

1 XAVIER BECERRA
Attorney General of California
2 TAMAR PACHTER
Supervising Deputy Attorney General
3 P. PATTY LI
Deputy Attorney General
4 State Bar No. 266937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1577
6 Fax: (415) 703-1234
E-mail: Patty.Li@doj.ca.gov
7 *Attorneys for Defendants Xavier Becerra, Stephen
Lindley, and the California Department of Justice*

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF FRESNO
11

12 **DANNY VILLANUEVA, NIALL
STALLARD, RUBEN BARRIOS,
13 CHARLIE COX, MARK STROH,
ANTHONY MENDOZA, AND
14 CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,**

15 Plaintiffs,
16

17 **v.**

18 **XAVIER BECERRA, in his official capacity
as Attorney for the State of California;
19 STEPHEN LINDLEY, in his official
capacity as Chief of the California
20 Department of Justice, Bureau of Firearms;
CALIFORNIA DEPARTMENT OF
21 JUSTICE; and DOES 1-10,**

22 Defendants.
23
24
25
26
27
28

Case No. 17CECG03093

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION**

Date: 3:30 p.m.
Time: January 30, 2018
Dept.: 501
Judge: Hon. Mark W. Snauffer
Action Filed: Sept. 7, 2017

1 Defendants Xavier Becerra, Stephen Lindley, and the California Department of Justice
2 (“DOJ,” collectively with the others, “Defendants”) request that the Court take judicial notice
3 pursuant to Evidence Code sections 452 and 453 of each of the following documents that are
4 referenced in their Opposition to Plaintiffs’ Motion for Preliminary Injunction:

5 1. Exhibit 1 is the Assembly Floor Analysis prepared for Senate Bill 880 (2015-2016
6 Reg. Sess.).

7 2. Exhibit 2 is the analysis prepared for the Assembly Committee on Public Safety
8 regarding Senate Bill 880 (2015-2016 Reg. Sess.), for hearing on June 14, 2016.

9 3. Exhibit 3 is the analysis prepared for the Senate Committee on Appropriations
10 regarding Senate Bill 880 (2015-2016 Reg. Sess.), for hearing on May 16, 2016.

11 4. Exhibit 4 is the Senate Floor Analysis prepared for Senate Bill 880 (2015-2016 Reg.
12 Sess.).

13 5. Exhibit 5 is the analysis prepared for the Senate Committee on Public Safety
14 regarding Senate Bill 880 (2015-2016 Reg. Sess.), for hearing on April 19, 2016.

15 6. Exhibit 6 is the Assembly Floor Analysis prepared for Assembly Bill 1135 (2015-
16 2016 Reg. Sess.).

17 7. Exhibit 7 is the analysis prepared for the Senate Committee on Appropriations
18 regarding Assembly Bill 1135 (2015-2016 Reg. Sess.), for hearing on May 16, 2016.

19 8. Exhibit 8 is the Senate Floor Analysis prepared for Assembly Bill 1135 (2015-2016
20 Reg. Sess.).

21 9. Exhibit 9 is the analysis prepared for the Senate Committee on Public Safety
22 regarding Assembly Bill 1135 (2015-2016 Reg. Sess.), for hearing on May 10, 2016.

23 10. Exhibit 10 is a copy of the proposed regulatory action number 2016-1229-01FP,
24 regarding Bullet-Button Assault Weapons, submitted by DOJ to the Office of Administrative Law
25 (“OAL”) on December 29, 2016.

26 11. Exhibit 11 is a copy of the February 10, 2017 “Notice of Withdrawal” for OAL
27 Matter Number 2016-1229-01, issued by OAL, confirming DOJ’s withdrawal of its “proposed
28 regulatory action regarding Bullet-Button Assault Weapons.”

1 12. Exhibit 12 is a copy of the proposed regulatory action number 2017-0512-02FP,
2 regarding Bullet-Button Assault Weapons, submitted by DOJ to OAL on May 12, 2017.

3 13. Exhibit 13 is a copy of the June 26, 2017 “Denial of Request to File and Publish
4 Regulations” for OAL Matter Number 2017-0512-02, issued by OAL, denying DOJ’s request
5 for the filing and publishing of the regulations “concern[ing] requirements and procedures for
6 the registration of certain assault weapons.”

7 14. Exhibit 14 is a copy of the proposed regulatory action number 2017-0719-04FP,
8 regarding Bullet-Button Assault Weapons, submitted by DOJ to OAL on July 19, 2017.

9 15. Exhibit 15 is a copy of the July 31, 2017 “Notice of Filing and Printing” for OAL
10 Matter Number 2017-0719-04, issued by OAL, granting DOJ’s request for filing and publishing
11 of the regulations “concern[ing] requirements and procedures for the registration of certain
12 assault weapons.”

13 The Court may take judicial notice, under Evidence Code section 452, subdivision (c), of
14 the official acts of the legislative, executive, and judicial departments of the United States and of
15 any state. This includes legislative committee and floor analyses, which are part of a statute’s
16 legislative history. (See, e.g., *People v. Robinson* (2014) 232 Cal.App.4th 69, 80, fn. 6, citing
17 *Arce v. Kaiser Foundation Health Plan, Inc.* (2010) 181 Cal.App.4th 471, 484 [holding that
18 reports of legislative committees are subject to judicial notice as official acts of the Legislature].)

19 In addition, “[o]fficial acts include records, reports and orders of administrative agencies.”
20 (*Rodas v. Spiegel* (2001) 87 Cal.App.4th 513, 518; see *Hogen v. Valley Hospital* (1983) 147
21 Cal.App.3d 119, 125 [judicial notice taken of the records and files of an administrative board].)
22 Judicial notice also may be taken of any document published, recorded, or filed by any executive
23 department. (See *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 842, fn. 3 [“[W]e may
24 take judicial notice of the report of a state executive officer as reflecting an ‘official act’
25 [citation].”].)

26 Exhibits 1 through 15 are judicially noticeable under Evidence Code section 452,
27 subdivision (c). These exhibits are records of the official acts of the Legislature and of public
28

1 agencies. The relevance of the materials subject to this request is set forth in Defendants'
2 Opposition to Plaintiffs' Motion for Preliminary Injunction.

3 Section 453 of the Evidence Code provides that judicial notice of the matters set forth in
4 section 452 is mandatory if properly requested by a party. The requesting party must give
5 sufficient notice of the request to enable the adverse party to prepare to meet it, and furnish the
6 court with sufficient information to enable the Court to take judicial notice of the matter. (Evid.
7 Code, § 453, subds. (a) & (b).)

8
9 Dated: January 17, 2018

Respectfully Submitted,

10 XAVIER BECERRA
11 Attorney General of California
12 TAMAR PACHTER
13 Supervising Deputy Attorney General

14 /s/ P. Patty Li

15 P. PATTY LI
16 Deputy Attorney General
17 *Attorneys for Defendants Xavier Becerra,*
18 *Stephen Lindley, and the California*
19 *Department of Justice*
20
21
22
23
24
25
26
27
28

EXHIBIT 1

SENATE THIRD READING
 SB 880 (Hall and Glazer)
 As Amended May 17, 2016
 Majority vote

SENATE VOTE: 24-14

Committee	Votes	Ayes	Noes
Public Safety	5-1	Jones-Sawyer, Lopez, Low, Quirk, Santiago	Lackey

SUMMARY: Redefines what constitutes an assault weapon in order to close the bullet button loophole. Also requires registration of weapons previously not prohibited, under the new definition. Specifically, **this bill:**

- 1) Revises the definition of "assault weapon" to mean "a semiautomatic centerfire rifle, or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes."
- 2) Defines "fixed magazine" to mean "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action."
- 3) Exempts a person who possessed an assault weapon prior to January 1, 2017, if specified requirements are met.
- 4) Requires that any person who, from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm with the Department of Justice (DOJ) before January 1, 2018.
- 5) Permits the DOJ to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the department.
- 6) Requires registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the DOJ.
- 7) Requires the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant.
- 8) Permits the DOJ to charge a fee of up to \$15 per person for registration through the internet, not to exceed the reasonable processing costs of the department to be paid and deposited, as specified, for purposes of the registration program.
- 9) Requires the DOJ to adopt regulations for the purpose of implementing those provisions and would exempt those regulations from the Administrative Procedure Act.

EXISTING LAW:

- 1) Contains legislative findings and declarations that the proliferation and use of assault and .50 BMG rifles poses a threat to the health, safety, and security of all citizens of California.
- 2) States legislative intent to place restrictions on the use of assault weapons and .50 BMG rifles and to establish a registration and permit procedure for their lawful sale and possession.
- 3) Prohibits several categories of assault weapons:
 - a) Specified firearms listed by name and others listed by series;
 - b) Semiautomatic centerfire rifles or semiautomatic pistols having the capacity to accept a detachable magazine and also having one of several specified characteristics;
 - c) Semiautomatic centerfire rifles or semiautomatic pistols with a fixed magazine having the capacity to hold more than 10 rounds;
 - d) Semiautomatic centerfire rifles with an overall length of less than 30 inches;
 - e) Semiautomatic shotguns having two specified characteristics;
 - f) Semiautomatic shotguns having the capacity to accept a detachable magazine; and,
 - g) Any shotgun with a revolving cylinder.
- 4) Defines a "detachable magazine" as any 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.
- 5) Bans the manufacture, distribution, transportation, importation, sale, gift or loan of an assault weapon.
- 6) Makes the possession of an assault weapon a criminal offense, subject to certain exceptions.
- 7) Defines a ".50 BMG rifle" as "a center fire rifle that can fire a .50 BMG cartridge and is not already an assault weapon or a machinegun."
- 8) Bans the manufacture, distribution, transportation, importation, sale, gift, loan, or possession of .50 BMG rifles.
- 9) Exempts the DOJ, law enforcement agencies, military forces, and other specified agencies from the prohibition against sales to, purchase by, importation of, or possession of assault weapons or .50 BMG rifles.
- 10) Requires that any person who lawfully possesses an assault weapon prior to the date it was specified as an assault weapon to register the firearm with DOJ, as specified.

FISCAL EFFECT: Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: According to the author, "bullet button-equipped semi-automatic weapons have no legitimate use for sport hunters or competitive shooters. They are designed only to facilitate the maximum destruction of human life. Such weapons have been used in a number of recent gun attacks including the recent terrorist attack in San Bernardino that left 14 Californians dead and 21 injured. Too many Californians have died at the hands of these dangerous weapons.

"SB 880 will make our communities safer and upholds our commitment to reduce gun violence in California by closing the bullet button loophole in California's Assault Weapons Ban. This bill clarifies the definition of assault weapons and provides the DOJ the authority to bring existing regulations into conformity with the original intent of California's Assault Weapon Ban. Absent this bill, the assault weapon ban is severely weakened, and these types of military-style firearms will continue to proliferate on our streets and in our neighborhoods."

Analysis Prepared by: Gabriel Caswell / PUB. S. / (916) 319-3744

FN: 0003528

EXHIBIT 2

Date of Hearing: June 14, 2016
Counsel: Gabriel Caswell

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Reginald Byron Jones-Sawyer, Sr., Chair

SB 880 (Hall) – As Amended May 17, 2016

SUMMARY: Redefines what constitutes an assault weapon in order to close the bullet button loophole. Also requires registration of weapons previously not prohibited, under the new definition. Specifically, **this bill:**

- 1) Revises the definition of “assault weapon” to mean "a semiautomatic centerfire rifle, or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes."
- 2) Defines “fixed magazine” to mean "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action."
- 3) Exempts a person who possessed an assault weapon prior to January 1, 2017, if specified requirements are met.
- 4) Requires that any person who, from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm with the Department of Justice (DOJ) before January 1, 2018.
- 5) Permits the DOJ to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the department.
- 6) Requires registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the DOJ.
- 7) Requires the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant.
- 8) Permits the DOJ to charge a fee of up to \$15 per person for registration through the internet, not to exceed the reasonable processing costs of the department to be paid and deposited, as specified, for purposes of the registration program.
- 9) Requires the DOJ to adopt regulations for the purpose of implementing those provisions and would exempt those regulations from the Administrative Procedure Act.

EXISTING LAW:

- 1) Contains legislative findings and declarations that the proliferation and use of assault and .50 BMG rifles poses a threat to the health, safety, and security of all citizens of California. (Pen. Code, § 30505.)
- 2) States legislative intent to place restrictions on the use of assault weapons and .50 BMG rifles and to establish a registration and permit procedure for their lawful sale and possession. (Pen. Code, § 30505.)
- 3) Prohibits several categories of assault weapons:
 - a) Specified firearms listed by name and others listed by series (Pen. Code, § 30510);
 - b) Semiautomatic centerfire rifles or semiautomatic pistols having the capacity to accept a detachable magazine and also having one of several specified characteristics;
 - c) Semiautomatic centerfire rifles or semiautomatic pistols with a fixed magazine having the capacity to hold more than 10 rounds;
 - d) Semiautomatic centerfire rifles with an overall length of less than 30 inches;
 - e) Semiautomatic shotguns having two specified characteristics;
 - f) Semiautomatic shotguns having the capacity to accept a detachable magazine; and,
 - g) Any shotgun with a revolving cylinder. (Pen. Code, § 30515.)
- 4) Defines a "detachable magazine" as any 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. (11 Cal. Code Regs. Section 5469.)
- 5) Bans the manufacture, distribution, transportation, importation, sale, gift or loan of an assault weapon. (Pen. Code, § 30600, subd. (a).)
- 6) Makes the possession of an assault weapon a criminal offense, subject to certain exceptions. (Pen. Code, § 30605.)
- 7) Defines a ".50 BMG rifle" as "a center fire rifle that can fire a .50 BMG cartridge and is not already an assault weapon or a machinegun." (Pen. Code, § 30530.)
- 8) Bans the manufacture, distribution, transportation, importation, sale, gift, loan, or possession of .50 BMG rifles. (Pen. Code §§ 30600 & 30610.)
- 9) Exempts the DOJ, law enforcement agencies, military forces, and other specified agencies from the prohibition against sales to, purchase by, importation of, or possession of assault

weapons or .50 BMG rifles. (Pen. Code, § 30625.)

- 10) Requires that any person who lawfully possesses an assault weapon prior to the date it was specified as an assault weapon to register the firearm with DOJ, as specified. (Pen. Code, § 30900 et. seq.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "bullet button-equipped semi-automatic weapons have no legitimate use for sport hunters or competitive shooters. They are designed only to facilitate the maximum destruction of human life. Such weapons have been used in a number of recent gun attacks including the recent terrorist attack in San Bernardino that left 14 Californians dead and 21 injured. Too many Californians have died at the hands of these dangerous weapons.

"SB 880 will make our communities safer and upholds our commitment to reduce gun violence in California by closing the bullet button loophole in California's Assault Weapons Ban. This bill clarifies the definition of assault weapons and provides the DOJ the authority to bring existing regulations into conformity with the original intent of California's Assault Weapon Ban. Absent this bill, the assault weapon ban is severely weakened, and these types of military-style firearms will continue to proliferate on our streets and in our neighborhoods."

- 2) **California's Assault Weapons Ban:** The origin of and subsequent modifications to the assault weapons ban in California are described by the federal Court of Appeal in the following extended excerpt from *Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002) (as amend. Jan. 27, 2003).

In response to a proliferation of shootings involving semi-automatic weapons, the California Legislature passed the Roberti-Roos Assault Weapons Control Act (AWCA) in 1989. The immediate cause of the AWCA's enactment was a random shooting earlier that year at the Cleveland Elementary School in Stockton, California. An individual armed with an AK-47 semi-automatic weapon opened fire on the schoolyard, where 300 pupils were enjoying their morning recess. Five children ages six to nine were killed, and one teacher and 29 children were wounded.

The California Assembly met soon thereafter in an extraordinary session called for the purpose of enacting a response to the Stockton shooting. The legislation that followed, the AWCA, was the first legislative restriction on assault weapons in the nation, and was the model for a similar federal statute enacted in 1994. The AWCA renders it a felony offense to manufacture in California any of the semi-automatic weapons specified in the statute, or to possess, sell, transfer, or import into the state such weapons without a permit. The statute contains a grandfather clause that permits the ownership of assault weapons by individuals who lawfully purchased them before the statute's enactment, so long as the owners register the weapons with DOJ. The grandfather clause, however, imposes significant restrictions on the use of weapons that are registered pursuant to its provisions. Approximately 40 models of firearms are listed in the statute as subject to its restrictions. The specified weapons

include “civilian” models of military weapons that feature slightly less firepower than the military-issue versions, such as the Uzi, an Israeli-made military rifle; the AR-15, a semi-automatic version of the United States military's standard-issue machine gun, the M-16; and the AK-47, a Russian-designed and Chinese-produced military rifle. The AWCA also includes a mechanism for the Attorney General to seek a judicial declaration in certain California superior courts that weapons identical to the listed firearms are also subject to the statutory restrictions.

The AWCA includes a provision that codifies the legislative findings and expresses the legislature's reasons for passing the law: "The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in [the statute] based upon finding that each firearm has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession. It is not, however, the intent of the Legislature by this chapter to place restrictions on the use of those weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities."

In 1999, the Legislature amended the AWCA in order to broaden its coverage and to render it more flexible in response to technological developments in the manufacture of semiautomatic weapons. The amended AWCA retains both the original list of models of restricted weapons, and the judicial declaration procedure by which models may be added to the list. The 1999 amendments to the AWCA statute add a third method of defining the class of restricted weapons: the amendments provide that a weapon constitutes a restricted assault weapon if it possesses certain generic characteristics listed in the statute. Examples of the types of weapons restricted by the revised AWCA include a “semiautomatic, center-fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds,” and a semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and also features a flash suppressor, a grenade launcher, or a flare launcher. The amended AWCA also restricts assault weapons equipped with “barrel shrouds,” which protect the user's hands from the intense heat created by the rapid firing of the weapon, as well as semiautomatic weapons equipped with silencers.

- 3) **Changes This Bill Makes to the AWCA:** As the Court explained, in 1999 the assault weapons ban was amended to expand the definition of an assault weapon to include a definition by the generic characteristics, specifically, to include a “semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine” in addition to one of several specified characteristics, such as a grenade launcher or flash suppressor. [SB 23 (Perata) Statutes of 1999, Chapter 129, Section 7 et seq.] SB 23 was enacted in response to the marketing of so-called “copycat” weapons - firearms that were substantially similar to weapons on the prohibited list but differed in some insignificant way, perhaps only the name of the weapon, thereby defeating the intent of the ban.

SB 23's generic definition of an assault weapon was intended to close the loophole in the law created by its definition of assault weapons as only those specified by make and model. Regulations promulgated after the enactment of SB 23 define a detachable magazine as any

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. In response to this definition, a new feature has been developed by firearms manufacturers to make military-style, high-powered, semi-automatic rifles "California compliant," the bullet button.

In 2012, researchers at the nonprofit Violence Policy Center in Washington, D.C. released a paper describing the phenomenon of the bullet button and its effect on California's assault weapons ban:

The "Bullet Button"—Assault Weapon Manufacturers' Gateway to the California Market

Catalogs and websites from America's leading assault rifle manufacturers are full of newly designed "California compliant" assault weapons. Number one and two assault weapon manufacturers Bushmaster and DPMS, joined by ArmaLite, Colt, Sig Sauer, Smith & Wesson, and others are all introducing new rifles designed to circumvent California's assault weapons ban and are actively targeting the state in an effort to lift now-sagging sales of this class of weapon. They are accomplishing this with the addition of a minor design change to their military-style weapons made possible by a definitional loophole: the "bullet button." [Please see the Appendix beginning on page six for 2012 catalog copy featuring "California compliant" assault rifles utilizing a "bullet button" from leading assault weapon manufacturers.]

California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and any one of six enumerated additional assault weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features).

High-capacity detachable ammunition magazines allow shooters to expel large amounts of ammunition quickly and have no sporting purpose. However, in California an ammunition magazine is not viewed as detachable if a "tool" is required to remove it from the weapon. The "bullet button" is a release button for the ammunition magazine that can be activated with the tip of a bullet. With the tip of the bullet replacing the use of a finger in activating the release, the button can be pushed and the detachable ammunition magazine removed and replaced in seconds. Compared to the release process for a standard detachable ammunition magazine it is a distinction without a difference. (*Bullet Buttons, The Gun Industry's Attack on California's Assault Weapons Ban*, Violence Policy Center, Washington D.C., May 2012.)

One approach to this issue, taken by SB 249 (Yee) in 2012 and SB 47 (Yee) of 2014, as well as AB 1664 (Levine) of this session, and this bill, amends the statute to replace the language regarding detachable magazines. This approach also defines a "detachable magazine" as "an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily from the firearm with the use of a tool." In other words, a semiautomatic rifle could have a detachable magazine, as long as that rifle did not also have any of the six prohibited features or that rifle could have the prohibited features as long as it had a fixed

magazine.

Proponents argue the feature that makes one semi-automatic rifle capable of killing or wounding more people in a shorter amount of time than another is the capacity to rapidly reload large amounts of ammunition. For example, proponents note that, in 2011, a man opened fire on teenagers at a summer youth camp in Norway, killing 69 and wounding another 110, using a high-powered, semi-automatic rifle, the .223 caliber Ruger Mini-14. That rifle had none of the features listed in California's definition of an assault weapon and it is a perfectly legal weapon in California; supporters of this bill submit that what made that weapon such an effective tool of mass murder is the fact that the killer was able to rapidly reload one magazine after another of ammunition.

- 4) **Constitutionality:** The Constitutionality of California's assault weapons ban has been upheld by both the California Supreme Court [*Kasler v. Lockyer*, 23 Cal. 4th 472 (2000)] and the federal Court of Appeal. [*Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002) (as amend. Jan. 27, 2003).] While the California Supreme Court rejected allegations that the law violated equal protection guarantees, the separation of powers, and failed to provide adequate notice of what was prohibited under the law, the Ninth Circuit Court of Appeal decision in *Silveira* was based largely on its interpretation of the Second Amendment right to keep and bear arms. The Second Amendment of the Constitution states, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." (United States Const. Amend. 2.) The *Silveira* Court based its ruling on the widely held interpretation of the Second Amendment known as the "collective rights" view, that the right secured by the Second Amendment relates to firearm ownership only in the context of a "well regulated militia." [*Silveira v. Lockyer*, 312 F.3d 1052, 1086 (9th Cir. Cal. 2002).]

The *Silveira* Court's interpretation of the meaning of the Second Amendment has since been squarely rejected by the U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010). Whether the *Heller* and *McDonald* cases mean that California's assault weapons ban violates the Second Amendment and is, therefore, unconstitutional is a different matter.

In *Heller*, the Supreme Court rejected the "collective rights" view of the Second Amendment and, instead, endorsed the "individual rights" interpretation, that the Second Amendment protects the right of each citizen to firearm ownership. After adopting this reading of the Second Amendment, the Supreme Court held that federal law may not prevent citizens from owning a handgun in their home. (*District of Columbia v. Heller*, 554 U.S. 570, 683-684.) In the *McDonald* case, the Supreme Court extended this ruling to apply to laws passed by the 50 states. (*McDonald v. City of Chicago*, 130 S. Ct. 3020, 3050.)

In deciding that the Second Amendment guaranteed the right to own a handgun in the home for self-defense, the Supreme Court stated that this ruling has its limitations:

"Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. For example, the majority of the 19th-century courts to consider the question held that prohibitions on carrying concealed weapons were lawful under the

Second Amendment or state analogues. Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

- 5) **Governor's Veto Message of 2013's SB 374 (Steinberg):** Governor Brown vetoed somewhat similar legislation (requiring a fixed magazine) in 2013 with the following veto message:

"I am returning Senate Bill 374 without my signature.

"The State of California already has some of the strictest gun laws in the country, including bans on military-style assault rifles and high-capacity ammunition magazines.

"While the author's intent is to strengthen these restrictions, this bill goes much farther by banning any semi-automatic rifle with a detachable magazine. This ban covers low-capacity rifles that are commonly used for hunting, firearms training, and marksmanship practice, as well as some historical and collectible firearms. Moreover, hundreds of thousands of current gun owners would have to register their rifles as assault weapons and would be banned from selling or transferring them in the future.

"Today I signed a number of bills that strengthen California's gun laws, including AB 48, which closes a loophole in the existing ban on dangerous high-capacity magazines. I also signed AB 1131 and SB 127, which restrict the ability of mentally unstable people to purchase or possess guns.

"I don't believe that this bill's blanket ban on semi-automatic rifles would reduce criminal activity or enhance public safety enough to warrant this infringement on gun owners' rights."

- 6) **Argument in Support:** According to the *Law Center to Prevent Gun Violence*, "The California Legislature recognized long ago—after a gunman with an assault weapon shot 34 children at Cleveland Elementary School in Stockton, California—that these military-grade weapons of war have no place in our communities. Since 1989, California has led the nation in enacting common sense gun safety laws to keep assault weapons off our streets. However, the gun industry has repeatedly skirted the limits of this law and exploited its loopholes in order to continue selling military-style weaponry within the state.

"Existing California law defines prohibited assault weapons to include firearms that have both the capacity to accept a detachable magazine and specified military-style features. The ability to accept a detachable magazine allows a shooter to quickly reload an assault weapon to continue firing and killing without interruption.

"California's assault weapons ban does not define the term 'detachable magazine,' however. Perplexingly, current DOJ regulations define 'detachable magazine' in a manner that runs counter to both the spirit and the letter of the state's assault weapons ban. Under these regulations' definition, a weapon is not considered to have a detachable magazine, and is

therefore not a prohibited assault weapon, if a 'tool' is used to release the firearm's magazine instead of the shooter's finger alone. The regulations specifically state that "a bullet or an ammunition feeding device is considered a tool."ⁱ

"The gun industry has exploited this dangerous loophole in recent years by marketing 'California compliant' assault weapons that are equipped with a 'bullet button.' These weapons are the functional equivalents of illegal assault weapons in every respect, except that the shooter uses a bullet, magnet, or other instrument, instead of his or her finger, to depress the button that releases the weapon's magazine. These weapons may be reloaded as quickly and efficiently as prohibited assault weapons, but they have been permitted to flood into this state at an alarming rate, threatening Californians' safety.

"SB 880 would further the letter and spirit of California's assault weapons law by adding a statutory definition of 'fixed magazine' to clarify that bullet button weapons are illegal assault weapons. This definition would establish that firearms like bullet button weapons, whose magazines may be removed and reloaded without disassembling the firearm action, do not have 'fixed magazines.' Individuals who lawfully obtained these weapons prior to January 1, 2017, would be required to register their weapons with DOJ.

"A December 2015 mass shooting tragedy illustrates the compelling need for this legislation. On that day, two radicalized assailants used bullet button weapons to shoot 36 people in a San Bernardino community building in the span of less than four minutes. The 'California compliant' bullet button weapons they used were designed to inflict maximal carnage on military battlefields and were nearly indistinguishable from illegal assault weapons. Any legitimate function these weapons might serve in sport or recreation is substantially outweighed by the danger that they may be used to—and in fact have been used to—quickly and efficiently take large numbers of human lives. By prohibiting all future manufacturing, possession, and sale of these weapons, SB 880 would help protect the public and law enforcement from battlefield weaponry that has no place in our civilian communities.

"This legislation is substantively similar to AB 1664 (Levine), which recently passed with strong support in this Committee and on the Assembly floor."

- 7) **Argument in Opposition:** According to the *Firearms Policy Coalition*, "On behalf of the members and supporters of Firearms Policy Coalition, I respectfully submit our opposition to Senate Bill 880 (Hall and Glazer) and respectfully request your 'NO' vote.

"SB 880 seeks to expand the ban on so-called 'assault weapon' through vague language, by re-defining the term 'detachable magazine' to mean 'an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily from the firearm with the use of a tool.'

"SB 880 would ban millions of semi-automatic rifles protected by the Second Amendment to the United States Constitution and violate the civil rights of every law-abiding person in (and visitor to) California, moving the goal posts yet again for the millions of law abiding residents and visitors who have [quite reasonably, given the volume] struggled for years to keep up with the frenetic pace of California's ever-increasing and expensive firearm regulations.

"The California Department of Justice (DOJ) will have to start from scratch to create new regulations, new forms, new databases and new online interfaces. Even with modest compliance by the public, the already struggling DOJ will have to hire or re-purpose dozens of staff in order to process millions of firearms lawfully owned by hundreds of thousands of California residents.

"Law enforcement will find cause to arrest thousands of residents and visitors annually as SB 880 wraps in tens of millions of firearms owned by millions of Californians and visitors. This will burden the courts and the correctional system—with people who are otherwise law-abiding.

"To summarize;

- "SB 880's uninformed new definitions put millions of law-abiding residents and visitors in to our jails and prisons and therefore probation and parole.
- "SB 880 contains no provision for outreach to the millions of Californians who have lawfully acquired firearms that would be subject to SB 880's reach.
- "SB 880 contains no provision for educating law enforcement officers or prosecutors—the very people who will have to interpret and enforce it—which will lead to false arrests and ruined lives.

"SB 880 creates overnight felons for mere possession, transfer, transport or inheritance of common, constitutionally protected items, creating a crisis for residents and visitors who have been law abiding all their lives and could lose all they have worked for —by simply exercising a fundamental right."

8) **Related Legislation:**

- a) AB 1663 (Chiu) takes a different approach to closing the bullet button loophole. AB 1663 was held in Assembly Appropriations Committee.
- b) AB 1664 (Levine) is substantially similar to this legislation. AB 1664 is currently awaiting a hearing in Senate Public Safety.

9) **Prior Legislation:**

- a) SB 47 (Yee), of the 2013-2014 Legislative Session, would have closed the bullet button loophole by redefining an assault weapon in statute as 'a semiautomatic, centerfire rifle that does not have a fixed magazine' and has any one of several specified features. SB 47 was held on the Assembly Appropriations Committee suspense file.
- b) SB 374 (Steinberg), of the 2013-2014 Legislative Session, would have closed the bullet button loophole by redefining an assault weapon as it pertains to rifles and defines "detachable magazines" and "fixed magazines." Specifies that rifles which are not assault weapons have fixed magazines. SB 347 was vetoed by the Governor.

- c) SB 249 (Yee), of the 2011-12 Legislative Session, would have prohibited any person from importing, making, selling, loaning, transferring or possessing any conversion kit designed to convert certain firearms with a fixed magazine into firearms with a detachable magazine. SB 249 was held on the Assembly Appropriations Committee suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics
 American College of Emergency Physicians, California Chapter
 Bend the Arc
 Brady Campaign to Prevent Gun Violence, Orange County
 Brotherhood Crusade
 California Attorney General
 California Academy of Family Physicians
 California Catholic Conference
 California Chapters of the Brady Campaign
 California Communities United Institute
 California State PTA
 Charles R. Drew University of Medicine and Science
 City of Berkeley
 City of Long Beach
 City of Los Angeles
 City of Oakland
 Coalition Against Gun Violence
 Community Clinic Association
 Courage Campaign
 International Health and Epidemiology Research Center
 Law Center to Prevent Gun Violence
 Laguna Woods Democratic Club
 Nevada County Democrats
 Peace Over Violence
 Physicians for Social Responsibility, Sacramento
 Physicians for Social Responsibility, San Francisco Bay
 Rainbow Services
 Santa Clara County Board of Supervisors
 Violence Prevention Coalition
 Youth Alive

31 private individual

Opposition

California Rifle and Pistol Association
 California Sportsman's Lobby
 California State Sheriffs' Association
 California Waterfowl Association

Crossroads of the West
Gun Owners of California
Firearms Policy Coalition
National Rifle Association
National Shooting Sports Foundation
Outdoor Sportsmen's Coalition of California
Rick Farinelli, District 3 Supervisor, Madera County
Safari Club International
San Bernardino Sheriff's Office

Analysis Prepared by: Gabriel Caswell / PUB. S. / (916) 319-3744

ⁱ 11 CCR 5469.

EXHIBIT 3

SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

SB 880 (Hall) - Firearms: assault weapons

Version: March 28, 2016

Policy Vote: PUB. S. 5 - 2

Urgency: No

Mandate: Yes

Hearing Date: May 16, 2016

Consultant: Jolie Onodera

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 880 would update California's regulation of "assault weapons," as follows:

- Amends the definition of assault weapon to refer to a firearm that has one of several specified military-style features and does not have a "fixed magazine" rather than a firearm that has one of those features and "has the capacity to accept a detachable magazine".
- Defines "fixed magazine" as "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- Requires that any person who from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm via online submission before January 1, 2018, with the Department of Justice (DOJ), as specified.
- Authorizes DOJ to charge a fee of up to \$15 per person not to exceed the reasonable processing costs for this registration.

Fiscal Impact:

- Registration process: Estimated costs of \$1.7 million in FY 2016-17, \$1.5 million in FY 2017-18, and \$37,000 (DROS Fund*/General Fund) annually thereafter, to be fully offset by fees collected from registrants once fully implemented. Staff notes the DROS Fund is structurally imbalanced, and current revenues are insufficient to cover the costs of this bill. As a result, a General Fund appropriation may be required to enable completion of the activities within the timelines prescribed.
- State prisons: Potentially significant increase in annual state incarceration costs (General Fund) to the extent the narrower definition of "assault weapon" results in additional firearms violations. For every 10 new commitments to state prison (five each for manufacturing and possession), additional annual costs of \$290,000, compounding to \$1.2 million for overlapping sentences assuming the middle term of the triads for violations of both manufacturing and possession.
- Local agencies: Potential future increase in local enforcement and incarceration costs for unlawful possession or sale/manufacture of assault weapons.
- Firearms sales: Potential near-term loss of sales tax revenue of \$1.6 million (General Fund) per 10 percent of annual rifle sales in California. Future year impact could be somewhat mitigated to the extent consumers shift to purchases of alternative firearms.

- APPS enforcement: Unknown, potential increase in DOJ enforcement costs (Special Fund*) to the extent additional persons are placed on the armed prohibited persons list resulting from the provisions of this measure.

*Dealers' Record of Sale (DROS) Special Account – **Staff notes** the DROS Account is structurally imbalanced, with an estimated reserve balance of less than \$1 million by year-end FY 2016-17. As a result, an appropriation from another fund source, potentially the General Fund, may be required to support the activities required by this bill.

Background: The enactment of the assault weapons ban in California is described by the federal Court of Appeal from *Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002), in part, as follows: *In response to a proliferation of shootings involving semi-automatic weapons, the California Legislature passed the Roberti-Roos Assault Weapons Control Act ("the AWCA") in 1989. The immediate cause of the AWCA's enactment was a random shooting earlier that year at the Cleveland Elementary School in Stockton, California. An individual armed with an AK-47 semi-automatic weapon opened fire on the schoolyard, where three hundred pupils were enjoying their morning recess. Five children aged 6 to 9 were killed, and one teacher and 29 children were wounded.*

The codified legislative findings and declarations of the AWCA state, in part, "that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in Section 30510 based upon finding that each firearm has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession."

The AWCA was amended by SB 23 (Perata) Chapter 129/1999 to expand the definition of an assault weapon to include a definition based on its generic characteristics in addition to one of several specified features. SB 23 was enacted in response to the marketing of so-called "copycat" weapons – firearms that were substantially similar to weapons on the prohibited list but slightly different, perhaps only by the name of the weapon, thereby circumventing the ban. The more general definition of an assault weapon enacted under SB 23 was intended to remove the allowance of such copycat weapons that the law previously authorized by its definition of an assault weapon as only those listed by specified make and model.

This bill seeks to address the issue regarding the definition of an assault weapon as it pertains to what constitutes a "detachable magazine." Regulations promulgated after the enactment of SB 23 define a detachable magazine as, "any 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." (11 CFR § 5469(a)) In response to this definition, features such as the "bullet button" have been developed by firearms manufacturers that enable easy detachment of a magazine with the use of a "tool" and are thus not classified as a "detachable magazine." As a result, firearms with features such as the "bullet button" do not fall within the current definition of an assault weapon.

Proposed Law: This bill would redefine “assault weapon” to refer to a firearm that has one of several specified military-style features and does not have a “fixed magazine,” rather than a firearm that has one of those features and “has the capacity to accept a “detachable magazine.” This bill:

- Defines “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- Requires that any person who from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm via online submission utilizing a public-facing application before January 1, 2018, with the DOJ.
- Provides that notwithstanding the new definition of “assault weapon,” any person who possessed an assault weapon prior to January 1, 2017, is exempt from punishment pursuant to PC 30605, if all of the following are applicable:
 - Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to PC 30900(c).
 - The person lawfully possessed that assault weapon on January 1, 2017.
 - The person registers the assault weapon by January 1, 2018, as specified above.
- Authorizes DOJ to charge a fee of up to \$15 per person not to exceed the reasonable processing costs of the DOJ. Fees are to be deposited in the DROS Account. Requires the fee to be paid by debit or credit card at the time the electronic registration is submitted to the DOJ.
- Requires the DOJ to adopt regulations to implement the registration requirements.

Related Legislation: AB 1135 (Levine) 2016 is nearly identical to this measure. AB 1135 is scheduled to be heard today by this Committee.

Prior Legislation: SB 47 (Yee) 2013 was substantially similar to this measure. SB 47 was held on the Suspense File of the Assembly Appropriations Committee.

SB 249 (Yee) 2012 was substantially similar to this measure. SB 249 was held on the Suspense File of the Assembly Appropriations Committee.

Staff Comments: The DOJ has indicated costs of \$1.7 million in FY 2016-17, \$1.5 million in FY 2017-18, and \$37,000 (DROS Fund) annually thereafter to redesign the existing Assault Weapon Registration (AWR) system with a new web user interface to enable online registration of the specified firearms, to be fully offset by fees. The existing AWR application is over 15 years old, and due to its inflexibility and lack of technical support, DOJ has indicated it cannot be modified for the new business requirements. The new application would be public facing for applicants to complete the personal and firearm information along with the required fee payable upon registration. The software development project is estimated to take 12 months to complete. The additional workload to process registrations after the initial group of registrants is completed is estimated to be minor.

Staff notes the DROS Account is structurally imbalanced, with a projected reserve balance of less than \$1 million at year end FY 2016-17. In order for the DOJ to fully fund the associated costs of the mandates of this bill, an appropriation of funds, potentially

from the General Fund, would be required, as the estimated costs cannot be absorbed in FY 2016-17. With either the aforementioned appropriation or delayed implementation to January 1, 2018, the DOJ would have time to submit a Budget Change Proposal to request additional resources via the FY 2017-18 budget process. Finally, a new revenue source would need to be identified, as current revenues in the DROS Account are insufficient to cover the increased costs.

Under existing law, unlawful possession of an assault weapon is an alternate felony-misdemeanor punishable as a felony by imprisonment in a county jail for 16 months, two or three years (or in state prison with a current or prior serious or violent felony), or as a misdemeanor by imprisonment in a county jail for up to one year. Under specified circumstances, a first violation for unlawful possession of an assault weapon could result in a fine. Current law also provides that any person who within the state imports, manufactures, offers for sale, or who gives or lends any assault weapon, is guilty of a felony punishable by imprisonment in state prison or county jail for four, six, or eight years. By narrowing the scope of firearms that are legal in the state, this bill expands the scope of the aforementioned crimes.

