

**CASE NO: G046081**

COURT OF APPEAL, STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT, DIVISION THREE

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**THE PEOPLE OF THE STATE OF CALIFORNIA,**

Plaintiff and Respondent,

vs.

**TIEN DUC NGUYEN**

Defendant and Appellant.

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APPEAL FROM THE SUPERIOR COURT OF THE STATE  
OF CALIFORNIA FOR THE COUNTY OF ORANGE  
SUPERIOR COURT NO. 10WF0918  
THE HONORABLE DAPHNE SCOTT

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**APPELLANT'S REQUEST FOR JUDICIAL NOTICE**

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# **EXHIBIT A**

Senate Bill No. 23

CHAPTER 129

An act to amend Sections 245, 12001, 12020, 12022, 12023.5, 12280, 12285, and 12289 of, and to add Sections 12079 and 12276.1 to, the Penal Code, relating to firearms.

[Approved by Governor July 19, 1995; Filed with Secretary of State July 19, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 23, Penal. Firearms assault weapons.

(1) Existing law makes it a misdemeanor for any person to manufacture, cause to be manufactured, import into this state, keep or offer for sale, give, lend, or possess specified weapons and explosives.

This bill would make it a misdemeanor or a felony beginning January 1, 2000, for any person, except as provided, to manufacture, import into the state, keep or offer for sale, give, or lend any large-capacity magazine. A large-capacity magazine would be defined to mean any ammunition feeding device with the capacity to accept more than 10 rounds. By expanding the definition of, and increasing the penalty for, a crime, this bill imposes a state-mandated local program.

(2) Existing law requires imposition of a longer term of imprisonment on any person convicted of assault with a deadly weapon, and for enhanced terms of imprisonment for a person convicted of a felony, if that person was either armed with, or personally used, an assault weapon or machinegun, as defined, in the commission of, or attempted commission of that felony.

Existing law makes it a crime to engage in specified activities regarding assault weapons and regulates the lawful possession of those weapons. Existing law defines the term "assault weapon" by, among other things, designating a list of specified semiautomatic firearms.

This bill would further define the term "assault weapon" by providing descriptive definitions concerning the capacity and function of the weapon. These expanded definitions would specifically apply to the above-mentioned increased term and enhancement provisions and to related provisions. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(3) Existing law makes it a crime, punishable either as a felony or a misdemeanor, for any person to possess any assault weapon, as defined. However, if a person charged with a first-time violation of

that offense presents proof that he or she lawfully possessed the assault weapon within a specified period, and has since registered the weapon or relinquished it, the offense is punishable as an infraction, if the person has also complied with specified conditions. Existing law also provides a period of forgiveness to persons in possession of an assault weapon during a specified period under specified conditions. In addition, existing law exempts specified law enforcement agencies from the prohibition against possession, purchase, or sale of assault weapons.

This bill would make it an infraction, punishable by a fine up to \$500, for a first-time violation of the above-mentioned offense, if the offender was found in possession of no more than 2 firearms in compliance with specified provisions and proves that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon under the proposed provision set forth in (2). This bill would also add an additional period of forgiveness for persons in possession of assault weapons, as defined, pursuant to the proposed provision set forth in (2), to extend to the one-year period after the weapon was defined as an assault weapon under that proposed provision. By defining a new crime, this bill would impose a state-mandated local program. The bill would also exempt certain additional off-duty and certain retired law enforcement personnel from the prohibition against possession, purchase, or sale of assault weapons.

(4) Existing law requires any person who lawfully possesses an assault weapon, as defined, prior to specified periods, to register that weapon with the Department of Justice, within a specified period of time.

This bill would require any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to the proposed provision mentioned in (2) above, to register the weapon within one year of the effective date of that provision.

(5) Existing law requires the Department of Justice to conduct a public education and notification program regarding the registration of assault weapons, the limited forgiveness period of the registration requirement and the consequences of nonregistration.

This bill would require that the public education and notification program include the new definition of assault weapons discussed in paragraph (2) above.

(6) The bill would state legislative intent.

(7) The bill would provide that its provisions are severable.

(8) This bill would incorporate additional changes to Section 12020 of the Penal Code proposed by SB 359, to be operative if SB 359 and this bill are both enacted and become effective on or before January 1, 2010, and this bill is enacted last.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 245 of the Penal Code is amended to read:

245. (a) (1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm or by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

(2) Any person who commits an assault upon the person of another with a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than six months and not exceeding one year, or by both a fine not exceeding ten thousand dollars (\$10,000) and imprisonment.

(3) Any person who commits an assault upon the person of another with a machinegun, as defined in Section 12200, or an assault weapon, as defined in Section 12276 or 12276.5, shall be punished by imprisonment in the state prison for 4, 8, or 12 years.

(4) Any person who commits an assault upon the person of another with a semiautomatic firearm shall be punished by imprisonment in the state prison for three, six, or nine years.

(c) Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years.

(d) (1) Any person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years.

(2) Any person who commits an assault upon the person of a peace officer or firefighter with a semiautomatic firearm and who knows or reasonably should know that the victim is a peace officer or

firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for five, seven, or nine years.

(5) Any person who commits an assault with a machinegun, as defined in Section 12230, or an assault weapon, as defined in Section 12276 or 12276.1, upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for 6, 9, or 12 years.

(c) When a person is convicted of a violation of this section in a case involving use of a deadly weapon or instrument or firearm, and the weapon or instrument or firearm is owned by that person, the court shall order that the weapon or instrument or firearm be deemed a nuisance, and it shall be confiscated and disposed of in the manner provided by Section 12628.

(f) As used in this section, "peace officer" refers to any person designated as a peace officer in Chapter 4.5 commencing with Section 870 of Title 3 of Part 2.

SEC. 2. Section 12001 of the Penal Code is amended to read:

12001. (a) As used in this title, the terms "pistol," "revolver," and "firearm, capable of being concealed upon the person" shall apply to and include any device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and that has a barrel less than 15 inches in length. These terms also include any device that has a barrel 16 inches or more in length which is designed to be interchanged with a barrel less than 16 inches in length.

(b) As used in this title, "firearm" means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

(c) As used in Sections 12021, 12021.1, 12070, 12071, 12072, 12073, 12078, and 12101 of this code, and Sections 8100, 8101, and 8103 of the Welfare and Institutions Code, the term "firearm" includes the frame or receiver of the weapon.

(d) For the purposes of Sections 12025 and 12071, the term "firearm" also shall include any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material whether or not the device is designed for emergency or distress signaling purposes.

(e) For purposes of Sections 12070, 12071, and paragraph (7) of subdivision (a), and subdivisions (b), (c), (d), and (f) of Section 12072, the term "firearm" does not include an unloaded firearm that is defined as an "antique firearm" in Section 921(a)(16) of Title 18 of the United States Code.

(f) Nothing shall prevent a device defined as a "pistol," "revolver," or "firearm capable of being concealed upon the person" from also being found to be a short barreled shotgun or a short barreled rifle as defined in Section 12020.

(g) For purposes of Sections 12551 and 12552, the term "BB device" means any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO<sub>2</sub> pressure, or spring action, or any spot marker gas.

(h) As used in this title, "wholesaler" means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who sells, transfers, or assigns firearms, or parts of firearms, to persons who are licensed as manufacturers, importers, or gunsmiths pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or persons licensed pursuant to Section 12071, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms in furtherance of that purpose.

"Wholesaler" shall not include a manufacturer, importer, or gunsmith who is licensed to engage in those activities pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code or a person licensed pursuant to Section 12071 and the regulations issued pursuant thereto. A wholesaler also does not include those persons dealing exclusively in grips, stocks, and other parts of firearms that are not frames or receivers thereof.

(i) As used in Section 12071, 12072, or 12084, "application to purchase" means any of the following:

(1) The initial completion of the register by the purchaser, transferee, or person being loaned the firearm as required by subdivision (b) of Section 12076.

(2) The initial completion of the LIFT by the purchaser, transferee, or person being loaned the firearm as required by subdivision (d) of Section 12085.

(3) The initial completion and transmission to the department of the record of electronic or telephonic transfer by the dealer to the purchaser, transferee, or person being loaned the firearm as required by subdivision (c) of Section 12076.

(j) For purposes of Section 12025, a firearm shall be deemed to be "loaded" whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person.

(k) For purposes of Sections 12021, 12021.1, 12025, 12070, 12072, 12073, 12078, and 12101 of this code, and Sections 8100, 8101, and 8103 of the Welfare and Institutions Code, notwithstanding the fact that the term "any firearm" may be used in those sections, each firearm or the frame or receiver of the same shall constitute a distinct and separate offense under those sections.

(f) For purposes of Section 12030, a violation of that section as to each firearm, weapon, or device enumerated therein shall constitute a distinct and separate offense.

(g) Each application that requires any firearms eligibility determination involving the issuance of any license, permit, or certificate pursuant to this title shall include two copies of the applicant's fingerprints or forms prescribed by the Department of Justice. One copy of the fingerprints may be submitted to the United States Federal Bureau of Investigation.

(h) As used in this chapter, a "personal handgun importer" means an individual who meets all of the following criteria:

(1) He or she is not a person licensed pursuant to Section 12071.

(2) He or she is not a licensed manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(3) He or she is not a licensed importer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) He or she is the owner of a pistol, revolver, or other firearm capable of being concealed upon the person.

(5) He or she acquired that pistol, revolver, or other firearm capable of being concealed upon the person outside of California.

(6) He or she moves into this state on or after January 1, 1998, as a resident of this state.

(7) He or she intends to possess that pistol, revolver, or other firearm capable of being concealed upon the person within this state on or after January 1, 1998.

(8) The pistol, revolver, or other firearm capable of being concealed upon the person was not delivered to him or her by a person licensed pursuant to Section 12071 who delivered that firearm following the procedures set forth in Section 12071 and subdivision (c) of Section 12072.

(9) He or she, while a resident of this state, had not previously reported his or her ownership of that pistol, revolver, or other firearm capable of being concealed upon the person to the Department of Justice in a manner prescribed by the department that included information concerning him or her and a description of the firearm.

(10) The pistol, revolver, or other firearm capable of being concealed upon the person is not a firearm that is prohibited by subdivision (a) of Section 12020.

(11) The pistol, revolver, or other firearm capable of being concealed upon the person is not an assault weapon, as defined in Section 12276 or 12276.1.

(12) The pistol, revolver, or other firearm capable of being concealed upon the person is not a machinegun, as defined in Section 12200.

(13) The person is 18 years of age or older.



(c) For purposes of paragraph (b) of subdivision (a).

(1) Except as provided in paragraph (2), residency shall be determined in the same manner as is the case for establishing residency pursuant to Section 12505 of the Vehicle Code.

(2) In the case of members of the armed forces of the United States, residency shall be deemed to be established when he or she was discharged from active service in this state.

SEC. 5. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any case gun or wallet gun, any concealable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any flechette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multibarrel trigger activator, any nunchaku, any spear-thrower shotgun, any short barreled rifle, any metal knuckles, any belt buckle knife, any loaded cane, any zip gun, any shuriken, any unconventional pistol, any upstick case knife, any cane sword, any shobi zue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, shingsho, billy, s. rdeinb. sep, or sandbag.

(2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine.

(3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any dirk or dagger.

However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 commencing with Section 186.29) of Title 7 of Part 11. A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale to, purchase by, or possession of short barreled shotguns or short-barreled rifles by police departments, sheriff's offices, marshal's offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short barreled shotguns and short barreled rifles by regular, salaried, full-time members of a police department, sheriff's



office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties.

(2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

(3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts or self defense.

(4) The manufacture of a nunchaku for sale to or the sale of a nunchaku to a school which holds a regulatory or business license and teaches the arts of self defense.

(5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearms using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(6) Tracer ammunition manufactured for use in shotguns.

(7) Any firearm or ammunition which is a curio or relic as defined in Section 178.17 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) Any other weapon as defined in subsection (e) of Section 5825 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession



(12) Any plastic toy handgrenade, or any metal military practice handgrenade or metal replica handgrenade that is a relic, curio, memorabilia, or display item, that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as a grenade.

(16) Any instrument, ammunition, weapon, or device listed in subdivision (a) that is not a firearm that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12326 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.

(17) Any firearm, other than a short-barreled rifle or non-barreled shotgun, that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12326 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.

(D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.

(E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.

(18) The possession of any weapon, device, or ammunition, by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

(19) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where

the use is authorized by the agency and is within the course and scope of their duties.

(20) The sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of a large capacity magazine by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(21) The sale or purchase of any large capacity magazine to or by a person licensed pursuant to Section 12071.

(22) The loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:

(A) The person being loaned the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.

(B) The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited and the person who lends the large capacity magazine remains in the accessible vicinity of the person to whom the large capacity magazine is loaned.

(23) The importation of a large-capacity magazine by a person who lawfully possessed the large-capacity magazine in the state prior to January 1, 2009, lawfully took it out of the state, and is returning to the state with the large capacity magazine previously lawfully possessed in the state.

(24) The lending or giving of any large capacity magazine to a person licensed pursuant to Section 12071, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.

(25) The return to its owner of any large capacity magazine by a person specified in paragraph (24).

(26) The importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 12079, when those activities are in accordance with the terms and conditions of that permit.

(27) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.

(28) The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.

(29) The rental of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).



(c) (1) As used in this section, a "short-barreled shotgun" means any of the following:

(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

(B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.

(C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

(D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.

(2) As used in this section, a "short-barreled rifle" means any of the following:

(A) A rifle having a barrel or barrels of less than 16 inches in length.

(B) A rifle with an overall length of less than 26 inches.

(C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.

(3) As used in this section, a "rifle" means any instrument consisting of two or more tubes, bars or rods to be used as handles, connected by a rope, cord, wire, or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as kung-fu.

(4) As used in this section, a "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.

(5) As used in this section a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being used as, an aid in walking, if the firearm may be fired while mounted or enclosed therein.

(6) As used in this section a "fistcane dart" means a dart, capable of being fired from a firearm, which measures approximately one inch in length, with rifling which take up five-sixteenths of an inch of the body.

(7) As used in this section, "metal knuckles" means any device or instrument made wholly or partially of metal which is worn for purposes of offense or defense in or on the hand and which either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs which would contact the individual receiving a blow.

(8) As used in this section a "ballistic knife" means a device that projects a knife-like blade as a projectile by means of a coil spring, elastic material, or compressed gas. Ballistic knife does not include any device which projects an arrow or a bolt by means of any piston, bow, compound bow, crossbow, or under water spear gun.

(9) As used in this section a "camouflaging firearm container" means a container which meets all of the following criteria:

(A) It is designed and intended to enclose a firearm.

(B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.

(C) It is not readily recognizable as containing a firearm.

"Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.

(10) As used in this section a "zip gun" means any weapon or device which meets all of the following criteria:

(A) It was not imported as a firearm by an importer licensed pursuant to Chapter 41 (concerning with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (concerning with Section 922) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapter F (concerning with Section 4216) and Chapter 41 (concerning with Section 4221) of Chapter 52 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(10) It is made or altered to propel a projectile by the force of an explosion or other form of combustion.

(11) As used in this section, a "shuriken" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

(12) As used in this section, an "unconventional pistol" means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

(13) As used in this section, a "belt buckle knife" is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least 2 2/3 inches.

(14) As used in this section, a "lipstick case knife" means a knife enclosed within and made an integral part of a lipstick case.

(15) As used in this section, a "cane sword" means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or stiletto.

(16) As used in this section, a "shobizue" means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.

(17) As used in this section, a "leaded cane" means a staff, crutch, stick, rod, pole, or similar device, unmanually weighted with lead.

(18) As used in this section, an "air gauge knife" means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.

(19) As used in this section, a "writing pen knife" means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.

(20) As used in this section, a "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(21) As used in this section, a "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

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(22) As used in this section, an "undetectable firearm" means any weapon which meets one of the following requirements:

(A) When, after removal of grips, stocks, and magazines, it is not as detectable as the Security Exemptor, by walk-through metal detectors calibrated and operated to detect the Security Exemptor.

(B) When any major component of which, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(C) For purposes of this paragraph, the terms "firearm," "major component," and "Security Exemptor" have the same meanings as those terms are defined in Section 922 of Title 18 of the United States Code.

All firearm detection equipment newly installed in nonfederal public buildings in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting an undetectable firearm, as defined, while distinguishing innocuous metal objects likely to be carried on one's person sufficient for reasonable passage of the public.

(23) As used in this section, a "multiburst trigger activator" means one of the following devices:

(A) A device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(B) A manual or power driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

(24) As used in this section, a "dirk" or "dagger" means a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A nonlocking folding knife, a folding knife that is not prohibited by Section 653k, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.

(25) As used in this section, "large capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds nor shall it include any .22 caliber tube ammunition feeding device.

(d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.

SFC. 3.5. Section 12020 of the Penal Code is amended to read:



12020. (a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any flechette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any antiburst trigger activator, any punchgun, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any loaded cane, any zip gun, any stunner, any unconventional pistol, any lipstick case knife, any cane sword, any shobuzue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, esp. or sandlog.

(2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large capacity magazine.

(3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any Dirk or dagger.

However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.29) of Title 7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriff's offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties and the peace officer has completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

(2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by



the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

(3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.

(4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(6) Trace ammunition manufactured for use in shotguns.

(7) Any firearm or ammunition which is a curio or relic as defined in Section 178.21 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 41 (commencing with Section 9211 of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8105 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8105 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) Any other weapon as defined in subsection (c) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8105 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8105 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who

violates this paragraph is in violation of subdivision (a). The exception provided in this subdivision does not apply to pen guns.

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.

(10) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are possessed or utilized during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

(11) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by persons who are in the business of selling instruments or devices listed in subdivision (a) solely to the entities referred to in paragraphs (9) and (10) when engaging in transactions with those entities.

(12) The sale to, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with law enforcement of any law for use in the discharge of their official duties, or the possession of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by peace officers thereof when on duty and the use is authorized by the agency and is within the course and scope of their duties.

(13) Weapons, devices, and ammunition, other than a short-barreled rifle or short-barreled shotgun, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by, persons who are in the business of selling weapons, devices, and ammunition listed in subdivision (a) solely to the entities referred to in paragraph (12) when engaging in transactions with those entities.

(14) The manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of wooden clubs or batons to special police officers or uniformed security guards authorized to carry any wooden club or baton pursuant to Section 12002 by entities that are in the business of selling wooden batons or clubs to special police officers and uniformed security guards when engaging in transactions with those persons.

