



# OLR RESEARCH REPORT

December 3, 2013

2013-R-0453

## **PRE-1994 ASSAULT WEAPONS**

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You asked what type of pre-1994 rifles may be bought, sold, bequeathed, inherited, and owned in light of the passage of [PA 13-3](#) and [PA 13-220](#), and what, if any, registration requirements exist for such rifles.

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

### **SUMMARY**

The assault weapons exempt from the law's transfer and registration requirements are semiautomatic rifles, shotguns, or pistols (1) not listed by name under the original assault weapons ban but defined as such because they have at least two of a list of features specified in the statutes in effect on January 1, 2013 and (2) legally manufactured before September 13, 1994 (the date the now expired federal ban on assault weapons took effect). This means that anyone owning any of these pre-1994 weapons does not have to register it. Nor is the firearm subject to the restrictions placed on the transfer of registered assault weapons.

The law granting the exemptions dates back to 2001. It exempts the weapons by reference to the subdivision that contains the two-feature test. PA [13-3](#) eliminated the referenced subdivision containing the test, but not the statute granting the exemption. Thus, the status of these pre-1994 weapons was unclear. [PA 13-220](#) resolved the ambiguity. It

restored the status of these firearms to what existed before 2013, by specifying that the exemptions apply to the statutes revised to January 1, 2013.

## **ASSAULT WEAPONS**

### ***Definition***

With some limited exceptions (not discussed in this report), it is illegal to (1) own an assault weapon in Connecticut unless one has obtained a certificate of possession for it from the State Police (in effect, registered it) or (2) transfer a legally registered assault weapon, except under narrowly prescribed circumstances. The original assault weapons law, which was passed in 1993, defined an “assault weapon” as:

1. any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the user’s option;
2. any of a list of named semiautomatic firearms; or
3. parts either designed or intended to convert a firearm into an assault weapon or from which an assault weapon may be rapidly assembled if they are in one person’s possession.

A 2001 law ([PA 01-130](#)) expanded the definition of an assault weapon by adding (1) semiautomatic weapons that had at least two of a list of features (two-feature test) and (2) parts either designed or intended to convert a firearm into one of these assault weapons or from which such an assault weapon may be rapidly assembled if in one person’s possession. These provisions were codified at CGS § [53-202a](#), subsection (a) at subdivisions (3) and (4). The act also exempted from the law’s transfer and registration requirements any of this new category of assault weapons legally manufactured before September 13, 1994 (CGS § [53-202m](#)).

Subdivision (3) of CGS § [53-202a](#) added the following weapons to the definition of assault weapons: 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.

Subdivision (3) added the following pistols to the definition of assault weapons: semiautomatic pistols that can accept a detachable magazine and have at least two of the following features:

1. an ammunition magazine that attached to the pistol outside of the pistol grip;
2. a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
3. 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;
4. a manufactured weight of 50 or more ounces when unloaded; and
5. a semiautomatic version of an automatic firearm.

Subdivision (3) added the following shotguns to the definition of assault weapons: any semiautomatic shotgun that has 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 fixed magazine capacity in excess of five rounds; and
4. an ability to accept a detachable magazine.

### ***PA 13-3 and PA 13-220***

[PA 13-3](#) expanded the definition of assault weapon and reordered various sections and subdivisions in the assault weapons statutes. In doing so, it eliminated subdivision (3), which contained the two-feature test, and subdivision (4), which tied assault weapons parts to the two-

feature test. But it retained the CGS § [53-202m](#) exemption, which referenced these subdivisions. Thus, the status of the pre-1994 weapons previously referenced in these subdivisions 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 registered assault weapons. Under PA 13-220:

[n]otwithstanding any provision of the general statutes, sections 53-202a to 53-202l, inclusive, as amended by this act, shall not be construed to limit the transfer or require the registration of an assault weapon as defined in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revision of 1958, revised to January 1, 2013, provided such firearm was legally manufactured prior to September 13, 1994 (PA 13-220 § 11).

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