Arrest information from the DOJ indicates an increasing number of violations of possession of an assault weapon since 2010, with 825 arrests in 2012. Arrest data for felony violations for the import, sale, manufacture, or loan of an assault weapon reflect a decreasing trend, with 124 arrests in 2012. According to the CDCR, 58 individuals in 2011 and 22 individuals in 2012 were committed to state prison specific to these crimes.

It is unknown how many persons will be convicted under the expanded scope of these crimes, though it is assumed the convictions could likely be highest in the near-term. For every 10 individuals (assuming convictions for both manufacturing/sale and possession), increased state incarceration costs are estimated at \$290,000 (General Fund) per year, compounding to \$1.2 million due to overlapping sentences (assuming the middle terms of the 4, 6, 8 year triad for manufacturing and 16 month, 2, 3 year triad for possession with a prior), based on the range of potential costs to accommodate extended state prison sentences. To the extent the number of individuals impacted is greater/less or the average sentence imposed is longer/shorter than estimated, annual costs would be impacted accordingly.

To the extent the provisions of this bill have the effect of reducing the number of semi-automatic rifles currently sold, there would be an impact to both local and state sales tax revenues. It is estimated that Californians spend over \$400 million annually on rifle purchases and over 300,000 rifles are sold each year. For every 10 percent reduction in annual sales, state sales tax revenues are estimated to drop by approximately \$1.6 million (General Fund). It is estimated that the impact is likely in the near term, with the impact in future years projected to be somewhat mitigated to the extent consumers shift to purchases of alternative and/or newly developed firearms.

To the extent the provisions of this bill serve to reduce the incidence of firearms-related injuries and death, potential future cost savings could be substantial. A study by the non-profit Pacific Institute for Research and Evaluation (PIRE) reported over 105,000 incidences of firearm injury and death in 2010 nationally, with an estimated societal cost of over \$174 billion in work lost, medical care, insurance, criminal justice expenses, and pain and suffering. At a unit level, the study reported a governmental cost of \$187,000

to \$582,000 per firearm fatality in medical and mental health care, emergency services, and administrative and criminal justice costs. The estimated societal cost per firearm injury or fatality, including lost work productivity and quality of life was reported at nearly \$430,000 to \$5 million, respectively.

Amendments to be taken in Committee: The author has agreed to take the following technical amendments to Section 2 of the bill to update incorrect cross-references:

Section 30680 is added to the Penal Code, to read:

30680. ~~Notwithstanding the meaning of “assault weapon” under Section 30515, as amended by the act that added this section,~~ Section 30605 does not apply to the possession of an assault weapon by a person who has possessed the assault weapon prior to January 1, 2017, if all of the following are applicable:

- (a) Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to subdivision ~~(e)~~ (b) of Section 30900.*
- (b) The person lawfully possessed that assault weapon prior to January 1, 2017.*
- (c) The person registers the assault weapon by January 1, 2018, in accordance with subdivision ~~(e)~~(b) of Section 30900.*

Additionally, an amendment will be taken to add Senator Hancock as a coauthor.

-- END --

EXHIBIT 4

THIRD READING

Bill No: SB 880
Author: Hall (D) and Glazer (D), et al.
Amended: 5/17/16
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-2, 4/19/16
AYES: Hancock, Glazer, Leno, Liu, Monning
NOES: Anderson, Stone

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/16/16
AYES: Lara, Beall, Hill, McGuire, Mendoza
NOES: Bates, Nielsen

SUBJECT: Firearms: assault weapons

SOURCE: Author

DIGEST: This bill: (1) amends the definition of assault weapon to refer to a firearm that has one of several specified military-style features and does not have a “fixed magazine” rather than a firearm that has one of those features and “has the capacity to accept a detachable magazine;” (2) defines “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action”; (3) provides that any person who was eligible to register an assault weapon and lawfully possessed such a weapon prior to January 1, 2017, would be exempt from penalties, if the person registers the weapon by January 1, 2018; (4) requires that any person who from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm before January 1, 2018, with the Department of Justice (DOJ), as specified; (5) provides that this registration be submitted online, as specified; (6) authorizes DOJ to charge a fee of up to \$15 per person but not to exceed the reasonable processing costs of the DOJ for this registration; and (7) requires DOJ to establish procedures for the purpose of carrying out this

registration requirement and specifies that these procedures shall be exempt from the Administrative Procedure Act.

ANALYSIS:

Existing law:

- 1) Contains legislative findings and declarations that the proliferation and use of assault and .50 BMG rifles poses a threat to the health, safety, and security of all citizens of California. (Penal Code § 30505.)
- 2) States legislative intent to place restrictions on the use of assault weapons and .50 BMG rifles and to establish a registration and permit procedure for their lawful sale and possession. (Penal Code § 30505.)
- 3) Defines “assault weapon” as one of certain specified rifles and pistols (Penal Code § 30510) or as:
 - a) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and has at least one of the following: a pistol grip that protrudes conspicuously beneath the action of the weapon; a thumbhole stock; a vertical handgrip; a folding or telescoping stock; a grenade launcher or flare launcher; a flash suppressor; or, a forward handgrip;
 - b) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;
 - c) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches;
 - d) A semiautomatic pistol that has the capacity to accept a detachable magazine and has at least one of the following: a threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer; a second handgrip; 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, excepting a slide that encloses the barrel; or, the capacity to accept a detachable magazine at some location outside of the pistol grip;
 - e) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds;
 - f) A semiautomatic shotgun that has both of the following: a folding or telescoping stock; and a pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;

- g) A semiautomatic shotgun that has the ability to accept a detachable magazine; and
 - h) Any shotgun that has a revolving cylinder. (Penal Code § 30515.)
- 4) Defines a “detachable magazine” as any 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. (11 Cal. Code of Regs. § 5469.)
- 5) Provides that unlawful possession of an assault weapon is an alternate felony-misdemeanor and shall be punished by imprisonment in a county jail for a period not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 (16 months, two or three years). Notwithstanding the above, a first violation of these provisions is punishable by a fine not exceeding \$500 if the person was found in possession of no more than two firearms and certain specified conditions are met. (Penal Code § 30605.)
- 6) Provides that any person who within California manufactures, imports into California, offers for sale, or who gives or lends any assault weapon with specified exceptions is guilty of a felony punishable by imprisonment in state prison for four, six, or eight years. (Penal Code § 30600.)
- 7) Defines a “.50 BMG rifle and cartridge,” as specified. (Penal Code §§ 30525, 30530.)
- 8) Exempts the DOJ, law enforcement agencies, military forces, and other specified agencies from the prohibition against sales to, purchase by, importation of, or possession of assault weapons or .50 BMG rifles. (Penal Code § 30625.)
- 9) Requires that any person who lawfully possesses an assault weapon, as specified, must register the firearm with DOJ, as specified. (Penal Code § 30900 et. seq.)

This bill:

- 1) Amends the definition of assault weapon to refer to a firearm that has one of several specified features and does not have a “fixed magazine” rather than a

firearm with one of those features and the “capacity to accept a detachable magazine.”

- 2) Defines “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.”
- 3) Provides that, notwithstanding the new definition of assault weapon contained in this bill, any person who possessed an assault weapon prior to January 1, 2017, is exempt from punishment pursuant to Section 30605, if all of the following are applicable:
 - a) Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to subdivision (c) of Section 30900;
 - b) The person lawfully possessed that assault weapon on January 1, 2017; and
 - c) The person registers the assault weapon by January 1, 2018, as specified.
- 4) Provides that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Section 30515, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, shall register the firearm before January 1, 2018, with the DOJ pursuant to those procedures that the DOJ may establish.
 - a) Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the DOJ.
 - b) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant’s full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver’s license number or California identification card number.
 - c) The DOJ may charge a fee of up to fifteen dollars (\$15) per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the DOJ. The fee shall be deposited in the Dealers’ Record of Sale Special Account.

- d) The DOJ shall establish procedures for the purpose of carrying out this subdivision. These procedures shall be exempt from the Administrative Procedure Act.

Background

As the Court of Appeal explained, in 1999, the Assault Weapons ban was amended to expand the definition of an assault weapon to include a definition by the generic characteristics, specifically, to include a “semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine” in addition to one of several specified characteristics, such as a grenade launcher or flash suppressor. SB 23 (Perata, Chapter 129, Statutes of 1999, § 7 et seq) was enacted in response to the marketing of so-called “copycat” weapons, firearms that were substantially similar to weapons on the prohibited list but differed in some insignificant way, perhaps only the name of the weapon, thereby defeating the intent of the ban. “SB 23 takes weapons that are made, then modified, named and re-named off the market. It fixes the loophole in current law that bans guns by name, not by capability, by providing a generic definition of the weapons.” (Committee analysis of SB 23 (Perata), Assembly Public Safety Committee.)

SB 23’s generic definition of an assault weapon was intended to close the loophole in the law created by its definition of assault weapons as only those specified by make and model. Regulations promulgated after the enactment of SB 23 define a detachable magazine as “any 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.” (11 CFR § 5469(a).) In response to this definition, a new feature has been developed by firearms manufacturers to make semi-automatic rifles “California compliant,” the bullet button.

In 2012, researchers at the nonprofit Violence Policy Center in Washington, D.C. released a paper describing the phenomenon of the bullet button and its effect on California’s assault weapons ban:

The “Bullet Button”—Assault Weapon Manufacturers’ Gateway to the California Market

Catalogs and websites from America’s leading assault rifle manufacturers are full of newly designed “California compliant” assault weapons. Number one and two assault weapon manufacturers

Bushmaster and DPMS, joined by ArmaLite, Colt, Sig Sauer, Smith & Wesson, and others are all introducing new rifles designed to circumvent California's assault weapons ban and are actively targeting the state in an effort to lift now-sagging sales of this class of weapon. They are accomplishing this with the addition of a minor design change to their military-style weapons made possible by a definitional loophole: the "bullet button." [Please see the Appendix beginning on page six for 2012 catalog copy featuring "California compliant" assault rifles utilizing a "bullet button" from leading assault weapon manufacturers.]

California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and any one of six enumerated additional assault weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features).

High-capacity detachable ammunition magazines allow shooters to expel large amounts of ammunition quickly and have no sporting purpose.¹ However, in California an ammunition magazine is not viewed as detachable if a "tool" is required to remove it from the weapon. The "bullet button" is a release button for the ammunition magazine that can be activated with the tip of a bullet. With the tip of the bullet replacing the use of a finger in activating the release, the button can be pushed and the detachable ammunition magazine removed and replaced in seconds. Compared to the release process for a standard detachable ammunition magazine it is a distinction without a difference. *Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles*, April 1998. (*Bullet Buttons, The Gun Industry's Attack on California's Assault Weapons Ban*, Violence Policy Center, Washington D.C., May 2012.)

This bill amends the definition of assault weapon to a firearm that has one of several specified features and does not have a "fixed magazine," rather than a firearm that has one of those features and "has the capacity to accept a detachable magazine." It also defines, "fixed magazine" as "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action." So, a semiautomatic rifle could have a detachable magazine, as long as it does not also have any features or it could have the features as long as it had a fixed magazine.

The purpose of this change is to clarify that equipping a weapon with a “bullet button” magazine release does not take that weapon outside the definition of an assault weapon.

This bill also requires any person who, from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, in other words, those weapons with a “bullet button” magazine release, to register the firearm before January 1, 2018, with the DOJ pursuant to those procedures that the DOJ may establish.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, the fiscal impact includes:

- *Registration process:* Estimated costs of \$1.7 million in FY 2016-17, \$1.5 million in FY 2017-18, and \$37,000 (DROS Fund*/General Fund) annually thereafter, to be fully offset by fees collected from registrants once fully implemented. Staff notes the DROS Fund is structurally imbalanced, and current revenues are insufficient to cover the costs of this bill. As a result, a General Fund appropriation may be required to enable completion of the activities within the timelines prescribed.
- *State prisons:* Potentially significant increase in annual state incarceration costs (General Fund) to the extent the narrower definition of “assault weapon” results in additional firearms violations. For every 10 new commitments to state prison (five each for manufacturing and possession), additional annual costs of \$290,000, compounding to \$1.2 million for overlapping sentences assuming the middle term of the triads for violations of both manufacturing and possession.
- *Local agencies:* Potential future increase in local enforcement and incarceration costs for unlawful possession or sale/manufacture of assault weapons.
- *Firearms sales:* Potential near-term loss of sales tax revenue of \$1.6 million (General Fund) per 10 percent of annual rifle sales in California. Future year impact could be somewhat mitigated to the extent consumers shift to purchases of alternative firearms.
- *APPS enforcement:* Unknown, potential increase in DOJ enforcement costs (Special Fund*) to the extent additional persons are placed on the armed prohibited persons list resulting from the provisions of this measure.

*Dealers' Record of Sale (DROS) Special Account – Appropriations staff notes that the DROS Account is structurally imbalanced, with an estimated reserve balance of less than \$1 million by year-end FY 2016-17. As a result, an appropriation from another fund source, potentially the General Fund, may be required to support the activities required by this bill.

SUPPORT: (Verified 5/17/16)

Kamala Harris, California Attorney General
American Academy of Pediatrics
Bend the Arc
Brotherhood Crusade
California Academy of Family Physicians
California Chapter of the American College of Emergency Physicians
California Chapters of the Brady Campaign to Prevent Gun Violence
California Communities United Institute
Charles R. Drew University of Medicine and Science
City of Oakland
City of Long Beach
Coalition Against Gun Violence, a Santa Barbara Coalition
County of Santa Clara Board of Supervisors
Community Clinic Association
Courage Campaign
Eric Garcetti, Mayor of the City of Los Angeles
Law Center to Prevent Gun Violence
Nevada County Democrats
Orange County Chapter, Brady Campaign to Prevent Gun Violence
Peace Over Violence
Physicians for Social Responsibility, San Francisco Bay Area Chapter
Rainbow Services
Violence Prevention Coalition of Greater Los Angeles
Youth Alive!
Several Individuals

OPPOSITION: (Verified 05/17/16)

California State Sheriffs' Association
California Sportsman's Lobby, Inc.
Crossroads of the West
Firearms Policy Coalition
Gun Owners of California

National Rifle Association
National Shooting Sports Foundation, Inc.
Outdoor Sportsmen's Coalition of California
Safari Club International
One Individual

ARGUMENTS IN SUPPORT: The California Chapters of the Brady Campaign to Prevent Gun Violence:

California's existing assault weapons statute prohibits semi-automatic centerfire rifles or semiautomatic pistols that have the capacity to accept a detachable magazine and are equipped with any of the following features: a pistol grip, a thumbhole stock, a folding or telescoping stock, a grenade or flare launcher, a flash suppressor, or a forward pistol grip. These features are not found on sporting guns and were designed specifically to facilitate the killing of human beings in battle.

The California Brady Campaign Chapters support prohibiting military-style semi-automatic assault weapons. The rapid and controlled spray of bullets associated with assault weapons is a threat to police officers, families, and communities. As was shown by the tragedy at Sandy Hook School and more recently in San Bernardino, an assault weapon escalates the lethality and number of victims in a mass shooting incident.

Unfortunately, firearm manufactures have found ways to enable the dangerous quick reloading that the California's assault weapons law sought to ban. For example, the "bullet button" is a feature that enables the firearm owner to use a bullet or other pointed object to quickly detach and replace the weapon's ammunition magazine. Because the use of a bullet or other "tool" is required to remove the magazine, the sale of bullet button-equipped guns has been allowed, even though the California assault weapons law prohibits weapons that have "the capacity to accept a detachable magazine." In fact, in the first eleven months after the retention of records for long guns became operational (January 1, 2014 to December 2, 2014), there were **50,574** sales or transfers of military-style weapons with a bullet-button or other similar feature that allows for the rapid exchange of the magazine. The California Brady Campaign Chapters support clarifying and strengthening California's assault weapons law as proposed by SB 880. The bill recasts existing law by listing as assault weapons those firearms with military-style features that do not have a fixed magazine. A fixed magazine

is defined as an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action. A weapon that does not have a fixed magazine, as defined, and has any one of the military-style features would be unlawful.

SB 880 would require any person who lawfully possessed from January 1, 2001 to December 31, 2016 an assault weapon that does not have a fixed magazine as defined in the bill to register the weapon before July 1, 2017 with the California Department of Justice. This record would enable law enforcement to disarm the person through the Armed Prohibited Persons System program if the person were to become prohibited from possessing firearms and assist law enforcement in the tracing of crime guns.

The gun industry has taken advantage of an imprecise definition to evade the intent of the law. This loophole must be closed and accordingly, the California Brady Campaign Chapters are in strong support of SB 880.

ARGUMENTS IN OPPOSITION: According to the Firearms Policy Coalition:

SB 880 attempts to subvert long-standing law regarding the definition of “detachable magazine” and “fixed magazine”. It relies on unclear, undefined language such as “without disassembly of the action” or “does not have a fixed magazine” and seeks to prohibit the purchase, inheritance, sale, transfer, transport, importation and manufacture of the most common and popular protected weapons of the modern era.

SB 880 is the largest gun-ban in California history

SB 880 would immediately ban and force the registration of millions of semi-automatic rifles in common use and protected under the Second Amendment to the United States Constitution. With guns sales and the shooting sports hitting new heights, SB 880 will result in potentially millions of firearms being taken off the shelves for sale, out of estates for bequests and ban the lawful transfer of collections and firearms.

By moving the goal posts on millions of its own residents, California would create new criminal liability for hundreds of thousands of Californians and California visitors -- including shooting sports competitors -- without so much as a simple outreach program, public service announcement, or

mandate that DOJ update the years-outdated (and, in some cases, grossly misleading) information it promulgates in its publications and on its website but refuses to correct in spite of the real consequences to law-abiding people.

SB 880 creates overnight felons for mere possession, transfer, transport or inheritance of common, protected items, creating a crisis for residents and visitors who have been law abiding all their lives and could lose all they have worked for—by simply exercising a fundamental right.

SB 880 may actually create a stock of millions of new “Assault Weapons” that will remain for generations

Counter-intuitively, while some people may get caught as overnight felons, there are others who will be engaged and will take advantage of the opportunity to register hundreds of thousands or even millions of firearms—thereby having state sanction to have whatever magazine style or politically incorrect cosmetic features they like. Despite the ban, these will remain in the civilian inventory for many decades—all with the proper documentation and blessing of the Attorney General.

Prepared by: Jessica Devencenzi / PUB. S. /
5/18/16 16:27:48

**** END ****

EXHIBIT 5

SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 880 **Hearing Date:** April 19, 2016
Author: Hall
Version: March 28, 2016
Urgency: No **Fiscal:** Yes
Consultant: JRD

Subject: *Firearms: Assault Weapons*

HISTORY

Source: Author

Prior Legislation: SB 47 (Yee) – died in Assembly Appropriations, 2013
SB 249 (Yee) – died in Assembly Appropriations, 2012
AB 2728 (Klehs) – Ch. 793, Statutes of 2006
SB 238 (Perata) – Ch. 499, Statutes of 2003
SB 626 (Perata) – Ch. 937, Statutes of 2001
SB 23 (Perata) – Ch. 129, Statutes of 1999
Roberti-Roos Assault Weapons Control Act – Ch. 19, § 3, Stats. 1989

Support: American Academy of Pediatrics; Bend the Arc; Brady Campaign to Prevent Gun Violence, Brotherhood Crusade; California Academy of Family Physicians; California Chapters; California Chapter of the American College of Emergency Physicians; California Communities United Institute; Charles R. Drew University of Medicine and Science; City of Oakland; City of Long Beach; Coalition Against Gun Violence, a Santa Barbara Coalition; County of Santa Clara Board of Supervisors; Community Clinic Association; Courage Campaign; Eric Garcetti, Law Center to Prevent Gun Violence; Mayor of the City of Los Angeles; Kamala Harris, California Attorney General; Nevada County Democrats; Orange County Chapter, Brady Campaign to Prevent Gun Violence; Peace Over Violence; Physicians for Social Responsibility, San Francisco Bay Area Chapter; Rainbow Services; Violence Prevention Coalition of Greater Los Angeles; Youth Alive!; several individuals

Opposition: California State Sheriffs' Association; California Sportsman's Lobby, Inc.; Crossroads of the West; Firearms Policy Coalition; Gun Owners of California; National Rifle Association; National Shooting Sports Foundation, Inc.; Outdoor Sportsmen's Coalition of California; Safari Club International

PURPOSE

The purpose of this bill is to (1) amend the definition of assault weapon to refer to a firearm that has one of several specified military-style features and does not have a “fixed magazine” rather than a firearm that has one of those features and “has the capacity to accept a detachable magazine;” (2) define “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action”; (3) provide that any person who was eligible to register an assault weapon and lawfully possessed such a weapon prior to January 1, 2017, would be exempt from penalties, if the person registers the weapon by January 1, 2018; (4) require that any person who from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm before January 1, 2018, with the Department of Justice (DOJ), as specified; (5) provide that this registration be submitted online, as specified; (6) authorize DOJ to charge a fee of up to \$15 per person but not to exceed the reasonable processing costs of the department for this registration; and (7) require DOJ to establish procedures for the purpose of carrying out this registration requirement and to specify that these procedures shall be exempt from the Administrative Procedure Act.

Current law contains legislative findings and declarations that the proliferation and use of assault and .50 BMG rifles poses a threat to the health, safety, and security of all citizens of California. (Penal Code § 30505.)

Current law states legislative intent to place restrictions on the use of assault weapons and .50 BMG rifles and to establish a registration and permit procedure for their lawful sale and possession. (Penal Code § 30505.)

Current law defines “assault weapon” as one of certain specified rifles and pistols (Penal Code § 30510) or as:

- A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and has at least one of the following:
 - A pistol grip that protrudes conspicuously beneath the action of the weapon;
 - A thumbhole stock;
 - A vertical handgrip;
 - A folding or telescoping stock;
 - A grenade launcher or flare launcher;
 - A flash suppressor; or,
 - A forward handgrip.
- A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;
- A semiautomatic, centerfire rifle that has an overall length of less than 30 inches;
- A semiautomatic pistol that has the capacity to accept a detachable magazine and has at least one of the following:

- A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;
 - A second handgrip;
 - 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, excepting a slide that encloses the barrel; or
 - The capacity to accept a detachable magazine at some location outside of the pistol grip.
- A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds;
 - A semiautomatic shotgun that has both of the following:
 - A folding or telescoping stock; and
 - A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
 - A semiautomatic shotgun that has the ability to accept a detachable magazine; and
 - Any shotgun that has a revolving cylinder. (Penal Code § 30515.)

Current law defines a “detachable magazine” as any 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. (11 Cal. Code of Regs. § 5469.)

Current law provides that unlawful possession of an assault weapon is an alternate felony-misdemeanor and shall be punished by imprisonment in a county jail for a period not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 (16 months, two or three years). Notwithstanding the above, a first violation of these provisions is punishable by a fine not exceeding \$500 if the person was found in possession of no more than two firearms and certain specified conditions are met. (Penal Code § 30605.)

Current law provides that any person who within California manufactures, imports into California, offers for sale, or who gives or lends any assault weapon with specified exceptions is guilty of a felony punishable by imprisonment in state prison for four, six, or eight years. (Penal Code § 30600.)

Current law defines a “.50 BMG rifle and cartridge,” as specified. (Penal Code §§ 30525, 30530.)

Current law exempts the DOJ, law enforcement agencies, military forces, and other specified agencies from the prohibition against sales to, purchase by, importation of, or possession of assault weapons or .50 BMG rifles. (Penal Code § 30625.)

Current law requires that any person who lawfully possesses an assault weapon, as specified, must register the firearm with DOJ, as specified. (Penal Code § 30900 et. seq.)

This bill would amend the definition of assault weapon to refer to a firearm that has one of several specified features and does not have a “fixed magazine” rather than a firearm with one of those features and the “capacity to accept a detachable magazine.”

This bill would define “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.”

This bill would provide that, notwithstanding the new definition of assault weapon contained in this bill, any person who possessed an assault weapon prior to January 1, 2017, is exempt from punishment pursuant to Section 30605, if all of the following are applicable:

- Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to subdivision (c) of Section 30900;
- The person lawfully possessed that assault weapon on January 1, 2017; and
- The person registers the assault weapon by January 1, 2018, as specified.

This bill would provide that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Section 30515, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, shall register the firearm before January 1, 2018, with the department pursuant to those procedures that the department may establish.

- Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.
- The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant’s full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver’s license number or California identification card number.
- The department may charge a fee of up to fifteen dollars (\$15) per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers’ Record of Sale Special Account.
- The department shall establish procedures for the purpose of carrying out this subdivision. These procedures shall be exempt from the Administrative Procedure Act.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state’s ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its “ROCA” policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In December of 2015 the administration reported that as “of December 9, 2015, 112,510 inmates were housed in the State’s 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015.” (Defendants’ December 2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).) One year ago, 115,826 inmates were housed in the State’s 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants’ December 2014 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).)

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the “durable solution” to prison overcrowding “consistently demanded” by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants’ Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14). The Committee’s consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Need for This Bill

According to the author:

Studies show that states with the toughest gun laws have the lowest rates of gun-related deaths. While California has led the nation in prohibiting the ownership of military-style assault weapons with detachable ammunition magazines, gun manufacturers are exploiting the “bullet button loophole” to create “California compliant” assault weapons.

For years, gun owners have been able to circumvent California’s assault weapon laws by using a small tool to quickly eject and reload ammunition magazines. Bullet button-equipped weapons are functionally the same as illegal assault weapons, but are not

included in the prohibition because a tool is required to release the ammunition magazine, and it cannot technically be released by hand.

These types of modifications have no legitimate use for sport hunters or competitive shooters. Bullet button-equipped weapons are designed only to facilitate the maximum destruction of human life. Such weapons have been used in a number of recent gun attacks including the recent terrorist attack in San Bernardino that left 14 Californians dead and 21 injured.

This bill clarifies the definition of assault weapons and provides the Department of Justice the authority to bring existing regulations into conformity with the original intent of California's Assault Weapon Ban. Absent this bill, the assault weapon ban is severely weakened, and these types of military-style firearms will continue to proliferate on our streets and in our neighborhoods.

2. Bullet Button: San Bernardino Shooting

On December 2, 2015, 14 people were killed and 21 were seriously injured in a mass shooting at the Inland Regional Center in San Bernardino, California. The perpetrators of this mass shooting used firearms that were legally purchased in California,

A carveout in a California gun law reportedly allowed for the legal purchase of two assault-style rifles that were used in the San Bernardino shooting Wednesday, which killed 14 people and injured 21 others, though the weapons were later altered illegally.

Many guns in the style of the two AR-15 semiautomatic rifles, a .223-caliber DPMS Model A15 and a Smith & Wesson M&P15, are banned under a 1989 California gun law targeting assault weapons. The law specifically targets assault rifles with magazines that are detachable by hand, in order to prevent users from reloading quickly and inflicting mass damage.

But if the guns are equipped with a "bullet button," as the *Wall Street Journal* reports the San Bernardino shooters' were, they're perfectly legal to sell. Instead of removing a magazine by hand, the shooter must press a recessed button that is only accessible using the tip of a bullet or another small tool. Technically, this does not classify as a "detachable magazine," so the guns are allowed. In practice, the method still allows users to swap out magazines within seconds. Gunmakers began making bullet buttons after California passed its harsher gun laws, according to the Associated Press.

But in this case, the weapons were additionally altered in a way that violated the California law, the *Journal* reports, allowing one to use higher-capacity magazines than permitted.

The two gunmen fired 65 to 75 rounds during the attack and then another 76 rounds in a later shootout with police, according to officials. They had more than 1,400 more assault rifle rounds on their bodies and in their vehicle.

(This Gun Law May Have Let the San Bernardino Attackers Shoot Faster, Victor Luckerson, Time Magazine, December 4, 2015, <http://time.com/4136757/san-bernardino-shooting-gun-law-bullet-button/>.)

3. Background – The Genesis and Evolution of the Assault Weapons Ban in California

The origin of and subsequent modifications to the assault weapons ban in California are described by the federal Court of Appeal in the following extended excerpt from *Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002) (as amend. Jan. 27, 2003).

In response to a proliferation of shootings involving semi-automatic weapons, the California Legislature passed the Roberti-Roos Assault Weapons Control Act (“the AWCA”) in 1989. The immediate cause of the AWCA’s enactment was a random shooting earlier that year at the Cleveland Elementary School in Stockton, California. An individual armed with an AK-47 semi-automatic weapon opened fire on the schoolyard, where three hundred pupils were enjoying their morning recess. Five children aged 6 to 9 were killed, and one teacher and 29 children were wounded.

The California Assembly met soon thereafter in an extraordinary session called for the purpose of enacting a response to the Stockton shooting. The legislation that followed, the AWCA, was the first legislative restriction on assault weapons in the nation, and was the model for a similar federal statute enacted in 1994. The AWCA renders it a felony offense to manufacture in California any of the semi-automatic weapons specified in the statute, or to possess, sell, transfer, or import into the state such weapons without a permit. The statute contains a grandfather clause that permits the ownership of assault weapons by individuals who lawfully purchased them before the statute’s enactment, so long as the owners register the weapons with the state Department of Justice. The grandfather clause, however, imposes significant restrictions on the use of weapons that are registered pursuant to its provisions. Approximately forty models of firearms are listed in the statute as subject to its restrictions. The specified weapons include “civilian” models of military weapons that feature slightly less firepower than the military-issue versions, such as the Uzi, an Israeli-made military rifle; the AR-15, a semi-automatic version of the United States military’s standard-issue machine gun, the M-16; and the AK-47, a Russian-designed and Chinese-produced military rifle. The AWCA also includes a mechanism for the Attorney General to seek a judicial declaration in certain California Superior Courts that weapons identical to the listed firearms are also subject to the statutory restrictions.

The AWCA includes a provision that codifies the legislative findings and expresses the legislature’s reasons for passing the law:

The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in [the statute] based upon finding that each firearm has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession. It is not, however, the intent of the Legislature by this chapter to place restrictions on the use of those

weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.

In 1999, the legislature amended the AWCA in order to broaden its coverage and to render it more flexible in response to technological developments in the manufacture of semiautomatic weapons. The amended AWCA retains both the original list of models of restricted weapons, and the judicial declaration procedure by which models may be added to the list. The 1999 amendments to the AWCA statute add a third method of defining the class of restricted weapons: The amendments provide that a weapon constitutes a restricted assault weapon if it possesses certain generic characteristics listed in the statute. Examples of the types of weapons restricted by the revised AWCA include a “semiautomatic, center-fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds,” and a semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and also features a flash suppressor, a grenade launcher, or a flare launcher. The amended AWCA also restricts assault weapons equipped with “barrel shrouds,” which protect the user’s hands from the intense heat created by the rapid firing of the weapon, as well as semiautomatic weapons equipped with silencers. (*Silveira v. Lockyer*, 312 F.3d 1052, 1057-1059 (9th Cir. Cal. 2002) (footnotes omitted; citations omitted).)

4. Constitutional Questions

The constitutionality of California’s assault weapons ban has been upheld by both the California Supreme Court (*Kasler v. Lockyer*, 23 Cal. 4th 472 (2000)), and the federal Court of Appeal. (*Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002) (as amend. Jan. 27, 2003).) While the California Supreme Court rejected allegations that the law violated equal protection guarantees, the separation of powers, and failed to provide adequate notice of what was prohibited under the law, the Ninth Circuit Court of Appeal decision in *Silveira* was based largely on its interpretation of the Second Amendment right to keep and bear arms. The Second Amendment to the Constitution states, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” (United States Const. Amend. 2.) The *Silveira* Court based its ruling on the widely-held interpretation of the Second Amendment known as the “collective rights” view, that the right secured by the Second Amendment relates to firearm ownership only in the context of a “well regulated militia.” (*Silveira v. Lockyer*, 312 F.3d 1052, 1086 (9th Cir. Cal. 2002).)

The *Silveira* Court’s interpretation of the meaning of the Second Amendment has since been squarely rejected by the U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010). Whether the *Heller* and *McDonald* cases mean that California’s assault weapons ban violates the Second Amendment, and is therefore unconstitutional, is a different matter.

In *Heller*, the Supreme Court rejected the “collective rights” view of the Second Amendment, and, instead endorsed the “individual rights” interpretation, that the Second Amendment protects the right of each citizen to firearm ownership. After adopting this reading of the Second Amendment, the Supreme Court held that federal law may not prevent citizens from owning a handgun in their home. (*District of Columbia v. Heller*, 554 U.S. 570, 683-684.) In the *McDonald* case, the Supreme Court extended this ruling to apply to laws passed by the 50 states. (*McDonald v. City of Chicago*, 130 S. Ct. 3020, 3050.)

While the Supreme Court has held it is unconstitutional to prohibit citizens from owning a handgun in the home for self-defense, it has also stated that the right secured by the Second Amendment does not prohibited laws banning certain types of weapons for civilian use, specifically, “M-16 rifles and the like.” Whether the specific prohibitions contained in California’s existing assault weapons ban, or those proposed in this bill, are consistent with the right guaranteed under the Second Amendment was not specifically resolved by the decisions in *Heller* and *McDonald*.

5. How This Bill Would Change the Existing Assault Weapons Ban

As the Court of Appeal explained, in 1999, the Assault Weapons ban was amended to expand the definition of an assault weapon to include a definition by the generic characteristics, specifically, to include a “semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine” in addition to one of several specified characteristics, such as a grenade launcher or flash suppressor. (SB 23 (Perata) Stats. 1999, Ch. 129, § 7 et seq.) SB 23 was enacted in response to the marketing of so-called “copycat” weapons, firearms that were substantially similar to weapons on the prohibited list but differed in some insignificant way, perhaps only the name of the weapon, thereby defeating the intent of the ban. “SB 23 takes weapons that are made, then modified, named and re-named off the market. It fixes the loophole in current law that bans guns by name, not by capability, by providing a generic definition of the weapons.” (Committee analysis of SB 23 (Perata), Assembly Public Safety Committee.)

SB 23’s generic definition of an assault weapon was intended to close the loophole in the law created by its definition of assault weapons as only those specified by make and model. Regulations promulgated after the enactment of SB 23 define a detachable magazine as “any 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.” (11 CFR § 5469(a).) In response to this definition, a new feature has been developed by firearms manufacturers to make semi-automatic rifles “California compliant,” the bullet button.

In 2012, researchers at the nonprofit Violence Policy Center in Washington, D.C. released a paper describing the phenomenon of the bullet button and its effect on California’s assault weapons ban:

The “Bullet Button”—Assault Weapon Manufacturers’ Gateway to the California Market

Catalogs and websites from America’s leading assault rifle manufacturers are full of newly designed “California compliant” assault weapons. Number one and two assault weapon manufacturers Bushmaster and DPMS, joined by ArmaLite, Colt, Sig Sauer, Smith & Wesson, and others are all introducing new rifles designed to circumvent California’s assault weapons ban and are actively targeting the state in an effort to lift now-sagging sales of this class of weapon. They are accomplishing this with the addition of a minor design change to their military-style weapons made possible by a definitional loophole: the “bullet button.” [Please see the Appendix beginning on page six for 2012 catalog copy featuring “California compliant” assault rifles utilizing a “bullet button” from leading assault weapon manufacturers.]

California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and any one of six enumerated additional assault weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features).

High-capacity detachable ammunition magazines allow shooters to expel large amounts of ammunition quickly and have no sporting purpose.¹ However, in California an ammunition magazine is not viewed as detachable if a “tool” is required to remove it from the weapon. The “bullet button” is a release button for the ammunition magazine that can be activated with the tip of a bullet. With the tip of the bullet replacing the use of a finger in activating the release, the button can be pushed and the detachable ammunition magazine removed and replaced in seconds. Compared to the release process for a standard detachable ammunition magazine it is a distinction without a difference.

¹*Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles*, April 1998. (*Bullet Buttons, The Gun Industry’s Attack on California’s Assault Weapons Ban*, Violence Policy Center, Washington D.C., May 2012.)

This bill would amend the definition of assault weapon to a firearm that has one of several specified features and does not have a “fixed magazine,” rather than a firearm that has one of those features and “has the capacity to accept a detachable magazine.” It would also define, “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.” So, a semiautomatic rifle could have a detachable magazine, as long as it does not also have any features or it could have the features as long as it had a fixed magazine. The purpose of this change is to clarify that equipping a weapon with a “bullet button” magazine release does not take that weapon outside the definition of an assault weapon.

This bill would also require any person who, from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, in other words, those weapons with a “bullet button” magazine release, to register the firearm before January 1, 2018, with the department pursuant to those procedures that the department may establish. Because the bill would clarify that these are assault weapons, this provision is consistent with the existing law that requires assault weapons, lawfully possessed, to be registered with DOJ.

6. Argument in Support

According to the California Chapters of the Brady Campaign to Prevent Gun Violence:

California’s existing assault weapons statute prohibits semi-automatic centerfire rifles or semiautomatic pistols that have the capacity to accept a detachable magazine and are equipped with any of the following features: a pistol grip, a thumbhole stock, a folding or telescoping stock, a grenade or flare launcher, a flash suppressor, or a forward pistol grip. These features are not found on sporting guns and were designed specifically to facilitate the killing of human beings in battle.

The California Brady Campaign Chapters support prohibiting military-style semi-automatic assault weapons. The rapid and controlled spray of bullets associated with assault weapons is a threat to police officers, families, and communities. As was shown by the tragedy at Sandy Hook School and more recently in San Bernardino, an assault weapon escalates the lethality and number of victims in a mass shooting incident.

Unfortunately, firearm manufactures have found ways to enable the dangerous quick reloading that the California's assault weapons law sought to ban. For example, the "bullet button" is a feature that enables the firearm owner to use a bullet or other pointed object to quickly detach and replace the weapon's ammunition magazine. Because the use of a bullet or other "tool" is required to remove the magazine, the sale of bullet button-equipped guns has been allowed, even though the California assault weapons law prohibits weapons that have "the capacity to accept a detachable magazine." In fact, in the first eleven months after the retention of records for long guns became operational (January 1, 2014 to December 2, 2014), there were **50,574** sales or transfers of military-style weapons with a bullet-button or other similar feature that allows for the rapid exchange of the magazine.ⁱ

The California Brady Campaign Chapters support clarifying and strengthening California's assault weapons law as proposed by SB 880. The bill recasts existing law by listing as assault weapons those firearms with military-style features that do not have a fixed magazine. A fixed magazine is defined as an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action. A weapon that does not have a fixed magazine, as defined, and has any one of the military-style features would be unlawful.

SB 880 would require any person who lawfully possessed from January 1, 2001 to December 31, 2016 an assault weapon that does not have a fixed magazine as defined in the bill to register the weapon before July 1, 2017 with the California Department of Justice. This record would enable law enforcement to disarm the person through the Armed Prohibited Persons System program if the person were to become prohibited from possessing firearms and assist law enforcement in the tracing of crime guns.

The gun industry has taken advantage of an imprecise definition to evade the intent of the law. This loophole must be closed and accordingly, the California Brady Campaign Chapters are in strong support of SB 880.

7. Argument in Opposition

According to the Firearms Policy Coalition:

SB 880 attempts to subvert long-standing law regarding the definition of "detachable magazine" and "fixed magazine". It relies on unclear, undefined language such as "without disassembly of the action" or "does not have a fixed magazine" and seeks to prohibit the purchase, inheritance, sale, transfer, transport, importation and manufacture of the most common and popular protected weapons of the modern era.

