



Office of the Attorney General
State of Connecticut

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May 16, 2017

Dr. Dora B. Schriro
Commissioner
Department of Emergency Services
and Public Protection
1111 Country Club Road
Middletown, CT 06457

Dear Commissioner Schriro:

You have requested a formal opinion on whether, for purposes of administering the provisions of Conn. Gen. Stat. § 29-28(b), a resident of the Mashantucket Pequot Tribal Nation (MPTN) reservation is a bona fide permanent resident of the Town of Ledyard such that local authorities are empowered to issue a temporary state permit to such individuals, and based thereon, the Commissioner of the Department of Emergency Services and Public Protection (Commissioner) is authorized to issue a state permit to carry pistols and revolvers. We conclude that the answer to this question is yes.

Section 29-28(b) of the General Statutes provides for the process by which a person may obtain a permit to carry a pistol or revolver. The process has two steps: first, a temporary permit is sought from and issued by a local authority; and second, the Commissioner issues a state permit to the applicant. Specifically, § 29-28(b) provides "[u]pon the application of any person having a *bona fide permanent residence within the jurisdiction* of any such [municipality], such chief of police, warden or selectman may issue a temporary state permit to such person to carry a pistol or revolver within the state...." Conn. Gen. Stat. § 29-28(b) (emphasis added). Then, "[u]pon issuance of a temporary state permit to carry a pistol or revolver to the applicant, the local authority shall forward the original application to the commissioner.... The commissioner may then issue, to any holder of any temporary state permit, a state permit to carry a pistol or revolver within the state." *Id.*

The question you pose turns on whether, for purposes of § 29-28(b), a resident of the MPTN reservation is a person having a "bona fide permanent

residence" in the Town of Ledyard so that the chief of police of Ledyard may issue a temporary permit to carry a pistol or revolver to a reservation resident. The MPTN reservation is located physically within the Town of Ledyard.

As a general matter, tribal reservations are considered to be within the State for purposes of the application of state law. *Nevada v. Hicks*, 533 U.S. 353, 361-62 (2001); *Van Kruiningen v. Plan B, LLC*, 485 F. Supp. 2d 92, 97 (D. Conn. 2007); Conn. A.G. Op. No. 98-023, 1998 WL 1109426 (Nov. 23, 1998) (MPTN reservation located within the State for purposes of state nonresident pharmacy laws); Conn. A.G. Op. No. 95-024, 1995 WL 774705 (Aug. 24, 1995) (MPTN reservation located within the State for purposes of state banking laws). This Office has previously opined that marriages performed on the MPTN reservation are deemed to be performed within the Town of Ledyard for purposes of state law such that a license for such marriage may be validly issued by an official of the Town of Ledyard. Conn. A.G. Op. No. 2005-022, 2005 WL 2271485 (Sept. 7, 2005). That opinion was premised on the straightforward notion that, although tribal sovereignty allows a tribe to exercise inherent sovereign authority over its members and its territory, for purposes of a local official's authority under state law a tribal reservation nonetheless can be considered within the municipality in which it is located.¹

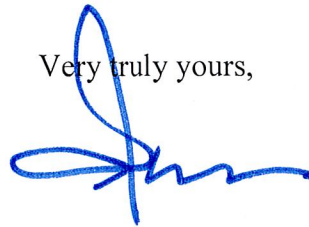
Where the legislature has chosen to authorize local officials to administer a state licensing or permitting regime, it follows that, absent some evidence of contrary intent, the legislature intended to treat reservation residents as residents of the municipality in which the reservation is located for the purposes of such permitting. To conclude otherwise could preclude a reservation resident from obtaining a permit from the appropriate local official that the reservation resident, as a citizen and resident of the State, would otherwise be entitled to receive. Such a result would be at odds with the legislature's express declaration that it is "the policy of the state of Connecticut to recognize that all resident Indians of qualified Connecticut tribes are considered to be full citizens of the state and they are granted all the rights and privileges afforded by law, that all of Connecticut's citizens enjoy." Conn. Gen. Stat. § 47-59a.

¹ Public Act 16-66 amended Conn. Gen. Stat. § 46b-28a to recognize marriages performed and licensed on the MPTN and Mohegan reservations. This recognition of such marriages as marriages of "another jurisdiction" does not alter the opinion's conclusion that the MPTN reservation is within the Town of Ledyard; rather, it merely recognizes as valid under state law a marriage entered into on the reservation and recognized as valid by the MPTN.

We can discern no legitimate purpose supporting a construction of the statute that would deny reservation residents the right to obtain pistol and revolver permits. Therefore, we conclude that, for purposes of § 29-28(b), a bona fide permanent resident of the MPTN reservation is also a bona fide permanent resident of the Town of Ledyard. *See Shakopee Mdewakanton Sioux Community v. City of Prior Lake*, 771 F.2d 1153, 1159 (8th Cir. 1985) (tribal reservation residents were residents of municipality in which the reservation is located for purposes of municipal elections and provision of municipal services). Accordingly, local authorities are empowered to issue a temporary state permit to such persons, and the Commissioner is similarly authorized to issue a state permit.

We trust this answers your question.

Very truly yours,



GEORGE JEPSEN
ATTORNEY GENERAL