



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

TO: Interested Parties
FROM: DESPP Special Licensing and Firearms Unit
DATE: February 8, 2023
RE: ATF final rule FAQ's

The information provided in this memo does not, and is not intended to, constitute legal advice. Instead, the information contained herein should be considered for general informational purposes only. The terms "other" and "CT-Other" firearms, as used in this memo, refer to their commonly used meaning and are used in reference to Connecticut law only. For purposes of federal law, the reader should consult the Bureau of Alcohol, Tobacco, Firearms, and Explosives (hereinafter referred to as "ATF") guidance for the understanding of an "any other weapon" as understood by federal law. Nothing in this memo is designed to serve as information regarding an "any other weapon" under federal law.

On January 13, 2023, the U.S. Attorney General signed ATF final rule 2021R-08F, "Factoring Criteria for Firearms with Attached 'Stabilizing Braces,'" amending ATF's regulations to clarify when a rifle is designed, made, and intended to be fired from the shoulder. The rule was [published](#) on January 31, 2023.

Below are frequently asked questions from the field. In addition, a frequently asked question document from the ATF may be accessed [here](#).

1) If I lawfully possessed a CT-Other in its original configuration as of 1-31-2023, am I now in violation of the Connecticut assault weapon ban?

No. While the federal rule amended definition of "rifle" in such a way as to render a so called "other" as a "rifle" under federal law, the Connecticut definition of "rifle" has not been amended. Therefore, anyone who lawfully possesses an "other" in its original configuration is not deemed to be in possession of an assault weapon in Connecticut. Anyone in possession of an "other" firearm should review ATF guidance with regard to their status under federal law, however, to determine if they are in possession of a "firearm" that is subject to National Firearms Act ("NFA") rules. SLFU encourages those in possession of "others" with a barrel length under 16 inches to examine whether their firearm is now classified as a short-barreled rifle under federal law.

In addition, SLFU is working with ATF on a method that would allow a legally possessed CT-other to be registered as a short-barreled rifle.

2) If I sell firearms, when is the last day I can sell CT-Others?

The ATF Final Rule applies to semi-automatic firearms with stabilizing braces only. Dealers should consult ATF guidance regarding the legality of firearms equipped with stabilizer braces on firearms that are now subject to the NFA under federal law by virtue of the ATF Final Ruling on stabilizing braces. If the Federal government has determined that these firearms are short-barreled rifles (“SBR”s) they will require registration under federal law. Pursuant to State law, “other” firearms are not prohibited at this time.

3) How does the ATF Final Ruling on stabilizing braces affect an FFL selling what are deemed CT-Others to eligible persons in Connecticut?

The ATF Final Rule does not affect the sale of “other” or “CT-Other” firearms by an FFL. Presently, it is not unlawful, under state law, for an FFL to sell such firearms. However, if by virtue of the ATF Final Rule, said “other” firearm is now classified as an SBR under federal law, it is unlawful to sell such firearm pursuant to federal law without following the relevant procedures under the National Firearms Act.

4) ATF didn’t change the definition of shotgun so how does that affect firearms with stabilizing braces that are semi-automatic with a detachable magazine and smooth bore (the barrel feature indicative of a shotgun)? (e.g. a Kalashnikov Komrad 12 gauge “other” or similar firearm)?

The ATF rule change does not make any substantive changes to Connecticut state law. (See FAQ #1). If such a semi-automatic shotgun was classified as an assault weapon under state law, prior to the federal rule change, it remains subject to the existing prohibition on assault weapons under state law. For purpose of state law, the definition of pistol, rifle, or shotgun has not changed. If the ATF rule change results in such firearm becoming an NFA firearm, under federal law, anyone in possession of such firearm should review ATF guidance referenced above. If the firearm has not been evaluated by the ATF’s Firearms Technology Industry Services Branch for firearm classification, then we cannot offer any guidance of its legality federally.

5) How does the ATF Final Ruling on stabilizing braces affect individuals possessing CT-others regardless of barrel length in Connecticut?

Generally, the ATF Final Ruling does not have any effect on Connecticut law at this time. This new ruling affects the barrel length and overall length as it pertains to NFA items and the need to obtain a tax stamp at the federal level.

Due to the registration period for assault weapons being closed in Connecticut, we are diligently working with the ATF on what documentation would establish legal possession of an “other” in order to obtain a tax stamp for any firearm deemed an SBR under federal law. Further guidance will be forthcoming on the process for obtaining the appropriate documentation, if needed, to make an application for an ATF Form 1.

6) Can an FFL purchase a stabilizing brace CT-Other from a person? In other words, is the seller certificate of possession required?

The new ATF Final Rule has no effect on present Connecticut firearms law. “CT-Other” firearms are not illegal by virtue of this federal rule. Under state law, the application of a

stabilizing brace to a firearm does not create a rifle at this time. If, however, that firearm is considered a “firearm” for NFA purposes, the FFL should consult ATF guidance on the legality of their possession of that firearm.

7) Will there be an open registration period? What should I do with my firearm in the meantime?

As previously indicated, anyone who lawfully possesses a CT-Other in its original configuration is not deemed to be in possession of an assault weapon under Connecticut law and no registration would be necessary. (See FAQ #1.) While no new firearm legislation has been passed in the Connecticut General Assembly, there have been several past and present proposals related to changes in firearm laws. Any statement regarding proposed legislation that has not yet been enacted is speculative and is beyond the purpose of the memo.