SB 880 is the largest gun-ban in California history

SB 880 would immediately ban and force the registration of millions of semi-automatic rifles in common use and protected under the Second Amendment to the United States Constitution. With guns sales and the shooting sports hitting new heights, SB 880 will result in potentially millions of firearms being taken off the shelves for sale, out of estates for bequests and ban the lawful transfer of collections and firearms.

By moving the goal posts on millions of its own residents, California would create new criminal liability for hundreds of thousands of Californians and California visitors -- including shooting sports competitors -- without so much as a simple outreach program, public service announcement, or mandate that DOJ update the years-outdated (and, in some cases, grossly misleading) information it promulgates in its publications and on its website but refuses to correct in spite of the real consequences to law-abiding people.

SB 880 creates overnight felons for mere possession, transfer, transport or inheritance of common, protected items, creating a crisis for residents and visitors who have been law abiding all their lives and could lose all they have worked for--by simply exercising a fundamental right.

SB 880 may actually create a stock of millions of new “Assault Weapons” that will remain for generations

Counter-intuitively, while some people may get caught as overnight felons, there are others who will be engaged and will take advantage of the opportunity to register hundreds of thousands or even millions of firearms- thereby having state sanction to have whatever magazine style or politically incorrect cosmetic features they like. Despite the ban, these will remain in the civilian inventory for many decades- all with the proper documentation and blessing of the Attorney General.

– END –

ⁱ Data provided by the California Department of Justice, December 8, 2014.

EXHIBIT 6

(Without Reference to File)

CONCURRENCE IN SENATE AMENDMENTS

AB 1135 (Levine and Ting)

As Amended May 11, 2016

Majority vote

ASSEMBLY:	(May 22, 2015)	SENATE:	24-14	(May 19, 2016)
<hr/>				
(vote not relevant)				

Original Committee Reference: **AGRI**.

SUMMARY: Redefines what constitutes an assault weapon in order to close the bullet button loophole. Also requires registration of weapons (which were previously not prohibited) which now fall under the new definition.

The Senate amendments delete the Assembly version of this bill, and instead:

- 1) Amend the definition of assault weapon to refer to a firearm that has one of several specified features and does not have a "fixed magazine" rather than a firearm with one of those features and the "capacity to accept a detachable magazine."
- 2) Define "fixed magazine" as "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action."
- 3) Provide that, notwithstanding the new definition of assault weapon contained in this bill, any person who possessed an assault weapon prior to January 1, 2017, is exempt from punishment pursuant to Penal Code Section (PC) 30605, if all of the following are applicable:
 - a) Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to PC 30900(c);
 - b) The person lawfully possessed that assault weapon on January 1, 2017; and
 - c) The person registers the assault weapon by January 1, 2018, as specified.
- 4) Provide that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in PC 30515, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, shall register the firearm before January 1, 2018, with the department pursuant to those procedures that the department may establish.
 - a) Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.
 - b) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired,

as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number.

- c) The department may charge a fee of up to \$15 per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account.
- d) The department shall establish procedures for the purpose of carrying out this subdivision. These procedures shall be exempt from the Administrative Procedure Act.

AS PASSED BY THE ASSEMBLY, this bill clarified that all cost, and not just reasonable costs, to the Department of Food and Agriculture (DFA) under the Citrus Pests and Disease Management Program are reimbursable under that program; and made technical amendments to the Certified Farmers' Market statute to 1) include mushrooms and herbs in the list of produce that may not be sold immediately adjacent, but outside the Certified Farmers' Market, and 2) correct the certification requirements for farmers, requiring information on products be submitted to the county agricultural committee in the county where the production land or facility is located.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- 1) *Registration process:* Estimated costs of \$1.7 million in Fiscal Year (FY) 2016-17, \$1.5 million in FY 2017-18, and \$37,000 (Dealers' Record of Sale (DROS Fund*)/General Fund) annually thereafter, to be fully offset by fees collected from registrants once fully implemented. Staff notes the DROS Fund is structurally imbalanced, and current revenues are insufficient to cover the costs of this bill. As a result, a General Fund appropriation may be required to enable completion of the activities within the timelines prescribed.
- 2) *State prisons:* Potentially significant increase in annual state incarceration costs (General Fund) to the extent the narrower definition of "assault weapon" results in additional firearms violations. For every 10 new commitments to state prison (five each for manufacturing and possession), additional annual costs of \$290,000, compounding to \$1.2 million for overlapping sentences assuming the middle term of the triads for violations of both manufacturing and possession.
- 3) *Firearms sales:* Potential near-term loss of sales tax revenue of \$1.6 million (General Fund) per 10% of annual rifle sales in California. Future year impact could be somewhat mitigated to the extent consumers shift to purchases of alternative firearms.
- 4) *Local agencies:* Potential future increase in local enforcement and incarceration costs for unlawful possession or sale/manufacture of assault weapons.
- 5) *Armed Prohibited Persons System (APPS) enforcement:* Unknown, potential increase in Department of Justice (DOJ) enforcement costs (Special Fund*) to the extent additional persons are placed on the armed prohibited persons list resulting from the provisions of this measure.

*Dealers' Record of Sale (DROS) Special Account – Staff notes the DROS Account is structurally imbalanced, with an estimated reserve balance of less than \$1 million by year-end FY 2016-17. As a result, an appropriation from another fund source, potentially the General Fund, may be required to support the activities required by this bill.

COMMENTS:

- 1) **Author's Statement:** According to the Author, "Military assault weapons have no place on our streets and gun violence must not be tolerated. This bill closes a loophole in law that allows military-style assault rifles to be sold legally in California. We raise our children in communities, not war zones. The gun manufacturers' development of the bullet button clearly exploits California law and allows dangerous weapons on our streets."
- 2) **Bullet Button:** California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and which also have any one of six enumerated weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features). The term 'detachable magazine' is not defined in statute. In response, firearm manufacturers have developed a new feature to make military-style weapons compliant in California, the bullet button.

The bullet button is a "device allows gun owners to pop out their magazines quickly by inserting the tip of a bullet or some other small tool into a button on the side of their weapons. Since the magazine requires a tool to release it -- and cannot be released by hand -- it is not considered 'detachable' under California law."

(<<http://www.nytimes.com/2012/12/20/us/lessons-in-politics-and-fine-print-in-assault-weapons-ban-of-90s.html?pagewanted=all&r=1&>>.)

This bill amends the statute defining assault weapons by defining a detachable magazine as "an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily with the use of a tool." The purpose of this change is to clarify that equipping a weapon with a bullet button magazine release does not take that weapon outside of the definition of an assault weapon.

- 3) **Governor's Veto Message:** In 2013, the Legislature passed SB 374 (Steinberg) which attempted to close the bullet button loophole by redefining an assault weapon. SB 374 required a fixed magazine, but eliminated the six prohibited features from the definition in current law. However, SB 374 was vetoed by the Governor. In his veto message, the Governor said, "The State of California already has some of the strictest gun laws in the country, including bans on military-style assault rifles and high-capacity ammunition magazines.

"While the author's intent is to strengthen these restrictions, this bill goes much farther by banning any semi-automatic rifle with a detachable magazine. This ban covers low-capacity rifles that are commonly used for hunting, firearms training, and marksmanship practice, as well as some historical and collectible firearms. Moreover, hundreds of thousands of current gun owners would have to register their rifles as assault weapons and would be banned from selling or transferring them in the future."

- 4) **Second Amendment:** The Second Amendment to the federal Constitution provides, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." In *District of Columbia v. Heller* (2008) 554 United States (U.S.) 570, the United States Supreme Court held that the Second Amendment protects an individual's right to possess and carry weapons in case of confrontation. The Court struck down a law banning possession of handguns in the home. Subsequently, in *McDonald v. City of Chicago* (2010) 561 U.S. 742, the Court held that Second Amendment rights are applicable to the states. The majority found the individual right to bear arms, particularly for self-defense was fundamental.

However, the Second Amendment does not afford an unlimited right to own a weapon. As the Court explained in *Heller*, the right "to keep and carry arms" is limited to weapons "in common use." (*Heller, supra*, 554 U.S. at p. 627.) At least one court has held that *Heller* does not invalidate the statute prohibiting the possession of assault rifles. (See *People v. James* (2009) 174 Cal.App.4th 662, 676.) Moreover, in *Heller*, the United States Supreme Court did not strike down neutral licensing and registration as a condition of possession and the Court also enumerated examples of presumptively valid government regulation of firearms.

- 5) **Registration Provisions:** This bill would not prohibit the possession of any firearm that is currently legally owned. This bill would require that the owner of a firearm that is currently not considered an assault weapon, but which would be deemed such under the new definition, to register the firearm with the DOJ before July 1, 2018. In this manner, this bill would avoid taking issues because the owner of a weapon which had been legally acquired does not have to relinquish it.

This bill was substantially amended in the Senate and the Assembly-approved version of this bill was deleted. This bill, as amended in the Senate, is inconsistent with the Assembly actions and the provisions of this bill, as amended in the Senate, have not been heard in an Assembly policy committee.

EXHIBIT 7

SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

AB 1135 (Levine) - Firearms: assault weapons

Version: May 11, 2016

Policy Vote: PUB. S. 5 - 2

Urgency: No

Mandate: Yes

Hearing Date: May 16, 2016

Consultant: Jolie Onodera

This bill meets the criteria for referral to the Suspense File.

Bill Summary: AB 1135 would update California's regulation of "assault weapons," as follows:

- Amends the definition of assault weapon to refer to a firearm that has one of several specified military-style features and does not have a "fixed magazine" rather than a firearm that has one of those features and "has the capacity to accept a detachable magazine".
- Defines "fixed magazine" as "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- Requires that any person who from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm via online submission before January 1, 2018, with the Department of Justice (DOJ), as specified.
- Authorizes DOJ to charge a fee of up to \$15 per person not to exceed the reasonable processing costs for this registration.

Fiscal Impact:

- Registration process: Estimated costs of \$1.7 million in FY 2016-17, \$1.5 million in FY 2017-18, and \$37,000 (DROS Fund*/General Fund) annually thereafter, to be fully offset by fees collected from registrants once fully implemented. Staff notes the DROS Fund is structurally imbalanced, and current revenues are insufficient to cover the costs of this bill. As a result, a General Fund appropriation may be required to enable completion of the activities within the timelines prescribed.
- State prisons: Potentially significant increase in annual state incarceration costs (General Fund) to the extent the narrower definition of "assault weapon" results in additional firearms violations. For every 10 new commitments to state prison (five each for manufacturing and possession), additional annual costs of \$290,000, compounding to \$1.2 million for overlapping sentences assuming the middle term of the triads for violations of both manufacturing and possession.
- Firearms sales: Potential near-term loss of sales tax revenue of \$1.6 million (General Fund) per 10 percent of annual rifle sales in California. Future year impact could be somewhat mitigated to the extent consumers shift to purchases of alternative firearms.
- Local agencies: Potential future increase in local enforcement and incarceration costs for unlawful possession or sale/manufacture of assault weapons.

- APPS enforcement: Unknown, potential increase in DOJ enforcement costs (Special Fund*) to the extent additional persons are placed on the armed prohibited persons list resulting from the provisions of this measure.

*Dealers' Record of Sale (DROS) Special Account – **Staff notes** the DROS Account is structurally imbalanced, with an estimated reserve balance of less than \$1 million by year-end FY 2016-17. As a result, an appropriation from another fund source, potentially the General Fund, may be required to support the activities required by this bill.

Background: The enactment of the assault weapons ban in California is described by the federal Court of Appeal from *Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002), in part, as follows: *In response to a proliferation of shootings involving semi-automatic weapons, the California Legislature passed the Roberti-Roos Assault Weapons Control Act ("the AWCA") in 1989. The immediate cause of the AWCA's enactment was a random shooting earlier that year at the Cleveland Elementary School in Stockton, California. An individual armed with an AK-47 semi-automatic weapon opened fire on the schoolyard, where three hundred pupils were enjoying their morning recess. Five children aged 6 to 9 were killed, and one teacher and 29 children were wounded.*

The codified legislative findings and declarations of the AWCA state, in part, "that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in Section 30510 based upon finding that each firearm has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession."

The AWCA was amended by SB 23 (Perata) Chapter 129/1999 to expand the definition of an assault weapon to include a definition based on its generic characteristics in addition to one of several specified features. SB 23 was enacted in response to the marketing of so-called "copycat" weapons – firearms that were substantially similar to weapons on the prohibited list but slightly different, perhaps only by the name of the weapon, thereby circumventing the ban. The more general definition of an assault weapon enacted under SB 23 was intended to remove the allowance of such copycat weapons that the law previously authorized by its definition of an assault weapon as only those listed by specified make and model.

This bill seeks to address the issue regarding the definition of an assault weapon as it pertains to what constitutes a "detachable magazine." Regulations promulgated after the enactment of SB 23 define a detachable magazine as, "any 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." (11 CFR § 5469(a)) In response to this definition, features such as the "bullet button" have been developed by firearms manufacturers that enable easy detachment of a magazine with the use of a "tool" and are thus not classified as a

“detachable magazine.” As a result, firearms with features such as the “bullet button” do not fall within the current definition of an assault weapon.

Proposed Law: This bill would redefine “assault weapon” to refer to a firearm that has one of several specified military-style features and does not have a “fixed magazine,” rather than a firearm that has one of those features and “has the capacity to accept a “detachable magazine.” This bill:

- Defines “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- Requires that any person who from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm via online submission utilizing a public-facing application before January 1, 2018, with the DOJ.
- Provides that notwithstanding the new definition of “assault weapon,” any person who possessed an assault weapon prior to January 1, 2017, is exempt from punishment pursuant to PC 30605, if all of the following are applicable:
 - Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to PC 30900(c).
 - The person lawfully possessed that assault weapon on January 1, 2017.
 - The person registers the assault weapon by January 1, 2018, as specified above.
- Authorizes DOJ to charge a fee of up to \$15 per person not to exceed the reasonable processing costs of the DOJ. Fees are to be deposited in the DROS Account. Requires the fee to be paid by debit or credit card at the time the electronic registration is submitted to the DOJ.
- Requires the DOJ to adopt regulations to implement the registration requirements.

Related Legislation: SB 880 (Hall) 2016 is nearly identical to this measure. SB 880 is scheduled to be heard today by this Committee.

Prior Legislation: SB 47 (Yee) 2013 was substantially similar to this measure. SB 47 was held on the Suspense File of the Assembly Appropriations Committee.

SB 249 (Yee) 2012 was substantially similar to this measure. SB 249 was held on the Suspense File of the Assembly Appropriations Committee.

Staff Comments: The DOJ has indicated costs of \$1.7 million in FY 2016-17, \$1.5 million in FY 2017-18, and \$37,000 (DROS Fund) annually thereafter to redesign the existing Assault Weapon Registration (AWR) system with a new web user interface to enable online registration of the specified firearms, to be fully offset by fees. The existing AWR application is over 15 years old, and due to its inflexibility and lack of technical support, DOJ has indicated it cannot be modified for the new business requirements. The new application would be public facing for applicants to complete the personal and firearm information along with the required fee payable upon registration. The software development project is estimated to take 12 months to complete. The additional workload to process registrations after the initial group of registrants is completed is estimated to be minor.

Staff notes the DROS Account is structurally imbalanced, with a projected reserve balance of less than \$1 million at year end FY 2016-17. In order for the DOJ to fully fund the associated costs of the mandates of this bill, an appropriation of funds, potentially from the General Fund, would be required, as the estimated costs cannot be absorbed in FY 2016-17. With either the aforementioned appropriation or delayed implementation to January 1, 2018, the DOJ would have time to submit a Budget Change Proposal to request additional resources via the FY 2017-18 budget process. Finally, a new revenue source would need to be identified, as current revenues in the DROS Account are insufficient to cover the increased costs.

Under existing law, unlawful possession of an assault weapon is an alternate felony-misdemeanor punishable as a felony by imprisonment in a county jail for 16 months, two or three years (or in state prison with a current or prior serious or violent felony), or as a misdemeanor by imprisonment in a county jail for up to one year. Under specified circumstances, a first violation for unlawful possession of an assault weapon could result in a fine. Current law also provides that any person who within the state imports, manufactures, offers for sale, or who gives or lends any assault weapon, is guilty of a felony punishable by imprisonment in state prison or county jail for four, six, or eight years. By narrowing the scope of firearms that are legal in the state, this bill expands the scope of the aforementioned crimes.

Arrest information from the DOJ indicates an increasing number of violations of possession of an assault weapon since 2010, with 825 arrests in 2012. Arrest data for felony violations for the import, sale, manufacture, or loan of an assault weapon reflect a decreasing trend, with 124 arrests in 2012. According to the CDCR, 58 individuals in 2011 and 22 individuals in 2012 were committed to state prison specific to these crimes.

It is unknown how many persons will be convicted under the expanded scope of these crimes, though it is assumed the convictions could likely be highest in the near-term. For every 10 individuals (assuming convictions for both manufacturing/sale and possession), increased state incarceration costs are estimated at \$290,000 (General Fund) per year, compounding to \$1.2 million due to overlapping sentences (assuming the middle terms of the 4, 6, 8 year triad for manufacturing and 16 month, 2, 3 year triad for possession with a prior), based on the range of potential costs to accommodate extended state prison sentences. To the extent the number of individuals impacted is greater/less or the average sentence imposed is longer/shorter than estimated, annual costs would be impacted accordingly.

To the extent the provisions of this bill have the effect of reducing the number of semi-automatic rifles currently sold, there would be an impact to both local and state sales tax revenues. It is estimated that Californians spend over \$400 million annually on rifle purchases and over 300,000 rifles are sold each year. For every 10 percent reduction in annual sales, state sales tax revenues are estimated to drop by approximately \$1.6 million (General Fund). It is estimated that the impact is likely in the near term, with the impact in future years projected to be somewhat mitigated to the extent consumers shift to purchases of alternative and/or newly developed firearms.

To the extent the provisions of this bill serve to reduce the incidence of firearms-related injuries and death, potential future cost savings could be substantial. A study by the non-profit Pacific Institute for Research and Evaluation (PIRE) reported over 105,000 incidences of firearm injury and death in 2010 nationally, with an estimated societal cost of over \$174 billion in work lost, medical care, insurance, criminal justice expenses, and pain and suffering. At a unit level, the study reported a governmental cost of \$187,000 to \$582,000 per firearm fatality in medical and mental health care, emergency services, and administrative and criminal justice costs. The estimated societal cost per firearm injury or fatality, including lost work productivity and quality of life was reported at nearly \$430,000 to \$5 million, respectively.

-- END --

EXHIBIT 8

THIRD READING

Bill No: AB 1135
Author: Levine (D) and Ting (D), et al.
Amended: 5/11/16 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-2, 5/10/16
AYES: Hancock, Glazer, Leno, Liu, Monning
NOES: Anderson, Stone

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/16/16
AYES: Lara, Beall, Hill, McGuire, Mendoza
NOES: Bates, Nielsen

ASSEMBLY FLOOR: Not relevant

SUBJECT: Firearms: assault weapons

SOURCE: Author

DIGEST: This bill (1) amends the definition of assault weapon to refer to a firearm that has one of several specified military-style features and does not have a “fixed magazine” rather than a firearm that has one of those features and “has the capacity to accept a detachable magazine;” (2) defines “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action;” (3) provides that any person who was eligible to register an assault weapon and lawfully possessed such a weapon prior to January 1, 2017, will be exempt from penalties, if the person registers the weapon by January 1, 2018; (4) requires that any person who from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the firearm before January 1, 2018, with the Department of Justice (DOJ), as specified; (5) provides that this registration be submitted online, as specified; (6) authorizes DOJ to charge a fee of up to \$15 per person but not to exceed the reasonable processing costs of the department for this registration; and

(7) requires DOJ to establish procedures for the purpose of carrying out this registration requirement and to specify that these procedures shall be exempt from the Administrative Procedure Act.

ANALYSIS:

Existing law:

- 1) Contains legislative findings and declarations that the proliferation and use of assault and .50 BMG rifles poses a threat to the health, safety, and security of all citizens of California. (Penal Code § 30505.)
- 2) States legislative intent to place restrictions on the use of assault weapons and .50 BMG rifles and to establish a registration and permit procedure for their lawful sale and possession. (Penal Code § 30505.)
- 3) Defines “assault weapon” as one of certain specified rifles and pistols (Penal Code § 30510) or as:
 - a) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and has at least one of the following: a pistol grip that protrudes conspicuously beneath the action of the weapon; a thumbhole stock; a vertical handgrip; a folding or telescoping stock; a grenade launcher or flare launcher; a flash suppressor; or, a forward handgrip.
 - b) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;
 - c) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches;
 - d) A semiautomatic pistol that has the capacity to accept a detachable magazine and has at least one of the following: a threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer; a second handgrip; 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, excepting a slide that encloses the barrel; or, the capacity to accept a detachable magazine at some location outside of the pistol grip.
 - e) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds;
 - f) A semiautomatic shotgun that has both of the following: a folding or telescoping stock; and a pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

- g) A semiautomatic shotgun that has the ability to accept a detachable magazine; and
 - h) Any shotgun that has a revolving cylinder. (Penal Code § 30515.)
- 4) Defines a “detachable magazine” as any 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. (11 Cal. Code of Regs. § 5469.)
 - 5) Provides that unlawful possession of an assault weapon is an alternate felony-misdemeanor and shall be punished by imprisonment in a county jail for a period not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 (16 months, two or three years). Notwithstanding the above, a first violation of these provisions is punishable by a fine not exceeding \$500 if the person was found in possession of no more than two firearms and certain specified conditions are met. (Penal Code § 30605.)
 - 6) Provides that any person who within California manufactures, imports into California, offers for sale, or who gives or lends any assault weapon with specified exceptions is guilty of a felony punishable by imprisonment in state prison for four, six, or eight years. (Penal Code § 30600.)
 - 7) Defines a “.50 BMG rifle and cartridge,” as specified. (Penal Code §§ 30525, 30530.)
 - 8) Exempts the DOJ, law enforcement agencies, military forces, and other specified agencies from the prohibition against sales to, purchase by, importation of, or possession of assault weapons or .50 BMG rifles. (Penal Code § 30625.)
 - 9) Requires that any person who lawfully possesses an assault weapon, as specified, must register the firearm with DOJ, as specified. (Penal Code § 30900 et. seq.)

This bill:

- 1) Amends the definition of assault weapon to refer to a firearm that has one of several specified features and does not have a “fixed magazine” rather than a firearm with one of those features and the “capacity to accept a detachable magazine.”
- 2) Defines “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.”

- 3) Provides that, notwithstanding the new definition of assault weapon contained in this bill, any person who possessed an assault weapon prior to January 1, 2017, is exempt from punishment pursuant to Section 30605, if all of the following are applicable:
 - a) Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to subdivision (c) of Section 30900;
 - b) The person lawfully possessed that assault weapon on January 1, 2017; and
 - c) The person registers the assault weapon by January 1, 2018, as specified.
- 4) Provides that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Section 30515, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, shall register the firearm before January 1, 2018, with the department pursuant to those procedures that the department may establish.
 - a) Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.
 - b) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number.
 - c) The department may charge a fee of up to \$15 per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale (DROS) Special Account.
 - d) The department shall establish procedures for the purpose of carrying out this subdivision. These procedures shall be exempt from the Administrative Procedure Act.

Background

As the Court of Appeal explained, in 1999, the Assault Weapons ban was amended to expand the definition of an assault weapon to include a definition by the generic characteristics, specifically, to include a "semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine" in addition to one of several specified characteristics, such as a grenade launcher or flash suppressor. (SB 23

(Perata, Chapter 129, Statutes of 1999, § 7 et seq.) SB 23 was enacted in response to the marketing of so-called “copycat” weapons, firearms that were substantially similar to weapons on the prohibited list but differed in some insignificant way, perhaps only the name of the weapon, thereby defeating the intent of the ban. “SB 23 takes weapons that are made, then modified, named and re-named off the market. It fixes the loophole in current law that bans guns by name, not by capability, by providing a generic definition of the weapons.” (Committee analysis of SB 23 (Perata), Assembly Public Safety Committee.)

SB 23’s generic definition of an assault weapon was intended to close the loophole in the law created by its definition of assault weapons as only those specified by make and model. Regulations promulgated after the enactment of SB 23 define a detachable magazine as “any 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.” (11 CFR § 5469(a).) In response to this definition, a new feature has been developed by firearms manufacturers to make semi-automatic rifles “California compliant,” the bullet button.

In 2012, researchers at the nonprofit Violence Policy Center in Washington, D.C. released a paper describing the phenomenon of the bullet button and its effect on California’s assault weapons ban:

The “Bullet Button” – Assault Weapon Manufacturers’ Gateway to the California Market

Catalogs and websites from America’s leading assault rifle manufacturers are full of newly designed “California compliant” assault weapons. Number one and two assault weapon manufacturers Bushmaster and DPMS, joined by ArmaLite, Colt, Sig Sauer, Smith & Wesson, and others are all introducing new rifles designed to circumvent California’s assault weapons ban and are actively targeting the state in an effort to lift now-sagging sales of this class of weapon. They are accomplishing this with the addition of a minor design change to their military-style weapons made possible by a definitional loophole: the “bullet button.” [Please see the Appendix beginning on page six for 2012 catalog copy featuring “California compliant” assault rifles utilizing a “bullet button” from leading assault weapon manufacturers.]

California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and any one of six enumerated additional assault weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features).

High-capacity detachable ammunition magazines allow shooters to expel large amounts of ammunition quickly and have no sporting purpose. [*Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles*, April 1998. (*Bullet Buttons, The Gun Industry's Attack on California's Assault Weapons Ban*, Violence Policy Center, Washington D.C., May 2012.)] However, in California an ammunition magazine is not viewed as detachable if a "tool" is required to remove it from the weapon. The "bullet button" is a release button for the ammunition magazine that can be activated with the tip of a bullet. With the tip of the bullet replacing the use of a finger in activating the release, the button can be pushed and the detachable ammunition magazine removed and replaced in seconds. Compared to the release process for a standard detachable ammunition magazine it is a distinction without a difference.

This bill amends the definition of assault weapon to a firearm that has one of several specified features and does not have a "fixed magazine," rather than a firearm that has one of those features and "has the capacity to accept a detachable magazine." It also defines, "fixed magazine" as "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action." So, a semiautomatic rifle could have a detachable magazine, as long as it does not also have any features or it could have the features as long as it had a fixed magazine. The purpose of this change is to clarify that equipping a weapon with a "bullet button" magazine release does not take that weapon outside the definition of an assault weapon.

This bill also requires any person who, from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, in other words, those weapons with a "bullet button" magazine release, to register the firearm before January 1, 2018, with the department pursuant to those procedures that the department may establish. Because this bill clarifies that these are assault weapons, this provision is consistent with the existing law that requires assault weapons, lawfully possessed, to be registered with DOJ.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- *Registration process:* Estimated costs of \$1.7 million in FY 2016-17, \$1.5 million in FY 2017-18, and \$37,000 (DROS Fund*/General Fund) annually

thereafter, to be fully offset by fees collected from registrants once fully implemented. Appropriations staff notes the DROS Fund is structurally imbalanced, and current revenues are insufficient to cover the costs of this bill. As a result, a General Fund appropriation may be required to enable completion of the activities within the timelines prescribed.

- *State prisons:* Potentially significant increase in annual state incarceration costs (General Fund) to the extent the narrower definition of “assault weapon” results in additional firearms violations. For every 10 new commitments to state prison (five each for manufacturing and possession), additional annual costs of \$290,000, compounding to \$1.2 million for overlapping sentences assuming the middle term of the triads for violations of both manufacturing and possession.
 - *Firearms sales:* Potential near-term loss of sales tax revenue of \$1.6 million (General Fund) per 10 percent of annual rifle sales in California. Future year impact could be somewhat mitigated to the extent consumers shift to purchases of alternative firearms.
 - *Local agencies:* Potential future increase in local enforcement and incarceration costs for unlawful possession or sale/manufacture of assault weapons.
 - *APPS [Armed Prohibited Persons System] enforcement:* Unknown, potential increase in DOJ enforcement costs (Special Fund*) to the extent additional persons are placed on the armed prohibited persons list resulting from the provisions of this bill.
- * DROS Special Account – Appropriations staff notes that the DROS Account is structurally imbalanced, with an estimated reserve balance of less than \$1 million by year-end FY 2016-17. As a result, an appropriation from another fund source, potentially the General Fund, may be required to support the activities required by this bill.

SUPPORT: (Verified 5/17/16)

California Chapters of the Brady Campaign to Prevent Gun Violence
Coalition Against Gun Violence, a Santa Barbara County Coalition
Law Center to Prevent Gun Violence

OPPOSITION: (Verified 5/17/16)

California Sportsman’s Lobby
California State Sheriffs’ Association
Crossroads of the West

Firearms Policy Coalition
National Rifle Association
National Shooting Sports Foundation
Outdoor Sportsmen's Coalition of California
Safari Club International
Several Individuals

ARGUMENTS IN SUPPORT: The California Chapters of the Brady Campaign to Prevent Gun Violence state:

California's existing assault weapons statute prohibits semi-automatic centerfire rifles or semiautomatic pistols that have the capacity to accept a detachable magazine and are equipped with any of the following features: a pistol grip, a thumbhole stock, a folding or telescoping stock, a grenade or flare launcher, a flash suppressor, or a forward pistol grip. These features are not found on sporting guns and were designed specifically to facilitate the killing of human beings in battle.

The California Brady Campaign Chapters support prohibiting military-style semi-automatic assault weapons. The rapid and controlled spray of bullets associated with assault weapons is a threat to police officers, families, and communities. As was shown by the tragedy at Sandy Hook School and more recently in San Bernardino, an assault weapon escalates the lethality and number of victims in a mass shooting incident.

Unfortunately, firearm manufactures have found ways to enable the dangerous quick reloading that the California's assault weapons law sought to ban. For example, the "bullet button" is a feature that enables the firearm owner to use a bullet or other pointed object to quickly detach and replace the weapon's ammunition magazine. Because the use of a bullet or other "tool" is required to remove the magazine, the sale of bullet button-equipped guns has been allowed, even though the California assault weapons law prohibits weapons that have "the capacity to accept a detachable magazine." In fact, in the first eleven months after the retention of records for long guns became operational (January 1, 2014 to December 2, 2014), there were **50,574** sales or transfers of military-style weapons with a bullet-button or other similar feature that allows for the rapid exchange of the magazine.

The California Brady Campaign Chapters support clarifying and strengthening California's assault weapons law as proposed by AB 1135. The bill recasts existing law by listing as assault weapons those firearms with military-style features that do not have a fixed magazine. A fixed magazine is defined as an

ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action. A weapon that does not have a fixed magazine, as defined, and has any one of the military-style features would be unlawful.

AB 1135 would require any person who lawfully possessed from January 1, 2001 to December 31, 2016 an assault weapon that does not have a fixed magazine as defined in the bill to register the weapon before January 1, 2018 with the California Department of Justice. This record would enable law enforcement to disarm the person through the Armed Prohibited Persons System program if the person were to become prohibited from possessing firearms and assist law enforcement in the tracing of crime guns.

ARGUMENTS IN OPPOSITION: According to the National Rifle Association:

AB 1135 would make serious changes to California's firearm laws – banning hundreds of thousands of constitutionally protected firearms that have no association with crime. These changes would happen quickly with great individual costs to many gun owners and no public notice.

This bill has two major components. The first would change the definition of “detachable magazine,” which would in turn change expand the number of firearms that California considers “assault weapons.” The process of defining “assault weapon” began with legislation authored by the late Assemblyman, Art Agnos, in 1985. The definition that became law in the Roberti-Roos Assault Weapon Control Act of 1989 has been modified or expanded multiple times since. AB 1135 would change the existing definition for detachable magazine to mean “*an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily from the firearm with the use of a tool.*” *Changing the definition of "detachable magazine" would strike a major blow to competitive high-power rifle competition in California. "Bullet button" equipped rifles are also commonly used for hunting and self protection.* AB 1135 would subject them to the onerous transfer and use restrictions imposed on “assault weapons” – and future sales in California would be banned.

The owners of firearms covered by these proposed changes would have no way of knowing what was required of them. The widow of a firearm enthusiast who purchased a modern sporting rifle for varmint hunting, competition shooting and/or self-defense or the grandson who inherited his grandfather's rifle could and would easily become inadvertent criminals.

The second element of this bill would require that on or before July 1, 2018, every individual who lawfully possesses a newly defined “assault weapon” must register it with the Department of Justice. This is not about crime control – it’s a blatant attack on lawful gun owners.

By banning what amounts to hundreds of thousands of commonly owned sporting rifles, AB 1135 plainly conflicts with the Second Amendment. As the Supreme Court noted, arms “typically possessed by law-abiding citizens for lawful purposes” or those “in common use” are protected. *District of Columbia v. Heller*, 554 U.S. at 624-25. Should AB 1135 be enacted, it will result in immediate litigation against the state to prevent enforcement of what amounts to a de facto ban on a massive number of lawfully-owned firearms that have no association with crime.

Prepared by: Jessica Devencenzi / PUB. S. /
5/18/16 16:21:32

**** END ****

EXHIBIT 9

SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: AB 1135 **Hearing Date:** May 10, 2016
Author: Levine
Version: May 4, 2016
Urgency: No **Fiscal:** Yes
Consultant: JRD

Subject: *Firearms: Assault Weapons*

HISTORY

Source: Author

Prior Legislation: SB 47 (Yee) – died in Assembly Appropriations, 2013
SB 249 (Yee) – died in Assembly Appropriations, 2012
AB 2728 (Klehs) – Ch. 793, Statutes of 2006
SB 238 (Perata) – Ch. 499, Statutes of 2003
SB 626 (Perata) – Ch. 937, Statutes of 2001
SB 23 (Perata) – Ch. 129, Statutes of 1999
Roberti-Roos Assault Weapons Control Act – Ch. 19, § 3, Stats. 1989

Support: California Chapters of the Brady Campaign to Prevent Gun Violence; Coalition Against Gun Violence, a Santa Barbara County Coalition; Law Center to Prevent Gun Violence

Opposition: Crossroads of the West; California Sportsman's Lobby; California State Sheriffs' Association; Firearms Policy Coalition; Outdoor Sportsmen's Coalition of California; National Rifle Association; National Shooting Sports Foundation; Safari Club International

Assembly Floor Vote: Not Relevant

PURPOSE

The purpose of this bill is to: (1) amend the definition of assault weapon to refer to a firearm that has one of several specified military-style features and does not have a "fixed magazine" rather than a firearm that has one of those features and "has the capacity to accept a detachable magazine;" (2) define "fixed magazine" as "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action"; (3) provide that any person who was eligible to register an assault weapon and lawfully possessed such a weapon prior to January 1, 2017, would be exempt from penalties, if the person registers the weapon by January 1, 2018; (4) require that any person who from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, register the

firearm before January 1, 2018, with the Department of Justice (DOJ), as specified; (5) provide that this registration be submitted online, as specified; (6) authorize DOJ to charge a fee of up to \$15 per person but not to exceed the reasonable processing costs of the department for this registration; and (7) require DOJ to establish procedures for the purpose of carrying out this registration requirement and to specify that these procedures shall be exempt from the Administrative Procedure Act.

Current law contains legislative findings and declarations that the proliferation and use of assault and .50 BMG rifles poses a threat to the health, safety, and security of all citizens of California. (Penal Code § 30505.)

Current law states legislative intent to place restrictions on the use of assault weapons and .50 BMG rifles and to establish a registration and permit procedure for their lawful sale and possession. (Penal Code § 30505.)

Current law defines “assault weapon” as one of certain specified rifles and pistols (Penal Code § 30510) or as:

- A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and has at least one of the following:
 - A pistol grip that protrudes conspicuously beneath the action of the weapon;
 - A thumbhole stock;
 - A vertical handgrip;
 - A folding or telescoping stock;
 - A grenade launcher or flare launcher;
 - A flash suppressor; or,
 - A forward handgrip.
- A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;
- A semiautomatic, centerfire rifle that has an overall length of less than 30 inches;
- A semiautomatic pistol that has the capacity to accept a detachable magazine and has at least one of the following:
 - A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;
 - A second handgrip;
 - 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, excepting a slide that encloses the barrel; or
 - The capacity to accept a detachable magazine at some location outside of the pistol grip.
- A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds;
- A semiautomatic shotgun that has both of the following:

- A folding or telescoping stock; and
 - A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
- A semiautomatic shotgun that has the ability to accept a detachable magazine; and
 - Any shotgun that has a revolving cylinder. (Penal Code § 30515.)

Current law defines a “detachable magazine” as any 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. (11 Cal. Code of Regs. § 5469.)

Current law provides that unlawful possession of an assault weapon is an alternate felony-misdemeanor and shall be punished by imprisonment in a county jail for a period not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 (16 months, two or three years). Notwithstanding the above, a first violation of these provisions is punishable by a fine not exceeding \$500 if the person was found in possession of no more than two firearms and certain specified conditions are met. (Penal Code § 30605.)

Current law provides that any person who within California manufactures, imports into California, offers for sale, or who gives or lends any assault weapon with specified exceptions is guilty of a felony punishable by imprisonment in state prison for four, six, or eight years. (Penal Code § 30600.)

Current law defines a “.50 BMG rifle and cartridge,” as specified. (Penal Code §§ 30525, 30530.)

Current law exempts the DOJ, law enforcement agencies, military forces, and other specified agencies from the prohibition against sales to, purchase by, importation of, or possession of assault weapons or .50 BMG rifles. (Penal Code § 30625.)

Current law requires that any person who lawfully possesses an assault weapon, as specified, must register the firearm with DOJ, as specified. (Penal Code § 30900 et. seq.)

This bill would amend the definition of assault weapon to refer to a firearm that has one of several specified features and does not have a “fixed magazine” rather than a firearm with one of those features and the “capacity to accept a detachable magazine.”

This bill would define “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.”

This bill would provide that, notwithstanding the new definition of assault weapon contained in this bill, any person who possessed an assault weapon prior to January 1, 2017, is exempt from punishment pursuant to Section 30605, if all of the following are applicable:

- Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to subdivision (c) of Section 30900;
- The person lawfully possessed that assault weapon on January 1, 2017; and
- The person registers the assault weapon by January 1, 2018, as specified.

This bill would provide that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Section 30515, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, shall register the firearm before January 1, 2018, with the department pursuant to those procedures that the department may establish.

- Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.
- The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number.
- The department may charge a fee of up to fifteen dollars (\$15) per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account.
- The department shall establish procedures for the purpose of carrying out this subdivision. These procedures shall be exempt from the Administrative Procedure Act.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state's ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its "ROCA" policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In December of 2015 the administration reported that as "of December 9, 2015, 112,510 inmates were housed in the State's 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015." (Defendants' December 2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).) One year ago, 115,826 inmates

were housed in the State's 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants' December 2014 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown*, *Plata v. Brown* (fn. omitted).)

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the "durable solution" to prison overcrowding "consistently demanded" by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants' Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown*, *Plata v. Brown* (2-10-14)). The Committee's consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Bullet Button: San Bernardino Shooting

On December 2, 2015, 14 people were killed and 21 were seriously injured in a mass shooting at the Inland Regional Center in San Bernardino, California. The perpetrators of this mass shooting used firearms that were legally purchased in California.

