

California Department of Justice FIREARMS DIVISION Randy Rossi, Director	INFORMATION BULLETIN	
<i>Subject: ASSAULT WEAPON ACQUISITION AND REGISTRATION BY SWORN PEACE OFFICERS</i>	<i>No.: 2001 FD-05</i>	<i>For further information contact: Firearms Division (916) 227-3703</i>
	<i>Date: 12/10/01</i>	

TO: ALL LAW ENFORCEMENT AGENCIES AND ALL DISTRICT ATTORNEYS

Effective January 1, 2002, amendments to California Penal Code (PC) Section 12280 will enable specified law enforcement officers, with authorization from their employing agencies and subject to federal restrictions (see Attachment 1, 18 USC 922 (v)(4)), to acquire, register, and personally possess assault weapons. The amended law also provides a 90-day registration period commencing January 1, 2002, for authorized peace officers to lawfully register assault weapons they currently possess.

This exception to the general assault weapon prohibition applies only to law enforcement agency authorized peace officers employed by any of the following agencies:

- Police departments
- Sheriffs' offices
- Marshals' offices
- District attorneys' offices
- Department of California Highway Patrol
- Department of Justice
- Youth and Adult Corrections Agency
- Department of Fish and Game
- Department of Parks and Recreation
- Military or naval forces of CA or the United States
- Any federal law enforcement agency

Pursuant to PC Section 12280 (g)(2), required authorization is defined as "... 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." Authorization letters must identify the specific make and model of each assault weapon being authorized.

In the case of a peace officer who possesses or receives a previously unregistered assault weapon prior to January 1, 2002, the officer must register the assault weapon with the Department of Justice (DOJ) on or before April 1, 2002. In the case of a peace officer who acquires the assault weapon on or after January 1, 2002, the officer must register the assault weapon with DOJ not later than 90 days after taking possession. Registrations must be submitted on a Department of Justice Assault Weapon Registration Application (FD023) with a copy of the authorization letter and a \$20 registration fee. A copy of the authorization letter must also be retained by the assault weapon dealer for all acquisitions made on or after January 1, 2002. Please note that within California assault weapons may be purchased only from DOJ permitted assault weapon dealers. A list of DOJ permitted assault weapon dealers will be available from the DOJ Firearms Division beginning January 1, 2002. A supply of Assault

Weapon Registration Applications is enclosed with this Information Bulletin for agency distribution to peace officers as appropriate. Individual officers may also obtain Assault Weapon Registration Applications directly from DOJ by calling the Firearms Division at (916) 227-3703.

It is important to note the distinct implications of this new law for federally defined assault weapons. The aforementioned process is all that is required for California defined assault weapons which are not also federally defined assault weapons. **Please be advised that there are significant federal limitations/restrictions that are also applicable to firearms that meet the federal definition of an assault weapon** (i.e., specifically identified or having a detachable magazine and 2-or-more-features or stamped "*RESTRICTED LAW ENFORCEMENT / GOVERNMENT USE ONLY*"). Federal laws and regulations that must be considered include the following:

- Federally defined assault weapons may be purchased by law enforcement officers for official use only. Therefore, in addition to the previously described authorization letter required by California Penal Code section 12280 (g) (2), the officer must provide the assault weapon dealer:
 - (1) his or her own written statement under penalty of perjury that the assault weapon is being purchased for official duty use and that it is not being acquired for personal use or for purposes of transfer or resale; *and*
 - (2) a written statement from his or her law enforcement agency supervisor under penalty of perjury that the purchasing officer is acquiring the assault weapon for use in official duties, that the weapon is suitable for official duty use, and that the weapon is not being acquired for personal use or for purposes of transfer or resale, and that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence.
- Peace officers may not lawfully keep federally defined assault weapons that they purchased or acquired as their own property when they retire or leave their employment with a law enforcement agency. However, federal law does provide an exception for assault weapons that belong to a law enforcement agency and are transferred by the agency to an officer upon the officer's retirement from, or termination of his or her employment with the agency.

Attached for your reference, are pertinent excerpts from the Bureau of Alcohol, Tobacco, and Firearms (ATF) publication, Federal Firearms Regulations Reference Guide 2000. Specific questions regarding federal laws and regulations should be directed to your local ATF office.

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

ATTACHMENT 1

EXCERPTS FROM THE 2000 FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE (Laws and Regulations)

18 USC 922 Unlawful acts

(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

(4) Paragraph (1) shall not apply to -

(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement;

18 USC 921 Unlawful acts

(a)(30) The term "**semiautomatic assault weapon**" means -

(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as -

(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

(ii) Action Arms Israeli Military Industries UZI and Galil;

(iii) Beretta Ar70 (SC-70);

(iv) Colt AR-15;

(v) Fabrique National FN/FAL, FN/LAR, and FNC;

(vi) SWD M-10, M-11, M-11/9, and M-12;

(vii) Steyr AUG;

(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

(B) a **semiautomatic rifle** that has an ability to accept a detachable magazine and has at least 2 of -

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a bayonet mount;

(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

(v) a grenade launcher;

(C) a **semiautomatic pistol** that has an ability to accept a detachable magazine and has at least 2 of -

(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

(v) a semiautomatic version of an automatic firearm; and

(D) a **semiautomatic shotgun** that has at least 2 of -

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a fixed magazine capacity in excess of 5 rounds; and

(iv) an ability to accept a detachable magazine.