(15) Any plastic toy handgrenade, or any metal military practice handgrenade or metal replica handgrenade that is a relic, memento, memorabilia, or display item, that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as a grenade.

(16) Any instrument, ammunition, weapon, or device listed in subdivision (a) that is not a firearm that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.

(17) Any firearm, other than a short-barreled rifle or short-barreled shotgun, that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.

(D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.

(E) The firearm is transported in a locked container as defined in subdivision (d) of Section 17026.2.

(18) The possession of any weapon, device, or ammunition, by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

(19) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(20) The sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large capacity magazine by a sworn peace officer as defined in Chapter 4.5 (commencing with Section



830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(21) The sale or purchase of any large-capacity magazine to or by a person licensed pursuant to Section 12071.

(22) The loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:

(A) The person being loaned the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.

(B) The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.

(23) The importation of a large-capacity magazine by a person who lawfully possessed the large-capacity magazine in the state prior to January 1, 2000, lawfully took it out of the state, and is returning to the state with the large-capacity magazine previously lawfully possessed in the state.

(24) The lending or giving of any large-capacity magazine to a person licensed pursuant to Section 12071, or to a permittee for the purposes of maintenance, repair, or modification of that large-capacity magazine.

(25) The return to its owner of any large-capacity magazine by a person specified in paragraph (24).

(26) The importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 12079, when those activities are in accordance with the terms and conditions of that permit.

(27) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.

(28) The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.

(29) The return of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).

(c) (1) As used in this section, a "short barreled shotgun" means any of the following:

(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

(B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.

(C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

(D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.

(3) As used in this section, a "short barreled rifle" means any of the following:

(A) A rifle having a barrel or barrels of less than 16 inches in length.

(B) A rifle with an overall length of less than 26 inches.

(C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.

(3) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire, or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as karate.

(4) As used in this section, a "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.

(5) As used in this section, a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being used as, an aid in walking, if the firearm may be fired while mounted or enclosed therein.



(6) As used in this section, a "thrusting dart" means a dart, capable of being fired from a firearm, which measures approximately one inch in length, with tail fins which take up five sixteenths of an inch of the body.

(7) As used in this section, "metal knuckles" means any device or instrument made wholly or partially of metal which is worn for purposes of offense or defense in or on the hand and which either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs which would contact the individual receiving a blow.

(8) As used in this section, a "ballistic knife" means a device that propels a knife-like blade as a projectile by means of a coil spring, elastic material, or compressed gas. Ballistic knife does not include any device which propels an arrow or a bolt by means of any common bow, compound bow, crossbow, or underwater spear gun.

(9) As used in this section, a "camouflaging firearm container" means a container which meets all of the following criteria:

(A) It is designed and intended to enclose a firearm.

(B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.

(C) It is not readily recognizable as containing a firearm.

"Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.

(10) As used in this section, a "zip gun" means any weapon or device which meets all of the following criteria:

(A) It was not imported as a firearm by an importer licensed pursuant to Chapter 24 (commencing with Section 9211) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 24 (commencing with Section 9211) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapters F (commencing with Section 4216) and G (commencing with Section 4221) of Chapter 31 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

(11) As used in this section, a "stun-ripen" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the



shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

(12) As used in this section, an "unconventional pistol" means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

(13) As used in this section, a "belt buckle knife" is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least 2 1/2 inches.

(14) As used in this section, a "lipstick case knife" means a knife enclosed within and made an integral part of a lipstick case.

(15) As used in this section, a "cane sword" means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or syleta.

(16) As used in this section, a "shobuzme" means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.

(17) As used in this section, a "loaded cane" means a staff, crutch, stick, rod, pole, or similar device, amaturally weighted with lead.

(18) As used in this section, an "air gauge knife" means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by a mechanical action or gravity which locks into place when extended.

(19) As used in this section, a "writing pen knife" means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.

(20) As used in this section, a "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(21) As used in this section, a "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

(22) As used in this section, an "undetectable firearm" means any weapon which meets one of the following requirements:

(A) When, after removal of grips, stocks, and magazines, it is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar.



(B) When any major component of which, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(C) For purposes of this paragraph, the terms "firearm," "major component," and "Security Exemplar" have the same meanings as those terms are defined in Section 922 of Title 18 of the United States Code.

All firearm detection equipment newly installed in nonfederal public buildings in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting an undetectable firearm, as defined, while distinguishing innocuous metal objects likely to be carried on one's person sufficient for reasonable passage of the public.

(23) As used in this section, a "multiburst trigger activator" means one of the following devices:

(A) A device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(B) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

(24) As used in this section, a "dick" or "dagger" means a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A nonlocking folding knife, a folding knife that is not prohibited by Section 654c, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.

(25) As used in this section, "large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds nor shall it include any .22 caliber tube ammunition feeding device.

(d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.

SEC. 4. Section 12031 of the Penal Code is amended to read:

12031. (a) (1) Except as provided in subdivisions (c) and (d), any person who is armed with a firearm in the commission or attempted commission of a felony shall, upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony on which



is a principal in the commission or attempted commission of an offense specified in subdivision (c), shall, upon conviction of that offense, be punished by an additional term of one, two, or three years in the court's discretion. The court shall order the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record at the time of the sentence.

(c) For purposes of imposing an enhancement under Section 1170.1, the enhancements under this section shall count as one single enhancement.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in subdivision (c) or (d) in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

SEC. 5. Section 12022.5 of the Penal Code is amended to read:

12022.5. (a) (1) Except as provided in subdivisions (b) and (c), any person who personally uses a firearm in the commission or attempted commission of a felony shall, upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for 5, 4, or 10 years, unless use of a firearm is an element of the offense of which he or she was convicted.

(2) If the person described in paragraph (1) has been convicted of carjacking or attempted carjacking, the additional term shall be 4, 5, or 10 years. The court shall order imposition of the middle term unless there are circumstances in aggravation or mitigation. The court shall state its reasons for its enhancement choice on the record at the time of sentencing.

(b) (1) Notwithstanding subdivision (a), any person who is convicted of a felony or an attempt to commit a felony, including murder or attempted murder, in which that person discharged a firearm at an occupied motor vehicle which caused great bodily injury or death to the person of another, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the sentence prescribed for the felony or attempted felony, be punished by an additional term of imprisonment in the state prison for 5, 6, or 10 years.

(2) Notwithstanding subdivision (a), any person who personally uses an assault weapon, as specified in Section 12276 or Section 12276.1, or a machinegun, as defined in Section 12200, in the commission or attempted commission of a felony, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the sentence prescribed for the felony or attempted

felony, be punished by an additional term of imprisonment in the state prison for 5, 6, or 10 years.

(c) Notwithstanding the enhancement set forth in subdivisions (a), any person who personally uses a firearm in the commission or attempted commission of a violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code, shall, upon conviction of that offense and in addition and consecutive to the punishment prescribed for the offense of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for 3, 4, or 10 years in the court's discretion. The court shall order the imposition of the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record.

(d) The additional term provided by this section may be imposed in cases of assault with a firearm under paragraph (2) of subdivision (a) of Section 245, or assault with a deadly weapon which is a firearm under Section 245, or murder if the killing was perpetrated by means of shooting a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict great bodily injury or death.

(e) When a person is found to have personally used a firearm, an assault weapon, or a machinegun in the commission or attempted commission of a felony as provided in this section and the firearm, assault weapon, or machinegun is owned by that person, the court shall order that the firearm be declared a nuisance and disposed of in the manner provided in Section 12028.

(f) For purposes of imposing an enhancement under Section 1170.1, the enhancements under this section shall count as one, single enhancement.

SEC. 6. Section 12079 is added to the Penal Code, to read:

12079. (a) Upon a showing that good cause exists, the Department of Justice may issue permits for the possession, transportation, or sale between a person licensed pursuant to Section 12071 and an out-of-state client, of large capacity magazines.

(b) For purposes of this section, "large capacity magazine" shall have the same meaning as that set forth in paragraph (25) of subdivision (c) of Section 12020.

SEC. 7. Section 12276.1 is added to the Penal Code, to read:

12276.1. (a) Notwithstanding Section 12276, "assault weapon" shall also mean any of the following:

(1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon,

(B) A thumbhole stock,

(C) A folding or telescoping stock.



(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encloses, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

(b) "Assault weapon" does not include any antique firearm.

(c) The following definitions shall apply under this section:

(1) "Magazine" shall mean any ammunition feeding device.

(2) "Capacity to accept more than 10 rounds" shall mean capable of accommodating more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

(3) "Antique firearm" means any firearm manufactured prior to January 1, 1899.

(d) This section shall become operative January 1, 2000.

SEC. 8. Section 12280 of the Penal Code is amended to read:

12280. (a) (1) Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for four, six, or eight years.

(2) In addition and consecutive to the punishment imposed under paragraph (1), any person who transfers, lends, sells, or gives any assault weapon to a minor in violation of paragraph (1) shall receive an enhancement of one year.

(b) Except as provided in Section 12285, and in subdivisions (c) and (d), any person who, within this state, possesses any assault weapon, except as provided in this chapter, is guilty of a public offense and upon conviction shall be punished by imprisonment in the state prison, or in a county jail, not exceeding one year. However, if the person presents proof that he or she lawfully possessed the assault weapon prior to June 1, 1989, or prior to the date it was specified as an assault weapon, and has since either registered the firearm and any other lawfully obtained firearm specified by Section 12276 or 12276.5 pursuant to Section 12285 or relinquished them pursuant to Section 12285, a first-time violation of this subdivision shall be an infraction punishable by a fine of up to five hundred dollars (\$500), but not less than three hundred fifty dollars (\$350), if the person has otherwise possessed the firearm in compliance with subdivision (c) of Section 12285. In these cases, the firearm shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed pursuant to Section 12028.

(c) A first-time violation of subdivision (b) shall be an infraction punishable by a fine of up to five hundred dollars (\$500), if the person was found in possession of no more than two firearms in compliance with subdivision (c) of Section 12285 and the person meets all of the following conditions:

(1) The person proves that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon pursuant to Section 12276.1.

(2) The person is not found in possession of a firearm specified as an assault weapon pursuant to Section 12276 or Section 12276.5.

(3) The person has not previously been convicted of violating this section.

(4) The person was found to be in possession of the assault weapons within one year following the end of the one-year registration period established pursuant to subdivision (c) of Section 12285.

(5) The person has since registered the firearms and any other lawfully obtained firearms defined by Section 12276.1, pursuant to Section 12285, except as provided for by this section, or relinquished them pursuant to Section 12285.

(3) Firearms seized pursuant to subdivision (c) shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed pursuant to Section 12028.

(e) Notwithstanding Section 654 or any other provision of law, any person who commits another crime while violating this section may receive an additional, consecutive punishment of one year for violating this section in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime.



(f) Subdivisions (a) and (b) shall not apply to the sale to, purchase by, or possession of assault weapons by the Department of Justice, police departments, sheriffs' offices, marshals' offices, the Youth and Adult Corrections Agency, the Department of the California Highway Patrol, district attorneys' offices, Department of Fish and Game, Department of Parks and Recreation, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

(g) Subdivision (b) shall not prohibit the possession or use of assault weapons by sworn peace officer members of those agencies specified in subdivision (f) for law enforcement purposes, whether on or off duty.

(h) Subdivisions (a) and (b) shall not prohibit the sale or transfer of assault weapons by an entity specified in subdivision (f) to a person, upon retirement, who retired as a sworn officer from that entity.

(i) Subdivision (b) shall not apply to the possession of an assault weapon by a retired peace officer who received that assault weapon pursuant to subdivision (h).

(j) Subdivision (b) shall not apply to the possession of an assault weapon, as defined in Section 12276, by any person during the 1990 calendar year, during the 90 day period immediately after the date it was specified as an assault weapon pursuant to Section 12276.5, or during the one-year period after the date it was defined as an assault weapon pursuant to Section 12276.1, if all of the following are applicable:

(1) The person is eligible under this chapter to register the particular assault weapon.

(2) The person lawfully possessed the particular assault weapon described in paragraph (1) prior to June 1, 1989, if the weapon is specified as an assault weapon pursuant to Section 12276, or prior to the date it was specified as an assault weapon pursuant to Section 12276.5, or prior to the date it was defined as an assault weapon pursuant to Section 12276.1.

(3) The person is otherwise in compliance with this chapter.

(k) Subdivisions (a) and (b) shall not apply to the manufacture by persons who are issued permits pursuant to Section 12287 of assault weapons for sale to the following:

(1) Exempt entities listed in subdivision (f).

(2) Entities and persons who have been issued permits pursuant to Section 12286.

(3) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (4) to (6), inclusive.

(4) Federal military and law enforcement agencies.

(5) Law enforcement and military agencies of other states.



(b) Foreign governments and agencies approved by the United States State Department.

(i) Subdivision (c) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon registered under Section 12285 or that was possessed pursuant to subdivision (g) or (j) which is disposed of as authorized by the probate court, if the disposition is otherwise permitted by this chapter.

(m) Subdivision (b) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon registered under Section 12285 or that was possessed pursuant to subdivision (g) or (j), if the assault weapon is possessed at a place set forth in paragraph (1) of subdivision (c) of Section 12285 or as authorized by the probate court.

(n) Subdivision (a) shall not apply to:

(1) A person who lawfully possesses and has registered an assault weapon pursuant to this chapter who lends that assault weapon to another if all the following apply:

(A) The person to whom the assault weapon is lent is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person to whom the assault weapon is lent remains in the presence of the registered possessor of the assault weapon.

(C) The assault weapon is possessed at any of the following locations:

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

(ii) 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.

(iii) While attending any exhibition, display, or educational project that is about firearms and that 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.

(2) The return of an assault weapon to the registered possessor which is lent by the same pursuant to paragraph (1).

(o) Subdivision (b) shall not apply to the possession of an assault weapon by a person to whom an assault weapon is lent pursuant to subdivision (n).

(p) Subdivisions (a) and (b) shall not apply to the possession and importation of an assault weapon into this state by a nonresident if all of the following conditions are met:

(1) The person is attending or going directly to or coming directly from an organized competitive match or league competition that involves the use of an assault weapon.



(2) The competition or match is conducted on the premises of one of the following:

(i) A target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(ii) A target range of a public or private club or organization that is organized for the purpose of practicing shooting at targets.

(3) The match or competition 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.

(4) The assault weapon is transported in accordance with Section 12026.1 or 12026.2.

(5) The person is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(a) Subdivision (e) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12286.

(2) A person who has a permit to possess an assault weapon issued pursuant to Section 12285 when he or she is acting in accordance with Section 12285 or 12286.

(c) Subdivisions (a) and (b) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12285.

(2) A person acting in accordance with Section 12286 or 12290.

(d) Subdivision (b) shall not apply to the registered owner of an assault weapon possessing that firearm in accordance with subdivision (c) of Section 12285.

(f) Subdivision (a) shall not apply to the importation into this state of an assault weapon by the registered owner of that assault weapon, if it is in accordance with the provisions of subdivision (c) of Section 12285.

(g) As used in this chapter, the date a firearm is an assault weapon is the earliest of the following:

(1) The effective date of an amendment to Section 12276 that adds the designation of the specified firearm.

(2) The effective date of the list promulgated pursuant to Section 12276.5 that adds or changes the designation of the specified firearm.

(3) The operative date of Section 12276.1, as specified in subdivision (b) of that section.

SFC. 9. Section 12285 of the Penal Code is amended to read:

12285. (a) Any person who lawfully possesses an assault weapon, as defined in Section 12276, prior to June 1, 1989, shall register the firearm by January 1, 1991, and any person who lawfully possessed an assault weapon prior to the date it was specified as an assault weapon pursuant to Section 12276.5 shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the

(b) The person shall cause the assault weapon to be delivered to a licensed gun dealer as defined in subdivision (c) of Section 12290. In this state in accordance with Chapter 4 commencing with Section 9271 of Title 18 of the United States Code and the regulations 12290 of Chapter 2.

(A) Prior to bringing the assault weapon into this state, that person shall first obtain a permit from the Department of Justice in the same manner as specified in Article 2 commencing with Section 12276.5.

(2) A person moving into this state, otherwise in lawful possession of an assault weapon, shall do one of the following:

(a) A person moving into this state, otherwise in lawful possession of the declaration issued pursuant to subdivision (f) of Section 12276.5 may alternatively register the firearm within 90 days that was subsequently declared to be an assault weapon pursuant to Article 2 commencing with Section 12250 of Chapter 2, or remove the weapon from this state. A person who lawfully possessed a firearm from the Department of Justice in the same manner as specified in 12276.1, shall, within 90 days, under the weapon permanently, subsequently declared as an assault weapon pursuant to Section 12276.5, or declared to be an assault weapon pursuant to Section 12276.5, or interstate succession, or (b) lawfully possessed a firearm subsequently pursuant to subdivision (g) or (f) of Section 12280 by bequest or assault weapon registered under this section in that was possessed as provided in Section 12288. Any person who (A) obtains title to an licensed gun dealer as defined in subdivision (c) of Section 12290, or after January 1, 1990, to anyone within this state other than to a person possessed pursuant to this section may be sold or transferred on or (b) (1) Except as provided in paragraph (2), no assault weapon purchased through the Budget Act.

increased through the Budget Act.

cost-of-living adjustment for the department's budget or as otherwise increase at a rate not to exceed the legislatively approved annual reimbursement the department for processing costs, not charged shall department. After the department establishes the amount to be \$200 per person but not to exceed the actual processing costs of the information that the department may deem appropriate. The department may charge a fee for registration of up to twenty dollars, it uniquely, including all identification marks, the full name, address, date of birth, and thumbnail of the owner, and any other information shall contain a description of the firearm that identifies pursuant to those procedures that the department may establish. The year of the effective date of Section 12276.1, with the department under Section 12276 or 12276.5, shall register the firearm within one Section 12276.1, and which was not specified as an assault weapon prior to the date it was defined as an assault weapon pursuant to Section 12280, any person who lawfully possessed an assault weapon department may establish, except as provided in subdivision (a) of

issued pursuant thereto. If the person obtains a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with Section 12280) of Chapter 2, the dealer shall deliver that assault weapon to the person. If the licensed gun dealer, as defined in subdivision (c) of Section 12290, is prohibited from delivering the assault weapon to a person pursuant to this paragraph, the dealer shall possess or dispose of the assault weapon as allowed by this chapter.

(c) A person who has registered an assault weapon under this section may possess it only under any of the following conditions unless a permit allowing additional uses is first obtained under Section 12286:

(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 that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(4) While on the premises of a shooting club which is licensed pursuant to the Fish and Game Code.