A carveout in a California gun law reportedly allowed for the legal purchase of two assault-style rifles that were used in the San Bernardino shooting Wednesday, which killed 14 people and injured 21 others, though the weapons were later altered illegally. Many guns in the style of the two AR-15 semiautomatic rifles, a .223-caliber DPMS Model A15 and a Smith & Wesson M&P15, are banned under a 1989 California gun law targeting assault weapons. The law specifically targets assault rifles with magazines that are detachable by hand, in order to prevent users from reloading quickly and inflicting mass damage.

But if the guns are equipped with a "bullet button," as the *Wall Street Journal* reports the San Bernardino shooters' were, they're perfectly legal to sell. Instead of removing a magazine by hand, the shooter must press a recessed button that is only accessible using the tip of a bullet or another small tool. Technically, this does not classify as a "detachable magazine," so the guns are allowed. In practice, the method still allows users to swap out magazines within seconds. Gunmakers began making bullet buttons after California passed its harsher gun laws, according to the Associated Press.

But in this case, the weapons were additionally altered in a way that violated the California law, the *Journal* reports, allowing one to use higher-capacity magazines than permitted.

The two gunmen fired 65 to 75 rounds during the attack and then another 76 rounds in a later shootout with police, according to officials. They had more than 1,400 more assault rifle rounds on their bodies and in their vehicle.

(*This Gun Law May Have Let the San Bernardino Attackers Shoot Faster*, Victor Luckerson, Time Magazine, December 4, 2015, <http://time.com/4136757/san-bernardino-shooting-gun-law-bullet-button/>.)

2. Background – The Genesis and Evolution of the Assault Weapons Ban in California

The origin of and subsequent modifications to the assault weapons ban in California are described by the federal Court of Appeal in the following extended excerpt from *Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002) (as amend. Jan. 27, 2003).

In response to a proliferation of shootings involving semi-automatic weapons, the California Legislature passed the Roberti-Roos Assault Weapons Control Act (“the AWCA”) in 1989. The immediate cause of the AWCA’s enactment was a random shooting earlier that year at the Cleveland Elementary School in Stockton, California. An individual armed with an AK-47 semi-automatic weapon opened fire on the schoolyard, where three hundred pupils were enjoying their morning recess. Five children aged 6 to 9 were killed, and one teacher and 29 children were wounded.

The California Assembly met soon thereafter in an extraordinary session called for the purpose of enacting a response to the Stockton shooting. The legislation that followed, the AWCA, was the first legislative restriction on assault weapons in the nation, and was the model for a similar federal statute enacted in 1994. The AWCA renders it a felony offense to manufacture in California any of the semi-automatic weapons specified in the statute, or to possess, sell, transfer, or import into the state such weapons without a permit. The statute contains a grandfather clause that permits the ownership of assault weapons by individuals who lawfully purchased them before the statute’s enactment, so long as the owners register the weapons with the state Department of Justice. The grandfather clause, however, imposes significant restrictions on the use of weapons that are registered pursuant to its provisions. Approximately forty models of firearms are listed in the statute as subject to its restrictions. The specified weapons include “civilian” models of military weapons that feature slightly less firepower than the military-issue versions, such as the Uzi, an Israeli-made military rifle; the AR-15, a semi-automatic version of the United States military’s standard-issue machine gun, the M-16; and the AK-47, a Russian-designed and Chinese-produced military rifle. The AWCA also includes a mechanism for the Attorney General to seek a judicial declaration in certain California Superior Courts that weapons identical to the listed firearms are also subject to the statutory restrictions.

The AWCA includes a provision that codifies the legislative findings and expresses the legislature's reasons for passing the law:

The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in [the statute] based upon finding that each firearm has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession. It is not, however, the intent of the Legislature by this chapter to place restrictions on the use of those weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.

In 1999, the legislature amended the AWCA in order to broaden its coverage and to render it more flexible in response to technological developments in the manufacture of semiautomatic weapons. The amended AWCA retains both the original list of models of restricted weapons, and the judicial declaration procedure by which models may be added to the list. The 1999 amendments to the AWCA statute add a third method of defining the class of restricted weapons: The amendments provide that a weapon constitutes a restricted assault weapon if it possesses certain generic characteristics listed in the statute. Examples of the types of weapons restricted by the revised AWCA include a "semiautomatic, center-fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds," and a semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and also features a flash suppressor, a grenade launcher, or a flare launcher. The amended AWCA also restricts assault weapons equipped with "barrel shrouds," which protect the user's hands from the intense heat created by the rapid firing of the weapon, as well as semiautomatic weapons equipped with silencers. (*Silveira v. Lockyer*, 312 F.3d 1052, 1057-1059 (9th Cir. Cal. 2002) (footnotes omitted; citations omitted).)

3. Constitutional Questions

The constitutionality of California's assault weapons ban has been upheld by both the California Supreme Court (*Kasler v. Lockyer*, 23 Cal. 4th 472 (2000)), and the federal Court of Appeal. (*Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002) (as amend. Jan. 27, 2003).) While the California Supreme Court rejected allegations that the law violated equal protection guarantees, the separation of powers, and failed to provide adequate notice of what was prohibited under the law, the Ninth Circuit Court of Appeal decision in *Silveira* was based largely on its interpretation of the Second Amendment right to keep and bear arms. The Second Amendment to the Constitution states, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." (United States Const. Amend. 2.) The *Silveira* Court based its ruling on the widely-held interpretation of the Second Amendment known as the "collective rights" view, that the right secured by the Second Amendment relates to firearm ownership only in the context of a "well regulated militia." (*Silveira v. Lockyer*, 312 F.3d 1052, 1086 (9th Cir. Cal. 2002).)

The *Silveira* Court's interpretation of the meaning of the Second Amendment has since been squarely rejected by the U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010). Whether the *Heller* and *McDonald* cases mean that California's assault weapons ban violates the Second Amendment, and is therefore unconstitutional, is a different matter.

In *Heller*, the Supreme Court rejected the "collective rights" view of the Second Amendment, and, instead endorsed the "individual rights" interpretation, that the Second Amendment protects the right of each citizen to firearm ownership. After adopting this reading of the Second Amendment, the Supreme Court held that federal law may not prevent citizens from owning a handgun in their home. (*District of Columbia v. Heller*, 554 U.S. 570, 683-684.) In the *McDonald* case, the Supreme Court extended this ruling to apply to laws passed by the 50 states. (*McDonald v. City of Chicago*, 130 S. Ct. 3020, 3050.)

While the Supreme Court has held it is unconstitutional to prohibit citizens from owning a handgun in the home for self-defense, it has also stated that the right secured by the Second Amendment does not prohibit laws banning certain types of weapons for civilian use, specifically, "M-16 rifles and the like." Whether the specific prohibitions contained in California's existing assault weapons ban, or those proposed in this bill, are consistent with the right guaranteed under the Second Amendment was not specifically resolved by the decisions in *Heller* and *McDonald*.

4. How This Bill Would Change the Existing Assault Weapons Ban

As the Court of Appeal explained, in 1999, the Assault Weapons ban was amended to expand the definition of an assault weapon to include a definition by the generic characteristics, specifically, to include a "semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine" in addition to one of several specified characteristics, such as a grenade launcher or flash suppressor. (SB 23 (Perata) Stats. 1999, Ch. 129, § 7 et seq.) SB 23 was enacted in response to the marketing of so-called "copycat" weapons, firearms that were substantially similar to weapons on the prohibited list but differed in some insignificant way, perhaps only the name of the weapon, thereby defeating the intent of the ban. "SB 23 takes weapons that are made, then modified, named and re-named off the market. It fixes the loophole in current law that bans guns by name, not by capability, by providing a generic definition of the weapons." (Committee analysis of SB 23 (Perata), Assembly Public Safety Committee.)

SB 23's generic definition of an assault weapon was intended to close the loophole in the law created by its definition of assault weapons as only those specified by make and model. Regulations promulgated after the enactment of SB 23 define a detachable magazine as "any 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." (11 CFR § 5469(a).) In response to this definition, a new feature has been developed by firearms manufacturers to make semi-automatic rifles "California compliant," the bullet button.

In 2012, researchers at the nonprofit Violence Policy Center in Washington, D.C. released a paper describing the phenomenon of the bullet button and its effect on California's assault weapons ban:

The “Bullet Button”–Assault Weapon Manufacturers’ Gateway to the California Market

Catalogs and websites from America’s leading assault rifle manufacturers are full of newly designed “California compliant” assault weapons. Number one and two assault weapon manufacturers Bushmaster and DPMS, joined by ArmaLite, Colt, Sig Sauer, Smith & Wesson, and others are all introducing new rifles designed to circumvent California’s assault weapons ban and are actively targeting the state in an effort to lift now-sagging sales of this class of weapon. They are accomplishing this with the addition of a minor design change to their military-style weapons made possible by a definitional loophole: the “bullet button.” [Please see the Appendix beginning on page six for 2012 catalog copy featuring “California compliant” assault rifles utilizing a “bullet button” from leading assault weapon manufacturers.]

California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and any one of six enumerated additional assault weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features).

High-capacity detachable ammunition magazines allow shooters to expel large amounts of ammunition quickly and have no sporting purpose.¹ However, in California an ammunition magazine is not viewed as detachable if a “tool” is required to remove it from the weapon. The “bullet button” is a release button for the ammunition magazine that can be activated with the tip of a bullet. With the tip of the bullet replacing the use of a finger in activating the release, the button can be pushed and the detachable ammunition magazine removed and replaced in seconds. Compared to the release process for a standard detachable ammunition magazine it is a distinction without a difference.

1 Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles, April 1998. (Bullet Buttons, The Gun Industry’s Attack on California’s Assault Weapons Ban, Violence Policy Center, Washington D.C., May 2012.)

This bill would amend the definition of assault weapon to a firearm that has one of several specified features and does not have a “fixed magazine,” rather than a firearm that has one of those features and “has the capacity to accept a detachable magazine.” It would also define, “fixed magazine” as “an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.” So, a semiautomatic rifle could have a detachable magazine, as long as it does not also have any features or it could have the features as long as it had a fixed magazine. The purpose of this change is to clarify that equipping a weapon with a “bullet button” magazine release does not take that weapon outside the definition of an assault weapon.

This bill would also require any person who, from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, including those weapons with an ammunition feeding device that can be removed readily from the firearm

with the use of a tool, in other words, those weapons with a “bullet button” magazine release, to register the firearm before January 1, 2018, with the department pursuant to those procedures that the department may establish. Because the bill would clarify that these are assault weapons, this provision is consistent with the existing law that requires assault weapons, lawfully possessed, to be registered with DOJ.

5. Related Legislation

This committee heard and passed (5-2) Senate Bill 880 (Hall) on April 19, 2016, which is virtually identical to this bill.

6. Technical Amendments

Section 2 should be amended to read:

~~Notwithstanding the meaning of “assault weapon” under Section 30515, as amended by the act that added this section,~~ Section 30605 does not apply to the possession of an assault weapon by a person who has possessed the assault weapon prior to January 1, 2017, if all of the following are applicable:

- (a) Prior to January 1, 2017, the person ~~was~~ *would have been* eligible to register that assault weapon pursuant to subdivision (e) (b) of Section 30900.
- (b) The person lawfully possessed that assault weapon prior to January 1, 2017.
- (c) The person registers the assault weapon by January 1, 2018, in accordance with subdivision (b) of Section 30900.

– END –

EXHIBIT 10

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

TD 400 (REV. 6-1-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2016-1229-01FP	EMERGENCY NUMBER
------------------	---------------------------------	---	------------------

For use by Office of Administrative Law (OAL) only

2016 DEC 29 A 8:51

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of Justice

AGENCY FILE NUMBER (if any)

1. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Bullet-Button Assault Weapons		TITLE(S) 11	FIRST SECTION AFFECTED 5469	2. REQUESTED PUBLICATION DATE ASAP
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input checked="" type="checkbox"/> Other		4. AGENCY CONTACT PERSON Jacqueline Dosch	TELEPHONE NUMBER (916) 227-5419	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

3. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Bullet-Button Assault Weapons	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
---	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT Sections 5470, 5471, 5472, 5474, 5474.1, 5474.2, 5475, 5476, 5477, and 5478
	AMEND Sections 5469 and 5473
	REPEAL
TITLE(S) 11	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

N/A

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) January 1, 2017.
---	--	---	---

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Jacqueline Dosch	TELEPHONE NUMBER (916) 227-5419	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Regulations@doj.ca.gov
---------------------------------------	------------------------------------	-----------------------	---

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

Nathan R. Barankin

12.28.16

TYPED NAME AND TITLE OF SIGNATORY

Nathan R. Barankin, Chief Deputy Attorney General

California Code of Regulations

Title 11, Division 5

Chapter 39 Assault Weapons and Large-Capacity Magazines

Article 2. Definitions of Terms Used to Identify Assault Weapons Registration Requirement, What Qualifies for Registration, and Definitions

§ 5469. Definitions: Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Who Must Register.

The following definitions apply to terms used in the identification of assault weapons pursuant to Penal Code section 30515:

- (a) — “Detachable magazine” means any 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.
- (b) — “Flash suppressor” means any device designed, intended, or that functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.
- (c) — “Forward pistol grip” means a grip that allows for a pistol style grasp forward of the trigger.
- (d) — “Pistol grip that protrudes conspicuously beneath the action of the weapon” means 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.
- (e) — “Thumbhole stock” means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.

Any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Penal Code section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool (commonly referred to as a bullet-button weapon) must register the firearm before January 1, 2018.

Note: Authority cited: Section 30520 30900, Penal Code. Reference: Sections 16170(a), 16350, 16890, 30515, 30600, 30605, 30610, 30615, 30620, 30625, 30630, 30635, 30640, 30645, 30650, 30655, 30660, 30665, 30670, 30675, 30900, and 30905, 30910, 30915, 30920, 30925, 30930, 30935, 30940, 30945, 30950, 30955, 30960 and 30965, Penal Code.

§ 5470. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Which Weapons Must be Registered.

- (a) Except as provided in section 5472, an assault weapon that does not have a fixed magazine, as defined by Penal Code section 30515, must be registered with the Department before January 1, 2018.
- (b) A semiautomatic, centerfire firearm (rifle, pistol, shotgun) with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, commonly referred to as a bullet-button weapon, that has one or more specified features identified in Penal Code section 30515 is included in the category of firearms that must be registered.
- (c) A semiautomatic, rimfire pistol with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, commonly referred to as a bullet-button weapon, which has one or more specified features identified in Penal Code section 30515 is included in the category of firearms that must be registered.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30680, 30900 and 30950, Penal Code.

§ 5471. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Explanation of Terms Related to Assault Weapon Designation.

For purposes of Penal Code section 30515 and this Chapter the following definitions shall apply:

- (a) “Ability to accept a detachable magazine” means with respect to a semiautomatic shotgun, it does not have a fixed magazine.
- (b) “Action” means the working mechanism of a semiautomatic firearm, which is the combination of the receiver or frame and breech bolt together with the other parts of the mechanism by which a firearm is loaded, fired, and unloaded.
- (c) “Barrel” means the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. Barrels may have a rifled or smooth bore.
- (d) “Barrel length” means the length of the barrel measured as follows: Without consideration of any extensions or protrusions rearward of the closed bolt or breech-face the approved procedure for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthest end of the barrel or permanently attached muzzle device. Permanent methods of attachment include full-fusion gas or electric steel- seam welding, high-temperature (1100°F) silver soldering, or blind pinning with the pin head welded over. Barrels are measured by inserting a dowel rod into the barrel until the rod stops against the closed bolt or breech-face. The rod is then marked at the furthest end of the barrel or permanently attached muzzle device, withdrawn from the barrel, and measured.

- (e) "Bullet" means the projectile expelled from a gun. It is not synonymous with a cartridge. Bullets can be of many materials, shapes, weights, and constructions such as solid lead, lead with a jacket of harder metal, round-nosed, flat-nosed, hollow-pointed, et cetera.
- (f) "Bullet-button" means a product requiring a tool to remove an ammunition feeding device or magazine by depressing a recessed button or lever shielded by a magazine lock. A bullet-button equipped fully functional semiautomatic firearm does not meet the fixed magazine definition under Penal Code section 30515(b).
- (g) "Bore" means the interior of a firearm's barrel excluding the chamber.
- (h) "Caliber" means the nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In the United States, caliber is usually expressed in hundreds of an inch; in Great Britain in thousandths of an inch; in Europe and elsewhere in millimeters.
- (i) "Cartridge" means a complete round of ammunition that consists of a primer, a case, propellant powder and one or more projectiles.
- (j) "Centerfire" means a cartridge with its primer located in the center of the base of the case.
- (k) "Contained in" means that the magazine cannot be released from the firearm while the action is assembled. For AR-15 style firearms this means the magazine cannot be released from the firearm while the upper receiver and lower receiver are joined together.
- (l) "Department" means the California Department of Justice.
- (m) "Detachable magazine" means any ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action or use of a tool. A bullet or ammunition cartridge is considered a tool. An 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.
- An AR-15 style firearm that has a bullet-button style magazine release with a magnet left on the bullet-button constitutes a detachable magazine. An AR-15 style firearm lacking a magazine catch assembly (magazine catch, magazine catch spring and magazine release button) constitutes a detachable magazine. An AK-47 style firearm lacking a magazine catch assembly (magazine catch, spring and rivet/pin) constitutes a detachable magazine.
- (n) "Disassembly of the firearm action" means the fire control assembly is detached from the action in such a way that the action has been interrupted and will not function. For example, disassembling the action on a two part receiver, like that on an AR-15 style firearm, would require the rear take down pin to be removed, the upper receiver lifted upwards and away from the lower receiver using the front pivot pin as the fulcrum, before the magazine may be removed.

- (o) "Featureless" means a semiautomatic firearm (rifle, pistol, or shotgun) lacking the characteristics listed in California Penal Code section 30515.
- (p) "Fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- (q) "Flare launcher" means a device used to launch signal flares.
- (r) "Flash suppressor" means any device attached to the end of the barrel, that is designed, intended, or functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision. A hybrid device that has either advertised flash suppressing properties or functionally has flash suppressing properties would be deemed a flash suppressor. A device labeled or identified by its manufacturer as a flash hider would be deemed a flash suppressor.
- (s) "FMBUS" means a Firearm Manufactured By Unlicensed Subject.
- (t) "Forward pistol grip" means a grip that allows for a pistol style grasp forward of the trigger.
- (u) "Frame" means the receiver of a pistol.
- (v) "Grenade launcher" means a device capable of launching a grenade.
- (w) "Permanently attached to" means the magazine is welded, epoxied, or riveted into the magazine well. A firearm with a magazine housed in a sealed magazine well and then welded, epoxied, or riveted into the sealed magazine will meet the definition of "permanently attached to".
- (x) "Overall length of less than 30 inches" with respect to a centerfire rifle means the rifle has been measured in the shortest possible configuration that the weapon will function/fire and the measurement is less than 30 inches. Folding and telescoping stocks shall be collapsed prior to measurement. The approved method for measuring the length of the rifle is to measure the firearm from the end of the barrel, or permanently attached muzzle device, if so equipped, to that part of the stock that is furthest from the end of the barrel, or permanently attached muzzle device. (Prior to taking a measurement the owner must also check any muzzle devices for how they are attached to the barrel.)
- (y) "Pistol" means any device designed to be used as a weapon, from which a projectile is expelled by the force of any explosion, or other form of combustion, and that has a barrel less than 16 inches in length. This definition includes AR-15 style pistols with pistol buffer tubes attached. Pistol buffer tubes typically have smooth metal with no guide on the bottom for rifle stocks to be attached, and they sometimes have a foam pad on the end of the tube farthest from the receiver.

- (z) "Pistol grip that protrudes conspicuously beneath the action of the weapon" means 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 beneath or below the top of the exposed portion of the trigger while firing. This definition includes pistol grips on bullpup firearm designs.
- (aa) "Receiver" means the basic unit of a firearm which houses the firing and breech mechanisms and to which the barrel and stock are assembled.
- (bb) "Receiver, lower" means the lower part of a two part receiver.
- (cc) "Receiver, unfinished" means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers may be found in various levels of completion. As more finishing work is completed the precursor part gradually becomes a firearm. Some just have the shape of an AR-15 lower receiver for example, but are solid metal. Some have been worked on and the magazine well has been machined open. Firearms Manufactured by Unlicensed Subjects (FMBUS) began as unfinished receivers.
- (dd) "Receiver, upper" means the top portion of a two part receiver.
- (ee) "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.
- (ff) "Rimfire" means a rimmed or flanged cartridge with the priming mixture located in the rim of the case.
- (gg) "Second handgrip" means a grip that allows the shooter to grip the pistol with their non-trigger hand. The second hand grip often has a grip texture to assist the shooter in weapon control.
- (hh) "Semiautomatic" means a firearm functionally able to fire a single cartridge, eject the empty case, and reload the chamber each time the trigger is pulled and released. Further, certain necessary mechanical parts that will allow a firearm to function in a semiautomatic nature must be present for a weapon to be deemed semiautomatic. A weapon clearly designed to be semiautomatic but lacking a firing pin, bolt carrier, gas tube, or some other crucial part of the firearm is not semiautomatic for purposes of Penal Code section 30515, 30600 and 30605(a) and 30900.
- (1) A mechanically whole semiautomatic firearm merely lacking ammunition and a proper magazine is a semiautomatic firearm.
- (2) A mechanically whole semiautomatic firearm disabled by a gun lock or other firearm safety device is a semiautomatic firearm. (All necessary parts are present, once the gun lock or firearm safety device is removed, and weapon can be loaded with a

magazine and proper ammunition.)

(3) With regards to an AR-15 style firearm, if a complete upper receiver and a complete lower receiver are completely detached from one another, but still in the possession or under the custody or control of the same person, the firearm is not a semiautomatic firearm.

(4) A stripped AR-15 lower receiver, when sold at a California gun store, is not a semiautomatic firearm. (The action type, among other things, is undetermined.)

(ii) "Shotgun with a revolving cylinder" means a shotgun that holds its ammunition in a cylinder that acts as a chamber much like a revolver. To meet this definition the shotgun's cylinder must mechanically revolve or rotate each time the weapon is fired. A cylinder that must be manually rotated by the shooter does not qualify as a revolving cylinder.

(jj) "Shroud" means a heat shield that is attached to, or partially or completely encircles the barrel, allowing the shooter to fire the weapon and hold the barrel component without burning the shooter's hand. A slide that encloses the barrel is not a shroud.

(kk) "Spigot" means a muzzle device on some firearms that are intended to fire grenades. The spigot is what the grenade is attached to prior to the launching of a grenade.

(ll) "Stock" means the part of a rifle, carbine, or shotgun to which the receiver is attached and which provides a means for holding the weapon to the shoulder. A stock may be fixed, folding, or telescoping.

(mm) "Stock, fixed" means a stock that does not move, fold, or telescope.

(nn) "Stock, folding" means a stock which is hinged in some fashion to the receiver to allow the stock to be folded next to the receiver to reduce the overall length of the firearm. This definition includes under folding and over folding stocks.

(oo) "Stock, telescoping" means a stock which is shortened or lengthened by allowing one section to telescope into another portion. On AR-15 style firearms, the buffer tube or receiver extension acts as the fixed part of the stock on which the telescoping butt stock slides or telescopes.

(pp) "Those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool" means functional semiautomatic rifles, pistols, and shotguns with bullet-button style magazine releases and one or more features as defined in Penal Code section 30515 and these regulations. These weapons do not have a fixed magazine.

(qq) "Thumbhole stock" means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.

(rr) "Threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer"

means a threaded barrel able to accept a flash suppressor, forward handgrip or silencer, and includes a threaded barrel with any one of those features already mounted on it. Some firearms have “lugs” in lieu of threads on the end of the barrel. These lugs are used to attach some versions of silencers. For purposes of this definition a lugged barrel is the same as a threaded barrel.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 16200, 16350, 16460, 16890, 30515, 30600, 30605, 30610, 30615, 30620, 30625, 30630, 30635, 30640, 30645, 30650, 30655, 30660, 30665, 30670, 30675, 30900, 30905, 30910, 30915, 30920, 30925, 30930, 30935, 30940, 30945, 30950, 30955, 30960 and 30965, Penal Code.

Article 3. Assault Weapon Registration

§ 5472. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Weapons That Will Not be Registered as Assault Weapons.

- (a) The Department will not register as an assault weapon a firearm that has been sold after January 1, 2017.
- (b) The Department will not register a firearm that was required to be registered under prior assault weapon registration laws in effect before January 1, 2017. These weapons include firearms known as “named assault weapons” and are listed in Penal Code section 30510 and sections 5495 and 5499 of Chapter 40.
- (c) The Department will not register a firearm as an assault weapon if the firearm is featureless.
- (d) The Department will not register a firearm as an assault weapon if the firearm has a fixed magazine that holds ten rounds or less.
- (e) The Department will not register a firearm as an assault weapon unless the firearm is fully assembled and fully functional.
- (f) The Department will not register as an assault weapon a firearm manufactured by a federally-licensed manufacturer if the firearm does not have a serial number applied pursuant to federal law.
- (g) The Department will not register as an assault weapon a firearm manufactured by an unlicensed subject if the firearm does not have a serial number assigned by the Department and applied by the owner or agent pursuant to section 5474.2.

Note: Authority cited: Sections 30900, Penal Code. Reference: Sections 30515, 30680, 30900 and 30950, Penal Code.

§ 5473. Voluntary Cancellations

- (a) ~~The DOJ will accept voluntary cancellations for assault weapons that are no longer possessed by the registrant. Cancellations will also be accepted for assault weapons, defined and registered pursuant to Penal Code section 30515, that have been modified or reconfigured to no longer meet the assault weapon definition. Cancellation requests must be signed, dated, and provide the following information:~~
- (1) ~~Registrant's full name, telephone number, and current address; make, model, and serial number of the assault weapon; and the DOJ assault weapon registration number (as indicated on the registration confirmation letter provided to the registrant at the time of registration). If the DOJ assault weapon registration number is unknown, the request must be notarized.~~
- (b) ~~After confirmation of the information provided on the cancellation request, the DOJ will permanently delete the registration for the specified assault weapon(s). If there are no remaining assault weapons registered to the individual, all personal information regarding the registrant will also be deleted from the assault weapon data base. The DOJ will mail confirmation of the cancellation to the address provided on the request.~~

Note: Authority cited: Section 30520, Penal Code. Reference: Sections 30900, 30905, 30910, 30915, 30920, 30925, 30930, 30935, 30940, 30945, 30950, 30955, 30960 and 30965, Penal Code.

§ 5473. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); California Firearms Application Reporting System ("CFARS"); Account Requirements.

- (a) Assault Weapon registrations must be filed electronically using the Department's California Firearms Application Reporting System (CFARS), at the following website: <https://cfars.doj.ca.gov/login.do>.
- (b) A CFARS account must be created to use the electronic registration system. To create a CFARS account, assault weapon registrants will be required to agree to the following conditions of use:
- (1) Non-Liability: The Department is not responsible for and will have no liability for any hardware, software, information, or other items or any services provided by any persons other than the Department. In no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special, or consequential damages, including loss of revenue or profits, even if aware of the

possibility thereof.

(2) Authorization: I am authorized to use CFARS for the purpose of reporting firearm information to the Department in order to comply with California firearm laws and regulations. If I become aware of an unauthorized user obtaining access to my CFARS account, I will notify the Customer Support Center immediately at (916) 227-7527, or via email at: firearms.bureau@doj.ca.gov.

(3) Fees: Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred. It will be the cardholder's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.

(4) True and Accurate Information: All of the information I submit to the Department through CFARS shall be true, accurate, and complete to the best of my knowledge.

(c) The following information must be provided by registrants in order to create a CFARS account:

(1) Full Name

(2) Email Address

(3) Three Security Questions and Answers

(4) Password

Note: Authority cited: Section ~~30520~~ 30900, Penal Code. Reference: Sections 30515, 30680, 30900, 30905, 30910, 30915, 30920, 30925, 30930, 30935, 30940, 30945, and 30950, 30955, 30960 and 30965, Penal Code.

§ 5474. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1): Applicant and Firearms information.

Once a CFARS account has been created, registrants must provide the following information:

(a) The registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, military identification number (if applicable), California Driver License number or California Identification Card number, U.S. citizenship status, place of birth, country of citizenship, and alien registration number or I-94, if applicable.

- (b) A description of the firearm that identifies it uniquely, including but not limited to: firearm type, make, model, caliber, firearm color, barrel length, serial number, all identification marks, firearm country of origin/manufacture, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired.
- (c) Clear digital photos of firearms listed on the application. One photo shall depict the bullet-button style magazine release installed on the firearm. One photo shall depict the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol. The other two photos shall show the left side of the receiver/frame and right side of the receiver/frame. These locations are typically where firearms are marked when manufacturing is complete. At the discretion of the Department the last two photos shall be substituted for photos of identification markings at some other locations on the firearm.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30680, 30900, and 30950, Penal Code.

§ 5474.1. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Joint Registration of Assault Weapons

- (a) If a firearm will be jointly registered, one family member must be identified as the primary registrant and the name and relationship of each joint registrant must be provided.
- (b) All joint registrants must be 18 years of age by December 31, 2017. Joint registrations are only authorized for the following family relationships:
- (1) Spouse
 - (2) Parent to Child
 - (3) Child to Parent
 - (4) Grandparent to Grandchild
 - (5) Grandchild to Grandparent
 - (6) Domestic Partner
 - (7) Siblings
- (c) Proof of address for each joint registrant shall be provided at the time of electronic

submission. Acceptable forms of proof of address are as follows:

- (1) Carry Concealed Weapon (CCW) Permit
- (2) Curio and Relic (C & R) Federal firearm license with name and address
- (3) Utility Bill: Cable, electricity, garbage, gas, pipeline, propane, alarm/security or water bill with purchaser's name on it and dated within three months of application for registration.
- (4) Military permanent duty station orders indicating assignment within California; (active duty military spouse ID is not acceptable).
- (5) Property Deed: Valid deed or trust for the individual's property or a certificate of title
- (6) Resident Hunting License
- (7) Signed and dated rental agreement/contract or residential lease
- (8) Trailer certification of title
- (9) DMV Vehicle Registration
- (10) Certificate of Eligibility, as defined in section 4031, subdivision (g) of Chapter 3.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30680, 30900, 30950, and 30955, Penal Code.

5474.2. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Firearm Manufactured By Unlicensed Subject (FMBUS).

A person seeking assault weapon registration for this type of firearm shall seek a Department issued serial number at: dojserialnumber@doj.ca.gov, prior to initiating the assault weapon registration process.

- (a) Firearms lacking government-issued serial numbers that have been engraved or otherwise applied to the firearm pursuant to federal law at the time of application, shall not be registered by the Department until such time as a Department provided serial number has been applied as follows:

- (1) The Department shall issue a unique serial number to the applicant. The serial number issuance is a separate process and must be done before the assault weapon

application will be accepted by the Department. Applicants seeking a FMBUS related serial number shall complete a New Serial Number application, Form BOF 1008, (Rev 12/2016) hereby incorporated by reference, and submit it to the Department prior to the initiation of the registration of this type of firearm.

(2) Once the applicant has received a DOJ issued serial number, the applicant may contact a Federal Firearms Licensed Manufacturer (type 07) to have the serial number applied in a manner consistent with this section and federal law. However, a Federal Firearms Licensee is under no obligation to perform this work. Persons who have manufactured their own firearm may also use non-licensed parties to apply the serial number and other required markings; however, the owner of the weapon must not leave the firearm unattended with an unlicensed party in violation of firearms transfer and/or lending laws. Proof of the serial number being applied to the firearm shall be given to the Department in the form of one or more digital photographs of the newly serialized firearm being submitted in accordance with the photo requirement noted in section 5474 (c).

(3) An unlicensed manufacturer of firearms must legibly and uniquely identify each firearm manufactured as follows:

(A) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by the unlicensed manufacturer on any other firearm. The engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and

(B) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. The additional information must include:

(i) The model of the firearm, if such designation has been made;

(ii) The caliber or gauge of the firearm;

(iii) The manufacturer's first and last name as provided to the Department for registration purposes, when applicable;

(iv) The city and state (or recognized abbreviation thereof) where the manufacturer made the firearm; and

(v) Measurement of height and depth of markings. The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(3)(A) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(4) The department shall deny assault weapon registration applications if it determines the above described marking requirements have not been met.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 23900, 23910, 23915, 23920, 30105, 30515, 30680, and 30900, Penal Code.

§ 5475. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Fees.

- (a) The fee to register an assault weapon is \$15.00 per person, per transaction. There is no limit to the number of assault weapons a person can register in a single transaction.
- (b) The fee must be paid by debit or credit card at the time the registration is submitted to the Department for processing. If the fee is not paid, the registration will not be processed.
- (c) A \$5 fee is required to obtain a copy of the original registration disposition letter.

Note: Authority cited: Section 30520, 30900 and 31660, Penal Code. Reference: Sections 30900, 30905 and 31660, Penal Code.

§ 5476. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Processing of Applications

- (a) Applications for assault weapon registration must be received between January 1, 2017, and December 31, 2017, and will be processed in the order in which they are received.
- (b) Once the registration has been submitted electronically and fees have been paid, the Department will inform the applicant, via email, that the application: has been received and accepted for processing; is being returned as incomplete and specify what information is required; or has been rejected.

- (c) If the Department deems an application incomplete and notifies the applicant via email of the incomplete determination, the applicant shall provide the requested information or documentation within 30 days. If the Department does not receive the additional information or documentation within 30 days, the application will be rejected and the application fee will not be refunded. The applicant may complete a new application before December 31, 2017, subject to a new application fee.
- (d) Once the Department determines that all necessary information has been received and the firearm qualifies for registration, the firearms eligibility check shall commence. The Department will inform the applicant of the results of the check.
- (e) If the firearms eligibility check is successful, the registrant shall receive an assault weapon registration disposition letter via U.S. mail.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30680, 30900, and 30950, Penal Code.

§ 5477. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Post-Registration Modification of Registered Assault Weapons, Prohibition.

- (a) The release mechanism for an ammunition feeding device on an assault weapon registered pursuant to Penal Code section 30900, subdivision (b)(1) shall not be changed after the assault weapon is registered.
- (b) The prohibition in subdivision (a) does not extend to the repair or like-kind replacement of the mechanism.
- (c) This prohibition in subdivision (a) does not extend to a firearm that is undergoing the deregistration process pursuant to section 5478. Written confirmation from the Department that acknowledges the owner's intent to deregister his or her assault weapon pursuant to section 5478 shall be proof the deregistration process has been initiated.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30680, 30900, and 30950, Penal Code.

§ 5478. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Voluntary Deregistration.

- (a) The DOJ will accept voluntary ~~cancellations~~-deregistration requests for assault weapons that are no longer possessed by the registrant. Deregistration requests will also be accepted for assault weapons, defined and registered pursuant to Penal Code section 30515, that have been modified or reconfigured to no longer meet the assault

weapon definition. Cancellation-Deregistration requests must be in writing, signed, dated, and provide the following information:

- (1) Registrant's full name, telephone number, and current address; make, model, and serial number of the assault weapon; and the DOJ assault weapon registration number (as indicated on the registration confirmation letter provided to the registrant at the time of registration). If the DOJ assault weapon registration number is unknown, the request must be notarized.
 - (2) If the firearm has been modified or reconfigured to no longer meet the definition of assault weapon, one or more photographs clearly depicting the firearm in its current configuration shall be attached to the written deregistration request. Additional information, photographs, or inspection may be requested by the Department before determining eligibility for deregistration.
 - (3) If the registrant is no longer in possession of the firearm, proof of sale or transfer of the firearm shall be attached to the written deregistration request. Acceptable proof includes receipts from out of state gun stores, or law enforcement reports depicting the seizure and/or destruction of the firearm(s).
- (b) Upon determining eligibility for deregistration, the Department will delete the assault weapon registration for the specified firearm(s), and, if the weapon is still in the possession of the registrant, will convert the information to a Firearm Ownership Record.
- (c) If the registrant has sold the weapon to a party outside of the State of California or otherwise lawfully disposed of the weapon, or if the weapon was seized by law enforcement, the Department will create a "No Longer In Possession" entry in the Automated Firearms System.
- (d) Upon completion of the assault weapon deregistration, the Department will mail confirmation of deregistration and updated firearm ownership information to the registrant at the address provided on the request.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 28000, 30515, 30680, 30900, and 30950, Penal Code.



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



Applicant Information									
Last Name:			First Name:			Middle Name:			
Physical Residence Address:					City:		State:		Zip Code:
Mailing Address (if different):					City:		State:		Zip Code:
Date of Birth (mm/dd/yyyy):			Place of Birth (state or country):			Sex:	Phone No. (include area code):		
U.S. Citizen? <input type="radio"/> Yes <input type="radio"/> No		If no, enter Alien Registration No. or I-94 No.:			Country of Citizenship:				
<i>Enter your California driver license (CDL), California ID (CID), or Military ID (MIL) number in the ID number box to the right. If using military identification you must send a copy of your permanent duty station orders stating you are stationed in California.</i>			ID Type (check one):		ID Number:		Handgun Safety Certificate (HSC) or Firearm Safety Certificate (FSC) No.:		
			CDL <input type="checkbox"/> CID <input type="checkbox"/> MIL <input type="checkbox"/>						
Firearm Information - Up to three firearms can be listed on this application. For additional firearms, an additional application may be attached.									
Date of Manufacture:		Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)			Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):			Personal/Business Address:			City:		State:	Zip Code:
City, State, and Country of Where the Firearm was Manufactured:			Additional Identification Mark(s):			Material(s):			
Date of Manufacture:		Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)			Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):			Personal/Business Address:			City:		State:	Zip Code:
City, State, and Country of Where the Firearm was Manufactured:			Additional Identification Mark(s):			Material(s):			



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



(Continued Firearm Information)

Date of Manufacture:	Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)	Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):	Personal/Business Address:		City:	State:	Zip Code:	
City, State, and Country of Where the Firearm was Manufactured:	Additional Identification Mark(s):		Material(s):			

Additional Information

Once your Serial Number application has been processed, the Department will provide your new Department Serial Number via US mail.

Upon receipt of your serial number, you may contact a Federal Firearms Licensed Manufacturer (type 07) to have your Department issued serial number applied in a manner consistent with the requirement outlined in the California Code of Regulations, title 11, section 5474.2. However, a Federal Firearms Licensee is under no obligation to perform this work. A person who has manufactured their own firearm may also use non licensed parties to apply the serial number and other required markings, however, the owner of the weapon must not leave the firearm unattended with an unlicensed party because of firearm transfer and/or lending laws. For assault weapon registrations pursuant to Penal Code section 30900(b), proof of the serial number being applied to the firearm shall be given to the Department in the form of one or more digital photographs of the newly serialized firearm. Photos shall be submitted in accordance with the requirements outlined in the California Code of Regulations, title 11, section 5474.2. Please mail this application to:

California Department of Justice
Bureau of Firearms
Firearms Records, Licensing, and Permit Section
P.O. Box 160367
Sacramento, CA 95816-0367

Declaration

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature _____

Date _____

Official Use Only

Date Received: _____ Initials: _____ Date Processed: _____ Initials: _____

Auth. Ltr. Attached Initials: _____ Serial No: _____



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this application pursuant to Penal Code sections 23910 and 30900(b)(1) and California Code of Regulations, title 11, section 5474.2. The Bureau of Firearms uses this information to process and assign serial number(s) to firearm(s) for an applicant. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information: All personal information on this application is mandatory. Failure to provide the mandatory personal information will result in your application not being processed.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to process and assign serial number(s) to firearm(s) for an applicant, we may need to share the information you provide us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov, or by mail at P.O. Box 160367 Sacramento, CA 95816-0367.

