



OLR RESEARCH REPORT

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CARRYING HANDGUNS IN STATE PARKS OR FORESTS

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You asked a series of questions about a person's ability to legally carry a handgun (i. e. , pistol or revolver) in a Connecticut state park or forest. We present the questions and answers below.

Under what circumstances may a person legally possess or carry a handgun in a Connecticut state park or forest?

Department of Environmental Protection (DEP) regulations prohibit, with exceptions, hunting or carrying firearms or other weapons in any state park or forest (Conn. Agencies Regs. § 23-4-1(c)). In order to legally carry a handgun, a person must obtain a permit to carry (CGS § 29-28).

According to DEP, a person may legally possess a handgun in a state park or forest when carrying the handgun exclusively for hunting small game (e. g. , rabbits, squirrels) or other authorized activities, such as for use at a firearms range or participation in a hunter education class. They may only do so at predetermined times in areas set aside by the DEP commissioner and posted for such purposes (Conn. Agencies Regs. § 26-66-2(d)). DEP says that what is permissible for hunters depends on the site and season.

Under DEP regulations, a person cannot use a handgun using centerfire ammunition to hunt on state-owned land. Handguns using ammunition larger than . 22 caliber rimfire long rifle cartridges also are prohibited on state-owned land (Conn. Agencies Regs. § 26-66-2 (a)).

Full details about hunting can be found in DEP's 2010 Hunting and Trapping Field Guide, which is available at: http://www.ct.gov/dep/cwp/view.asp?a=2700&q=452546&depNav_GID=1633.

What are the penalties for carrying weapons in a state park or forest in violation of Section 23-4-1(c) of the regulations?

Anyone who violates this regulation commits an infraction (Conn. Agencies Regs. § 23-4-5(b)(1)). The current fine for this infraction is \$ 75, as set by the judges of the Connecticut Superior Court. State law permits a penalty of up to \$ 90 (CGS § 23-4).

Also, under the regulation, DEP may evict the violator from the property for 24 hours (Conn. Agencies Regs. § 23-4-5(a)(1)). And state law allows DEP to prohibit a violator from entering any state park for up to one year from the date of conviction (CGS § 23-4).

Does the DEP own or exercise control over parts of the National Park Service or National Wildlife Refuge System within the state, such as the Appalachian Trail?

According to DEP, it has authority over the portions of the Appalachian Trail on state-owned park and forest property. Other portions of the trail are on federal property and are managed collectively under a Memorandum of Understanding between DEP, the National Park Service, Department of Public Safety, Appalachian Trail Conference, and Appalachian Mountain Club. Still other portions of the trail are on private property and not under DEP's control.

Under federal law, it is lawful for a person to carry a handgun in portions of the National Park Service or National Wildlife Refuge System while in compliance with Connecticut state law. Can a person who possesses a valid state permit to carry a handgun carry handguns while on the portions of the Appalachian Trail that pass through state parks or forests?

Federal law allows anyone who can legally possess firearms under applicable federal, state, and local laws, to legally possess firearms on portions of the Appalachian Trail (16 USC § 1a-7b). This applies only to land the U. S. government owns and the National Park Service manages. It does not apply to the portions of the Appalachian Trail located on land owned or managed by other federal, state, or local agencies.

State law and regulation apply to those portions of the Appalachian Trail that pass through state-owned parks and forests. In accordance with state regulations, a person may not carry a handgun in state parks and forests (except as discussed in question 1), according to DEP (Conn. Agencies Regs. § 23-4-1(c)). There are property boundary markers on state park and forest lands, as well as the Appalachian Trail. DEP says it is the hikers' responsibility to know where they are and which laws apply.

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