have guns. Because if you vote for this bill, this amendment, you're voting to really get rid of guns because functionally they're all the same and it is

intellectually dishonest to vote for this and say it's different than a 15 round 9 millimeter pistol. You're being intellectually dishonest with yourself.

So you have to stand up and say, I want to get rid of all guns and that I would respect more than this.

I would like to just close by saying I thought it was kind of interesting. When we were doing the video game, we talked about kids having 100% proficiency with a gun because they practice video games. So we didn't want them to have video games.

Then we went back and said, well we don't what this kind of unaimed fire from the hip from a pistol grip because it's indiscriminate. Apparently, we don't want accuracy and we don't want indiscriminate shooting. I found that kind of interesting.

Let me close by saying that I have different information than Representative Lawlor on Columbine. I think my information is right and I think all the school shootings were not done with these rifles. Spada was right, Bailey was right. These rifles are not a problem.

If you're looking for a problem, we've got to look to people, but if you want to get rid of guns instead of resolving the problems of violence in people, then vote to get rid of all guns. Don't stand here and to this

intellectually honest thing because you can put a big hole in from two feet away with a 22 caliber pistol with two shots in it.

Thank you very much, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Merrill of the 54th.

REP. MERRILL: (54TH)

Thank you, Madam Speaker. I would make a motion that this item be passed temporarily.

DEPUTY SPEAKER CURREY:

Without objection, so ordered.

The House will come back to order.

Would the Clerk please call Calendar 314.

CLERK:

On page 6, Calendar 314, Substitute for H.B. 5062, AN ACT CONCERNING FAILURE TO YIELD TO EMERGENCY VEHICLES.

Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER CURREY:

Representative Dargan of the 115th.

REP. DARGAN: (115TH)

Thank you, Madam Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER CURREY:

On page 21, Calendar 582, S.B. 1402, AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT, as amended by Senate Amendment Schedules "A" and "D".

Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage.

Will you remark?

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This bill was discussed extensively earlier on. There's been some subsequent discussions and my understanding is there will be an amendment offered after we dispense with the two Senate amendments.

With that in mind, Mr. Speaker, I would like to recall Senate Amendment "A", previously LCO 7600, previously designated as Senate Amendment "A". I would like the Clerk to call and I be allowed to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 7600, previously designated

Senate Amendment "A" and the Representative has asked leave to summarize.

CLERK:

LCO 7600, Senate "A" offered by Senator Jepsen, et al.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I had explained this amendment earlier and I would like to rely on that explanation.

However, this time I would like to urge rejection of the amendment and for that reason, I would like to explain it briefly.

Mr. Speaker, I think in the discussion which took place on this amendment earlier, a number of legislators, Representative San Angelo, and Representative Cafero and others had made certain suggestions about potential middle ground. There were discussions during the debate on this bill and it was a sense that it would be easy to accommodate that middle ground and an amendment has been drafted which reflects that. I think it's a great step forward on the road to common sense gun control in our State and I think, at the same time, it respects the legitimate concerns of

law abiding gun owners.

So, Mr. Speaker, I would, for that reason, urge rejection of the amendment.

DEPUTY SPEAKER HYSLOP:

The question is on rejection of Senate "A". Will you remark? Will you remark?

If not, we'll try your minds.

All those in favor of rejection, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed. The ayes have it. Senate "A" is rejected.

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. The Clerk has LCO number 7613, previously designated Senate Amendment "B". I would like the Clerk to call and I be given leave to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 7613, previously designated Senate Amendment "D" and the Representative has asked leave to summarize.

CLERK:

LCO 7613, Senate "D" offered by Senator Roraback.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This amendment, in essence, referred to the amendment which we just rejected. I think, to be consistent, I would urge rejection of this amendment, as well.

In effect, this amendment would have exempted competition sponsored by the International Olympic Committee from the coverage of the previous amendment which has already been rejected.

So, therefore, I urge rejection.

DEPUTY SPEAKER HYSLOP:

The question is on rejection of Senate "D".

REP. LAWLOR: (99TH)

I move rejection, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

The question is on rejection of Senate "D". Will you remark on Senate "D"?

Representative Flaherty of the 68th.

REP. FLAHERTY (68TH)

Thank you, Mr. Chairman. I apologize. I didn't hear the gentleman's explanation. Through you to Representative Lawlor. Are the provisions in Senate "D"

more or less included or will they be before us and we just reject the entire proposal out of hand?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. This amendment was offered and explained in the Senate as exempting sporting competitions sanctioned by the OIC from the coverage of what had been the underlying Senate amendment. So to be consistent with our earlier rejection, I just urge rejection of this one, as well.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Flaherty.

REP. FLAHERTY: (68TH)

I appreciate that. I thank the gentleman for his explanation and would also agree and urge rejection of the amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Mr. Speaker. I'm just going to double-back on that.

The amendment that's coming up, LCO 8000, does that allow the Olympic Team to practice as Senate "B" would allow them to do?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. The answer is yes, I believe.

DEPUTY SPEAKER HYSLOP:

Representative Powers.

REP. POWERS: (151ST)

Okay. We've got your word on it. Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the rejection of Senate "D"? Will you remark further on the rejection of Senate "D"?

If not, we'll try your minds.

All those in favor of rejection, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed. The ayes have it. Senate "D" is

rejected.

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. Mr. Speaker, the House, as usual, has come to an agreement and what has always been controversial gun control bills.

So I guess I want to start off by thanking Representative Lawlor. We did the compromise a little later than usual, but in the end, we put together a good compromise that's good for the people of Connecticut.

I also want to take an opportunity to thank Representative Dargan, who helped make the compromise happen, along with Representative Cafero, who offered some late language that looked really good to a lot of people.

So with that, Mr. Clerk, -- Mr. Speaker, the Clerk has an amendment, LCO 8000. Would he please call it and I be allowed to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 8000, to be designated House "A" and the Representative has asked leave to summarize.

CLERK:

LCO Number 8000, House "A" offered by Representative San Angelo, Representative Lawlor, et al.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. Mr. Speaker, this amendment essentially represents four separate ideas that had mostly been before both the Judiciary Committee and the Public Safety Committee and has the support of both of those committees.

The first provision is a compromise on what was Amendment "A" a little while ago. It basically continues the federal ban on assault weapons. As some people know, in two years, the current federal assault weapon ban will be sunsetted and perhaps may no longer be in effect.

What this basically says, in Connecticut, the ban will continue forever. So that there is protection in terms of if there ever is a sunsetting of that federal law. So none of those guns that could be sold in Connecticut will be allowed to be sold in Connecticut even if that is sunsetted.

The second part of that amendment, in that section, deals with the two types of bullets that there really is a lot of concern about.

And those bullets are bullets that go through armor or bullet-proof glass and those bullets are incendiary in nature. Those bullets will be permanently banned in

this State of Connecticut and that raises or answers the concerns of many of the gun control people who are concerned that these bullets don't have any use from general sportsmen and we should ban them for public safety needs.

The next three provisions in this amendment deal with bills that came out of the committees.

The first one is a bill called "single permit". It's a Department of Public Safety bill that essentially makes the current process a lot more logical. It takes a two-permit process, a local permit and a State permit and rolls them together into one system that makes sense.

The current fee under that system is $35. It used to be for the local permit. It is now for something called the "temporary State permit" and $35 for the new permanent State permit.

The one thing it does that I think is a good thing is that some local municipalities were paying the $24 for the instant criminal records check and they really shouldn't have been paying that. The applicant should be paying that and will have to do so under this single permit system.

The other provision in this that there was a lot of concerns about in the Judiciary Committee that has been

fixed in this amendment is the current gun list that permit holders that have always not been subject to freedom of information. This amendment fixes that so what is current law will continue in the future, that these names and addresses will not be open to freedom of information.

The next part of this bill is another separate part of this bill. It was called "Firearms Evidence Data Bank". It's another Public Safety bill that essentially sets up a computerized system that allows the Department of Public Safety to keep a record of all bullets that have been fired. So they'll be able to look at all criminal cases. If a bullet was used on scene, they'll be able to take that bullet and put it into a computer system and if another bullet fired from that gun shows up anywhere else in the State, they'll be able to compare the bullets to make sure and to find out that the same gun was used in different parts of the State.

Also, it allows them to put in all police guns throughout the State, a record of their bullets so they know that if there was some kind of criminal scene and the police were involved and they had to fire weapons, that that bullet would have come from a police officer's gun and the other bullet might have come from a criminal's gun. So they can distinguish that.

It also allows local police departments to get that information so that they could tie in and that they can get the information they need to determine what might have happened in a criminal situation.

The final part of this bill - frankly, I think we should thank Representative Lawlor for. it's AN ACT CONCERNING RESTRAINING AND PROTECTIVE ORDERS IN FIREARMS CASES.

Under current law, right now, if somebody is under a restraining or protective order, they're required, under state law, to turn in their gun within 48 hours. That is a requirement under current law.

It is a very difficult thing for local police to enforce, to try to find out if the person under the restraining order does, indeed, have a gun and that they did do that transfer in 48 hours. This helps to inform local police that a person does, indeed, have a gun, that it hasn't been transferred and that they then could contact the person and try to make sure that they give up that gun. That is a provision that I think comes from a West Haven case to try to better inform local police as to what the current law is and how to enforce it in a better way.

It also allows the Department of Public Safety to look at the protocol in how they do this to keep

updating it from year-to-year to make sure we can do the best job we can in protecting, in most cases, women's lives away from husbands who might have these firearms.

So I think that this is a good amendment. It's solid. It's a good compromise. I think a lot of people were involved and I think it's going to continue the progress of the compromise we made in the past, allow us to move forward into the future, to be able to compromise on gun bills, and really protect the lives of people in Connecticut.

Mr. Speaker, I move adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "A". Will you remark on House "A"?

Representative Caron.

REP. CARON: (44TH)

Thank you, Mr. Speaker. Mr. Speaker, could I ask a quick question to the proponent, please?