(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.

(6) While on publicly owned land if the possession and use of a firearm described in Section 12276 or 12276.1 is specifically permitted by the managing agency of the land.

(7) While transporting the assault weapon between any of the places mentioned in this subdivision, or to any licensed gun dealer, as defined in subdivision (c) of Section 12290, for servicing or repair pursuant to subdivision (b) of Section 12290, if the assault weapon is transported as required by Section 12026.1.

(d) No person who is under the age of 18 years, no person who is prohibited from possessing a firearm by Section 12021 or 12021.1, and no person described in Section 8100 or 8103 of the Welfare and Institutions Code may register or possess an assault weapon.

(e) The department's registration procedures shall provide the option of joint registration for assault weapons owned by family members residing in the same household.

(f) For 90 days following January 1, 1992, a forgiveness period shall exist to allow persons specified in subdivision (b) of Section 12280 to register with the Department of Justice assault weapons that they lawfully possessed prior to June 1, 1989.



(g) Any person who registered a firearm as an assault weapon pursuant to the provisions of law in effect prior to January 1, 2000, where the assault weapon is hereafter defined as an assault weapon pursuant to Section 12276.1, shall be deemed to have registered the weapon for purposes of this chapter and shall not be required to reregister the weapon pursuant to this section.

(h) Any person who registers his or her assault weapon during the 90 day forgiveness period described in subdivision (f), and any person whose registration form was received by the Department of Justice after January 1, 1991, and who was issued a temporary registration prior to the end of the forgiveness period, shall not be charged with a violation of subdivision (b) of Section 12280, if law enforcement becomes aware of that violation only as a result of the registration of the assault weapon. This subdivision shall have no effect upon persons charged with a violation of subdivision (b) of Section 12280 of the Penal Code prior to January 1, 1991, provided that law enforcement was aware of the violation before the weapon was registered.

SEC. 10. Section 12287 of the Penal Code is amended to read:

12287. (a) The Department of Justice may, upon a finding of good cause, issue permits for the manufacture of assault weapons to federally licensed manufacturers of firearms for the sale to, purchase by, or possession of assault weapons by, any of the following:

(1) The agencies listed in subdivision (c) of Section 12286;

(2) Entities and persons who have been issued permits pursuant to Section 12286;

(3) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (4) to (6), inclusive;

(4) Federal law enforcement and military agencies;

(5) Law enforcement and military agencies of other states;

(6) Foreign governments and agencies approved by the United States State Department.

(b) Application for the permits, the keeping and inspection thereof, and the revocation of permits shall be undertaken in the same manner as specified in Article 5 (commencing with Section 12230) of Chapter 2.

SEC. 11. Section 12289 of the Penal Code is amended to read:

12289. (a) The Department of Justice shall conduct a public education and notification program regarding the registration of assault weapons and the definition of the weapons set forth in Section 12276.1. The public education and notification program shall include outreach to local law enforcement agencies and utilization of public service announcements in a variety of media approaches, to ensure maximum publicity of the limited forgiveness period of the registration requirement specified in subdivision (f) of Section 12285 and the consequences of nonregistration. The department shall



develop posters describing gunowners' responsibilities under this chapter which shall be posted in a conspicuous place in every licensed gun store in the state during the forgiveness period.

(b) Any costs incurred by the Department of Justice to implement this section which cannot be absorbed by the department shall be funded from the Dealers' Record of Sale Special Account, as set forth in subdivision (d) of Section 12076, upon appropriation by the Legislature.

SEC. 12. It was the original intent of the Legislature in enacting Chapter 19 of the Statutes of 1989 to ban all assault weapons, regardless of their name, model number, or manufacture. It is the purpose of this act to effectively achieve the Legislature's intent to prohibit all assault weapons.

SEC. 13. If any phrase, clause, sentence, section, or provision of this act or application thereof is held invalid as to any person or circumstance, such invalidity shall not affect any other phrase, clause, sentence, section, provision, or application of this act, that can be given effect without the invalid phrase, clause, sentence, section, provision, or application and to this end the provisions of the act are declared to be severable.

SEC. 14. Section 3.5 of this bill incorporates amendments to Section 12020 of the Penal Code proposed by this bill and SB 359. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 12020 of the Penal Code, and (3) this bill is enacted after SB 359, in which case Section 12020 of the Penal Code, as amended by SB 359, shall remain operative only until the operative date of this bill, at which time Section 3.5 of this bill shall become operative, and Section 3 of this bill shall not become operative.

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



# EXHIBIT B

California Attorney General



# Assault Weapons Identification Guide

as listed or described in Penal Code Sections 12276, 12276.1, and 12276.5

(Includes selected recent legislation)

3rd EDITION, November 2001





**State of California  
Office of the Attorney General  
Sacramento, California**

The purpose of this guide is to assist peace officers, firearms dealers, and the general public in the identification of assault weapons and to promote the better understanding of some of the more significant recently enacted legislation.

This booklet may be reproduced without permission for noncommercial purposes, downloaded from the Firearms Division website at [www.ag.ca.gov/firearms/awguide/](http://www.ag.ca.gov/firearms/awguide/), or purchased from the Firearms Division for \$2 per copy at the address below.

Department of Justice  
Firearms Division - AW Guide  
P.O. Box 820200  
Sacramento, California 94203-0200

Questions or requests for assistance may be directed to:

Telephone: (916) 227-3703  
Fax: (916) 227-3744

Training for law enforcement agencies and firearms dealers on the subject of assault weapons or any matter concerning firearms or firearm law enforcement may be scheduled by calling (916) 263-0815.

## INTRODUCTION

For the purposes of this guide, assault weapons are divided into three categories. These are: Category 1 - Penal Code section 12276 subdivisions (a), (b), (c) (Roberti Roos Assault Weapons Control Act of 1989); Category 2 - Penal Code section 12276 subdivisions (e) and (f) (*Kastler v. Lockyer*, AK and AR-15 series assault weapons); and Category 3 - Penal Code section 12276.1 (SB 23 - generic characteristic assault weapons). **A combined listing of Category 1 and Category 2 assault weapons can be found on page 82.**

### Category 1. The Roberti-Roos Assault Weapons Control Act of 1989

This was California's first assault weapons act. Under this act, any firearm on a list specified in Penal Code section 12276 is considered an assault weapon. Such assault weapons are controlled (i.e., may not be legally purchased, kept for sale, offered for sale, exposed for sale, given, lent, manufactured, distributed, or imported) after December 31, 1991, and were required to be registered as assault weapons with the Department of Justice on or before March 31, 1992. In addition, the Roberti-Roos Assault Weapons Control Act controlled AK and AR-15 series assault weapons (Penal Code section 12276, subd (e) and (f) - see Category 2). These assault weapons are controlled regardless of whether they have Category 3 (Penal Code section 12276.1 - SB 23) characteristics. The only legal option for Category 1 assault weapons that were not registered on or before March 31, 1992, is to surrender them to law enforcement pursuant to Penal Code section 12288.

### Category 2. AK and AR-15 Series Weapons

The California Supreme Court upheld the constitutionality of the Roberti-Roos Assault Weapons Control Act of 1989 in *Kastler v. Lockyer*. This decision took effect August 16, 2000. Effective August 16, 2000, firearm models that are variations of the AK or AR-15, with only minor differences from those two models, are assault

weapons under the original Roberti-Roos Assault Weapons Control Act of 1989. AK and AR-15 series weapons were controlled as of August 16, 2000, and must have been registered as assault weapons with the Department of Justice on or before January 23, 2001. The only legal option for Category 2 assault weapons that were not registered on or before January 23, 2001, is to surrender them to law enforcement pursuant to Penal Code section 12288. These assault weapons are controlled regardless of whether they have Category 3 (Penal Code section 12276.1 - SB 23) characteristics.

**Category 3. Generic Characteristics**

As of January 1, 2000, Senate Bill 23 (Chapter 129, Statutes of 1999) provided that firearms that have characteristics falling under any of the categories listed in Penal Code section 12276.1 are assault weapons. These assault weapons were controlled as of January 1, 2000, and must have been registered as assault weapons with the Department of Justice on or before December 31, 2000. However, a person arrested for possession of an unregistered Category 3 assault weapon on or before December 31, 2001 could have registered it under conditions specified in Penal Code section 12280(e) pursuant to reducing the charge to an infraction. On and after January 1, 2002, the only legal option for Category 3 assault weapons that are not registered is to surrender them to law enforcement pursuant to Penal Code section 12288. An exception for peace officers is addressed on the next page.

**Punishment**

- Possession – Felony or misdemeanor -- **(Penal Code § 12280(b))**  
    Infraction under limited time and conditions -- **(Penal Code § 12280(c))**
- Manufacture, distribution, transportation, importation, sale, and transfer of assault weapons -- Felony. **(Penal Code § 12280(a))**

**PEACE OFFICER EXEMPTION EFFECTIVE JANUARY 1, 2002**

Effective January 1, 2002, a peace officer member of a police department, sheriff's office, or other law enforcement agency specified in Penal Code section 12280(f) who possesses or receives an assault weapon prior to January 1, 2002, may, with the authorization of his or her agency head, retain and personally possess that firearm provided he or she registers it as an assault weapon with the Department of Justice on or before April 1, 2002. Any such-identified peace officer may also, with the authorization of his or her agency head, purchase or receive an assault weapon on or after January 1, 2002, provided he or she registers it as an assault weapon with the Department of Justice within 90 days of receipt. Agency authorization must be in the form of verifiable written certification from the head of the agency identifying the recipient or possessor of the assault weapon as a peace officer and authorizing him or her to receive or possess the specific assault weapon. The peace officer must include a copy of this authorization with the assault weapon registration. Assault weapon registration forms may be obtained from the Department of Justice by calling (916) 227-3694.

**CONFIRMATION OF REGISTRATION (Law Enforcement Agencies Only)**

A law enforcement agency may verify an assault weapon registration by consulting the Automated Firearms System (AFS), which is accessible through the California Law Enforcement Telecommunications System (CLETS). Each AFS assault weapon record includes the date of registration, information identifying the registrant, and information identifying the weapon. Please note that the assault weapon registrant is not required to be in possession of his or her registration documentation.

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**Category 1.**

Penal Code Section 12276, subdivisions (a)-(c)

**Roberti-Roos Assault Weapons  
Control Act of 1989**

## **CATEGORY 1**

### **The Roberti-Roos Assault Weapons Control Act of 1989**

The Roberti-Roos Assault Weapons Control Act of 1989 was California's first assault weapons act. The Act is still in effect and specifically identifies assault weapons by make and model. Assault weapons under this act include those firearms that are marked as specified in Penal Code section 12276, as well as those makes and models specified by the Attorney General pursuant to Penal Code section 12276.5. As of October 2001, the Attorney General has not utilized the add-on provisions of Penal Code section 12276.5 subdivisions (a)-(f).

**2** Except as otherwise noted, firearms described in this publication have been physically identified as assault weapons by their markings. Those markings generally, but not always, include both the name or trademark of the manufacturer and the model name or number of the firearm. Each description includes identification markings and an indication of where those markings, if any, are found on the firearm.

Caution must be used in identifying Roberti-Roos assault weapons because of the ease in which their appearance may be altered with attachments or different types of stocks; however, removing a characteristic does not change a firearm's status as a Category 1 assault weapon. A firearm specified in Penal Code section 12276 by make and model is a controlled assault weapon even if it is not identical to its picture in this publication. If in doubt about the identity of a particular firearm, or if identifying marks have been removed or altered, please consult the Department of Justice Firearms Division at (916) 263-4887.

**CHAPTER 23. ROBERTI-ROOS ASSAULT WEAPONS CONTROL ACT OF 1989 LISTING**

The ACT provides in part:

12276. As used in this chapter, "assault weapon" shall mean the following designated semiautomatic firearms:

**(a) All of the following specified rifles:**

- (1) All AK series including, but not limited to, the models identified as follows:
  - (A) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.
  - (B) Norinco 56, 56S, 84S, and 86S.
  - (C) Poly Technologies AKS and AK47.
  - (D) MAADI AK47 and ARM.
- (2) UZI and Gahil.
- (3) Beretta AR-70.
- (4) CETME Sporter.
- (5) Colt AR-15 series.
- (6) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
- (7) Fabrique Nationale FAL, LAR, FNC, 308 Match,

- and Sporter
- (8) MAS 223.
- (9) HK-91, HK-93, HK-94, HK-PSG-i.
- (10) The following MAC types:
  - (A) RPB Industries Inc. sM10 and sM11.
  - (B) SWD Incorporated M11.
- (11) SKS with detachable magazine.
- (12) SIG AMT, PI 57, SG 550, and SG 551.
- (13) Springfield Armory BM59 and SAR-48.
- (14) Sterling MK-6.
- (15) Steyer AUG.
- (16) Valmet M62S, M71S, and M78S.
- (17) Armalite AR 180.
- (18) Bushmaster Assault Rifle.
- (19) Calico M-900.
- (20) J&R ENG M-68.
- (21) Weaver Arms Nighthawk.

**(b) All of the following specified pistols:**

- (1) UZI.
- (2) Encorn MP-9 and MP-45.
- (3) The following MAC types:
  - (A) RPB Industries Inc. sM10 and sM11.
  - (B) SWD Incorporated M-11

(C) Advance Armament Inc. M-11.  
 (D) Military Armament Corp. Ingram M-11.

- (4) Inmate TEC-9.
- (5) Sites Spectre.
- (6) Sterling MK-7.
- (7) Calico M-950.
- (8) Bushmaster Pistol.

(c) All of the following specified shotguns:

- (1) Franchi SPAS 12 and LAW 12.
- (2) Striker 12.
- (3) The Streetsweeper type S/S Inc. SS/12.

(d) Any firearm declared by the court pursuant to Section 12276.5 to be an assault weapon that is specified as an assault weapon in a list promulgated pursuant to Section 12276.5.

(e) The term "series" includes all other models that are only variations with minor differences, of those models listed in subdivision (a), regardless of the manufacturer.

(f) This section is declaratory of existing law, as amended, and a clarification of the law and the Legislature's intent, which bans the weapons enumerated in this section, the weapons included in the list promulgated by the Attorney General pursuant to Section 12276.5, and any other models which are only variations of those weapons with minor differences, regardless of the manufacturer. The Legislature has defined assault weapons as the types, series, and models listed in this section because it was the most effective way to identify and restrict a specific class of semiautomatic weapons.

# RIFLES

6

5

## AK Series

6

12276(a)(1)

AK Series



*MANUFACTURER:* various

*MARKINGS:* AK, AKM, AKS, AK47, AK47S, 56, 56S, 86S. Also See Category 2.

*Comments:* The firearm pictured represents the general appearance of the AK series; however, these firearms may be found in various configurations.

6



*MANUFACTURER:* Chinese Government

*MARKINGS:* 86S located on left side of receiver near the rear. Also See Category 2.

*Comments:* The firearm pictured here is included in the AK series and was originally identified by the Department of Justice as an assault weapon because the internal operation is similar to other AK type firearms.

Norinco 86S

Norinco 86S

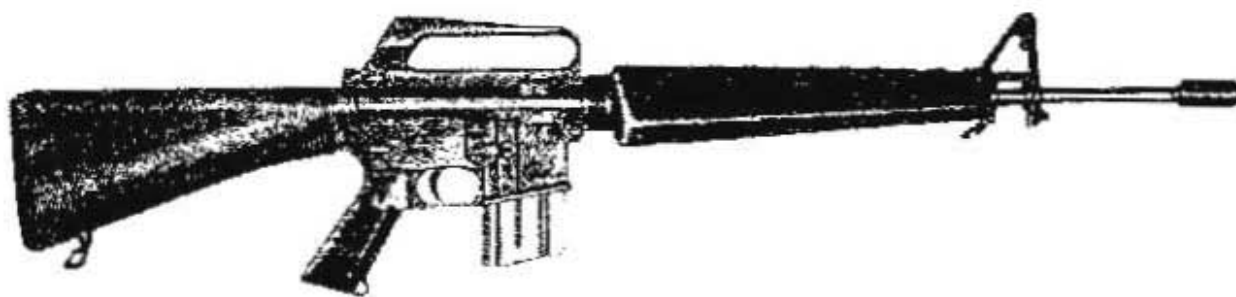
12276(a)(2)



## Colt AR-15 Series

8

12276(a)(5)



Colt AR-15 Series

*MANUFACTURER:* Colt

*MARKINGS:* AR-15. Also See Category 2.

*Comments:* The firearm pictured represents one general appearance of the Colt AR-15. These firearms may be found in various configurations.



*MANUFACTURER:* various manufacturers

*MARKINGS:* **Armalite AR-180** located on the right side of the receiver.

*Comments:* Various other markings, including the name of manufacturer, are found on the firearm, but they are not material to identifying it as an assault weapon.

Armalite AR-180

Armalite AR-180

12276(a)(17)

Beretta AR-70

10

12276(a)(3)



Beretta AR-70

10

*MANUFACTURER:* Pietro Beretta SPA

*MARKINGS:* **AR 70** on the left side of the receiver near the top.

*Comments:* Maybe marked Mod 70S or Mod 70 Sport. However, only the mark **AR 70** is essential to identify the firearm as an assault weapon.




*MANUFACTURER:* Bushmaster Firearms

*MARKINGS:* **Bushmaster Assault Rifle** located on the left side of the receiver above the magazine.

*Comments:* none

Bushmaster Assault Rifle

**Bushmaster Assault Rifle** 

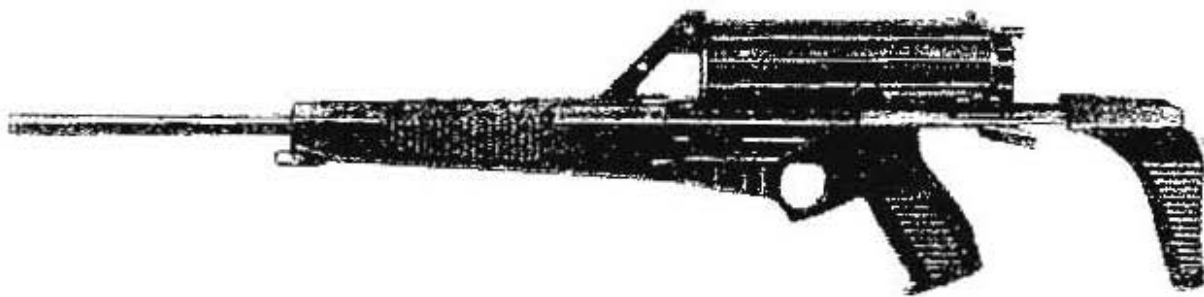
12276(a)(18)

Calico M-900

12

12276(a)(19)

Calico M-900



12

*MANUFACTURER:* Calico Light Weapons Systems

*MARKINGS:* **M-900** usually on the left side of the receiver.

