



OLR RESEARCH REPORT

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SALE OF ASSAULT WEAPONS

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You asked if someone who legally possessed one of the assault weapons banned under [PA 13-3](#) before April 4, 2013 can legally sell the weapon now and if so, how.

This office is not authorized to give legal opinions and this report should not be construed as such.

SUMMARY

It appears that anyone who legally possessed one of the newly banned assault weapons before April 4, 2013 may sell it, but only to a gun dealer in Connecticut and only after obtaining a certificate of possession for the weapon from the Department of Emergency Services and Public Protection (DESPP). (This report sometimes uses the term register when describing an assault weapon for which a certificate was issued.)

Effective April 4, 2013, [PA 13-3](#) expanded the assault weapons ban. But anyone who legally possessed any of the newly banned weapons and applies to register it with DESPP by January 1, 2014 may continue to possess it, under defined circumstances. Effective April 4, 2013, the act, with exceptions, also banned the sale of assault weapons. The sale ban, unlike the possession ban, contains no exemptions for people who legally possessed assault weapons before April 4 to sell or otherwise

dispose of them (e.g., sell to someone out of state.) But a separate provision allows such possessors to sell registered firearms to Connecticut gun dealers. It does not authorize them to sell unregistered weapons.

ASSAULT WEAPONS BAN

Possession Prohibited

[PA 13-3](#) expanded the assault weapons ban. Effective April 4, 2013, this act, with exceptions (described below), banned possession of the newly added weapons (see Appendix 1). But anyone who lawfully possessed any of them before April 4, 2013 may apply to DESPP by January 1, 2014 for a certificate of possession to keep the weapon ([CGS § 53-202c](#), as amended by [PA 13-3](#)). Lawful possession means (1) actual possession or (2) constructive possession under a lawful purchase transacted before April 4, 2013, even if the weapon is delivered after that date ([CGS § 53-202a](#), as amended by [PA 13-3](#)). Members of the U.S. Military or Navy (servicemembers) unable to apply for the certificate by January 1, 2014 because they were deployed out of state have 90 days after returning to Connecticut to apply for one. Other people who move here in lawful possession of an assault weapon have 90 days to permanently disable it, sell it to a gun dealer, or take it out of state ([CGS § 53-202d](#), as amended by [PA 13-3](#)).

Illegal possession of an assault weapon is a class D felony, punishable by a prison term of one to five years, with a one-year mandatory minimum; a fine of up to \$5,000; or both. But if a first-time violator can prove he or she lawfully possessed the weapon before April 4, 2013 and otherwise complied with the provisions governing possession of registered weapons, it is a class A misdemeanor, punishable by imprisonment of up to one year, a fine of up to \$2,000, or both ([CGS § 53-202c](#), as amended by [PA 13-3](#)).

Sales and Other Transfers Prohibited

Effective April 4, 2013, the act, with exceptions (described below) prohibited giving any of the newly banned weapons to anyone; distributing or transporting them; bringing them into Connecticut; or keeping, offering, or exposing them for sale. The exceptions, outlined below, do not include current owners. A violation is a class C felony, punishable by a fine of up to \$10,000; one to 10 years imprisonment, with a mandatory minimum two-year term; or both, or in the case of sales or other transfers to people under age 18, an additional six-year mandatory minimum ([CGS § 53-202b](#), as amended by [PA 13-3](#)).

Exceptions to the Assault Weapons Ban

The act exempts the following from the ban on possession of assault weapons for use in the discharge of their official duties: (1) members and employees of DESPP, the Department of Correction (DOC), police departments, and the state or U.S. military or naval forces and (2) Nuclear Regulatory Commission (NRC) employees or any corporation, contractor, or subcontractor providing security at a Connecticut nuclear power plant ([CGS § 53-202c](#), as amended by [PA 13-3](#)).

The act exempts from the ban on sales and other transfers of assault weapons, sales to (1) DESPP, DOC, police departments, and the state or U. S. military or naval forces, for use in the discharge of their official duties or when off duty and (2) NRC nuclear power plant employees or other person, firm, corporation, contractor, or subcontractor providing security at the plant, for use in the discharge of their official duties ([CGS § 53-202b](#), as amended by [PA 13-3](#)). It also exempts manufacturers who manufacture and transport assault weapons in Connecticut for sale (1) to these exempt entities or (2) out of state ([CGS § 53-202i](#), as amended by [PA 13-3](#)).

The act allows (1) estate executors or administrators, as authorized by the probate court, to possess and dispose of registered assault weapons in certain ways if such disposition is otherwise permitted and (2) owners to transfer registered assault weapons by bequest or intestate succession ([CGS §§ 53-202b\(b\)\(2\)](#), [53-202c\(e\)](#), as amended by [PA 13-3](#)).