DEPUTY SPEAKER HYSLOP:

Proceed,

REP. CARON: (44TH)

Thank you, Mr. Speaker. Representative San Angelo, you were talking about the fees, new fee structure for the permit. And as I'm reading this somewhere in line 348, beginning at line 348, as I read this, the fee

becomes $70 and just for clarification, $35 stays at the local municipality, $35 will come to the State.

Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. That is absolutely clear. The municipality will retain the $35 as they currently do under current law. The other $35 goes to the State and there's a new provision in it that specifies that the $24 that it costs for the in-state criminal records check, that that is going to be paid by the applicant, where some municipalities were eating that cost because there was no clarification in law.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Caron.

REP. CARON: (44TH)

Thank you, Representative San Angelo. Mr. Speaker, coincidentally, I had a chief of police who had that very concern. I'm very supportive of the change and of the amendment and I would urge passage.

DEPUTY SPEAKER HYSLOP:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Mr. Speaker. Mr. Speaker, I also rise in support of this amendment.

And I'm so glad we were able to reach this compromise. And for those of us who are not gun aficionados, I think it does the following.

It reinforces our assault weapons ban that we passed in 1993.

It adopts the federal definition of assault weapons so that we could be sure that those weapons that we find to be most offensive and least safe, will be banned.

It does allow for those people who legally acquired those before the prohibition, it allows them to transfer those guns.

And it outlaws what I think we would all agree, are somewhat useless, destructive ammunition known as 50 caliber incendiary or armor piercing bullets.

And there are several other good things that Representative San Angelo has outlined.

I think we could all go home here saying that we made our State a little safer and we can all be proud of this piece of legislation and I would urge adoption.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Dargan.

REP. DARGAN: (115TH)

Thank you, Mr. Speaker. I rise in favor of this amendment and would like to talk about two specific items that were not in the debate earlier tonight.

The first one dealing with the single gun permit that's a bill from the Department of Public Safety that will really streamline the process for individuals to apply for gun permits.

And also, another important aspect of the bill dealing with the firearms data base, which is also another Department of Public Safety bill whereby this will help in criminal activities. It would also help local police departments and more specifically, the Department of Public Safety dealing with the data bank of the use of this within their laboratory to compare two or more cartridge cases, bullets, or other projectiles submitted to the laboratory for review.

So I feel that these two sections are very, very important along with Representative Lawlor's section dealing with an issue that was in East Haven that happened a year ago whereby an individual had a restraining order on her husband and was eventually shot on the East Haven Green.

So I'd like to commend Representative Lawlor for that part of the bill too and I think that we all can be proud of what we have before us here tonight.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I just wanted to also rise in support of this amendment and mention two things in specific.

First of all, to apologize and to ask that I be able to amend the comment I made earlier on in the earlier debate. I was corrected by one of our - I guess we have a friend here from the National Rifle Association in the gallery and pointed out that something I said about the shooting at Columbine was inaccurate, that one of the two young men who murdered those other students was armed with an assault weapon, but didn't actually fire it.

From what I've reviewed since that comment, apparently that was the case. I have the photo here of the guy brandishing the gun. I won't wave it around because we're not supposed to do that, but apparently he didn't fire it. I guess he might have fired it later on. It appears it was loaded, etcetera. But they used the other guns first. I guess this was a backup gun.

Secondly, Mr. Speaker, as Representative Dargan

mentioned a moment ago, it would be important that we not let this compromise go without mentioning the incident that did take place in East Haven and for those of you who weren't aware of it, last summer there was a woman named Josephine Giamo who was very well known and very popular in our town and she was killed by her ex-husband. They were both very old, late 70's. And she had done everything we would expect a person to do if they are afraid of someone else.

She had gone to the police. She had obtained a restraining order. She had hired a lawyer. She had been to court. She had explained the whole situation to the judge and the prosecutor and the victim advocate. And the guy had been arrested. He had a restraining order against him. Actually, the then deputy sheriff who served the restraining order on him, actually went to the police station and said, "By the way, this guy's got guns. You might want to do something about it." But no one ever followed up. No one ever took his guns. And a day later, he went to the East Haven Green during a band concert and shot her, killed her, and then killed himself on the green. That led to an extensive investigation our by our State Victim Advocate, Jim Pappillo. A number of recommendations, several of which are incorporated in this bill, as it appears before us.

And I think sometimes we learn lessons the hard way. This is one of those examples. Since that time, the New Haven Police Department and area police departments have adopted a much more aggressive procedure for following up on the issuance of these restraining orders, especially where they know the subjects of these restraining orders actually have access to firearms.

And this bill makes that job easier for them, but I think it's no so important that we amend the law, it's more important that we just reinforce the message that police ought to follow up when victims come forward and ask for their help, especially the frail elderly in that situation..

So, hopefully a combination of what we do here and what the police do in the field will help protect people in the future.

And for that reason and many other reasons, Mr. Speaker, I'm happy to work with Representatives San Angelo and Cafero and Dargan and others to put this together. I think this will stand the test of time as our other enactments have and I'm very proud of the House tonight.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further?

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. And I just wanted to make a comment on what Representative Lawlor just said.

In doing some research on the bill that Representative Lawlor was working on in terms of dealing with the restraining orders in the East Haven case, I just want to let Representative Lawlor know that one of the things that was made clear from the Weapons Division of the State Police, that they're working with the criminal justice system in devising a computer system that will be better able to track these people are under these restraining orders. The computer system, as I am told, is very close to being in place.

So I think it's going to go a long way in terms of opening that communication between the State Police and the local police and the court system and you'll be happy to know, as I understand it, it will coordinate very well with the part of the bill that deals with restraining orders and hopefully, we'll have a better system that will protect all our citizens, but specifically, women who are dealing with this problem on a day-to-day basis.

So with that, Mr. Speaker, I think we've done a great thing in the House today. As Representative Lawlor said, I'm very proud of this House for what they're doing and we're passing good legislation that people can be proud of.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"?

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to Representative San Angelo.

DEPUTY SPEAKER HYSLOP:

Please phrase your question.

REP. PRELLI: (63RD)

Representative San Angelo, in lines 33 through 67, we're putting in a lot of new language the defines an assault weapon. It's my understanding that we're looking at aligning this law with the federal law.

I just want to make sure that this language is the same as the federal law has, other than, obviously, their sunset date.

Is this the same language that defines in the federal law?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. That is exactly right. This is specifically the federal language as it's in federal law. The one provision is Section 3, which is where we allow the transfers, which is currently allowed under federal law.

So it reads exactly as federal law would read and I think it makes a lot of sense.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

So, through you, Mr. Speaker, just to clarify. For those weapons prior to 1984, the first part of the act, the old definitions apply. After 1984, the new section applies. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

That is correct, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. And I thank the gentleman for his answers.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Kerensky.

REP. KERENSKY: (14TH)

Thank you, Mr. Speaker. I'm not a gun aficionado, so I need to ask some basic questions of Representative San Angelo, through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Please frame your question.

REP. KERENSKY: (14TH)

Thank you, Mr. Speaker. We've all received an awful lot of correspondence and communication, one way or another on this measure and so, I apologize in advance for my ignorance, but I would like to clarify some of the issues that have been requested of me.

There was a charge, on the part of several of my constituents, that under the proposed legislation, which we have rejected in this House this evening, there was a possibility that somebody could have a legally secured rifle, take it out-of-state and be a felon upon re-entry because of the proposed legislation.

Could that be true, under this legislation?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

No, it would not. That is gone under Senate Amendment "A".

DEPUTY SPEAKER HYSLOP:

Representative Kerensky.

REP. KERENSKY: (14TH)

Thank you. And further, I would like for you to point out the section which we have now allowed those rifles that are used in competition to be allowed. Thank you.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

There would not be a section like that because we're still essentially retaining current law. So there's no changes to make those bans necessary that would stop those competition rifles from being used.

So, Senate Amendment "A" had a ban of specific weapons that would not be allowed in competition. Because we rejected that amendment and now we have no

specific ban, those guns that are used in competition are still allowed.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Kerensky.

REP. KERENSKY: (14TH)

Thank you. And would they be restricted in their use in any way?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

No, they would not. This bill does not change existing law. So it's as it is currently. What we are doing, though, is that we're holding onto the federal ban even if the federal government does sunset the federal ban. So there are no changes with regard to any assault weapons in this amendment.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Kerensky.

REP. KERENSKY: (14TH)

Thank you, Representative San Angelo for your responses.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"?

If not, we'll try your minds. Representative Cardin.

If not, we'll try your minds.

All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed. The ayes have it. House "A" is adopted.

Will you remark further on the bill, as amended?

Representative Cardin.

REP. CARDIN: (53RD)

Thank you, Mr. Speaker. The Clerk has LCO 7934. Could he call and I be allowed to summarize?

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 7934, to be designated House "B".

CLERK:

LCO 7934, House "B" offered by Representative Cardin.

DEPUTY SPEAKER HYSLOP:

Representative Ward, for what reason do you rise?

REP. WARD: (86TH)

To point out, Mr. Speaker, to you, that we don't have copies yet of this amendment.

DEPUTY SPEAKER HYSLOP:

Will the Chamber stand at ease until the other side gets copies of the amendment.

REP. WARD: (86TH)

Thank you, sir.

DEPUTY SPEAKER HYSLOP:

Representative Cardin.

REP. CARDIN: (53RD)

Thank you, Mr. Speaker. First, I'd like to move adoption of the amendment.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "B". Will you remark further?

REP. CARDIN: (53RD)

Thank you, Mr. Speaker. This issue is something that's certainly not new to this Chamber. And has been most recently played out, I believe, in the community of Avon where in a recently opened WalMart store, they are selling essentially rifles in the sporting goods department. And the Chairman of the Judiciary Committee, myself, and a couple of constituents of mine were asked to speak at a Citizens Against WalMart Selling Guns in

Avon event and prior to going to that event, we witnessed firsthand, essentially a twelve year old young male standing gazing at the guns in the sporting goods department.