*Comments:* An unconventional spiral magazine may be located on the top of the receiver as pictured here.

13



*MANUFACTURER:* Made in Spain

*MARKINGS:* CETME "Sport" usually found on the left side of the magazine well.

*Comments:* none

CETME Sporter

CETME Sporter

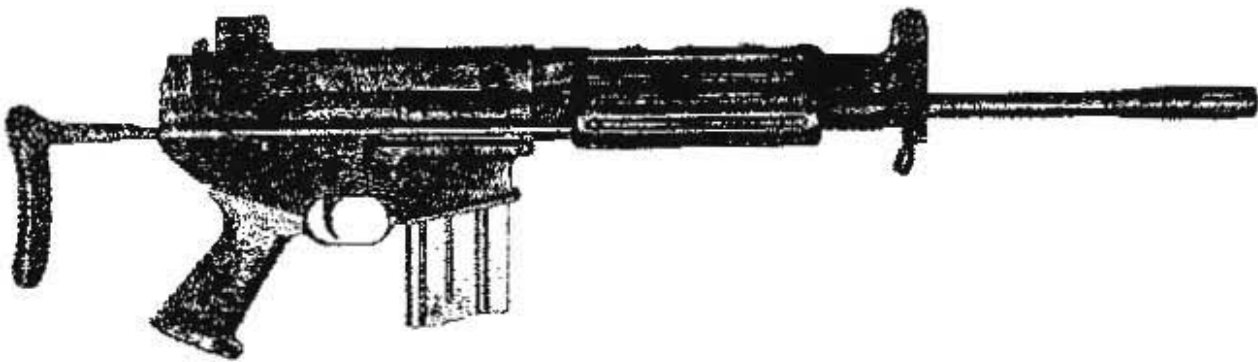
13

12276(a)(4)

Daewoo K-1, Max 1, AR 110C **14**

12276(a)(6)

Daewoo K-1, Max 1, AR 110C



**14**

*MANUFACTURER:* Daewoo Precision Industries Ltd.

*MARKINGS:* **K1, Max1, or AR110C** usually located on the left side of the receiver on the magazine well.

*Comments:* Markings may include **A1** and other designations, but these additional markings are not material to identifying the firearm as an assault weapon.

15



Daewoo K-2, Max 2, AR 100

*MANUFACTURER:* Daewoo Precision Industries Ltd.

*MARKINGS:* **K2, Max II** or **AR100** usually located on the left side of the receiver on the magazine well.

*Comments:* none

Daewoo K-2, Max 2, AR 100

15

12276(a)(2)





*MANUFACTURER:* FN Herstal SA (Fabrique Nationale Herstal)

*MARKINGS:* **FAL**, **LAR**, or **.308 Match** usually located on the left side of the receiver.

*Comments:* none

Fabrique Nationale FAL, LAR, and 308 Match

17



*MANUFACTURER:* FN Herstal SA (Fabrique Nationale Herstal)

*MARKINGS:* **FNC** or **Sporter** usually located near the top on the left side of the receiver.

*Comments:* none

Fabrique Nationale FNC and Sporter

Fabrique Nationale FNC and Sporter

17

12276(a)(7)

Galil

18

12276(a)(2)

Galil



18

*MANUFACTURER:* IMI (Israel Military Industries)

*MARKINGS:* **GALIL** usually found on the left side of the receiver above the pistol grip.

*Comments:* Various other model markings located on the firearm are not material to identifying it as an assault weapon.



*MANUFACTURER:* HK (Heckler and Koch GmbH)

*MARKINGS:* **HK91** or **HK93** usually found on the left side of the receiver on the magazine well.

*Comments:* The **HK91** and **HK93** appear substantially the same but are in different calibers.

19

HK-91 and HK-93

HK-91 and HK-93

19

12276(a)(9)

HK-94

20

12276(a)(9)

HK-94

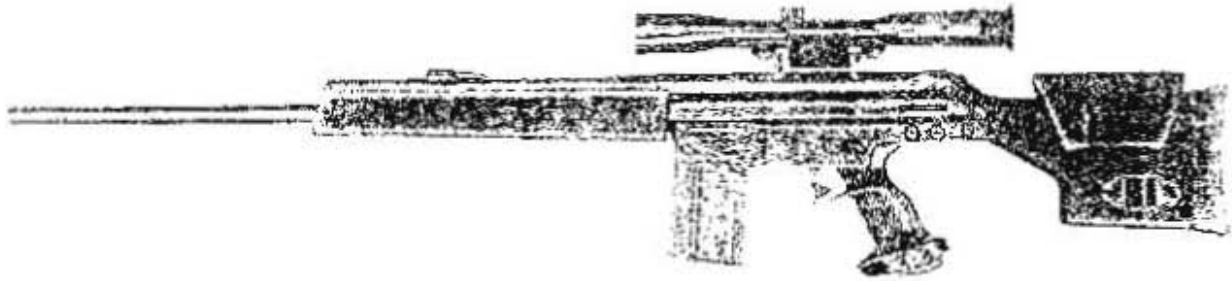


*MANUFACTURER:* HK (Heckler and Koch GmbH)

*MARKINGS:* **HK94** usually found on the top of the receiver.

*Comments:* none

20



*MANUFACTURER:* HK (Heckler and Koch GmbH)

*MARKINGS:* The designation **PSG-1** is located on the left side of the receiver on the magazine well.

*Comments:* none

21

HK-PSG-1

21

12276(a)(9)

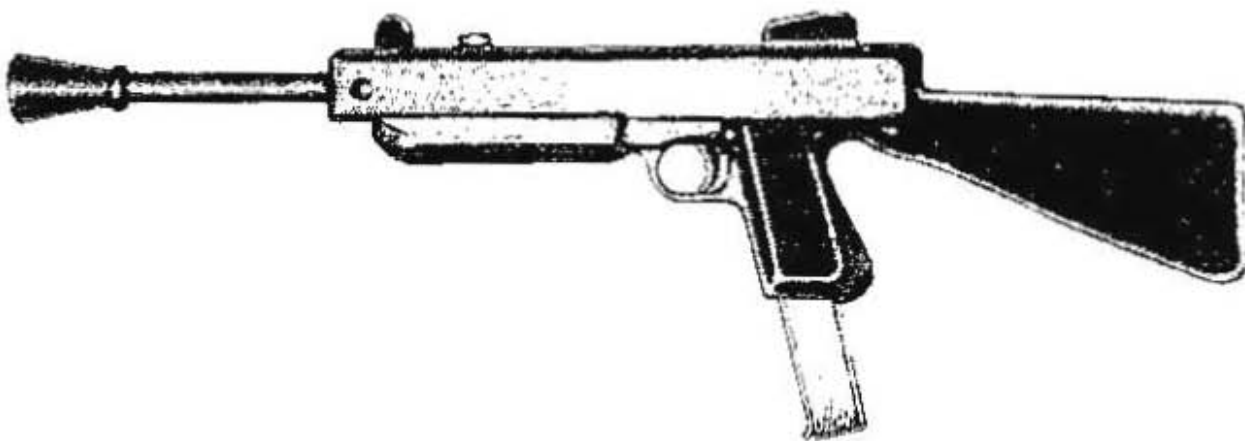
HK-PSG-1

J&R ENG M-68

22

12276(a)(20)

J&R ENG M-68



22

*MANUFACTURER:* various manufacturers

*MARKINGS:* J&R ENG. M68 located on the back end of the receiver above the stock.

*Comments:* none



**MANUFACTURER:** RPB Industries Inc. or SWD Inc.

**MARKINGS:** **RPB Industries Inc.** sM10 or sM11 are usually marked on the right side of the lower receiver. **SWD Inc.** M-11 is usually marked on the right side of the lower receiver.

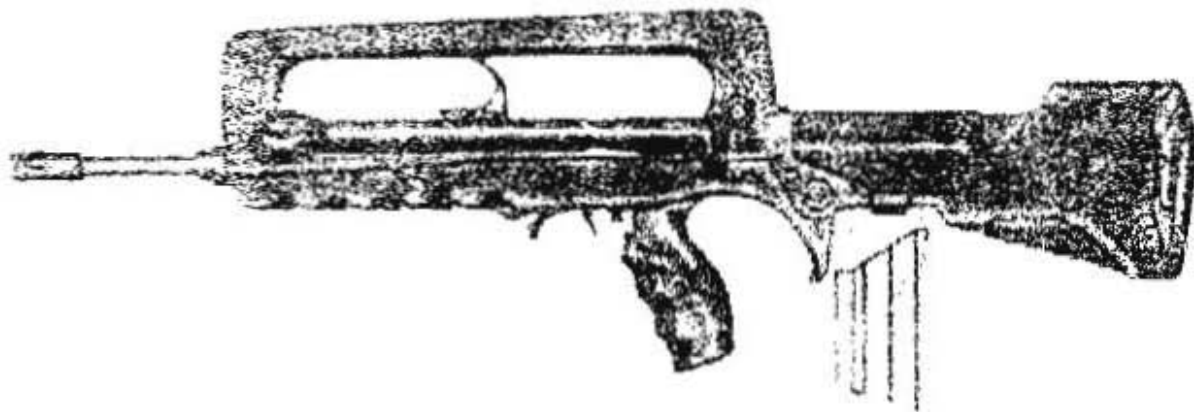
**Comments:** The appearance of this type of assault weapon may vary because of the type of stock or barrel attached, but those differences are not material to identifying the firearms as an assault weapon.



MAS 223

24

12276(a)(8)



MAS 223

24

*MANUFACTURER:* MAS (Manufacture Nationale d'Armes de St Etienne)

*MARKINGS:* The designation **MAS .223** appears on the right side of the receiver on the magazine well.

*Comments:* none



*MANUFACTURER:* Springfield Armory

*MARKINGS:* S.A.R.- 48 is found on the left side of the receiver above the pistol grip.

*Comments:* The bipod, which folds up under the barrel, is shown here extended.

25

SAR 48

25

12276(a)(13)

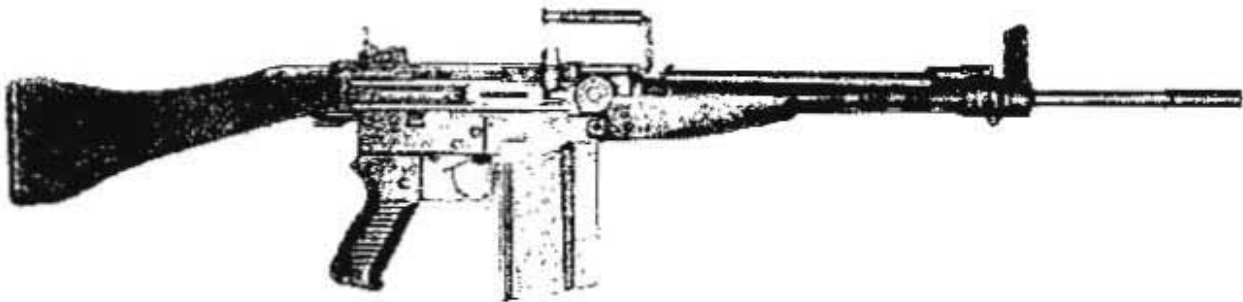
SAR 48

SIG AMT

26

12276(a)(12)

SIG AMT



26

*MANUFACTURER:* SIG (Swiss Industrial Company)

*MARKINGS:* **AMT** usually found on top of the receiver near the barrel.

*Comments:* none



*MANUFACTURER:* SIG (Swiss Industrial Company)

*MARKINGS:* PE-57

*Comments:* none

SIG PE-57

SIG PE-57

12276(a)(12)

27

27

## SG 550 and SG 551

28

12276(a)(12)



SG 550 and SG 551

*MANUFACTURER:* SIG (Swiss Industrial Company)

*MARKINGS:* **SG550** or **SG551** usually found on the left side of the receiver above the magazine well.

*Comments:* These firearms have a similar appearance; however, the **550** is longer than the **551** model which is pictured here.

28



*MANUFACTURER:* Various

*MARKINGS:* **SKS** usually found on the left side of the receiver.

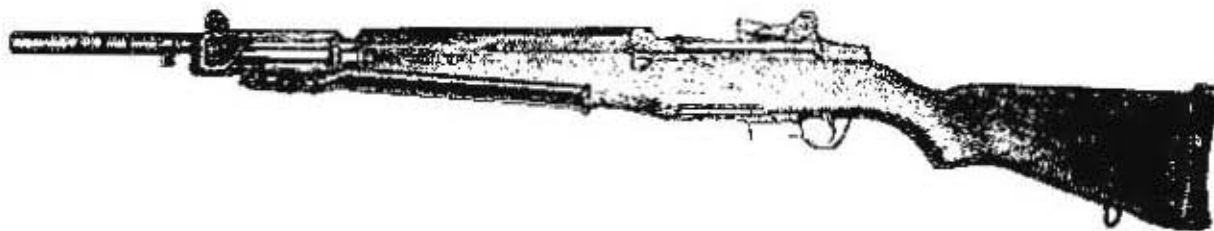
*Comments:* The SKS rifle was originally manufactured with a fixed 10 round magazine. However, modified versions accept detachable magazines and are assault weapons.

SKS with detachable magazine

SKS with detachable magazine

Springfield Armory BM 59 30

12276(a)(13)



Springfield Armory BM 59

*MANUFACTURER:* Springfield Armory

*MARKINGS:* **BM59** found in various locations on the firearm.

*Comments:* Shown here without the detachable magazine. The marking "Beretta" may also be found but is not material to identifying it as an assault weapon.



*MANUFACTURER:* Sterling Armament Co Ltd. (England)

*MARKINGS:* **MK6** located on top of the magazine well.

*Comments:* The magazine extends horizontally from the left side of the receiver.

**Sterling MK-6**

**31**

12276(a)(14)

**Sterling MK-6**

**31**



Steyr\* AUG

§2

12276(a)(15)

Steyr\* AUG

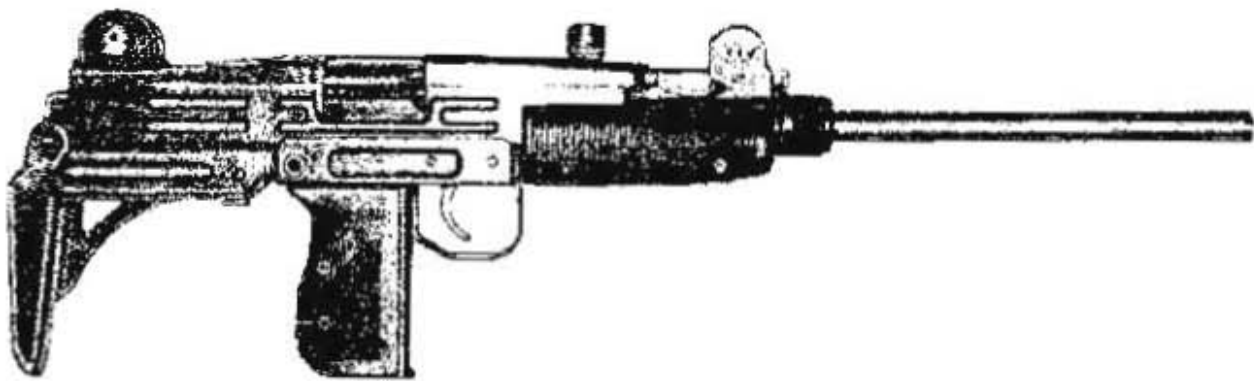


*MANUFACTURER:* Steyr\*-Manlicher AG (member of the Steyr\*-Daimler-Puch AG group)

*MARKINGS:* **AUG** usually molded in the right side of the polymer stock and followed by /SA.

*Comments:* This firearm is in a bullpup configuration and is shown here with a muzzle cap and without the detachable magazine.

\*Spelling of "Steyr" in the statute is a typographical error.



*MANUFACTURER:* IMI (Israel Military Industries)

*MARKINGS:* **UZI** usually located on the left side of the receiver near the rear.

*Comments:* Various other model markings located on the firearm are not material to identifying it as an assault weapon. The UZI is shown here with stock collapsed.

Uzi

33

12276(a)(2)

Uzi

Valmet M62S

34

12276(a)(16)



Valmet M62S

*MANUFACTURER:* Valmet (Finland)

*MARKINGS:* **M62/S** usually located on right side of the receiver to the rear.

*Comments:* none

34



*MANUFACTURER:* Valmet (Finland)

*MARKINGS:* **M71/S** usually located on the right side of the receiver.

*Comments:* Shown here without the detachable magazine.

35

Valmet M71S

35

12276(a)(16)

Valmet M71S

Valmet M78S

36

12276(a)(16)



Valmet M78S

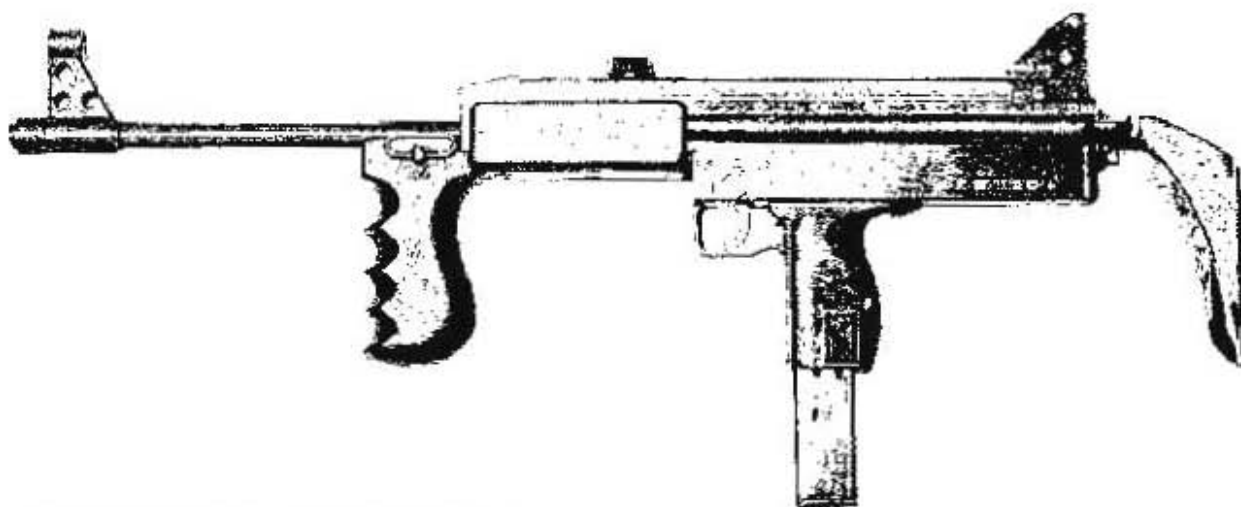
36

*MANUFACTURER:* Valmet (Finland)

*MARKINGS:* **M78S**

*Comments:* Shown here without the detachable magazine.

