



# RECOMMENDATIONS OF SPECIAL TASK FORCE ON REDUCING GUN VIOLENCE



# **Executive Summary**

## **Reducing Gun Violence by Repeat Offenders**

### ***Introduction***

In October of 2022, the Board of Directors of the Connecticut Conference of Municipalities established a special task force on reducing gun violence. The task force convened with a narrow mission: to develop proposals for increasing accountability for repeat offenders involved in gun violence. The task force included mayors, police chiefs, and prosecutors, among others, and worked in consultation with a range of stakeholders.

The task force recognizes that increasing accountability for repeat offenders involved in gun violence is only one part of a broader strategy to reduce gun violence — but a necessary part. We cannot be serious about reducing gun violence if we are not serious about imposing meaningful consequences when a repeat offender commits a firearm offense.

Removing a repeat offender involved in gun violence from the community for an appropriate period of time can help to break cycles of retaliation or interrupt personal disputes that often give rise to the gun violence in our communities.

### ***The Problem***

A significant share of the gun violence that occurs in Connecticut cities is committed by individuals with a significant history of prior offenses — including individuals who are out on bail, or are on parole or probation.

For example, of the forty-four individuals arrested in Hartford in 2022 for fatal and non-fatal shootings, 39% were on pre-trial release, 14% were on probation, and 5% were on parole. Similarly, in Waterbury, of the thirty-one individuals arrested for fatal or non-fatal shootings in 2022, 30% were on pre-trial release and 40% were on probation.

It is important to note that a significant percentage of victims of gun violence are also on pre-trial release, probation, or parole. For example, among the victims of gun violence in Hartford in 2022, more than 25% were either on pretrial release or on probation. In Waterbury, more than 30% of the victims of gun violence in 2022 were either on pretrial release, probation, or parole. Among both victims of gun violence and suspects in gun violence cases between 2019 and 2021 in Hartford, 70% had prior felony records.

### ***Summary of Proposals***

The task force has developed ten specific proposals, which can be summarized by the following broader recommendations:

- \* Establish a definition of “serious firearm offense” that results in increased accountability when committed by someone with a serious criminal history
- \* Require individuals with a history of certain past offenses to post a higher percentage of their bond when arrested for a new serious firearm offense

- \* Increase accountability for individuals who commit serious firearm offenses while on pre-trial release (“out on bail”) for certain prior offenses
- \* Increase accountability for individuals who commit serious firearm offenses while on probation or parole for certain prior offenses
- \* Strengthen consequences for the crime of criminal possession of a firearm (“felon in possession”)
- \* Streamline the adjudication process for serious firearm offenses

***Only One Part of a Comprehensive Strategy***

It is important to emphasize that these proposals represent only one element of a comprehensive strategy to reduce gun violence. To be effective, these proposals must be coupled with sustained investment in community violence intervention initiatives; individualized mental and behavioral health treatment and trauma recovery support for individuals involved in violence, including a dramatic expansion of such services inside Department of Corrections [DOC] facilities; an expansion of job training within DOC facilities; increased support for successful re-entry following incarceration; and expanded support for Youth Service Bureaus, Juvenile Review Boards, and youth employment and recreation.

## List of Proposals

### **Increasing Accountability for Serious Firearm Offenses by Repeat Offenders**

#### **Establish a new definition of “Serious Firearm Offense”:**

1. If an individual is arrested for a (a) ghost gun, (b) an illegal high capacity magazine, (c) a stolen gun, (d) an altered weapon that exceeds what is allowed by current law, (e) being a felon in possession of a firearm, or (f) shoots or brandishes a weapon while threatening to shoot another individual, the offense will be defined as a *serious firearm offense*.

#### **Serious Firearm Offense Committed by Repeat Offender:**

2. *If an individual has past convictions for a serious offense listed in Appendix A and is arrested for a new serious firearm offense*, prosecutors shall petition the court to require the individual to post 30% of the bond amount issued by the court directly with the court. There shall be a rebuttable presumption that the individual poses a threat to public safety and that the petition shall be granted.

#### **Serious Firearm Offense Committed While Out on Bail:**

3. *If an individual is on pretrial release for a serious offense listed in Appendix B and is arrested for a new serious firearm offense*, prosecutors shall petition the court to revoke the individual’s release and detain the individual pre-trial. There shall be a rebuttable presumption that the individual poses a threat to public safety and that the petition shall be granted. The standard of proof for any hearing under this section shall be a preponderance of the evidence.
4. *If an individual is on pretrial release for a serious offense listed in Appendix B and is arrested for a new serious firearm offense and subsequently convicted of both offenses*, any bond posted pursuant to the prior arrest shall be forfeited.

#### **Serious Firearm Offense Committed While on Parole**

5. *If an individual is on parole for a serious offense listed in Appendix B*, or has more than three prior felony convictions, and is arrested for a new serious firearm offense, the individual shall be remanded.