But what concerned us more is that the people behind the counter do not have the knowledge to sell these guns. And essentially, the purpose of this amendment is to put into the sporting goods stores, i.e. the Hoffman's on the Berlin Turnpike and the people that are more familiar and more knowledgeable of selling the guns to be able to sell them and not the 19, 20 year or 21 year old clerks behind the sporting goods departments in the WalMarts and the K-Marts of our State.

And I would encourage my colleagues to join me in supporting the passage of this amendment.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. And first let me understand Representative Cardin's concern. In a previous year in a compromised piece of legislation that we did, Representative Cardin had essentially requested in that compromise that employees of these stores that were selling the guns submit to a state and national

criminal record check and that they successfully complete a course or testing approved by the Commissioner of Public Safety in firearm safety and statutory procedures related to the sale of firearms.

That was the language we put in for Representative Cardin. I felt very strongly at the time that it made a lot of sense that these store clerks should be trained. In fact, we required it in statute that they be trained appropriately.

So I think the bill - current law, as written, is pretty good. I understand why he has a concern in his district and he wants to go from where he was in the compromise to a new position, but I would say that we have a good compromise, it's already before us. I would say that we reject this and we'll look further at it in the future.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"?

Representative Cardin.

REP. CARDIN: (53RD)

Thank you, Mr. Speaker. Just for a second time. Just in response to my good friend, Representative San Angelo, I forgot to mention I did rise with some

trepidation realizing that there was a precariously balanced compromise drafted here in House "A" and I'm sorry that I was not part of the group or the working group that drafted that language.

But unfortunately, some - you know, I'll be honest, some unscientific research has shown that unfortunately the department stores haven't been as diligent and haven't been as good as terms of who the people are that are selling the guns behind the counter.

And I just think it would be good policy and I think that the citizens of Connecticut would feel much safer, not only when they're shopping in these stores, but at night when they go to bed that the people who are selling guns in sporting goods stores, those are the people that are using them on the weekends. They have the knowledge of what ammunition goes with a hunting rifle, what ammunition goes with a handgun.

Unfortunately, the sporting goods stores, you never know whose behind the counter. Sometimes if the retail merchants or the retail stores are short on employees, they could be bringing people over from the toy department, which, ironically in the Avon Walmart was literally right next door to the sporting goods department.

In one aisle you could pick up a Tonka toy that you

would use on the beach with your three year old, or you could move one aisle over and buy a hunting rifle. I don't think that's good for the consumers of our State or for the citizens of our State and I would ask that my colleagues join me in supporting this amendment again.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative Ward.

REP. WARD: (86TH)

Thank you, Mr. Speaker. I'm not overly familiar with all the procedures in here, but I thought the gentleman was arguing that under the current law, they could just move employees back and forth between departments and I would just point out that the language that we deleted by the amendment, the current law says that if it's a retail store selling firearms, the person, among other things, had to have a criminal background check and have successfully completed a course or testing approved by the Commissioner of Public Safety in firearm safety and the statutory procedures for sale. So I don't think, under the current law, you can just take the candy clerk and make him the firearms clerk and then move them to toys and back unless that clerk's had all of the training.

So I think people should understand that what the amendment does is to seek firearms in a place that does retail business other than firearms. I'm not sure that that's a good policy, but we shouldn't be left with the impression that the current law allows any clerk with no background or training to be in the retail store because the exact language says that they can't and subjects the store or the owner of the store of fines of thousands of dollars a day for allowing a clerk to participate that didn't have the training.

I think it's a mistake to clutter up what is otherwise a good idea and so I would urge rejection of the amendment.

DEPUTY SPEAKER HYSLOP:

Representative Ferrari.

REP. FERRARI: (62ND)

Thank you, Mr. Speaker. I also urge rejection of the amendment.

I happened to have visited the store in Avon. And I noticed that the guns are all in the back of the store, they're all enclosed in locked cases where nobody can get their hands on them and I didn't notice the toy section, but that's not to say there wasn't one, but there's also the sporting goods section of the store is where these firearms are stored.

The time I visited, there wasn't any young people gazing at the firearms, which I don't know we can make a law that says gazing is not permissible.

This bill also means that any store in the State of Connecticut, including K-Mart and WalMart all over the State can't sell firearms in their stores.

The last time I checked, it was a legal product and the last time checked, they are not selling firearms to young people or people that are not supposed to have them.

So I think as well intentioned as the bill is, the amendment is, it's certainly overkill. We're using a scatter gun to take care of a very minor problem, I think.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cardin.

REP. CARDIN: (53RD)

Mr. Speaker, I request to speak for a third time.

DEPUTY SPEAKER HYSLOP:

Any objections? Seeing none.

REP. CARDIN: (53RD)

Just to respond to my good colleague, the Minority Leader, with all due respect, I realize that the candy clerk, if they are going to sell guns in the sporting

goods department, they should pass these qualifications. But unfortunately, the department stores, the first thing on their mind is their bottom line. And if their concern is their bottom line, they're going to pull whoever they have in the store. They can't control who calls in sick, whether the sporting goods department manager, whose licensed, passed his test, is going to be there seven days a week for how many hours they're open.

And for my good friend from the 63rd district, I realize it's not a banned product, but all I'm simply saying is that I believe that we would feel better, I think it would be good public policy that the people who are selling these guns are the people who have knowledge. It's the one and only product that they're dealing with.

We shouldn't be able to go into a store, buy some Tide detergent, buy a roll of Charmin and oh, by the way, I need a hunting rifle for the weekend.

I urge adoption of the amendment.

DEPUTY SPEAKER HYSLOP:

Representative Green of the 1st.

REP. GREEN: (1ST)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this amendment.

Earlier in the session, we talked about video

games. We talked about facsimile guns and the old idea of kids using those games and we talked about an age limit.

And I think, as Representative Cardin said, you have families that go and shop at these department stores and facilities and I think to see real guns displayed like that, again conjures up in their minds, I think even more so than a video game, this idea that guns are something that they should have.

So I rise in support of this amendment.

DEPUTY SPEAKER HYSLOP:

Representative Greene of the 105th.

REP. GREENE: (105TH)

Thank you, Mr. Speaker. Mr. Speaker, I rise against this amendment for a couple of reasons.

First of all, I used to work for WalMart and I know their training procedures, I know what they try to do and unlike maybe some proponents of this amendment might portray, they really try to abide and work towards the law.

I'm looking at this amendment and from what I understand, there are provisions of this amendment that say the person has to be 18, he has to be trained, he has to be licensed, and they really do try to oblige by that.

But what this amendment is attempting to do is to prohibit the retail sale of firearms that are legal in the State of Connecticut in a retail establishment and I really just don't think this is appropriate and I hope that the Chamber will reject this.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"?

Representative Feltman.

REP. FELTMAN: (6TH)

Yes, Mr. Speaker, I just want to speak in support of the amendment, as well.

And I think there are certain acts and certain acts of consumption that we've decided are more serious than others and that we have restricted in certain ways.

For example, in the sale of intoxicating liquor, that we do allow in the supermarkets, people can pick up beer and they may or may not be able to pick up wine, but they certainly are not able to pick up hard liquor when they go to their neighborhood supermarket for purchase.

If they want to buy liquor, they need to go to a store that's specifically operated for that purpose.

And the same thing with prescriptions. If you're

going to have something that's going to be addictive or it's going to have some kind of a very serious effect, you need to be going to a pharmacy and you have to go there for a specific purpose for something that's going to have tremendous effect on the body.

And I think a gun, like an addictive substance or like a bottle of liquor is something -- purchasing a gun is an act that should be done with such serious a purpose and such a conscious act that shouldn't be something that should be just displayed casually they happen to pick up along with groceries and other sundries.

They should go to a - there should be a separation for the purpose of making a statement to the consumer that we think this is a very serious act of buying a firearm and it should be done in a particular place, time and manner just the way we do with hard liquor.

And I think if we make the rule for hard liquor, we should make it for guns. And I think we should be consistent about it in that way.

So I support the amendment and urge my colleagues to support the amendment.

DEPUTY SPEAKER HYSLOP:

Will you remark further? Representative Cardin.

REP. CARDIN: (53RD)

Mr. Speaker, I ask that the amendment be withdrawn.

DEPUTY SPEAKER HYSLOP:

The question is for the amendment to be withdrawn. Seeing no objection, House "B" is withdrawn.

Will you remark further on the bill, as amended? Will you remark further on the bill, as amended?

If not, staff and guests 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. The House is having a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER HYSLOP:

Have all members voted? If all members have voted, please check the machine and make sure your vote is properly recorded.

The machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

S.B. 1402, as amended by House Amendment Schedule "A"

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	148

Those voting Nay 1

Those absent and not Voting 1

DEPUTY SPEAKER HYSLOP:

The bill, as amended passes.

Clerk, please call Calendar 571.

CLERK:

On page 19, Calendar 571, Substitute for S.B. 1343, AN ACT CONCERNING SUBMETERING, as amended by Senate Amendment Schedule "A".

Favorable Report of the Committee on Energy and Technology.

DEPUTY SPEAKER HYSLOP:

Representative Giannaros.

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill, in concurrence with the Senate.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage, in concurrence with the Senate.

Will you remark?

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. This bill pertains to the issue of submetering. The Clerk --

DEPUTY SPEAKER HYSLOP:

JOINT
STANDING
COMMITTEE
HEARINGS

PUBLIC
SAFETY
PART 2
291-630

2001

Senator Penn says, if we, they agree, because I wanted everyone to have the opportunity to speak if in fact someone wanted to speak or hear what was going on. So if we could try to keep the noise down, that would be greatly appreciated.

Usually, we keep the doors closed, but for now let's just keep them open to accommodate everyone in here. So, with that, the Clerk of the Committee, Scott, will have a bell and at that time please just summarize with your testimony.

The first speaker on the state agencies is Commissioner Spada of the Department of Public Safety.

SB1403 HB6995 SB1379 SB1377 HB6963 HB6964

COMM. ARTHUR SPADA: Representative Dargan, Representative Stone, we have eight matters which we will advocate approval by this Committee. We have submitted the list in the agenda order, I believe with supportive correspondence from my office. I'd be very happy to briefly present a cursory recitation of each of the salient facts.