37



*MANUFACTURER:* Weaver Arms Ltd.  
*MARKINGS:* **Nighthawk** located on the left side of the receiver.  
*Comments:* none

Weaver Arms Nighthawk

Weaver Arms Nighthawk

37

12276(a)(21)



# PISTOLS

39

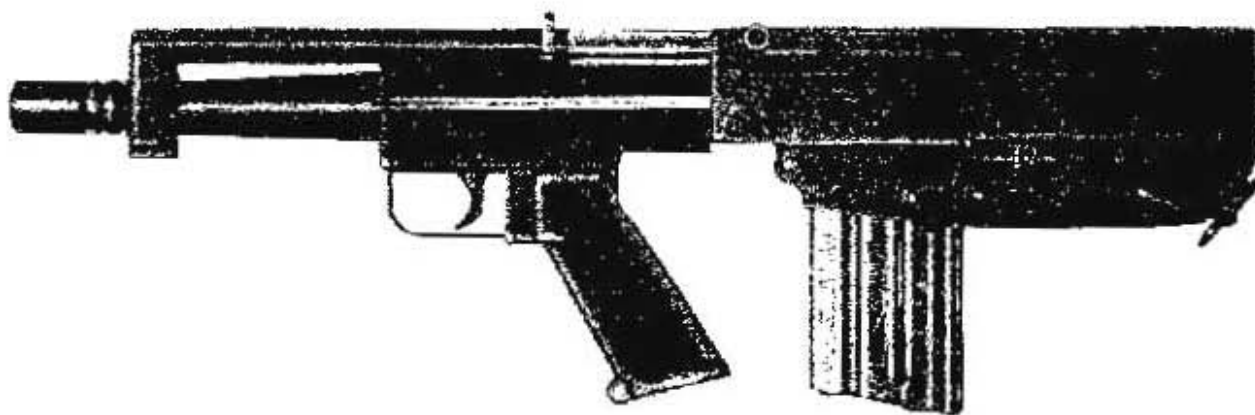
39



## Bushmaster Pistol

40

12276(b)(8)

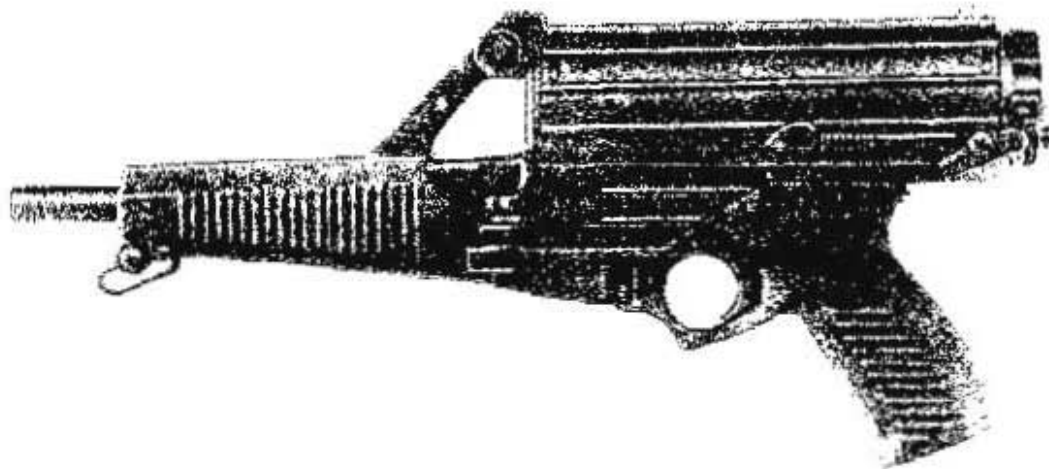


Bushmaster Pistol

*MANUFACTURER:* Bushmaster Firearms

*MARKINGS:* **Bushmaster Pistol** usually appears on the left side of the receiver.

*Comments:* This firearm is in bullpup configuration.



*MANUFACTURER:* Calico Light Weapons Systems

*MARKINGS:* **M-950** is usually located on the left side of the receiver, below the magazine.

*Comments:* An unconventional spiral magazine may be located on the top of the receiver as pictured here.

Calico M-950

Calico M-950

12276(b)(7)

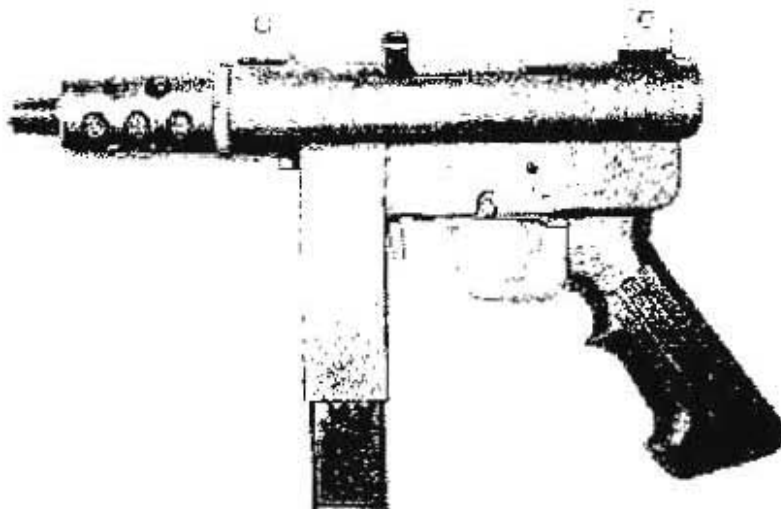
41

41

Encom MP-9 and MP-45

42

12276(b)(2)



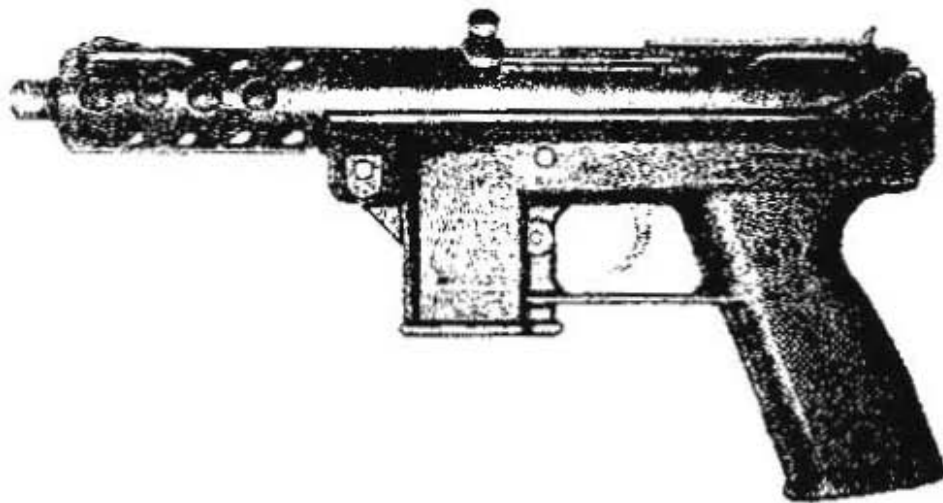
*MANUFACTURER:* Encom America

*MARKINGS:* **MP9** (or **MP45**) usually found on the left rear of the receiver.

*Comments:* The MP9 and MP45 appear substantially the same but are in different calibers.

Encom MP-9 and MP-45

42



*MANUFACTURER:* Intratec

*MARKINGS:* TEC-9 is usually molded in the plastic on the left side of the magazine well.

*Comments:* Shown here without the detachable magazine.

Intratec Tec-9

Intratec TEC-9

43

12276(b)(4)

43

## MAC Types

44

12276(b)(3)



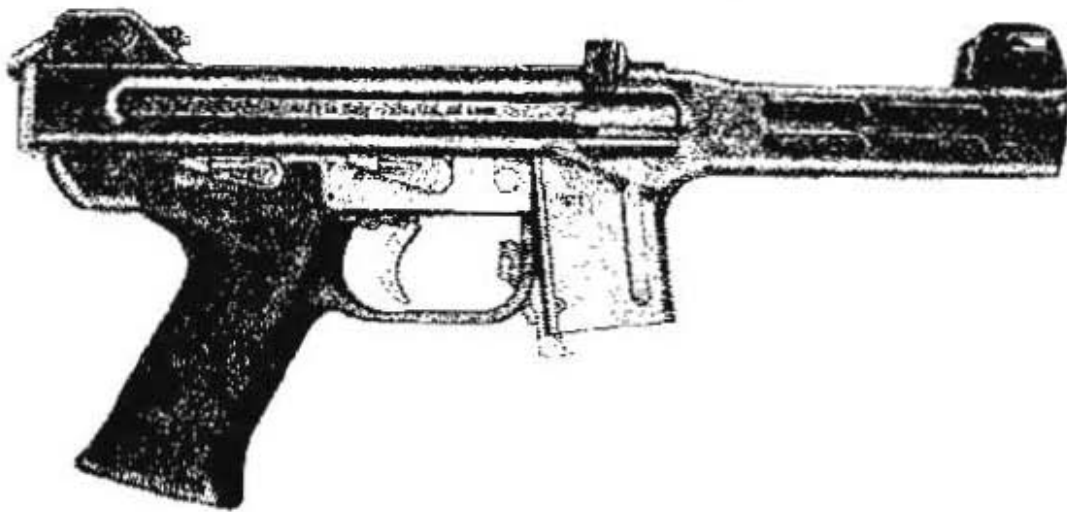
MAC Types

44

*MANUFACTURER:* various manufacturers

*MARKINGS:* RPB sM10 or sM11, SWD Inc. M11, Advanced Armament Corp. M11, and Military Armament Corp. M-11. These weapons are usually found with the appropriate marks on the right side of the receiver above the pistol grip.

*Comments:* none



*MANUFACTURER:* Sites SpA (Italy)

*MARKINGS:* **Spectre** is usually located on the right side of the receiver.

*Comments:* Shown here without the detachable magazine.

45

Sites Spectre

Sites Spectre

45

12276(b)(5)

Sterling MK-7

46

12276(b)(6)



Sterling MK-7

46

*MANUFACTURER:* Sterling Armament Co. Ltd. (England)

*MARKINGS:* **MK7** usually appears on the top of the magazine well.

*Comments:* The magazine well extends horizontally from the left side of the receiver.



*MANUFACTURER:* IMI (Israel Military Industries)

*MARKINGS:* **UZI** usually located on the left side of the receiver below the rear sight.

*Comments:* none

47

Uzi

47

12276(b)(1)

Uzi





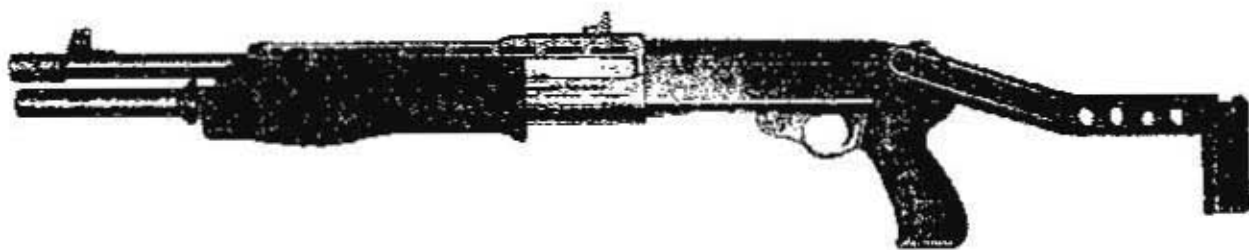
# SHOTGUNS



*MANUFACTURER:* Luigi Franchi SPA

*MARKINGS:* **LAW 12** usually appears on the right side of the receiver above the trigger.

*Comments:* none



*MANUFACTURER:* Luigi Franchi SPA

*MARKINGS:* **SPAS 12** usually appears on the right side of the receiver above the trigger.

*Comments:* This shotgun fires in semiautomatic or pump-action modes.

51

Franchi SPAS 12

Franchi SPAS 12

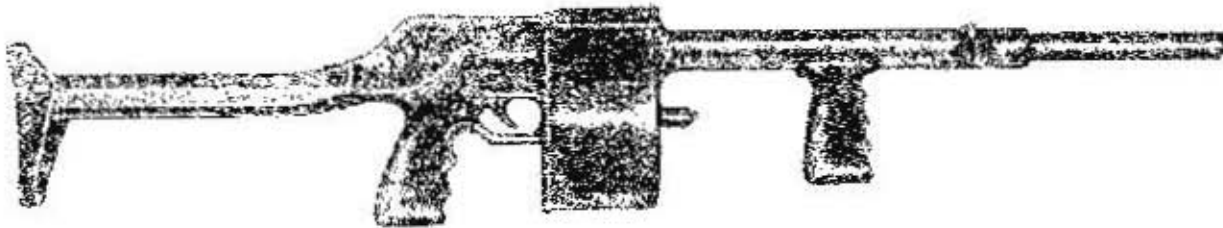
51

12276(c)(1)

The Streetsweeper Type S/S Inc.

52

12276(c)(3)



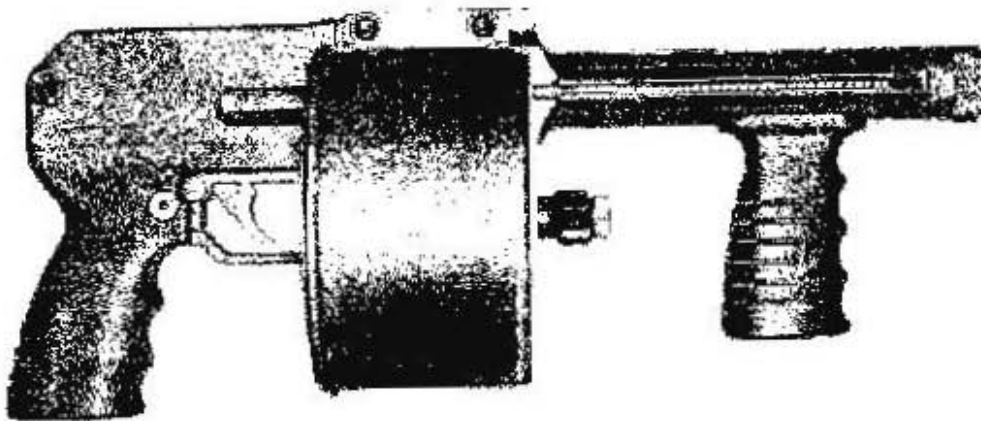
The Streetsweeper Type S/S Inc.

52

*MANUFACTURER:* S/S Inc. (may have the Cobray insignia).

*MARKINGS:* SS /12 is usually located on the front of the receiver above the winding key.

*Comments:* none



*MANUFACTURER:* various manufacturers

*MARKINGS:* **Striker-12** usually appears on the left side of the receiver where the barrel affixes to the receiver.

*Comments:* Shown here with a short barrel and without a stock attached.

**Striker 12**



## **Category 2.**

**Penal Code Section 12276, subdivision (e)**

**AK and AR-15**

**Series Weapons**

**(Kasler v. Lockyer)**



## AK and AR-15 Series Weapons <sup>56</sup>

### CATEGORY 2

#### AK and AR-15 Series Weapons (Kasler v. Lockyer)

This California Supreme Court decision took effect on August 16, 2000. Under this decision, any firearm of minor variation of the AK or AR-15 type (i.e., series weapon), regardless of the manufacturer, is a Category 2 (*Kasler v. Lockyer*) assault weapon under the original Roberti-Roos Assault Weapons Control Act of 1989. **All AK and AR-15 series weapons had to be possessed before August 16, 2000 and must have been registered on or before January 23, 2001.** The Department of Justice is required to identify these series weapons and includes in this publication a listing of identified AK and AR-15 series weapons.

**It is important to note that removal of a firearm's characteristics does not affect its status as a Category 2 assault weapon. A Category 2 assault weapon is still an assault weapon even if it has no Category 3 (SB 23 - generic characteristics) features.**

Category 2 assault weapons may be of any caliber, including .22 caliber rimfire.

### AK Series Weapons

The following pages show markings and illustrations of AK series weapons subsequently identified as Roberti-Roos assault weapons as a result of the California Supreme Court's ruling in *Kaster v. Lockyer* on August 16, 2000. Listed weapons were required to be purchased on or before August 16, 2000 and registered as assault weapons on or before January 23, 2001, with the exception of original Category I (Roberti-Roos) assault weapons, which were required to be registered on or before March 31, 1992. Category I weapon models on the list are noted with asterisks.

The markings on each of these firearms can usually be found on the receiver. In some cases, the markings appear on the trundle (between the barrel and the receiver).

Caliber has no bearing on a weapon's status as a series weapon and should be disregarded when making an identification. For example, a ROMAK AK-47 is a series weapon whether it is in .223 cal, .308 cal, or 7.62 X 39 mm.

The makes and models provided in this guide include those which the Department of Justice was able to locate prior to printing this booklet. It is probable that some series weapons unknown to the Department of Justice are in circulation. If you encounter a suspected series weapon that is not specifically identified in this booklet, please contact the Firearms Division at (916) 263-4887 for identification of that weapon. Additional assault weapon models as they are identified will be included in future versions of this guide and will be posted on our website at [www.ag.ca.gov/firearms/awguide/](http://www.ag.ca.gov/firearms/awguide/).

## AK Series Weapons

## AK Series Weapons

58

Penal Code § 12276(e)

AK Series markings include, but are not limited to, the following:American Arms

AK-Y 39  
 AK P 39  
 AK-C 47  
 AK-F 47

Arsenal

SLR (all)  
 STG (all)

B-West

AK-47 (all)

Hesse Arms

Model 47 (all)  
 Wiegner STG 940 Rifle

Inter Ordnance - Monroe, NC

AK-47 (all)  
 RPK  
 M-97

Kalashnikov USA

Hunter Rifle /Saiga

MAADI CO

\*AK47  
 \*ARM  
 MISR (all)  
 MISTR (all)

Made in China

\*AK  
 \*AKM  
 \*AKS  
 \*AK47  
 \*56  
 \*56S  
 \*84S  
 \*86S

MARS

Pistol

Mitchell Arms, Inc.

