



DEPARTMENT OF
POLICE

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Ref: COP 6-18

Reserve/Retired Officer Doe,

On December 31, 2010, the California Attorney General issued a published opinion determining whether a retired peace officer can keep an assault rifle he or she lawfully purchased and registered while serving as an active law enforcement officer.

At our request, the City Attorney's office reviewed the Attorney General's opinion and concurs with their conclusion. The Attorney General's opinion states: "a peace officer who purchases and registers an assault weapon in order to use the weapon for law enforcement purposes is not permitted to continue to possess the assault weapon after retirement."

Section 12280 of the California Penal Code once provided the ban on assault weapons did not apply to retired peace officers who legally possessed the weapon upon retirement. That exemption was deleted in 2003, and none of the current exemptions apply to a retired officer.

Reserve police officers, however, are generally considered peace officers pursuant to PC 830.6, and therefore exempt from the assault weapons ban. Reserve officers may possess and use assault weapons "for law enforcement purposes, whether on or off duty."

Our records indicate that you received authorization to purchase or receive a firearm pursuant to Penal Code 12280(f)(2). If you are still in possession of your Department authorized assault weapon, we recommend that you take immediate steps to comply with the Attorney General's recent opinion.

If you have any questions, please contact the Criminal Intelligence Unit at (916) 808-0720.

Sincerely,

Rick Braziel
Chief of Police

The mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property; solve neighborhood problems, and enhance the quality of life in our City.