With your permission, Mr. Chairman the first proposal, USE OF A COMPUTER TO COMMIT CRIMES AGAINST CHILDREN is a resubmittal. It establishes the acceptable constitutional law on pornography. It focuses on the use of a computer in the transference of pornographic images of children involving sexual abuse. HB6962

It is analogous to making a crime the use of a firearm in the commission of a particular crime. If there are no questions, Representative Dargan or Representative Stone, I will proceed to the second item on our suggested agenda AN ACT PROVIDING FOR A SINGLE STATE PERMIT TO CARRY PISTOLS OR REVOLVERS. SB1402

REP. DARGAN: If you want, Commissioner, you just go through your whole testimony. Then there might be questions from Committee members on your testimony.

COMM. ARTHUR SPADA: I'll go through the whole matter, okay, that's fine.

The proposed bill S.B. 1402 simply will provide for

the first time, a centralized agency at the Department of Public Safety which will collect statewide all gun permits. Today, under the existing law, someone could get a gun permit in a local community and without seeking statewide permission to use that pistol, could confine himself to using it only within the confines of his particular town.

In that instance, neither the Federal Bureau of Investigation or the State of Connecticut would have knowledge that such a gun permit exists.

Suggested fees will be split with the local communities. The local police chiefs will have the authority to deny an application if they find reasonable basis or grounds to do so. Once they provide a provisional permit, the provisional permit would allow the user to use it on a statewide basis and within a 60 days period, that provisional license will be made permanent, or it will be rejected with reasons so stated.

The third item is AN ACT CONCERNING ADMISSIBILITY OF EVIDENCE OF STOLEN VEHICLES AND SEIZED CURRENCY. SB1403 The custom in the past was to store vehicles that were taken, that were used as part of a crime and sometimes the storage could run in excess of two or three years, incurring a great deal of cost to the Department for the storage of these vehicles and in addition, representing a loss to the owners of the vehicles who get twice victimized. The proposal would allow us to take photographs of the picture and make it acceptable in a court of law as primary evidence.

The second aspect to our bill has to do with seized currency. It is our suggestion that rather than holding these great sums of money that are seized in drug raids, that they be placed into a money bearing account. We presently, in one of our units are holding nearly $1,400,000. If that could be held in a central account bearing interest, it could spawn $75,000 and that money we suggest ought to be made available to the Office of Victim Services.

highways or with the use of weapons. And to the extent that we can maximize efforts and reduce the greatest amount of deaths both on the highways and through the gun control task force, we will continue to do so. You have my absolute assurance that we will never allow the mission of the gun task force to be diluted. Never.

To the extent we can increase and maximize, we will do so.

REP. SANANGELO: And I want to thank you. I know you applied for the Burn Grant, too, and that you're going to get some money from that.

Let me make it clear, I'm going to be fighting for more money from Appropriations for that task force because I'm excited about the job you guys have been doing and you deserve a ton of credit for doing that.

I also want to touch base on the single permit SB 1402 issue. To me, it hasn't been a very controversial issue the last couple of years but it keeps getting caught up in other gun debates. How important is that, that that legislation passes and the second part of that is, the Connecticut Police Chiefs Association have been on that bill and off that bill due to the language. Are they on board with you now with this language that's before the Committee?

COMM. ARTHUR SPADA: I think I can safely represent that the municipal Chiefs Association are with us. Connecticut Police Chiefs Association are now with us. What it will do is, it will allow us to transmit to the FBI. And often, in securing grants, those grants always have a string attached to them that the FBI have access to all permit gun holders.

Of course, our state is a little unique because from ancient times, each local police department would police and supervise the issuance of hand guns and permits. And of course then we later extended it to a statewide use.

SEN. ANGELO: Correct.

COMM. ARTHUR SPADA: And we still have individuals who are in possession of hand gun permits and are not interested in securing a statewide permit. But police chiefs and the local municipalities will retain half the fees. They will also have the opportunity to veto or reject any application if they have grounds to do so.

So, I think it's a good symbiotic relationship between the locals and the state.

REP. SANANGELO: Well, I have to tell you, I'm hoping that whatever agreement, if there is an agreement this year dealing with gun issues that it's an agreement on that bill because it just gets caught up behind everything else, so I'm hoping that that is where that goes this year. So I'm hoping there's a good chance we can move it forward.

The other question I have has to do with this other bill and frankly, I just got my first glance at it and it's AN ACT CONCERNING FIREARM SAFETY. Do you have any comments on that bill? Have you had an opportunity to review that bill? It basically, as I quickly look at it, has to do with assault weapons and the need to expand the assault weapon definition and all that. Is that something that you guys are fighting for or is that just legislation that's -- SB1405

COMM. ARTHUR SPADA: Yeah, I regret, Representative SanAngelo, it's not our legislation.

REP. SANANGELO: It's not your bill.

COMM. ARTHUR SPADA: And I'm not familiar with it but to the extent that you pose some questions, we'll get your answers.

REP. SANANGELO: No, I wasn't sure if it was yours or if you guys were taking a position on that.

COMM. ARTHUR SPADA: No, it's not ours.

REP. SANANGELO: It's not yours. I just want to make sure I touched base. I've been waiting a while to

not offering an opinion of what the feds do but I think you should render unto Caesar what is Caesar's. And it's our job to look at how recognition affects the State of Connecticut and that's the process that I want to put in that place. We should make it fair and impartial and that's where I'm trying to take this.

MARK SEBASTIAN: Thank you very much.

SEN. PENN: Thank you.

REP. DARGAN: Thank you. Further questions from Committee members? Hearing none, thank you very much, Mark.

MARK SEBASTIAN: Thank you.

REP. DARGAN: Next on the municipal legislative agency list, is Chief Ed Richards here or Representative Mary Ann Carson.

Up next on the other list is Bill Kirkby followed by Bill Campion.

WILLIAM KIRKBY: Good morning members of the Public Safety Committee. My name is Bill Kirkby. I'm the Executive Director of the Connecticut Police Chiefs Association and I bring greetings from both the Chiefs Salvatore and Strillaci who are undergoing mandatory recertification training today, hence my presence here. SB1402 HB5440

SEN. PENN: (Inaudible-not using mike)

WILLIAM KIRKBY: I'm sure you do, Senator. And I'm here to speak on three bills. You all have written testimony so I will attempt to paraphrase them just briefly.

The first one is H.B. 6995 which is AN ACT CONCERNING PRIVATE DETECTIVES AND SECURITY SERVICES. We agree in concept with this bill. We agree with almost all of the language. There is one line, however, and I have it underlined on the bill itself. It's line 69 where in speaking of qualifications to be a private detective, it says

at least ten years experience as a police officer with investigative responsibilities.

The law has always, or has said for some years, a police officer with ten years of experience. We question the need for investigative responsibilities. We feel that a police officer certified under 294d has been trained and possesses the skills to investigate criminal activity. So the language is not necessary.

By the way, I have spoken with the crafters of this bill from the Department of Public Safety and they agree that that change is more than acceptable to them also.

REP. DARGAN: Well, if you just give us any JFS language, we'd appreciate it on that.

WILLIAM KIRKBY: Okay. Yes, Sir. The second bill is S.B. 1402 AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT. We totally support that bill in all forms, its language. We've worked with the Department of Public Safety for probably five or six years on the single permit and we agree. We had concerns over the years about the role of the municipal authorities. Those concerns are addressed in this bill so we totally support that bill.

SEN. PENN: One quick question.

WILLIAM KIRKBY: Yes, Sir.

SEN. PENN: Excuse me, I thought I was inundated on all these bills. There's a part of H.B. 6995 that changed, wasn't it the age limit from 18 to 21?

WILLIAM KIRKBY: I think, yes, yes, that was carrying a weapon if I'm not mistaken though, Sir.

SEN. PENN: And what was the reason or the rationale behind that?

WILLIAM KIRKBY: I couldn't tell you, Sir.

SEN. PENN: I'm just trying to think. An obligation, if a person receives a security officer position at 18

control laws that we have, we'll keep weapons of war out of the hands of people that don't need them and we're endangering society by having them.

It's not an issue about being a sportsman. Al, you and I know we can talk about our outdoor activities and sporting and hunting and fishing and we don't need these weapons that are on this list to enjoy the outdoors and be a hunter or a fisherman.

I think that this law will also protect our peace officers and I would like to tell the Committee also that tomorrow Bridgeport's gun law suit will be heard in the Supreme Court and I think that's something for us to monitor as well. And again, I would just like to urge you to ban the armor piercing weapons, 50 caliber sniper rifles and the powerful weapons that have gotten through loopholes in the law and tighten it up. I'd really appreciate your consideration of that and I thank you for your time and your patience.

REP. DARGAN: Thank you so much. Any questions?

SEN. PENN: Thank you, Senator.

REP. DARGAN: Hearing none, thank you.

SEN. FINCH: These are our gun locks, too, which I'll leave for the Senator. You can pass along. We distribute these for free in Bridgeport. It's another reasonable method that you can employ in Connecticut.

SEN. PENN: Will you leave that with Mary over there?

SEN. FINCH: Thank you.

REP. DARGAN: Robert. Bob Crook. Followed by Arthur C. Carr.

SB1402 SB1405

ROBERT CROOK: Senator Penn, Representative Dargon, my name is Bob Crook. I'm the Executive Director of the Coalition of Connecticut Sportsmen. I'm testifying on a bunch of bills today. You have copies of them all, in opposition to S.B. 1379 concerning a firearm evidence data bank. We have

no real objection to the State Police or the city police do on this except that we see what happens in other states and we don't want an extension coming to our firearms.

The second bill is AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT. We support that bill in its entirety and I have a couple of notes on my testimony you might want to look at as far as potential changes go. SB1402

The third bill is AN ACT CONCERNING FIREARM SAFETY, S.B. 1405. This is the assault weapon law. I was here in 1993 when the assault weapon law was passed. It passed in ten separate committees by a one or two vote margin, that's how close the vote was.

I think what you need to do is, you need to take a look at the problems with the old assault weapon law before you start extending it to the new.