AK-47 (all)  
 AK-47 Cal. 308 (all)  
 M-76  
 RPK  
 M 90

Norinco

AK 47 (all)  
 Hunter Rifle  
 NHM 90, 90.2, 91 Sport  
 RPK Rifle  
 \*56  
 \*56 S  
 81 S (all)  
 \*84 S  
 S6 (all)  
 \*86 S  
 MAK 90

Ohio Ordnance Works

(a.o.w.)

AK-74  
 ROMAK 991

Poly Technologies

\*AKS  
 \*AK17

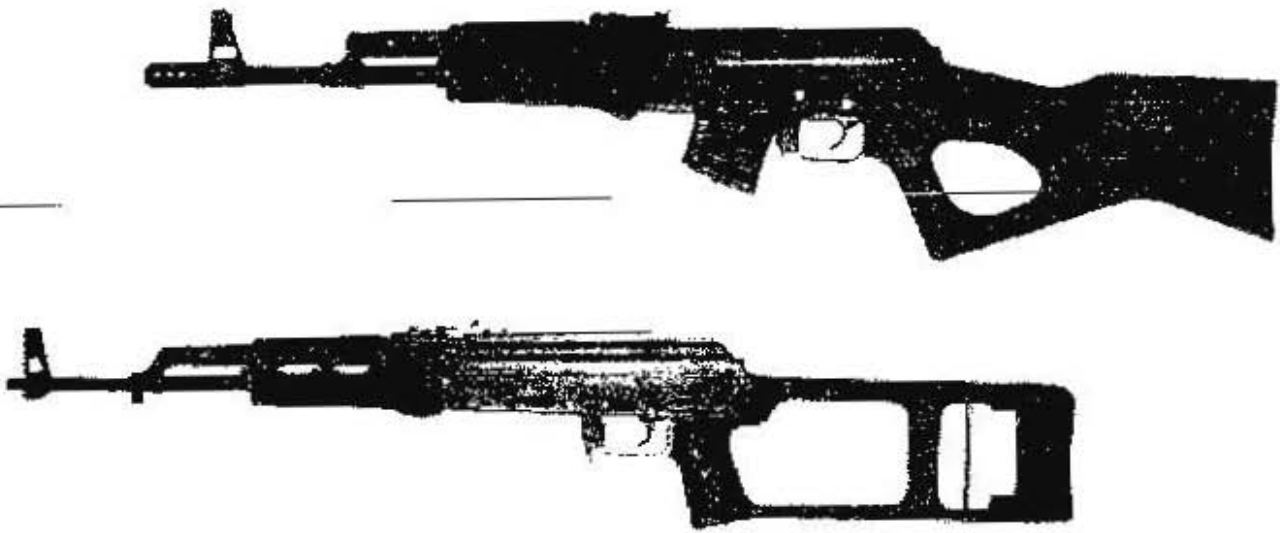
Valmet

Hunter Rifle  
 76 S

WUM

WUM (all)

\* These weapons were required to be registered on or before March 31, 1992.



*Comments:* The firearms pictured represent the general appearance of the AK series; however, these firearms may be found in various configurations as pictured in this section.

AK Series Weapons (Continued)

60

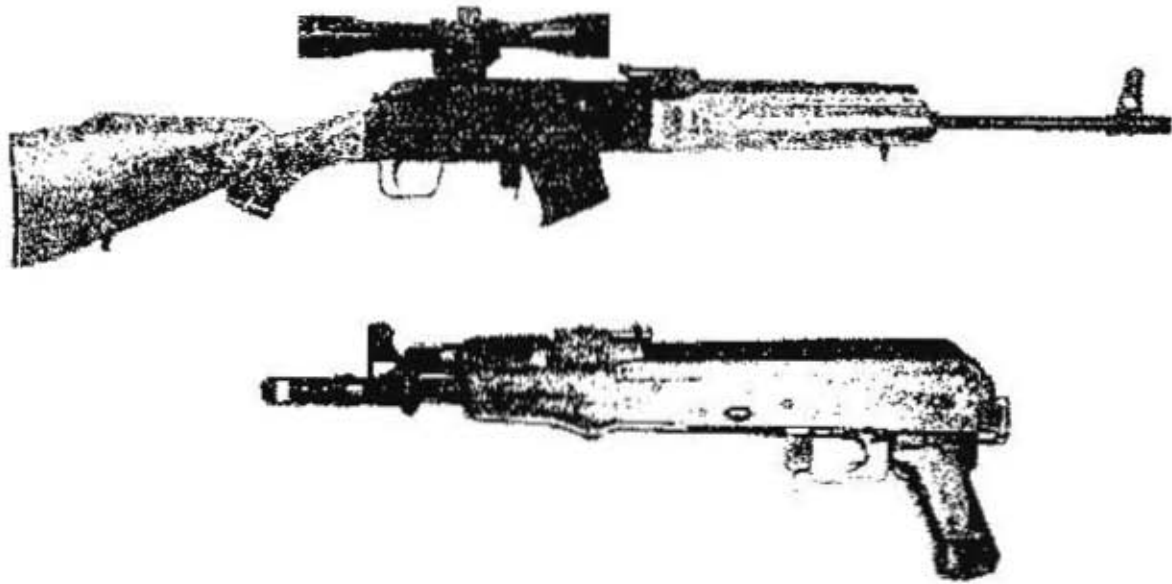
Penal Code § 12276(e)



AK Series Weapons (Continued)

*Comments:* The firearms pictured represent the general appearance of the AK series; however, these firearms may be found in various configurations as pictured in this section.

60



AK Series Weapons (Continued)

*Comments:* The firearms pictured represent the general appearance of the AK series; however, these firearms may be found in various configurations as pictured in this section.

## AR-15 Series Weapons

62

### AR-15 Series Weapons

The following pages show markings and illustrations of AR-15 series weapons. The Colt AR 15 was the only AR-15 series weapon to be originally identified as an assault weapon under the Roberti-Roos Assault Weapons Control Act of 1989, and was required to be registered on or before March 31, 1992. With the exception of the Colt AR-15, all of the listed AR-15 series weapons were subsequently identified by the Department of Justice as Category 2 assault weapons as a result of the *Kasler v. Lockyer* California Supreme Court ruling effective August 16, 2000. Category 2 (*Kasler v. Lockyer*) weapons were required to be purchased on or before August 16, 2000 and registered as assault weapons on or before January 23, 2001. The markings on these firearms usually appear on the left side of the lower receiver.

Caliber has no bearing on a weapon's status as a series weapon and should be disregarded when making an identification. For example, upper receiver conversion kits are available to convert almost any AR series weapon into .45 ACP, .40 S&W, 7.62 X 39 mm, 9 mm, 10 mm, or .223 caliber.

The makes and models provided in this guide include those which the Department of Justice was able to locate prior to printing this booklet. It is probable that some series weapons in circulation are unknown to the Department of Justice. If you encounter a suspected series weapon that is not specifically named in this booklet, please contact the Firearms Division at (916) 263-4887 for identification of that weapon. Additional assault weapon models as they are identified will be included in future versions of this guide and will be posted on the Firearms Division website at [www.ag.ca.gov/firearms/awguide/](http://www.ag.ca.gov/firearms/awguide/).

*AR-15 Series markings include, but are not limited to, the following:*

American Spirit  
ASA Model

Armalite  
AR 10 (all)  
M15 (all)  
Golden Eagle

Bushmaster  
XM15 (all)

Colt  
\*AR-15 (all)  
Sporter (all)  
Match Target (all)  
Law Enforcement (6920)

Dalphon  
B.F.D.

DEMS  
Panther (all)

Eagle Arms  
M15 (all)  
EA-15 A2 II-BAR  
EA 15 E1

Frankford Arsenal  
AR 15 (all)

Hesse Arms  
HAR 15A2 (all)

Knights  
SR 15 (all)  
SR-75 (all)  
RAS (all)

Les Baer  
Ultimate AR (all)

Olympic Arms  
AR-15  
Car-97  
PCR (all)

Ordnance, Inc.  
AR-15

Palmetto  
SGA (all)

Professional Ordnance, Inc.  
Carbon 15 Rifle  
Carbon 15 Pistol

PWA  
All Models

Rock River Arms, Inc.  
Standard A-2  
Car A2  
Standard A-4 Flattop  
Car A4 Flattop  
NM A2 - DCM Legal  
LE Tactical Carbine

Wilson Combat  
AR-15

\* These weapons were required to be registered on or before March 31, 1992.

**AR-15 Series Weapons**

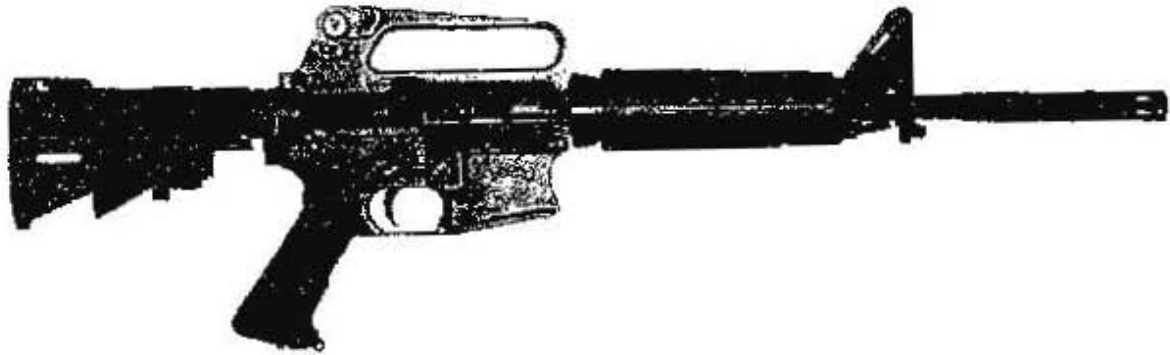
**63**



AR-15 Series Weapons (Continued)

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Penal Code § 12276(e)



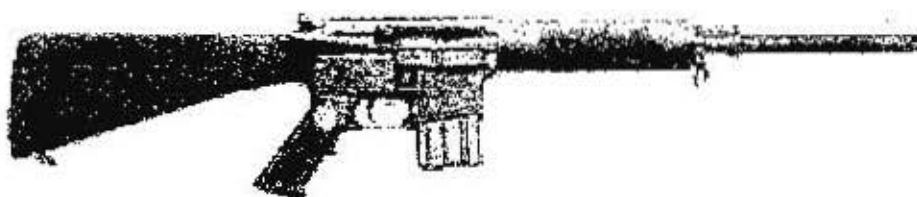
AR-15 Series Weapons (Continued)

*Comments:* The firearm pictured represents one general appearance of the AR-15 series. However, these firearms may be found in various configurations.

64



*Comments:* The firearm pictured represents one general appearance of the AR-15 series. However, these firearms may be found in various configurations.



*Comments:* The firearm pictured represents one general appearance of the AR-15 series. However, these firearms may be found in various configurations.



*Comments:* The firearm pictured represents one general appearance of the AR-15 series. However, these firearms may be found in various configurations.



## **Category 3.**

Penal Code Section 12276.1

### **Assault Weapons Defined and Identified based on Generic Characteristics**

### CATEGORY 3

#### Assault Weapon Generic Characteristics (Penal Code Section 12276.1)

The Roberti-Roos Assault Weapons Control Act of 1989 (Penal Code section 12276) regulates specific assault weapons by makes and models. Since its passage in 1989, many manufacturers created new firearm models that have very similar characteristics to controlled assault weapons. In response, the Legislature passed and the governor signed SB 23 (Chapter 129, Statutes of 1999), which created Penal Code section 12276.1 to define assault weapons by generic characteristics. It is important to understand that the Roberti-Roos Assault Weapons Control Act of 1989 (Penal Code section 12276), which lists assault weapons by make and model, is still the law and those weapons were required to be registered on or before March 31, 1992 (with the exception of certain AK series and AR-15 series weapons, which were required to be registered on or before January 23, 2001). (Penal Code §§ 12276.1)

Penal Code section 12276.1 complements rather than supersedes the Roberti-Roos Assault Weapons Control Act of 1989. A firearm that is of a type specified in Penal Code Section 12276.1 that has any of the specified characteristics listed for that type of firearm is considered a Category 3 (generic characteristics) assault weapon. Under Penal Code section 12276.1, a firearm's make, model, or markings have no bearing on whether it is an assault weapon. A firearm's status as an assault weapon under this category is determined solely by its characteristics. There are three general types of firearms that are controlled by the generic characteristics assault weapons laws. These types include semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic or revolving cylinder shotguns.

### Generic Characteristics Defining Assault Weapons:

**12276.1** (a) Notwithstanding Penal Code section 12276, "assault weapon" shall also mean the following:

#### **Rifles**

- (1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:
  - (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
  - (B) A thumbhole stock.
  - (C) A folding or telescoping stock.
  - (D) A grenade launcher or flare launcher.
  - (E) A flash suppressor.
  - (F) A forward pistol grip.
- (2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.
- (3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

**Note:** Bayonets and bayonet lugs are not assault weapon characteristics under California law.



**Pistols**

- (4) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:
  - (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
  - (B) A second handgrip.
  - (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel.
  - (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

**Shotguns**

- (6) A semiautomatic shotgun that has both of the following:
  - (A) A folding or telescoping stock.
  - (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
- (7) A semiautomatic shotgun that has the ability to accept a detachable magazine.
- (8) Any shotgun with a revolving cylinder.

# LARGE CAPACITY MAGAZINES

**Large Capacity Magazine Restrictions and Exemptions (Penal Code Section 12020)**

A large capacity magazine is defined as "any ammunition feeding device with a capacity to accept more than 10 rounds but shall not be construed to include a feeding device that is permanently altered so that it cannot accommodate more than 10 rounds nor shall it include any .22 caliber tube ammunition feeding device (or, effective January 1, 2002, a tubular magazine contained in a lever-action firearm)." It is important to understand that a large capacity feeding device may be detachable or fixed, and includes any tube ammunition feeding device (other than .22 caliber or, effective January 1, 2002, a tubular magazine contained in a lever-action firearm) that can accommodate more than 10 rounds. A large capacity magazine also includes linked ammunition with more than 10 rounds linked together or an ammunition belt with the capacity to accept more than 10 rounds.

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**Possession** of large capacity magazines, whether by peace officers or private citizens, **is not** controlled.

**The manufacturing, importation into the state, offering for sale, keeping for sale, exposing for sale, giving, and lending of a large capacity magazine** is controlled. No person may participate in these activities without a permit issued by the Department of Justice. For exceptions, see Penal Code §§12020(b)(19)-(32).

Specified law enforcement agencies and their employees are exempt from these restrictions. These agencies and employees include any federal, state, county, city and county, or city, law enforcement agencies and employees of those agencies while discharging their official duties, whether on-duty or off-duty, where the use is authorized by the agency within the scope of their duties. This exemption includes the sale of, giving of, lending of, importation into the state, or purchase of any large capacity magazine.

75 Peace officers (distinct from law enforcement agencies) who are authorized to carry firearms in the course and scope of their duties are exempted. This exemption includes the sale to, lending to, purchase of, purchase by, receipt of, or importation into the state of large capacity magazines. For record keeping purposes, a peace officer who purchases large capacity magazines from a firearms dealer is required to provide that firearms dealer with a copy of his or her peace officer photo identification. In the event the magazine is stamped "RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY," federal regulations require the law enforcement officer to provide the firearms dealer with: 1) A written statement from the officer, under penalty of perjury, that the magazine is being purchased for use in performing official duties and that it is not being acquired for personal use or for purposes of transfer or resale; and 2) a written statement from a supervisor of the purchasing officer, stating under penalty of perjury that the officer is acquiring the magazine for use in official duties, that the magazine is suitable for use in performing official duties, and that the magazine is not being acquired for personal use or for purposes of transfer or resale.

Other allowances are made for firearms dealers; the loaning of large capacity magazines under specified conditions; the importation into the state of previously owned magazines by residents who lawfully possessed those magazines prior to January 1, 2000 and who lawfully took them out of the state; the repair of magazines; importation of large capacity magazine by permitted individuals; the armored car industry; manufacturing large capacity magazines for specified purposes; and prop masters (Penal Code §§ 12020(b)(21)-(32)).

*Punishment – Felony or Misdemeanor. (Penal Code § 12020(a)(2))*

*Law Enforcement Exemption – Agencies and sworn peace officers. (Penal Code §§ 12020(b)(19), (20))*



**Selected Recent  
Firearms-Related  
Legislation**

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**Peace Officer Registration and Acquisition of Assault Weapons (Penal Code Section 12280(g))**

Effective January 1, 2002, a peace officer member of the Department of Justice, police departments, sheriffs' offices, marshals' offices, the Youth and Adult Corrections Agency, the Department of the California Highway Patrol, district attorneys' offices, Department of Fish and Game, Department of Parks and Recreation, or the military or naval forces of this state or of the United States, or any federal law enforcement agency, who possesses or receives an assault weapon prior to January 1, 2002, may, with the authorization of his or her agency, retain and personally possess that firearm provided he or she registers it as an assault weapon with the Department of Justice on or before April 1, 2002. Such a peace officer may also, with the authorization of his or her agency, personally purchase or receive an assault weapon on or after January 1, 2002, provided he or she registers it as an assault weapon with the Department of Justice within 90 days after possession or receipt. Assault weapon registration forms are available from the Department of Justice and may be obtained by calling (916) 227-3694.

Acceptable agency authorization is defined as verifiable written certification from the head of the agency identifying the recipient or possessor of the assault weapon as a peace officer and authorizing him or her to receive or possess the specific assault weapon. The peace officer must include a copy of this authorization with the assault weapon registration.

**Large-Capacity Magazines (Penal Code Section 12020)**

Effective January 1, 2002, tubular magazines contained in lever-action firearms are excluded from the definition of "large capacity magazine." This change removes statutory prohibitions against manufacturing, selling, giving, lending, etc., many "old west" style lever-action rifles.

Effective January 1, 2002, technical amendments to Penal Code section 12020 expressly allow properly licensed persons to manufacture large-capacity magazines. Prop masters may also purchase and loan large-capacity magazines.

