

§ 29-33. Sale, delivery or transfer of pistols and revolvers. Procedure. Penalty

(a) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver to any person who is prohibited from possessing a pistol or revolver as provided in section 53a-217c.

(b) On and after October 1, 1995, no person may purchase or receive any pistol or revolver unless such person holds a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, a valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 or a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f or is a federal marshal, parole officer or peace officer.

(c) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver except upon written application on a form prescribed and furnished by the Commissioner of Public Safety. Such person, firm or corporation shall insure that all questions on the application are answered properly prior to releasing the pistol or revolver and shall retain the application, which shall be attached to the federal sale or transfer document, for at least twenty years or until such vendor goes out of business. Such application shall be available for inspection during normal business hours by law enforcement officials. No sale, delivery or other transfer of any pistol or revolver shall be made unless the person making the purchase or to whom the same is delivered or transferred is personally known to the person selling such pistol or revolver or making delivery or transfer thereof or provides evidence of his identity in the form of a motor vehicle operator's license, identity card issued pursuant to section 1-1h or valid passport. No sale, delivery or other transfer of any pistol or revolver shall be made until the person, firm or corporation making such transfer obtains an authorization number from the Commissioner of Public Safety. Said commissioner shall perform the national instant criminal background check and make a reasonable effort to determine whether there is any reason that would prohibit such applicant

from possessing a pistol or revolver as provided in section 53a-217c. If the commissioner determines the existence of such a reason, the commissioner shall deny the sale and no pistol or revolver shall be sold, delivered or otherwise transferred by such person, firm or corporation to such applicant.

(d) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver, other than at wholesale, unless such pistol or revolver is equipped with a reusable trigger lock, gun lock or gun locking device appropriate for such pistol or revolver, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or by electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal. No pistol or revolver shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell when such pistol or revolver is sold, delivered or otherwise transferred.

(e) Upon the sale, delivery or other transfer of any pistol or revolver, the person making the purchase or to whom the same is delivered or transferred shall sign a receipt for such pistol or revolver which shall contain the name and address of such person, the date of sale, the caliber, make, model and manufacturer's number and a general description of such pistol or revolver, the identification number of such person's permit to carry pistols or revolvers, issued pursuant to subsection (b) of section 29-28, permit to sell at retail pistols or revolvers, issued pursuant to subsection (a) of said section, or eligibility certificate for a pistol or revolver, issued pursuant to section 29-36f, if any, and the authorization number designated for the transfer by the Department of Public Safety. The person, firm or corporation selling such pistol or revolver or making delivery or transfer thereof shall give one copy of the receipt to the person making the purchase of such pistol or revolver or to whom the same is delivered or transferred, shall retain one copy of the receipt for at least five years, and shall send, by first class mail, or electronically

transmit, within forty-eight hours of such sale, delivery or other transfer, one copy of the receipt to the Commissioner of Public Safety and one copy of the receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, of the town in which the transferee resides.

(f) **The provisions of this section shall not apply to antique pistols or revolvers.** An antique pistol or revolver, for the purposes of this section, means any pistol or revolver which was manufactured in or **before 1898** and any replica of such pistol or revolver provided such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition except rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and not readily available in the ordinary channel of commercial trade.

(g) The provisions of this section shall not apply to the sale, delivery or transfer of pistols or revolvers between (1) a federally-licensed firearm manufacturer and a federally-licensed firearm dealer, (2) a federally-licensed firearm importer and a federally-licensed firearm dealer, or (3) federally-licensed firearm dealers.

(h) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his right to a speedy trial. Such person shall appear in court and shall be released to the custody of the Court Support Services Division for such period, not exceeding

two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed his period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

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

Source:

(1949 Rev., S. 4164; February, 1965, P.A. 36; P.A. 75-42; P.A. 77-614, S. 486, 610; P.A. 82-113; July Sp. Sess. P.A. 94-1, S. 1; P.A. 98-129, S. 1; P.A. 99-212, S. 15; P.A. 00-99, S. 136, 154; P.A. 02-132, S. 12.)