EXHIBIT 11

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections: 5470, 5471, 5472, 5474,
5474.1, 5474.2, 5475, 5476,
5477, 5478

Amend sections:

Repeal sections:

NOTICE OF WITHDRAWAL

Government Code Section 11349.3(c)


OAL Matter Number: 2016-1229-01

OAL Matter Type: File and Print Only (FP)

This notice confirms that your proposed regulatory action regarding Bullet-Button Assault Weapons was withdrawn from OAL review pursuant to Government Code section 11349.3(c). We will promptly return the rulemaking record to you.

Please contact me if you have any questions at (916) 323-6800 or elizabeth.heidig@oal.ca.gov.

Date: February 10, 2017


Elizabeth A. Heidig
Assistant Chief Counsel

For: Debra M. Cornez
Director

Original: Xavier Becerra
Copy: Jacqueline Dosch

EXHIBIT 12

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-0512-02FP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

 AGENCY WITH RULEMAKING AUTHORITY
 Department of Justice

 AGENCY FILE NUMBER (If any)
 DOJ-17-005
A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

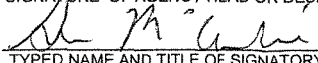
1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Bullet-Button Assault Weapons		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT Sections 5470, 5471, 5472, 5474, 5474.1, 5474.2, 5475, 5476, 5477, and 5478	
		AMEND Sections 5469 and 5473	
TITLE(S) 11		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Jacqueline Dosch		TELEPHONE NUMBER (916) 227-5417	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Regulations@doj.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Sean McCluskie, Chief Deputy Attorney General

DATE

5/11/17

For use by Office of Administrative Law (OAL) only

California Code of Regulations

Title 11, Division 5

Chapter 39 Assault Weapons and Large-Capacity Magazines

Article 2. Definitions of Terms Used to Identify Assault Weapons Registration Requirement, What Qualifies for Registration, and Definitions

§ 5469. Definitions: Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Who Must Register.

The following definitions apply to terms used in the identification of assault weapons pursuant to Penal Code section 30515:

- (a) — ~~“Detachable magazine” means any 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.~~
- (b) — ~~“Flash suppressor” means any device designed, intended, or that functions to perceptibly reduce or redirect muzzle flash from the shooter’s field of vision.~~
- (c) — ~~“Forward pistol grip” means a grip that allows for a pistol style grasp forward of the trigger.~~
- (d) — ~~“Pistol grip that protrudes conspicuously beneath the action of the weapon” means 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.~~
- (e) — ~~“Thumbhole stock” means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.~~

Any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Penal Code section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool (commonly referred to as a bullet-button weapon) must register the firearm before January 1, 2018.

Note: Authority cited: Section 30520 30900, Penal Code. Reference: Sections 16170(a), 16350, 16890, 30515, 30600, 30605, 30610, 30615, 30620, 30625, 30630, 30635, 30640, 30645, 30650, 30655, 30660, 30665, 30670, 30675, 30900, 30905, 30910, 30915, 30920, 30925, 30930, 30935, 30940, 30945, 30950, 30955, 30960 and 30965, Penal Code.

Article 3. Assault Weapon Registration

§ 5470. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Which Weapons Must be Registered.

- (a) Except as provided in section 5472, an assault weapon that does not have a fixed magazine, as defined by Penal Code section 30515, must be registered with the Department before January 1, 2018.
- (b) A semiautomatic, centerfire or rimfire pistol with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, commonly referred to as a bullet-button weapon, that has one or more specified features identified in Penal Code section 30515 is included in the category of firearms that must be registered.
- (c) A semiautomatic, centerfire rifle with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, commonly referred to as a bullet-button weapon, that has one or more specified features identified in Penal Code section 30515 is included in the category of firearms that must be registered.
- (d) A semiautomatic shotgun with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, commonly referred to as a bullet-button weapon, is included in the category of firearms that must be registered.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5471. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Explanation of Terms Related to Assault Weapon Designation.

The following definitions apply to terms used in the identification of assault weapons pursuant to Penal Code section 30515, and for purposes of Articles 2 and 3 of this Chapter:

- (a) "Ability to accept a detachable magazine" means with respect to a semiautomatic shotgun, it does not have a fixed magazine.
- (b) "Action" means the working mechanism of a semiautomatic firearm, which is the combination of the receiver or frame and breech bolt together with the other parts of the mechanism by which a firearm is loaded, fired, and unloaded.
- (c) "Barrel" means the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. Barrels may have a rifled or smooth bore.
- (d) "Barrel length" means the length of the barrel measured as follows: Without consideration

of any extensions or protrusions rearward of the closed bolt or breech-face the approved procedure for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthestmost end of the barrel or permanently attached muzzle device. Permanent methods of attachment include full-fusion gas or electric steel-seam welding, high-temperature (1100°F) silver soldering, or blind pinning with the pin head welded over. Barrels are measured by inserting a dowel rod into the barrel until the rod stops against the closed bolt or breech-face. The rod is then marked at the furthestmost end of the barrel or permanently attached muzzle device, withdrawn from the barrel, and measured.

- (e) “Bullet” means the projectile expelled from a gun. It is not synonymous with a cartridge. Bullets can be of many materials, shapes, weights, and constructions such as solid lead, lead with a jacket of harder metal, round-nosed, flat-nosed, hollow-pointed, et cetera.
- (f) “Bullet-button” means a product requiring a tool to remove an ammunition feeding device or magazine by depressing a recessed button or lever shielded by a magazine lock. A bullet-button equipped fully functional semiautomatic firearm does not meet the fixed magazine definition under Penal Code section 30515(b).
- (g) “Bore” means the interior of a firearm’s barrel excluding the chamber.
- (h) “Caliber” means the nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In the United States, caliber is usually expressed in hundreds of an inch; in Great Britain in thousandths of an inch; in Europe and elsewhere in millimeters.
- (i) “Cartridge” means a complete round of ammunition that consists of a primer, a case, propellant powder and one or more projectiles.
- (j) “Centerfire” means a cartridge with its primer located in the center of the base of the case.
- (k) “Contained in” means that the magazine cannot be released from the firearm while the action is assembled. For AR-15 style firearms this means the magazine cannot be released from the firearm while the upper receiver and lower receiver are joined together.
- (l) “Department” means the California Department of Justice.
- (m) “Detachable magazine” means any ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action or use of a tool. A bullet or ammunition cartridge is considered a tool. An 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.

An AR-15 style firearm that has a bullet-button style magazine release with a magnet left on the bullet-button constitutes a detachable magazine. An AR-15 style firearm lacking a magazine catch assembly (magazine catch, magazine catch spring and magazine release button) constitutes a detachable magazine. An AK-47 style firearm lacking a magazine catch assembly (magazine catch, spring and rivet/pin) constitutes a detachable magazine.

- (n) “Disassembly of the firearm action” means the fire control assembly is detached from the action in such a way that the action has been interrupted and will not function. For example, disassembling the action on a two part receiver, like that on an AR-15 style firearm, would require the rear take down pin to be removed, the upper receiver lifted upwards and away from the lower receiver using the front pivot pin as the fulcrum, before the magazine may be removed.
- (o) “Featureless” means a semiautomatic firearm (rifle, pistol, or shotgun) lacking the characteristics associated with that weapon, as listed in Penal Code section 30515.
- (p) “Fixed magazine” means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- (q) “Flare launcher” means a device used to launch signal flares.
- (r) “Flash suppressor” means any device attached to the end of the barrel, that is designed, intended, or functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision. A hybrid device that has either advertised flash suppressing properties or functionally has flash suppressing properties would be deemed a flash suppressor. A device labeled or identified by its manufacturer as a flash hider would be deemed a flash suppressor.
- (s) “FMBUS” means a Firearm Manufactured By Unlicensed Subject.
- (t) “Forward pistol grip” means a grip that allows for a pistol style grasp forward of the trigger.
- (u) “Frame” means the receiver of a pistol.
- (v) “Grenade launcher” means a device capable of launching a grenade.
- (w) “Permanently attached to” means the magazine is welded, epoxied, or riveted into the magazine well. A firearm with a magazine housed in a sealed magazine well and then welded, epoxied, or riveted into the sealed magazine well meets the definition of “permanently attached to”.
- (x) “Overall length of less than 30 inches” with respect to a centerfire rifle means the rifle has been measured in the shortest possible configuration that the weapon will function/fire and the measurement is less than 30 inches. Folding and telescoping stocks shall be collapsed prior to measurement. The approved method for measuring the length of the rifle is to measure the firearm from the end of the barrel, or permanently attached muzzle device, if so equipped, to that part of the stock that is furthest from the end of the barrel, or

permanently attached muzzle device. (Prior to taking a measurement the owner must also check any muzzle devices for how they are attached to the barrel.)

- (y) "Pistol" means any device designed to be used as a weapon, from which a projectile is expelled by the force of any explosion, or other form of combustion, and that has a barrel less than 16 inches in length. This definition includes AR-15 style pistols with pistol buffer tubes attached. Pistol buffer tubes typically have smooth metal with no guide on the bottom for rifle stocks to be attached, and they sometimes have a foam pad on the end of the tube farthest from the receiver.
- (z) "Pistol grip that protrudes conspicuously beneath the action of the weapon" means 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 beneath or below the top of the exposed portion of the trigger while firing. This definition includes pistol grips on bullpup firearm designs.
- (aa) "Receiver" means the basic unit of a firearm which houses the firing and breech mechanisms and to which the barrel and stock are assembled.
- (bb) "Receiver, lower" means the lower part of a two part receiver.
- (cc) "Receiver, unfinished" means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers may be found in various levels of completion. As more finishing work is completed the precursor part gradually becomes a firearm. Some just have the shape of an AR-15 lower receiver for example, but are solid metal. Some have been worked on and the magazine well has been machined open. Firearms Manufactured by Unlicensed Subjects (FMBUS) began as unfinished receivers.
- (dd) "Receiver, upper" means the top portion of a two part receiver.
- (ee) "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.
- (ff) "Rimfire" means a rimmed or flanged cartridge with the priming mixture located in the rim of the case.
- (gg) "Second handgrip" means a grip that allows the shooter to grip the pistol with their non-trigger hand. The second hand grip often has a grip texture to assist the shooter in weapon control.
- (hh) "Semiautomatic" means a firearm functionally able to fire a single cartridge, eject the empty case, and reload the chamber each time the trigger is pulled and released. Further, certain necessary mechanical parts that will allow a firearm to function in a semiautomatic nature must be present for a weapon to be deemed semiautomatic. A weapon clearly designed to be semiautomatic but lacking a firing pin, bolt carrier, gas tube, or some other

crucial part of the firearm is not semiautomatic for purposes of Penal Code sections 30515, 30600, 30605(a), and 30900.

- (1) A mechanically whole semiautomatic firearm merely lacking ammunition and a proper magazine is a semiautomatic firearm.
- (2) A mechanically whole semiautomatic firearm disabled by a gun lock or other firearm safety device is a semiautomatic firearm. (All necessary parts are present, once the gun lock or firearm safety device is removed, and weapon can be loaded with a magazine and proper ammunition.)
- (3) With regards to an AR-15 style firearm, if a complete upper receiver and a complete lower receiver are completely detached from one another, but still in the possession or under the custody or control of the same person, the firearm is not a semiautomatic firearm.
- (4) A stripped AR-15 lower receiver, when sold at a California gun store, is not a semiautomatic firearm. (The action type, among other things, is undetermined.)
- (ii) "Shotgun with a revolving cylinder" means a shotgun that holds its ammunition in a cylinder that acts as a chamber much like a revolver. To meet this definition the shotgun's cylinder must mechanically revolve or rotate each time the weapon is fired. A cylinder that must be manually rotated by the shooter does not qualify as a revolving cylinder.
- (jj) "Shroud" means a heat shield that is attached to, or partially or completely encircles the barrel, allowing the shooter to fire the weapon with one hand and grasp the firearm over the barrel with the other hand without burning the shooter's hand. A slide that encloses the barrel is not a shroud.
- (kk) "Spigot" means a muzzle device on some firearms that are intended to fire grenades. The spigot is what the grenade is attached to prior to the launching of a grenade.
- (ll) "Stock" means the part of a rifle, carbine, or shotgun to which the receiver is attached and which provides a means for holding the weapon to the shoulder. A stock may be fixed, folding, or telescoping.
- (mm) "Stock, fixed" means a stock that does not move, fold, or telescope.
- (nn) "Stock, folding" means a stock which is hinged in some fashion to the receiver to allow the stock to be folded next to the receiver to reduce the overall length of the firearm. This definition includes under folding and over folding stocks.
- (oo) "Stock, telescoping" means a stock which is shortened or lengthened by allowing one section to telescope into another portion. On AR-15 style firearms, the buffer tube or receiver extension acts as the fixed part of the stock on which the telescoping butt stock slides or telescopes.

(pp) “Those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool” includes functional semiautomatic rifles, pistols, and shotguns with bullet-button style magazine releases. These weapons do not have a fixed magazine.

(qq) “Thumbhole stock” means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.

(rr) “Threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer” means a threaded barrel able to accept a flash suppressor, forward handgrip or silencer, and includes a threaded barrel with any one of those features already mounted on it. Some firearms have “lugs” in lieu of threads on the end of the barrel. These lugs are used to attach some versions of silencers. For purposes of this definition a lugged barrel is the same as a threaded barrel.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

Article 3. Assault Weapon Registration

§ 5472. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Weapons That Will Not Be Registered as Assault Weapons.

(a) The Department will not register as an assault weapon a firearm unless it was lawfully possessed on or before December 31, 2016.

(b) The Department will not register a firearm that was required to be registered under prior assault weapon registration laws in effect before January 1, 2017. These weapons include, but are not limited to, firearms known as “named assault weapons” and are listed in Penal Code section 30510 and sections 5495 and 5499 of Chapter 40.

(c) The Department will not register a firearm as an assault weapon if the firearm is featureless.

(d) The Department will not register a firearm as an assault weapon if the firearm has a fixed magazine that holds ten rounds or less.

(e) The Department will not register a firearm as an assault weapon unless the firearm is fully assembled and fully functional.

- (f) The Department will not register as an assault weapon a firearm manufactured by a federally-licensed manufacturer if the firearm does not have a serial number applied pursuant to federal law.
- (g) The Department will not register as an assault weapon a FMBUS if the firearm does not have a serial number assigned by the Department and applied by the owner or agent pursuant to section 5474.2.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5473. Voluntary Cancellations

- (a) ~~The DOJ will accept voluntary cancellations for assault weapons that are no longer possessed by the registrant. Cancellations will also be accepted for assault weapons, defined and registered pursuant to Penal Code section 30515, that have been modified or reconfigured to no longer meet the assault weapon definition. Cancellation requests must be signed, dated, and provide the following information:~~
 - (1) ~~Registrant's full name, telephone number, and current address; make, model, and serial number of the assault weapon; and the DOJ assault weapon registration number (as indicated on the registration confirmation letter provided to the registrant at the time of registration). If the DOJ assault weapon registration number is unknown, the request must be notarized.~~
- (b) ~~After confirmation of the information provided on the cancellation request, the DOJ will permanently delete the registration for the specified assault weapon(s). If there are no remaining assault weapons registered to the individual, all personal information regarding the registrant will also be deleted from the assault weapon data base. The DOJ will mail confirmation of the cancellation to the address provided on the request.~~

~~Note: Authority cited: Section 30520, Penal Code. Reference: Sections 30900, 30905, 30910, 30915, 30920, 30925, 30930, 30935, 30940, 30945, 30950, 30955, 30960 and 30965, Penal Code.~~

§ 5473. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); California Firearms Application Reporting System ("CFARS"); Account Requirements.

- (a) Assault weapon registrations must be filed electronically using the Department's California Firearms Application Reporting System (CFARS), at the following website: <https://cfars.doj.ca.gov/login.do>.
- (b) A CFARS account must be created to use the electronic registration system. To create a CFARS account, assault weapon registrants will be required to agree to the following

conditions of use:

- (1) Non-Liability: The Department is not responsible for and will have no liability for any hardware, software, information, or other items or any services provided by any persons other than the Department. Except as may be required by law, in no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special, or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.
 - (2) Authorization: I am authorized to use CFARS for the purpose of reporting firearm information to the Department in order to comply with California firearm laws and regulations. If I become aware of an unauthorized user obtaining access to my CFARS account, I will notify the Customer Support Center immediately at (916) 227-7527, or via email at: firearms.bureau@doj.ca.gov.
 - (3) Fees: Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred. It will be the cardholder's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.
 - (4) True and Accurate Information: All of the information I submit to the Department through CFARS shall be true, accurate, and complete to the best of my knowledge.
- (c) The following information must be provided by registrants in order to create a CFARS account:
- (1) Full Name
 - (2) Email Address
 - (3) Three Security Questions and Answers
 - (4) Password

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5474. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Applicant and Firearms Information.

Once a CFARS account has been created, registrants must provide the following information:

- (a) The registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, military identification number (if applicable), California Driver License number or California Identification Card number, U.S. citizenship status, place of birth, country of citizenship, and alien registration number or I-94, if applicable.
- (b) A description of the firearm that identifies it uniquely, including but not limited to: firearm type, make, model, caliber, firearm color, barrel length, serial number, all identification marks, firearm country of origin/manufacture, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired.
- (c) Clear digital photos of firearms listed on the application. One photo shall depict the bullet-button style magazine release installed on the firearm. One photo shall depict the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol. The other two photos shall show the left side of the receiver/frame and right side of the receiver/frame. These locations are typically where firearms are marked when manufacturing is complete. At the discretion of the Department the last two photos shall be substituted for photos of identification markings at some other locations on the firearm.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5474.1. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Joint Registration of Assault Weapons.

- (a) If a firearm will be jointly registered, one family member must be identified as the primary registrant. The name and relationship of each joint registrant must be provided. Joint registrants must reside in the same household and share the same address.
- (b) All joint registrants must be 18 years of age by December 31, 2017. Joint registrations are only authorized for the following family relationships:
 - (1) Spouses
 - (2) Parent to Child
 - (3) Child to Parent
 - (4) Grandparent to Grandchild

(5) Grandchild to Grandparent

(6) Domestic Partners

(7) Siblings

(c) Proof of address for each joint registrant shall be provided at the time of electronic submission. Acceptable forms of proof of address are as follows:

(1) Carry Concealed Weapon (CCW) Permit

(2) Curio and Relic (C & R) Federal firearm license with name and address

(3) Utility Bill: Cable, electricity, garbage, gas, pipeline, propane, alarm/security or water bill with purchaser's name on it and dated within three months of application for registration.

(4) Military permanent duty station orders indicating assignment within California; (active duty military spouse ID is not acceptable).

(5) Property Deed: Valid deed or trust for the individual's property or a certificate of title

(6) Resident Hunting License

(7) Signed and dated rental agreement/contract or residential lease

(8) Trailer certification of title

(9) DMV Vehicle Registration

(10) Certificate of Eligibility, as defined in section 4031, subdivision (g) of Chapter 3.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30900 and 30955, Penal Code.

5474.2. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Firearm Manufactured By Unlicensed Subject (FMBUS).

A person seeking assault weapon registration for this type of firearm shall seek a Department issued serial number at: dojserialnumber@doj.ca.gov, prior to initiating the assault weapon registration process.

(a) A Department-provided serial number shall be issued and applied as follows:

- (1) The Department shall issue a unique serial number to the applicant. The serial number issuance is a separate process and must be done before the assault weapon application will be accepted by the Department. Applicants seeking a FMBUS related serial number shall complete a New Serial Number Application, Form BOF 1008, (Rev 6/2017) hereby incorporated by reference, and submit it to the Department prior to the initiation of the registration of this type of firearm.
- (2) Once the applicant has received a Department issued serial number, the applicant may contact a Federal Firearms Licensed Manufacturer (type 07) to have the serial number applied in a manner consistent with this section and federal law. However, a Federal Firearms Licensee is under no obligation to perform this work. Persons who have manufactured their own firearm may also use non-licensed parties to apply the serial number and other required markings; however, the owner of the weapon must not leave the firearm unattended with an unlicensed party in violation of firearms transfer and/or lending laws. Proof of the serial number being applied to the firearm shall be given to the Department in the form of one or more digital photographs of the newly serialized firearm being submitted in accordance with the photo requirement noted in section 5474 (c).
- (3) An unlicensed manufacturer of firearms must legibly and uniquely identify each firearm manufactured as follows:
 - (A) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by the unlicensed manufacturer on any other firearm. The engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and
 - (B) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. The additional information must include:
 - (i) The model of the firearm, if such designation has been made;

(ii) The caliber or gauge of the firearm;

(iii) The manufacturer's first and last name as provided to the Department for registration purposes, when applicable; and

(iv) The city and state (or recognized abbreviation thereof) where the manufacturer made the firearm.

(4) Measurement of height and depth of markings. The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(3)(A) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(5) The Department shall deny assault weapon registration applications if it determines the above described marking requirements have not been met.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5475. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Fees.

(a) The fee to register an assault weapon is \$15.00 per person, per transaction. There is no limit to the number of assault weapons a person can register in a single transaction.

(b) The fee must be paid by debit or credit card at the time the registration is submitted to the Department for processing. If the fee is not paid, the registration will not be processed.

(c) A \$5 fee is required to obtain a copy of the original registration disposition letter.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5476. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Processing of Applications

(a) Applications for assault weapon registration must be received between January 1, 2017, and December 31, 2017, and will be processed in the order in which they are received.

(b) Once the registration has been submitted electronically and fees have been paid, the Department will inform the applicant, via email, that the application: has been received

and accepted for processing; is being returned as incomplete and specify what information is required; or has been rejected.

- (c) If the Department deems an application incomplete and notifies the applicant via email of the incomplete determination, the applicant shall provide the requested information or documentation within 30 days. If the Department does not receive the additional information or documentation within 30 days, the application will be rejected and the application fee will not be refunded. The applicant may complete a new application before December 31, 2017, subject to a new application fee.
- (d) Once the Department determines that all necessary information has been received and the firearm qualifies for registration, the firearms eligibility check shall commence. The Department will inform the applicant of the results of the check.
- (e) If the firearms eligibility check is successful, the registrant shall receive an assault weapon registration disposition letter via U.S. mail.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30900 and 30950, Penal Code.

§ 5477. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Post-Registration Modification of Registered Assault Weapons, Prohibition.

- (a) The release mechanism for an ammunition feeding device on an assault weapon registered pursuant to Penal Code section 30900, subdivision (b)(1) shall not be changed after the assault weapon is registered. A weapon's eligibility for registration pursuant to Penal Code section 30900, subdivision (b)(1) depends, in part, on its release mechanism. Any alteration to the release mechanism converts the assault weapon into a different weapon from the one that was registered.
- (b) The prohibition in subdivision (a) does not extend to the repair or like-kind replacement of the mechanism.
- (c) This prohibition in subdivision (a) does not extend to a firearm that is undergoing the deregistration process pursuant to section 5478. Written confirmation from the Department that acknowledges the owner's intent to deregister his or her assault weapon pursuant to section 5478 shall be proof the deregistration process has been initiated.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5478. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Voluntary Deregistration.

- (a) The Department will accept voluntary deregistration requests for assault weapons that are no longer possessed by the registrant, in the form of a completed Form BOF 4546, "Notice of No Longer in Possession," (Rev 6/2017) hereby incorporated by reference. Deregistration requests will also be accepted for assault weapons, as defined in Penal Code section 30515, that have been modified or reconfigured to no longer meet that definition. Deregistration requests must be in writing, signed, dated, and provide the following information:
- (1) Registrant's full name, telephone number, and current address; make, model, and serial number of the assault weapon; and the Department assault weapon registration number (as indicated on the registration confirmation letter provided to the registrant at the time of registration). If the Department assault weapon registration number is unknown, the request must be notarized.
 - (2) If the firearm has been modified or reconfigured to no longer meet the definition of assault weapon, one or more photographs clearly depicting the firearm in its current configuration shall be attached to the written deregistration request. Additional information, photographs, or inspection may be requested by the Department before determining eligibility for deregistration.
 - (3) If the registrant is no longer in possession of the firearm, proof of sale or transfer of the firearm shall be attached to the written deregistration request. Acceptable proof includes receipts from out-of-state gun stores, or law enforcement reports depicting the seizure and/or destruction of the firearm(s).
- (b) Upon determining eligibility for deregistration, the Department will delete the assault weapon registration for the specified firearm(s), and, if the weapon is still in the possession of the registrant, will convert the information to a BOF 4542A, "Firearm Ownership Report, (Rev. 6/2017), hereby incorporated by reference.
- (c) If the registrant has sold the weapon to a party outside of the State of California or otherwise lawfully disposed of the weapon, or if the weapon was seized by law enforcement, the Department will create a "No Longer In Possession" entry in the Automated Firearms System.
- (d) Upon completion of the assault weapon deregistration, the Department will mail confirmation of deregistration and updated firearm ownership information to the registrant at the address provided on the request.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



Applicant Information									
Last Name:			First Name:			Middle Name:			
Physical Residence Address:					City:		State:		Zip Code:
Mailing Address (if different):					City:		State:		Zip Code:
Date of Birth (mm/dd/yyyy):			Place of Birth (state or country):			Sex:	Phone No. (include area code):		
U.S. Citizen? <input type="radio"/> Yes <input type="radio"/> No		If no, enter Alien Registration No. or I-94 No.:			Country of Citizenship:				
<i>Enter your California driver license (CDL), California ID (CID), or Military ID (MIL) number in the ID number box to the right. If using military identification you <u>must</u> send a copy of your permanent duty station orders stating you are stationed in California.</i>				ID Type (check one): CDL <input type="checkbox"/> CID <input type="checkbox"/> MIL <input type="checkbox"/>		ID Number:		Handgun Safety Certificate (HSC) or Firearm Safety Certificate (FSC) No.:	
Firearm Information - Up to three firearms can be listed on this application. For additional firearms, an additional application may be attached.									
Date of Manufacture:		Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)			Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):			Personal/Business Address:			City:		State:	Zip Code:
City, State, and Country of Where the Firearm was Manufactured:			Additional Identification Mark(s):			Material(s):			
Date of Manufacture:		Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)			Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):			Personal/Business Address:			City:		State:	Zip Code:
City, State, and Country of Where the Firearm was Manufactured:			Additional Identification Mark(s):			Material(s):			



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



(Continued Firearm Information)

Date of Manufacture:	Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)	Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):	Personal/Business Address:	City:	State:	Zip Code:		
City, State, and Country of Where the Firearm was Manufactured:	Additional Identification Mark(s):	Material(s):				

Additional Information

Once your Serial Number application has been processed, the Department will provide your new Department Serial Number via US mail.

Upon receipt of your serial number, you may contact a Federal Firearms Licensed Manufacturer (type 07) to have your Department issued serial number applied in a manner consistent with the requirement outlined in the California Code of Regulations, title 11, section 5474.2. However, a Federal Firearms Licensee is under no obligation to perform this work. A person who has manufactured their own firearm may also use non licensed parties to apply the serial number and other required markings, however, the owner of the weapon must not leave the firearm unattended with an unlicensed party because of firearm transfer and/or lending laws. For assault weapon registrations pursuant to Penal Code section 30900(b), proof of the serial number being applied to the firearm shall be given to the Department in the form of one or more digital photographs of the newly serialized firearm. Photos shall be submitted in accordance with the requirements outlined in the California Code of Regulations, title 11, section 5474.2. Please mail this application to:

California Department of Justice
Bureau of Firearms
Firearms Records, Licensing, and Permit Section
P.O. Box 160367
Sacramento, CA 95816-0367

Declaration

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature _____

Date _____

Official Use Only

Date Received: _____ Initials: _____ Date Processed: _____ Initials: _____

Auth. Ltr. Attached Initials: _____ Serial No: _____



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this application pursuant to Penal Code sections 23910 and 30900(b)(1) and California Code of Regulations, title 11, section 5474.2. The Bureau of Firearms uses this information to process and assign serial number(s) to firearm(s) for an applicant. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information: All personal information on this application is mandatory. Failure to provide the mandatory personal information will result in your application not being processed.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to process and assign serial number(s) to firearm(s) for an applicant, we may need to share the information you provide us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov, or by mail at P.O. Box 160367 Sacramento, CA 95816-0367.



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Notice of No Longer in Possession
(Pen. Code § 28000)



DOJ/BOF Case No.: _____

Check appropriate box: ☐ Handgun/Long Gun (complete sections A,B,D,E) ☐ Assault Weapon/.50 BMG Rifle (complete sections A,C,D,E)

A. Owner Information

Last Name	First Name	Middle Name	Date of Birth
Residence Street Address	City	State	Zip Code
Mailing Address (if different)	City	State	Zip Code
CA DL, ID, or Military ID No.	Telephone Number ()	Is the owner deceased? <input type="radio"/> Yes <input type="radio"/> No	Date of Death
			County of Death

B. Handgun/Long Gun Information

Date Purchased/Acquired	Serial Number	If Handgun: <input type="radio"/> Semi-auto <input type="radio"/> Revolver <input type="radio"/> Single Shot <input type="radio"/> Other	If Long Gun: <input type="radio"/> Rifle <input type="radio"/> Shotgun
Make (as stamped on firearm)	Model (3032 Tomcat, KP95, 17C)	Caliber	Firearm Origin (US, Italy, China)
		Barrel Length	

C. Assault Weapon/.50 BMG Rifle Information - Voluntary cancellation of registration (Cal. Code Reg., tit. 11, § 5473)

AWR/.50 BMG Registration No.	Serial Number	Make (as stamped on firearm)	Model (e.g., AK47, AR15, TEC 9)	Caliber
------------------------------	---------------	------------------------------	---------------------------------	---------

D. Disposition (see detailed instructions on reverse)

☐ Seized by or surrendered to law enforcement agency - law enforcement agency name and signature required:
Law enforcement agency: _____ Report No.: _____
and/or agent or representative: _____ Signature: _____ Date: _____

☐ Reported to law enforcement as: ☐ Lost ☐ Stolen Report No.: _____ Date: _____

☐ Sold/transferred to a licensed firearms dealer: Dealer name: _____ Date: _____
Dealer address: _____

☐ Sold/transferred to a family member or private party: Transferee name: _____ Transfer date: _____
Transferee address: _____ Transferee telephone: _____

☐ Firearms Ownership Record/Operation of Law/Intra familial transfer submitted ☐ Copy of completed form or DOJ acknowledgement letter attached

☐ Verified destroyed: Destruction method: _____ ☐ Verification (i.e. insurance claim) attached. Destruction date: _____

☐ No longer resident of California: New state/country of residence: _____ Date residency established: _____
☐ Copy of government issued identification attached from new state/country of residence

☐ Transferred firearms to person/dealer in another state: Transferee name: _____ Transfer date: _____
Transferee address: _____ Transferee telephone: _____

☐ Documentation of sale/transfer attached Federal Firearms License No. (if applicable): _____

☐ Returned to dealer/manufacture: Dealer/manufacture name: _____ Return date: _____
Dealer/manufacture address: _____ ☐ Documentation from manufacturer attached

E. Declaration

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Signature: _____ Date: _____

ADOPT

Notice of No Longer in Possession Completion Instructions

Type of Firearm

Check the appropriate box. Use one form per firearm. For additional firearm(s), please use the included supplemental page and make as many copies as necessary.

Section A - Owner Information

Enter the requested information. If you are submitting this form for a deceased person, check "yes," and list the date and county of death. To expedite processing of your request, please include a copy of the death certificate with this form.

Section B - Handgun/Long Gun Information

Complete this section if you checked the Handgun/Long Gun box. Do not complete this section if you checked the Assault Weapon/.50 BMG Rifle box and entered firearm information in Section C.

Section C - Assault Weapon/.50 BMG Rifle Information

Complete this section if the firearm is a registered Assault Weapon/.50 BMG Rifle. Do not complete this section if you checked the Handgun/Long Gun box and entered firearm information in Section B. Completion of Section C will result in the cancellation of the registration of the Assault Weapon/.50 BMG Rifle.

Section D - Disposition

Check the appropriate box and complete the required information.

- If you check "Seized by or surrendered to law enforcement agency," an agent or representative from the listed law enforcement agency must verify and enter the requested information, sign, and date this form. Attach a copy of a police report or written confirmation from the agency.
- If you check "Reported to law enforcement" as "Lost" or "Stolen," enter the number and date of the police report and attach a copy of the report or written confirmation from the agency.
- If you check "Sold/transferred to a licensed firearms dealer," list the name and address of the licensed California firearms dealer who conducted the sale or transfer, and the date of the sale or transfer.
- If you check "Sold/transferred to a family member or private party," list the name, address and telephone number of the person who purchased/obtained the firearm and the date of the sale or transfer. (NOTE: As of 01/01/1991, a sale or transfer must be completed through a licensed firearms dealer when neither party involved in the sale or transfer of a firearm has a dealer's license issued pursuant to Penal Code section 26700.) The Department of Justice (DOJ) will not process this form until and unless DOJ receives either a Dealer's Record of Sale (documenting a sale of a firearm through a dealer), a Firearms Ownership Record, an Operation of Law/Intra-familial Transfer submitted by the person who purchased/obtained the firearm (i.e. transfers between immediate family members pursuant to Penal Code section 27870) or a DOJ acknowledgement letter to document the sale or transfer. (Pen. Code, § 27545)
- If you check "Verified destroyed," list the date and method of destruction. You must also attach written verification of the destruction (i.e. copy of an insurance claim for the destroyed firearm or statement from gunsmith or manufacturer stating that the firearm was not repairable and could not be made operable).
- If you check "No longer a resident of California," list the date that you established residency in a state outside of California or country outside of the United States. You must also attach a legible copy of your government issued identification from the other state or country.
- If you check "Transferred firearm out of state," list the name and address of the person who purchased/obtained the firearm and the date of the sale or transfer, and the name, address, telephone number and, if known, the Federal Firearms License (FFL) number of the firearms dealer(s) who conducted the sale/transfer. You must also attach any relevant documentation of the sale or transfer, such as a sales receipt.
- If you check "Returned to dealer/manufacturer," list the name and address of the manufacturer. You must also attach documentation showing that the dealer/manufacturer received the firearm from you and did not redeliver it to you.

Part E - Declaration

You must read, sign and date the declaration.

NOTE: The DOJ may not be able to disassociate you from the listed firearm(s) without adequate supporting documentation (i.e., police reports, dealer transfer information, details of transfer to private party).

Mail completed Notice of No Longer in Possession and copies of any required documents to:

Department of Justice

Bureau of Firearms

P.O. Box 820200

Sacramento, CA 94203-0200

For questions, please visit the Bureau of Firearms website at www.oag.ca.gov/firearms



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Notice of No Longer in Possession
Supplement Page



Supplement Page.: _____

DOJ/BOF Case No.: _____

Check appropriate box: ☐ Handgun/Long Gun (complete sections A,B,D,E) ☐ Assault Weapon/.50 BMG Rifle (complete sections A,C,D,E)

A. Owner Information

Last Name		First Name		Middle Name		Date of Birth	
Residence Street Address				City		State	Zip Code
Mailing Address (if different)				City		State	Zip Code
CA DL, ID, or Military ID No.	Telephone Number ()		Is the owner deceased? <input type="radio"/> Yes <input type="radio"/> No		Date of Death		County of Death

B. Handgun/Long Gun Information

Date Purchased/Acquired	Serial Number	If Handgun: <input type="radio"/> Semi-auto <input type="radio"/> Revolver <input type="radio"/> Single Shot <input type="radio"/> Other				If Long Gun: <input type="radio"/> Rifle <input type="radio"/> Shotgun	
Make (as stamped on firearm)	Model (3032 Tomcat, KP95, 17C)	Caliber	Firearm Origin (US, Italy, China)			Barrel Length	

C. Assault Weapon/.50 BMG Rifle Information - Voluntary cancellation of registration (Cal. Code Reg., tit. 11, § 5473)

AWR/.50 BMG Registration No.	Serial Number	Make (as stamped on firearm)	Model (e.g., AK47, AR15, TEC 9)	Caliber
------------------------------	---------------	------------------------------	---------------------------------	---------

D. Disposition (see detailed instructions on reverse)

☐ Seized by or surrendered to law enforcement agency - law enforcement agency name and signature required:
Law enforcement agency: _____ Report No.: _____
and/or agent or representative: _____ Signature: _____ Date: _____

☐ Reported to law enforcement as: ☐ Lost ☐ Stolen Report No.: _____ Date: _____

☐ Sold/transferred to a licensed firearms dealer: Dealer name: _____ Date: _____
Dealer address: _____

☐ Sold/transferred to a family member or private party: Transferee name: _____ Transfer date: _____
Transferee address: _____ Transferee telephone: _____

☐ Firearm Ownership Record/Operation of Law/Intra familial transfer submitted ☐ Copy of completed form or DOJ acknowledgement letter attached

☐ Verified destroyed: Destruction method: _____ ☐ Verification (i.e. insurance claim) attached Destruction date: _____

☐ No longer resident of California: New state/country of residence: _____ Date residency established: _____
☐ Copy of government issued identification attached from new state/country of residence

☐ Transferred firearms to person/dealer in another state: Transferee name: _____ Transfer date: _____
Transferee address: _____ Transferee telephone: _____

Documentation of sale/transfer attached ☐ Federal Firearms License No. (if applicable): _____

☐ Returned to dealer/manufacture: Dealer/manufacture name: _____ Return date: _____
Dealer/manufacture address: _____ ☐ Documentation from manufacturer attached

E. Declaration

I declare under penalty of perjury under the laws of the State of California the forgoing is true and correct.

Signature: _____ Date: _____



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Notice of No Longer in Possession



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this notice pursuant to Penal Code section 28000. The Bureau of Firearms uses this information to record a notice that a person is no longer in possession of a firearm. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information: All personal information on this notice is mandatory. Failure to provide the mandatory personal information will result in your notice not being processed.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to record a notice that a person is no longer in possession of a firearm, we may need to share the information you provide us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies when necessary to perform their legal duties, and their use of information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov, or by mail at P.O. Box 820200, Sacramento, CA 94203-0200.