**Criminal Storage of a Firearm (Penal Code Sections 12035 & 12036)**

Effective January 1, 2002, the age under which persons are considered "children" for purposes of criminal storage of a firearm is increased from 16 years to 18 years. Any person guilty of criminal storage of a firearm is guilty of an additional misdemeanor and a fine of up to \$5,000 if the child took the firearm to a school or school-sponsored activity.

# Glossary



**Automatic firearm** - An automatic firearm continues to self-load and fire as long as the trigger is held back and a supply of ammunition is present. In an automatic firearm, one pull on the trigger may result in multiple shots being fired.

**Caliber** - The caliber of a firearm is the approximate diameter of the bore measured before rifling (or the diameter of a circle formed by the tops of the rifling lands).

**Flash suppressor** - Any device designed, intended, or that functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.

**Forearm** - The forward portion of a two-part stock which is usually under the barrel.

**Magazine** - Any ammunition feeding device.

**Magazine, fixed** - A magazine which remains affixed to the firearm during loading. Frequently a fixed magazine is charged (loaded) from a clip (en bloc or stripper) of cartridges inserted through the open breech into the magazine.

**Magazine, detachable** - An ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool. Ammunition feeding device includes any belted or linked ammunition, but does not include clips, en bloc clips, or stripper clips that load cartridges into the magazine.

**Pistol Grip, conspicuously protruding** - A grip that allows for a pistol style grasp in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed portion of the trigger while firing.

**Pistol Grip, forward** - A grip that allows for a pistol style grasp forward of the trigger.

**Receiver** - The basic unit of a firearm which houses the firing and breech mechanism and to which the barrel and stock are assembled. The receiver may consist of two sections. In some autoloading pistols and other firearms, the terms receiver and frame are used interchangeably.

**Receiver, lower** - In a receiver composed of two parts, the lower receiver usually contains the trigger and firing mechanism.

**Receiver, upper** - In a receiver composed of two parts, the upper receiver usually contains the barrel and breech mechanism.

**Semiautomatic firearm** - This refers to a firearm which is self-loading but not self firing. A single pull on the trigger results in a single shot being fired.

**Stock** - The part of a rifle, carbine or shotgun to which the barrel assembly is attached and which provides a means for holding the weapon to the shoulder.

**Stock, collapsing** - A stock which is shortened by allowing one section to telescope into another.

**Stock, folding** - A stock which is hinged to the receiver to allow the stock to be folded next to the receiver to reduce the overall length of the firearm.

**Stock, thumbhole** - A stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.

### Combined Listing of Category 1 and Category 2 Assault Weapons

*Italicized models are Category 1 and were required to be registered on or before March 31, 1992. Non-italicized models are Category 2 and were required to be registered with the Department of Justice on or before January 23, 2001. Category 3 assault weapons are not included in this listing.*

#### Rifles

##### American Arms

AK-C 47

AK F 39

AK F 47

AK Y 39

##### American Sport

ASA Model

##### Armalite

AR 10 (all)

AR 180

Golden Eagle

M 5 (all)

##### Arsenal

SLG (all)

SLR (all)

##### B-West

AK-47 (all)

##### Bizeta

AR 70

##### Bushmaster

*Assault Rifle*

XM15 (all)

##### Colt

*M-960*

##### CsG

*AR-15 (all)*

*Law Enforcement (6920)*

*Match Target (all)*

*Sporter (all)*

##### Dacron

*AR100, AR110C*

*K-1, K-2*

*Max 1, Max 2*

##### Dalpaan

*B.F.D.*

##### DPMS

*Panther (all)*

##### Eagle Arms

EA-15 A2 II-BAR

EA-15 E1

M15 (all)

##### Fabrique Nationale

*308 Match, Sporter*

*FAL, LAR, FNC*

##### Frankford Arsenal

AR-15 (all)

##### Hesse Arms

BAR USA2 (all)

Model 47 (all)

Wieger STG 9-40 Rifle

##### IKK

*91, 91, PSG-1*

*93*

##### IMI

*Galil*

*Uzi*

##### Inter Ordnance - Moore, NC

AK-47 (all)

M-97

RPK

##### IAR ENG

*M-68*

##### Kalashnikov USA

*Hyter Rifle / Saiga*

##### Knights

KAS (all)

SR-15 (all)

SR-25 (all)

##### Los Baer

Ultimate AR (all)

**This listing does not include firearms whose characteristics alone make them assault weapons (Category 3)**

MAADICO

AK-47  
ARM  
MISM (all)  
MISTR (all)

Made in China

56  
56S  
84S  
86S  
AK  
AK47  
AKM  
AKS

Made in Spain  
*CETME Spitzer*

MAS  
22s

Mitchell Arms, Inc.

AK-47 (all)  
AK-47 Cal .308 (all)  
M-76  
M-90  
RPK

Nonaco

56  
56 S  
81 S (all)  
84 S  
86 (all)  
86 S  
AK-47 (all)  
Hunter Rifle  
MAK 90  
NUM 90, 90-2, 91 Sport  
RPK Rifle  
*SKS w/ detachable magazine*

Ohio Ordnance Works (O.O.W.)

AK-74  
ROMAK 991

Olympic Arms

AR-15  
Cur-97  
PCR (all)

Ordnance, Inc.

AR-15

Panico

SGA (all)

Priy technologies

AK47  
AKS

Professional Ordnance, Inc.  
Carbon 15 Rifle

PWA

Air Models

Rock River Arms, Inc.

Car A2  
Car A4 Flattop  
LE Tactical Carbide  
NM A2-11CM Legal  
Standard A-7  
Standard A-4 Flattop

RPB Industries, Inc.

M10, M11

SIG

AMT, PE 57  
SG 550, SG 551

Springfield Armory

SM59, SAR-48

Sterling

AK-6

Steyr

M10

SWD Incorporated

M11

Valmet

76 S  
Hunter Rifle  
M62S, M71S, M75S

Wasson Arms

Nighthawk

Wilson Combat

AR-15

WUM

WUM (all)

This listing does not include firearms whose characteristics alone make them assault weapons (Category 3)

**Pistols**

Advance Armament, Inc.  
M11

Bushmaster  
Pistol

Caliber  
M-950

Encore  
MP-9, MP 15

IMI  
UZ1

Ismatec  
TEC-9

MARS  
Pistol

Military Armament Corp.  
M-11

Professional Ordnance, Inc.  
Carbon 15 Pistol

RPB Industries, Inc.  
SM10, SM11

Slics  
Spectre

Starline  
MA-7

SWD Incorporated  
M11

**Shotguns**

Caliber  
Street Sweeper, SIS Inc., SS17,  
Sinker 12

Franchi  
SPAS 12, LAW 12

**This listing does not include firearms whose characteristics alone make them assault weapons (Category 3)**

This listing includes models of Category 1 (Roberti-Roos) and Category 2 (AK & AR-15 series) assault weapons that have been brought to our attention and examined. If you have a suspected Category 2 assault weapon that does not appear on this list, please contact the Department of Justice at (916) 263-4887 for an identification of that firearm. This listing does not include Category 3 (Penal Code section 12276.1) assault weapons, which are defined by their characteristics, not by make/model. Category 2 assault weapons must have been registered with the California Department of Justice on or before January 23, 2001. Category 3 assault weapons must have been registered with the Department of Justice on or before December 31, 2000.

DEPARTMENT OF JUSTICE  
FIREARMS DIVISION  
P.O. BOX 820200  
SACRAMENTO, CA 94203-0200

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# EXHIBIT C



WEAPONS DIVISION

P.O. BOX 160487  
SACRAMENTO, CA 95816-0487  
Facsimile: (916) 263-0676  
(916) 263-0807

December 17, 2003

C.D. Michel, Attorney at Law  
407 North Harbor Boulevard  
San Pedro, CA. 90731-13355

RE: Public Record Act Requests- CALDOJ-072103-PG

Dear Mr. Michel:

Thank you for your letter of July 21, 2003, regarding your client's proposed Barrett 82A1 alternative "thumb hold" grip exemplar. The California Department of Justice, in light of the law, and the pistol grip and thumbhole stock regulatory definitions, has made the following observations:

**Pistol Grip Characteristic**

Penal Code section 12276.1 (a) (1), among other things, defines as assault weapons: "A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

- (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A flash suppressor.
- (F) A forward pistol grip."

*11 CCR 978.20 (d)* defines a pistol grip that protrudes conspicuously beneath the action of the weapon to mean, "...a grip that allows for a pistol style grasp in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed portion of the trigger while firing."

A "pistol style grasp" allows the fingers to wrap firmly around the grip. The alternative Barrett 82A1 "thumb hold" exemplar cannot be considered an assault weapon pistol grip because the device allows only for the thumb, and not all the fingers, to grasp the device.

**Thumbhole Stock Characteristic**

Penal Code section 12276.1 (a) (1), among other things, defines as assault weapons: "A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

COPY



Mr. Michel  
December 17, 2003  
Page 2

- (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A flash suppressor.
- (F) A forward pistol grip."

11 CCR 978.20 (c) defines a thumbhole stock as, "...a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing."

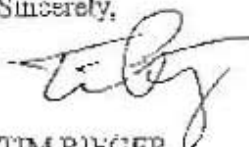
The Department has already articulated policy that features fixed or attached to the action of the weapon are differentiated from those attached to the stock, and do not necessarily constitute offending stock characteristics. In the case of the Kel Teck SU-16, because the weapon folds at the action and can not be fired when folded, the rifle does not feature an offending folding stock that would qualify this semiautomatic, centerfire rifle as an assault weapon.

Similarly, the Barrett 82A1 alternative "thumb hold" exemplar attaches to the action of the weapon and is not part of the stock. Thus, it would be inconsistent with existing policy to consider the exemplar a stock feature and is not, therefore, a "thumbhole stock."

### Conclusion

The California Department of Justice opines that the Barrett 82A1 "thumb hold" exemplar does not fall within the regulatory definitions of thumbhole stock or pistol grip. As always, we remind you that other constitutional officers, including the 58 duly elected District Attorneys may have a difference of opinion, but we stand by our analysis and conclusion.

Sincerely,



TIM RIEGER  
Deputy Attorney General  
Firearms Division

For BILL LOCKYER  
Attorney General

# EXHIBIT D

## Frequently Asked Questions Assault Weapon Registration

### Quick Links to Topics

[General FAQs](#)

[Military Assault Weapons](#)

### General FAQs

1. What is considered an assault weapon under California law?
2. What is the Kessler v. Lockyer California Supreme Court decision and what does it do?
3. What are AK and AR-15 style weapons and how are they controlled?
4. How is the 2010 assault weapons law (SB 23) affected by the Kessler v. Lockyer decision?
5. Can assault weapons still be registered?
6. I already paid the \$14.00 Dealer's Record Of Sale (DROS) fee and went through a DOJ clearance check when I purchased the firearm. Does that satisfy the registration requirement?
7. I have a registered assault weapon. I travel outside of California with the firearm, can I bring the firearm back into California?
8. Can a firearms dealer inform me the characteristic(s) that make a firearm an assault weapon, and ask it?
9. Are there any restrictions for the use of registered assault weapons?
10. Can I pawn a registered assault weapon?
11. Can I take a registered assault weapon to a gunsmith for repairs?
12. Can I inherit and keep a registered assault weapon?
13. If registered my SB 23 assault weapon and now I remove the characteristic(s) that make it an assault weapon, can I cancel the registration?
14. I want to keep my assault weapon defined by characteristics (PC section 12276.1, SB 23). What am I required to do?
15. I do not want to keep my assault weapon. What do I do?
16. I did not register my assault weapon by the registration deadline, is there any way I can legally keep it?

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#### 1. What is considered an assault weapon under California law?

There are three categories of assault weapons under California law. The first category is firearms listed on the original Rothman-Ross assault weapons list (Penal Code section 12276, subds (a), (b), and (c)). The second category of assault weapons is AR and AR-15 series weapons, both (Penal Code sections 10375 (e) and (f)). The third category of assault weapons is defined by specific general characteristics (PC section 12276.1, SB 23).

2. **What is the *Kasler v. Lockyer* California Supreme Court decision and what does it do?**

This court decision upholds the constitutionality of the Assault Weapons Control Act of 1989. As a result, the Department of Justice (DOJ) is obligated to enforce the statute with respect to identification of AK and AR-15 series weapons. These assault weapons are listed by the Department of Justice in the California Code of Regulations, Title 11, Chapter 12.9, Section 979.11 (11 CCR 979.11)

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3. **What are AK and AR-15 series weapons and how are they controlled?**

Any firearm which is a variation, with minor differences, of the AK or AR-15 type (i.e., semiautomatic), regardless of manufacturer, is an assault weapon under the original Roberti-Roos Assault Weapons Control Act of 1989. These assault weapons are listed by the Department of Justice in the California Code of Regulations, Title 11, Chapter 12.9, Section 979.11 (11 CCR 979.11)

4. **How is the 2000 assault weapons law (SB 23) affected by the *Kasler v. Lockyer* decision?**

The 2000 assault weapons law (SB 23) identified assault weapons by specific characteristics. Those weapons so defined must have been lawfully possessed on or before December 31, 1999 and registered on or before December 31, 2000. Penal Code section 12276, subdivisions (e) and (f), reaffirmed by the *Kasler v. Lockyer* decision, make AK and AR-15 series weapons unlawful for sale after August 15, 2000, even if their assault weapon characteristics are removed. Persons owning these weapons on this date were required to register them with the DOJ on or before January 23, 2001.

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5. **Can assault weapons still be registered?**

The assault weapon registration period has ended. The DOJ is no longer accepting assault weapon registration forms.

6. **I already paid the Dealer's Record Of Sale (DROS) fee and went through a DOJ clearance check when I purchased the firearm. Does that satisfy the registration requirement?**

No. Under California law, no rifle or shotgun purchaser information may be retained by the DOJ. The DROS fee only covers the cost to determine whether or not a purchaser is prohibited from purchasing or possessing a firearm at the time of the transaction. Additionally, once eligibility has been verified, the DOJ is required by law to destroy all DROS information pertaining to long guns. The assault weapon registration period has ended. The DOJ is no longer accepting assault weapon registration forms.

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7. **I have a registered assault weapon. If I travel outside of California with the firearm, can I bring the firearm back into California?**

Yes, as long as it is transported in accordance with Penal Code sections 12285 and 12026.1. These sections of law may be accessed on the DOJ Bureau of Firearms Website's Online Dangerous Weapons Control Laws.

8. **I am a firearms dealer. If I remove the characteristic(s) that make a firearm an assault weapon, can I sell it?**

Yes, but only if the firearm is an assault weapon that is defined as such only by its characteristics, and only if you have registered it as an assault weapon with the DOJ. (Penal Code section 12276.1, SB 23 - This section of law may be accessed on the DOJ Bureau of Firearms Website's Online Dangerous Weapons Control Laws). THIS DOES NOT APPLY TO ORIGINAL ROBERTI-ROOS ASSAULT WEAPONS OR AK and AR-15 SERIES WEAPONS.

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9. **Are there any restrictions for the use of registered assault weapons?**

Yes. A person who has a registered assault weapon may possess it only under certain conditions as specified in Penal Code section 12286. This section of law may be accessed on the DOJ Bureau of Firearms Website's Online Dangerous Weapons Control Page.

10. **Can I pawn a registered assault weapon?**

No. Pawning assault weapons is not permitted.

11. **Can I take a registered assault weapon to a gunsmith for repairs?**

Yes. However, you cannot leave it with the gunsmith unless he or she holds a California Assault Weapons permit. Otherwise, you must remain with the firearm while it is being repaired. If the assault weapon must be shipped to the manufacturer for repairs, a firearms dealer with an assault weapons permit must handle the shipping.

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12. **Can I inherit and keep a registered assault weapon?**

No. Pursuant to California Penal Code section 12285(h), any person who obtains title to a registered assault weapon by bequest or intestate succession shall, within 90 days, render the weapon permanently inoperable, sell the weapon to a licensed gun dealer who has a permit from the Department of Justice to purchase assault weapons, obtain a permit from the Department of Justice to possess assault weapons, or remove the weapon from this state.

13. **If I registered my SB 23 assault weapon and now I remove the characteristic(s) that make it an assault weapon, can I cancel the registration?**

Yes. If the defining characteristics establishing a firearm as an SB 23 assault weapon are removed, it is no longer an assault weapon and the registration may be canceled. **However**, once the registration is canceled, you can never replace the characteristic(s) that make it an assault weapon, or you will be in possession of an illegal weapon.

**THIS APPLIES ONLY TO FIREARMS DEFINED AS ASSAULT WEAPONS BY CHARACTERISTICS (Penal Code section 12276.1, SB 23). THIS DOES NOT APPLY TO ORIGINAL ROBERTI-ROOS ASSAULT WEAPONS OR AK and AR-15 SERIES WEAPONS IN THAT REMOVAL OF THEIR CHARACTERISTICS DOES NOT NEGATE THE REQUIREMENT TO REGISTER THE ASSAULT WEAPON.**

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14. **I want to keep my assault weapon defined by characteristics (PC section 12276.1, SB 23). What am I required to do?**

If you are still in possession of an unregistered assault weapon, you may not keep it. Your only option is to relinquish it to a law enforcement agency.

15. **I do not want to keep my assault weapon. What do I do?**

If you have an *unregistered* assault weapon, you must relinquish it to law enforcement.

If you *have* a *registered* assault weapon that you no longer want to keep, you have three options:

- Sell the weapon to a licensed gun dealer who has an assault weapons permit; or
- Make arrangements with your local police or sheriff's office to relinquish your assault weapon. **CALL FIRST. DO NOT GO TO THE POLICE OR SHERIFF'S OFFICE WITHOUT FIRST MAKING ARRANGEMENTS.** See
- Remove the weapon from this state.

16. **If I did not register my assault weapon by the registration deadline, is there any way I can legally keep it?**

No, if you did not register your assault weapon prior to the registration deadline, you must relinquish that assault weapon to a law enforcement agency. Failure to relinquish your unregistered assault weapon could result in arrest and a felony conviction.

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## Military Assault Weapons

1. May active duty military personnel apply for a Department of Justice (DOJ) Permit to Possess and/or Transport Assault Weapons?
2. Does a DOJ Permit to Possess and/or Transport Assault Weapons for active military personnel expire?
3. Do I need to notify DOJ if there are any changes of information from the initial application provided on the DOJ Permit to Possess and/or Transport Assault Weapons for active military personnel?
4. May active duty military personnel be denied issuance of a DOJ Permit to Possess and/or Transport Assault Weapons?
5. May active duty military personnel issued a DOJ Permit to Possess and/or Transport Assault Weapons purchase or acquire additional Assault Weapons while permanently stationed in California?
6. May active duty military personnel with a DOJ Permit to Possess and/or Transport Assault Weapons, possess, transport, or mail-banded in-bore/long guns into California?

