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**State of Connecticut**  
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ELECTIONS COMMITTEE  
HOUSING COMMITTEE  
LABOR COMMITTEE

**MEMBER**  
JUDICIARY COMMITTEE

September 25, 2023

James Rovella, Commissioner  
Department of Emergency Services & Public Protection  
1111 Country Club Road  
Middletown, CT 06457

Dear Commissioner Rovella,

Thank you for the response to my inquiry regarding the announcement made by your agency that Connecticut citizens will no longer be able to engage in private transfers of firearms and must now utilize an FFL for any transfer.

If I am understanding the series of events correctly, you were informed during a recent meeting with the FBI, that the SLFU has never been allowed to utilize NICS for private sales. You didn't say when they discovered that we had been doing so for years but that the FBI allowed us some time for the vendor to make programming changes which were finished last week. That is when you made the announcement that private sales would no longer be allowed to be processed.

I completely understand that you were faced with a difficult decision on how to proceed as a state agency charged with implementing state law while also required to follow federal guidelines.

I am writing today to encourage you to alter that decision. First, our state law is crystal clear – “Said commissioner 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.”

That clearly conflicts with the FBI's assertion that the utilization of the NICS established under the Brady Handgun Violence Prevention Act of 1993 (Brady Act), requires a national namecheck system for federal firearms licensees (FFLs). I suspect that does not appear in federal law but rather only regulations. I am also aware that some entities who are not FFL's are allowed to use the system currently – tribal law enforcement, and the DESPP for example.

The way I look at this is that you have a conflict between a state law and a federal regulation which has apparently not been applied for multiple years. We are also talking about the constitutionally protected natural rights of the citizens I represent and whom you work for – and pay us both. To make someone's second amendment freedoms subject to the use of a third party gun dealer strikes me as patently unconstitutional,

particularly in Connecticut where CT State Constitution Article 1 Section 15.1 Every citizen has a right to bear arms in defense of himself and the state.

In short, there is no requirement for an FFL to be part of the transaction under Connecticut law.

Your agency does not have the authority to add additional requirements, infringements if you will, that will curtail private gun ownership by requiring a third party's consent, and possibly consideration (money or fees.) This would also be an affront to one's right to free association – or lack thereof. In short, no citizen's right to bear arms is subject to these restrictions, and certainly not without legislation.

Basically, I don't see how you can deny citizens the ability transfer firearms privately without any law prohibiting it. A better solution would be for the agency to contract with an FFL at their expense to process these private transfers. This would satisfy the state statute as well as the federal regulation. It also maintains the goal of the original legislation which was to encourage voluntary background checks for private sales. The policy you have adopted only discourages background checks from occurring.

Please let me know your thoughts and if I can assist in helping to find a lawful solution that protects the rights of my constituents.

I look forward to hearing from you.

Most sincerely,

A handwritten signature in black ink, appearing to read "Rob Sampson", with a long horizontal flourish extending to the right.

State Senator Rob Sampson  
16<sup>th</sup> District