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Firearm Ownership Report
California Penal Code section 28000



A processing fee of \$19.00 must accompany this application.
(Instructions on page 2)

A. Owner Information					
Last Name:		First Name:		Middle Name:	
Alias Last Name (if any):		Alias First Name:		Alias Middle Name:	
Residence Street Address:			City:	State:	Zip Code:
Mailing Address (if different):			City:	State:	Zip Code:
Date of Birth (mm/dd/yyyy):		Place of Birth (state or country):		Sex:	Phone No. (include area code)
U.S. Citizen?	<input type="radio"/> Yes <input type="radio"/> No	If no, enter Alien Registration No. or I-94 No.:		Country of Citizenship:	
Enter your California driver license (CDL), California ID (CID), or Military ID (MIL) number in the ID number box to the right. If using military identification you <u>must</u> send a copy of your permanent duty station orders stating you are stationed in California.		ID Type (check one):		ID Number:	Handgun Safety Certificate (HSC) or Firearm Safety Certificate (FSC) No.:
		CDL <input type="checkbox"/> CID <input type="checkbox"/> MIL <input type="checkbox"/>			

B. Firearm(s) Information (To report additional firearm(s) copy and attach additional applications)					
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Category: (select from list on page 2)		Serial Number:	
Make:	Model:	Caliber:	Firearm Origin:	Barrel Length: <input type="radio"/> IN. <input type="radio"/> CM.	
Color:	Date Acquired (mm/dd/yyyy):	Acquired From: <input type="radio"/> Firearms Dealer <input type="radio"/> Family Member (Specify Relationship): _____ <input type="radio"/> Private Party <input type="radio"/> Gun Show <input type="radio"/> Other: _____			
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Category: (select from list on page 2)		Serial Number:	
Make:	Model:	Caliber:	Firearm Origin:	Barrel Length: <input type="radio"/> IN. <input type="radio"/> CM.	
Color:	Date Acquired (mm/dd/yyyy):	Acquired From: <input type="radio"/> Firearms Dealer <input type="radio"/> Family Member (Specify Relationship): _____ <input type="radio"/> Private Party <input type="radio"/> Gun Show <input type="radio"/> Other: _____			
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Category: (select from list on page 2)		Serial Number:	
Make:	Model:	Caliber:	Firearm Origin:	Barrel Length: <input type="radio"/> IN. <input type="radio"/> CM.	
Color:	Date Acquired (mm/dd/yyyy):	Acquired From: <input type="radio"/> Firearms Dealer <input type="radio"/> Family Member (Specify Relationship): _____ <input type="radio"/> Private Party <input type="radio"/> Gun Show <input type="radio"/> Other: _____			

C. Declaration	
<i>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I expressly authorize the Department of Justice to perform firearms eligibility checks of all relevant state and federal databases, including the Federal Bureau of Investigation's National Instant Criminal Background Check System. I also understand that if I currently possess or own firearms and the results of this check reveal that I am ineligible either to lawfully possess or purchase firearms, I must relinquish any and all firearms in my possession.</i>	
Signature _____	Date _____

ADOPT

Firearm Ownership Report Submission Requirements

Pursuant to Penal Code section 28230, subdivision (a)(3), you must submit this application along with a \$19.00 processing fee (check or money order made payable to the Department of Justice) to:

**Department of Justice
Bureau of Firearms - FOR
P.O. Box 820200
Sacramento, CA 94203-0200**

Please note, incomplete applications or applications submitted without the proper fees will be returned without processing. If reporting more than three firearms, attach additional copies of this form as needed. A firearms eligibility check will be conducted to determine whether you are lawfully eligible to possess firearms. Once approved, you will receive a confirmation notice of your Firearms Ownership Report.

This form may not be used to report ownership of assault weapons defined in Penal Code sections 30510 through 30530. It is the responsibility of the applicant to determine if the firearm being reported is an assault weapon. A list of assault weapons is available on the Bureau of Firearms website at www.oag.ca.gov/firearms.

Part A. Owner Information

Enter the information as requested. Only one applicant per form. If you are using a military number for identification, you must submit a copy of your permanent duty station orders indicating you are stationed in California.

Part B. Firearm Information

For each firearm, you must provide the identification information requested. Please refer to your firearm owner's manual, the firearms manufacturer's website, or the examples below to assist you in providing the required information:

- **Firearm Type:** Handgun, Rifle, or Shotgun
- **Category:** Bolt Action, Lever Action, Pump Action, Revolver, Semi-Automatic, or Single Shot
- **Serial Number** Usually located on the frame of a handgun, or the receiver of a long gun. May be all numeric or a combination of alpha and numeric characters. (e.g., 98765, US54321G)
- **Make** The manufacturer of the firearm. (e.g., Remington, Winchester, Glock, Smith & Wesson)
- **Model** The model name of the firearm. (e.g., 870 Express, Model 70, 17C, 29-10)
- **Caliber** The caliber of the firearm. (e.g., 12 gauge, .308 Winchester, 9 mm, .44 Magnum)
- **Firearm Origin** The country of origin of the firearm. (e.g., United States, Russia, China, Italy)
- **Barrel Length** Enter the barrel length as stated either in your owner's manual, manufacturer's website, or measure the barrel length by closing the action of the firearm and inserting a wooden dowel down the barrel until it stops. Mark the dowel with a pen at the muzzle. Remove the dowel and measure the distance between the inserted end of the dowel and the pen mark.

Part C. Declaration

You must sign and date the declaration on this application.



ADOPT

CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS Firearm Ownership Report



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The Division of Law Enforcement in the Department of Justice collects the information requested on this form as authorized by Penal Code section 28000. The Division of Law Enforcement uses this information to establish firearm ownership. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. If you fail to provide any of the required personal information, the unprocessed report will be returned to you for completion and resubmission.

Access to Your Information. You may review the records maintained by the Division of Law Enforcement in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to ensure you are not prohibited and establish firearm ownership, we may need to share the information you give us with entities as authorized in Penal Code section 11105. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information. For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov or by mail at P.O. Box 820200, Sacramento, CA 94203-0200.

California Firearms Application Reporting System (CFARS)

CFARS Log in Page

If You Have a California Reporting Information System (CRIS) Account



The CRIS application has been migrated into the new CFARS system. Your existing CRIS username and password are now your CFARS username and password. After you log in, the CRIS application menu will be displayed.

CFARS Assistance Center

Contact Us

California Firearms Application Reporting System (CFARS) - Log On

* Indicates Required Field

Log On

*User Name

*Password

Forgot User Name?

Forgot Password?

Forgot User Name and Password?

Please click buttons only once. Multiple clicks will delay processing.

Log On to CFARS

Clear Form

If you are not enrolled as a CFARS user:

Create a CFARS account

Continue as a Guest (your transactions will not be retrieveable)

BENEFITS OF CREATING A CFARS ACCOUNT

Creating a CFARS user account gives you the ability to view activity history, receive electronic notifications, and submit questions.

Certain functionality hosted within CFARS will not be available to Guest users.

Completion of your user account profile allows prepopulation of information on forms you wish to submit, which saves you time! You may edit the information before submitting, if you wish.

Create a CFARS account

CFARS Enrollment Conditions Agreement

(CFARS) 1.0.0.16 (05/03/2017)

CFARS Enrollment Conditions of Use Agreement

You may want to print and file this agreement page for your records.

Please read the Agreement below. The Conditions of Use are subject to change by the Department of Justice (the Department) upon prior notice to you. If you agree, click the **"I Agree"** button to complete your account enrollment. If you do not agree to the conditions, you will be denied access to the California Firearms Application Reporting System (CFARS).

Non-Liability: The Department is not responsible for and will have no liability for hardware, software, information, or other items or any services provided by any persons other than the Department. Except as may be required by law, in no event shall either party be liable to the other or any third party, under any theory of liability, including but not limited to any contract or tort claim for any cause whatsoever, for any indirect, incidental, special or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.

Authorization: I am authorized to use CFARS for the purpose of reporting firearm information to the Department in order to comply with California firearm laws and regulations. If I become aware of an unauthorized user obtaining access to my CFARS account, I will notify the Customer Support Center immediately at **(916) 227-7527**, or via email firearms.bureau@doj.ca.gov.

Fees: Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred. It will be the cardholder's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.

True and Accurate Information: All of the information I submit to the Department through CFARS shall be true, accurate, and complete to the best of my knowledge.

By clicking the **"I Agree"** button below, I acknowledge that I have reviewed, understand, and agree to all of the conditions specified above.

Please click buttons only once. Multiple clicks will delay processing.

I Agree

I Do Not Agree

Create CFARS User Account

▶ **CFARS ACCOUNT INSTRUCTIONS (touch or click this banner to view)**

* Indicates Required Field

*First Name

Middle Name

*Last Name

Suffix

 ▼

*Email Address

*Re-enter Email Address

*First Question

 ▼

*First Question Response

*Second Question

 ▼

*Second Question Response

*Third Question

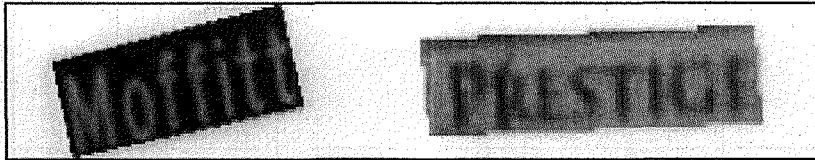
 ▼

*Third Question Response

*Password

*Re-enter Password

Verification Code



***Type the verification code shown above in the text field below. Enter the code exactly as shown. If the code is in two parts, enter one space between the two parts of the code.**

Get another CAPTCHA



Get an audio CAPTCHA



CAPTCHA Help



▶ IS A VERIFICATION CODE REQUIRED EVERY TIME I USE THIS SYSTEM?

▶ WHY ARE YOU REQUIRING A VERIFICATION CODE (CAPTCHA)?

▶ WHAT IF I CAN'T SEE THE CHARACTERS I AM SUPPOSED TO TYPE?

Please click buttons only once. Multiple clicks will delay processing.

Submit

Cancel

CFARS Account Enrollment - Submission Confirmation

Congratulations, your account has been created.

Your user name is **HADUNN**. Please make a note of this.

[Go to Log On](#)

CFARS Main Menu

tion Reporting System (CFARS) 1.1.0.15 (03/23/2017)

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership


Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 [Help Me Identify Which Report I Need](#)


CFARS Assistance Center

[Contact Us](#)

[Report an Issue](#)

[Additional Help](#)

Logged In User Name: Gh Ost 03/23/2017

 There are reports in the pending cart. Creating new reports without moving the items in the pending cart to the cart will result in separate payments.

Welcome to the California Firearms Application Reporting System (CFARS)

The Home Page is used to present important system messages, when necessary, as well as provide users a starting point for system navigation.

To proceed, please select an option from one of the links available.

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

[My User Profile](#)

[Change My Password](#)

[My Transaction History](#)

[My Issue Log](#)

CFARS Assault Weapon Registration

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/23/2017

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)

FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)

* Indicates Required Field

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) Privacy Notice, as required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information requested as authorized by Penal Code Section 30900 (b). The Bureau of Firearms uses this information to establish registration of an assault weapon by an assault weapon owner. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy> and may be accessed within CRIS from the Privacy Policy link.

Providing Personal Information: All the personal information requested must be provided. If you fail to provide all personal information requested, your registration will not be accepted.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to establish registration, we may need to share the information you give us with any Bureau of Firearms representative or other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- ▶ With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- ▶ To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email firearms.bureau@doj.ca.gov, or by mail at P.O. Box 160367 Sacramento, CA 95816-0367.

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

By selecting "I Agree", I acknowledge that I have reviewed and understand the Privacy Notice information listed above. *I Agree ☐

Statement to Applicant

- ▶ DOJ will not register lower receivers, partially assembled firearms etc.
- ▶ All rifles submitted should be semi automatic and centerfire at the time of application.
- ▶ Pistols should be semi automatic; and rimfire or centerfire are potentially eligible.
- ▶ Shotguns should be semi automatic or have a revolving cylinder.
- ▶ The firearms submitted should not be manufactured prior to January 1, 1899.
- ▶ The applicant must have been in lawful possession of the weapon between January 1, 2001 and December 31, 2016.
- ▶ The Department will not process registrations for firearms that are currently in law enforcement custody. You must be in lawful possession of the firearm.
- ▶ A serial number must be engraved or permanently affixed to the firearm pursuant to state and federal laws. Please contact the Department of Justice (Department) at DOJserialnumber@doj.ca.gov, to obtain a Department issued serial number. The Assault Weapon Registration cannot be submitted until such time the Department issued serial number has been engraved and permanently affixed to the firearm.

Owner Information



Do you already have an Assault Weapon Registration (AWR) Number? If so, enter it below
AWR Number

*First Name

GH

Middle Name

SPOOKY

*Last Name

OST

Suffix

IV

Alias First Name

Alias Middle Name

Alias Last Name

Suffix

Select

*Residence Street Address

123 BOO WAY

*Zip Code

95820

*City

SACRAMENTO

State

CA

Mailing Address (if different)

123 BOO WAY

Zip Code

95820

*City

SACRAMENTO

State

CA

*Email Address

cheryle.massaro@doj.ca.gov

Home Phone

Business Phone

Mobile Phone

*ID Type

CALIFORNIA ID CARD

*ID Number

g1234567

ID State

CA

*Date of Birth

01/01/1960

*Gender

FEMALE

*Height (feet/inches) *Weight

4

ft

00

in

125

lbs.

Race

AMERICAN INDIAN

*Eye Color

BLACK

*Hair Color

BALD

*U.S. Citizen

YES

*Place of Birth

ANGOLA

Firearm Information



*Is the firearm self built? NO

*Is it your intention to joint register this firearm? YES



Enter the information for one joint-registrant below. If you have more than one joint-registrant, please enter the name and relationship to you for each additional joint-registrant in the Comments field below.

*Are you the primary registrant (first to register)? YES



Please have the joint-registrant(s) submit a registration form for this firearm using the CRIS number provided to you for this transaction. Please Note: Per California Penal Code Section 30955, joint registrants must reside in the same household.

*Relationship to Joint-Registrant SPOUSE

*Name of Relative Selected Ghost, Mister

*Firearm Type		*Category	
RIFLE		SEMI-AUTOMATIC	
*Make		*Model	
SMITH & WESSON		M&P 15	
*Caliber			
5.56x45mm NATO			
*Firearm Color		*Barrel Length	*Unit
BLACK		16	INCH
*Magazine		*Cartridge	
Non Fixed Magazine		Centerfire	
Additional Firearm Characteristics (select all that apply):			
<input checked="" type="checkbox"/> Flash Suppressor			
<input checked="" type="checkbox"/> Folding or Telescoping Stock			
<input checked="" type="checkbox"/> Forward Pistol Grip			
<input type="checkbox"/> Grenade Launcher or Flare Launcher			
<input checked="" type="checkbox"/> Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
<input type="checkbox"/> Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)			
<input type="checkbox"/> Thumbhole Stock			
*Serial Number		*Re-enter Serial Number	
ABC12345		ABC12345	
Other Number		*Firearm Country of Origin/Manufacturer	
		UNITED STATES OF AMERICA	
*Date Acquired		*Acquired From	
06/15/2013		FIREARMS DEALER	
*Dealership Name			
The Gun Shop			

*Street Address

123 Main Street

*Zip Code

95691

*City

WEST SACRAMENTO

State

CA

Comments

J-R2: Ghost, Mister. Husband.

500 character limit. Characters remaining: 471

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that depicts the bullet-button style magazine release installed on the firearm, 2) a photo that depicts the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol, 3) a photo of the left side of the receiver/frame, and 4) a photo of the right side of the receiver/frame.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for Joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

No files have been uploaded

Add Document

Please click buttons only once. Multiple clicks will delay processing.

Preview

Clear

CFARS Upload File

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/23/2017

Upload File

FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)

Select a file from your computer to upload

*File Type

Select

Browse...

No file selected.

Please click buttons only once. Multiple clicks will delay processing.

Back

Upload

Uploaded Firearm from end of barrel to stock/other end IMG_0816.JPG Delete

Uploaded Joint-Registration ELF_CERTIFICATE_V2.JPG Delete

Uploaded Right Side of Receiver/Frame IMG_0817.JPG Delete

Uploaded Left Side of Receiver/Frame IMG_0823.JPG Delete

Uploaded Bullet Button Style Magazine Release IMG_0815.JPG Delete

Done

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

CFARS AWR Preview

CRIS Reporting Forms

Assault Weapon Registration Form:
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership


Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/23/2017

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) - Preview Your Entry

**FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or
click this banner to view)**

Owner Information

Assault Weapon Registration (AWR) Number

First Name	Middle Name	Last Name	Suffix
GH	SPOOKY	OST	IV

Alias First Name	Alias Middle Name	Alias Last Name	Suffix
------------------	-------------------	-----------------	--------

Residence Street Address	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Mailing Address (if different)	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Email Address
cheryle.massaro@doj.ca.gov

Home Phone	Business Phone	Mobile Phone
		(916) 555-9898

ID Type	ID Number	ID State
CALIFORNIA ID CARD	g1234567	CA

Date of Birth	Gender	Height (feet/inches)	Weight
01/01/1960	Female	4 ft 00 in	125lbs.

Race	Eye Color	Hair Color
AMERICAN INDIAN BLACK		BALD

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

U.S. Citizen Place of Birth
YES ANGOLA

Firearm Information

Is the firearm self built? NO

Is it your intention to joint register this firearm? YES

Are you the primary registrant (first to register)? YES



Please have the joint-registrant(s) submit a registration form for this firearm using the CRIS number provided to you for this transaction. Please Note: Per California Penal Code Section 30955, joint registrants must reside in the same household.

Relationship to Joint-Registrant SPOUSE

Name of Relative Selected Ghost, Mister

Firearm Type	Category	Make	Model
RIFLE	SEMI-AUTOMATIC	SMITH & WESSON	MP 15

Caliber
5.56x45mm NATO

Firearm Color	Barrel Length	Unit
BLACK	16.0	INCH

Magazine	Cartridge
Non Fixed Magazine	Centerfire

Additional Firearm Characteristics selected:

- ☒ Flash Suppressor
- ☒ Folding or Telescoping Stock
- ☒ Forward Pistol Grip
- ☐ Grenade Launcher or Flare Launcher
- ☒ Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon
- ☐ Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)
- ☐ Thumbhole Stock

Serial Number Other Number Firearm Origin
ABC12345 UNITED STATES OF AMERICA

Date Acquired Acquired From
06/15/2013 FIREARMS DEALER

Dealership Name
The Gun Shop

Street Address Zip Code City State
123 Main Street 95691 WEST SACRAMENTO CA

User Current Comment
J-R2: Ghost, Mister, Husband.

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that depicts the bullet-button style magazine release installed on the firearm, 2) a photo that depicts the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol, 3) a photo of the left side of the receiver/frame, and 4) a photo of the right side of the receiver/frame.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

Uploaded Firearm from end of barrel to stock/other end IMG_0816.JPG

Uploaded Joint-Registration ELF_CERTIFICATE_V2.JPG

Uploaded Right Side of Receiver/Frame IMG_0817.JPG

Uploaded Left Side of Receiver/Frame IMG_0823.JPG

Uploaded Bullet Button Style Magazine Release IMG_0815.JPG

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am the lawful owner of all assault weapons that I seek to have registered. I expressly authorize the Department of Justice to perform firearms eligibility checks of all relevant state and federal databases, including the Federal Bureau of Investigation's National Instant Criminal Background Check System. I also understand that if I currently possess or own firearms and the results of this check reveal that I am ineligible either to lawfully possess or purchase firearms, I must relinquish any and all firearms in my possession. **Agree** ☒

Please click buttons only once. Multiple clicks will delay processing.

Edit

Submit Final

CFARS AWR Final

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/23/2017

☒ The transaction has been added to the cart.

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) - Submitted

**FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or
click this banner to view)**

CRIS Number: 2222200811800240

You may print your records as long as they appear in your transaction history.

PRINT

Owner Information

Assault Weapon Registration (AWR) Number

First Name	Middle Name	Last Name	Suffix
GH	SPOOKY	OST	IV

Alias First Name	Alias Middle Name	Alias Last Name	Suffix
------------------	-------------------	-----------------	--------

Residence Street Address	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Mailing Address (if different)	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Email Address

CHERYLE.MASSARO@DOJ.CA.GOV

Home Phone	Business Phone	Mobile Phone
		(916) 555-9898

ID Type	ID Number	ID State
CALIFORNIA ID CARD	G1234567	CA

Date of Birth	Gender	Height (feet/inches)	Weight
01/01/1960	Female	4 ft 00 in	125lbs.

SHOPPING CART AND PENDING ITEMS

View Cart (1)

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

Race Eye Color Hair Color
AMERICAN INDIAN BLACK BALD

U.S. Citizen Place of Birth
YES ANGOLA

Firearm Information

Is the firearm self built? NO

Is it your intention to joint register this firearm? YES

Are you the primary registrant (first to register)? YES



Please have the joint-registrant(s) submit a registration form for this firearm using the CRIS number provided to you for this transaction. Please Note: Per California Penal Code Section 30955, joint registrants must reside in the same household.

Relationship to Joint-Registrant SPOUSE

Name of Relative Selected GHOST, MISTER

Firearm Type	Category	Make	Model
RIFLE	SEMI-AUTOMATIC	SMITH & WESSON	MP 15

Caliber
5.56x45mm NATO

Firearm Color	Barrel Length	Unit
BLACK	16.0	INCH

Magazine	Cartridge
Non Fixed Magazine	Centerfire

Additional Firearm Characteristics selected:

- ☒ Flash Suppressor
- ☒ Folding or Telescoping Stock
- ☒ Forward Pistol Grip
- ☐ Grenade Launcher or Flare Launcher
- ☒ Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

☐ Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)

☐ Thumbhole Stock

*Serial Number

ABC12345

*Re-enter Serial Number

ABC12345

Other Number

*Firearm Country of Origin/Manufacturer

UNITED STATES OF AMERICA

*Date Acquired *Acquired From

06/15/2013

FIREARMS DEALER

*Dealership Name

THE GUN SHOP

*Street Address

123 MAIN STREET

*Zip Code

95691

*City

WEST SACRAMENTO

State

CA

Comments

For additional joint-registrants, please enter the name and relationship to you in this format: J-R2: Last Name, First Name, Relationship (e.g., J-R2: Smith, John, child, J-R3: Smith, Juanita, child).

500 character limit. Characters remaining: 500

User Comment History

On 03/23/2017, you wrote: J-R2: Ghost, Mister. Husband.

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that depicts the bullet-button style magazine release installed on the firearm, 2) a photo that depicts the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol, 3) a photo of the left side of the receiver/frame, and 4) a photo of the right side of the receiver/frame.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

Uploaded Firearm from end of barrel to stock/other end IMG_0816.JPG Delete

Uploaded Joint-Registration ELF_CERTIFICATE_V2.JPG Delete

Uploaded Right Side of Receiver/Frame IMG_0817.JPG Delete

Uploaded Left Side of Receiver/Frame IMG_0823.JPG Delete

Uploaded Bullet Button Style Magazine Release IMG_0815.JPG Delete

Add Document

Please click buttons only once. Multiple clicks will delay processing.

Preview

Back

CFARS Joint Assault Weapon Registration

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/23/2017

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)

FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)

* Indicates Required Field

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) Privacy Notice, as required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information requested as authorized by Penal Code Section 30900 (b). The Bureau of Firearms uses this information to establish registration of an assault weapon by an assault weapon owner. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy> and may be accessed within CRIS from the Privacy Policy link.

Providing Personal Information: All the personal information requested must be provided. If you fail to provide all personal information requested, your registration will not be accepted.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to establish registration, we may need to share the information you give us with any Bureau of Firearms representative or other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- ▶ With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- ▶ To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email firearms.bureau@doj.ca.gov, or by mail at P.O. Box 160367 Sacramento, CA 95816-0367.

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (3)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

By selecting "I Agree", I acknowledge that I have reviewed and understand the Privacy Notice information listed above. *I Agree ☒

Statement to Applicant

- ▶ DOJ will not register lower receivers, partially assembled firearms etc.
- ▶ All rifles submitted should be semi automatic and centerfire at the time of application.
- ▶ Pistols should be semi automatic; and rimfire or centerfire are potentially eligible.
- ▶ Shotguns should be semi automatic or have a revolving cylinder.
- ▶ The firearms submitted should not be manufactured prior to January 1, 1899.
- ▶ The applicant must have been in lawful possession of the weapon between January 1, 2001 and December 31, 2016.
- ▶ The Department will not process registrations for firearms that are currently in law enforcement custody. You must be in lawful possession of the firearm.
- ▶ A serial number must be engraved or permanently affixed to the firearm pursuant to state and federal laws. Please contact the Department of Justice (Department) at DOJserialnumber@doj.ca.gov, to obtain a Department issued serial number. The Assault Weapon Registration cannot be submitted until such time the Department issued serial number has been engraved and permanently affixed to the firearm.

Owner Information



Do you already have an Assault Weapon Registration (AWR) Number? If so, enter it below

AWR Number

*First Name

Mister

Middle Name

*Last Name

Ghost

Suffix

Select



Alias First Name

Alias Middle Name

Alias Last Name

Suffix

Select



*Residence Street Address

123 BOO WAY

*Zip Code

95820

*City

SACRAMENTO

State

CA

Mailing Address (if different) Zip Code *City State
123 BOO WAY 95820 SACRAMENTO CA

*Email Address
cheryle.massaro@doj.ca.gov

Home Phone Business Phone Mobile Phone
9165551234

*ID Type *ID Number ID State
CALIFORNIA ID CARD g1234567 CA

*Date of Birth *Gender *Height (feet/inches) *Weight
01/01/1960 MALE 5 ft 10 in 175 lbs.

Race *Eye Color *Hair Color
AMERICAN INDIAN BLACK BALD

*U.S. Citizen *Place of Birth
YES ANGOLA

Firearm Information



*Is the firearm self built? NO

*Is it your intention to joint register this firearm? YES



Enter the information for one joint-registrant below. If you have more than one joint-registrant, please enter the name and relationship to you for each additional joint-registrant in the Comments field below.

*Are you the primary registrant (first to register)? NO

*Relationship to Joint-Registrant SPOUSE

*Name of Relative Selected Ost, Gh

*Joint-Registrant CRIS Number 2222200811800240

*Firearm Type *Category
RIFLE SEMI-AUTOMATIC

*Make		*Model	
SMITH & WESSON		MP 15	
*Caliber			
5.56x45mm NATO			
*Firearm Color		*Barrel Length	*Unit
BLACK		16	INCH
*Magazine		*Cartridge	
Non Fixed Magazine		Centerfire	
Additional Firearm Characteristics (select all that apply):			
<input checked="" type="checkbox"/> Flash Suppressor			
<input checked="" type="checkbox"/> Folding or Telescoping Stock			
<input checked="" type="checkbox"/> Forward Pistol Grip			
<input type="checkbox"/> Grenade Launcher or Flare Launcher			
<input checked="" type="checkbox"/> Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
<input type="checkbox"/> Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)			
<input type="checkbox"/> Thumbhole Stock			
*Serial Number		*Re-enter Serial Number	
ABC12345		ABC12345	
Other Number		*Firearm Country of Origin/Manufacturer	
		UNITED STATES OF AMERICA	
*Date Acquired		*Acquired From	
06/15/2013		FIREARMS DEALER	
*Dealership Name			
The Gun Shop			
*Street Address		*Zip Code	*City
123 Main Street		95691	WEST SACRAMENTO
			State
			CA

Comments

J-R1 Ost, Gh. Wife.

500 character limit. Characters remaining: **481**

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that depicts the bullet-button style magazine release installed on the firearm, 2) a photo that depicts the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol, 3) a photo of the left side of the receiver/frame, and 4) a photo of the right side of the receiver/frame.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

Uploaded Firearm from end of barrel to stock/other end IMG_0816.JPG Delete

Uploaded Joint-Registration ELF_CERTIFICATE_V2.JPG Delete

Uploaded Right Side of Receiver/Frame IMG_0817.JPG Delete

Uploaded Left Side of Receiver/Frame IMG_0823.JPG Delete

Uploaded Bullet Button Style Magazine Release IMG_0815.JPG Delete

Add Document

Please click buttons only once. Multiple clicks will delay processing.

Preview

Clear

CFARS Joint Assault Weapon Final

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/24/2017

 The transaction has been added to the cart.

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) - Submitted

**FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or
click this banner to view)**

CRIS Number: 2222200811900241

You may print your records as long as they appear in your transaction history.

PRINT

Owner Information

Assault Weapon Registration (AWR) Number

First Name	Middle Name	Last Name	Suffix
MISTER		GHOST	

Alias First Name	Alias Middle Name	Alias Last Name	Suffix
------------------	-------------------	-----------------	--------

Residence Street Address	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Mailing Address (if different)	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Email Address

CHERYLE.MASSARO@DOJ.CA.GOV

Home Phone	Business Phone	Mobile Phone
		(916) 555-1234

ID Type	ID Number	ID State
CALIFORNIA ID CARD	G1234567	CA

Date of Birth	Gender	Height (feet/inches)	Weight
01/01/1960	Male	6 ft 00 in	150lbs.

SHOPPING CART AND PENDING ITEMS

View Cart (1)

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

Race Eye Color Hair Color
AMERICAN INDIAN BLACK BALD

U.S. Citizen Place of Birth
YES ANGOLA

Firearm Information

Is the firearm self built? NO

Is it your intention to joint register this firearm? YES

Are you the primary registrant (first to register)? NO

Relationship to Joint-Registrant SPOUSE

Name of Relative Selected OST, GH

Joint-Registrant CRIS Number 2222200811800240

Firearm Type	Category	Make	Model
RIFLE	SEMI-AUTOMATIC	SMITH & WESSON	MP 15

Caliber
5.56x45mm NATO

Firearm Color	Barrel Length	Unit
BLACK	16.0	INCH

Magazine	Cartridge
Non Fixed Magazine	Centerfire

Additional Firearm Characteristics selected:

- ☒ Flash Suppressor
- ☒ Folding or Telescoping Stock
- ☒ Forward Pistol Grip
- ☐ Grenade Launcher or Flare Launcher
- ☒ Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon
- ☐ Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)

☐ Thumbhole Stock

Serial Number Other Number Firearm Origin
ABC12345 UNITED STATES OF AMERICA

Date Acquired Acquired From
01/15/2015 FAMILY MEMBER

Family Member Name
OST, GH

Street Address Zip Code City State
123 BOO WAY 95820 SACRAMENTO CA

User Current Comment
J-R1: Ost, Gh. Wife.

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that depicts the bullet-button style magazine release installed on the firearm, 2) a photo that depicts the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol, 3) a photo of the left side of the receiver/frame, and 4) a photo of the right side of the receiver/frame.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

Uploaded Firearm from end of barrel to stock/other end IMG_0816.JPG

Uploaded Joint-Registration ELF_CERTIFICATE_V2.JPG

Uploaded Right Side of Receiver/Frame IMG_0817.JPG

Uploaded Left Side of Receiver/Frame IMG_0823.JPG

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am the lawful owner of all assault weapons that I seek to have registered. I expressly authorize the Department of Justice to perform firearms eligibility checks of all relevant state and federal databases, including the Federal Bureau of Investigation's National Instant Criminal Background Check System. I also understand that if I currently possess or own firearms and the results of this check reveal that I am ineligible either to lawfully possess or purchase firearms, I must relinquish any and all firearms in my possession. **Agreed**

Please click buttons only once. Multiple clicks will delay processing.

CFARS View Cart

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/24/2017

Your Cart Contents


Trx#: 2464


Name: Ghost, Mister DOB: 01/01/1960 ID: California ID Card G1234567

Select	Serial Number	Make	Type	Report Type	Fee
<input type="checkbox"/>	ABC12345	SMITH & WESSON	RIFLE	Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)	\$ 15
Remove selected				TOTAL	\$ 15



Important Information Regarding Your Cart Contents and the Checkout Process

- ▶ All reports in your cart will be included at checkout. If you want to remove reports from your cart prior to checkout, take these steps:
 1. Select the checkbox to the left of each report you wish to remove
 2. Select the Remove selected button above
 3. Observe the message above verifying the selected reports have been removed from your cart and placed into the Pending Cart queue
- ▶  **IMPORTANT: Did you print your forms?** If you are a Guest you will not be able to print after you pay for your cart. To print now, select your report from the list above and use the print button near the top of the form.
- ▶ To proceed to checkout, select the Checkout button below.

 **IMPORTANT:** After selecting the Checkout button, you will be navigated to the payment page on the First Data web site. There is no Cancel process once you are on that page so please be certain you are ready to pay when you select the Checkout button

Please click buttons only once. Multiple clicks will delay processing.

Clear

Checkout

Home Page

SHOPPING CART AND PENDING ITEMS

View Cart (1)

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log



California Firearms Application Reporting System (CFARS)

Review Your Order

#Invoice Number:

1540

Total Amount: USD 15.00

Pay With Your Credit Card

Cardholder Name

Credit Card Number



Expiry Date (MMYY)

Email

A confirmation email will be sent to this address.

[Pay With Your Credit Card](#)

Your private information is secured using SSL (Secure Sockets Layer), the leading security protocol on the Internet. Information is encrypted and exchanged with an https server.

We respect your privacy. We will pass your name, address or e-mail address on only to the merchant.

CFARS Payment Confirmation

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/24/2017

Payment Confirmation

Your credit card payment was approved.

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

CFARS Form Instructions and Fee Information

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

⑥ Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/27/2017

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)

FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)

If you selected 'Continue as a Guest', please be aware of the following:

- As a guest user, your information will not be retrievable. Print your transactions for your records.

General

- An asterisk (*) preceding the field label means the field is required
- All date fields must be entered as mm/dd/yyyy. Format Example: 01/01/1999
- 500 characters are allowed in comment fields, including spaces

HSC/FSC

- If using a HSC or FSC exemption listed in Penal Code 31700, enter 999999 in the HSC or FSC Number field. Include a comment stating what exemption you are using and upload documentation to support your exemption status (i.e. copy of CCW card, Military ID card, etc.)

If you are using your Military ID as your ID Type, please note:

- If your Military ID Number is 9 digits in length, select "MILITARY ID CARD" for the ID Type
- If your Military ID Number is 10 digits in length, select "DEPT OF DEFENSE ID" for the ID Type

Reporting Forms

- Enter at least one phone number, including area code. Format Example: 9999999999
- File types accepted for File Upload: PDF, gif, jpg or png
- The maximum file size accepted for upload is 10MB
- The browser will not preserve the file location information for your image uploads if something prevents successful submission of the reporting form. This means that if you submit the report to Preview and then select Edit, or if an error condition is reported on the page, you will need to select your image uploads again.
- If the caliber of your firearm is not listed, choose the next closest caliber and enter the actual caliber in the comments
- The serial number must be re-typed into the Re-Enter Serial Number field; copy and pasting of the serial number is not allowed
- See notation regarding HSC/FSC above
- See notation regarding use of Military ID above

Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)

- Carry Concealed Weapon (CCW) Permit
- Curio and Relic (C & R) Federal firearm license with name and address
- Utility Bill: Cable, electricity, garbage, gas, pipeline, propane, alarm/security or water bill with purchaser's name on it within the last 3 months
- Military permanent duty station orders indicating assignment within California; Active duty military spouse ID is not acceptable
- Property Deed: Valid deed or trust for the individual's property or a certificate of title
- Resident Hunting License
- Signed and dated rental agreement/contract or residential lease
- Trailer certification of title
- DMV Vehicle Registration

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (1)

Pending Invoices (1)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

- Certificate of Eligibility (COE) Letter

Fee Information

- The CRIS submission fee for the following firearm reports is \$19 per transaction: New Resident Firearm Ownership Report, Firearm Ownership Report, Report of Operation of law, Report of Intra-Familial, Curio or Relic Firearm Report and Collector In-State Acquisition of Curio or Relic Long Gun Report. The term "transaction" means a single submission of any number or any combination of the aforementioned firearm reports. Multiple Firearms reports can be queued and paid for in a single transaction.
- The CRIS submission fee for the Law Enforcement Gun Release (LEGR) Application is \$20 for the first firearm reported and \$3 for each subsequent firearm reported per transaction. Any firearm determined to be stolen pursuant to 33855, subdivision (b), by a law enforcement agency or court, will be subject to an exemption waving the required fees. However, it is the responsibility of the applicant to provide proper documentation to the Department to qualify for this fee waiver exemption.
- The CRIS submission fee for the Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)) is \$15.

EXHIBIT 13

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections: 5470, 5471, 5472, 5474,
5474.1, 5474.2, 5475,
5476, 5477, 5478

Amend sections: 5469, 5473

Repeal sections:

**DENIAL OF REQUEST TO FILE AND
PUBLISH REGULATIONS**

Government Code Section 11343.8

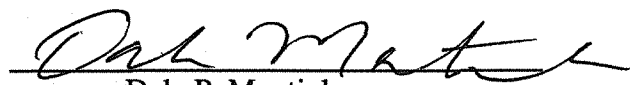
OAL Matter Number: 2017-0512-02

**OAL Matter Type: File and Print Only
(FP)**

On May 12, 2017, pursuant to Government Code section 11343.8, the California Department of Justice (Department) submitted to the Office of Administrative Law (OAL) its request for OAL to file with the Secretary of State and for OAL to publish in the California Code of Regulations the regulations listed above, which concern requirements and procedures for the registration of certain assault weapons.

On June 26, 2017, OAL denied the Department's request for the filing and publishing of these regulations as described above.

Date: June 26, 2017


Dale P. Mentink
Senior Attorney

For: Debra M. Cornez
Director

Original: Xavier Becerra
Copy: Jacqueline Dosch

EXHIBIT 14

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-0719-04FP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

2017 JUL 19 P 1:39
OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
Department of Justice

AGENCY FILE NUMBER (If any)
DOJ-17-008

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Bullet-Button Assault Weapons		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-1229-01FP; 2017-0512-02FP	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT Sections 5470, 5471, 5472, 5473, 5474, 5474.1, 5474.2, 5475, 5476, 5477, and 5478	
		AMEND Sections 5469	
TITLE(S) 11		REPEAL Section 5473	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Jacqueline Dosch		TELEPHONE NUMBER (916) 227-5417	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Regulations@doj.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Sean McCluskie, Chief Deputy Attorney General

7/18/17

California Code of Regulations

Title 11, Division 5

Chapter 39 Assault Weapons and Large-Capacity Magazines

Article 2. ~~Definitions of Terms Used to Identify Assault Weapons~~ Registration Requirement, What Qualifies for Registration, and Definitions

§ 5469. Definitions: Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Who Must Register.

~~The following definitions apply to terms used in the identification of assault weapons pursuant to Penal Code section 30515:~~

- (a) ~~“Detachable magazine” means any 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.~~
- (b) ~~“Flash suppressor” means any device designed, intended, or that functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.~~
- (c) ~~“Forward pistol grip” means a grip that allows for a pistol-style grasp forward of the trigger.~~
- (d) ~~“Pistol grip that protrudes conspicuously beneath the action of the weapon” means 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.~~
- (e) ~~“Thumbhole stock” means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.~~

Any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Penal Code section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool (commonly referred to as a bullet-button weapon) must register the firearm before July 1, 2018.

Note: Authority cited: Section 30520 30900, Penal Code. Reference: Sections 16170(a), 16350, 16890, 30515, 30600, 30605, 30610, 30615, 30620, 30625, 30630, 30635, 30640, 30645, 30650, 30655, 30660, 30665, 30670, 30675, 30900, 30905, 30910, 30915, 30920, 30925, 30930, 30935, 30940, 30945, 30950, 30955, 30960 and 30965, Penal Code.

Article 3. Assault Weapon Registration

§ 5470. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1): Which Weapons Must be Registered.

- (a) Except as provided in section 5472, an assault weapon that does not have a fixed magazine, as defined by Penal Code section 30515, must be registered with the Department before July 1, 2018.
- (b) A semiautomatic, centerfire or rimfire pistol with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, commonly referred to as a bullet-button weapon, that has one or more specified features identified in Penal Code section 30515 is included in the category of firearms that must be registered.
- (c) A semiautomatic, centerfire rifle with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, commonly referred to as a bullet-button weapon, that has one or more specified features identified in Penal Code section 30515 is included in the category of firearms that must be registered.
- (d) A semiautomatic shotgun with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, commonly referred to as a bullet-button weapon, is included in the category of firearms that must be registered.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5471. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1): Explanation of Terms Related to Assault Weapon Designation.