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1. **May active duty military personnel apply for a Department of Justice (DOJ) Permit to Possess and/or Transport Assault Weapons?**

Yes. Active duty military personnel may apply for a DOJ Permit to Possess and/or Transport Assault Weapons only under the express conditions of Penal Code section 12285 (c). The following documentation and fees must be provided:

Submit your fingerprint impressions before submitting this application. To submit fingerprint impressions, you must take a completed Request for Live Scan Service form (BC18616) to a Live Scan station. Refer to [ag.ca.gov/fingerprints](http://ag.ca.gov/fingerprints) for Live Scan station location information. Have the Live Scan station submit your fingerprint impressions to both DOJ and FBI. You must pay the Live Scan operator a \$73.00 DOJ fingerprinting fee and a \$19.00 FBI fingerprinting processing fee, as well as the Live Scan operator's fee (Note: the Live Scan operator fee varies by Live Scan site, and the Bureau of Firearms does not regulate or set this price).

Completed Application (BCF 4082) .pdf.

Current copy of applicant's official military identification card.

Official letter signed by the applicant's Base Commander, establishing that a bona fide necessity exists for use of personal assault weapons in sanctioned military activities. The letter must include a current telephone number for the Base Commander's office.

Copy of Permanent Change of Military Station Orders.

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2. **Does a DOJ Permit to Possess and/or Transport Assault Weapons for active military personnel expire?**

Yes. The permit is valid for one year from the date of issuance or the termination of permanent active duty military stationing in the State of California, whichever occurs first. The following documentation for renewal of a DOJ Permit to Possess and/or Transport Assault Weapons must be mailed to DOJ prior to the permit expiration:

DOJ assault weapon permit letter.

Current copy of applicant's official military identification card.

Official letter signed by the applicant's Base Commander, establishing that a bona fide necessity exists for use of personal assault weapons in sanctioned military activities. The letter must include a current telephone number for the Base Commander's office.

Copy of Permanent Change of Military Station Orders.

If the renewal application is received later than the expiration date, there is a \$25 renewal fee.

Provide a copy of the "Use of Personal Assault Weapons in Military Sanctioned Activities" form DOJ 347, pdf.

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3. **Do I need to notify DOJ if there are any changes of information from the initial or renewal application provided on the DOJ Permit to Possess and/or Transport Assault Weapons for active military personnel?**

Yes. You must notify DOJ in writing, within ten days of any changes of information provided on the initial DOJ Permit to Possess and/or Transport Assault Weapons for active military personnel or renewal application, including the following:

Permanent active duty military status in the State of California is terminated.

Disposal/relinquishment of a permitted assault weapon. Please submit your written notification to: Department of Justice, Firearms Licensing and Permits Section - MAWP, P.O. Box 160367, Sacramento, CA 95816-0367.

The Base Commander determines that a bona fide necessity for use of personal assault weapons in sanctioned military activities no longer exists.

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4. **May active duty military personnel be denied issuance of a DOJ Permit to Possess and/or Transport Assault Weapons?**

Yes. A permit may be denied for the following reasons:

The applicant is under the age of 18 years.

The applicant is prohibited from possessing a firearm by Penal Code (PC) Section 12021 or 12021.1.

The Base Commander determines that a bona fide necessity for use of personal assault weapons in sanctioned military does not exist, or will not issue an official letter establishing that a bona fide necessity exists for use of personal assault weapons in sanctioned military activities, as set forth in Title 11, Division 5, Chapter 7, Article 3, section 41537(a)(2) of the California Code of Regulations.

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5. **May active duty military personnel issued a DOJ Permit to Possess and/or Transport Assault Weapons purchase or acquire additional Assault Weapons while permanently stationed in California?**

No. Subsequent to issuance of a DOJ Permit to Possess and/or Transport Assault Weapons, no additional assault weapons may be added to the permit. Additionally, an assault weapons permit does not allow the permit holder to purchase or import additional assault weapons into California.

6. **May active duty military personnel with a DOJ Permit to Possess and/or Transport Assault Weapons, possess, import/export short-barreled rifles/shotguns into California?**

No. Short-barreled rifles/shotguns are not assault weapons. A separate permit for such weapons based on different, and more stringent criteria, is required before they can be lawfully brought into the state. The DOJ/FLPS-Dangerous Weapons Permit Unit

also handles the issuance of permits for short barreled rifles/shotguns. You may obtain additional information regarding issuance of this permit by accessing the Bureau of Firearms Website, Dangerous Weapons Control Laws, Penal Code section 12005-12007 Short-Barreled Rifles/Shotgun Permits.

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# **EXHIBIT E**

AMENDED IN ASSEMBLY MAY 23, 2012

AMENDED IN ASSEMBLY JULY 14, 2011

AMENDED IN SENATE APRIL 25, 2011

**SENATE BILL**

**No. 249**

**Introduced by Senator Yee**  
(Principal coauthor: Assembly Member Ma)

February 10, 2011

An act to ~~add Section 4152 to the Food and Agricultural~~ *amend Section 31100 of, to amend, repeal, and add Section 30800 of, and to add Sections 30527 and 30618 to, the Penal Code, relating to district agricultural associations firearms.*

LEGISLATIVE COUNSEL'S DIGEST

SB 249, as amended, Yee, ~~District agricultural associations; FA District Agricultural Association facilities; Firearms; assault weapon conversion kits.~~

*Existing law, with certain exceptions, prohibits the possession of an assault weapon, as defined, and makes violations subject to criminal penalties.*

*This bill would, commencing July 1, 2013, and with certain exceptions, prohibit any person from importing, making, selling, loaning, transferring, or possessing any conversion kit, as defined, designed to convert certain firearms with a fixed magazine into firearms with the capacity to accept a detachable magazine and other features making the firearm an assault weapon and would make violations subject to criminal penalties. By creating new crimes, this bill would impose a state-mandated local program.*

*Existing law makes possession of an assault weapon a public nuisance, authorizes the Attorney General, district attorney, or city attorney to bring a civil action to enjoin possession of the weapon, authorizes imposition of a civil fine, and, with certain exceptions, requires disposition of the weapon by sale at public auction or by destruction.*

*This bill would, commencing July 1, 2013, make possession of a conversion kit a public nuisance, would authorize a civil action to enjoin possession of a conversion kit, would authorize imposition of a civil fine, and, with certain exceptions, would, similarly, require disposition of the conversion kit.*

*Existing law authorizes a person to arrange in advance to relinquish an assault weapon to a police or sheriff's department.*

*This bill would authorize a person to arrange in advance to relinquish a conversion kit to a police or sheriff's department.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law divides the state into district agricultural associations for the purposes of, among other things, holding fairs and expositions exhibiting all of the industries and industrial enterprises, resources, and products of every kind or nature of the state with a view toward improving, exploiting, encouraging, and stimulating those industries. Existing law provides that the T-A District Agricultural Association governs the agricultural district that encompasses the County of San Mateo and the City and County of San Francisco.~~

~~This bill would require the T-A District Agricultural Association, 30 days before final approval of the use of a facility that is owned or leased by the association by any exhibitor that is not a public entity, to submit to the City and County of San Francisco, the City of Daly City, and the San Mateo County Manager a complete and detailed written description of the proposed event, including a specified risk assessment. The bill would require the association to include in the contract with the exhibitor, or as an addendum to a contract, a provision requiring the exhibitor to assume all financial liability for the event. The bill would also require that the exhibitor reimburse the jurisdictions surrounding the facility for the actual costs of emergency services incurred as a result~~

of or caused by the event held at the facility. The bill would also require the association to enforce this bill by requiring a sufficient security bond or other guarantees from the exhibitor that are acceptable to the jurisdictions surrounding the facility and the board of the association;

Vote: majority Appropriation: no Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 30527 is added to the Penal Code, to  
2 read:

3     30527. (a) As used in this chapter a "conversion kit" means  
4 either of the following:

5     (1) Any combination of parts that, when affixed to a firearm  
6 with a fixed magazine, are designed and intended to convert that  
7 firearm into an assault weapon as defined by one of the following:

8     (A) Paragraph (1) of subdivision (a) of Section 30515.

9     (B) Paragraph (4) of subdivision (a) of Section 30515.

10    (C) Paragraph (7) of subdivision (a) of Section 30515.

11    (2) Any part that, when affixed to a firearm with a fixed  
12 magazine, is designed solely and exclusively to convert that firearm  
13 into an assault weapon as defined by one of the following:

14    (A) Paragraph (1) of subdivision (a) of Section 30515.

15    (B) Paragraph (4) of subdivision (a) of Section 30515.

16    (C) Paragraph (7) of subdivision (a) of Section 30515.

17    (b) This section shall become operative on July 1, 2013.

18    SEC. 2. Section 30618 is added to the Penal Code, to read:

19    30618. (a) No person shall import into this state, make, sell,  
20 loan, transfer or possess a conversion kit.

21    (b) For purposes of this article, if more than one conversion kit  
22 is involved in any violation of this article, there shall be a distinct  
23 and separate offense for each violation.

24    (c) The provisions of this section are cumulative and shall not  
25 be construed as restricting the application of any other law.  
26 However, an act or omission punishable in different ways by  
27 different provisions of law shall not be punished under more than  
28 one provision.

29    (d) Subdivision (a) shall not apply to or affect any of the  
30 following:

1 (1) The sale to, transfer to or loan to, importation of, or  
2 possession of a conversion kit by the Department of Justice, police  
3 department, sheriffs' offices, marshals' offices, the Department of  
4 Corrections and Rehabilitation, the Department of the California  
5 Highway Patrol, district attorneys' offices, the Department of Fish  
6 and Game, the Department of Parks and Recreation, or the military  
7 or naval forces of this state or of the United States, or any federal  
8 law enforcement agency for use in the discharge of their official  
9 duties.

10 (2) The transfer by or loan by the entities listed in paragraph  
11 (1) of a conversion kit to sworn peace officer members of those  
12 agencies for law enforcement purposes.

13 (3) The possession of conversion kits by sworn peace officer  
14 members of those agencies specified in paragraph (1) for law  
15 enforcement purposes.

16 (4) The manufacture of, possession of, or importation of a  
17 conversion kit by any person who is issued a permit pursuant to  
18 Section 31005.

19 (5) The sale by, loan of, or transfer of a conversion kit by a  
20 person who is issued a permit pursuant to Section 31005 to any  
21 of the following:

22 (A) Exempt entities listed in paragraph (1).

23 (B) Entities and persons who have been issued permits pursuant  
24 to Section 31005.

25 (C) Federal military and law enforcement agencies.

26 (D) Law enforcement and military agencies of other states.

27 (E) Foreign governments and agencies approved by the United  
28 States State Department

29 (6) A person who is the executor or administrator of an estate  
30 that includes a conversion kit that is possessed in accordance with,  
31 and disposed of as authorized by, the probate court, if the  
32 disposition is otherwise permitted by this section.

33 (7) The possession of and sale or transfer of a conversion kit  
34 by a person incident to relinquishing the conversion kit pursuant  
35 to Section 31100.

36 (8) The transfer by a person authorized to possess a conversion  
37 kit by this section to any licensed gun dealer for the purposes of  
38 servicing or repair from any person who is legally entitled to  
39 possess it pursuant to this section.

1 (9) The possession of a conversion kit by any licensed gun dealer  
2 who received the conversion kit pursuant to paragraph (8).

3 (10) The transfer of possession of a conversion kit received by  
4 any licensed gun dealer pursuant to paragraph (9) to a gunsmith  
5 for purposes of accomplishing service or repair of that conversion  
6 kit. A transfer is permissible only to the following persons:

7 (A) A gunsmith who is in the dealer's employ

8 (B) A gunsmith with whom the dealer has contracted for  
9 gunsmithing services.

10 (11) The transfer of possession of any conversion kit by any  
11 person referred to in paragraph (10) to either the licensed gun  
12 dealer from whom it was received or to a person otherwise referred  
13 to in paragraph (10).

14 (12) The return of any conversion kit initially received by any  
15 licensed gun dealer pursuant to this section to the person from  
16 whom he or she received it if that recipient is legally entitled to  
17 possess that conversion kit pursuant to this section.

18 (e) A violation of this section is punishable as follows:

19 (1) Where the person imports into this state, makes, sells, loans,  
20 or transfers a conversion kit, that person shall be punished by a  
21 fine of one thousand dollars (\$1,000), imprisonment in a county  
22 jail for a period not to exceed one year, or by both that fine and  
23 imprisonment.

24 (2) In all cases not specified in paragraph (1), as a  
25 misdemeanor.

26 (f) This section shall become operative on July 1, 2013.

27 SEC. 3. Section 30800 of the Penal Code is amended to read:

28 30800. (a) (1) Except as provided in Article 2 (commencing  
29 with Section 30600), possession of any assault weapon or of any  
30 .50 BMG rifle in violation of this chapter is a public nuisance,  
31 solely for purposes of this section and subdivision (c) of Section  
32 18005.

33 (2) The Attorney General, any district attorney, or any city  
34 attorney, may, in lieu of criminal prosecution, bring a civil action  
35 or reach a civil compromise in any superior court to enjoin the  
36 possession of the assault weapon or .50 BMG rifle that is a public  
37 nuisance.

38 (b) Upon motion of the Attorney General, district attorney, or  
39 city attorney, a superior court may impose a civil fine not to exceed  
40 three hundred dollars (\$300) for the first assault weapon or .50

1 BMG rifle deemed a public nuisance pursuant to subdivision (a)  
2 and up to one hundred dollars (\$100) for each additional assault  
3 weapon or .50 BMG rifle deemed a public nuisance pursuant to  
4 subdivision (a).

5 (c) Any assault weapon or .50 BMG rifle deemed a public  
6 nuisance under subdivision (a) shall be destroyed in a manner so  
7 that it may no longer be used, except upon a finding by a court, or  
8 a declaration from the Department of Justice, district attorney, or  
9 city attorney stating that the preservation of the assault weapon or  
10 .50 BMG rifle is in the interest of justice.

11 (d) Upon conviction of any misdemeanor or felony involving  
12 the illegal possession or use of an assault weapon, the assault  
13 weapon shall be deemed a public nuisance and disposed of pursuant  
14 to subdivision (c) of Section 18005.

15 (e) *This section shall become inoperative on July 1, 2013, and,*  
16 *as of January 1, 2014, is repealed, unless a later enacted statute,*  
17 *that becomes operative on or before January 1, 2014, deletes or*  
18 *extends the dates on which it becomes inoperative and is repealed.*

19 *SEC. 4. Section 30800 is added to the Penal Code, to read:*

20 *30800. (a) (1) Except as provided in Article 2 (commencing*  
21 *with Section 30600), possession of any assault weapon, any .50*  
22 *BMG rifle, or any conversion kit in violation of this chapter is a*  
23 *public nuisance, solely for purposes of this section and subdivision*  
24 *(c) of Section 18005.*

25 *(2) The Attorney General, any district attorney, or any city*  
26 *attorney may, in lieu of criminal prosecution, bring a civil action*  
27 *or reach a civil compromise in any superior court to enjoin the*  
28 *possession of the assault weapon, .50 BMG rifle, or conversion*  
29 *kit that is a public nuisance.*

30 *(b) (1) Upon motion of the Attorney General, district attorney,*  
31 *or city attorney, a superior court may impose a civil fine not to*  
32 *exceed three hundred dollars (\$300) for the first assault weapon*  
33 *or .50 BMG rifle deemed a public nuisance pursuant to subdivision*  
34 *(a) and up to one hundred dollars (\$100) for each additional*  
35 *assault weapon or .50 BMG rifle deemed a public nuisance*  
36 *pursuant to subdivision (a).*

37 *(2) Upon motion of the Attorney General, district attorney, or*  
38 *city attorney, a superior court may impose a civil fine not to exceed*  
39 *one hundred dollars (\$100) for the first conversion kit deemed to*  
40 *be a public nuisance pursuant to subdivision (a) and up to fifty*

1 dollars (\$50) for each additional conversion kit deemed to be a  
2 public nuisance pursuant to subdivision (a).

3 (c) Any assault weapon, .50 BMG rifle, or conversion kit deemed  
4 a public nuisance under subdivision (a) shall be destroyed in a  
5 manner so that it may no longer be used, except upon a finding by  
6 a court, or a declaration from the Department of Justice, district  
7 attorney, or city attorney stating that the preservation of the assault  
8 weapon, .50 BMG rifle, or conversion kit is in the interest of justice.

9 (d) Upon conviction of any misdemeanor or felony involving  
10 the illegal possession or use of an assault weapon, the assault  
11 weapon shall be deemed a public nuisance and disposed of  
12 pursuant to subdivision (c) of Section 18005.

13 (e) Upon conviction of any misdemeanor involving the illegal  
14 possession or use of a conversion kit, the conversion kit shall be  
15 deemed a public nuisance and disposed of pursuant to subdivision  
16 (c) of Section 18005.

17 (f) This section shall become operative on July 1, 2013.

18 SEC. 5. Section 31100 of the Penal Code is amended to read:

19 31100. Any individual may arrange in advance to relinquish  
20 an assault weapon or a .50 BMG rifle, or a conversion kit to a  
21 police or sheriff's department. The assault weapon or .50 BMG  
22 rifle shall be transported in accordance with Sections 16850 and  
23 25610.

24 SEC. 6. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

33 SECTION 1.—Section 4132 is added to the Food and  
34 Agricultural Code to read:

35 4132.—(a) The 1-A District Agricultural Association shall, 30  
36 days before final approval of the use of a facility that is owned or  
37 leased by the 1-A District Agricultural Association by any exhibitor  
38 that is not a public entity, submit to the City and County of San  
39 Francisco, the City of Daly City, and the San Mateo County  
40 Manager a complete and detailed written description of the



Jason Davis

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30021 Tomas St., Ste 300

Rancho Santa Margarita, CA 92688

**CERTIFICATE OF SERVICE**

I, Jason A. Davis, am employed in the County of Orange, California. I am over the age of 18 years and not a party to the within action. My business address is 30021 Tomas St. Ste. 300, Rancho Santa Margarita, California 92688. On September 11, 2012, I served APPELLANT'S REQUEST FOR JUDICIAL NOTICE by mailing a copy by first-class mail in separate envelopes addressed as follows:

SEE ATTACHED MAILING LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 11, 2012, at Rancho Santa Margarita, California.

/s/ Jason Davis

Jason Davis

