Nancy Lanza May Have Illegally Owned The Bushmaster .223 Used By Her Son In The Sandy Hook Elementary School Massacre

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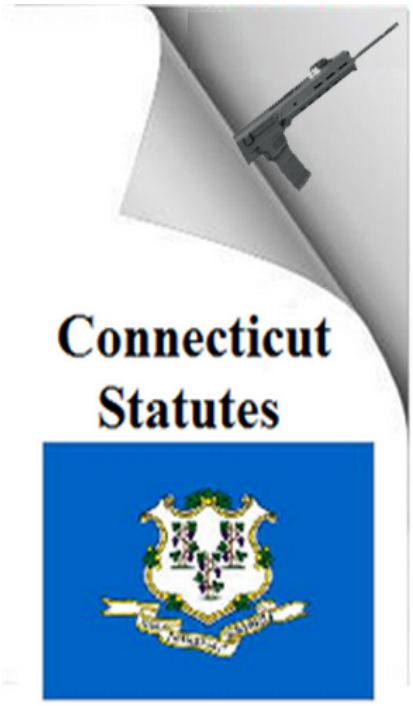
By Michael Matthew Bloomer, Dec. 15, 2012.



From reports thus far, Adam Lanza used his Mother's Bushmaster .223 rifle to kill many, perhaps all, of his victims at Sandy Hook Elementary in Newtown, Connecticut. The Bushmaster is a semiautomatic rifle. This does not mean that it can fire bursts or that it can fire automatically shot after shot without depressing the trigger after each discharge. A semiautomatic rifle fires each round in the chamber, extracts it, then ejects it, and loads a new round into the chamber each time the trigger is pulled. If outfitted with a high-capacity ammunition magazine,

absent a jam or other malfunction, the weapon can fire as fast as one can pull the trigger.

Below are provisions of Connecticut's gun laws that may apply to:

1. the sale or transfer of the Bushmaster .223 to Nancy Lanza's possession, and
2. the possession of the weapon at her home by Mrs. Lanza.

Although enforcement questions as to the Lanza's are mooted by the obvious facts, these laws did apply well before December 14, 2012.

1. Under Connecticut law such a weapon is defined as an assault weapon, and the possession of a Bushmaster .223 is illegal in Connecticut except under certain circumstances, one of which may apply to Nancy Lanza's ownership of the weapon, *i.e.* if Nancy Lanza qualified for and was issued a "certificate of possession." See statutory provisions below for requirements and exceptions [all emphasis added]:

> Sec. 53-202c. Possession of assault weapon prohibited. Class D felony. (a) Except as provided in section 53-202e, any person who, within this state, possesses any assault weapon, except as provided in sections 29-37j, 53-202a to 53-202k, inclusive, and 53-202o and subsection (h) of section 53a-46a, shall be guilty of a class D felony and shall be sentenced to a term of imprisonment of which one year may not be suspended or reduced; **except that a first-time violation of this subsection shall be a class A misdemeanor if (1) the person presents proof that he lawfully possessed the assault weapon prior to October 1, 1993, and (2) the person has otherwise possessed the firearm in compliance with subsection (d) of section 53-202d.**
>
> (b) The provisions of subsection (a) of this section shall not apply to the possession of assault weapons by members or employees of the Department of Public Safety, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties; nor shall anything in sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and the use is within the scope of their duties.
>
> **(c) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon by any person prior to July 1, 1994, if all of the following are applicable:**
>
> (1) The person is eligible under sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a to apply for a certificate of possession for the assault weapon by July 1, 1994;

(2) The person lawfully possessed the assault weapon prior to October 1, 1993; and

(3) The person is otherwise in compliance with sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a.

(d) The provisions of subsection (a) of this section shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d, if the assault weapon is possessed at a place set forth in subdivision (1) of subsection (d) of section 53-202d or as authorized by the Probate Court.

Sec. 53-202d. Certificate of possession of assault weapon. Certificate of transfer of assault weapon to gun dealer. Circumstances where possession of assault weapon authorized. (**a) Any person who lawfully possesses an assault weapon, as defined in section 53-202a, prior to October 1, 1993, shall apply by October 1, 1994**, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 1994, because he or she is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Public Safety, for a certificate of possession with respect to such assault weapon. The certificate shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department shall adopt regulations in accordance with the provisions of chapter 54 not later than January 1, 1994, to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a certificate of possession shall be confidential and shall not be disclosed, except such records may be disclosed to (1) law enforcement agencies, and (2) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500.

