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Holly Sullivan, President  
CT Citizens Defense League

RE: Update on Connecticut Other Legal Status

The ATF Final Regulation, 2021R-008F became effective on January 31, 2023. This regulation reclassified nearly all firearms sold as "Others" in Connecticut as "Short Barrel Rifles" pursuant to the National Firearms Act of 1934. As ATF is a Federal Agency this change only applied to classification under Federal Law.

CCDL went into court to seek an emergency Temporary Restraining Order, through the US District Court, in a pending case, Grant vs. Lamont. The core of this motion was to prohibit the State of Connecticut from seizing CT Others under a theory that if "Others" are now "Rifles", they would be a felony to possess pursuant to the Connecticut Assault Weapons Act CGS 53-202a.

The State of Connecticut responded on February 8, by issuing a memo to Federal Firearms Licensees in CT with a series of FAQ answers. One of these states:

***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 (the) definition of "rifle" in such a way as to render a so called "other" as a rifle under federal law, the Connecticut definition of a 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... Memorandum from DESPP, State of CT, 2/8/23).***

The February 8 memorandum was subsequently followed up with a March 30 memorandum which further clarified that persons who lawfully owned a so called "Other" would be able to file a Form 1 with ATF during the 120 day federal grace period. Accordingly, if you own a so called other, you have three options: (1) install a barrel more than 16" in length making it a rifle under federal law. If you do this you do not need to file a Form 1 with ATF, (2) remove the brace. If you have no brace, there is no way to shoulder and no need to file. Despite consistent rumors, there never actually was a need for a brace. This was an "urban legend" that ATF then approved

having a brace. But, that did not mean you needed one. The confusing part is that the CT Memorandum refers to an “other in its original configuration”. We believe this means in a configuration that was legal as an “other” prior to January 31, 2023. As such we believe you can remove the brace, get rid of it so you do not have a combination of parts, and you would not need to do anything right now. 3, you can either register on ATF Eforms, or have a company like SilencerCo file your form 1 with ATF. Once that is approved the gun is federally a Short Barrel Rifle, but under State Law is still an “Other”.

As the Rule became effective on January 31, we believe the deadline to file is May 31, but as computer systems can fail we strongly suggest that you file by May 24, 2023. Normally a Form 1 can be filed by mail, but if you register for ATF E-Forms, you will get instant confirmation they have your file. You will need to obtain a set of fingerprints on a federal form FD258, but these need not be taken by a law enforcement agency. Many firearms dealers will take prints. And, you will need a passport type picture. There are clear instructions on the Form 1 which of course you should follow. <https://eforms-form1.atf.gov/login;referrer=%2Fhome>

As of today, there are still many questions, we cannot answer.

1. Is the memo from State Police Special Firearms now law in CT. The answer is no, the State Police cannot issue legal opinions. But if you rely on their memorandum, you cannot be prosecuted, if you follow their advice. We have seen this before in Kaminsky where the State Police issued a memorandum on what was a preban, and the Court rejected their definition. As such those guns became illegal, but all the State could do was to seize them.
2. If I file a Form 1, will the Federal Government do a search on my background? We just do not know, but likely the answer is yes. Likely this was done by the State when you obtained an authorization number. So, is it any different. We have no idea.
3. Once my firearm is registered as a Short Barrel Rifle, may I install a conventional shoulder stock, or shorten the barrel to less than 12”. The answer appears to be no, as a stock would then under CT Law be a rifle, as intended to be fired from the shoulder. And, if the barrel was under 12” it would be a pistol, which would also bring the firearm with the definition of an assault weapon in CT. As set forth above in the State Memorandum, the firearm must be in its original configuration. We think this means, no barrels under 12” and no conventional shoulder stocks. If your gun had a factory brace, and you retain it, we would not change it. But, there is no unambiguous answer.
4. Can I register a receiver on a Form 1? We just do not know. The form is going to ask for length overall, barrel length... So, will they accept an SBR without this information? I think the answer is no, but who knows. If you own a barrel and have an overall length with a buffer tube, perhaps those can be included, although it is not actually assembled.

Respectfully,

Gregory J Miller