In lines 6 and 7 it gives a definition of assault weapons and that is a true and correct definition. A selective firearm capable of firing fully automatic, semi-automatic, (inaudible) at the option of the user. So it is really a machine gun in effect. All these other firearms are semi-automatics. They are no different than semi-automatics that we use for hunting, hunting rifles, or anything else.

I heard one expert just testify before me that these things should not be used in hunting. It doesn't take ten rounds to kill a deer, most of these guns can't be used for hunting in this state. They are of such low caliber they don't meet the standards, they're 223s. So the expert didn't know anything about hunting, at least in my opinion.

If the basis for our law is definition and the assault weapon definition is found in the first sentence, why are we addressing semi-automatic firearms? It doesn't make any sense.

None of them meet the definition. All are based on cosmetic appearance. If we wanted to ban

expansion. It indeed is an expansion. It includes specific firearms on the list that were not covered before and as other people have testified here today are rifles commonly used and accepted in national match programs. For example, the (inaudible) match target has been mentioned previously as is the Springfield Armory M1A. That's just a couple of examples.

And with that, I thank you for your time and I'd be happy to answer any questions.

SEN. PENN: Thank you. I'm going to do, because of the lateness of the hour also, tell the Clerk to hold strictly to the two minute (inaudible) and let me know when that's happening and we get everybody, yeah two minutes. Excuse me, three minutes.

And then if we have anybody that's in the overflow room that can come in so they feel they're part and parcel of the audience, I'd like for that to happen. I think we have available seating. Scott, is everybody out of the overflow rooms so they can come in and become part and parcel of this and we shall move on. Arthur Carr, are you here?

ARTHUR CARR: Good afternoon, Mr. Chairman, members of the Committee.

SEN. PENN: Good afternoon.

ARTHUR CARR: My name is Arthur Carr. I'm a member of the Board of Firearms Permit Examiners and I'd like to discuss a couple of the bills on today's agenda with you. SB 1404 SB 1402

The first is Raised S.B. 1378. This bill would add another exception to the confidentiality which is supplied by Section 29-38. The difficult I see with it is there's no reason given for the exception, unlike the other exceptions in that section of the bill.

Basically, the new exception that's proposed would defeat the confidentiality provided by the section as a whole. All the other exceptions listed have a stated purpose and not only is the purpose stated

but it's a public purpose. So since this proposal has no stated purpose, no public purpose, there's no reason for it at all and I hope you'll reject the bill.

One additional thing I'd like to say about it is, contrary to the comments made earlier by Attorney General Blumenthal, there's no need for this exception in order to make permit appeal hearings public. The Firearms Board appeal hearings are public, always have been public. From time to time people stop in and take part, including legislators or the public official, representatives of the media, and even in the past several weeks, public television has filmed them, so there's no reason based on that for this exception and I would encourage you to reject the bill.

The second bill I'd like to discuss is Raised S.B. 1404 which would create a single state pistol permit. You've already heard testimony from the Commissioner and the Chiefs of Police Association spokesman in favor of the bill and I'm not going to counter that at all.

However, the present draft of S.B. 1402 I think contains a flaw and I'd like you to correct that flaw before going forward with the bill. The flaw is that the bill has a provision that no state permit can be issued if the national criminal records check has not been received.

The problem with that is production of the national criminal records check is outside the control of any citizen, of the Commissioner and of the entire State of Connecticut. So if this provision remains in the bill and for any reason at all the FBI doesn't supply the records check, the Connecticut citizen is tossed into limbo and has no avenue of escape.

Now, a law that puts a citizen into limbo with no means of relief I think is completely inappropriate in any circumstance but especially so in these because the missing element is totally beyond the control of any entity within the State of Connecticut.

However, this flaw is readily correctable and you could correct it this way. If you remove that prohibition from S.B. 1402 and you alter the Commissioner's response to responding after eight weeks with either a denial or an approval, the problem is solved.

First of all, at the conclusion of eight weeks, the Connecticut citizen has a definite end to the appeal process if he's been denied, he can appeal. If he was approved, he's got the permit. There's no problem.

Secondly, based on other provisions of S.B. 1402, you know that you're going to request the national criminal records check for every license application. As long as the FBI exists and is in business of furnishing those, you're going to get it. If for any reason at all it should happen to arrive late, late being after you've issued a state permit, it doesn't matter because if it contains any information that if known earlier would have prevented issue, the permit that's already issued can be revoked. In fact, not only can it be revoked but the person who applied for it is likely subject to criminal charges because he or she probably made a false statement on their application.

So if you do that, you get the benefit of the national criminal records check, but using a method that doesn't dump a Connecticut citizen into limbo. Thank you.

SEN. PENN: Thank you, Sir. Any questions? Thank you.

ARTHUR CARR: You're welcome.

SEN. PENN: Bruce Stern. Peter, are you still here? Okay, you're on board.

BRUCE STERN: Good afternoon, Mr. Chairman. I'm Bruce Stern from Trumbull. S.B. 1405 is the bill that I oppose and I believe, unfortunately, that this piece of legislation is another paving block on certain political career paths.

all handguns, all assault weapons and as we know, we can take a hunting rifle and make the case that it would be used as a sniper weapon. So it really leaves us at a point where we have nothing left.

Why are millions of regular guns that were never used in the military, suddenly and falsely depicted and banned as machine guns? It is a picture book prohibition. It's not right. It's not reasonable.

The last time we had a study in the state, Connecticut State Police, 1988-1993, less than one-half of one percent of the firearms in this so-called assault weapon category were actually used in crimes.

SEN. PENN: (Inaudible)

GREGORY EADS: No one of sane and informed minds likes any violence. It is quite possible for us, your friends and neighbors to come together with eyes and minds open to create better solutions to very old problems based on knowledge, skills, the proper attitude and avoid hasty unilateral mistakes. Any questions?

SEN. PENN: Peter Keich to be followed by Wayne Alvarez. Are you here?

PETER KEICH: Thank you very much, Senator Penn. It gets to be a long day. I appreciate your attention and your being at the bench. I'd like to testify on two bills. I trust you will humor me a bit because I have certain different content. SB1378 SB1405

The first bill I'd like to testify on is S.B. 1402 the single state handgun permit. Being a member of the Board of Firearms Permit Examiners, I support this bill. I support it for a couple of reasons. Number one, it's one method of insuring that citizens of the State of Connecticut are treated fairly and equally across the length and breadth of the state and that we do away with what I consider to be in some localities the balkanization of our laws and statutes.

It would also guarantee the professional handling

of all appeals cases which come before the Board. The State Police do a good job when they pull somebody's permit in presenting a case to the Board. Some localities do not. I think that by doing this that we would have a fairer, more equitable system and bring a little bit more fairness into the hearing.

I do have a couple of concerns about the bill though which I hope that the Committee will take a look at, this is S.B. 1402, okay?

One, and I'm not sure on this, it may be there, I would like to insure that there is nothing in this bill which deny the right of appeal to someone who is refused a permit by the local chief.

Two, that the local chiefs of police retain the right to issue temporary permits for a period of seven to ten days to meet any special needs that they might have, rather than burden the state system. And this would be a case, say, I had a daughter living in the state and I had a pistol permit and I was coming into the state and I might call up the local chief of police in the town where I was going and say, I had a permit. I'm coming out, I'm going to visit my daughter, can I have a temporary permit. Something of that nature. And however the Committee wishes to raise that, handle that or consider that, that is something that I wish they would consider.

And then third, and I think I picked this up from you earlier, is there a reason to go from 18 to 21 years of age on a pistol permit? I don't see it, okay, and I would hope that the Committee would consider removing that as being onerous to people who could serve in our military.

I will entertain any questions on this.

SEN. PENN: (Inaudible)

PETER KEICH: I have no idea. I have no idea. But all in all, I know there was some discussion with Henry Lee and some members of the board early on about going over to a single state permit and it makes

sense. It makes sense for the citizens. It makes sense for the State Police. It makes sense for all of us together and I think we can come together on this in some good way.

SEN. PENN: (Inaudible-mike not on)

PETER KEICH: Thank you.

SEN. PENN: Representative Ferrari.

REP. FERRARI: Thank you, Mr. Chairman. Earlier, I don't know, this may not be fair for you. You did say you were on the Firearms --

PETER KEICH: Oh yes, I am. I'm the Secretary. And I'm also president of Ye Connecticut Gun Guild so I collect guns so we can talk about that next.

REP. FERRARI: And you did mention S.B. 1378 AN ACT CONCERNING THE BOARD OF FIREARMS PERMIT EXAMINERS. But there was a gentleman before that had a problem with having the appeal as an open public meeting. Did you have any idea --

PETER KEICH: We do have public meeting. People do come to the meeting. I have a concern. These meetings, there are seven of us, two from the police department, two from the major corrections organizations and shooting organizations in the state and citizens. We're all appointed by the Governor. We serve at his pleasure. We get him aggravated, he fires us.

When people come before us, what they're doing is, they're coming to us because they think the system has done them wrong. The local chief of police failed to give a permit and I can understand that one because when I got my first permit, I lived on Asylum Hill in Hartford and the chief of police at the time said, no, I'm not going to give you a pistol permit. You live on Asylum Hill. All right?

In other cases where permits are pulled, rightfully or wrongfully, we're supposed to take that information, get information about why this person is or is not suitable. We don't need a bunch of

SEN. PENN: (Inaudible-not using mike) Don Watson. Mr. Paidas has decided to pass.

WAYNE ALVAREZ: I wish I had known that before. I had another page. (Laughter)

SEN. PENN: (Inaudible-not using mike)

DON WATSON: Senator Penn, Chairmen, members of the Committee. I really appreciate the opportunity to be here and to speak on these bills. SB1402 SB847 HB5439

SEN. PENN: (Inaudible-mike not on)

DON WATSON: Can you hear me? All right. On the bill S.B. 1405 which a lot of testimony has been given on and I don't wish to repeat it but I do wish to indicate that I'm very much opposed to it and the fact that the words assault weapon are very badly misused. The definition of assault weapon is a weapon of selective fire and that definition is given by the military, so it is a fact. It's been misused by those who would like to take our guns away and a so-called semi-automatic weapon is also misnamed. It's really just an auto loader, not a semi-automatic.

