



LARGE CAPACITY MAGAZINES AND INHERITANCE

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LARGE CAPACITY MAGAZINE

A large capacity magazine is any firearm magazine, belt, drum, feed strip, or similar device that can hold, or can be readily restored or converted to hold, more than 10 rounds of ammunition. It excludes:

1. feeding devices permanently altered so that they cannot hold more than 10 rounds,
2. .22 caliber tube ammunition feeding devices,
3. tubular magazines in a lever-action firearm, and
4. permanently inoperable magazines (CGS § [53-202w](#)).

ISSUE

May someone who inherits large capacity magazines (LCMs) possess it, or must he or she dispose of it?

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

SUMMARY

The answer is unclear because the law does not explicitly address this question.

The law limits who may possess LCMs. Among those eligible to do so, in specified circumstances, are people who lawfully possessed them before January 1, 2014 and declared them by that date to the Department of Emergency Services and Public Protection (DESPP). Such persons may transfer the magazines by bequest or intestate succession. But the law does not address possession of LCMs by people who have inherited them. Nor does it give such heirs the option to declare the magazines and thereby legally possess them. Absent these provisions, it appears that they must render the magazine inoperable, sell it to a gun dealer, transfer it to state or local police, or take it out of state. These are the ways in which nonresidents who move into the state with an LCM may dispose of it.

Below we provide additional background information on LCM possession and transfer.

LCM POSSESSION AND TRANSFER

By law, people who lawfully possessed LCMs before January 1, 2014 may keep them if they applied to declare them to DESPP by January 1, 2014 (CGS § [53-202x](#)). Members of the military or naval forces (servicemembers) transferred to Connecticut after January 1, 2014 in lawful possession of an LCM, may declare possession of it within 90 days after their arrival. In addition to these people, the following may possess LCMs:

1. executors or administrators of an estate or trustees of a trust that includes legally declared LCMs, which are disposed of as authorized by the probate court, if the disposition is otherwise permitted;
2. licensed gun dealers;
3. gunsmiths employed by gun dealers, who receive lawfully possessed LCMs for servicing or repair; or
4. federally licensed gun manufacturers, for such service and repair (CGS § [53-202w\(e\)](#)).

The following may also possess, purchase, or import LCMs:

1. members of the state or U.S. military;
2. licensed nuclear facilities, and contractors or subcontractor of the facility, for providing security;
3. anyone the DESPP commissioner appoints to act as a special police officer for armored cars, while discharging his or her official duties;
4. DESPP, police departments, the Department of Correction (DOC), the Division of Criminal Justice, the Department of Motor Vehicles (DMV), the Department of Energy and Environmental Protection (DEEP), or the state or U.S. military or naval forces;
5. sworn and certified members of DESPP, police departments, or DOC; Division of Criminal Justice inspectors; salaried DMV inspectors designated by the DMV commissioner; conservation or special conservation officers appointed by the DEEP commissioner; or constables certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city, or borough to perform criminal law enforcement duties, all of whom may possess the magazines for official use or while off duty; and
6. in-state LCM manufacturers and federally licensed gun manufacturers that manufacture, purchase, test, or transport LCMs or firearms in Connecticut for sale to the above or out of state (CGS § [53-202w\(d\)](#)).

Anyone, except a servicemember, who moves into Connecticut in lawful possession of an LCM has 90 days to either permanently disable it, sell it to a gun dealer, or take it out of state (CGS § [53-202x\(d\)](#)).

The law generally prohibits transfers of LCMs, but it allows transfer of (1) declared LCMs by bequest or intestate succession, or upon the death of a testator or settlor; (2) LCMs to DESPP or local police departments; and (3) LCMs to gun dealers (CGS § [53-202w\(f\)](#)).

Anyone who possesses an undeclared LCM lawfully obtained before April 5, 2013 is guilty of (1) an infraction punishable by a fine of up to \$90 for a first offense and (2) a class D felony for a subsequent offense. Anyone who possesses an undeclared LCM obtained on or after April 5, 2013 is guilty of a class D felony (CGS § [53-202w\(c\)](#)). The court may order suspension of prosecution of violations of the above LCM provisions if it finds that the violation was not serious and the violator (1) will probably not offend again, (2) has not previously been convicted of a violation of the provisions, and (3) has not previously had a prosecution for a violation suspended (CGS § [53-202w\(g\)](#)).

WHERE LEGALLY DECLARED LCMS MAY BE POSSESSED

The law limits where a person can possess a declared LCM. A person who has declared an LCM may keep it only:

1. at his or her residence;
2. at his or her business or other property he or she owns, provided the LCM does not contain more than 10 bullets;
3. at a target range of a public or private club or organization organized to practice target shooting;
4. at a target range that holds a regulatory or business license for practicing target shooting;
5. at a licensed shooting club;
6. while transporting the LCM between any of the above-mentioned places or to a gun dealer, provided the LCM contains no more than 10 bullets and is transported in compliance with the law as it applies to transporting assault weapons; or
7. under a valid permit to carry handguns, provided the LCM (a) is in a handgun lawfully possessed by the person before April 5, 2013, (b) does not extend more than one inch beyond the bottom of the pistol grip, and (c) contains no more than 10 bullets.

A violation of the restrictions on the possession of declared LCMs is a class C misdemeanor ([CGS § 53-202x\(f\) & \(g\)](#)).

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