

A Study on Sentencing Outcomes for Firearm Offenses

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Connecticut Sentencing Commission

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Executive Summary

Connecticut state law extensively regulates the purchase, transfer, possession, theft, use, and carry of firearms, magazines, and ammunition. State statute also defines several violent and property crimes for which the presence of a firearm is an essential element. In this report, the Sentencing Commission used data from the Judicial Branch's case management system to analyze sentencing outcomes for firearm offenses.

Overall Findings. From 2008 to 2017, the state of Connecticut initiated 30,977 cases or "dockets" charging individuals with firearm infractions, violations, and crimes. 27,022 of these dockets contained one or more final firearm charges at the time of disposition. These dockets contained 43,855 final firearm charges. 66% of these charges were dismissed or nolle, though over half of these dismissals and nolle occurred in dockets where the defendant either 1) successfully completed a diversionary program or 2) pled guilty to another charge in the docket as part of a plea agreement.

14,207 charges (32%) received a guilty disposition, and all but 305 of these convictions received some penalty.¹ 79% of guilty charges received a sentence that included an executed term of incarceration. For these sentences, the average term of incarceration was 3.8 years. Most sentences including incarceration were either "flat" sentences (incarceration only) or "split" sentences, which consisted of incarceration followed by a period of probation. A smaller number of charges (10% of all convictions) received a flat sentence followed by a period of special parole.

21% of guilty charges received a sentence that did not include an executed term of incarceration. The vast majority of these charges received probation or conditional discharge as part of a sentence in which the term of incarceration was fully suspended. For these sentences, the average period of probation or conditional discharge was 2.5 years. A smaller number of convictions received a fine only or were unconditionally discharged.

778 firearm convictions (5%) received some type of fine. For 156 of these charges, the fine was the only penalty imposed. In these cases, the average fine amount was \$582. For the other 622 charges, fines were imposed in conjunction with a fully suspended, flat, split, or flat with special parole sentence. In these sentences, fines averaged \$4,646.

Seven felonies – carrying a pistol or revolver without a permit, carrying a dangerous weapon, having a pistol or revolver in a vehicle without a permit, criminal possession of firearm, criminal possession of a pistol or revolver, robbery in the first degree with threatened use of a firearm, and stealing a firearm – constituted 75% of all final firearm charges and 77% of all convictions. Specific information on these offenses and the associated sentencing outcomes can be found in table 3 and in Appendix B.

33 firearm crimes carry mandatory minimum terms of incarceration. In the sample studied, the court often imposed terms that exceeded these minimums.

Regression analysis found that sentences resulting from plea agreements tended to be significantly shorter than sentences for guilty dispositions resulting from a trial, even after controlling for the charged offense. Regression also found that sentences for firearm offenses committed in the years immediately following the enactment of *An Act Concerning Gun Violence Prevention and Children's Safety* (PA 13-3) were more likely to include terms of executed incarceration and/or fines, though this

¹ These 305 charges without a penalty include charges that 1) received a sentence of unconditional discharge, 2) had the term of incarceration credited entirely with time served pretrial, or 3) were included in dockets for where the penalties were administratively assigned to other charges in the docket.

increase was largely limited to those offenses for which PA 13-3 imposed a mandatory minimum or increased the penalty. In the years following PA 13-3, average sentence lengths for firearm convictions did not increase overall, and, in many cases, actually decreased for certain types of sentences. That said, convictions for those specific offenses affected by PA 13-3 did tend to receive longer sentences.

Data Quality, Implications, & Future Research. In preparing this report, the Sentencing Commission identified limitations in using the case management data currently collected case by the Superior Court Operations Division of the Judicial Branch (JB-CO) for sentencing analysis. While the database provides a wealth of charge-level sentencing data, certain docket and defendant variables are recorded inconsistently and coded in ways that do not allow for defendant-level analysis. This means that certain charge-level sentencing outcomes, such as having a charge dismissed or only having to pay a fine, may not fully reflect the outcome of an actual defendant, who might have received a term of incarceration for another charge in the docket.

In addition to this, the inherent complexities of the charging and sentencing processes make it extraordinarily difficult to statistically measure cause-and-effect relationships. Lastly, the report's exclusive focus on firearm offenses prevents the Commission from comparing or contextualizing the observed firearm sentencing outcomes with those for other crimes.

Given these limitations, the analyses in this report are primarily descriptive in nature. While the report describes, summarizes, illustrates patterns, and identifies correlations in sentencing outcomes, it does not make definitive claims about the impact of any one factor or policy on sentencing.

Future analyses on sentencing outcomes can be improved upon this study by increasing the amount and quality of data used. Future upgrades to the JB-CO case management system and the potential to pair JB-CO data with records from the Court Support Services Division and the Department of Correction are two avenues through which this data improvement can occur. The Sentencing Commission continues to search for ways to use robust data analysis to inform and improve Connecticut's criminal justice system.

Introduction

The Connecticut Sentencing Commission is required by statute to conduct analyses of the state's sentencing laws, policies, and practices. In this study, the Commission analyzed sentencing outcomes for violations of the state's firearm laws.² In Connecticut, state law heavily regulates the purchase, transfer, possession, theft, use, and carry of firearms, magazines, and ammunition. State law also defines several violent and property crimes for which the use of a firearm is an essential element. Sentences for these firearm offenses vary widely, ranging from a \$35 fine to 25 years in prison.

To conduct this study, the Commission obtained data from the Judicial Branch's case management system on all firearms charges that were processed from 2008 to 2017. The Commission performed numerous analyses on these data and explored the opportunities and limitations of using currently available data in studying sentencing policy.

The Commission acknowledges that this report's focus on firearm offenses may be viewed by some as controversial. The legal and political debate concerning private civilians' rights to own firearms and the role of "gun control" legislation in reducing firearm-related violence continues to be one of the most divisive issues in the country. This report does not engage in the political aspect of this debate and does not address what types of firearm laws might be constitutional or effective in reducing firearm-related violence. Rather, the analysis is intended to serve as a descriptive and informative exploration into sentencing outcomes for firearm offenses. The results of this study can be used to inform future policy discussions about the appropriateness of firearm-related sentences, the outcomes of firearm-related charges, and the typical penalties faced by those who break Connecticut's firearm laws.

This report is organized as follows: Section 1 provides an overview of criminal charging and sentencing in Connecticut. Section 2 describes the data and methodology used in the analysis of sentencing outcomes. Section 3 presents the findings of the sentencing data analysis. Section 4 concludes and discusses avenues for future research.

The report contains three appendices. Appendix A lists all of the charges under Connecticut state law that the Judicial Branch considers "firearm offenses" and lists the penalties associated with each. Appendix B provides several statistics on the sentencing outcomes of the seven most common firearm offenses in the period of review studied. Appendix C serves as a statistical annex and describes the models used to perform the analyses in Section 3F of the report.

² Some offenses under Connecticut state law are categorized as firearm offenses by the Judicial Branch even if they apply broadly to all deadly or dangerous weapons (i.e. a switchblade; brass knuckles).

Section 1: Charges & Sentencing in the State of Connecticut

A) Charges

When the state of Connecticut seeks justice against an individual who has breached a state statute, regulation, or municipal ordinance, the state “charges” an individual. The state may charge an individual with an *infraction*, a *violation*, or a *crime*.

Infractions are breaches of law that are 1) punishable only by a fine of up to \$90 and 2) specifically designed as infractions by state law.³ Infractions are the least serious breaches of law, such as driving under 45 miles per hour on a limited-access highway, parking a vehicle in a way that blocks a driveway, or violating a municipal ordinance for which the penalty is a fine of \$90 or less. The specific fine for a given infraction is either specified in state law or determined by the judges of the Superior Court.

When charged with an infraction, defendants can simply mail in the total amount due, which constitutes a *nolo contendere* plea.⁴ While infractions may be contested in court, defendants charged with an infraction are generally not afforded the right to a jury trial.⁵ Infractions are not considered criminal offenses and, with the exception of certain administrative sanctions under the Department of Motor Vehicles (DMV) and Department of Emergency Services and Special Protection (DESSP), cannot be held against an individual in legal matters.⁶

Violations are any breaches of law that are 1) punishable only by a fine and 2) not infractions. Violations cover a wide degree of acts, including driving over the speed limit, littering, possession of less than half an ounce of marijuana, failing to collect sales tax, and violation of municipal ordinances for which the penalty is a fine of more than \$90.

Like infractions, violations are not considered crimes. A violation does not give rise to any legal disadvantages associated with a criminal conviction.⁷ Many violations are processed in a manner identical to infractions.⁸

Violations are punishable by a fine of up to \$500 unless otherwise specified by state statute. The judges of the Superior Court have developed a schedule of fines for many common violations.⁹ In addition to this, a violation of any state statute that does not specify a penalty can be considered a violation subject to a fine of up to \$100.¹⁰

Crimes are any breaches of law for which a defendant may be sentenced to a term of imprisonment. Crimes are either felonies or misdemeanors.

Felonies constitute more serious crimes, such as murder, bribing a juror, kidnapping, and arson. Felonies are punishable by more than one year of incarceration.

³ Connecticut General Statutes (CGS) §53a-24. The total amount due for an infraction may ultimately be more than \$90 when surcharges and other fees are included.

⁴ CGS §51-164n(c)

⁵ Judicial Branch, State of Connecticut. *Mail-In Violations and Infractions Schedule Penalties to be Accepted by the Centralized Infractions Bureau*. 01 Oct 2019. <https://www.jud.ct.gov/webforms/forms/INFRACTIONS.pdf>

⁶ CGS §51-164n(g)

⁷ CGS §53a-24(a)

⁸ CGS §51-164n

⁹ Judicial Branch. *Infractions Schedule*.

¹⁰ CGS §54-195

Misdemeanors are less serious crimes and are punishable by incarceration for up to one year. Examples of misdemeanors include unlawful assembly, possession of drug paraphernalia, and theft of less than \$2,000 of property.

Collectively, infractions, violations, misdemeanors, and felonies constitute the four “types” of charges that exist under Connecticut state law.

Classification. Felonies and misdemeanors are further differentiated by classification in state law. A crime’s classification or “class” is a ranking system used to denote the relative severity of a given crime. Most felonies and misdemeanors are classified as A, B, C, D or, in the case of felonies, E, in descending order of severity. A crime’s classification determines the range of authorized sentences for that crime.

Some felonies and misdemeanors are not assigned a particular classification. These crimes are considered “unclassified.” The authorized sentences for these crimes are specified in the statute defining the offense.

Dockets. In any given case, a defendant may face multiple charges. The collection of these charges is assigned a unique identifier on a court’s docket. Consequently, the term “docket” is conventionally used to refer to the collection of charges against a defendant in given case. The specific charges contained in a docket are initially determined when a defendant is 1) issued a citation, 2) issued a misdemeanor summons, 3) arrested, or 4) made the subject of an arrest warrant. State’s attorneys may add, substitute, or delete charges in a docket before it is brought before the court.

B) Case Outcomes

Dispositions. For every infraction, violation, or crime with which a defendant is charged, a *disposition* is issued. Among the most common and substantive dispositions are not guilty, guilty, dismissal, and *nolle prosequi*.¹¹

Dismissal: A dismissal is issued by the court when it declines the prosecution of a charge. Dismissal can result when the court exercises its discretion pursuant to court rules or statute, when the court grants a motion to dismiss, or when the prosecution of a charge passes the statute of limitation for an offense.¹² When a dismissal is issued, all records pertaining to a charge are destroyed as soon as the deadline for requesting an appeal passes or the dismissal is upheld on appeal.

Nolle Prosequi (“Nolle”): A nolle disposition is issued when the state declines to prosecute a charge any further. The records for a nolle charge are destroyed after 13 months, before which time the state may opt to resume prosecution.¹³

Case Processing.

Plea agreements: While defendants charged with crimes have the right to a trial, policy analysts estimate that over 90% of convictions are the result of a plea agreement.¹⁴ These are mutually-agreed upon arrangements between defendants and prosecutors in which the defendant agrees to plead guilty to one or more charges in exchange for some concession by the prosecutor. In Connecticut, these

¹¹ Numerous additional dispositions exist in the Connecticut Judicial System, though these are not relevant from a sentencing perspective. Accordingly, this report focuses on guilty, not guilty, nolle, and dismissed charges.

¹² CGS §54-142g(g)

¹³ CGS §54-142a(c)

¹⁴ [“State Court Sentencing Of Convicted Felons, 2004 - Statistical Tables,”](#) Matthew R. Durose, *Bureau of Justice Statistics*

concessions could include substituting one charge for another, nolleing other charges in the docket, limiting the sentence that will be imposed, recommending a specific (often less severe) sentence, and/or not opposing a certain type of sentence.¹⁵ Once agreed upon, plea agreements must be presented to the court. Upon the court's approval of the agreement, a judge sentences the defendant in accordance with the agreement.¹⁶

Pretrial Diversionary Programs: In the state of Connecticut, a number of voluntary programs known as "pretrial diversionary programs" are offered to defendants charged with certain nonviolent, first time, or low-level offenses. Through participation in these programs, eligible defendants who complete all of the program's requirements can have their charges dismissed. Each program has specific criteria that defendants must meet in order to be eligible for participation. Judges have final discretion in granting defendants the right to participate in a given program.

Among the most common diversionary programs is *Accelerated Rehabilitation*, which is available for a wide range of mostly first-time offenses. For the duration of this program, participants are placed under the supervision of the Judicial Branch Court Support Services Division (JB-CSSD) and must comply with certain provisions such as community service, restitution, and counseling. Upon successful completion of the program, charges are dismissed by the court.

C) Sentences

Sentences are the penalties imposed by the court when an individual pleads or is found guilty of an infraction, violation, or crime. Sentences are imposed at the charge level, and the range of authorized sentences for a given charge depends on its type and classification.

The only authorized sentence for an infraction or violation is a fine, the amount of which is usually determined by state statute or the judges of the Superior Court. The authorized sentences for felonies and misdemeanors are more severe and include a wide range of possible penalties. Within these ranges, a defendant's criminal history, circumstances about the specific crime, and judicial discretion will affect both the type and the duration of the sentence that is issued.