And as has been pointed out by many, has been here since around the 1900, turn of the century. As a matter of fact, if my father was alive, he'd be 115 and I'd be accused of being a part of the Great Generation and he used semi-auto rifle and he died in 1942 so that gives you a good idea how long that one has been around at least.

But what I do find a lot of fault with in S.B. 1405 is the fact that valuable pieces of property owned by a lot of our good citizens will have their property not only devalued but they're in the position of where they can't, they would be in a position where they can't even sell. About the only thing they can do is will them to their grandson. The grandson can't use it until he receives control of it and then he's going to have to get a certificate of possession.

And later on in this bill, if you read on through

confiscating them eventually.

I also oppose S.B. 1402. The problem there, I think was well stated by Arthur Carr. The ability not to be able to appeal, which is very important to someone raising the possibility of receiving a permit. As it stands in its present form, I would be opposed to it.

Proposed S.B. 847 concerning firearms permits from other states, I would support. If we support automobile licenses, driving licenses from other states to be driven in the State of Connecticut, we are accepting the process by which those licenses are issued. Certainly, if other states match our licensing, permitting, rather, process for the carrying of weapons, then I think that we should accept that in the same way we accept the automobile licenses.

H.B. 5439 I oppose. This is regarding licensed firearms manufacturers and dealers shall be required to perform an annual inventory and submit such inventory to the Commissioner of Public Safety. The Commissioner shall develop procedures to match inventory --

SEN. PENN: Sir, you're talking about bills that we don't --

DON WATSON: Pardon?

SEN. PENN: We don't have them. I've allowed you ample opportunity and extension of time, so why don't you just conclude.

DON WATSON: That's at another time?

SEN. PENN: Yeah, because you mention a bill that's not even before us.

DON WATSON: I thought it was involved.

SEN. PENN: Right. Make a conclusion of your statement.

DON WATSON: Pardon?

SEN. PENN: Make a conclusion of your statement.

DON WATSON: Yeah, that's what I was doing before, on my notes here. I would conclude by stating that I feel that most of these bills are aimed at registration which are eventually aimed at confiscation and I would call your attention to that because I think when they come in with bills that they can't show any statistics for proposing in the first place, then what is the object?

I think the object is to take these guns away. Thank you.

SEN. PENN: Thank you, Sir. You said Jim Paidas is not going to testify?

: That's correct.

SEN. PENN: Mark Sedutto. Are you here? Thank you. Followed by Bob Veach.

MARK SEDUTTO: I'll be brief. Good afternoon, Mr. Chairman.

SEN. PENN: Good afternoon.

MARK SEDUTTO: Members of the Committee. My name is Mark Sedutto. I'm a resident of South Bridgeport and I've been the victim of gun crime twice and on both occasions I have testified with some threat to myself to see those perpetrators incarcerated. And I am an avid sportsman and firearms owner.

I appear in opposition of S.B. 1405 as it stands without amendments, AN ACT CONCERNING FIREARM SAFETY, specifically propose statutes 53-202a, Sections 3 through 12 and all affected parts of 53-302b through k. thereafter.

These gun safety measures I deem as illegitimate in the manner in which they are brought forth. No state in which such measures that I know of, where such measures have been enacted has any increase in safety resulted because it does not affect the criminal.

Most people don't realize it but a double action revolver can fire six shots in less than a second which is faster than most semi-automatic pistols can fire.

REP. ORANGE: Thank you, Joseph. Are there any comments or questions? Thank you very much. Next we have Eric Schmeer. Eric, are you here?

ERIC SCHMEER: Thank you, Senator Penn, Representative Dargan, few members that are still left. My name is Eric Schmeer for the record. I live in Wolcott, Connecticut. Living in the Waterbury/Wolcott area for 62 years. I'm here to speak in opposition to S.B. 1378, S.B. 1379, S.B. 1402 and S.B. 1405.

Just to reiterate some of the speakers before, there are just few good laws, laws that don't do what they say. I just have a short quote and I'll be finished because of the lateness of the hour.

There's nothing anyone can dream up concerning violent criminals and guns that isn't already illegal. We are not talking about gun control, we are talking about the tough use of the penalty provisions in the existing laws. In other words, as we say here, it's crime control, not gun control. It's the criminal and you know the other word. I won't dignify or try to be undignified but I think you know of where I speak.

That is basically it. If there's any questions?

SEN. PENN: Thank you.

ERIC SCHMEER: Thank you.

SEN. PENN: Chris Santorsian, is that?

CHRIS SANTORSIERO: Good evening.

SEN. PENN: Good evening.

CHRISTOPHER SANTORSIERO: I'd like to thank the Committee for allowing me this opportunity to address its members concerning S.B. 1405. My name is Christopher Santosiero and I currently live in

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budget.

RUSS KINES: Preaching to the choir here, right?

REP. ORANGE: We certainly hear you on that issue as well. Thank you very much.

RUSS KINES: Okay, thank you.

: Ron Villanova. Robert Villanova? Eugene Bowers. Ron Romano. George Stumpf. It looks like Rubin Robers. Mary Rose. Carol Leighton. James Crispino. Michael Hagen. Gary Gambardella. Henry Retter. Charles Hanlon. Bob Kovel. Joe Demers. Mona Starczewski, I can't make out the spelling of the last name. Edward Jones. Andrew Starczewski. Douglas Shanowicz? George Dirl? Elizabeth Boland.

REP. ORANGE: Her husband was here.

: Why don't we ask all the people who want to speak sit in the front row and (inaudible)

: Okay, if you guys want to do that, go ahead.

REP. ORANGE: We just don't know now if you're out of order, but if you want to speak and you want to go in any order that you go in, when you get to the microphone make sure that you clearly tell us who you are so that we can check you off and then Al is recording over there, that he gets your name. So, who's first?

WYLEY PECKHAM: Well, let me volunteer. My name is Wyley Peckham. I'm from East Haddam. I'm a retired chemistry professor, a retired Army Reserve Colonel. My wife is also a chemistry professor currently employed, fortunately at City College. We obviously have a great deal in common but we also have some rather substantial differences that can be best described by pointing out that we were married in her church, but she registered as an independent. (SB1402)

Now, some years ago I ran for the 33rd State Senate and at that time, it was possible to obtain the

carry permit list and it was amazing. There were, I believe 12,000, over 12,000 people on it with East Haddam pretty high on the list. Colchester was amazing, that was way on the top and Clinton, I believe, was on the bottom.

Well, I had a group of perhaps 10 people who had volunteered to help me and we were in my living room and discussing how to use the list and that group of people constituted a couple of lawyers, a couple independent businessmen, a clergyman, no less, a judge, an officer in an insurance company, certainly not the backbone of the community but quite a few of the vertebrae in that backbone.

And I asked the question, well, my wife raised a question, what great good is it? I mean, all these crazy people out there. And I raised a question, how many here have carry permits. Eight out of ten of those people, outstanding people in that community had carry permits.

My wife was appalled. Absolutely appalled. People that she'd socialized with who had been in our home, in whose home she'd been in were gun nuts. She couldn't understand this. We talked a great deal about this and my conclusion was that there's a great deal of emotion in this situation.

Now I'm afraid of snakes. My wife is afraid of guns. No amount of logic will convince me to like snakes. No amount of logic will convince her to like guns. So obviously, how do we get along? I mean, what is there in our marriage that keeps us together.

It's tolerance. We tolerate each other's point of view. We disagree, but we tolerate each other's point of view. And the issue here as I see it, is a lack of tolerance on the part of people and from my perspective, which is, I'm a member of the NRA, my wife is a member of Hand Gun Control. Now, okay, we (inaudible) this, we have a good solid marriage, but we respect each other's point of view.

And as I see it, what's happening here with gun

legislation being presented, is a clash of points of view and it's motivated me, and I'm really not an aggressive kind of guy but it's motivated me to get out and come here today and please, folks, try and keep mind that you're creating for the submission of this legislation, not the passage, but just the submission is creating a conflict, a great conflict and believe me, I do understand the devastation caused by illegal handguns, by illegal guns in society.

I lived with it a long time. Well, that's another story. I do understand. But, the constant attack on, I'm a good guy. I vote. The constant attack on me as a good guy and I do have a carry permit. I do have weapons. On my ability to protect myself and defend myself is something to which I have to respond.

So please, be as careful as you can and change the laws as little as possible because it's submissive, it's tearing us apart and it's setting that backbone and vertebrae, in my community at least, against a lot of other people who are also real good people in that community. Please. Thank you.

REP. ORANGE: Very well said, Mr. Peckham.

WYLEY PECKHAM: Thank you.

REP. ORANGE: Comments? Thank you. Next? You'll have to tell me who you are.

JEFF ROGALA: My name is Jeff Rogala. I live in Vernon, Connecticut. In reference to this gun bill, it's a load of garbage, basically. It's a complete waste of paper to even had it printed and it's amazing that the two supporters, I believe, of this bill, although I was not here this early, I was at work, but I believe the two supporters of this bill, I think they're only using this as a stepping stone to the Governor's office because I think it's getting them some votes. SB 1405

I think that the correct course of action is to throw this bill away and to go back and readdress the bill that was passed in, I believe, 93, because

of their neighbors and families. History is replete with examples of governments, police and military units murdering or enslaving their own citizens.

I have every reason to believe that whatever guarantees are made by this body or written into the law, registration information will eventually be used to attempt the confiscation of my firearms and those of my fellow citizens.

Today, you have an opportunity to demonstrate to the citizens of Connecticut that you understand and are your obligations under the Constitution of the State of Connecticut. I ask you to replace the text of S.B. 1405 with substitute language that repeals all of Section 53-202 and removes all restrictions, fees and penalties from citizens who wish to acquire, train with, and bear semi-automatic rifles and high capacity magazines.