For purposes of Penal Code section 30900 and Articles 2 and 3 of this Chapter the following definitions shall apply:

- (a) "Ability to accept a detachable magazine" means with respect to a semiautomatic shotgun, it does not have a fixed magazine.
- (b) "Action" means the working mechanism of a semiautomatic firearm, which is the combination of the receiver or frame and breech bolt together with the other parts of the mechanism by which a firearm is loaded, fired, and unloaded.
- (c) "Barrel" means the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. Barrels may have a rifled or smooth bore.
- (d) "Barrel length" means the length of the barrel measured as follows: Without consideration of any extensions or protrusions rearward of the closed bolt or breech-face the approved

procedure for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthestmost end of the barrel or permanently attached muzzle device. Permanent methods of attachment include full-fusion gas or electric steel-seam welding, high-temperature (1100°F) silver soldering, or blind pinning with the pin head welded over. Barrels are measured by inserting a dowel rod into the barrel until the rod stops against the closed bolt or breech-face. The rod is then marked at the furthestmost end of the barrel or permanently attached muzzle device, withdrawn from the barrel, and measured.

- (e) "Bullet" means the projectile expelled from a gun. It is not synonymous with a cartridge. Bullets can be of many materials, shapes, weights, and constructions such as solid lead, lead with a jacket of harder metal, round-nosed, flat-nosed, hollow-pointed, et cetera.
- (f) "Bullet-button" means a product requiring a tool to remove an ammunition feeding device or magazine by depressing a recessed button or lever shielded by a magazine lock. A bullet-button equipped fully functional semiautomatic firearm does not meet the fixed magazine definition under Penal Code section 30515(b).
- (g) "Bore" means the interior of a firearm's barrel excluding the chamber.
- (h) "Caliber" means the nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In the United States, caliber is usually expressed in hundreds of an inch; in Great Britain in thousandths of an inch; in Europe and elsewhere in millimeters.
- (i) "Cartridge" means a complete round of ammunition that consists of a primer, a case, propellant powder and one or more projectiles.
- (j) "Centerfire" means a cartridge with its primer located in the center of the base of the case.
- (k) "Contained in" means that the magazine cannot be released from the firearm while the action is assembled. For AR-15 style firearms this means the magazine cannot be released from the firearm while the upper receiver and lower receiver are joined together.
- (l) "Department" means the California Department of Justice.
- (m) "Detachable magazine" means any ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action or use of a tool. A bullet or ammunition cartridge is considered a tool. An 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.

An AR-15 style firearm that has a bullet-button style magazine release with a magnet left on the bullet-button constitutes a detachable magazine. An AR-15 style firearm lacking a magazine catch assembly (magazine catch, magazine catch spring and magazine release button) constitutes a detachable magazine. An AK-47 style firearm lacking a magazine catch assembly (magazine catch, spring and rivet/pin) constitutes a detachable magazine.

- (n) "Disassembly of the firearm action" means the fire control assembly is detached from the action in such a way that the action has been interrupted and will not function. For example, disassembling the action on a two part receiver, like that on an AR-15 style firearm, would require the rear take down pin to be removed, the upper receiver lifted upwards and away from the lower receiver using the front pivot pin as the fulcrum, before the magazine may be removed.
- (o) "Featureless" means a semiautomatic firearm (rifle, pistol, or shotgun) lacking the characteristics associated with that weapon, as listed in Penal Code section 30515.
- (p) "Fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- (q) "Flare launcher" means a device used to launch signal flares.
- (r) "Flash suppressor" means any device attached to the end of the barrel, that is designed, intended, or functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision. A hybrid device that has either advertised flash suppressing properties or functionally has flash suppressing properties would be deemed a flash suppressor. A device labeled or identified by its manufacturer as a flash hider would be deemed a flash suppressor.
- (s) "FMBUS" means a Firearm Manufactured By Unlicensed Subject.
- (t) "Forward pistol grip" means a grip that allows for a pistol style grasp forward of the trigger.
- (u) "Frame" means the receiver of a pistol.
- (v) "Grenade launcher" means a device capable of launching a grenade.
- (w) "Permanently attached to" means the magazine is welded, epoxied, or riveted into the magazine well. A firearm with a magazine housed in a sealed magazine well and then welded, epoxied, or riveted into the sealed magazine well meets the definition of "permanently attached to".
- (x) "Overall length of less than 30 inches" with respect to a centerfire rifle means the rifle has been measured in the shortest possible configuration that the weapon will function/fire and the measurement is less than 30 inches. Folding and telescoping stocks shall be collapsed prior to measurement. The approved method for measuring the length of the rifle is to measure the firearm from the end of the barrel, or permanently attached muzzle device, if so equipped, to that part of the stock that is furthest from the end of the barrel, or permanently attached muzzle device. (Prior to taking a measurement the owner must also

check any muzzle devices for how they are attached to the barrel.)

- (y) "Pistol" means any device designed to be used as a weapon, from which a projectile is expelled by the force of any explosion, or other form of combustion, and that has a barrel less than 16 inches in length. This definition includes AR-15 style pistols with pistol buffer tubes attached. Pistol buffer tubes typically have smooth metal with no guide on the bottom for rifle stocks to be attached, and they sometimes have a foam pad on the end of the tube farthest from the receiver.
- (z) "Pistol grip that protrudes conspicuously beneath the action of the weapon" means 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 beneath or below the top of the exposed portion of the trigger while firing. This definition includes pistol grips on bullpup firearm designs.
- (aa) "Receiver" means the basic unit of a firearm which houses the firing and breech mechanisms and to which the barrel and stock are assembled.
- (bb) "Receiver, lower" means the lower part of a two part receiver.
- (cc) "Receiver, unfinished" means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers may be found in various levels of completion. As more finishing work is completed the precursor part gradually becomes a firearm. Some just have the shape of an AR-15 lower receiver for example, but are solid metal. Some have been worked on and the magazine well has been machined open. Firearms Manufactured by Unlicensed Subjects (FMBUS) began as unfinished receivers.
- (dd) "Receiver, upper" means the top portion of a two part receiver.
- (ee) "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.
- (ff) "Rimfire" means a rimmed or flanged cartridge with the priming mixture located in the rim of the case.
- (gg) "Second handgrip" means a grip that allows the shooter to grip the pistol with their non-trigger hand. The second hand grip often has a grip texture to assist the shooter in weapon control.
- (hh) "Semiautomatic" means a firearm functionally able to fire a single cartridge, eject the empty case, and reload the chamber each time the trigger is pulled and released. Further, certain necessary mechanical parts that will allow a firearm to function in a semiautomatic nature must be present for a weapon to be deemed semiautomatic. A weapon clearly designed to be semiautomatic but lacking a firing pin, bolt carrier, gas tube, or some other

crucial part of the firearm is not semiautomatic for purposes of Penal Code sections 30515, 30600, 30605(a), and 30900.

- (1) A mechanically whole semiautomatic firearm merely lacking ammunition and a proper magazine is a semiautomatic firearm.
 - (2) A mechanically whole semiautomatic firearm disabled by a gun lock or other firearm safety device is a semiautomatic firearm. (All necessary parts are present, once the gun lock or firearm safety device is removed, and weapon can be loaded with a magazine and proper ammunition.)
 - (3) With regards to an AR-15 style firearm, if a complete upper receiver and a complete lower receiver are completely detached from one another, but still in the possession or under the custody or control of the same person, the firearm is not a semiautomatic firearm.
 - (4) A stripped AR-15 lower receiver, when sold at a California gun store, is not a semiautomatic firearm. (The action type, among other things, is undetermined.)
- (ii) "Shotgun with a revolving cylinder" means a shotgun that holds its ammunition in a cylinder that acts as a chamber much like a revolver. To meet this definition the shotgun's cylinder must mechanically revolve or rotate each time the weapon is fired. A cylinder that must be manually rotated by the shooter does not qualify as a revolving cylinder.
- (ji) "Shroud" means a heat shield that is attached to, or partially or completely encircles the barrel, allowing the shooter to fire the weapon with one hand and grasp the firearm over the barrel with the other hand without burning the shooter's hand. A slide that encloses the barrel is not a shroud.
- (kk) "Spigot" means a muzzle device on some firearms that are intended to fire grenades. The spigot is what the grenade is attached to prior to the launching of a grenade.
- (ll) "Stock" means the part of a rifle, carbine, or shotgun to which the receiver is attached and which provides a means for holding the weapon to the shoulder. A stock may be fixed, folding, or telescoping.
- (mm) "Stock, fixed" means a stock that does not move, fold, or telescope.
- (nn) "Stock, folding" means a stock which is hinged in some fashion to the receiver to allow the stock to be folded next to the receiver to reduce the overall length of the firearm. This definition includes under folding and over folding stocks.
- (oo) "Stock, telescoping" means a stock which is shortened or lengthened by allowing one section to telescope into another portion. On AR-15 style firearms, the buffer tube or receiver extension acts as the fixed part of the stock on which the telescoping butt stock slides or telescopes.

- (pp) “Those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool” includes functional semiautomatic rifles, pistols, and shotguns with bullet-button style magazine releases. These weapons do not have a fixed magazine.
- (qq) “Thumbhole stock” means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.
- (rr) “Threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer” means a threaded barrel able to accept a flash suppressor, forward handgrip, or silencer, and includes a threaded barrel with any one of those features already mounted on it. Some firearms have “lugs” in lieu of threads on the end of the barrel. These lugs are used to attach some versions of silencers. For purposes of this definition a lugged barrel is the same as a threaded barrel.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

Article 3. Assault Weapon Registration

§ 5472. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Weapons That Will Not Be Registered as Assault Weapons.

- (a) The Department will not register as an assault weapon a firearm unless it was lawfully possessed on or before December 31, 2016.
- (b) The Department will not register a firearm that was required to be registered under prior assault weapon registration laws in effect before January 1, 2017. These weapons include, but are not limited to, firearms known as “named assault weapons” and are listed in Penal Code section 30510 and sections 5495 and 5499 of Chapter 40.
- (c) The Department will not register a firearm as an assault weapon if the firearm is featureless, except for bullet-button shotguns as described in section 5470(d).
- (d) The Department will not register a firearm as an assault weapon if the firearm has a fixed magazine that holds ten rounds or less.
- (e) The Department will not register a firearm as an assault weapon unless the firearm is fully assembled and fully functional.
- (f) The Department will not register as an assault weapon a firearm manufactured by a federally-licensed manufacturer if the firearm does not have a serial number applied pursuant to federal law.

- (g) The Department will not register as an assault weapon a FMBUS if the firearm does not have a serial number assigned by the Department and applied by the owner or agent pursuant to section 5474.2.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5473. Voluntary Cancellations

- (a) The DOJ will accept voluntary cancellations for assault weapons that are no longer possessed by the registrant. Cancellations will also be accepted for assault weapons, defined and registered pursuant to Penal Code section 30515, that have been modified or reconfigured to no longer meet the assault weapon definition. Cancellation requests must be signed, dated, and provide the following information:
- (1) Registrant's full name, telephone number, and current address; make, model, and serial number of the assault weapon; and the DOJ assault weapon registration number (as indicated on the registration confirmation letter provided to the registrant at the time of registration). If the DOJ assault weapon registration number is unknown, the request must be notarized.
- (b) After confirmation of the information provided on the cancellation request, the DOJ will permanently delete the registration for the specified assault weapon(s). If there are no remaining assault weapons registered to the individual, all personal information regarding the registrant will also be deleted from the assault weapon data base. The DOJ will mail confirmation of the cancellation to the address provided on the request.

Note: Authority cited: Section 30520, Penal Code. Reference: Sections 30900, 30905, 30910, 30915, 30920, 30925, 30930, 30935, 30940, 30945, 30950, 30955, 30960 and 30965, Penal Code.

§ 5473. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); California Firearms Application Reporting System ("CFARS"); Account Requirements.

- (a) Assault weapon registrations must be filed electronically using the Department's California Firearms Application Reporting System (CFARS), at the following website: <https://cfars.doj.ca.gov/login.do>.
- (b) A CFARS account must be created to use the electronic registration system. To create a CFARS account, assault weapon registrants will be required to agree to the following conditions of use:
- (1) Non-Liability: The Department is not responsible for and will have no liability for any hardware, software, information, or other items or any services provided by any

persons other than the Department. Except as may be required by law, in no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special, or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.

(2) Authorization: I am authorized to use CFARS for the purpose of reporting firearm information to the Department in order to comply with California firearm laws and regulations. If I become aware of an unauthorized user obtaining access to my CFARS account, I will notify the Customer Support Center immediately at (916) 227-7527, or via email at: firearms.bureau@doj.ca.gov.

(3) Fees: Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred. It will be the cardholder's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.

(4) True and Accurate Information: All of the information I submit to the Department through CFARS shall be true, accurate, and complete to the best of my knowledge.

(c) The following information must be provided by registrants in order to create a CFARS account:

(1) Full Name

(2) Email Address

(3) Three Security Questions and Answers

(4) Password

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5474. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Applicant and Firearms Information.

Once a CFARS account has been created, registrants must provide the following information:

(a) The registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, military identification number (if applicable), California Driver License number or California Identification Card number, U.S. citizenship status, place of

birth, country of citizenship, and alien registration number or I-94, if applicable.

- (b) A description of the firearm that identifies it uniquely, including but not limited to: firearm type, make, model, caliber, firearm color, barrel length, serial number, all identification marks, firearm country of origin/manufacture, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired.
- (c) Clear digital photos of firearms listed on the application. One photo shall depict the bullet-button style magazine release installed on the firearm. One photo shall depict the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol. The other two photos shall show the left side of the receiver/frame and right side of the receiver/frame. These locations are typically where firearms are marked when manufacturing is complete. At the discretion of the Department the last two photos shall be substituted for photos of identification markings at some other locations on the firearm.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5474.1. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Joint Registration of Assault Weapons.

- (a) If a firearm will be jointly registered, one family member must be identified as the primary registrant. The name and relationship of each joint registrant must be provided. Joint registrants must reside in the same household and share the same address.
- (b) All joint registrants must be 18 years of age by June 30, 2018. Joint registrations are only authorized for the following family relationships:

 - (1) Spouses
 - (2) Parent to Child
 - (3) Child to Parent
 - (4) Grandparent to Grandchild
 - (5) Grandchild to Grandparent
 - (6) Domestic Partners

(7) Siblings

(c) Proof of address for each joint registrant shall be provided at the time of electronic submission. Acceptable forms of proof of address are as follows:

(1) Carry Concealed Weapon (CCW) Permit

(2) Curio and Relic (C & R) Federal firearm license with name and address

(3) Utility Bill: Cable, electricity, garbage, gas, pipeline, propane, alarm/security, or water bill with purchaser's name on it and dated within three months of application for registration.

(4) Military permanent duty station orders indicating assignment within California; (active duty military spouse ID is not acceptable).

(5) Property Deed: Valid deed or deed of trust for the individual's property or a certificate of title

(6) Resident Hunting License

(7) Signed and dated rental agreement/contract or residential lease

(8) Trailer certification of title

(9) DMV Vehicle Registration

(10) Certificate of Eligibility, as defined in section 4031, subdivision (g) of Chapter 3.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30900 and 30955, Penal Code.

5474.2. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Firearm Manufactured By Unlicensed Subject (FMBUS).

A person seeking assault weapon registration for this type of firearm shall seek a Department issued serial number at: dojserialnumber@doj.ca.gov, prior to initiating the assault weapon registration process.

(a) A Department-provided serial number shall be issued and applied as follows:

(1) The Department shall issue a unique serial number to the applicant. The serial number issuance is a separate process and must be done before the assault weapon

application will be accepted by the Department. Applicants seeking a FMBUS related serial number shall complete a New Serial Number Application, Form BOF 1008, (Rev. 07/2017) hereby incorporated by reference, and submit it to the Department prior to the initiation of the registration of this type of firearm.

- (2) Once the applicant has received a Department issued serial number, the applicant may contact a Federal Firearms Licensed Manufacturer (type 07) to have the serial number applied in a manner consistent with this section and federal law. However, a Federal Firearms Licensee is under no obligation to perform this work. Persons who have manufactured their own firearm may also use non-licensed parties to apply the serial number and other required markings; however, the owner of the weapon must not leave the firearm unattended with an unlicensed party in violation of firearms transfer and/or lending laws. Proof of the serial number being applied to the firearm shall be given to the Department in the form of one or more digital photographs of the newly serialized firearm being submitted in accordance with the photo requirement noted in section 5474 (c).
- (3) An unlicensed manufacturer of firearms must legibly and uniquely identify each firearm manufactured as follows:

 - (A) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by the unlicensed manufacturer on any other firearm. The engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and
 - (B) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. The additional information must include:

 - (i) The model of the firearm, if such designation has been made;
 - (ii) The caliber or gauge of the firearm;
 - (iii) The manufacturer's first and last name as provided to the Department for registration purposes, when applicable; and

(iv) The city and state (or recognized abbreviation thereof) where the manufacturer made the firearm.

(4) Measurement of height and depth of markings. The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(3)(A) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(5) The Department shall deny assault weapon registration applications if it determines the above described marking requirements have not been met.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5475. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Fees.

(a) The fee to register an assault weapon is \$15.00 per person, per transaction. There is no limit to the number of assault weapons a person can register in a single transaction.

(b) The fee must be paid by debit or credit card at the time the registration is submitted to the Department for processing. If the fee is not paid, the registration will not be processed.

(c) A \$5 fee is required to obtain a copy of the original registration disposition letter.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5476. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Processing of Applications

(a) Applications for assault weapon registration must be received between January 1, 2017, and June 30, 2018, and will be processed in the order in which they are received.

(b) Once the registration has been submitted electronically and fees have been paid, the Department will inform the applicant, via email, that the application: has been received and accepted for processing; is being returned as incomplete and specify what information is required; or has been rejected.

(c) If the Department deems an application incomplete and notifies the applicant via email of the incomplete determination, the applicant shall provide the requested information or documentation within 30 days. If the Department does not receive the additional

information or documentation within 30 days, the application will be rejected and the application fee will not be refunded. The applicant may complete a new application by June 30, 2018, subject to a new application fee.

- (d) Once the Department determines that all necessary information has been received and the firearm qualifies for registration, the firearms eligibility check shall commence. The Department will inform the applicant of the results of the check.
- (e) If the firearms eligibility check is successful, the registrant shall receive an assault weapon registration disposition letter via U.S. mail.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515, 30900 and 30950, Penal Code.

§ 5477. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Post-Registration Modification of Registered Assault Weapons. Prohibition.

- (a) The release mechanism for an ammunition feeding device on an assault weapon registered pursuant to Penal Code section 30900, subdivision (b)(1) shall not be changed after the assault weapon is registered. A weapon's eligibility for registration pursuant to Penal Code section 30900, subdivision (b)(1) depends, in part, on its release mechanism. Any alteration to the release mechanism converts the assault weapon into a different weapon from the one that was registered.
- (b) The prohibition in subdivision (a) does not extend to the repair or like-kind replacement of the mechanism.
- (c) This prohibition in subdivision (a) does not extend to a firearm that is undergoing the deregistration process pursuant to section 5478. Written confirmation from the Department that acknowledges the owner's intent to deregister his or her assault weapon pursuant to section 5478 shall be proof the deregistration process has been initiated.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.

§ 5478. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Voluntary Deregistration.

- (a) The Department will accept voluntary deregistration requests for assault weapons that are no longer possessed by the registrant, in the form of a completed Form BOF 4546, "Notice of No Longer in Possession," (Rev. 07/2017) hereby incorporated by reference. Deregistration requests will also be accepted for assault weapons, as defined in Penal Code section 30515, that have been modified or reconfigured to no longer meet that

definition. Deregistration requests must be in writing, signed, dated, and provide the following information:

- (1) Registrant's full name, telephone number, and current address; make, model, and serial number of the assault weapon; and the Department assault weapon registration number (as indicated on the registration confirmation letter provided to the registrant at the time of registration). If the Department assault weapon registration number is unknown, the request must be notarized.
- (2) If the firearm has been modified or reconfigured to no longer meet the definition of assault weapon, one or more photographs clearly depicting the firearm in its current configuration shall be attached to the written deregistration request. Additional information, photographs, or inspection may be requested by the Department before determining eligibility for deregistration.
- (3) If the registrant is no longer in possession of the firearm, proof of sale or transfer of the firearm shall be attached to the written deregistration request. Acceptable proof includes receipts from out-of-state gun stores, or law enforcement reports depicting the seizure and/or destruction of the firearm(s).
- (b) Upon determining eligibility for deregistration, the Department will delete the assault weapon registration for the specified firearm(s), and, if the weapon is still in the possession of the registrant, will convert the information to a BOF 4542A, "Firearm Ownership Report, (Rev. 07/2017), hereby incorporated by reference.
- (c) If the registrant has sold the weapon to a party outside of the State of California or otherwise lawfully disposed of the weapon, or if the weapon was seized by law enforcement, the Department will create a "No Longer In Possession" entry in the Automated Firearms System.
- (d) Upon completion of the assault weapon deregistration, the Department will mail confirmation of deregistration and updated firearm ownership information to the registrant at the address provided on the request.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



Applicant Information							
Last Name:		First Name:			Middle Name:		
Physical Residence Address:				City:	State:	Zip Code:	
Mailing Address (if different):				City:	State:	Zip Code:	
Date of Birth (mm/dd/yyyy):		Place of Birth (state or country):		Sex:	Phone No. (include area code):		
U.S. Citizen?	<input type="radio"/> Yes <input type="radio"/> No	If no, enter Alien Registration No. or I-94 No.:		Country of Citizenship:			
<i>Enter your California driver license (CDL), California ID (CID), or Military ID (MIL) number in the ID number box to the right. If using military identification you <u>must</u> send a copy of your permanent duty station orders stating you are stationed in California.</i>		ID Type (check one): CDL <input type="checkbox"/> CID <input type="checkbox"/> MIL <input type="checkbox"/>		ID Number:	Handgun Safety Certificate (HSC) or Firearm Safety Certificate (FSC) No.:		
Firearm Information - Up to three firearms can be listed on this application. For additional firearms, an additional application may be attached.							
Date of Manufacture:	Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)		Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):		Personal/Business Address:		City:	State:	Zip Code:	
City, State, and Country of Where the Firearm was Manufactured:		Additional Identification Mark(s):		Material(s):			
Date of Manufacture:	Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)		Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):		Personal/Business Address:		City:	State:	Zip Code:	
City, State, and Country of Where the Firearm was Manufactured:		Additional Identification Mark(s):		Material(s):			



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



(Continued Firearm Information)

Date of Manufacture:	Make: (Pursuant to 5474.2, the Make Shall Be Your First and Last Name)	Model:	Type:	Caliber:	Color:	Barrel Length:
From Whom Acquired (if applicable):		Personal/Business Address:		City:	State:	Zip Code:
City, State, and Country of Where the Firearm was Manufactured:		Additional Identification Mark(s):		Material(s):		

Additional Information

Once your Serial Number application has been processed, the Department will provide your new Department Serial Number via US mail.

Upon receipt of your serial number, you may contact a Federal Firearms Licensed Manufacturer (type 07) to have your Department issued serial number applied in a manner consistent with the requirement outlined in the California Code of Regulations, title 11, section 5474.2. However, a Federal Firearms Licensee is under no obligation to perform this work. A person who has manufactured their own firearm may also use non licensed parties to apply the serial number and other required markings, however, the owner of the weapon must not leave the firearm unattended with an unlicensed party because of firearm transfer and/or lending laws. For assault weapon registrations pursuant to Penal Code section 30900(b), proof of the serial number being applied to the firearm shall be given to the Department in the form of one or more digital photographs of the newly serialized firearm. Photos shall be submitted in accordance with the requirements outlined in the California Code of Regulations, title 11, section 5474.2. Please mail this application to:

California Department of Justice
Bureau of Firearms
Firearms Records, Licensing, and Permit Section
P.O. Box 160367
Sacramento, CA 95816-0367

Declaration

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature _____

Date _____

Official Use Only

Date Received: _____ Initials: _____ Date Processed: _____ Initials: _____

Auth. Ltr. Attached Initials: _____ Serial No: _____



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
New Serial Number Application



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this application pursuant to Penal Code sections 23910 and 30900(b)(1) and California Code of Regulations, title 11, section 5474.2. The Bureau of Firearms uses this information to process and assign serial number(s) to firearm(s) for an applicant. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information: All personal information on this application is mandatory. Failure to provide the mandatory personal information will result in your application not being processed.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to process and assign serial number(s) to firearm(s) for an applicant, we may need to share the information you provide us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov, or by mail at P.O. Box 160367 Sacramento, CA 95816-0367.



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Firearm Ownership Report
California Penal Code section 28000



A processing fee of \$19.00 must accompany this application.
(Instructions on page 2)

A. Owner Information							
Last Name:			First Name:			Middle Name:	
Alias Last Name (if any):			Alias First Name:			Alias Middle Name:	
Residence Street Address:				City:		State:	Zip Code:
Mailing Address (if different):				City:		State:	Zip Code:
Date of Birth (mm/dd/yyyy):		Place of Birth (state or country):			Sex:	Phone No. (include area code)	
U.S. Citizen?	<input type="radio"/> Yes <input type="radio"/> No	If no, enter Alien Registration No. or I-94 No.:			Country of Citizenship:		
Enter your California driver license (CDL), California ID (CID), or Military ID (MIL) number in the ID number box to the right. If using military identification you <u>must</u> send a copy of your permanent duty station orders stating you are stationed in California.			ID Type (check one): CDL <input type="checkbox"/> CID <input type="checkbox"/> MIL <input type="checkbox"/>		ID Number:		Handgun Safety Certificate (HSC) or Firearm Safety Certificate (FSC) No.:

B. Firearm(s) Information (To report additional firearm(s) copy and attach additional applications)							
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun			Category: (select from list on page 2)			Serial Number:	
Make:		Model:		Caliber:	Firearm Origin:	Barrel Length: <input type="radio"/> IN. <input type="radio"/> CM.	
Color:	Date Acquired (mm/dd/yyyy):	Acquired From: <input type="radio"/> Firearms Dealer <input type="radio"/> Family Member (Specify Relationship): _____ <input type="radio"/> Private Party <input type="radio"/> Gun Show <input type="radio"/> Other: _____					
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun			Category: (select from list on page 2)			Serial Number:	
Make:		Model:		Caliber:	Firearm Origin:	Barrel Length: <input type="radio"/> IN. <input type="radio"/> CM.	
Color:	Date Acquired (mm/dd/yyyy):	Acquired From: <input type="radio"/> Firearms Dealer <input type="radio"/> Family Member (Specify Relationship): _____ <input type="radio"/> Private Party <input type="radio"/> Gun Show <input type="radio"/> Other: _____					
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun			Category: (select from list on page 2)			Serial Number:	
Make:		Model:		Caliber:	Firearm Origin:	Barrel Length: <input type="radio"/> IN. <input type="radio"/> CM.	
Color:	Date Acquired (mm/dd/yyyy):	Acquired From: <input type="radio"/> Firearms Dealer <input type="radio"/> Family Member (Specify Relationship): _____ <input type="radio"/> Private Party <input type="radio"/> Gun Show <input type="radio"/> Other: _____					

C. Declaration	
<p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I expressly authorize the Department of Justice to perform firearms eligibility checks of all relevant state and federal databases, including the Federal Bureau of Investigation's National Instant Criminal Background Check System. I also understand that if I currently possess or own firearms and the results of this check reveal that I am ineligible either to lawfully possess or purchase firearms, I must relinquish any and all firearms in my possession.</p>	
Signature _____	Date _____

Firearm Ownership Report Submission Requirements

Pursuant to Penal Code section 28230, subdivision (a)(3), you must submit this application along with a \$19.00 processing fee (check or money order made payable to the Department of Justice) to:

**Department of Justice
Bureau of Firearms - FOR
P.O. Box 820200
Sacramento, CA 94203-0200**

Please note, incomplete applications or applications submitted without the proper fees will be returned without processing. If reporting more than three firearms, attach additional copies of this form as needed. A firearms eligibility check will be conducted to determine whether you are lawfully eligible to possess firearms. Once approved, you will receive a confirmation notice of your Firearms Ownership Report.

This form may not be used to report ownership of assault weapons defined in Penal Code sections 30510 through 30530. It is the responsibility of the applicant to determine if the firearm being reported is an assault weapon. A list of assault weapons is available on the Bureau of Firearms website at www.oag.ca.gov/firearms.

Part A. Owner Information

Enter the information as requested. Only one applicant per form. If you are using a military number for identification, you must submit a copy of your permanent duty station orders indicating you are stationed in California.

Part B. Firearm Information

For each firearm, you must provide the identification information requested. Please refer to your firearm owner's manual, the firearms manufacturer's website, or the examples below to assist you in providing the required information:

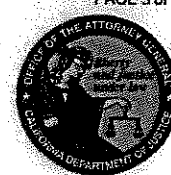
- **Firearm Type:** Handgun, Rifle, or Shotgun
- **Category:** Bolt Action, Lever Action, Pump Action, Revolver, Semi-Automatic, or Single Shot
- **Serial Number** Usually located on the frame of a handgun, or the receiver of a long gun. May be all numeric or a combination of alpha and numeric characters. (e.g., 98765, US54321G)
- **Make** The manufacturer of the firearm. (e.g., Remington, Winchester, Glock, Smith & Wesson)
- **Model** The model name of the firearm. (e.g., 870 Express, Model 70, 17C, 29-10)
- **Caliber** The caliber of the firearm. (e.g., 12 gauge, .308 Winchester, 9 mm, .44 Magnum)
- **Firearm Origin** The country of origin of the firearm. (e.g., United States, Russia, China, Italy)
- **Barrel Length** Enter the barrel length as stated either in your owner's manual, manufacturer's website, or measure the barrel length by closing the action of the firearm and inserting a wooden dowel down the barrel until it stops. Mark the dowel with a pen at the muzzle. Remove the dowel and measure the distance between the inserted end of the dowel and the pen mark.

Part C. Declaration

You must sign and date the declaration on this application.



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Firearm Ownership Report



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The Division of Law Enforcement in the Department of Justice collects the information requested on this form as authorized by Penal Code section 28000. The Division of Law Enforcement uses this information to establish firearm ownership. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. If you fail to provide any of the required personal information, the unprocessed report will be returned to you for completion and resubmission.

Access to Your Information. You may review the records maintained by the Division of Law Enforcement in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to ensure you are not prohibited and establish firearm ownership, we may need to share the information you give us with entities as authorized in Penal Code section 11105. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information. For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov or by mail at P.O. Box 820200, Sacramento, CA 94203-0200.



ADOPT



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS Notice of No Longer in Possession (Pen. Code § 28000)

DOJ/BOF Case No.:

Check appropriate box: ☐ Handgun/Long Gun (complete sections A,B,D,E) ☐ Assault Weapon/.50 BMG Rifle (complete sections A,C,D,E)

A. Owner Information

Last Name	First Name	Middle Name	Date of Birth
Residence Street Address		City	State Zip Code
Mailing Address (if different)		City	State Zip Code
CA DL, ID, or Military ID No.	Telephone Number ()	Is the owner deceased? <input type="radio"/> Yes <input type="radio"/> No	Date of Death County of Death

B. Handgun/Long Gun Information

Date Purchased/Acquired	Serial Number	If Handgun: <input type="radio"/> Semi-auto <input type="radio"/> Revolver <input type="radio"/> Single Shot <input type="radio"/> Other	If Long Gun: <input type="radio"/> Rifle <input type="radio"/> Shotgun
Make (as stamped on firearm)	Model (3032 Tomcat, KP95, 17C)	Caliber	Firearm Origin (US, Italy, China) Barrel Length

C. Assault Weapon/.50 BMG Rifle Information - Voluntary cancellation of registration (Cal. Code Reg., tit. 11, § 5473)

AWR/.50 BMG Registration No.	Serial Number	Make (as stamped on firearm)	Model (e.g., AK47, AR15, TEC 9)	Caliber
------------------------------	---------------	------------------------------	---------------------------------	---------

D. Disposition (see detailed instructions on reverse)

☐ Seized by or surrendered to law enforcement agency - law enforcement agency name and signature required:
Law enforcement agency: Report No.:
and/or agent or representative: Signature: Date:

☐ Reported to law enforcement as: ☐ Lost ☐ Stolen Report No.: Date:

☐ Sold/transferred to a licensed firearms dealer: Dealer name: Date:
Dealer address:

☐ Sold/transferred to a family member or private party: Transferee name: Transfer date:
Transferee address: Transferee telephone:

☐ Firearms Ownership Record/Operation of Law/Intra familial transfer submitted ☐ Copy of completed form or DOJ acknowledgement letter attached

☐ Verified destroyed: Destruction method: ☐ Verification (i.e. insurance claim) attached. Destruction date:

☐ No longer resident of California: New state/country of residence: Date residency established:
☐ Copy of government issued identification attached from new state/country of residence

☐ Transferred firearms to person/dealer in another state: Transferee name: Transfer date:
Transferee address: Transferee telephone:

☐ Documentation of sale/transfer attached Federal Firearms License No. (if applicable):

☐ Returned to dealer/manufacture: Dealer/manufacture name: Return date:
Dealer/manufacture address: ☐ Documentation from manufacturer attached

E. Declaration

I declare under penalty of perjury under the laws of the State of California the forgoing is true and correct.

Signature: Date:

ADOPT

Notice of No Longer in Possession Completion Instructions

Type of Firearm

Check the appropriate box. Use one form per firearm. For additional firearm(s), please use the included supplemental page and make as many copies as necessary.

Section A - Owner Information

Enter the requested information. If you are submitting this form for a deceased person, check "yes," and list the date and county of death. To expedite processing of your request, please include a copy of the death certificate with this form.

Section B - Handgun/Long Gun Information

Complete this section if you checked the Handgun/Long Gun box. Do not complete this section if you checked the Assault Weapon/.50 BMG Rifle box and entered firearm information in Section C.

Section C - Assault Weapon/.50 BMG Rifle Information

Complete this section if the firearm is a registered Assault Weapon/.50 BMG Rifle. Do not complete this section if you checked the Handgun/Long Gun box and entered firearm information in Section B. Completion of Section C will result in the cancellation of the registration of the Assault Weapon/.50 BMG Rifle.

Section D - Disposition

Check the appropriate box and complete the required information.

- If you check "Seized by or surrendered to law enforcement agency," an agent or representative from the listed law enforcement agency must verify and enter the requested information, sign, and date this form. Attach a copy of a police report or written confirmation from the agency.
- If you check "Reported to law enforcement" as "Lost" or "Stolen," enter the number and date of the police report and attach a copy of the report or written confirmation from the agency.
- If you check "Sold/transferred to a licensed firearms dealer," list the name and address of the licensed California firearms dealer who conducted the sale or transfer, and the date of the sale or transfer.
- If you check "Sold/transferred to a family member or private party," list the name, address and telephone number of the person who purchased/obtained the firearm and the date of the sale or transfer. (NOTE: As of 01/01/1991, a sale or transfer must be completed through a licensed firearms dealer when neither party involved in the sale or transfer of a firearm has a dealer's license issued pursuant to Penal Code section 26700.) The Department of Justice (DOJ) will not process this form until and unless DOJ receives either a Dealer's Record of Sale (documenting a sale of a firearm through a dealer), a Firearms Ownership Record, an Operation of Law/Intra-familial Transfer submitted by the person who purchased/obtained the firearm (i.e. transfers between immediate family members pursuant to Penal Code section 27870) or a DOJ acknowledgement letter to document the sale or transfer. (Pen. Code, § 27545)
- If you check "Verified destroyed," list the date and method of destruction. You must also attach written verification of the destruction (i.e. copy of an insurance claim for the destroyed firearm or statement from gunsmith or manufacturer stating that the firearm was not repairable and could not be made operable).
- If you check "No longer a resident of California," list the date that you established residency in a state outside of California or country outside of the United States. You must also attach a legible copy of your government issued identification from the other state or country.
- If you check "Transferred firearm out of state," list the name and address of the person who purchased/obtained the firearm and the date of the sale or transfer, and the name, address, telephone number and, if known, the Federal Firearms License (FFL) number of the firearms dealer(s) who conducted the sale/transfer. You must also attach any relevant documentation of the sale or transfer, such as a sales receipt.
- If you check "Returned to dealer/manufacturer," list the name and address of the manufacturer. You must also attach documentation showing that the dealer/manufacturer received the firearm from you and did not redeliver it to you.

Part E - Declaration

You must read, sign and date the declaration.

NOTE: The DOJ may not be able to disassociate you from the listed firearm(s) without adequate supporting documentation (i.e., police reports, dealer transfer information, details of transfer to private party).

Mail completed Notice of No Longer in Possession and copies of any required documents to:

Department of Justice

Bureau of Firearms

P.O. Box 820200

Sacramento, CA 94203-0200

For questions, please visit the Bureau of Firearms website at www.oag.ca.gov/firearms



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Notice of No Longer in Possession
Supplement Page



Supplement Page: _____

DOJ/BOF Case No.: _____

Check appropriate box: ☐ Handgun/Long Gun (complete sections A,B,D,E) ☐ Assault Weapon/.50 BMG Rifle (complete sections A,C,D,E)

A. Owner Information

Last Name	First Name	Middle Name	Date of Birth
Residence Street Address		City	State Zip Code
Mailing Address (if different)		City	State Zip Code
CA DL, ID, or Military ID No.	Telephone Number ()	Is the owner deceased? <input type="radio"/> Yes <input type="radio"/> No	Date of Death County of Death

B. Handgun/Long Gun Information

Date Purchased/Acquired	Serial Number	If Handgun: <input type="radio"/> Semi-auto <input type="radio"/> Revolver <input type="radio"/> Single Shot <input type="radio"/> Other	If Long Gun: <input type="radio"/> Rifle <input type="radio"/> Shotgun
Make (as stamped on firearm)	Model (3032 Tomcat, KP95, 17C)	Caliber	Firearm Origin (US, Italy, China) Barrel Length

C. Assault Weapon/.50 BMG Rifle Information - Voluntary cancellation of registration (Cal. Code Reg., tit. 11, § 5473)

AWR/.50 BMG Registration No.	Serial Number	Make (as stamped on firearm)	Model (e.g., AK47, AR15, TEC 9)	Caliber
------------------------------	---------------	------------------------------	---------------------------------	---------

D. Disposition (see detailed instructions on reverse)

☐ Seized by or surrendered to law enforcement agency - law enforcement agency name and signature required:
Law enforcement agency: _____ Report No.: _____
and/or agent or representative: _____ Signature: _____ Date: _____

☐ Reported to law enforcement as: ☐ Lost ☐ Stolen Report No.: _____ Date: _____

☐ Sold/transferred to a licensed firearms dealer: Dealer name: _____ Date: _____
Dealer address: _____

☐ Sold/transferred to a family member or private party: Transferee name: _____ Transfer date: _____
Transferee address: _____ Transferee telephone: _____

☐ Firearms Ownership Record/Operation of Law/intra familial transfer submitted ☐ Copy of completed form or DOJ acknowledgement letter attached

☐ Verified destroyed: Destruction method: _____ ☐ Verification (i.e. insurance claim) attached Destruction date: _____

☐ No longer resident of California: New state/country of residence: _____ Date residency established: _____
☐ Copy of government issued identification attached from new state/country of residence

☐ Transferred firearms to person/dealer in another state: Transferee name: _____ Transfer date: _____
Transferee address: _____ Transferee telephone: _____

Documentation of sale/transfer attached ☐ Federal Firearms License No. (if applicable): _____

☐ Returned to dealer/manufacture: Dealer/manufacture name: _____ Return date: _____
Dealer/manufacture address: _____ ☐ Documentation from manufacturer attached

E. Declaration

I declare under penalty of perjury under the laws of the State of California the forgoing is true and correct.