Sentence Types. In Connecticut, when an adult defendant is found guilty of a crime, the court may impose a sentence consisting of:

- 1) unconditional discharge;
- 2) a fine (either by itself or in conjunction with one of the following);
- 3) a term of incarceration (a "flat" sentence);
- 4) a term of incarceration followed by a term of special parole;
- 5) a term of incarceration suspended partially, followed by a period of probation or conditional discharge (a "split" sentence); or
- 6) a term of incarceration suspended entirely and a period of probation or conditional discharge (a "fully suspended" sentence).¹⁷

Unconditional Discharge. Under an unconditional discharge, a defendant is released without imprisonment, probation, or court-ordered conditions. The court may impose unconditional discharge

¹⁵ CT Practice Book §39-5

¹⁶ CT Practice Book §39-8

¹⁷ CGS §53a-28. Courts may also impose *restitution payments* in addition to one of these sentence types, in which case the defendant must make some type of payment to the victims of their crime. The imposition of restitution payments is governed by CGS §53a-28c.

for an offense, other than a class A felony, if it finds: (1) incarceration of the defendant is not necessary for the protection of the public, (2) probation supervision is not appropriate, and (3) no proper purpose would be served by imposing any condition upon the defendant's release.¹⁸ While a sentence of unconditional discharge does not involve any immediate penalty, defendants who receive this sentence will still have a criminal record reflecting a guilty disposition for the given offense.

Fine. When sentencing a defendant, the court may impose a fine. Fines may be imposed as the sole component of a sentence or as part of another type of sentence. The maximum fine a court may issue for any given crime is determined by the crime's type and classification (see Table 1).

Certain offenses have minimum fines specified in state statute. Depending on the specific offense, these fines are either *mandatory* minimum fines, in which the court must impose at least the minimum fine amount, or *presumptive* minimum fines, in which the court may reduce or remit the fine only if it states reasons on the record for doing so.

Incarceration. Incarceration is the confinement of a defendant to a correctional facility for a period of time ("term") following conviction and sentencing.¹⁹ A crime's type and classification determine the terms of incarceration that are authorized for a given offense (see Table 1). In Connecticut, the sentencing structure is definite, meaning that a single, specific term of incarceration must be imposed from within the range of authorized term lengths.²⁰ While judges are generally responsible for determining a specific term length, certain statutory requirements, such as mandatory minimum sentences or sentencing enhancements, may further restrict or alter the options available to a judge.

Mandatory & Presumptive Minimum Sentences: Certain crimes are subject to minimum terms of incarceration. Depending on the crime, these minimum terms are either *mandatory minimums*, which cannot be suspended or reduced, or *presumptive minimums*, which may be suspended or reduced only if certain criteria are met. Usually, crimes that carry minimum sentences list the minimum directly in the statute defining the offense. In addition to this, the minimum penalties listed in table 1 for class A felonies are effectively mandatory unless the crime has a different minimum specified in statute or is arson 1st degree.²¹ Minimum terms of incarceration do not prevent judges from imposing a longer term of incarceration for a crime, so long as the term is otherwise within the authorized range for that crime's type and class.

Sentencing Enhancements: State statute authorizes additional or "enhanced" sentencing options for certain types of crimes and defendants. These enhancements allow judges to impose additional terms of incarceration beyond what is normally authorized for a given crime. The enhancements can be triggered in cases when a defendant is convicted as a repeat or "persistent offender."²²

¹⁸ CGS §§ 53a-29 & 53a-34.

¹⁹ Defendants who are held in a correctional facility under a *mittimus* or in lieu of bail may credit their time served in presentenced detention towards any sentenced incarceration that they receive (CGS §18-98d).

²⁰ Definite sentencing does not mean that a defendant's term of incarceration may not be modified after sentencing. Sentence review, sentence modification, and early release mechanisms, such as discretionary parole or earned risk reduction credits, can all affect the amount of time actually spent incarcerated under a definite sentence.

²¹ Orlando, James. "Crimes with Mandatory Minimum Prison Sentences —Updated and Revised." *Connecticut General Assembly Office of Legislative Research*. (Report 2017-R-0134).

²² See CGS §53a-40

| Table 1 – Statutory Ranges for Terms of Incarceration and Fines for Criminal Offenses | | |
|--|--|----------------|
| Classification | Prison Term | Fine |
| FELONIES | | |
| Capital (on or before April 25, 2012) | Death (before Aug. 25, 2015) or life without possibility of release* | – |
| Class A: murder with special circumstances | Life without possibility of release* | Up to \$20,000 |
| Class A: murder or felony murder | 25 to 60 years | Up to \$20,000 |
| Class A: aggravated sexual assault of a minor | 25 to 50 years | Up to \$20,000 |
| Class A | 10 to 25 years | Up to \$20,000 |
| Class B: manslaughter 1 st degree with firearm | 5 to 40 years | Up to \$15,000 |
| Class B | 1 to 20 years | Up to \$15,000 |
| Class C | 1 to 10 years | Up to \$10,000 |
| Class D | Up to 5 years | Up to \$5,000 |
| Class E | Up to 3 years | Up to \$3,500 |
| Unclassified | In accordance with sentence specified in statute | |
| MISDEMEANORS | | |
| Class A | Up to 1 year | Up to \$2,000 |
| Class B | Up to 6 months | Up to \$1,000 |
| Class C | Up to 3 months | Up to \$500 |
| Class D | Up to 30 days | Up to \$250 |
| Unclassified | In accordance with sentence specified in statute | |
| * The Connecticut Supreme Court abolished the death penalty in <i>State v. Santiago</i> , 318 Conn. 1, A. 3d (2015). A term of “life without possibility of release” is incarceration for the remainder of the defendant’s natural life. <i>Sources: Connecticut General Statutes §§ 53a-35a, 53a-35b, 53a-36, 53a-41, & 53a-42.</i> | | |

Special Parole. Special parole is a period of post-incarceration supervision administered by the Board of Pardons and Paroles and may be imposed by the court in conjunction with a flat term of incarceration.²³ Under this type of sentence, defendants must serve a term of incarceration and then a term of special parole. The court may only impose special parole if it finds that it is necessary to ensure public safety based on the nature and circumstances of the offense, the defendant's prior criminal record, and the defendant's history of performance on probation or parole.²⁴ In these cases, the court may impose a term of special parole between 1 and 10 years, though longer terms are authorized for certain crimes or for “persistent dangerous” or “persistent serious offenders.” Special parole may not be imposed as a sentence for crimes defined under Connecticut’s laws on dependency-producing drugs.²⁵

Special parole is different from discretionary parole, a form of early release granted by the Board of Pardons and Paroles. Any time that a person serves on discretionary parole is counted towards their term of incarceration, not their term of special parole.

Special parolees who violate the conditions of their parole are referred to the Board of Pardons and Paroles for a hearing. The Board, at its discretion, may impose additional conditions or revoke parole, in which case the person is returned to prison for the remaining portion of their special parole term. The Board of Pardons and Paroles, upon a unanimous vote of all members present, can release an individual from special parole upon a finding that they “will lead an orderly life.”²⁶

²³ By statute (CGS §54-125e), special parole can only be imposed in conjunction with a flat term that is longer than 2 years.

²⁴ CGS §54-125e

²⁵ CGS §53a-28

²⁶ CGS §54-129

Split and Fully Suspended Sentences

Suspended Sentence: Except for class A felonies, the court may “suspend” part or all of a term of incarceration and impose a period of probation or conditional discharge.²⁷ Defendants do not serve any “suspended” portion of their term of incarceration so long as they comply with the conditions of their probation or conditional discharge.

Suspended sentences take one of two forms:

- 1) a “split” sentence in which part of a defendant’s term of incarceration is suspended – they are incarcerated for some period and then released on probation or conditional discharge;
- 2) a “fully suspended” sentence in which the entirety of a defendant’s term of incarceration is suspended or credited with time served in pretrial detention, and the defendant immediately begins probation or conditional discharge.

Probation: Probation is a period of community supervision administered by the Court Support Services Division of the Judicial Branch (JB-CSSD). While on probation, defendants have to comply with conditions set by the court and JB-CSSD. These conditions could include travel restrictions, community service, avoiding contact with victims, and maintaining steady employment. Defendants sentenced to probation must pay a fee of \$200, unless waived by the court.²⁸

The court may sentence a person to a period of probation for a crime other than a class A felony if the court finds that 1) present or extended institutional confinement of the defendant is not necessary for the protection of the public; 2) the defendant is in need of guidance, training or assistance which can be effectively administered through probation supervision; and 3) such disposition is not inconsistent with the ends of justice.

Conditional Discharge: Under a sentence of conditional discharge, a defendant is released on court-ordered conditions. While these conditions can be similar to those required for probation, defendants on conditional discharge are not supervised by JB-CSSD probation services, and JB-CSSD cannot issue additional conditions beyond what the court ordered.²⁹ The court may impose a sentence of conditional discharge for an offense, other than a class A felony, if it finds that 1) present or extended institutional confinement of the defendant is not necessary for the protection of the public; and 2) probation supervision is not appropriate.

State statute sets limits on the duration of time to which a defendant may be sentenced to probation or conditional discharge.³⁰

Violations of Probation or Conditional Discharge: Defendants who reoffend during their suspended sentence or violate the conditions of their probation are subject to additional penalties. In these cases, the court may impose additional conditions on the defendant or “execute” the suspended portion of their sentence, which results in incarceration.³¹

²⁷ For convictions of crimes that carry a mandatory minimum, the defendant must serve at least the minimum sentence in jail or prison. The court may only suspend portions of the sentence beyond any mandatory minimum.

²⁸ CGS §53a-30

²⁹ Ibid.

³⁰ CGS §53a-29

³¹ CGS §53a-32

Docket-Level Considerations

Concurrent and Consecutive Sentences: Defendants convicted of multiple charges may receive multiple sentences. In these scenarios, the court determines the manner in which multiple sentences are served. When the court orders that multiple sentences are *concurrent*, sentences are served simultaneously, and the total term of incarceration is equal to that of the defendant's longest sentence. When the court orders that multiple sentences are *consecutive*, the lengths of each sentence are added together, and the total term of incarceration is equal to the sum of all sentences imposed consecutively.³²

After deciding whether sentences will be served concurrently or consecutively, the court calculates the defendant's total term of incarceration. This term is then recorded on a *mittimus*, a legal document issued by the court ordering the Department of Correction to incarcerate a convicted defendant.³³

³² CGS §53a-37

³³ CGS §54-97

Section 2: Data & Methodology

A) Firearm Offense Data

The sentencing data for this report were provided by the Superior Court Operations Division of the Judicial Branch (JB-CO). These data included all adult dockets disposed between January 1, 2008 and December 31, 2017 that contained at least one firearm charge. For each docket, the dataset contained all original charges, any substituted or deleted charges, and all final charges; the dispositions for all final charges; any sentences imposed; offense and disposition dates; the towns in which the defendant was arrested; the court at which each case was adjudicated; and defendants' dates of birth, race and ethnicity, gender, and town of residence. The resulting dataset contained 43,855 final firearm charges across 30,977 dockets.

B) Methodology

The Sentencing Commission performed numerous statistical analyses on the data provided. These analyses explored the frequency distribution of specific firearm offenses, the distribution of dispositions for firearm charges, the distribution of the sentences imposed, average sentence lengths and fine amounts, trends in sentencing outcomes, and the incidence of charges with mandatory minimums. These analyses all fall under the category of *descriptive statistics* – that is, statistical techniques that summarize and describe a given set of data. Data limitations and the inherent complexities of criminal sentencing precluded the use of the more advanced statistical methods that are required to establish cause-and-effect relationships or generalize about broader sentencing trends. As a result, the following three limitations apply when interpreting the results in Section 3.

Unit of Analysis. The “unit of analysis” refers to level of observation used in a given statistical analysis. The JB-CO dataset contains three potential units of analysis for studying sentencing outcomes: defendants, dockets, and charges. While there is value in studying sentencing at all three levels of analysis, an accurate understanding of sentencing outcomes at the defendant- and docket-levels requires data on whether multiple sentences are served concurrently or consecutively. Unfortunately, the JB-CO dataset does not record that information in a usable way. As a result, the majority of the analyses performed in this report focuses on charge-level data. Accordingly, trends and sentencing outcomes in the following analysis are not directly translatable to individual outcomes, as some individuals might have received sentences for multiple charges or in multiple dockets. For example, a defendant who only received a fine for their firearm conviction may have still received a term of incarceration for another charge or in another docket. In short, charge-level analysis does not provide a complete picture of the sentencing outcome for individual defendants.

Causation v. Correlation. Criminal sentencing is a nuanced and multifaceted process subject to many considerations by multiple actors across different agencies. From initial arrest to sentencing, law enforcement officers, prosecutors, and judges consider many factors about the defendant, the victim, the law, and the offense when making charging and sentencing decisions. From a policy perspective, it might be desirable to measure the average effect that one specific factor has on sentencing outcomes. In order to obtain an accurate causal measurement, however, a researcher must be able to account for *all* other potential influences on sentencing outcomes. This is an exceedingly difficult task. Accomplishing this would require either 1) a quasi-experimental model that uses randomization to

mitigate the impact of other influences on sentencing;³⁴ or 2) a dataset containing data on *all* possible influences on sentencing outcomes, such as specific case facts, victim input, and the defendant's sense of remorse. Neither option was feasible for this study. Accordingly, the analyses in this report are strictly descriptive. While the following pages describe, summarize, illustrate patterns, and identify correlations in sentencing outcomes, these analyses do not and cannot make definitive claims about *why* these observed trends or relationships exist. Any similarities or disparities in sentencing outcomes within or across different charges, time periods, or case characteristics cannot and should not be construed as causally related to those characteristics.

Generalizability. The cases in this analysis included only those dockets from 2008 to 2017 that contained at least one firearm charge. Data on other dockets from this time period were not studied. As a result, this report cannot draw conclusions about how sentencing outcomes for firearm charges compare with outcomes for other types of charges. Any trends observed in this analysis should not be extrapolated to other types of dockets, other jurisdictions, or other time periods.

