



BUREAU OF FIREARMS
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July 11, 2011

Redacted

Re: Peace Officer Assault Weapon Registration (Category I & II)

Dear : Redacted

In 2010, San Diego County Sheriff William D. Gore submitted a request for a legal opinion from the Attorney General's Office. The question submitted was as follows: *"Is a peace officer who purchases and registers an assault weapon in order to use the weapon for law enforcement purposes permitted to continue to possess the assault weapon after retirement?"*

On December 31, 2010, Attorney General Edmund G. Brown Jr. issued Opinion No. 09-901 in response to Sheriff Gore's request. This opinion concluded, ***"[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."*** A complete copy of this opinion can be review at http://ag.ca.gov/opinions/monthly_report.php.

Along with other law enforcement agencies in California, California Department of Justice (DOJ), Division of Law Enforcement (DLE) is taking the necessary steps to ensure compliance with Opinion No. 09-901. This opinion clarifies the requirements for the peace officer assault weapon purchase and registration exception as contained in subdivision (f) (2) of section 12280 of the California Penal Code. Penal Code section 12280, subdivision (f)(2)'s exception permits a peace officer employed by one of the designated agencies to buy an assault weapon if the employer authorizes the officer to possess the weapon and the officer registers the weapon within a specified time period. This second exception does not limit the use of the weapon to law enforcement purposes.

A review of internal DOJ Assault Weapon registration records revealed that while employed by DOJ in a sworn capacity, you purchased and registered an Assault Weapon (Category I or II) under the peace officer exception contained in Penal Code section 12280, subdivision (f)(2). DOJ records indicate that you possess and registered the following Assault Weapon:

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This letter serves as DOJ's official notification that your previous registration for the above weapon is now considered void and, pursuant to Penal Code sections 12276 (Category I) or 12276.5 (Category II), your assault weapon is now considered contraband. As such, one of the following authorized methods must be used to dispose of your assault weapon:

- a) Surrender your assault weapon to an authorized CA law enforcement agency to be destroyed or converted to use by that agency for official law enforcement use; or
- b) Transfer your assault weapon to a licensed assault weapon dealer to be sold out of state.

Once you have relinquished possession and ownership of your assault weapon(s) in the manner listed above, please submit written proof of the transfer to DOJ, Bureau of Firearms Headquarters, 1425 River Park Drive Suite 540, Sacramento. CA 95815, Attention Special Agent Supervisor (SAS) Blake Graham. Upon DOJ's review and acceptance of your documentation for the transfer, we will notify you in writing that your registered assault weapon has been removed from the DOJ Assault Weapon registration records.

Please be aware that your failure to dispose of the assault weapon in a timely manner as prescribed above may lead to you being the subject of a DOJ enforcement action, which will include the seizure of your assault weapon(s) and possible criminal prosecution.

If you have any questions or need assistance in disposing of your assault weapon, you can contact SAS Graham at (916) 274-1070.

Sincerely,

STEPHEN J. LINDLEY
Acting Bureau Chief

For KAMALA D. HARRIS
Attorney General