Signature: _____ Date: _____



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Notice of No Longer in Possession



Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this notice pursuant to Penal Code section 28000. The Bureau of Firearms uses this information to record a notice that a person is no longer in possession of a firearm. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information: All personal information on this notice is mandatory. Failure to provide the mandatory personal information will result in your notice not being processed.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to record a notice that a person is no longer in possession of a firearm, we may need to share the information you provide us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies when necessary to perform their legal duties, and their use of information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email at firearms.bureau@doj.ca.gov, or by mail at P.O. Box 820200, Sacramento, CA 94203-0200.

California Firearms Application Reporting System (CFARS)

CFARS Log in Page

If You Have a California
Reporting Information System
(CRIS) Account



The CRIS application has been migrated into the new CFARS system. Your existing CRIS username and password are now your CFARS username and password. After you log in, the CRIS application menu will be displayed.

CFARS Assistance Center

Contact Us

California Firearms Application Reporting System (CFARS) - Log On

* Indicates Required Field

Log On

*User Name

*Password

Forgot User Name?

Forgot Password?

Forgot User Name and Password?

Please click buttons only once. Multiple clicks will delay processing.

Log On to CFARS

Clear Form

If you are not enrolled as a CFARS user:

Create a CFARS account

Continue as a Guest (your transactions will not be retrieveable)

BENEFITS OF CREATING A CFARS ACCOUNT

Creating a CFARS user account gives you the ability to view activity history, receive electronic notifications, and submit questions.

Certain functionality hosted within CFARS will not be available to Guest users.

Completion of your user account profile allows prepopulation of information on forms you wish to submit, which saves you time! You may edit the information before submitting, if you wish.

Create a CFARS account

CFARS Enrollment Conditions Agreement

(CFARS) 1.0.0.16 (05/03/2017)

CFARS Enrollment Conditions of Use Agreement

You may want to print and file this agreement page for your records.

Please read the Agreement below. The Conditions of Use are subject to change by the Department of Justice (the Department) upon prior notice to you. If you agree, click the **"I Agree"** button to complete your account enrollment. If you do not agree to the conditions, you will be denied access to the California Firearms Application Reporting System (CFARS).

Non-Liability: The Department is not responsible for and will have no liability for hardware, software, information, or other items or any services provided by any persons other than the Department. Except as may be required by law, in no event shall either party be liable to the other or any third party, under any theory of liability, including but not limited to any contract or tort claim for any cause whatsoever, for any indirect, incidental, special or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.

Authorization: I am authorized to use CFARS for the purpose of reporting firearm information to the Department in order to comply with California firearm laws and regulations. If I become aware of an unauthorized user obtaining access to my CFARS account, I will notify the Customer Support Center immediately at **(916) 227-7527**, or via email firearms.bureau@doj.ca.gov.

Fees: Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred. It will be the cardholder's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.

True and Accurate Information: All of the information I submit to the Department through CFARS shall be true, accurate, and complete to the best of my knowledge.

By clicking the **"I Agree"** button below, I acknowledge that I have reviewed, understand, and agree to all of the conditions specified above.

Please click buttons only once. Multiple clicks will delay processing.

I Agree

I Do Not Agree

Create CFARS User Account

► **CFARS ACCOUNT INSTRUCTIONS (touch or click this banner to view)**

* Indicates Required Field

*First Name

Middle Name

*Last Name

Suffix

 ▼

*Email Address

*Re-enter Email Address

*First Question

 ▼

*First Question Response

*Second Question

 ▼

*Second Question Response

*Third Question

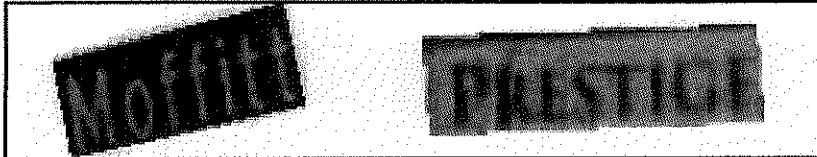
 ▼

*Third Question Response

*Password

*Re-enter Password

Verification Code



*Type the verification code shown above in the text field below. Enter the code exactly as shown. If the code is in two parts, enter one space between the two parts of the code.

Get another CAPTCHA 

Get an audio CAPTCHA 

CAPTCHA Help 

► IS A VERIFICATION CODE REQUIRED EVERY TIME I USE THIS SYSTEM?

► WHY ARE YOU REQUIRING A VERIFICATION CODE (CAPTCHA)?

► WHAT IF I CAN'T SEE THE CHARACTERS I AM SUPPOSED TO TYPE?

Please click buttons only once. Multiple clicks will delay processing.

Submit

Cancel

CFARS Account Enrollment - Submission Confirmation

Congratulations, your account has been created.

Your user name is **HADUNN**. Please make a note of this.

[Go to Log On](#)

CFARS Main Menu

lion Reporting System (CFARS) 1.1.0.15 (03/23/2017)

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership


Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 [Help Me Identify Which Report I Need](#)


CFARS Assistance Center

[Contact Us](#)

[Report an Issue](#)

[Additional Help](#)

Logged in User Name: Gh Ost 03/23/2017

 There are reports in the pending cart. Creating new reports without moving the items in the pending cart to the cart will result in separate payments.

Welcome to the California Firearms Application Reporting System (CFARS)

The Home Page is used to present important system messages, when necessary, as well as provide users a starting point for system navigation.

To proceed, please select an option from one of the links available.

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

[Pending Cart \(2\)](#)

[Pending Invoices \(0\)](#)

MY ACCOUNT

[My User Profile](#)

[Change My Password](#)

[My Transaction History](#)

[My Issue Log](#)

CFARS Assault Weapon Registration

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/23/2017

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)

FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)

* Indicates Required Field

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) Privacy Notice, as required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information requested as authorized by Penal Code Section 30900 (b). The Bureau of Firearms uses this information to establish registration of an assault weapon by an assault weapon owner. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy> and may be accessed within CRIS from the Privacy Policy link.

Providing Personal Information: All the personal information requested must be provided. If you fail to provide all personal information requested, your registration will not be accepted.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to establish registration, we may need to share the information you give us with any Bureau of Firearms representative or other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- ▶ With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- ▶ To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email firearms.bureau@doj.ca.gov, or by mail at P.O. Box 160367 Sacramento, CA 95816-0367.

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

By selecting "I Agree", I acknowledge that I have reviewed and understand the Privacy Notice information listed above. **"I Agree"** ☒

Statement to Applicant

- ▶ DOJ will not register lower receivers, partially assembled firearms etc.
- ▶ All rifles submitted should be semi automatic and centerfire at the time of application.
- ▶ Pistols should be semi automatic; and rimfire or centerfire are potentially eligible.
- ▶ Shotguns should be semi automatic.
- ▶ The firearms submitted should not be manufactured prior to January 1, 1899.
- ▶ The applicant must have been in lawful possession of the weapon between January 1, 2001 and December 31, 2016.
- ▶ A serial number must be engraved or permanently affixed to the firearm pursuant to state and federal laws. Please contact the Department of Justice (Department) at DOJserialnumber@doj.ca.gov, to obtain a Department issued serial number. The Assault Weapon Registration cannot be submitted until such time the Department issued serial number has been engraved and permanently affixed to the firearm.

Owner Information



Do you already have an Assault Weapon Registration (AWR) Number? If so, enter it below
AWR Number

*First Name

GH

Middle Name

SPOOKY

*Last Name

OST

Suffix

IV

Alias First Name

Alias Middle Name

Alias Last Name

Suffix

Select

*Residence Street Address

123 BOO WAY

*Zip Code

95820

*City

SACRAMENTO

State

CA

Mailing Address (if different) 123 BOO WAY **Zip Code** 95820 ***City** SACRAMENTO **State** CA

***Email Address**

 At least one phone number must be entered

Home Phone ##### **Business Phone** ##### **Mobile Phone** 9165559898

***ID Type** CALIFORNIA ID CARD ***ID Number** G1234567 **ID State** CA

***Date of Birth** 01/01/1960 ***Gender** FEMALE ***Height (feet/inches)** 4 ft 00 in ***Weight** 125 lbs.

Race AMERICAN INDIAN ***Eye Color** BLACK ***Hair Color** BALD

***U.S. Citizen** YES ***Place of Birth** ANGOLA

Firearm Information



***Is the firearm self built?** NO

***Is it your intention to joint register this firearm?** YES



Enter the information for one joint-registrant below. If you have more than one joint-registrant, please enter the name and relationship to you for each additional joint-registrant in the Comments field below.

***Are you the primary registrant (first to register)?** YES



Please have the joint-registrant(s) submit a registration form for this firearm using the CRIS number provided to you for this transaction. Please Note: Per California Penal Code Section 30955, joint registrants must reside in the same household.

***Relationship to Joint-Registrant** SPOUSE

***Name of Relative Selected** Ghost, Mister

*Firearm Type		*Category	
RIFLE		SEMI-AUTOMATIC	
*Make		*Model	
SMITH & WESSON		M&P 15	
*Caliber			
5.56x45mm NATO			
*Firearm Color		*Barrel Length	*Unit
BLACK		16	INCH
*Magazine		*Cartridge	
Non Fixed Magazine (Bullet Button)		Centerfire	
Additional Firearm Characteristics (select all that apply):			
<input type="checkbox"/> Flash Suppressor			
<input type="checkbox"/> Folding or Telescoping Stock			
<input type="checkbox"/> Forward Pistol Grip			
<input type="checkbox"/> Grenade Launcher or Flare Launcher			
<input type="checkbox"/> Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
<input type="checkbox"/> Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)			
<input type="checkbox"/> Thumbhole Stock			
*Serial Number		*Re-enter Serial Number	
ABC12345		ABC12345	
Other Number		*Firearm Country of Origin/Manufacturer	
		UNITED STATES OF AMERICA	
*Date Acquired	*Acquired From		
06/15/2013	FIREARMS DEALER		
*Dealership Name			
The Gun Shop			

*Street Address

123 Main Street

*Zip Code

95691

*City

WEST SACRAMENTO

State

CA

Comments

J-R2: Ghost, Mister. Husband.

500 character limit. Characters remaining: 471

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that depicts the bullet-button style magazine release installed on the firearm, 2) a photo that depicts the firearm from the end of the barrel to the end of the stock if it is a long gun or the point furthest from the end of the barrel if it is a pistol, 3) a photo of the left side of the receiver/frame, and 4) a photo of the right side of the receiver/frame.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

No files have been uploaded

Add Document

Please click buttons only once. Multiple clicks will delay processing.

Preview

Clear

CFARS Upload File

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio or
Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

Help Me Identify Which Report I Need

Assistance Center

CFARS Contact Us

Report an Issue

Additional Help

CFARS Home > CRIS Home

Logged in user: 07/12/2017

Upload File

FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)

Select a file from your computer to upload

*File Type

Select

Browse...

No file selected.

Please click buttons only once. Multiple clicks will delay processing.

Back

Upload

Uploaded Firearm from end of barrel to stock/other end MINIONS.JPG Delete

Uploaded Joint-Registration 9449C88CE2AC6549996A7B92B83188C7.JPG Delete

Uploaded Right Side of Receiver/Frame CAPTURE.JPG Delete

Uploaded Left Side of Receiver/Frame GRUWITHMINIONS.JPG Delete

Uploaded Bullet Button Style Magazine Release SUMMER-SUN-2-.JPG Delete

Done

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (0)

Pending Invoices (0)

MY CFARS ACCOUNT

My User Profile

Change My Password

My Issue Log

My CRIS Transaction History

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio or
Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

Help Me Identify Which Report I Need

Assistance Center

CFARS Contact Us

Report an Issue

Additional Help

CFARS Home > CRIS Home

Logged in user: 07/12/2017

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) - Preview Your Entry

**FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or
click this banner to view)**

Owner Information

Assault Weapon Registration (AWR) Number

First Name	Middle Name	Last Name	Suffix
GH	SPOOKY	OST	IV

Alias First Name	Alias Middle Name	Alias Last Name	Suffix

Residence Street Address	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Mailing Address (if different)	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Email Address

Home Phone	Business Phone	Mobile Phone
		(916) 555-0000

ID Type	ID Number	ID State
CALIFORNIA ID CARD	G1234567	CA

Date of Birth	Gender	Height (feet/inches)	Weight
01/01/1960	Female	4 ft 00 in	125lbs.

Race	Eye Color	Hair Color
AMERICAN INDIAN	BLACK	BALE

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart

Pending Cart (0)

Pending Invoices (0)

MY CFARS ACCOUNT

My User Profile

Change My Password

My Issue Log

My CRIS Transaction History

U.S. Citizen Place of Birth
YES ANGOLA

Firearm Information

Is the firearm self built? NO

Is it your intention to joint register this firearm? YES

Are you the primary registrant (first to register)? YES



Please have the joint-registrant(s) submit a registration form for this firearm using the CRIS number provided to you for this transaction. Please Note: Per California Penal Code Section 30955, joint registrants must reside in the same household.

Relationship to Joint-Registrant SPOUSE

Name of Relative Selected Ghost, Mister

Firearm Type	Category	Make	Model
RIFLE	SEMI-AUTOMATIC	SMITH & WESSON	MP 15

Caliber
5.56x45mm NATO

Firearm Color	Barrel Length	Unit
BLACK	16.0	INCH

Magazine	Cartridge
Non Fixed Magazine (Bullet Button)	Centerfire

Additional Firearm Characteristics selected:

- ☐ Flash Suppressor
- ☐ Folding or Telescoping Stock
- ☐ Forward Pistol Grip
- ☐ Grenade Launcher or Flare Launcher
- ☐ Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon
- ☐ Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)
- ☐ Thumbhole Stock

Serial Number **Other Number** **Firearm Origin**
ABC12345 UNITED STATES OF AMERICA

Date Acquired **Acquired From**
06/15/2013 FIREARMS DEALER

Dealership Name
The Gun Shop

Street Address **Zip Code** **City** **State**
123 Main Street 95691 WEST SACRAMENTO CA

User Current Comment
J-R2: Ghost, Mister, Husband.

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that shows the overall view of the right side of your firearm, 2) a photo that shows the overall view of the left side of your firearm, 3) a photo that shows a close-up of the engraved serial number, and 4) a close-up of any other markings on your firearm such as Make, Model and Caliber.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for Joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

Uploaded Firearm from end of barrel to stock/other end MINIONS.JPG

Uploaded Joint-Registration 9449C88CE2AC6549996A7B92B83188C7.JPG

Uploaded Right Side of Receiver/Frame CAPTURE.JPG

Uploaded Left Side of Receiver/Frame GRUWITHMINIONS.JPG

Uploaded Bullet Button Style Magazine Release SUMMER-SUN-2-.JPG

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am the lawful owner of all assault weapons that I seek to have registered. I expressly authorize the Department of Justice to perform firearms eligibility checks of all relevant state and federal databases, including the Federal Bureau of Investigation's National Instant Criminal Background Check System. I also understand that if I currently possess or own firearms and the results of this check reveal that I am ineligible either to lawfully possess or purchase firearms, I must relinquish any and all firearms in my possession. **Agree** ☒

Please click buttons only once. Multiple clicks will delay processing.

Edit

Submit Final

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio or
Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

[Help Me Identify Which Report I Need](#)

Assistance Center

[CFARS Contact Us](#)

[Report an Issue](#)

[Additional Help](#)

[CFARS Home](#) > [CRIS Home](#)

Logged in user: 07/12/2017

☒ The transaction has been added to the cart.

**Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) -
Submitted**

**FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or
click this banner to view)**

CRIS Number: 2222200822901942

You may print your records as long as they appear in your transaction history

[PRINT](#)

Owner Information

Assault Weapon Registration (AWR) Number

First Name	Middle Name	Last Name	Suffix
GH	SPOOKY	OST	IV

Alias First Name	Alias Middle Name	Alias Last Name	Suffix

Residence Street Address	Zip Code	City	State
123 BOO WAY	95920	SACRAMENTO	CA

Mailing Address (if different)	Zip Code	City	State
123 BOO WAY	95920	SACRAMENTO	CA

Email Address

Home Phone	Business Phone	Mobile Phone
		(916) 555-8898

ID Type	ID Number	ID State
CALIFORNIA ID CARD	G1234567	CA

Date of Birth	Gender	Height (feet/inches)	Weight
01/01/1960	Female	4 ft 00 in	125lbs.

SHOPPING CART AND PENDING ITEMS

[View Cart \(1\)](#)

[Pending Cart \(0\)](#)

[Pending Invoices \(0\)](#)

MY CFARS ACCOUNT

[My User Profile](#)

[Change My Password](#)

[My Issue Log](#)

[My CRIS Transaction History](#)

Race Eye Color Hair Color
AMERICAN INDIAN BLACK BALD

U.S. Citizen Place of Birth
YES ANGOLA

Firearm Information

Is the firearm self built? NO

Is it your intention to joint register this firearm? YES

Are you the primary registrant (first to register)? YES



Please have the joint-registrant(s) submit a registration form for this firearm using the CRIS number provided to you for this transaction. Please Note: Per California Penal Code Section 30955, joint registrants must reside in the same household.

Relationship to Joint-Registrant SPOUSE

Name of Relative Selected GHOST, MISTER

Firearm Type	Category	Make	Model
RIFLE	SEMI-AUTOMATIC	SMITH & WESSON	MP 15

Caliber
5.56x45mm NATO

Firearm Color	Barrel Length	Unit
BLACK	16.0	INCH

Magazine	Cartridge
Non Fixed Magazine	Centerfire

Additional Firearm Characteristics selected:

- ☒ Flash Suppressor
- ☒ Folding or Telescoping Stock
- ☒ Forward Pistol Grip
- ☐ Grenade Launcher or Flare Launcher
- ☒ Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

☐ Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)

☐ Thumbhole Stock

Serial Number	Other Number	Firearm Origin
ABC12345		UNITED STATES OF AMERICA

Date Acquired	Acquired From
06/15/2013	FIREARMS DEALER

Dealership Name
THE GUN SHOP

Street Address	Zip Code	City	State
123 MAIN STREET	95691	WEST SACRAMENTO	CA

User Current Comment
J-R2: Ghost, Mister. Husband.

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that shows the overall view of the right side of your firearm, 2) a photo that shows the overall view of the left side of your firearm, 3) a photo that shows a close-up of the engraved serial number, and 4) a close-up of any other markings on your firearm such as Make, Model and Caliber.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

Uploaded Firearm from end of barrel to stock/other end MINIONS.JPG

Uploaded Joint-Registration 9449C88CE2AC6549996A7B92B83188C7.JPG

Uploaded Right Side of Receiver/Frame CAPTURE.JPG

Uploaded Left Side of Receiver/Frame GRUWITHMINIONS.JPG

Uploaded Bullet Button Style Magazine Release SUMMER-SUN-2-.JPG

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am the lawful owner of all assault weapons that I seek to have registered. I expressly authorize the Department of Justice to perform firearms eligibility checks of all relevant state and federal databases, including the Federal Bureau of Investigation's National Instant Criminal Background Check System. I also understand that if I currently possess or own firearms and the results of this check reveal that I am ineligible either to lawfully possess or purchase firearms, I must relinquish any and all firearms in my possession. **Agreed**

CFARS Joint Assault Weapon Registration

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

① Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/23/2017

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)

▶ **FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)**

* Indicates Required Field

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) Privacy Notice, as required by Civil Code § 1798.17

Collection and Use of Personal Information: The Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information requested as authorized by Penal Code Section 30900 (b). The Bureau of Firearms uses this information to establish registration of an assault weapon by an assault weapon owner. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy> and may be accessed within CRIS from the Privacy Policy link.

Providing Personal Information: All the personal information requested must be provided. If you fail to provide all personal information requested, your registration will not be accepted.

Access to Your Information: You may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information: In order to establish registration, we may need to share the information you give us with any Bureau of Firearms representative or other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

- ▶ With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- ▶ To another government agency as required by state or federal law.

Contact Information: For questions about this notice or access to your records, you may contact the Staff Services Analyst in the Customer Support Center at (916) 227-7527, via email firearms.bureau@doj.ca.gov, or by mail at P.O. Box 160367 Sacramento, CA 95816-0367.

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (3)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log

By selecting "I Agree", I acknowledge that I have reviewed and understand the Privacy Notice information listed above. *I Agree ☒

Statement to Applicant

- ▶ DOJ will not register lower receivers, partially assembled firearms etc.
- ▶ All rifles submitted should be semi automatic and centerfire at the time of application.
- ▶ Pistols should be semi automatic; and rimfire or centerfire are potentially eligible.
- ▶ Shotguns should be semi automatic.
- ▶ The firearms submitted should not be manufactured prior to January 1, 1899.
- ▶ The applicant must have been in lawful possession of the weapon between January 1, 2001 and December 31, 2016.
- ▶ A serial number must be engraved or permanently affixed to the firearm pursuant to state and federal laws. Please contact the Department of Justice (Department) at DOJserialnumber@doj.ca.gov, to obtain a Department issued serial number. The Assault Weapon Registration cannot be submitted until such time the Department issued serial number has been engraved and permanently affixed to the firearm.

Owner Information



Do you already have an Assault Weapon Registration (AWR) Number? If so, enter it below
AWR Number

*First Name

Mister

Middle Name

*Last Name

Ghost

Suffix

Select

Alias First Name

Alias Middle Name

Alias Last Name

Suffix

Select

*Residence Street Address

123 BOO WAY

*Zip Code

95820

*City

SACRAMENTO

State

CA

Mailing Address (if different) 123 BOO WAY Zip Code 95820 *City SACRAMENTO State CA

*Email Address
perumal@ca.com

At least one phone number must be entered

Home Phone Business Phone Mobile Phone
#####

*ID Type CALIFORNIA ID CARD *ID Number g1234567 ID State CA

*Date of Birth 01/01/1960 *Gender MALE *Height (feet/inches) 5 ft 10 in *Weight 175 lbs.

Race AMERICAN INDIAN *Eye Color BLACK *Hair Color BALD

*U.S. Citizen YES *Place of Birth ANGOLA

Firearm Information



*Is the firearm self built? NO

*Is it your intention to joint register this firearm? YES



Enter the information for one joint-registrant below. If you have more than one joint-registrant, please enter the name and relationship to you for each additional joint-registrant in the Comments field below.

*Are you the primary registrant (first to register)? NO

*Relationship to Joint-Registrant SPOUSE

*Name of Relative Selected Ost, Gh

*Joint-Registrant CRIS Number 2222200822901942

*Firearm Type RIFLE *Category SEMI-AUTOMATIC

*Make SMITH & WESSON		*Model mp 15	
*Caliber 5.56x45mm NATO			
*Firearm Color BLACK	*Barrel Length 16	*Unit INCH	
*Magazine Non Fixed Magazine (Bullet Button)		*Cartridge Centerfire	
Additional Firearm Characteristics (select all that apply):			
<input type="checkbox"/> Flash Suppressor			
<input type="checkbox"/> Folding or Telescoping Stock			
<input type="checkbox"/> Forward Pistol Grip			
<input type="checkbox"/> Grenade Launcher or Flare Launcher			
<input type="checkbox"/> Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
<input type="checkbox"/> Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)			
<input type="checkbox"/> Thumbhole Stock			
*Serial Number abc12345		*Re-enter Serial Number abc12345	
Other Number		*Firearm Country of Origin/Manufacturer UNITED STATES OF AMERICA	
*Date Acquired 06/15/2013		*Acquired From FAMILY MEMBER	
*Family Member Name The Gun Shop			
*Street Address 123 Main Street	*Zip Code 95691	*City WEST SACRAMENTO	State CA

Comments

J-R1 Ost, Gh. Wife.

500 character limit. Characters remaining: 500

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that shows the overall view of the right side of your firearm, 2) a photo that shows the overall view of the left side of your firearm, 3) a photo that shows a close-up of the engraved serial number, and 4) a close-up of any other markings on your firearm such as Make, Model and Caliber.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

Uploaded Firearm from end of barrel to stock/other end CHEWBACCA-MINION-1420733815KG4N8.JPG Delete

Uploaded Joint-Registration CAPTURE.JPG Delete

Uploaded Right Side of Receiver/Frame WIERDISSIDEEFFECTOFAAWESOME.JPG Delete

Uploaded Left Side of Receiver/Frame JESSEJAMESORDER.PNG Delete

Uploaded Bullet Button Style Magazine Release IMG_1676.JPG Delete

Add Document

Please click buttons only once. Multiple clicks will delay processing.

Preview

Clear

CFARS Joint Assault Weapon Final

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership


Collector In-State Acquisition of Curio or
Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

Assistance Center


CFARS Contact Us

Report an Issue

Additional Help

CFARS Home > CRIS Home

Logged in user: 07/12/2017

 The transaction has been added to the cart.

**Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880) -
Submitted**

**FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or
click this banner to view)**

CRIS Number: 2222200822901943

You may print your records as long as they appear in your transaction history

PRINT

Owner Information

Assault Weapon Registration (AWR) Number

First Name	Middle Name	Last Name	Suffix
MISTER		GHOST	

Alias First Name	Alias Middle Name	Alias Last Name	Suffix
------------------	-------------------	-----------------	--------

Residence Street Address	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Mailing Address (if different)	Zip Code	City	State
123 BOO WAY	95820	SACRAMENTO	CA

Email Address

Home Phone	Business Phone	Mobile Phone
		(916) 555-1234

ID Type	ID Number	ID State
CALIFORNIA ID CARD	G1204567	CA

Date of Birth	Gender	Height (feet/inches)	Weight
01/01/1960	Male	5 ft 10 in	175lbs

SHOPPING CART AND PENDING ITEMS

[View Cart \(1\)](#)

[Pending Cart \(0\)](#)

[Pending Invoices \(0\)](#)

MY CFARS ACCOUNT

[My User Profile](#)

[Change My Password](#)

[My Issue Log](#)

[My CRIS Transaction History](#)

Race **Eye Color** **Hair Color**
AMERICAN INDIAN BLACK BALD

U.S. Citizen **Place of Birth**
YES ANGOLA

Firearm Information

Is the firearm self built? NO

Is it your intention to joint register this firearm? YES

Are you the primary registrant (first to register)? NO

Relationship to Joint-Registrant SPOUSE

Name of Relative Selected OST, GH

Joint-Registrant CRIS Number 2222200822901942

Firearm Type	Category	Make	Model
RIFLE	SEMI-AUTOMATIC	SMITH & WESSON	MP 15

Caliber
5.56x45mm NATO

Firearm Color	Barrel Length	Unit
BLACK	16.0	INCH

Magazine	Cartridge
Non Fixed Magazine (Bullet Button)	Centerfire

Additional Firearm Characteristics selected:

- ☐ Flash Suppressor
- ☐ Folding or Telescoping Stock
- ☐ Forward Pistol Grip
- ☐ Grenade Launcher or Flare Launcher
- ☐ Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon
- ☐ Semi-Automatic, Centerfire, and Overall Length of Less than 30 inches (measure while rifle is in the shortest possible configuration, in which it will fire)
- ☐ Thumbhole Stock

Serial Number **Other Number** **Firearm Origin**
ABC12345 UNITED STATES OF AMERICA

Date Acquired **Acquired From**
06/15/2013 FAMILY MEMBER

Family Member Name
THE GUN SHOP

Street Address **Zip Code** **City** **State**
123 MAIN STREET 95691 WEST SACRAMENTO CA

User Current Comment
J-R1 Ost, Gh. Wife.

File Upload Section



NOTE: File uploads that are being requested on a form must be attached to the form even if you already uploaded them as an attachment to another form.



Please upload the following photos: 1) a photo that shows the overall view of the right side of your firearm, 2) a photo that shows the overall view of the left side of your firearm, 3) a photo that shows a close-up of the engraved serial number, and 4) a close-up of any other markings on your firearm such as Make, Model and Caliber.



Joint Registration requires uploading documentation that verifies proof of residency. Please refer to **Proof of Residency Documentation (for joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)** in the Form Instructions and Fee Information section located at the top of this form.

Uploaded Firearm from end of barrel to stock/other end CHEWBACCA-MINION-1420733815KG4N8.JPG

Uploaded Joint-Registration CAPTURE.JPG

Uploaded Right Side of Receiver/Frame WIERDISSIDEEFFECTOFAAWESOME.JPG

Uploaded Left Side of Receiver/Frame JESSEJAMESORDER.PNG

Uploaded Bullet Button Style Magazine Release IMG_1676.JPG

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am the lawful owner of all assault weapons that I seek to have registered. I expressly authorize the Department of Justice to perform firearms eligibility checks of all relevant state and federal databases, including the Federal Bureau of Investigation's National Instant Criminal Background Check System. I also understand that if I currently possess or own firearms and the results of this check reveal that I am ineligible either to lawfully possess or purchase firearms, I must relinquish any and all firearms in my possession. **Agreed**

Please click buttons only once. Multiple clicks will delay processing.

CFARS View Cart

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership


Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged In User Name: Gh Ost 03/24/2017

Your Cart Contents


Trx#: 2464


Name: Ghost, Mister DOB: 01/01/1960 ID: California ID Card G1234567

Select	Serial Number	Make	Type	Report Type	Fee
<input type="checkbox"/>	ABC12345	SMITH & WESSON	RIFLE	Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)	\$ 15
Remove selected				TOTAL	\$ 15



Important Information Regarding Your Cart Contents and the Checkout Process

- ▶ All reports in your cart will be included at checkout. If you want to remove reports from your cart prior to checkout, take these steps:
 1. Select the checkbox to the left of each report you wish to remove
 2. Select the Remove selected button above
 3. Observe the message above verifying the selected reports have been removed from your cart and placed into the Pending Cart queue
- ▶  **IMPORTANT: Did you print your forms?** If you are a Guest you will not be able to print after you pay for your cart. To print now, select your report from the list above and use the print button near the top of the form.
- ▶ To proceed to checkout, select the Checkout button below.

 **IMPORTANT:** After selecting the Checkout button, you will be navigated to the payment page on the First Data web site. There is no Cancel process once you are on that page so please be certain you are ready to pay when you select the Checkout button

Please click buttons only once. Multiple clicks will delay processing.

Clear

Checkout

Home Page

SHOPPING CART AND PENDING ITEMS

View Cart (1)

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History

My Issue Log



California Firearms Application Reporting System (CFARS)

Review Your Order

#Invoice Number:
1540

Total Amount: USD 15.00

Pay With Your Credit Card

Cardholder Name

Credit Card Number



Expiry Date (MMYY)

Email

A confirmation email will be sent to this address.

Pay With Your Credit Card

Your private information is secured using SSL (Secure Sockets Layer), the leading security protocol on the Internet. Information is encrypted and exchanged with an https server.

We respect your privacy. We will pass your name, address or e-mail address on only to the merchant.

CFARS Payment Confirmation

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

 [Help Me Identify Which Report I Need](#)

Logged in User Name: Gh Ost 03/24/2017

Payment Confirmation

Your credit card payment was approved.

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart.

Pending Cart (2)

Pending Invoices (0)

MY ACCOUNT

[My User Profile](#)

[Change My Password](#)

[My Transaction History](#)

[My Issue Log](#)

CFARS Assistance Center

[Contact Us](#)

[Report an Issue](#)

[Additional Help](#)

CFARS Form Instructions and Fee Information

CRIS Reporting Forms

Assault Weapon Registration Form
(Assembly Bill 1135/Senate Bill 880)

Firearm Ownership Report

New Resident Report of Firearm
Ownership

Collector In-State Acquisition of Curio
or Relic Long Gun Report

Curio or Relic Firearm Report

Report of Operation of Law

Report of Intra-Familial Firearm
Transaction

Law Enforcement Gun Release
Application

Help Me Identify Which Report I Need

CFARS Assistance Center

Contact Us

Report an Issue

Additional Help

Logged in User Name: Gh Ost 03/27/2017

Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)

FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)

If you selected 'Continue as a Guest', please be aware of the following:

- As a guest user, your information will not be retrievable. Print your transactions for your records.

General

- An asterisk (*) preceding the field label means the field is required
- All date fields must be entered as mm/dd/yyyy. Format Example: 01/01/1999
- 500 characters are allowed in comment fields, including spaces

HSC/FSC

- If using a HSC or FSC exemption listed in Penal Code 31700, enter 999999 in the HSC or FSC Number field. Include a comment stating what exemption you are using and upload documentation to support your exemption status (i.e. copy of CCW card, Military ID card, etc.)

If you are using your Military ID as your ID Type, please note:

- If your Military ID Number is 9 digits in length, select "MILITARY ID CARD" for the ID Type
- If your Military ID Number is 10 digits in length, select "DEPT OF DEFENSE ID" for the ID Type

Reporting Forms

- Enter at least one phone number, including area code. Format Example: 9999999999
- File types accepted for File Upload: PDF, gif, jpg or png
- The maximum file size accepted for upload is 10MB
- The browser will not preserve the file location information for your image uploads if something prevents successful submission of the reporting form. This means that if you submit the report to Preview and then select Edit, or if an error condition is reported on the page, you will need to select your image uploads again.
- If the caliber of your firearm is not listed, choose the next closest caliber and enter the actual caliber in the comments
- The serial number must be re-typed into the Re-Enter Serial Number field; copy and pasting of the serial number is not allowed
- See notation regarding HSC/FSC above
- See notation regarding use of Military ID above

Proof of Residency Documentation (for Joint Assault Weapon Registration Assembly Bill 1135/Senate Bill 880)

- Carry Concealed Weapon (CCW) Permit
- Curio and Relic (C & R) Federal firearm license with name and address
- Utility Bill: Cable, electricity, garbage, gas, pipeline, propane, alarm/security or water bill with purchaser's name on it within the last 3 months
- Military permanent duty station orders indicating assignment within California; Active duty military spouse ID is not acceptable
- Property Deed: Valid deed or deed of trust for the individual's property or a certificate of title
- Resident Hunting License
- Signed and dated rental agreement/contract or residential lease
- Trailer certification of title
- DMV Vehicle Registration

SHOPPING CART AND PENDING ITEMS

You have 0 items in your cart

Pending Cart (1)

Pending Invoices (1)

MY ACCOUNT

My User Profile

Change My Password

My Transaction History


My Issue Log

- **Certificate of Eligibility (COE) Letter**


Fee Information

- The CRIS submission fee for the following firearm reports is \$19 per transaction: New Resident Firearm Ownership Report, Firearm Ownership Report, Report of Operation of law, Report of Intra-Familial, Curio or Relic Firearm Report and Collector In-State Acquisition of Curio or Relic Long Gun Report. The term "transaction" means a single submission of any number or any combination of the aforementioned firearm reports. Multiple Firearms reports can be queued and paid for in a single transaction.
- The CRIS submission fee for the Law Enforcement Gun Release (LEGR) Application is \$20 for the first firearm reported and \$3 for each subsequent firearm reported per transaction. Any firearm determined to be stolen pursuant to 33855, subdivision (b), by a law enforcement agency or court, will be subject to an exemption waving the required fees. However, it is the responsibility of the applicant to provide proper documentation to the Department to qualify for this fee waiver exemption.
- The CRIS submission fee for the Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)) is \$15.

CFARS Form – Firearms Information Section (Pistol)

Firearm Information		
 *Is the firearm self built? Select ▼		
*Is it your intention to joint register this firearm? Select ▼		
*Firearm Type	*Category	
PISTOL ▼	Select Category ▼	
*Make	*Model	
Select Make Description ▼		
*Caliber		
Select Caliber ▼		
*Firearm Color	*Barrel Length	*Unit
Select Color ▼		Select Unit ▼
*Magazine	*Cartridge	
Select Magazine ▼	Select Cartridge ▼	
Additional Firearm Characteristics (select all that apply):		
<input type="checkbox"/> Second Handgrip		
<input type="checkbox"/> Shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.		
<input type="checkbox"/> The capacity to accept a detachable Magazine Outside the Pistol Grip		
<input type="checkbox"/> Threaded Barrel (capable of accepting a flash suppressor, forward handgrip, or silencer)		
*Serial Number	*Re-enter Serial Number	
Other Number	*Firearm Country of Origin/Manufacturer	
	Select Country or State ▼	
*Date Acquired	*Acquired From	
mm/dd/yyyy	Select ▼	
Comments		

CFARS Form – Firearms Information Section (Shotgun)

Firearm Information		
 *Is the firearm self built? <input type="text" value="Select"/>		
*Is it your intention to joint register this firearm? <input type="text" value="Select"/>		
*Firearm Type	*Category	
<input type="text" value="SHOTGUN"/>	<input type="text" value="Select Category"/>	
*Make	*Model	
<input type="text" value="Select Make Description"/>		
*Caliber		
<input type="text" value="Select Caliber"/>		
*Firearm Color	*Barrel Length	*Unit
<input type="text" value="Select Color"/>	<input type="text" value=""/>	<input type="text" value="Select Unit"/>
*Magazine	*Cartridge	
<input type="text" value="Select Magazine"/>	<input type="text" value="Select Cartridge"/>	
*Serial Number	*Re-enter Serial Number	
<input type="text" value=""/>	<input type="text" value=""/>	
Other Number	*Firearm Country of Origin/Manufacturer	
<input type="text" value=""/>	<input type="text" value="Select Country or State"/>	
*Date Acquired	*Acquired From	
<input type="text" value="mm/dd/yyyy"/>	<input type="text" value="Select"/>	
Comments		
<input type="text" value=""/>		

CFARS Form – Firearms Information Section (Magazine Type Enhancement)

*Magazine

Select Magazine	-
Select Magazine	
Non Fixed Magazine (Bullet Button)	ct

EXHIBIT 15

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections: 5470, 5471, 5472, 5473,
5474, 5474.1, 5474.2, 5475,
5476, 5477, 5478

Amend sections: 5469

Repeal sections: 5473

NOTICE OF FILING AND PRINTING

Government Code Section 11343.8

OAL Matter Number: 2017-0719-04

OAL Matter Type: File and Print Only (FP)

This request for filing of regulations, as described above, with the Secretary of State and for printing the regulations in the California Code of Regulations concerns requirements and procedures for the registration of certain assault weapons.

OAL filed the regulations, as described above, with the Secretary of State and will publish the regulations in the California Code of Regulations.

Date: July 31, 2017



**Dale P. Mentink
Senior Attorney**

For: Debra M. Cornez
Director

Original: Xavier Becerra
Copy: Jacqueline Dosch

DECLARATION OF SERVICE

Case Name: **Villanueva, Danny, et al. v. Xavier Becerra, et al.**

No.: **17CECG03093**

I declare:


I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On January 17, 2018, I served the attached **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION** by transmitting a true copy via electronic mail, addressed as follows:

Sean A. Brady, Esq.
Michel & Associates, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
E-mail Address: sbrady@michellawyers.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 17, 2018, at San Francisco, California.

Susan Chiang
Declarant



Signature