REGISTERED ASSAULT WEAPONS

[PA 13-3](#) (1) exempts owners of weapons legally possessed before April 4, 2013 from the ban on possessing assault weapons, if they apply to register them by January 1, 2014, and (2) specifies circumstances under which they can possess or dispose of the registered weapons. But the act does not exempt such owners from the sale ban, which took effect on April 4, 2013. Thus, it does not appear that such owners can sell unregistered weapons. But under an existing law, which this act did not change, it appears that they may arrange to relinquish an unregistered weapon to a police department ([CGS § 53-202e](#)).

With regard to registered weapons, the act, beginning April 4, 2013, prohibits (1) selling or transferring these weapons in Connecticut to anyone except a licensed gun dealer or (2) otherwise transferring the weapon except by bequest or intestate succession. Anyone who inherits a registered assault weapon has 90 days to register it, sell it to a gun dealer, permanently disable it, or take it out of state.

Under the law and act, anyone who possesses a registered assault weapon may possess it only at the following locations:

1. at his or her home, business place, other property he or she owns, or on someone else's property with the owner's permission;
2. while on the premises of a target range of a public or private club or organization organized for practicing target shooting;
3. while at a target range that holds a regulatory or business license for practicing target shooting;
4. while on the premises of a licensed shooting club;
5. while attending a firearms exhibition, display, or educational project sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a national- or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or
6. while transporting the assault weapon, in compliance with law, between any of the above places, or to a gun dealer for servicing or repair ([CGS § 53-202d\(f\)](#) as amended by [PA 13-3](#)).

In addition to the above uses, the act allows gun dealers to (1) transport registered assault weapons to other dealers or out of state, (2) display them at state- or local government-licensed shows, or (3) sell them to out-of-state residents. It also allows them to accept such weapons for repair and servicing and to transfer them for repair to licensed gunsmiths they employ or with whom they contract for gunsmithing services ([CGS § 53-202f](#), as amended by [PA 13-3](#)).

Also, existing law, unchanged by the act, allows the temporary transfer and possession of registered assault weapons for out-of-state shooting competitions or exhibitions, display, or educational projects about firearms sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a national- or state- recognized entity that fosters proficiency in, or promotes education about, firearms.

APPENDIX 1

[PA 13-3](#) made a number of changes to expand the number and types of weapons designated as assault weapons.

Definition of Assault Weapon

Prior law defined an “assault weapon” as:

7. any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the user’s option;
8. any of a list of named semiautomatic firearms;
9. any unlisted semi-automatic rifle or pistol that can accept a detachable magazine (one that can be removed without disassembling the firearm action) and has at least two of five specified features (commonly called the two-feature test);
10. any semiautomatic shotgun that has at least two of four specified features; or
11. a part or combination of parts designed or intended to convert a firearm into an assault weapon if the parts may be rapidly assembled and are in the possession or under the control of the same person.

The act changes each part of his definition (except # 5), retained the list of named semi-automatic weapons and banned additional ones by name.

Rifles

Semiautomatic Centerfire Rifles Banned by Name. The act adds the following semiautomatic centerfire rifles, or copies or duplicates of them that have the same capability, in production on or before April 4, 2013 to the list of banned weapons (see Table 1).

Table 1: Semiautomatic Centerfire Rifles Banned by Name

AK-47 or -74	Fabrique Nationale/FN 308 Match and L1A1 Sporter	Remington Tactical Rifle Model 7615
AKM	Galil and Galil Sporter	Rock River Arms LAR-15 or LAR-47
AKS-74U	Hi-Point Carbine Rifles	SA 85 or SA 93
AR-10 or -15	HK USC	SAR-8, SAR-4800 and SR9
ARM	HK-PSG-1	SIG Sauer 551-A1, 556, 516, 716 and M400 Rifles
Armalite M15	IZHMASH Saiga AK	SLG 95 or SLR 95 or 96
Barrett M107A1 or REC7	Kel-Tec Sub-2000, SU Rifles, and RFB	Smith and Wesson M&P15 Rifles
Beretta Storm	MAADI AK47	TNW M230 and M2HB
Bushmaster Carbon 15, XM15, ACR Rifles, MOE Rifles	MAK90	Valmet M62S, M71S and M78S
Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles	MISR	Vector Arms AK-47 or UZI
Colt Match Target Rifles	NHM90 and NHM91	VEPR
Daewoo AR 100 and AR 110C	Norinco 56, 56S, 84S and 86S	WASR-10
Doublestar AR Rifles	Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles	Wilkinson Arms Linda Carbine
DPMS Tactical Rifles	Poly Technologies AKS and AK47	WUM

Semiautomatic Centerfire Rifles Banned by Features. Prior law banned semiautomatic rifles that can accept a detachable magazine and have at least two of five specified features. The act replaces the two-feature test with a one-feature test, banning all semiautomatic centerfire rifles that can accept a detachable magazine and have at least one of five specified features. The act’s ban applies regardless of the date the firearm was produced (see Table 2).