³⁴ *Quasi-experiments* are models in which naturally occurring random variation in some stage of the justice system (such as the assignment of common cases to different judges in the same courthouse) mimics the design of a randomized experiment. There are few valid quasi-experimental models for studying sentencing outcomes.

Section 3: Analysis of Sentencing Outcomes for Firearm Charges

A) Sample Overview

The JB-CO data sample used in this analysis contained 30,997 dockets, each containing at least one original, substituted, or final firearm charge. These dockets contained a total of 102,846 final charges, 43,855 of which were categorized as firearm charges by the Judicial Branch.

B) Docket-Level Analysis

Docket Outcomes. Over the time period studied, 30,997 dockets containing firearm charges were initiated. Figure 1 illustrates the outcomes of these dockets.

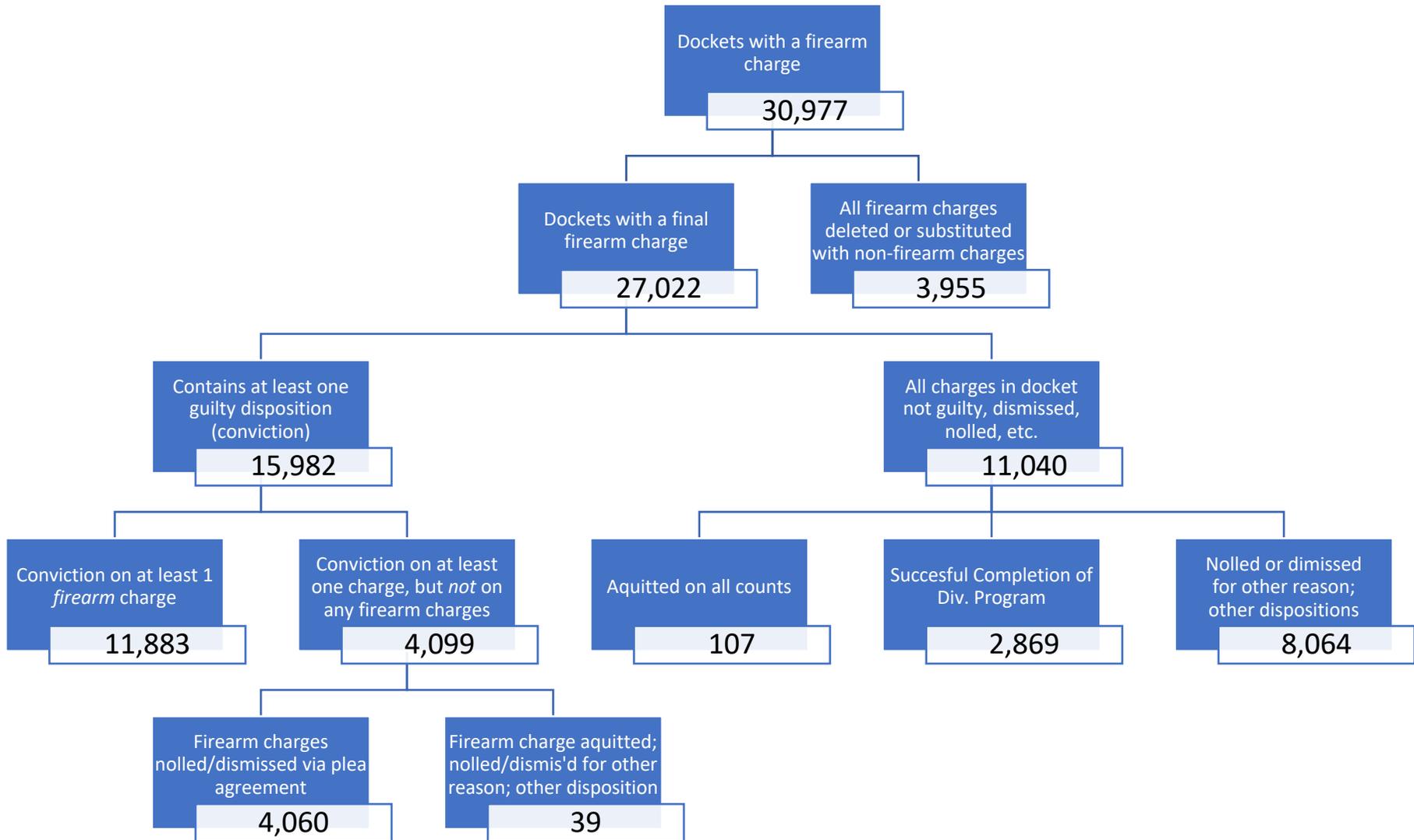
Some firearm charges were substituted out or deleted from a docket prior to the case's disposition. Due to limitations in the JB-CO case management system, these substitutions and deletions can only be tracked at the docket level. Of the 30,997 dockets that included original firearm charges, 27,022 (87%) contained a final firearm charge at the time of disposition. The other 3,955 dockets either had the firearm charges deleted or substituted out for another category of charge.

Of the 27,022 dockets containing final firearm charges, 15,982 (59%) received a guilty disposition for at least one charge in the docket. 11,883 of these dockets received a guilty disposition for a *firearm* charge. In 4,099 dockets, no firearm charges received a guilty disposition, but some other charge in the docket did. In all but 39 cases, this occurred when the defendant entered a plea agreement where they pled guilty to some charge(s) and had the firearm charges dismissed or nolle.³⁵

11,040 dockets containing final firearm charges did not receive any guilty dispositions. 2,869 of these dockets involved cases in which the defendant had all charges dismissed after completing a diversionary program. In 107 dockets, the defendant was acquitted of all charges.

³⁵ In the data used for this report, JB-CO does not explicitly record which charges are disposed of through a plea agreement. Throughout this report, the authors assumed that any dockets in which a guilty disposition was reached prior to a trial judgement or verdict were resolved through plea agreement.

Figure 1 – Docket-Level Outcomes



C) Charge-Level Analysis

Overview. Across the 30,977 dockets in the sample, there were 43,855 final firearm charges. These charges include breaches of Connecticut’s laws governing the possession, carry, theft, use, and transfer of firearms, magazines, and ammunition, as well as certain crimes for which the use of a firearm is an essential component.³⁶ More information on the statutory references, descriptions, and relevant sentencing information for the firearm offenses contained in this dataset are in Appendix A.

Table 2 below presents a distribution of the charges contained in the sample by type and classification. The vast majority of firearm charges initiated in the period studied were felonies, most of which were class D or unclassified felonies. Felonies constituted over 90% of all charges prosecuted and 95% of all convictions.

Seven offenses accounted for 75% of all final firearm charges and 77% of the charges with a guilty disposition. Table 3 lists these the descriptions, classifications, and statutory references for these offenses, as well the number of convictions for each of these offenses during the period studied. Additional statistics on the distribution of sentence type and sentence length for each of these seven offenses are presented in Appendix B.

| Table 2 – Firearm Charges by Type and Classification | | |
|---|--------------------|-----------------------|
| Charge Type & Class | All Charges | Guilty Charges |
| Total Felonies | 39,751 | 13,521 |
| <i>Class A</i> | 127 | 22 |
| <i>Class B</i> | 5,589 | 3,311 |
| <i>Class C</i> | 3,525 | 1,395 |
| <i>Class D</i> | 13,024 | 4,427 |
| <i>Class E</i> | 1,869 | 452 |
| <i>Unclassified*</i> | 15,617 | 3,914 |
| Total Misdemeanors | 3,588 | 652 |
| <i>Class A</i> | 365 | 107 |
| <i>Class B</i> | 1,467 | 245 |
| <i>Class C</i> | 750 | 133 |
| <i>Class D</i> | 24 | 5 |
| <i>Unclassified^</i> | 982 | 162 |
| Total Violations | 195 | 5 |
| Total Infractions | 321 | 29 |
| Total Charges | 43,855 | 14,207 |
| * Includes firearm-related sentencing enhancements that carry a sentence of > 1 year. | | |
| ^ As a result of legislation proposed by the Sentencing Commission in 2012, all unclassified misdemeanor firearm charges were classified. This count reflects charges for offenses committed prior to that legislation. | | |

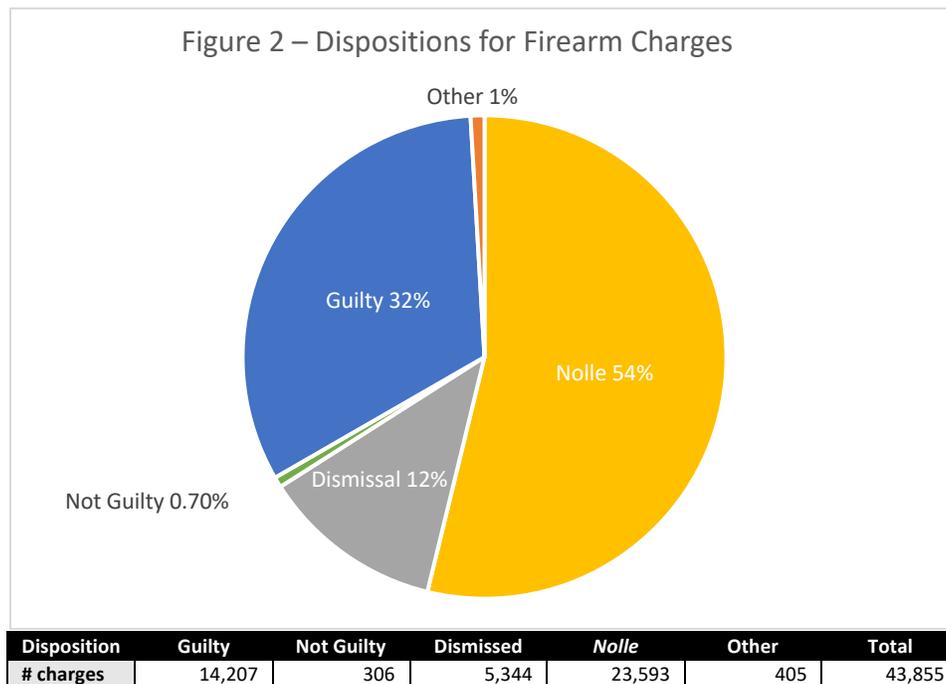
³⁶ There are certain offenses that involve firearms but are not categorized as firearm offenses in the JB-CO dataset, such as violations of firearm-related municipal ordinances. Because these offenses are not categorized as “firearm offenses” by the Judicial Branch, they are not reflected in the analyses presented in this section.

| C.G.S. § | Firearm Charge | Number of Convictions | % of Firearm Convictions | Charge Type & Class ⁺ |
|---------------|---|-----------------------|--------------------------|----------------------------------|
| 29-35(a) | Carrying of pistol/revolver without permit | 2,176 | 15.32 | Unclassified or Class D Felony |
| 53a-217 | Criminal possession of firearm | 1,904 | 13.40 | Class D or C Felony |
| 53a-134(a)(4) | Robbery 1 st deg. w/ threat of firearm use | 1,776 | 12.50 | Class B Felony |
| 29-38 | Pistol/revolver in vehicle without permit | 1,602 | 11.28 | Unclassified or Class D Felony |
| 53-206 | Carrying a dangerous weapon* | 1,560 | 10.98 | Unclassified or Class E Felony |
| 53a-217c | Criminal possession of a pistol or revolver | 1,122 | 7.90 | Class D or C Felony |
| 53a-212 | Stealing a firearm | 740 | 5.21 | Class D or C Felony |
| | All other firearm charges | 3,327 | 23.42 | |
| Total | | 14,207 | 100.00 | |

* While carrying a deadly weapon is categorized as a firearm offense by the Judicial Branch, this crime can also be charged for other weapons, such as brass knuckles or a switchblade knife.
⁺ These offenses can carry different classifications depending on the circumstances of the crime and whether the crime was committed before or after the enactment of Public Act 13-3.

Dispositions. Figure 2 presents the distribution of the dispositions for the 43,855 final firearm charges that were prosecuted by the state during the period of review.

A substantial majority of the firearm charges (66%) in this sample were dismissed or nolle. Of these 28,937 nolle or dismissed charges, slightly fewer than half (13,480) of the charges were in dockets that received at least one guilty disposition for some other charge. This almost always occurred in cases where the defendant plead guilty to one charge in the docket in exchange for the firearm charge being nolle or dismissed. Separately, 3,825 of the dismissed firearm charges were in cases where the defendant participated in a pretrial diversionary program and had the charges in their docket dismissed. Accelerated Rehabilitation was the most common program in these cases, accounting for over 75% of the charges dismissed through a diversionary program.



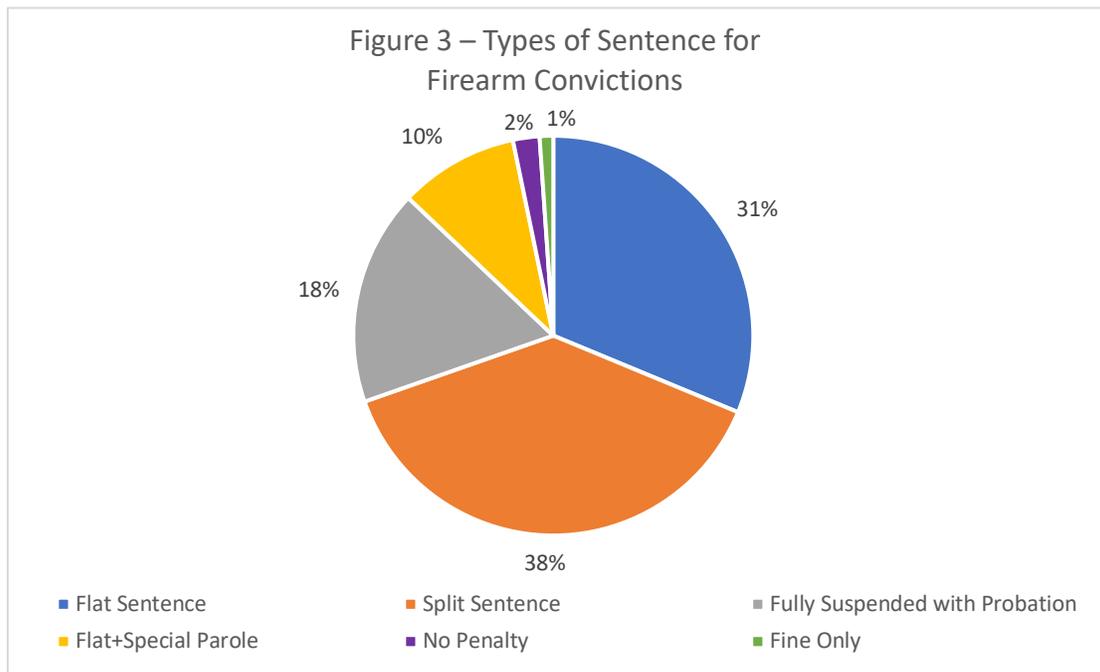
14,207 charges (32%) resulted in a guilty disposition. 306 charges (0.70%) received a not guilty disposition. 405 charges (1%) resulted in some other disposition. Of these 405 charges, 248 charges were severed into a separate docket, 119 were not prosecuted, 14 were convictions that were later vacated, 12 were disposed through bond forfeitures, 5 were “guilty merged” (an administrative disposition), 5 were found not guilty by reason of mental disease or defect, and 2 were discharged.

