



OLR RESEARCH REPORT

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ASSAULT WEAPONS

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You want to know if members of veterans' organizations are considered members of the military and naval forces for purposes of the exemptions for members of the military and naval forces from certain assault weapons provisions. You also want to know if the law allows the temporary transfers of pre-1994 centerfire rifles.

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

SUMMARY

We found no definition in state or federal laws that includes members of veterans' organizations in the definition of "military or naval forces of this state or of the United States." We also found nothing in the legislative history of the laws granting exemptions from certain assault weapons provisions to members of such forces to suggest that the legislature intended to exempt former members. Because members of veterans' organizations are not included in the definition of "military or naval forces," the exemptions that apply to members of the military and naval forces' do not apply to them.

The law, as amended by [PA 13-3](#) and [PA 13-220](#), exempts certain pre-1994 assault weapons from its transfer and registration requirements. These include certain unlisted semiautomatic rifles defined by features. The law specifically defines the type of semi-automatic rifle exempt from the transfer requirement. Whether a semiautomatic centerfire rifle is

exempt will depend on two criteria—if it (1) was legally manufactured before September 13, 1994 and (2) meets the description outlined in existing law for an exempt weapon.

EXEMPTION FROM THE ASSAULT WEAPONS BAN

The law, with limited exceptions, prohibits the sale or other transfer of assault weapons. It allows, among other exemptions, sales to, and possession by, members of the state's or U.S. military or naval forces ([CGS § 53-202b](#), as amended by [PA 13-220 § 5](#) and [CGS § 53-202c](#), as amended by [PA 13-220 § 6](#)).

Neither the existing gun laws nor [PA 13-3](#) and [PA 13-220](#), which amended these laws, define “member of the military or naval forces.” But other state and federal laws do not include members of a veterans' organization in the definition of military or naval forces. For example, Connecticut's Code of Military Justice defines the “state military forces” as the Connecticut National Guard, the organized naval militia, and any other military force organized under state law, including the organized militia ([CGS § 27-141](#)). State law does not define “naval forces.”

One federal law, used in the context of terrorism, defines the “military forces of a state” as the “armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility” (18 USC § 2332f(10)). Under another definition, used within the Internal Revenue Code, the term “military or naval forces of the United States” means “all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, and each term also includes the Coast Guard” (26 USC § 7701).

As your constituent correctly noted in reference to members of veterans organizations, “as veterans [they] are former members of the armed forces.” And while members of the armed forces are exempt from certain assault weapons provisions, former members, who are civilians, are not. The clearest indication that the legislature did not intend to exempt former armed forces members from the assault weapons ban is that it eliminated an exemption from the possession ban for military employees (civilians) ([CGS § 53-202c](#), as amended by [PA 13-220 § 6](#)). Also, when the legislature intended to exempt former members of an exempt agency, it stated this explicitly. For example, any sworn and duly certified law enforcement officer who possesses an assault weapon for

use in the discharge of his or her official duties and who retires or is otherwise separated from service may continue to keep it provided he or she applies to register the weapon within 90 days of such retirement or separation. The provision applies to any assault weapon, regardless of when banned ([PA 13-220 §§ 7\(a\)\(1\)\(B\) & 7\(a\)\(2\)\(B\)](#)).

PRE-1994 RIFLES

Prior to the passage of [PA 13-3](#) certain assault weapons not listed by name but defined by specified features, and parts or combination of parts designed or intended to convert or that could be rapidly assembled to convert a firearm into one of these weapons, were exempt from the assault weapons transfer and registration requirements if they were manufactured before September 13, 1994. Specifically, the law stated that the assault weapons provisions “shall not be construed to limit the transfer or require the registration of an assault weapon defined in subdivision (3) or (4) of subsection of subsection (a) of section 53-202a, provided such firearm was legally manufactured prior to September 13, 1994” ([CGS § 53-202m](#)). Among the firearms included in subdivision (3) were semiautomatic rifles that can accept a detachable magazine and have at least two of the following features:

1. a folding or telescoping stock,
2. a pistol grip that protrudes conspicuously beneath the action of the weapon,
3. a bayonet mount,
4. a flash suppressor or threaded barrel designed to accommodate a flash suppressor, and
5. a grenade launcher.

[PA 13-3](#) retained the exemption for these weapons but eliminated the referenced provisions describing the features. Hence, the status of these pre-1994 weapons was unclear. [PA 13-220](#) eliminated the ambiguity created by [PA 13-3](#). The law, as amended by [PA 13-220](#), continues to exempt the pre-1994 referenced assault weapons from the transfer and registration requirements that apply to other assault weapons ([PA 13-220 § 11](#)). In short, the weapons have the same status they had before the passage of the two public acts.

[PA 13-3](#) modified the definition of assault weapons. For example, prior law banned any semiautomatic rifle (centerfire or rimfire), not listed as an assault weapon, that could accept a detachable magazine, and two of five specified features. The act instead (1) limits the ban to semiautomatic centerfire rifles and (2) 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. In spite of the changes, whether an assault weapon is exempt from the transfer and registration requirements will depend on whether it (1) was legally manufactured before September 13, 1994 and (2) was exempt under the statute in effect on January 1, 2013. If a centerfire rifle meets these criteria, it would seem to be exempt.

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