



Written by [Jack Kenny](#) on May 23, 2013

## Connecticut Gun Law Challenged in Federal Court

Connecticut's seven-week-old gun law, passed in response to the massacre at Sandy Hook School in Newtown in December, has been challenged in federal court. A coalition of individuals, gun retailers, sports shooters, and gun rights activists entered a [suit](#) in U.S. District Court in Bridgeport Wednesday, asking for a declaration that the law is unconstitutional and both a preliminary and a permanent injunction against its enforcement.



The suit lists six individuals by name as plaintiffs, along with Hiller Sports, LLC, MD Shooting Sports LLC, the Coalition of Connecticut Sportsmen, and the Connecticut Citizens' Defense League. Gov. Dannel P. Malloy and the state attorneys for Connecticut's 11 judicial districts are named as defendants. A [press release](#) issued by Scott Wilson, president of the Connecticut Citizens Defense League, and Brian Stapleton, the Hartford attorney who filed the suit, said the plaintiffs include "an elderly widow who lives alone in a rural area where the emergency response time of a lone resident trooper serving the area is 45 minutes, a rabbi whose synagogue in the Bridgeport area has been broken into by intruders, [and] a young professional woman whose efforts to defend herself are made more difficult by the loss of an arm due to cancer, among other individuals." The complaint also claims the law has created financial harm to the business owners represented in the suit, along with violations of the plaintiff's constitutional rights.

The law, generally regarded as one of the strictest in the nation, was passed by the legislature and signed into law on April 4 of this year. Entitled "An Act Concerning Gun Violence and Children's Safety," the bill had broad support in the weeks and months following the Sandy Hook shootings, in which a single gunman entered the school and killed 20 first-graders and six adults on December 14.

"The Act was rushed through the legislature without thorough debate or meaningful public examination," the suit claims. Though billed as a ban on "assault weapons" and large-capacity magazines, the law "irrationally bans pistols, rifles, shotguns and magazines that are commonly used for lawful purposes and throughout the United States," says the complaint, adding: "The law violates plaintiffs' fundamental rights under the Second Amendment and is unconstitutional."

Weapons banned under the new law include the Bushmaster AR-15 semiautomatic rifle used by the gunman in the Sandy Hook killings. Criminal background checks on the purchaser are required in all gun sales, and magazines with a capacity of more than 10 rounds are banned. Owners of semi-automatic rifles defined as "assault weapons" under the new law will be required to submit to new registration procedures. Purchase, sale, transfer, or distribution of large-capacity magazines is a Class D felony. Beginning January 1, 2014, possession of a large-capacity magazine will be an infraction, subject to a fine, for a first offense, provided the magazine had been obtained before that date. Each subsequent offense, however, will be a Class D felony.

"Criminals are unlikely to concern themselves with whether the magazines they use to commit crimes are lawful," the plaintiffs contend, adding that even if they would, the shooter in a criminal attack could



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use multiple magazines or multiple weapons, an option usually not available to a citizen using a firearm to defend against a home invasion. The plaintiffs argue that categories of firearms banned as “assault weapons” are semi-automatic, meaning they fire a single round with each squeeze of the trigger. The “assault” designation is based on external features like a pistol grip or a mount for a rifle telescope, they contend.

“The legislature thinks the ban is going to solve the problem of crimes committed with guns,” Stapleton told the [Hartford Courant](#). “It makes citizens less safe by denying them the ability to effectively defend themselves in their homes.” A spokesman for Gov. Malloy said the legal challenge came as no surprise.

“We’ve known for some time that groups opposed to the new gun violence prevention law would be filing suit against it,” Andrew Doba told the *Courant*. “We believe the bill improves public safety, and we will work with the Attorney General’s office to defend it.”

“Let’s not forget,” Doba added, “that this has happened before. In prior instances where Connecticut has passed common sense restrictions on firearms, there have been challenges. They have all been unsuccessful.” The state’s lawyers had not yet received and reviewed the complaint, said Jaclyn Falkowski, speaking for Attorney General George Jepsen.

“However, it is our belief that this legislation is lawful, and the office of the attorney general is prepared to vigorously defend the law against this and any other potential court challenge,” Falkowski said. There will likely be no shortage of challenges in Connecticut or in other states that have passed similar legislation. Stapleton, who has law office in both Hartford and in White Plains, New York, is the lead attorney in a constitutional challenge to New York’s new gun law, the *Courant* noted.

“It impacts the core Second Amendment right to protect yourself in your home, and it does so by outlawing magazines and firearms that are commonly used and widely possessed,” he said of the Connecticut law. Chances are attorneys willing to make the constitutional challenge won’t have to look far for plaintiffs as new restrictions are enacted. Membership in the Connecticut Citizens Defense League, [said](#) Wilson, has grown from 2,500 to 7,600 in just a few months.



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