D) Sentencing Outcomes

Sentence Types. Across the 14,207 guilty firearm charges, six types of sentences were imposed:

1. No penalty;
2. A fine only;
3. A fully suspended sentence with probation or conditional discharge;³⁷
4. A term of incarceration (a “flat sentence”);³⁷
5. A “flat” term of incarceration followed by a term of special parole;³⁷ and
6. A term of incarceration followed by a term of probation or conditional discharge (a “split sentence”).³⁷

Figure 3 depicts the distribution of these sentence types for the guilty firearm charges in this sample. The two most common sentence types imposed were flat sentences and split sentences, which collectively accounted for 69% of sentencing outcomes. Additionally, 10% of guilty firearm offenses were sentenced to incarceration followed by a term of special parole. In total, this means 79% of all guilty charges (or 26% of all final charges) received some executed term of incarceration.



| Sentence Type | Flat Sentence | Split Sentence | Fully Susp. w/ Probation | Flat + Sp. Parole | Fine Only | No Penalty | Total |
|------------------|---------------|----------------|--------------------------|-------------------|-----------|------------|--------|
| # of Convictions | 4,441 | 5,453 | 2,479 | 1,373 | 156 | 305 | 14,207 |

³⁷ Over the time period studied, fines were occasionally imposed as a component of these four sentence types

Below, descriptive statistical analyses for each type of sentence in our dataset are presented. For sentences that include incarceration, probation, or special parole, histograms are used to visualize the distribution of sentence lengths.³⁸

Sentences Without Executed Incarceration. 2,940 guilty charges (21%) were issued a sentence that did not contain an executed term of incarceration. These were guilty charges that received no penalty, a fine only, or a fully suspended sentence with a term of probation or conditional discharge.

No Penalty: 305 guilty firearm charges did not receive any penalties. This could occur in cases where a defendant is sentenced to unconditional discharge, has his or her sentence credited entirely with time served in pretrial detention, or receives a penalty for another charge in the docket, but not for the firearm charge. Aside from those legal disadvantages associated with having a criminal record, no further penalty was imposed for these particular charges.

Fine Only: 156 firearm charges resulted in a fine being imposed and no other penalty. Table 4 summarizes the distribution of the fine amounts for these sentences. For sentences that only included a fine, the fine amount ranged from \$35 (the minimum fine for an infraction) to \$5,000. For “fine only” sentences, the average fine amount was \$579.

| Table 4 – Fine Only Sentences | | | | | |
|-------------------------------|-------------|---------------|-----------------|-------------------|-------|
| Fine Amount | \$1 – \$100 | \$101 – \$500 | \$501 – \$1,000 | \$1,000 – \$5,000 | Total |
| # of Fines | 30 | 88 | 25 | 13 | 156 |

Fines Combined with Other Sentences: 622 firearm charges received a fine in addition to a flat, flat with special parole, split, or fully suspended sentence. Table 5 summarizes the distribution of the fine amounts for these sentences, which ranged from \$100 to \$10,000. When fines were imposed as a component of a larger sentence, the average fine amount was \$4,646.³⁹

| Table 5 – Fines Imposed in Combination with Another Sentence Type | | | | | | |
|---|-------------|---------------|-----------------|-------------------|--------------|-------|
| Fine Amount | \$1 – \$100 | \$101 – \$500 | \$501 – \$1,000 | \$1,000 – \$5,000 | Over \$5,000 | Total |
| # of Fines | 1 | 27 | 20 | 566 | 8 | 622 |

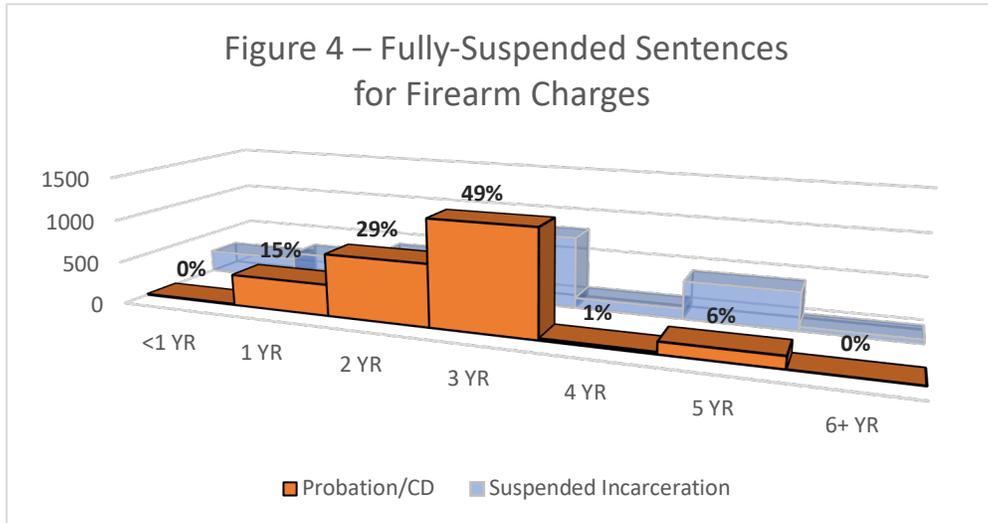
Fully Suspended Sentences with Probation or Conditional Discharge: 2,479 charges received a sentence of probation or conditional discharge (CD) and a term of incarceration that was suspended in its entirety. The periods of probation or CD imposed ranged from 1 day to 5 years, and the average length was 2.5 years. The suspended term of incarceration imposed ranged from 30 days to 18 years, and the average term was 2.8 years.

Figure 4 shows the distribution of the probation periods and the suspended incarceration terms for fully suspended sentences. The most common sentences of this type were composed of a 3-year suspended term of incarceration and a 3-year period of probation. A smaller cluster of charges received suspended sentences and probation periods of 5 years.

³⁸ For the purposes of constructing each histogram, sentences were binned into 1, 2, 3, 4, and 5-year categories. In each bin, sentences of that length up through the next category were included. For example, sentences of 365 days through 729 days were grouped into the “1 year” bin. Sentences of 364 days or shorter were grouped into a “Less than 1 year” bin, and sentences longer than 1,825 days were grouped into a “6+ years” bin.

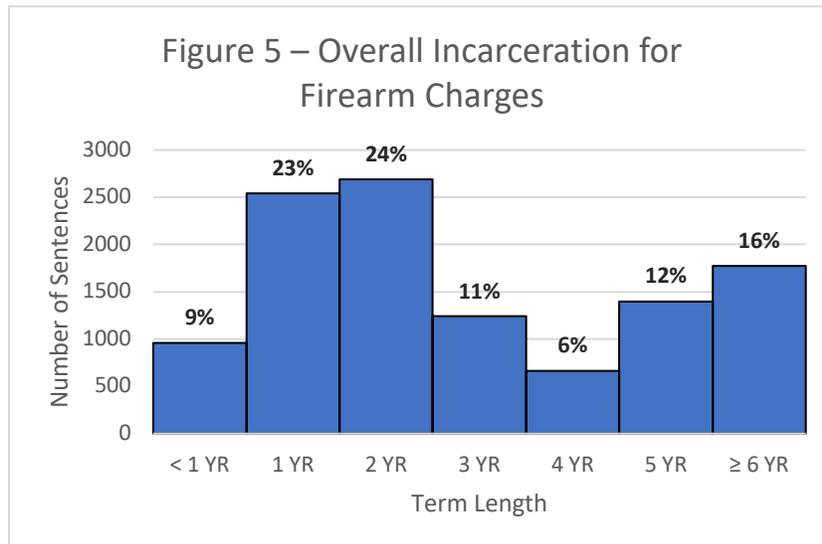
³⁹ Courts have the authority to “remit” (reduce or waive) an imposed fine. The data used for this report did not include data on fine remittance, so these figures may not reflect the actual fines a defendant had to pay.

Figure 4 – Fully-Suspended Sentences for Firearm Charges



| Sentence Component | <1 YR | 1 YR | 2 YR | 3 YR | 4 YR | 5 YR | 6+ YR | Total |
|-------------------------|-------|------|------|-------|------|------|-------|-------|
| Suspended Incarceration | 259 | 336 | 452 | 833 | 116 | 436 | 47 | 2,479 |
| Probation/CD | 10 | 366 | 721 | 1,220 | 24 | 138 | 0 | |

Sentences with Executed Incarceration. 11,267 firearm convictions (79%) received sentences that included an executed term incarceration. Among these 11,267 sentences, the average term of executed incarceration was 3.8 years.⁴⁰ Figure 5 illustrates the distribution of incarceration terms for defendants who were sentenced to some term of executed incarceration.

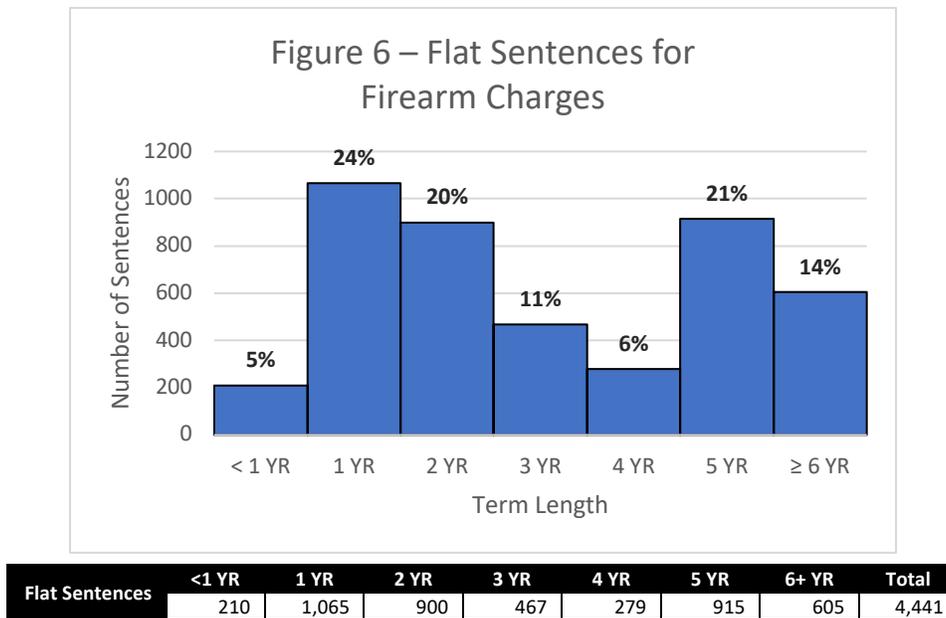


| Executed Incarceration | <1 YR | 1 YR | 2 YR | 3 YR | 4 YR | 5 YR | 6+ YR | Total |
|------------------------|-------|-------|-------|-------|------|-------|-------|--------|
| | 960 | 2,539 | 2,687 | 1,241 | 666 | 1,397 | 1,777 | 11,267 |

These 11,267 sentences include flat sentences, flat sentences with special parole, and split sentences. Below, the sentencing outcomes for each of these types of sentence are further analyzed.

⁴⁰ If sentences that did not receive any executed incarceration (beyond what might have been served pretrial) are included in this calculation (i.e. imputing zeroes for unconditional discharge, fine only, and probation/CD only sentences), the average period of incarceration for all firearm convictions was 1.7 years.

Flat Sentence: 4,441 charges received a flat sentence of incarceration.⁴¹ The average flat sentence was 4.2 years, and terms ranged from 7 days to 40 years for the firearm charges in this dataset. Figure 6 illustrates the distribution of the flat terms for firearm charges. The most frequent terms were one-, two-, and five-year terms.



Flat Sentence with Special Parole: 1,373 firearm charges resulted in incarceration followed by a term of special parole. For this type of sentence, the average term of incarceration was 5.8 years followed by 5.0 years on special parole. Terms of incarceration ranged from 231 days to 37 years,⁴² and terms of special parole ranged from 180 days to 17 years. Figure 7 depicts the distribution of terms of incarceration and special parole.

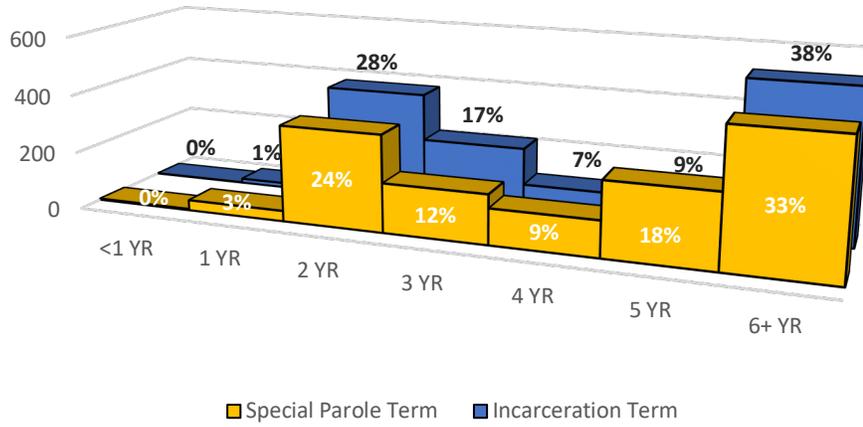
Split Sentence: 5,453 firearm charges resulted in a split sentence. The average split sentence consisted of a 2.9-year executed term of incarceration followed by 3.4 years of probation or conditional discharge. The executed terms of incarceration ranged from 1 day to 32 years. The periods of probation or conditional discharge ranged from 1 day to 15 years.