ATTACHMENT 2

EXCERPTS FROM THE 2000 FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE

27 CFR 178.92 Identification of firearms, armor piercing ammunition, and large capacity ammunition feeding devices

(a)(2) Special markings for semiautomatic assault weapons, effective July 5, 1995. In the case of any semiautomatic assault weapon manufactured after September 13, 1994, the frame or receiver shall be marked "**RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY**" or, in the case of weapons manufactured for export, "**FOR EXPORT ONLY**," in the manner prescribed in paragraph (a)(1) of this section.

27 CFR 178.132 Dispositions of semiautomatic assault weapons and large capacity ammunition feeding devices to law enforcement officers for official use and to employees or contractors of nuclear facilities.

Licensed manufacturers, licensed importers, and licensed dealers in semiautomatic assault weapons, as well as persons who manufacture, import, or deal in large capacity ammunition feeding devices, may transfer such weapons and devices manufactured after September 13, 1994, to law enforcement officers and to employees or contractors of nuclear facilities with the following documentation:

(a) **Law enforcement officers.** (1) A written statement from the purchasing officer, under penalty of perjury, stating that the weapon or device is being purchased for use in performing official duties and that the weapon or device 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, on agency letterhead, under penalty of perjury, stating that the purchasing officer is acquiring the weapon or device for use in official duties, that the firearm is suitable for use in performing official duties, and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale.

27 CFR 178.134 Sale of firearms to law enforcement officers.

(a) Law enforcement officers purchasing firearms for official use who provide the licensee with a certification on agency letterhead, signed by a person in authority within the agency (other than the officer purchasing the firearm), stating that the officer will use the firearm in official duties and that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence are not required to complete Form 4473 or Form 5300.35. The law enforcement officer purchasing the firearm may purchase a firearm from a licensee in another State, regardless of where the officer resides or where the agency is located.

(b)(1) The following individuals are considered to have sufficient authority to certify that law enforcement officers purchasing firearms will use the firearms in the performance of official duties:

(i) In a city or county police department, the director of public safety or the chief or commissioner of police.

(ii) In a sheriff's office, the sheriff.

(iii) In a State police or highway patrol department, the superintendent or the supervisor in charge of the office to which the State officer or employee is assigned.

(iv) In Federal law enforcement offices, the supervisor in charge of the office to which the Federal officer or employee is assigned.

(2) An individual signing on behalf of the person in authority is acceptable, provided there is a proper delegation of authority.

(c) Licensees are not required to prepare a Form 4473 or Form 5300.35 covering sales of firearm made in accordance with paragraph (a) of this section to law enforcement officers for official use. However, disposition to the officer must be entered into the licensee's permanent records, and the certification letter must be retained in the licensee's files.

ATTACHMENT 3

EXCERPTS FROM THE 2000 FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE (Questions and Answers Section)

(O8) May law enforcement officers purchase and possess semiautomatic assault weapons and high capacity ammunition feeding devices?

Yes. The law provides exceptions for law enforcement officers purchasing assault weapons and magazines for official use. However, assault weapons may not be lawfully distributed to, or received or possessed by, an officer having been convicted of a misdemeanor crime of domestic violence. A licensee may lawfully transfer these items to a law enforcement officer and the officer may lawfully receive and possess them if: (1) the officer is a "peace officer" having the authority to arrest persons for violations of the law and to obtain and execute search warrants; (2) the officer is employed by a government agency; and (3) in the case of a semiautomatic assault weapon, the officer has not been convicted of a misdemeanor crime of domestic violence.

(O9) May law enforcement officers keep their semiautomatic assault weapons and large capacity ammunition feeding devices when they retire or leave their employment with a law enforcement agency?

No. They may not lawfully keep semiautomatic assault weapons and large capacity ammunition feeding devices that they purchased or acquired as their own property. However, the law provides an exception for items that belong to a law enforcement agency and are transferred by the agency to an officer upon the officer's retirement from, or termination of his or her employment with, the agency. Neither this exception nor the exception for official use permits officers to retain their own weapons or feeding devices after retiring or leaving the agency or to acquire additional items. Officers who retire or leave their employment with a law enforcement agency should transfer assault weapons and large capacity ammunition feeding devices that are their own property to a Federal firearms licensee or another qualified officer. [18 U.S.C. 922(v)(4), (w)(3)]

(O10) If a person is in possession of a frame or receiver for a semiautomatic assault weapon on the date of enactment, may the person acquire the rest of the parts and assemble a complete semiautomatic assault weapon?

No. It is unlawful to make such a weapon after the law's effective date. [18 U.S.C. 922(v)(1)]

(O11) What documentation must a manufacturer, importer, or dealer obtain from law enforcement officers who purchase semiautomatic assault weapons and large capacity ammunition feeding devices for official use?

Licensees may transfer semiautomatic assault weapons and large capacity ammunition feeding devices to law enforcement officers with the following documentation: (1) a written statement from the purchasing officer, under penalty of perjury, stating that the weapon or device is being purchased for use in performing official duties and that the weapon or device 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, under penalty of perjury, stating that the purchasing officer is acquiring the weapon or feeding device for use in official duties, that the weapon or device is suitable for use in performing official duties, and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale. In the case of a transfer of a semiautomatic assault weapon, the supervisor's written statement must also state that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence.

In the case of semiautomatic assault weapons, licensees are required to retain the above statements in their permanent records for a period of 5 years. [27 C.F.R. 178.129, 178.132, 178.134]

(O14) What markings must appear on semiautomatic assault weapons manufactured after September 13, 1994?

In addition to the markings required of all firearms pursuant to 27 C.F.R. 178.92(a)(1), the frames or receivers for semiautomatic assault weapons must be marked "RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY" or, in the case of weapons manufactured for export, "FOR EXPORT ONLY." [18 U.S.C. 923(i), 27 CFR 2(a)(2)]