



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION
OFFICE OF THE COMMISSIONER

October 25, 2023

The Honorable Rob Sampson
Legislative Office Building
Hartford, CT 06106

Dear Senator Sampson,

This is in response to your letter of September 25, 2023. In that letter you express concerns with the recent announcement that Connecticut citizens will no longer be able to engage in private transfers of firearms without the assistance of a federal firearms licensee (FFL). I appreciate your understanding that DESPP was faced with a difficult decision balancing the implementation of state law while also meeting federal requirements.

As you state in your letter, state law provides that DESPP "shall perform the national instant criminal background check and make a reasonable effort to determine whether there is any reason that would prohibit such applicant from possessing a pistol or revolver as provided in section 53a-217c." Conn. Gen. Stat. § 29-33 (c). According to the FBI, the National Instant Criminal Background Check System (NICS), which was established under the Brady Handgun Violence Prevention Act of 1993 (Brady Act), requires a national namecheck system for federal firearms licensees (FFLs) and may not be accessed for direct transfer by private citizens. A brochure containing more information about the NICS system and the limited purposes for which it may be accessed is enclosed herewith.

As a proposed solution you suggest that DESPP contract with an FFL to process private transfers. DESPP does not currently have legal or budgetary authority to implement such a solution. As an administrative agency, DESPP possesses no inherent power; its authority "is found in a legislative grant, beyond the terms and necessary implications of which it cannot lawfully function." *Dep't of Pub. Safety v. Freedom of Info. Comm'n*, 103 Conn. App. 571, 584 (2007).

Sincerely,

A handwritten signature in blue ink, appearing to read "J. C. Rovella".

James C. Rovella
COMMISSIONER