Figure 8 shows the sentence distributions for the executed terms of incarceration and periods of probation/conditional discharge for split sentences. Generally, terms of incarceration are relatively short (0-2 years), while the most frequently imposed probation period was 3 years.

⁴¹ This number excludes flat sentences that also received a term of special parole.

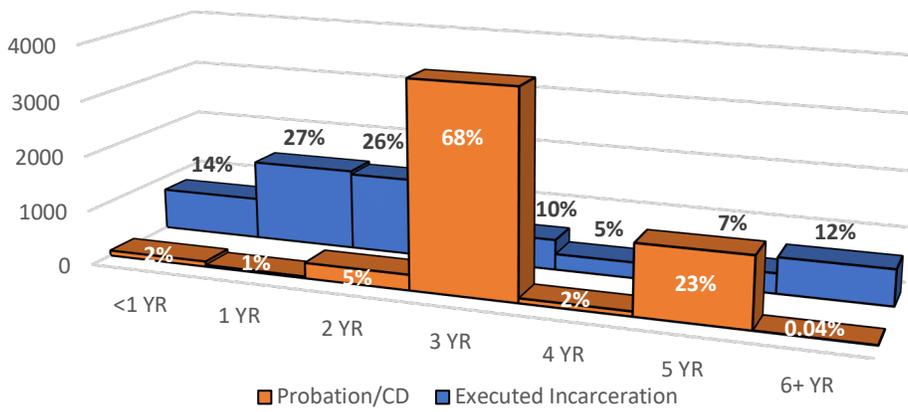
⁴² By statute, special parole may only proceed a flat sentence that is longer than 2 years. Administratively, these two years of incarceration are sometimes distributed across multiple charges in a docket, so charge-level data may report flat terms of 2 years or less in sentences including special parole.

Figure 7 – Flat Sentences with Special Parole for Firearm Charges



| Sentence Component | <1 YR | 1 YR | 2 YR | 3 YR | 4 YR | 5 YR | 6+ YR | Total |
|---------------------------------|-------|------|------|------|------|------|-------|-------|
| Incarceration ^{see 42} | 1 | 15 | 386 | 227 | 101 | 120 | 523 | 1,373 |
| Special Parole | 4 | 36 | 331 | 169 | 123 | 252 | 458 | |

Figure 8 – Split Sentences for Firearm Charges



| Sentence Component | <1 YR | 1 YR | 2 YR | 3 YR | 4 YR | 5 YR | 6+ YR | Total |
|------------------------|-------|-------|-------|-------|------|-------|-------|-------|
| Executed Incarceration | 749 | 1,459 | 1,401 | 547 | 286 | 362 | 649 | 5,453 |
| Probation/CD | 94 | 30 | 281 | 3,698 | 88 | 1,260 | 2 | |

E) Minimum Sentencing

During the 10-year period studied, 33 firearm crimes were subject to some type of minimum sentence.⁴³ 31 of these were mandatory minimums; 2 were presumptive minimums. Table 6 lists these charges and their associated minimum sentences. To reflect changes in minimum sentences affected by legislation passed in 2013, two sets of minimums are included in the table. The third column reflects any statutory minimums in place prior to 2013, while the fourth column reflects those minimums in place after 2013.

The table also presents the number of charges that received a guilty disposition over the period studied and the number of these charges that received sentences at, above, or below the minimum term. For many of these charges, the court used its discretion to impose sentences longer than the minimum. Some charges received sentences shorter than the minimum established by law. This occurred when an offense met the criteria for reduction under a presumptive minimum sentence or when the offense was committed prior to the statutory imposition or increase of the mandatory minimum. Additionally, in the JB-CO case management system, some charges might be recorded as receiving less than the mandatory minimum because the defendant served time in pretrial detention, which, when combined with the recorded sentence, meets or exceeds the minimum.

⁴³ In 2019, the General Assembly passed *Public Act 19-6, An Act Concerning Ghost Guns*, which created a number of new firearm crimes, each with minimum sentences. Because these crimes did not exist during the time period studied, they are not reflected in table 6.

Table 6 – Mandatory Penalties Imposed for Firearm Charges

| C.G.S. § | Offense | Mand. Min. 2008-2013 | Mand. Min. 2014-2017 | # Charges Imposed Minimum | # Charges Less than Minimum | # Charges More than Minimum | Total # of Convictions |
|---------------------|--|----------------------------------|----------------------|--|-----------------------------|-----------------------------|------------------------|
| 29-33 | Transferring a pistol or revolver to a prohibited person or violating transfer procedures | None | 2 years | 43 (19%) | 103 (46%) | 80 (35%) | 226 |
| 29-33 | Transferring a or pistol/revolver to a prohibited person or violating transfer procedures, knowing firearm is stolen or identification number is altered/removed | None | 3 years | 0 (0%) | 4 (80%) | 1 (20%) | 5 |
| 29-34(a) | False statement regarding purchase, sale, transfer of a pistol or revolver | None | 2 years | <i>No convictions during period reviewed</i> | | | |
| 29-34(b) | Illegal transfer of pistol or revolver to someone under 21 years of age | 1 year | 2 years | 1 (50%) | 0 (0%) | 1 (50%) | 2 |
| 29-35(a) & 29-37(b) | Carrying a pistol or revolver without a permit | 1 year* | 1 year* | 815 (37%) | 235 (11%) | 1,126 (52%) | 2,176 |
| 29-36 | Alteration of firearm identification mark, number or name | None | 2 years | 18 (16%) | 62 (54%) | 35 (30%) | 115 |
| 29-36k | Failure to transfer, delivery or surrender of firearms and ammunition by persons ineligible to possess. | None (pistol) 2 years (other) | 2 years | 0 (0%) | 1 (100%) | 0 (0%) | 1 |
| 29-37j(a) | Purchase of firearm with intent to transfer to person prohibited from purchasing or receiving a firearm. | None | 2 years | 0 (0%) | 4 (100%) | 0 (0%) | 4 |
| 29-37j(b) | Soliciting a “straw man” (29-37j(a)) to obtain a firearm | None | 1 year | <i>No convictions during period reviewed</i> | | | |
| 29-37j(b) | Obtaining a firearm through use of a “straw man” (29-37j(a)) | None | 2 year | <i>No convictions during period reviewed</i> | | | |
| 29-37j(c) | Violating 29-37j(a) or 29-37j(b) with a prior felony record within past five years | None | 3 years | <i>No convictions during period reviewed</i> | | | |
| 53-202aa | Firearms trafficking | None | 3 years | 2 (9%) | 1 (4%) | 20 (87%) | 23 |
| 53-202b(a)(1) | Illegal sale or transfer of assault weapon | 2 years | 2 years | 9 (35%) | 2 (8%) | 15 (58%) | 26 |
| 53-202b(a)(2) | Illegal sale or transfer of assault weapon to someone under the age 18 | 6 years | 6 years | <i>No convictions during period reviewed</i> | | | |
| 53-202c | Illegal possession of an assault weapon | 1 year** | 1 year** | 41 (32%) | 35 (27%) | 54 (42%) | 130 |
| 53-202j | Commission of a class A, B or C felony with an assault weapon | 8 years | 8 years | <i>No convictions during period reviewed</i> | | | |
| 53-202k | Commission of a class A, B or C felony with a firearm other than an assault weapon | 5 years | 5 years | 25 (100%) | 0 (0%) | 0 (0%) | 25 |
| 53a-55a | Manslaughter 1 st deg. with a firearm | 5 years | 5 years | 1 (1%) | 0 (0%) | 115 (99%) | 116 |
| 53a-56a | Manslaughter 2 nd deg. with a firearm | 1 year | 1 year | 1 (13%) | 0 (0%) | 7 (87%) | 8 |
| 53a-59(a)(5) | Assault 1 st deg. with firearm where witness is a witness or under 10 years old | 10 years | 10 years | <i>No convictions during period reviewed</i> | | | |
| 53a-60a | Assault 2 nd deg. with firearm | 1 year | 1 year | 7 (18%) | 4 (10%) | 28 (72%) | 39 |
| 53a-60c | Assault 2 nd deg. of elderly, blind, disabled, intellectually disabled, or pregnant person with firearm | 3 years | 3 years | 1 (100%) | 0 (0%) | 0 (0%) | 1 |
| 53a-72b | Sexual Assault 3 rd deg. with firearm | 2 years | 2 years | 0 (0%) | 3 (100%) | 0 (0%) | 3 |
| 53a-92a | Kidnapping 1 st deg. with firearm | 10 years | 10 years | 7 (30%) | 3 (13%) | 13 (57%) | 23 |

| | | | | | | | |
|---------------|--|---------|---------|--------------|--------------|----------------|-------|
| 53a-94a | Kidnapping 2 nd deg. with firearm | 3 years | 3 years | 4 (24%) | 0 (0%) | 13 (76%) | 17 |
| 53a-101(a)(1) | Burglary 1 st deg. with deadly weapon | 5 years | 5 years | 46 (26%) | 5 (3%) | 123 (70%) | 174 |
| 53a-102a | Burglary 2 nd deg. with firearm | 1 year | 1 year | 0 (0%) | 0 (0%) | 18 (100%) | 18 |
| 53a-103a | Burglary 3 rd deg. with firearm | 1 year | 1 year | 2 (25%) | 2 (25%) | 4 (50%) | 8 |
| 53a-134(a)(2) | Robbery 1 st deg. with deadly weapon | 5 years | 5 years | 123 (22%) | 35 (6%) | 399 (72%) | 557 |
| 53a-212 | Stealing a firearm | None | 2 years | 129 (18%) | 330 (46%) | 281 (38%) | 740 |
| 53a-216 | Criminal use of a firearm or electronic defense weapon | 5 years | 5 years | 6 (55%) | 5 (45%) | 0 (0%) | 11 |
| 53a-217 | Criminal possession of a firearm, ammunition or an electronic defense weapon | 2 years | 2 years | 777 (41%) | 54 (3%) | 1,073 (56%) | 1,904 |
| 53a-217c | Criminal possession of a pistol or revolver | None | 2 years | 239 (21%) | 357 (32%) | 526 (47%) | 1,122 |

* – Presumptive minimum. The court may reduce or suspend the minimum sentence in the presence of mitigating factors stated on the record.

** – Presumptive minimum. The charge is a class A misdemeanor without a minimum sentence for a first-time violation in which the defendant can prove they legally owned the assault weapon prior to the applicable assault weapon ban and otherwise possessed the weapon in compliance with state law.

Source: Connecticut General Statutes, Office of Legislative Research Report 2017-R-0134.

F) Regression Analyses

This section explores correlations between sentencing outcomes and other variables of interest. This is accomplished using statistical method called regression.⁴⁴ As noted in Section 3, these statistical techniques are not causal analyses. Any observed correlations should not be construed as definitive evidence of a cause-and-effect relationship.

Plea Bargains v. Trials. Table 7 reports the ways in which the firearm charges in the sample were processed.

| Table 7 – Charge Processing & Outcomes | |
|---|---------------|
| Trial to verdict/judgement | 827 |
| <i>Found Guilty</i> | <i>536</i> |
| <i>Found Not Guilty</i> | <i>291</i> |
| Plead guilty | 13,671 |
| Dismissed or Nolled | 28,937 |
| Miscellaneous/Other | 420 |
| TOTAL CHARGES | 43,855 |

As was noted earlier, most charges (28,937) were dismissed or nolled. After this, the next most common outcome for a firearm charge was for a defendant to plead guilty to the offense, which occurred for 13,671 of the charges in the sample (96% of all charges with a guilty disposition). 827 charges were brought to a verdict or judgment through a trial. Of these, 536 (65%) received guilty dispositions and 291 (35%) received not guilty dispositions.

Compared to the average sentence issued for convictions resulting from a guilty plea, sentences for firearm charges that went to trial and received a guilty verdict or judgement were four years longer on average, controlling for the offense, the offense type and class, and any statutory changes in minimum sentencing. This figure overstates this relationship, though, as 35% of the charges that went to trial resulted in not guilty dispositions and received no sentence, whereas pleading guilty to a charge almost always produces a guilty disposition and sentence. If the analysis is repeated taking into account charges that went to trial and resulted in not guilty dispositions, the observed disparity between trial and plea agreement sentencing outcomes shrinks by over 75% to just 298 days.

Public Act 13-3. Sentencing outcomes were next examined for significant differences related to whether the offense was committed before or after the enactment of Public Act 13-3, *An Act Concerning Gun Violence Prevention and Children’s Safety*. This legislation, enacted after the 2012 mass shooting at Sandy Hook Elementary School, made numerous changes to the state’s firearm laws. Most importantly for this report, the law increased penalties and established new or higher mandatory minimums for 16 firearm-related offenses.

To estimate correlations between sentencing outcomes and the enactment of this legislation, the Sentencing Commission compared sentencing outcomes for firearm offenses committed in the three-year periods immediately before and after the sentencing-related provisions of PA 13-3 went into effect (October 1, 2010 to September 30, 2013; and October 1, 2013 to September 30, 2016). In particular, we

⁴⁴ The statistical models used to estimate differences in this section are reported in Appendix C.

measured changes in 1) the types of sentences imposed, 2) the percentage of firearm sentences that received incarceration or fines, 3) the length of the sentences imposed, and 4) the fine amount.