(b) No assault weapon possessed pursuant to this section may be sold or transferred on or after January 1, 1994, to any person within this state other than to a licensed gun dealer, as defined in subsection (d) of section 53-202f, or as provided in section 53-202e, or by bequest or intestate succession. Any person who obtains title to an assault weapon for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within ninety days of obtaining title, apply to the Department of Public Safety for a certificate of possession as provided in subsection (a) of this section, render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from the state. Any person who moves into the state in lawful possession of an assault weapon, shall, within ninety days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this state, except any person who is a member of the military or naval forces of this state or of the

United States, is in lawful possession of an assault weapon and has been transferred into the state after October 1, 1994, may, within ninety days of arriving in the state, apply to the Department of Public Safety for a certificate of possession with respect to such assault weapon.

(c) If an owner of an assault weapon sells or transfers the weapon to a licensed gun dealer, he shall, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Commissioner of Public Safety. The certificate shall contain: (1) The date of sale or transfer; (2) the name and address of the seller or transferor and the licensed gun dealer, their Social Security numbers or motor vehicle operator license numbers, if applicable; (3) the licensed gun dealer's federal firearms license number and seller's permit number; (4) a description of the weapon, including the caliber of the weapon and its make, model and serial number; and (5) any other information the commissioner prescribes. The licensed gun dealer shall present his motor vehicle operator's license or Social Security card, federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer. The Commissioner of Public Safety shall maintain a file of all certificates of transfer at his central office.

(d) A person who has been issued a certificate of possession of an assault weapon under this section may possess it only under the following conditions:

(1) At that person's residence, place of business or other property owned by that person, or on property owned by another with the owner's express permission;

(2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;

(3) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range;

(4) While on the premises of a licensed shooting club;

(5) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms; or

(6) While transporting the assault weapon between any of the places mentioned in this subsection, or to any licensed gun dealer, as defined in subsection (d) of section 53-202f, for servicing or repair pursuant to subsection (c) of section 53-202f, provided the assault weapon is transported as required by section 53-202f.

(P.A. 93-306, S. 4; July Sp. Sess. P.A. 94-1, S. 19, 20; P.A. 98-129, S. 8.) [1. Connecticut Stats. Ann, CH. 493. OFFENSES AGAINST PUBLIC PEACE AND SAFETY (accessed Dec. 16, 2012.)]

2. The sale of assault weapons is illegal in the state, and violation of the statute is a class C felony subject to mandatory imprisonment of two or six years depending upon circumstances:

Sec. 53-202a. Assault weapons: Definition. (a) As used in this section and sections 53-202b to 53-202k, inclusive, **"assault weapon" means**:(1) Any selective-fire firearm capable of fully automatic, **semiautomatic** or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; **Bushmaster Auto Rifle and Auto Pistol**; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol [Emphasis added]

Sec. 53-202b. Sale or transfer of assault weapon prohibited. Class C felony. (**a)(1) Any person who, within this state, distributes, transports or imports into the state, keeps for sale, or offers or exposes for sale, or who gives any assault weapon**, except as provided by sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a, shall be guilty of a class C felony and shall be sentenced to a term of imprisonment of which two years may not be suspended or reduced.

(2) Any person who transfers, sells or gives any assault weapon to a person under eighteen years of age in violation of subdivision (1) of this subsection shall be sentenced to a term of imprisonment of six years, which shall not be suspended or reduced and shall be in addition and consecutive to the term of imprisonment imposed under subdivision (1) of this subsection.

(b) **The provisions of subsection (a) of this section shall not apply to:**

(1) The sale of assault weapons to the Department of Public Safety, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties;

(2) A person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a;

(3) The transfer by bequest or intestate succession of an assault weapon for which a certificate of possession has been issued under section 53-202d.

(P.A. 93-306, S. 2.)[1. Connecticut Stats. Ann, CH. 493. OFFENSES AGAINST PUBLIC PEACE AND SAFETY (accessed Dec. 16, 2012.)]

These statutory provisions raise questions as to how and when Nancy Lanza acquired her Bushmaster .223, and, moreover, whether she had been issued a certificate of possession or had possessed the weapon in violation of state law. If she had acquired the weapon prior to October 1, 2003, and had been issued the certificate of possession then, it would seem, she possessed it legally. If not, then her son had access to a weapon, which he used at Sandy Hook to kill perhaps as many as all 26 persons.

And if illegally sold and purchased, how did this happen? Who sold, or transferred to, Nancy Lanza a Bushmaster .223? If without a certificate of possession how was she able to own it and keep it at her home? Or is this simply an example of well-intentioned gun control legislation watered down in its language and enforcement by its oponents? Statutes without practicable enforcement mechanisms are within BB gun distance of the definition of dead letters.