#### **Serious Firearm Offense Committed While on Probation:**

6. *If an individual is on probation for a serious offense listed in Appendix B* or has more than three prior felony convictions, and is arrested for a new serious firearm offense, the probation officer shall seek a warrant for violation of probation, the individual shall be detained pending a violation of probation hearing, and the court shall hold a violation of probation hearing within 30 days. If the judge chooses not impose the balance of the suspended sentence following the evidentiary hearing, the judge must articulate findings why such individual does not pose a threat to public safety.

**Serious Firearm Offense Committed by Individual Who Poses Extraordinary Risk:**

7. ***If an individual is arrested for any serious firearm offense***, prosecutors may petition the court to deem such an individual a risk to public safety, triggering a requirement that the individual post 30% of the bond amount issued by the court directly with the court. Prosecutors may include in such a petition any and all information developed by federal, state, or local law enforcement in the course of criminal investigations and enforcement actions, including but not limited to, social media posts indicating involvement of firearms or violent activity.

**Increased Accountability for Repeat Offenders Convicted of Criminal Possession of a Firearm/ “Felon in Possession”**

8. For any person convicted of ***criminal possession of a firearm (felon in possession of a firearm)*** the existing two-year mandatory sentence shall be increased by one day, and the crime of Criminal Possession of a Firearm shall be added to the list of 85% crimes.

**Individual on Probation or Parole Who Poses a Threat to Public Safety:**

9. Law enforcement agencies or prosecutors may file an ***emergency petition*** to the supervisory staff at the state parole and probation offices (a copy of which must be sent to the State’s Attorney) citing particular risk factors justifying the violation of parole or probation of an individual who poses a threat to public safety. Parole or probation offices shall, within 48 hours, either (a) remand the parolee or seek a warrant for the violation of probation or (b) provide rationale as to why they decline to do so. In making such a petition, local law enforcement agencies or prosecutors may cite any information developed by law enforcement including, but not limited to, social media posts, pictures or videos threatening violence, claiming responsibility for violence, or suggesting possession of a firearm.

**Streamlined Adjudication Process for Serious Firearm Offenses**

10. The Judicial Branch shall establish ***dedicated gun dockets*** in Waterbury, Fairfield and New Britain Judicial Districts, in addition to the existing dockets in Hartford and New Haven, to hear gun related cases a minimum of two days each week. This will ensure timely execution and adjudication of gun related crimes. In addition, prosecutors may file a motion for an ***expedited hearing of serious firearm offenses***, with priority given to cases involving offenders who pose an ongoing threat to public safety. Prosecutors may include in such a motion any and all information developed by federal, state, or local law enforcement, including social media posts indicating involvement of firearms or violent activity.

## **APPENDIX A:**

### **ILLEGAL POSSESSION OF A FIREARM:**

[Sec. 29-35. Carrying of pistol or revolver without permit prohibited. Exceptions.](#)

[Sec. 29-36. Alteration of firearm identification mark, serial number or name.](#)

[Sec. 29-36a. Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty.](#)

### **HIGH CAPACITY MAGAZINES / ASSAULT WEAPONS / GHOST GUNS**

[Sec. 53-202. Machine guns.](#)

[Sec. 53-202a. Assault weapons: Definitions.](#)

[Sec. 53-202b. Sale or transfer of assault weapon prohibited. Exemptions. Olympic pistols. Regulations. Class C felony.](#)

[Sec. 53-202c. Possession of assault weapon prohibited. Exemptions. Class D felony.](#)

[Sec. 53-202w. Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions.](#)

[Sec. 53-202aa. Firearms trafficking: Class C or B felony.](#)

[Sec. 53-206i. Manufacture of firearm from polymer plastic without detectable security exemplar. Prohibited. Penalty.](#)

### **STOLEN FIREARM:**

[Sec. 53a-212. Stealing a firearm: Class C felony.](#)

### **CRIMINAL USE / POSSESSION:**

[Sec. 53a-216. Criminal use of firearm or electronic defense weapon: Class D felony.](#)

[Sec. 53a-217. Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony.](#)

[Sec. 53a-217b. Possession of a weapon on school grounds: Class D felony.](#)

[Sec. 53a-217c. Criminal possession of a pistol or revolver: Class C felony.](#)

### **HOMICIDES:**

[Sec. 53a-54a. Murder.](#)

[Sec. 53a-54b. Murder with special circumstances.](#)

[Sec. 53a-54c. Felony murder.](#)

[Sec. 53a-54d. Arson murder.](#)

[Sec. 53a-55. Manslaughter in the first degree: Class B felony.](#)

[Sec. 53a-55a. Manslaughter in the first degree with a firearm: Class B felony: Five years not suspendable.](#)

[Sec. 53a-56. Manslaughter in the second degree: Class C felony.](#)

[Sec. 53a-56a. Manslaughter in the second degree with a firearm: Class C felony: One year not suspendable.](#)

#### **ASSAULT:**

[Sec. 53a-59. Assault in the first degree: Class B felony: Nonsuspendable sentences.](#)

[Sec. 53a-60. Assault in the second degree: Class D or C felony.](#) (C felony where results in serious physical injury)

