

TRAINING BULLETIN

ORANGE COUNTY SHERIFF'S DEPARTMENT

BULLETIN NO. 10-3

ASSAULT WEAPONS

This training bulletin is intended to provide some helpful information when encountering firearms (rifles, pistols and shotguns) in the field and whether they are legal or not. This training bulletin will also help eliminate confusion as to what actually makes a rifle, pistol or shotgun legal or illegal to possess and what makes them an "assault weapon."

Whenever you take lawful possession of a firearm in the field, you should **always** run the firearm's serial number through the Automated Firearms System (AFS) to see if that firearm is legally registered or not. Here is an example of what a registered rifle's teletype print out will look like.

* **REGISTRATION**

**DO NOT ARREST BASED SOLELY ON THIS RESPONSE **

SER/902XXXXX MAK/STE STEYR CAL/223

TYP/RI RIFLE SEMI-AUTOMATIC MOD/AUG SA

DOT/1992XXXX BBL/20

NAM/SMITH, JOHN DOB/19XX11XX ADR/27XXX CAXXXX

CTY/USAXXXXXX ZIP/92XXX CCC/3000

CII/0851XXXX OLN/N743XXXX

REG/**REGISTRATION**

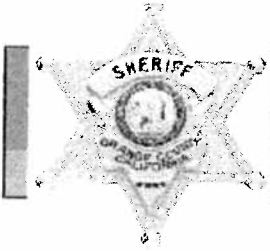
ORI/CA034XXX OCA/AW59XXX

FCN/1869221XXXXXX

Assault Weapons

The term "assault weapon" means any designated semiautomatic firearms as defined by Penal Code section 12276. Assault weapons are divided into three categories. These are:

- Category 1** Firearms specifically listed in Penal Code section 12276 subdivisions (a), (b), and (c) (Roberti-Roos Assault Weapons Control Act of 1989).
- Category 2** Additional firearms specifically listed by make and model expanding on the AR and AK "series" firearms in Penal Code section 12276 subdivisions (e) and (f) (Kasler v. Lockyer (2000) 23 Cal. 4th 472, AK and AR-15 series weapons).
- Category 3** Firearms that are defined by generic characteristic features of the firearm in Penal Code section 12276.1 (Senate Bill 23 or "SB 23 features").



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Under Category 3, PC 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.

Notes

- Bayonets and bayonet lugs are not considered characteristics of assault weapons under California law.
- There has been an increase of AR-15 and AK-47 type firearms sold in California that at first glance appear to be an assault weapon, but these firearms have a device installed called a "Bullet Button". This device prevents the shooter from depressing the magazine release button with a finger. The magazine can quickly be released by using a "tool", which can be the tip of a bullet or some other tool to depress the enclosed magazine release button. Once a bullet button is installed and there is an attached magazine capable of holding only 10 rounds, the firearm no longer has a "detachable magazine" as required for a Category 3 type of assault weapon as per Penal Code Section 12276.1(a)(1). This is an example of a bullet button.