Sentence Types: Figure 9 presents the distribution of sentence types issued for firearm offenses committed before and after the enactment of PA 13-3. The distributions of sentence types before and after PA-13 were statistically different. Relative to the three years prior to the enactment of PA 13-3, a smaller proportion of charges received fully suspended sentences or flat sentences in the three years after PA 13-3 was enacted. By contrast, a higher proportion of charges received split sentences and flat sentences with special parole.

Sentence Components: Table 8 presents data on 1) the percentage of firearm sentences that included incarceration or fines in the three-year periods before and after PA 13-3; 2) the difference in these percentages between the two periods; 3) the difference controlling for the offense; 4) the difference for only those offenses affected by PA 13-3; and 5) the difference *excluding* offenses affected by PA 13-3.

Overall, 80% of firearm convictions from the three years before PA 13-3 received some a of executed incarceration, compared to 81% of convictions in the following three years. This amounts to a 1-point increase, though this difference is not particularly insightful, as it does not account for the fact that different crimes might have been committed at different frequencies across the two periods. To account for this, we next compared sentences for the same offenses across the two time periods (statistically, this is called “controlling for the offense”). When controlling for the offense, the percentage of firearm sentences receiving terms of incarceration was 3.4 points higher for offenses committed in the three years following the enactment of PA 13-3.

The proportion of sentences including fines also increased. In the three years before PA 13-3, 1.8% of firearm sentences had a fine imposed. Over the following three years, this number jumped to 14.1% of convictions – a 12.2-point increase. This difference persists even when controlling for the offense.

One potential explanation for these statistically significant⁴⁵ increases in the rate of incarceration and fines is the heightened penalties and the new or higher mandatory minimums imposed by PA 13-3 for certain firearm offenses. One way to test this would be to measure changes in the rates of incarceration and fines for *only* those offenses that were affected by PA 13-3. When focusing only on those offenses affected by PA 13-3, the percentage of sentences receiving incarceration or fines increases by 9.5 and 38.9 points, respectively.

By contrast, when the analysis is repeated on a subsample of charges that *excludes* offenses affected by PA 13-3, the increase in the rate of incarceration for firearm convictions drops to just 0.6 points and becomes statistically insignificant. Similarly, when the offenses affected by PA 13-3 are dropped from the analysis, the change in the proportion of sentences including fines becomes a 0.4-point *decrease*.

These findings suggest that the overall increases in the percentage of sentences receiving incarceration or fines are largely attributable to increases in incarceration and fines for those specific firearm offenses affected by PA 13-3. Given that the act established several new minimum terms of incarceration and minimum fines, this conclusion appears reasonable.

⁴⁵ See Appendix C for a discussion on what is meant by “statistical significance.”

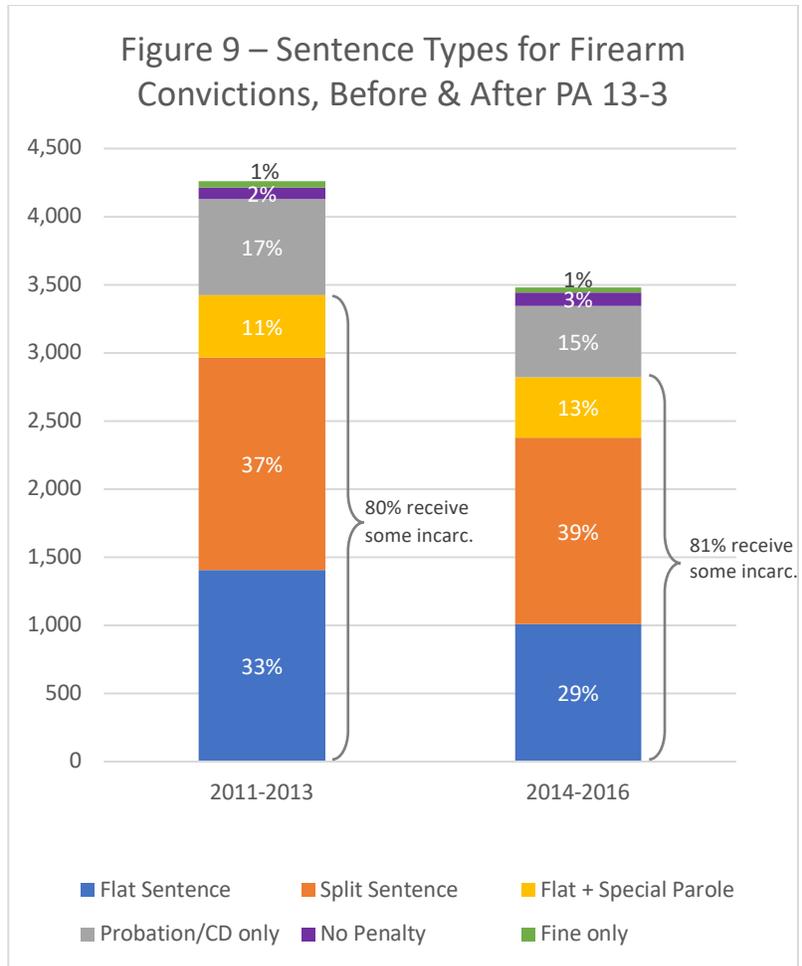


Table 8 – Proportion of Sentences Containing Incarceration or Fines, Before & After PA 13-3

| Sentence Component | Pre-PA 13-3 | Post-PA 13-3 | Difference | Controlling for Offense | Only PA 13-3 Changes | Excl'd. PA 13-3 Changes |
|--|-------------|--------------|----------------|-------------------------|----------------------|-------------------------|
| % of sentences with executed incarceration | 80.4% | 81.1% | + 0.7% | + 3.4% | + 9.5% | + 0.6% |
| % of sentences with fine | 1.8% | 14.1% | + 12.2% | + 12.1% | + 38.9% | - 0.4% |

Bold text indicates statistical significance at $p < 0.05$

Sentence Lengths: A similar pattern holds with sentence length before and after PA 13-3. Table 9 presents data on the average term of incarceration in the three-year periods before and after PA 13-3; the average difference between the periods; the average difference controlling for the offense; the average difference for only those offenses affected by PA 13-3; and the average difference excluding those offenses affected by PA 13-3.

The average executed term of incarceration was 4 years for offenses committed in the three years leading up to PA 13-3 and 3.27 years for offenses committed in the three years following.⁴⁶ This constitutes a statistically significant 267-day decrease in the average term of incarceration. When

⁴⁶ These averages, as well as those reported in table 10, are conditional on receiving any incarceration (i.e. they do not reflect the fact that slightly more sentences receiving incarceration after PA 13-3 was passed).

controlling for the offense, the difference in average term length shrinks to an 84-day decrease but remains statistically significant.

When the analysis is performed on *only* those offenses affected by PA 13-3, we find a 132-day increase in the average term of incarceration between the two three-year periods. By contrast, when the analysis is repeated on a subsample of charges that excludes the offenses for which PA 13-3 increased the penalty, there is a 206-day *decrease* in average term of incarceration for firearm offenses after the enactment of PA 13-3. As was the case with the percentage of cases that received any incarceration, average sentence lengths for firearm offenses appeared to have only significantly increased for those charges affected by PA 13-3.

| Table 9 – Overall Executed Terms of Incarceration, Before & After PA 13-3 | | | | | |
|--|----------------------------|--------------------|-------------------------|----------------------|-----------------------|
| Average Term, Pre-PA 13-3 | Average Term, Post-PA 13-3 | Average Difference | Controlling for Offense | Only PA 13-3 Changes | Excl. PA 13-3 Changes |
| 1,459 days | 1,192 days | - 267 days | - 84 days | + 132 days | - 206 days |
| <i>Bold text indicates statistical significance at $p \leq 0.05$</i> | | | | | |

This pattern generally persists for each specific sentence type. These differences are reported in table 10. Overall, the differences in the average length for most sentence components before and after PA 13-3 were either negative or statistically insignificant. When controlling for the offense, we find significant increases in 1) the terms of probation for split sentences, 2) the suspended prison terms for fully suspended sentences, and 3) the terms of special parole. That said, except for the increase in the term of incarceration for fully suspended sentences, these increases are statistically insignificant when we exclude PA 13-3-affected offenses from the analysis. Furthermore, when PA 13-3-affected offenses are excluded, there are statistically significant 100+ day *decreases* in the average terms incarceration issued for flat, split, and flat-special parole sentences.

By contrast, when the analysis is limited to only those offenses for which PA 13-3 increased the penalty, there are significant increases in the length of prison terms, the periods of probation, and the terms of special parole.

Again, we find that most of the observed increases in sentence length were limited to those specific offenses for which PA 13-3 increased the penalty.

| Table 10 – Differences in Sentence Length and Fine Amounts, Before & After PA 13-3 | | | | | | | |
|---|--------------------|------------------|-------------------|--------------------|-------------------------|----------------------|-----------------------|
| Sentence Type | Sentence Component | Avg. Pre-PA 13-3 | Avg. Post-PA 13-3 | Average Difference | Controlling for Offense | Only PA 13-3 Changes | Excl. PA 13-3 Changes |
| Flat Sentence | Incarceration | 1,684 days | 1,306 days | - 378 days | - 67 days | + 35 days | - 135 days |
| Flat Sentence + Special Parole | Incarceration | 2,235 days | 1,830 days | - 405 days | - 71 days | + 257 days | - 249 days |
| | Special Parole | 1,866 days | 1,870 days | + 4 days | + 224 days | + 548 days | + 40 days |
| Fully Suspended Sentence | Suspended Term | 1,022 days | 1,044 days | + 22 days | + 77 days | + 18 days | + 78 days |
| | Probation/CD | 927 days | 905 days | -22 days | + 3 days | + 3 days | + 2 days |
| Split Sentence | Incarceration | 1,027 days | 901 days | - 126 days | - 27 days | + 245 days | - 159 days |
| | Probation/CD | 1,225 days | 1,238 days | + 13 days | + 44 days | + 93 days | + 20 days |
| Any Sentence | Fine Amount | \$1,537 | \$4,620 | + \$3,082 | + \$979 | + \$1,042 | + \$909 |
| Fine Only | Fine Amount | \$ 488 | \$ 622 | + \$134 | + \$513 | <i>Too few cases</i> | + \$513 |
| <i>Bold text indicates statistical significance at $p \leq 0.05$</i> | | | | | | | |

*Fine Amount:*⁴⁷ The last two rows of Table 10 present data on the average fines imposed across all sentences with a fine and in fine only sentences, respectively. Across all sentences with a fine, the average fine amount increased by \$3,082 in the years immediately following the enactment of PA 13-3. Nearly two-thirds of this observed increase can be attributed to differences in the offenses committed between the two periods. That said, even when controlling for offense and excluding those offenses affected by PA 13-3, there remains a statistically significant \$909 increase in the average fine in the years following the enactment of PA 13-3. The average fine for “fine only” sentences also appeared to increase after PA 13-3 was enacted, though this increase is statistically insignificant.⁴⁸

Summary: After the enactment of Public Act 13-3, sentences for a given firearm offense were, on average, more likely to include an executed incarceration and/or a fine. That said, these average increases in the rates of incarceration and fines are largely limited to those offenses for which PA 13-3 increased the penalties and established new minimum prison terms and fines.

In general, sentence lengths in the three years immediately following the enactment of PA 13-3 tended to be similar to or, in some cases, shorter than sentence lengths imposed in the three years preceding the act. Any observed increases in sentence length were largely limited to those offenses affected by PA 13-3. Overall, this suggests that, outside of those offenses directly affected by PA 13-3, sentences for firearm offenses did not increase substantially after the act was passed. The only major exception to this finding was the average fine amount, which was significantly larger following PA 13-3, even when the PA 13-3-affected offenses were excluded from the analysis.

⁴⁷ See footnote 39 regarding remittance of fines.

⁴⁸ The increase in the average fine for “fine only” sentences, while large, is not statistically significant. This is likely due to the small number of fine only sentences issued in general. Because the overall number of “fine only” sentences are small, one or two large fines in one period can distort average values, making it difficult to draw any meaningful conclusions.

Conclusion

The Commission encourages legislators and policymakers to use the results of this report to inform discussions about any future changes to Connecticut's firearm laws. In this context, the data in this report can provide insight as to the types of firearm offenses committed in the state, the rate at which defendants accused of these offenses are convicted, and the types of penalties associated with these convictions.

In completing this report, the Commission has identified some limitations of currently available sentencing data that, if addressed, could expand the scope and utility of future sentencing analyses. First, sentencing analyses would immensely benefit from an accurate understanding of the effective sentence a defendant receives for a given docket of charges. While the current JB-CO case management system does include a variable for whether sentences in a docket are concurrent or consecutive, the variable does not convey enough information to be meaningfully used. A more detailed coding of this information or, alternatively, a digital mittimus record would allow researchers to aggregate sentencing information to docket- and defendant-level outcomes.

Second, the current case management system does not effectively capture the "history" of a given charge in a docket. For example, the first original charge listed in a docket does not necessarily correspond to the first final charge in that docket. This prevents researchers from accurately assessing trends in charge substitution and deletion over the "life" of a case.

Third, the JB-CO case management system does not record certain variables that are vital to accurately measuring sentencing outcomes. For example, the current system does not adequately track the amount of time a defendant spends in pretrial detention or whether defendants are subsequently incarcerated for violating a condition of probation or special parole. These variables are clearly important from a sentencing standpoint, and, without them, researchers are left with an incomplete picture of many case outcomes.

Two avenues for future analyses provide promising solutions to these obstacles. First, as this report was being prepared, the Judicial Branch was in the process of a long-term transition to a new case management system. Once fully implemented, the new system will allow the Judicial Branch to better record the substitution history of a given charge and the ways in which sentences are consecutively or concurrently served. Second, future sentencing analyses could incorporate records from the Department of Correction (DOC) and the Court Support Services Division to obtain defendant-level data on pretrial detention, probation or parole violations, and the duration of a given term of probation, parole, or incarceration. By merging JB-CO data with data from JB-CSSD and DOC, the Commission could obtain a more thorough understanding of sentencing outcomes at the defendant level.