History:

1965 act made provisions applicable to firms and corporations as well as to persons, required that applications be in triplicate, specifying persons who are to receive copies, required that no sales or deliveries be made until one week after copies mailed, replacing requirement that none be made on date of filing, added provision prohibiting sales and deliveries if applicant has been convicted of a felony, required that purchaser sign receipts in quadruplicate rather than triplicate with two rather than one to go to state police commissioner and added provisions setting forth exceptions to provisions for holders of state permits and various law enforcement officers and for antique weapons; P.A. 75-42 increased period after application during which sales and deliveries are prohibited from one week to two weeks; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 82-113 amended the definition of "antique pistol or revolver"; July Sp. Sess. P.A. 94-1 substantially revised section including making provisions applicable to all sales, deliveries and transfers, not just those "at retail", dividing Sec. into Subsecs., amending Subsec. (a) to prohibit the sale, delivery or transfer to any person prohibited from possessing a pistol or revolver as provided in Sec. 53a-217c, rather than only to any alien, amending Subsec. (b) to require the transferor to retain the original application for at least five years, rather than at least six years, prohibit the sale, delivery or transfer unless the transferee is personally known to the transferor or provides evidence of his identity, require the municipal authority or commissioner to make a reasonable effort to determine if there is any reason that would prohibit the applicant from possessing a pistol or revolver and prohibit the sale, delivery or transfer of a pistol or revolver if any such reason exists, rather than only if the applicant has been convicted of a felony, amending Subsec. (d) to require the receipt to contain the identification number of the person's permit to carry, permit to sell or eligibility certificate, if any, and the authorization number for the transfer, require the transferor to retain a copy of the receipt for at least five years, rather than at least six years, require the transferor to send a copy of the receipt to the chief of police,

warden or first selectman of the town where the transfer took place, rather than to the authority issuing the permit for the sale of such pistol or revolver, require the transferor to send copies within forty-eight hours, rather than within twenty-four hours, of such sale, delivery or transfer, amending Subsec. (e) to make the waiting period not apply with respect to the holder of a valid permit to sell or eligibility certificate and require the transferor to verify the validity of the permit or certificate, adding Subsec. (g) to make section inapplicable to certain transfers between federally licensed manufacturers, importers or dealers, adding Subsec. (h) to authorize a court to suspend prosecution in certain cases, and adding Subsec. (i) to place penalty provision, formerly in Sec. 29-37(a), in section and increase penalty to a class D felony or, if the pistol or revolver is stolen or has an altered identification number, a class B felony; P.A. 98-129 amended Subsec. (c) to delete provision requiring that when a pistol or revolver is sold, delivered or transferred it be enclosed in a package with the paper or wrapping securely fastened and to add provision prohibiting the sale, delivery or other transfer of a pistol or revolver, other than at wholesale, unless such pistol or revolver is equipped with a reusable trigger lock, gun lock or gun locking device and specifying criteria for the materials and locking mechanism of such lock or device; P.A. 99-212 added new Subsec. (b) re prohibition on purchase or receipt of pistol or revolver without having a valid permit or eligibility certificate or being a federal marshal, sheriff, parole officer or peace officer, formerly Subsec. (a) of Sec. 29-36j, redesignating former Subsecs. (b), (c) and (d) as Subsecs. (c), (d) and (e), respectively, amended Subsec. (c) to replace provision requiring seller or transferor to send one copy of the application to the police chief, first selectman or warden in municipality where applicant resides and one copy to the Commissioner of Public Safety and retain the application for at least five years with provision requiring seller or transferor to attach the application to the federal sale or transfer document and retain it for at least twenty years or until the vendor goes out of business, to add provision requiring seller or transferor to insure

all questions on the application are answered properly and to make application available for inspection during normal business hours by law enforcement officials, to replace prohibition on transfer of pistol or revolver until the expiration of two weeks from the mailing of the copies of the application with prohibition on transfer until the transferor obtains an authorization number, to delete the role of "the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be," in determining whether there is a reason that would prohibit the applicant possessing a pistol or revolver and in notifying the seller or transferor of any such reason, to require the commissioner to perform the national instant criminal background check and to require the commissioner to deny the sale rather than forthwith notify the person, firm or corporation to whom such application was made if a reason exists that would prohibit the applicant possessing the pistol or revolver, amended Subsec. (e) to delete the requirement that the receipt contain the occupation of the transferee, to authorize the transferor to electronically transmit a copy of the receipt to the commissioner and the police chief, warden or first selectman and to require one copy of the receipt be sent to the police chief, warden or first selectman of the town "in which the transferee resides" rather than the town "in which the sale, delivery or other transfer took place" and deleted former Subsec. (e) re persons to whom the waiting period did not apply; P.A. 00-99 deleted reference to sheriff in Subsec. (b), effective December 1, 2000; P.A. 02-132 amended Subsec. (h) by replacing "Office of Adult Probation" with "Court Support Services Division".