[Sec. 53a-60a. Assault in the second degree with a firearm: Class D or C felony: One year not suspendable.](#) (C felony where results in serious physical injury)

#### **ROBBERY:**

[Sec. 53a-134. Robbery in the first degree: Class B felony.](#)

#### **NARCOTICS DEALING:**

*Two offenses within the last five years or one within the last two years:*

[Sec. 21a-277. \(Formerly Sec. 19-480\). Penalty for illegal manufacture, distribution, sale, prescription, dispensing.](#)

[Sec. 21a-278. \(Formerly Sec. 19-480a\). Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person.](#)

#### **LARCENY:**

*Two offenses within the last five years or one within the last two years:*

[Sec. 53a-134. Larceny in the first degree.](#)

[Sec. 53a-123. Larceny in the second degree.](#)

## **APPENDIX B:**

### **ILLEGAL POSSESSION OF A FIREARM:**

[Sec. 29-35. Carrying of pistol or revolver without permit prohibited. Exceptions.](#)

[Sec. 29-36. Alteration of firearm identification mark, serial number or name.](#)

[Sec. 29-36a. Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty.](#)

### **HIGH CAPACITY MAGAZINES / ASSAULT WEAPONS / GHOST GUNS:**

[Sec. 53-202. Machine guns.](#)

[Sec. 53-202a. Assault weapons: Definitions.](#)

[Sec. 53-202b. Sale or transfer of assault weapon prohibited. Exemptions. Olympic pistols. Regulations. Class C felony.](#)

[Sec. 53-202c. Possession of assault weapon prohibited. Exemptions. Class D felony.](#)

[Sec. 53-202w. Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions.](#)

[Sec. 53-202aa. Firearms trafficking: Class C or B felony.](#)

[Sec. 53-206i. Manufacture of firearm from polymer plastic without detectable security exemplar. Prohibited. Penalty.](#)

### **STOLEN FIREARM:**

[Sec. 53a-212. Stealing a firearm: Class C felony.](#)

### **CRIMINAL USE / POSSESSION:**

[Sec. 53a-216. Criminal use of firearm or electronic defense weapon: Class D felony.](#)

[Sec. 53a-217. Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony.](#)

[Sec. 53a-217b. Possession of a weapon on school grounds: Class D felony.](#)

[Sec. 53a-217c. Criminal possession of a pistol or revolver: Class C felony.](#)

### **HOMICIDES:**

[Sec. 53a-54a. Murder.](#)

[Sec. 53a-54b. Murder with special circumstances.](#)

[Sec. 53a-54c. Felony murder.](#)

[Sec. 53a-54d. Arson murder.](#)

[Sec. 53a-55. Manslaughter in the first degree: Class B felony.](#)

[Sec. 53a-55a. Manslaughter in the first degree with a firearm: Class B felony: Five years not suspendable.](#)

[Sec. 53a-56. Manslaughter in the second degree: Class C felony.](#)

[Sec. 53a-56a. Manslaughter in the second degree with a firearm: Class C felony: One year not suspendable.](#)

#### **ASSAULT:**

[Sec. 53a-59. Assault in the first degree: Class B felony: Nonsuspendable sentences.](#)

[Sec. 53a-60. Assault in the second degree: Class D or C felony.](#) (C felony where results in serious physical injury)

[Sec. 53a-60a. Assault in the second degree with a firearm: Class D or C felony: One year not suspendable.](#) (C felony where results in serious physical injury)

#### **NARCOTICS DEALING:**

[Sec. 21a-277. \(Formerly Sec. 19-480\). Penalty for illegal manufacture, distribution, sale, prescription, dispensing.](#)

[Sec. 21a-278. \(Formerly Sec. 19-480a\). Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person.](#)

#### **LARCENY:**

[Sec. 53a-134. Larceny in the first degree.](#)

[Sec. 53a-123. Larceny in the second degree.](#)

#### **KIDNAPPING:**

[Sec. 53a-92. Kidnapping in the first degree: Class A felony.](#)

[Sec. 53a-92a. Kidnapping in the first degree with a firearm: Class A felony.](#)

[Sec. 53a-94. Kidnapping in the second degree: Class B felony: Three years not suspendable.](#)

[Sec. 53a-94a. Kidnapping in the second degree with a firearm: Class B felony: Three years not suspendable.](#)

#### **HOME INVASION / BURGLARY:**

[Sec. 53a-100aa. Home invasion: Class A felony.](#)

[Sec. 53a-101. Burglary in the first degree: Class B felony.](#)

[Sec. 53a-102. Burglary in the second degree: Class C felony.](#)

Sec. 53a-102a. Burglary in the second degree with a firearm: Class C felony: One year not suspendable.

**ROBBERY:**

Sec. 53a-134. Robbery in the first degree: Class B felony.

Sec. 53a-135. Robbery in the second degree: Class C felony.

**ASSAULT PUBLIC SERVICE EMPLOYEES:**

Sec. 53a-167c. Assault of public safety, emergency medical, public transit or health care personnel: Class C felony.