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October 9, 2013

**Re: Opinion Letter:  
Transfer and Registration of Selected Assault Weapons Manufactured Prior to  
September 13, 1994**

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## **Issue #1:**

Question: Is an assault weapon as defined in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revised to January 1, 2013, provided such assault weapon was legally manufactured prior to September 13, 1994, subject to mandatory registration by January 1, 2014?

Answer: No.

## **Issue #2:**

Question: Is an assault weapon as defined in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revised to January 1, 2013, provided such assault weapon was legally manufactured prior to September 13, 1994, prohibited from transfer under Connecticut law?

Answer: No.

## **Opinion Summary**

Firearms meeting the following criteria in sections A through C, below, which define them as assault weapons under Connecticut law, that were legally manufactured prior to September 13, 1994, are not subject to registration and may be transferred under Connecticut law.<sup>1</sup>

### **A. Semiautomatic Rifles**

A semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following: (i) A folding or telescoping stock; (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) A bayonet

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<sup>1</sup> See Conn. Gen. Stat. § 53-202m, as amended by P.A. 13-220, § 11, effective June 18, 2013 ("Notwithstanding any provision of the general statutes, sections 53-202a to 53-202l, inclusive, 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.").

mount; (iv) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and (v) A grenade launcher.

B. Semiautomatic Pistols

A semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following: (i) An ammunition magazine that attaches to the pistol outside of the pistol grip; (ii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip or silencer; (iii) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned; (iv) A manufactured weight of fifty ounces or more when the pistol is unloaded; and (v) A semiautomatic version of an automatic firearm.

C. Semiautomatic Shotguns

A semiautomatic shotgun that has at least two of the following: (i) A folding or telescoping stock; (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) A fixed magazine capacity in excess of five rounds; and (iv) An ability to accept a detachable magazine; or (4) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subdivision (3) of this subsection, or any combination of parts from which an assault weapon, as defined in subdivision (3) of this subsection, may be rapidly assembled if those parts are in the possession or under the control of the same person.<sup>2</sup>

D. A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in A through C, above, or any combination of parts from which an assault weapon, as defined in A through C, above, may be rapidly assembled if those parts are in the possession or under the control of the same person.<sup>3</sup>

### Applicable Law

In 1993 the general assembly enacted P.A. 93-306, § 1, codified in subdivision (1) and (2) of subsection (a) of section 53-202a of the general statutes, banning selective-fire firearms capable of fully automatic, semiautomatic or burst fire at the option of the user and certain specifically-named firearms as "assault weapons."<sup>4</sup> Effective October 1, 1993, P.A. 93-306, §§ 1,

<sup>2</sup> See Conn. Gen. Stat. § 53-202a(a)(3), revised to January 1, 2013.

<sup>3</sup> See Conn. Gen. Stat. § 53-202a(a)(4), revised to January 1, 2013.

<sup>4</sup> See P.A. 93-306, § 1, codified in subdivision (1) and (2) of subsection (a) of section 53-202a of the general statutes, revised to January 1, 2001, naming selective-fire firearms capable of fully automatic, semiautomatic or burst fire at the option of the user and certain specifically-named firearms as "assault weapons" provided: "As used in this act, "assault weapon" means: (1) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and

3, 4, prohibited the transfer of these firearms specified in § 1 and required their registration on or before July 1, 1994. In 2001 the general assembly enacted P.A. 01-130, §§ 1, 2, codified in subdivision (3) and (4) of subsection (a) of section 53-202a of the general statutes, revised to January 1, 2013, banning semiautomatic firearms having certain characteristics and meeting specified criteria as "assault weapons."<sup>5</sup> A semiautomatic firearm meeting the criteria set forth in subdivision (3) and (4) of subsection (a) of section 53-202a of the general statutes, revised to January 1, 2013, not specified by name in subsection (1) as an assault weapon,<sup>6</sup> was not required to be registered or its transfer limited under Connecticut law, provided the firearm was legally manufactured prior to September 13, 1994.<sup>7</sup> In 2013 the general assembly enacted P.A. § 13-220, § 11, effective June 18, 2013, confirming that section 53-202m of the general statutes exempted from registration and allowed transfer of semiautomatic firearms meeting the criteria set forth in subdivision (3) and (4) of subsection (a) of section 53-202a of the general statutes, revised to January 1, 2013, not specified by name in subsection (1) as an assault weapon, provided the firearm was legally manufactured prior to September 13, 1994.<sup>8</sup>

### Supporting Opinion

The following is taken from an email exchange between Detective Kenneth Damato of the Special Licensing and Firearms Unit, Department of Emergency Services and Public Protection, and a general member of the public unaffiliated and not known to undersigned counsel:

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MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol.(2) A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be rapidly assembled if those parts are in the possession or under the control of the same person."

<sup>5</sup> See P.A. 01-130, § 1, codified in subdivision (3) and (4) of subsection (a) of section 53-202a of the general statutes, revised to January 1, 2013, naming semiautomatic firearms having certain characteristics and meeting specified criteria as "assault weapons" provided: "(3) Any semiautomatic firearm not listed in subdivision (1) of this subsection that meets the following criteria: (A) A semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following: (i) A folding or telescoping stock; (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) A bayonet mount; (iv) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and (v) A grenade launcher; or (B) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following: (i) An ammunition magazine that attaches to the pistol outside of the pistol grip; (ii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip or silencer; (iii) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned; (iv) A manufactured weight of fifty ounces or more when the pistol is unloaded; and (v) A semiautomatic version of an automatic firearm; or (C) A semiautomatic shotgun that has at least two of the following: (i) A folding or telescoping stock; (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon; (iii) A fixed magazine capacity in excess of five rounds; and (iv) An ability to accept a detachable magazine; or (4) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subdivision (3) of this subsection, or any combination of parts from which an assault weapon, as defined in subdivision (3) of this subsection, may be rapidly assembled if those parts are in the possession or under the control of the same person."

<sup>6</sup> See footnote 4, *supra*, for specifically named assault weapons in subdivision (1) of section (a) of section 53-202a of the general statutes, revised to January 1, 2001.

<sup>7</sup> See P.A. § 01-130, § 3, codified as section 53-202m of the general statutes, provided: "Notwithstanding any provision of the general statutes, sections 53-202a to 53-202k, inclusive, of the general statutes, as amended by this act, and section 2 of 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, as amended by this act, provided such firearm was legally manufactured prior to September 13, 1994."

<sup>8</sup> See Conn. Gen. Stat. §53-202m, effective June 1, 2013, which provides: " Notwithstanding any provision of the general statutes, sections 53-202a to 53-202l, inclusive, 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."

Question from Member of General Public: Is transferring an 'assault weapon' that was manufactured before September 13, 1994, still legal? (Referencing section 53-202m)

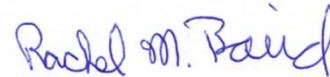
Answer by Detective Damato:

"So long as you have concrete proof (a factory letter is the best proof) that the firearm was manufactured prior to April<sup>9</sup> 13, 1994, Sec. 53 202m applies and the firearm is fully transferable and does not need to be registered."

Det. Kenneth Damato #615 SLFU  
(Email transmitted by Detective Damato on 09/24/2013)

### Conclusion

A semiautomatic firearm meeting the criteria set forth in subdivision (3) or (4) of subsection (a) of section 53-202a, not specifically named in subsection (1), and manufactured prior to September 13, 1994, is fully transferable and not required to be registered under Connecticut law.



Rachel M. Baird, Attorney

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<sup>9</sup> Reference to April instead of September appears to be a scrivener's error.