I urge you to insert language requiring the destruction of the existing registration data base and I ask you to oppose S.B. 1379 AN ACT CREATING A FIREARMS EVIDENCE DATA BANK for the same confiscation concerns. Thank you.

REP. ORANGE: Thank you, Tim. Comments? Representative Ferrari.

REP. FERRARI: You did a fine job, Tim. Thank you very much.

TIM MARUGG: Thank you. Good evening, Sir.

NORMAN GESSAY: My name is Norman Gessay. I'm a resident of Vernon, Connecticut, a lifelong resident of Connecticut. I'm an engineer. I have a college degree. I spent 20 years in the Connecticut Army National Guard. I am a Connecticut pistol permit holder and I'm here to say that I speak out on, in opposition to S.B. 1379 the firearms data bank because it can be easily circumvented by criminals and it simply is a plan, a back door gun registration for legitimate gun owners creating a hardship and being a prelude to confiscation. SB 1402 SB 1378 SB 1405

I do support S.B. 1402 the bill to standardize the handgun permitting process throughout the state. I think it would make a uniform process and it would make sense to do that.

I also oppose S.B. 1378 which would be making available a list of firearm permit holders. I think that's an invasion of privacy and see really no good could come from that.

And finally, the assault weapons bill I do oppose SB 1405 that also because I don't see the weapons that they're claiming to be criminally used really being used that often. It's more of a less expensive weapon and a less sophisticated weapon and I don't see it as having a significant impact on any of the crime in Connecticut. Thank you very much.

REP. ORANGE: Thank you, Norman. Are there comments or questions? Senator.

SEN. GUGLIELMO: Thanks for coming up, Norman. We've exchanged a lot of mail.

NORMAN GESSAY: Yes, we have. Thank you.

REP. ORANGE: Norman seems to be the last speaker. Is there anyone else in the room that would like to come forward at this time to speak?

Seeing no one coming forward, I now conclude the public hearing for Public Safety today. Thank you.

(Whereupon, the hearing was adjourned.)

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

Arthur L. Spada
Commissioner

Senator Alvin Penn
Representative Stephen Dargan
Co-Chairmen
Public Safety Committee
Legislative Office Building
Hartford, Ct. 06106

March 20, 2001

RE: RB 1402 AA PROVIDING FOR A SINGLE STATE PERMIT TO CARRY PISTOLS OR REVOLVERS

THE DEPARTMENT OF PUBLIC SAFETY SUPPORTS THIS BILL.

SINGLE PERMIT SYSTEM

The National Instant Check System and other recent firearms laws are based upon a one permit system. Under Connecticut's existing system, the Department of Public Safety is not able to accurately report who has permits to carry handguns in the State of Connecticut, as the agency has no information on persons who obtain a local permit to carry and do not come to this agency for a permit to carry state wide This bill would centralize all the firearms permits in the state creating one single database where we could confirm the validity of permits. While the existing local permit will be eliminated, the Chiefs of Police remain a vital part of the permitting system and maintain the authority to deny an applicant if they are determined to be ineligible to possess a permit. With this bill we can properly perform instant checks in accordance with state and federal regulations while providing the best possible service to the citizens of this state.

1111 Country Club Road
P.O. Box 2794
Middletown, CT 06457-9294
An Equal Opportunity Employer

ADDITIONAL CHANGES

Additional changes are required to simplify the legislation for public use. It will spell out the age requirement of 21yrs. To obtain a pistol permit, eliminate certain paperwork that serves no purpose and is completely redundant, and it will change a typographical error currently in statute.

Sincerely,

Arthur L. Spada
COMMISSIONER

CONNECTICUT POLICE CHIEFS ASSOCIATION
342 North Main Street, West Hartford, Connecticut 06117-2507
(860) 586-7506 Fax: (860) 586-7550 Web site: www.cpcanet.org

Testimony to the Committee on Public Safety

Submitted by

Chief Anthony J. Salvatore and Chief James Strillacci
Legislative Co-Chairpersons
Connecticut Police Chiefs Association

March 20, 2001

Raised Bill #1402
An Act Concerning A Single State Handgun Permit

Members of the committee, the General Assembly has in past sessions considered bills proposinbg a single-permit system. Advocates have cited increased convenience for applicants and increased efficiency for law enforcement. The Connecticut Police Chiefs approve of this year's version-- Bill #1402--as it is currently worded.

We believe that the best safeguard against issuance of a pistol permit to an unsuitable person is the local authority's ability to review the applicant's record and to deny an application. Bill #1402 leaves that ability intact by establishing a locally issued temporary state permit.

This bill allows out-of-state residents the option to apply with the local authority or with the commissioner of public safety; we approve of this change.

This bill requires the applicant to pay the cost of the FBI national criminal history check. This is an improvement, because that cost is now unfairly borne by the taxpayer.

The bill also delays issuance of the permit until the results of the national criminal history check are received; this may prevent issuance of permits to people arrested under aliases.

The Connecticut Police Chiefs believe that Bill #1402 in its present form balances consideration for permit applicants with care for public safety. We ask your support.

COALITION OF CONNECTICUT SPORTSMEN

P.O. Box 2506, Hartford, CT 06146, (203) 245-8076
www.ctsportmen.com

Testimony presented to the Judiciary Committee (3/20/01)

IN SUPPORT of Raised Bill No. 1402 AN ACT CONCERNING A SINGLE STATE HANDGUN PERMIT

by Robert T. Crook, Director

The purpose of this bill is to insure that the CT State Police can verify the validity of ALL Firearm Permits by requiring ALL to be issued by the State. We strongly Support that concept and the procedures in this bill.

We do however have some provisions we would have you evaluate:

1. At the end of Line 132, Add "NO OTHER FORM OR SUPPLEMENTAL FORM SHALL BE USED OTHER THAN THAT PRESCRIBED BY THE COMMISSIONER."
Supplemental forms have been used for refusal to process applications, violating privacy, as intimidation, and to charge fees for the State Application (See Attachments). We consider this an absolutely essential amendment to this bill to preclude such future activities.

2. In Line 152 after the word "denied", ADD "AND REASON FOR DENIAL" The applicant should know the reason for denial to prepare any appeal.

3. "Shall v. May": Firearms statutes are very specific as to issue, revocation, and carry. We submit most "mays" should be "shalls" for consistency. If the criteria to achieve a procedure on the part of an applicant is always "shall" then the response from the issuing authority, mandated that criteria to approve, should also be "shall", not "may". We find this inconsistency in Lines 10, 30, 71, 121, & 205. The word "may" found in lines 184, 322, and 328 are appropriate since they all require further investigation by the issuing authority or the Commissioner.

Thank you for your consideration.

DEPARTMENT OF POLICE SERVICE

One Union Ave, New Haven, CT 06519

Nicholas Pastore
Chief of Police

AUTHORIZATION FOR THE RELEASE OF PERSONAL INFORMATION

I, _____, DO HEREBY AUTHORIZE A REVIEW OF FULL DISCLOSURE OF ALL RECORDS, CONCERNING MYSELF, TO ANY AGENT OF THE NEW HAVEN DEPARTMENT OF POLICE SERVICE, WHETHER THESE RECORDS ARE OF A PUBLIC, PRIVATE OR CONFIDENTIAL NATURE, INCLUDING:

1. EDUCATIONAL INSTITUTIONS;
2. COMMERCIAL OR RETAIL CREDIT AGENCIES (INCLUDING CREDIT REPORTS AND RATINGS);
3. MEDICAL OR PSYCHIATRIC TREATMENT AND/OR CONSULTATION, INCLUDING HOSPITALS, CLINICS, PRIVATE PRACTICIONERS AND THE U.S. VETERANS ADMINISTRATION;
4. EMPLOYMENT AND PRE-EMPLOYMENT RECORDS, INCLUDING BACKGROUND REPORTS, EFFICIENCY RATINGS, COMPLAINTS, DISCIPLINARY MATTERS AND/OR GRIEVANCES FILED BY OR AGAINST ME, AND SALARY RECORDS;
5. RECORDS OF COMPLAINTS, ARREST, TRIAL AND/OR CONVICTION FOR ALLEGED OR ACTUAL VIOLATIONS OF THE LAW, INCLUDING CRIMINAL AND/OR TRAFFIC RECORDS; PROBATION RECORDS; COMPLAINTS OF A CIVIL NATURE MADE BY OR AGAINST ME, AND THE RECORDS AND RECOLLECTION OF ANY ATTORNEY REPRESENTING ME OR ANY PERSON IN A CASE IN WHICH I PRESENTLY HAVE OR HAVE HAD AN INTEREST.

IT IS THE INTENT OF THIS AUTHORIZATION TO PROVIDE FULL AND FREE ACCESS TO THE BACKGROUND AND HISTORY OF MY PERSONAL LIFE, FOR THE SPECIAL PURPOSE OF PURSUING A BACKGROUND INVESTIGATION WHICH MAY PROVIDE DATA FOR THE NEW HAVEN DEPARTMENT OF POLICE SERVICE, IN DETERMINING MY SUITABILITY FOR A PISTOL PERMIT. IT IS MY SPECIFIC INTENT TO PROVIDE ACCESS TO PERSONAL INFORMATION, HOWEVER PERSONAL OR CONFIDENTIAL IT MAY APPEAR TO BE, AND THE SOURCES OF INFORMATION SPECIFICALLY ENUMERATED ABOVE ARE NOT INTENDED TO DENY ACCESS TO ANY RECORDS NOT SPECIFICALLY MENTIONED HEREIN.

I UNDERSTAND THAT WHAT THE NEW HAVEN DEPARTMENT OF POLICE SERVICE LEARNS FROM THESE RECORDS WILL BE CONSIDERED IN DETERMINING MY SUITABILITY FOR A PISTOL PERMIT. I HAVE HAD THIS EXPLAINED TO ME AND I FULLY UNDERSTAND THAT THE REFUSAL TO GRANT THIS AUTHORIZATION WILL MAKE IT IMPOSSIBLE FOR THE NEW HAVEN POLICE DEPARTMENT TO CONSIDER MY APPLICATION.