Table 2: Semiautomatic Centerfire Rifles Banned by Feature

Prior Law (two-feature test)	The Act (one-feature test)
A folding or telescoping stock	A folding or telescoping stock
A pistol grip that protrudes conspicuously beneath the action of the firearm	Any grip of the weapon, including a pistol grip, thumbhole stock, or other stock that would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing
	A forward pistol grip
A flash suppressor or threaded barrel designed to accommodate a flash suppressor	A flash suppressor
Grenade launcher	A grenade or flare launcher
Bayonet mount	

Semiautomatic Rifles Banned by Bullet Capacity and Length.

The act also bans semiautomatic, centerfire rifles that (1) have a fixed magazine and can accept more than 10 rounds of ammunition or (2) are less than 30 inches long.

Pistols

Semiautomatic Pistols Banned by Name. The act also bans the following semiautomatic pistols, or copies or duplicates of them that have the same capability, in production before or on April 4, 2013 (see Table 3).

Table 3: Semiautomatic Pistols Banned by Name

American Spirit AR-15	Draco AK-47	Kel-Tec PLR-16 Pistol
Bushmaster Carbon 15	DSA SA58 PKP FAL	Masterpiece Arms MPA Pistols
Calico Liberty III and III Tactical Pistols	German Sport 522 PK	Mini-Draco AK-47
Chiappa Firearms Mfour-22	HCR AK-47	Olympic Arms AR-15
Centurion 39 AK	Intratec TEC-DC9 and AB-10	Rock River Arms LAR 15
Colefire Magnum	IO Inc. Hellpup AK-47	Sig Sauer P516 and P556 pistols
Doublestar Corporation AR	I.O. Inc. PPS-43C	Thompson TA5 pistols
DPMS AR-15		Velocity Arms VMA Pistols
		Yugo Krebs Krink

Semiautomatic Pistols Banned by Features. The act bans any semiautomatic pistol that can accept a detachable magazine and has at least one, instead of two specified characteristics (see Table 4).

Table 4: Semiautomatic Pistols Banned by Features

Current Law (Two-Feature Test)	The Act (One-Feature Test)
An ammunition magazine that attaches to the pistol outside of the pistol grip	The ability to accept a detachable ammunition magazine that attaches outside the pistol grip
A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer	A threaded barrel capable of accepting a flash suppressor, forward pistol grip, or silencer
A shroud attached to, or partially or completely encircling, the barrel and permitting the shooter to hold the firearm with the nontrigger hand without being burned	A shroud attached to, or partially or completely encircling, the barrel and permitting the shooter to fire the firearm without being burned, except a slide that encloses the barrel
A manufactured weight of 50 ounces or more when unloaded	
A semiautomatic version of an automatic firearm	
	A second hand grip

Semiautomatic Pistols Banned by Bullet Capacity. The act bans semiautomatic pistols with a fixed magazine that can accept more than 10 rounds of ammunition.

Shotguns

Semiautomatic Shotguns Banned by Features. Prior law banned semiautomatic shotguns that have at least two of the following features:

1. a folding or telescopic stock,
2. a pistol grip that protrudes conspicuously beneath the action of the weapon,
3. a fixed magazine capacity of more than five rounds, and
4. the ability to accept a detachable magazine.

The act instead bans semiautomatic shotguns that have both of the following features:

12. a folding or telescoping stock and
13. any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing.

Shotguns Banned by Capability. The act bans any (1) semiautomatic shotgun that can accept a detachable magazine and (2) shotgun with a revolving cylinder.

Other Shotguns Banned. The act bans all semiautomatic IZHMASH Saiga 12 shotguns or copies, or duplicates of them that have the same capability and were in production before or on April 4, 2013.

Assault Weapon Parts. The act also bans any (1) part or combination of parts designed or intended to convert semiautomatic (a) centerfire rifles, (b) pistols, (c) shotguns, or (d) firearms into assault weapons and (2) combination of parts from which an assault weapon may be assembled if possessed by, or in the possession or under the control of, the same person.

Exclusions from Definition of Assault Weapon

As is the case with existing assault weapons, the act excludes from the definition of assault weapons any firearm modified to render it permanently inoperable. The act also excludes any parts or combination of parts of an assault weapon, which are not assembled as an assault weapon, when possessed by a licensed gun dealer or gunsmith in the dealer's employ, for purpose of servicing or repair.

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