As the availability of sentencing data continue to improve, the Connecticut Sentencing Commission continues to look for ways to leverage this data in its policy recommendations. The Commission hopes that this report is the first of many studies that bring objective evidence into contemporary discussions about sentencing policy.

Appendix A: Table of Firearm Offenses and Penalties

The following table contains the statutory reference, description, type, classification, penalty range, and any mandatory sentences or fines for those charges the Judicial Branch considers to be “firearm offenses” during the period of review studied. In the table, F=Felony, M=Misdemeanor, V=Violation, and I=Infraction. A * indicates that a listed minimum is presumptive.

This list does not include all laws pertaining to firearms in the Connecticut General Statutes and is not intended to be used as a resource for individuals looking for legal advice on the lawful use, carry, storage, transfer, and registration of firearms. There are other offenses involving firearms, including violations of municipal ordinances, that are not included in this table. New laws have been enacted since the period of review in this report, and those laws are not be reflected in this table. Lastly, this table does not include the federal statutes and regulations that govern firearms, ammunition, and magazines in the United States. Readers are encouraged to perform their own legal research or consult with an attorney concerning any legal questions they may have pertaining to firearm laws in their jurisdiction.

| CGS Reference | Description | Type | Class | Penalty | Fine | Mandatory Minimum Sentence | Presumptive Minimum Fine |
|---------------|---|------|-------|---------------|---------------------|----------------------------|--------------------------|
| 2-1e(c) | Possession of a firearm in a General Assembly building/office. | F | D | Up to 5 years | up to \$5,000 | | |
| 26-38 | Illegal bow or firearm hunting by minor | V | | | \$87 | | \$87 |
| 26-80b | Sale or use of computer software or service to remotely hunt animals or birds | M | A | Up to 1 year | up to \$2,000 | | |
| 29-28 | Violation of permit requirements for retail sale of pistols or revolvers | F | E | Up to 3 years | up to \$3,500 | | |
| 29-28(e) | Carrying a pistol or revolver on any premises where prohibited by law or by owner of premises | F | E | Up to 3 years | up to \$3,500 | | |
| 29-31 | Violation of sales permit display, vendor identification, record keeping, and inspection requirements | F | E | Up to 3 years | up to \$3,500 | | |
| 29-32 | Failure to surrender revoked carry permit | M | A | Up to 1 year | up to \$2,000 | | |
| 29-33 | Illegal sale, delivery or transfer of pistol or revolver | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 29-33 | Illegal sale, delivery of transfer of pistol or revolver known to be stolen or altered | F | B | 1 to 20 years | up to \$15,000 | 3 years | \$10,000 |
| 29-34(a) | Making false statement with purchase, sale, delivery or transfer of pistol or revolver | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 29-34(b) | Sale or transfer pistol or revolver to person under 21 | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 29-35(a) | Carry pistol or revolver without permit | F | D | Up to 5 years | up to \$5,000 | 1 year* | |
| 29-35(b) | Carry pistol or revolver without permit on person | I | | | \$35 | | \$35 |
| 29-36 | Alteration of firearm identification mark, number, or name | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 29-36i | Failure to surrender revoked pistol or revolver eligibility certificate within 5 days | M | A | Up to 1 year | up to \$2,000 | | |
| 29-36k | Failure to transfer, delivery or surrender of firearms and ammunition by persons ineligible to possess. | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 29-37a | Illegal sale, delivery or transfer of long gun | F | D | Up to 5 years | up to \$5,000 | | |
| 29-37a | Illegal sale, delivery of transfer of long gun known to be stolen or altered | F | B | 1 to 20 years | up to \$15,000 | | |
| 29-37b | Failure to prove gun locking device and written warning during sale of pistol or revolver | V | | | Not less than \$500 | | \$500 |

| | | | | | | | |
|---------------|--|---|---|----------------|----------------|---------|----------|
| 29-37e | Making false statement in connection with sale or transfer of a long gun | F | D | Up to 5 years | up to \$5,000 | | |
| 29-37i | Failure to comply with responsibilities regarding the storage of a firearm | V | | | \$100 | | |
| 29-37j(a) | Purchase of firearm with intent to transfer to person prohibited from purchasing or receiving a firearm | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 29-37j(b) | Disqualified person soliciting a straw man (20-37j(a)) to obtain a firearm | F | D | Up to 5 years | up to \$5,000 | 1 year | \$3,000 |
| 29-37j(b) | Disqualified person obtaining firearm by using a straw man (20-37j(a)) | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 29-37j(c) | Violation of 29-37j(a) or (b) with a felony conviction within past 5 years | F | B | 1 to 20 years | up to \$15,000 | 3 years | \$10,000 |
| 29-37s(b) | Failure to surrender a revoked long gun permit within 5 days of notification | M | A | Up to 1 year | up to \$2,000 | | |
| 29-38 | Possession weapon, unpermitted pistol or revolver, or unregistered machine gun in vehicle | F | D | Up to 5 years | up to \$5,000 | | |
| 29-38m | Illegal sale of ammunition or ammunition magazine | F | D | Up to 5 years | up to \$5,000 | | |
| 29-38p | Failure to surrender revoked ammunition certificate within 5 days | M | A | Up to 1 year | up to \$2,000 | | |
| 29-354 | Refusal to follow fire marshal's order regarding the storage or removal gunpowder | V | | | Up to \$50 | | |
| 53-202(b) | Possession or use machine gun in the commission of a crime of violence | F | U | 10 to 20 years | | | |
| 53-202(c)(1) | Possess or use a machine gun for an offensive or aggressive purpose | F | U | 5 to 10 years | Up to \$1,000 | | |
| 53-202(c)(2) | Transferring, selling, or giving a machine gun to a person under 16 years old | F | U | 5 to 10 years | Up to \$1,000 | | |
| 53-202(f) | Manufacturer failure to comply with machine gun record keeping and inspection requirements | V | | | up to \$2,000 | | |
| 53-202(g) | Failure to register machine gun | F | U | 5 to 10 years | Up to \$1,000 | | |
| 53-202aa | Firearms trafficking | F | B | 1 to 20 years | up to \$15,000 | 3 years | \$10,000 |
| 53-202b(a)(1) | Selling or transferring assault weapon | F | C | 1 to 10 years | up to \$10,000 | 2 years | |
| 53-202b(a)(2) | Sell or transfer assault weapon to person under 18 (conviction is in addition to and consecutive to 53-202b(a)(1)) | F | U | 6 years | | 6 years | |
| 53-202c | Illegal possession of an assault weapon | F | D | Up to 5 years | up to \$5,000 | 1 year | |
| 53-202c | Illegal possession of an assault weapon – certain first-time offenses | M | A | Up to 1 year | up to \$2,000 | | |
| 53-202f | Illegal transport of an assault weapon | F | E | Up to 3 years | up to \$3,500 | | |
| 53-202g | Failure to report the loss or theft of assault weapon to police within 72 hours– first offense | I | | | \$90 | | \$90 |
| 53-202g | Failure to report the loss or theft of assault weapon to police within 72 hours – subsequent offenses | F | C | 1 to 10 years | up to \$10,000 | | |
| 53-202g | Intentionally failing to report the loss or theft of assault weapon to police within 72 hours | F | B | 1 to 20 years | up to \$15,000 | | |
| 53-202j | Commit class A, B or C felony with assault weapon (sentencing enhancement) | F | U | 8 years | | 8 years | |
| 53-202k | Commit class A, B or C felony with firearm, except assault weapon (sentencing enhancement) | F | U | 5 years | | 5 years | |
| 53-202l(b) | Distributing, transporting, selling, or giving armor piercing or incendiary .50 caliber ammo – 1st off. | M | A | Up to 1 year | up to \$2,000 | | |
| 53-202l(b) | Distributing, transporting, selling or giving armor piercing or incendiary .50 caliber ammo – subseq. off. | F | D | Up to 5 years | up to \$5,000 | | |
| 53-202l(c) | Transporting or carrying firearm loaded with an armor piercing or incendiary .50 caliber cartridge | F | D | 1 to 5 years | up to \$5,000 | | |
| 53-202w(b) | Illegal distribution, sale, purchase, or transfer of a large capacity magazine | F | D | Up to 5 years | up to \$5,000 | | |
| 53-202w(c)(1) | Illegal possession of large capacity magazine obtained before April 5, 2013 – first offense | I | | | up to \$90 | | |
| 53-202w(c)(1) | Illegal possession of large capacity magazine obtained before April 5, 2013 – subsequent offenses | F | D | Up to 5 years | up to \$5,000 | | |
| 53-202w(c)(2) | Illegal possession of large capacity magazine obtained on or after April 5, 2013 | F | D | Up to 5 years | up to \$5,000 | | |
| 53-202x | Violation of conditions on possession of a declared large capacity magazine | M | C | up to 3 months | up to \$500 | | |
| 53-203 | Unlawful discharge of firearm | M | C | up to 3 months | up to \$500 | | |
| 53-204 | Hunting or discharging firearm by a public highway | V | | | up to \$100 | | |

| | | | | | | | |
|------------------|--|---|---|----------------|----------------|----------|---------|
| 53-205 | Carrying loaded shotgun, rifle or muzzleloader in vehicle or snowmobile | M | D | up to 30 days | up to \$250 | | |
| 53-206 | Carrying dangerous weapon | F | E | Up to 3 years | up to \$3,500 | | |
| 53-206b | Unlawful training in use of firearms | F | C | 1 to 10 years | up to \$10,000 | | |
| 53-206c | Sale, carrying and brandishing of facsimile firearms | M | B | up to 6 months | up to \$1,000 | | |
| 53-206d(a) | Carry firearm under influence of alcohol or drugs | M | B | up to 6 months | up to \$1,000 | | |
| 53-206f(1) | Failure of parent/guardian to halt illegal possession of firearm by child | M | A | up to 1 year | up to \$2,000 | | |
| 53-206f(2) | Failure of parent/guardian to halt illegal possession of firearm by child resulting in injury or death | F | D | Up to 5 years | up to \$5,000 | | |
| 53a-55a | Manslaughter in the 1 st degree with a firearm | F | B | 5 to 40 years | up to \$15,000 | 5 years | |
| 53a-56a | Manslaughter in the 2 nd degree with a firearm | F | C | 1 to 10 years | up to \$10,000 | 1 year | |
| 53a-59(a)(5) | Assault in the 1 st degree, intending to cause injury by discharge of firearm | F | B | 1 to 20 years | up to \$15,000 | | |
| 53a-59(a)(5) | Assault 1 st deg, intent to cause injury by firearm discharge when victim is < 10 years of age or a witness | F | B | 1 to 20 years | up to \$15,000 | 10 years | |
| 53a-60(a)(3) | Assault in the 2 nd degree, causing serious physical injury by a deadly weapon or dangerous instrument | F | C | 1 to 10 years | up to \$10,000 | | |
| 53a-60a | Assault in the 2 nd degree with a firearm | F | D | Up to 5 years | up to \$5,000 | 1 year | |
| 53a-60c | Assault of an elderly, blind, disabled or pregnant person in the 2 nd deg. with a firearm | F | D | Up to 5 years | up to \$5,000 | 3 years | |
| 53a-61(a)(3) | Assault in the 3 rd degree, causing physical injury by a deadly weapon, dangerous instrument, or EDW | M | A | up to 1 year | up to \$2,000 | 1 year | |
| 53a-72b | Sexual assault in the 3 rd degree with a firearm | F | C | 1 to 10 years | up to \$10,000 | 2 years+ | |
| 53a-72b | Sexual assault in the 3 rd degree with a firearm, victim under 16 years old | F | B | 1 to 20 years | up to \$15,000 | 2 years+ | |
| 53a-92a | Kidnapping in the 1 st degree with a firearm | F | A | 10 to 25 years | up to \$20,000 | 10 years | |
| 53a-94a | Kidnapping in the 2 nd degree with a firearm | F | B | 1 to 20 years | up to \$15,000 | 3 years | |
| 53a-101(a)(1) | Burglary in the 1 st degree, armed with explosives or a deadly weapon or dangerous instrument | F | B | 1 to 20 years | up to \$15,000 | 5 years | |
| 53a-102a | Burglary in the 2 nd degree with a firearm | F | C | 1 to 10 years | up to \$10,000 | 1 year | |
| 53a-103a | Burglary in the 3 rd degree with a firearm | F | D | Up to 5 years | up to \$5,000 | 1 year | |
| 53a-134(a)(2) | Robbery in the 1 st degree, armed with a deadly weapon | F | B | 1 to 20 years | up to \$15,000 | 5 years | |
| 53a-134(a)(4) | Robbery in the 1 st degree, with threatened use of a firearm | F | B | 1 to 20 years | up to \$15,000 | | |
| 53a-135(a)(1(B)) | Robbery in the 2 nd degree, with threatened use of a deadly weapon or dangerous instrument | F | C | 1 to 10 years | up to \$10,000 | | |
| 53a-174a | Possession of a weapon in a correctional institution | F | B | 1 to 20 years | up to \$15,000 | | |
| 53a-211 | Possession of a sawed-off shotgun or silencer | F | D | Up to 5 years | up to \$5,000 | | |
| 53a-212 | Stealing a firearm | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 53a-216 | Criminal use of firearm or electronic defense weapon in commission of a class A, B, C or U felony | F | D | Up to 5 years | up to \$5,000 | 5 years | |
| 53a-217 | Criminal possession of firearm, ammunition or electronic defense weapon | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 53a-217a | Criminally negligent storage of firearm | F | D | Up to 5 years | up to \$5,000 | | |
| 53a-217b | Possession of weapon on school grounds or school-sponsored activity | F | D | Up to 5 years | up to \$5,000 | | |
| 53a-217c | Criminal possession of a pistol or revolver | F | C | 1 to 10 years | up to \$10,000 | 2 years | \$5,000 |
| 54-280a | Violation of deadly weapon offender registration requirements | F | D | Up to 5 years | up to \$5,000 | | |

+ Defendants convicted of sexual assault in the 3rd degree with a firearm must be sentenced to a term of incarceration and special parole totaling 10 years.