A PHOTOCOPY OF THIS RELEASE WILL BE VALID AS AN ORIGINAL, EVEN THOUGH THE PHOTOCOPY DOES NOT CONTAIN AN ORIGINAL SIGNATURE.

DATE _____ SIGNATURE _____

ADDRESS _____ S.S.# _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 19_____

_____
NOTARY PUBLIC, JUSTICE OF THE PEACE

000717

Domenique S. Thornton
Mayor

J. Edward Brymer
Chief of Police

P.O. BOX 32
66 CHURCH STREET
MIDDLETOWN, CT 06457
Tel. (860) 344-3201
Fax (860) 343-5138

Middletown
Police Department

RECORD RELEASE

(PLEASE PRINT OR TYPE)

I, _____, do hereby give permission to the Commissioner of Mental Heal... for the State of Connecticut or like authority of any other State or any person so designated by the Commission... of Mental Health or like authority, or Federal Veterans Administration Hospitals, to make available any and ... records of my being treated or hospitalized for any mental illness, including drug or alcohol treatment, to ... appropriate authority of the Middletown Police Department, Middletown Connecticut, where I have filed ... application for a permit to carry a pistol, revolver, or dangerous weapon.

APPLICANT INFORMATION:

DATE OF BIRTH_____ SOCIAL SECURITY _____

I,_____being duly sworn, depose and say that I am the above person, that I volunta... give my permission to the appropriate authority to make available any and all records of my being tre... or hospitalized for any mental illness.

SUBSCRIBED AND SWORN TO, BEFORE ME, THIS _____ DAY OF_____, 19____.

NICHOLSON'S GUNSMITHING
33 HULL STREET
SHELTON , CT 06484
(203) 924-5635

DATE 10/25/95

TO: Bob Crook

SUBJECT: Bridgeport P.D. $10 Deposit for Pistol permit.

PAGE 1 of 3

[✓] PLEASE REPLY

[ ] NO REPLY NEEDED

Bob:

Here is the Receipt for the $10.00 deposit that is "required" to pick-up the application. I also remember him saying to be sure not to loose the application as they would not give another one to me. He also made a big deal of putting the receipt #, Date, & initials at the top. He said that was his way of "checking" on the applications when they came back to make sure the receipt "matched" the application.

Keep in touch if you would Bob.

Tom Nicholson

HAMDEN POLICE DEPT.
HAMDEN, CONN.

Equal Rights under the law

Chief of Police John P. Ambrosio

Authorization for Release of Information.

I, _____ of _____

D.O.B. _____ do hereby give permission to release any information on file to the Department of Police Services, Town of Hamden, Connecticut, pertaining to my records.

Signed: _____

Date: _____

This _____ day of _____ 19_____.

_____

Notary Public

I am testifying to oppose SB 1405. This bill is the perfect example of a "feel good" law. This is when legislators pass a law that makes them feel good about doing something, but the law itself is useless and does nothing for the public good. There are far many more things the legislature could do to decrease gun violence, such as the Federal program Project Exile (which harshly penalizes anyone whom, uses a firearm for unlawful purposes). *According to the FBI, so called "Assault Weapons" account for less than 1% firearm related crime. Most of these guns are too expensive for your average criminal. Many of these firearms cost over $900. Also, criminals want easily concealable weapons. The firearms that this bill addresses are anything but concealable. It seems ludicrous to ban firearms that are hardly ever used in crime.* All this law does is attempt to ban firearms based upon looks and nothing else. The only thing wrong with these firearms is that they look mean. Banning a gun on looks is the same as not hiring a person based on their skin color. Many of the guns this bill would ban are used for such legitimate purposes as hunting, competitive target shooting and plinking. If you attend any competitive shooting contest, you will see that most of the firearms used are the ones this law proposes to ban. In fact, one of my favorite deer rifles is semi-automatic. If I happened to add a pistol grip to it to help my shooting accuracy, this bill would make it illegal. Does that make any sense at all, I think not. The gun still functions exactly the same regardless of how it looks. All this bill seeks to do is ban guns based on looks and nothing else. **These so-called "Assault Weapons" are the choice of law-abiding sportsmen and women, not criminals.**

I also oppose SB 1379. This bill in effect registers all new handguns. This will do nothing to prevent or solve crimes. Canada has registered handguns for decades, yet no crime has ever been solved using these records, and these records never prevented a crime from occurring.

I would like to voice my support for SB 1402 and SB 1378.

Daniel Rabon
Bristol, CT

JOINT
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HEARINGS

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PART 8
2463-2813

2001

And the laws are rather strict. I know I gave this book to our chairperson while he was standing here because there was a question about who could and who could not get a pistol permit in the State. And this is where I say we have standards. You can't have a pistol permit and you can't successfully appeal to us if you have a felony conviction or a misdemeanor conviction for illegal possession of drugs or be found guilty of criminally negligent homicide or assault in the third degree. Assault on a victim sixty years or older or threatening or reckless endangerment or unlawful restraint. And the list goes on and on.

All of these things we don't even get involved in because state statute says no, they may not have a permit. So I don't see that there is a problem where we have cases of people who have criminal records. Where we do have the problems is where the local chiefs or the authorities make a decision and an appellant, someone who feels that's been aggrieved, just wants his day in court to be heard.

REP. FARR: And are you familiar with the bill on the one permit proposal that that State Police have made in the past and I assume it's the same forum this year? Are you familiar with that, that there would be one state permit issued? SB 1402

M. PETER KUCK: I would probably be back here tomorrow before Public Safety to testify on that one, as well. That is a good idea whose time has come. And the only question that I have about that bill is that I would like to be assured that the way that it's phrased does not mean that if a locality says no, we don't want this person to have a permit, that the person whose applying still maintains his right of appeal.

And I think that's the key here, is that we act as a civilian review board to protect people from abuse.

REP. FARR: But under that proposal, there would be - you would apply for the state permit. The local municipality would have a right - would have to send in a review and say yes, you should have it or

not. And there would be no local permits anymore.

M. PETER KUCK: There would be no local permit, but hopefully the individual who is denied a permit on the base of the local chief's letter would have the ability to appeal. And that's my concern on that one, is that he not lose the right to appeal.

REP. FARR: And if that were to happen, if that bill passes, would it reduce your workload or effect your workload at all?

M. PETER KUCK: It that occurs, the types of cases which would come before us would be a lot more professionally handled. The gentleman from the State Police who acts as prosecutor in these cases, he and I don't always see eye to eye, but he is a true professional and he does prepare cases in a professional manner for a review.

The State Police do a very, very good job in that.

REP. FARR: And the last question. Do you have any records to show when people get - you give them a permit despite the disapproval of local community. Do you have any records to show what happens afterwards? Have you had problems with people afterwards? SB 1404

M. PETER KUCK: I am not aware of a single instance where we have had problems after the fact. And part of that reason might be the fact that just the process of having your permit pulled for a shooter or a collector puts the fear of God in them. And I know that there are many times that I will say to somebody leaving, "I don't want to see you again." And people have a habit of taking that kind of thing seriously. It's not something to take lightly at all.

REP. FARR: Okay. Thank you very much.

M. PETER KUCK: You're welcome.

SEN. COLEMAN: Are there other questions? Seeing none, thank you for your testimony.

JOINT
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HEARINGS

JUDICIARY
PART 9
2814-3185

2001

REP. GREEN: Any dogs, cats?

REP. GREEN: (INAUDIBLE-MICROPHONE NOT ON) dog is supposed to be under control (INAUDIBLE-MICROPHONE NOT ON) on the property or just roaming and there are lease laws in many communities. A dog found to be (INAUDIBLE-MICROPHONE NOT ON) livestock, an old statute, still would (INAUDIBLE-MICROPHONE NOT ON) can be shot in the act of harming or worrying livestock or an animal, but yes, there are no civil -- there are -- rather than take matters into their own hands, there is response. The animal control officer should be contacted if there is not immediate threat. That's the appropriate response.

SEN. COLEMAN: Any further questions? Thank you for your testimony.

JULIE LEWIN: Thank you very much.

SEN. COLEMAN: Richard Johnston. Erich Schmeer.

ERICH SCHMEER: Senator Coleman, Representative Lawlor, and the other members of the Judiciary Committee, my name is Erich Schmeer. I live in Wolcott and I would like to speak in opposition of raised S.B. 1401 and S.B. 1404. SB 1402

Just briefly, there's nothing anyone can dream up concerning violent criminal and guns that is not already illegal. We are not talking about gun control. We are talking about the tough use of the penalty provisions in existing laws.

I sat earlier and listened to Attorney General Blumenthal say there was no standards and then the gentleman, Mr. Dukes say quite the opposite. This is regards to S.B. 1404. We also heard other gentlemen that are on the board explaining and answered your questions. We won't go over that. Basically I hope you guys are getting paid overtime.

Basically, Attorney General Blumenthal was also followed by somebody from the Justice Department who was in favor of S.B. 1401, but couldn't say why. Having not going through a divorce, but

extra legal or however you want to characterize some of the requirements. I know in the town I live in, you are also required to give your fingerprints and have a FBI check and you have 169 towns in Connecticut and everybody's making their own rules.

This might be --

REP. LAWLOR: Just so you know, that's actually in the law. Everybody has to go through that.

ERICH SCHMEER: Right. I mean, but I think it was Bob Crook said many towns and many officials are kind of winging it, so to speak. This might be an incentive to pass another bill, S.B. 1402 which is statewide registration for concealed carried for handguns and just have the local officials do their investigations and make their recommendations, you know, up or down, but basically be issued a statewide and I think it's my time and I want to go home too.

REP. LAWLOR: Okay. Thanks.

ERICH SCHMEER: Thank you. All the folks that are in here, thank you.

SEN. COLEMAN: There are some names on this list. Naomi Federman. Gregory Eads. Raphael Podolsky. Derek Oatis. Jim Rousmaniere. Theresa Hixson.

That exhausts our list of individuals who signed up to speak at this public hearing. And unless there is anyone whose present who wants to address the committee, I would hereby close this public hearing.

(Whereupon, the public hearing was adjourned.)