Appendix B

The tables and figures in this section present additional data for the seven most common firearm offenses in the dataset used in this report's analysis. Table B-1 reports the incidence of these offenses for all final charges, regardless of verdict. Table B-2 and Figure B-2 present the distribution of sentence types for convictions on these offenses. Table B-3 and Figure B-3 reports the distribution of the terms of incarceration.

| Table B-1 Seven Most Common Firearm Offenses, All Verdicts | | | |
|---|---|---------------------|---------------------------------|
| C.G.S. § | Firearm Charge | # of Charges | % of all Firearm Charges |
| 29-35(a) | Carrying of pistol or revolver without permit | 4,886 | 11.14 |
| 53a-217 | Criminal possession of firearm | 4,217 | 9.62 |
| 53a-134(a)(4) | Robbery 1 st deg. w/ threat of firearm use | 2,754 | 6.28 |
| 29-38 | Pistol or revolver in vehicle without permit | 8,474 | 19.32 |
| 53-206 | Carrying a dangerous weapon | 7,155 | 16.32 |
| 53a-217c | Criminal possession of a pistol or revolver | 2,503 | 5.71 |
| 53a-212 | Stealing a firearm | 2,818 | 6.43 |
| Total | | 32,807 | 74.82 |

| Table B-2 – Sentence Types for Common Firearm Convictions | | | | | | |
|--|-------------------|------------------|----------------------|-------------|--------------|-----------------------|
| Firearm Charge | No Penalty | Fine Only | Prob./CD Only | Flat | Split | Special Parole |
| Carrying of pistol or revolver without permit | 4 | 0 | 151 | 785 | 1,130 | 106 |
| Criminal possession of firearm | 1 | 6 | 22 | 891 | 739 | 245 |
| Robbery 1 st deg. w/ threat of firearm use | 2 | 0 | 70 | 335 | 990 | 379 |
| Pistol or revolver in vehicle without permit | 66 | 51 | 666 | 383 | 408 | 28 |
| Carrying a dangerous weapon | 63 | 26 | 734 | 377 | 356 | 4 |
| Criminal possession of a pistol or revolver | 5 | 4 | 163 | 409 | 371 | 170 |
| Stealing a firearm | 8 | 3 | 137 | 288 | 269 | 35 |

| Table B-3 – Executed Incarceration for Common Firearm Convictions | | | | | | | | |
|--|------------------|-----------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Firearm Charge | No prison | <1 YR | 1 YR | 2 YR | 3 YR | 4 YR | 5 YR | 6+ YR |
| Carrying of pistol or revolver without permit | 153 | 80 | 1,122 | 383 | 148 | 65 | 220 | 3 |
| Criminal possession of Firearm | 29 | 4 | 21 | 1,037 | 294 | 143 | 320 | 56 |
| Robbery 1 st deg. w/ threat of firearm use | 72 | 17 | 98 | 190 | 220 | 186 | 214 | 779 |
| Pistol or revolver in vehicle without permit | 781 | 232 | 336 | 121 | 65 | 21 | 42 | 2 |
| Carrying a dangerous weapon | 823 | 278 | 309 | 86 | 62 | 1 | 1 | 0 |
| Criminal possession of a pistol or revolver | 172 | 41 | 144 | 386 | 154 | 80 | 130 | 15 |
| Stealing a firearm | 148 | 48 | 134 | 201 | 94 | 33 | 76 | 6 |

Figure B-2 – Sentence Types for Common Firearm Conviction

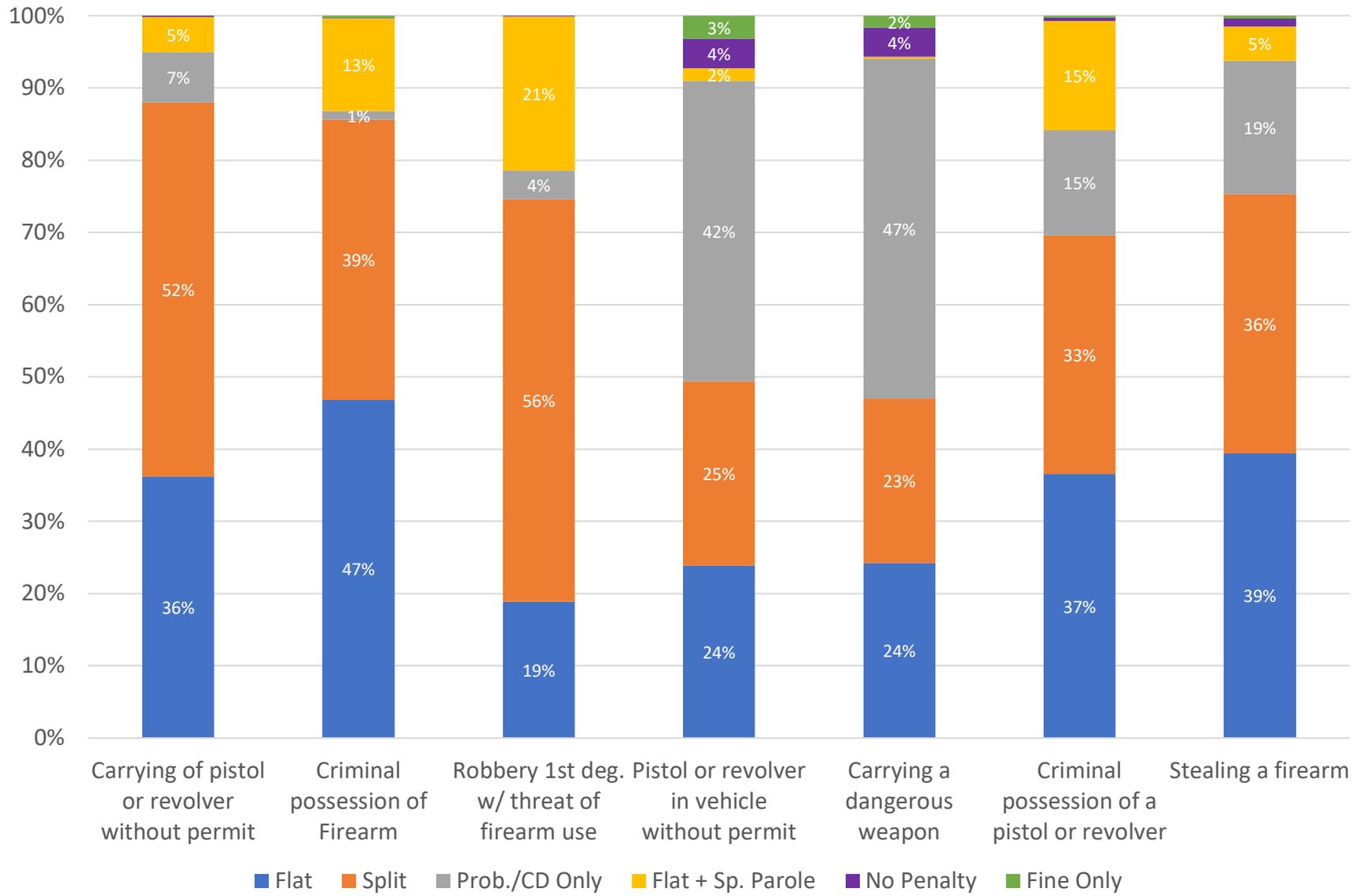
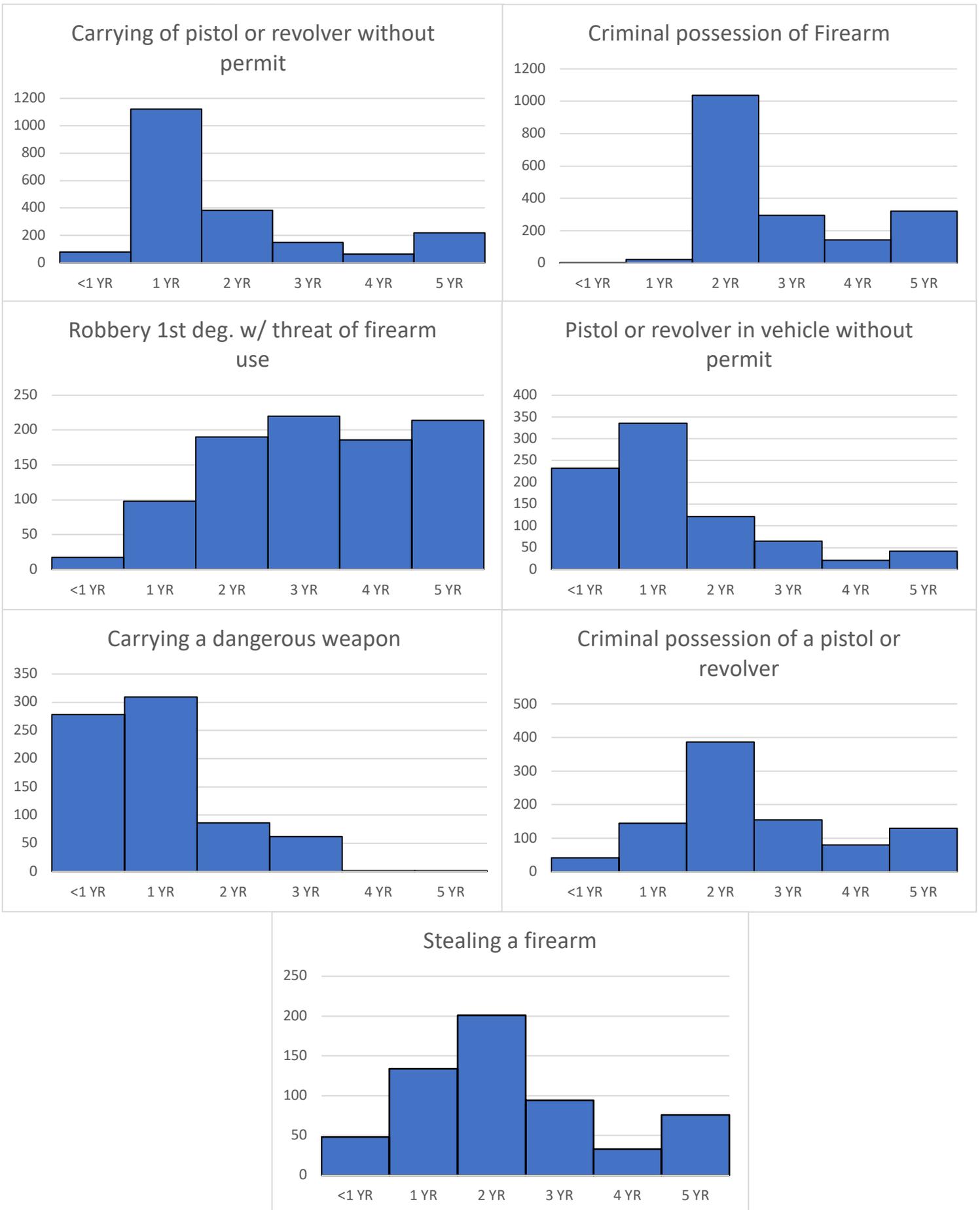


Figure B-3 – Executed Incarceration for Common Firearm Convictions



Appendix C – Statistical Annex

In the correlation analyses in section 3 of this report, average differences were calculated using ordinary least squares (OLS) regression. For estimating differences in sentencing outcomes correlated with plea agreements, the following specification was estimated:

$$y_{ift} = \beta_0 + \beta_1 \text{plea}_i + \beta_2 \text{FV}_i + \gamma_f + \delta_t + (\text{changedPA13}_f \times \text{year}_i \times \gamma_f) + \varepsilon_{ift}$$

Where y_{ift} is the number of days of executed incarceration imposed in sentence i for offense f of type and classification t . This variable included zeroes for any charges that received a sentence that did not include executed incarceration. Plea_i is a control variable for whether the sentence was issued pursuant to a plea bargain, and FV_i is a control variable for whether the charge was part of a docket labeled as a family violence incident. γ_f and δ_t are offense and type/classification fixed effects, respectively. Type/classification fixed effects are included because certain firearm charges can have different classifications depending on whether it is a first or second offense. The interacted term accounts for changes in sentencing outcomes for those offenses that were committed after 2013 and had stricter penalties imposed as a result of Public Act 13-3. This term is further interacted with the offense fixed effects to reflect that different offenses were affected by PA 13-3 differently. Standard errors are heteroskedastic-robust and clustered at the offense. $\widehat{\beta}_1$ was the reported difference in sentencing outcomes correlated with choosing to take a charge to trial instead of entering a plea agreement.

For calculating differences correlated with PA 13-3, the following specification was estimated:

$$y_{if} = \beta_0 + \beta_1 \text{plea}_i + \beta_2 \text{FV}_i + \beta_3 \text{PA13}_i + \gamma_f + \varepsilon_{if}$$

where PA13_i is an indicator that equals one if the offense year committed on or after October 1, 2013, and zero if the offense year committed before. The fixed effects for offense type and classification are excluded because Public Act 13-3 changed the classification of certain offenses and this variation would be more appropriately captured by β_3 . Standard errors are heteroskedastic-robust and clustered at the offense.

Statistical Significance: Throughout the correlation analysis in section 3F of the report, “statistical significance” is used to describe a number of the relationships studied. In essence, a difference between two values is “statistically significant” if there is a less than a 5% chance that the difference is due to random chance. For example, in the case of the Public Act 13-3 analysis, it is possible that the average sentence length is 267 days longer after the act is passed simply because, by random chance, the sentences for offenses committed in 2014-2016 happened to be longer than those committed in 2010-2013. Using statistics, one can calculate what the probability of having a 267-day larger average sentence by random chance is (this probability is based on the general variation in sentence lengths and the number of the sentences in the sample). If the probability of having a 267-day difference by random chance is less than 5%, the researcher assumes that the observed increase is *not* the result of random chance.

Statistical significance, therefore, is a measure of how confident a researcher is that an observed difference is not due to random chance. It is not necessarily a measure of *practical* or *policy* significance. Additionally, a statistically significant difference between two samples is not, by itself, evidence of any cause-and-effect relationship.