



## **INFORMATION BULLETIN:**

### **“OTHER” “ASSAULT WEAPON” REGISTRATION OPENING OCT. 1**

**SEPTEMBER 30, 2021**

CRPA is proud to stand with manufacturers like Franklin Armory that work so hard to bring you compliant firearms in California. Franklin Armory designed their Title 1 series firearms to be entirely California compliant and therefore able to be sold in California. One problem—DOJ’s sales system prevents its sale because the Title 1 does not meet any of the defined choices of firearm types in DOJ’s system. This is because the Title 1 cannot be classified as either a shotgun, handgun, or rifle under California law. Instead, the Title 1 and many other lawfully owned firearms in California fall into a lesser-known “other” category.



*Franklin Armory Title 1 Series Firearm*

DOJ has been aware of the need to add the “other” category to its systems for years but has refused to. As a result, California licensed firearm dealers have been precluded from proceeding with sales or transfers of such firearms to customers. And when Franklin Armory first began marketing the Title 1, instead of trying to fix their system, DOJ delayed the necessary system update, refused to provide an alternative method of transfer, and pushed legislation to label some of those firearms—including the Title 1—as “assault weapons.” CRPA has joined with Franklin Armory in a lawsuit challenging DOJ’s intentional delay in fixing its systems and that lawsuit is currently pending.

While that lawsuit is pending, current owners of certain “other” type firearms need to familiarize themselves with the recent changes to California’s “assault weapon” laws and determine what steps they can take, if any, to ensure their continued possession is lawful.

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**Owners of “other” type firearms now classified as “assault weapons” who wish to continue their lawful possession in California without making any modifications must submit registrations by midnight, December 31, 2021.**

The following information has been prepared to assist CRPA members and owners of “other” type firearms regarding the registration process, which is currently scheduled to begin on October 1, 2021, at 9:00 AM. Additional information regarding alternatives to registration is also included.

**I. WHAT EXACTLY ARE “OTHER” TYPE FIREARMS?**

DOJ has defined the term “other category assault weapon” to mean a “semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun” that is configured in a specific fashion.<sup>1</sup> Before looking at how the firearm must be configured, it is important to understand the legal definition of the terms rifle, pistol, and shotgun to first understand what exactly an “other” type firearm is.

**RIFLE:** A weapon . . . *intended to be fired from the shoulder* and designed . . . 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.<sup>2</sup>

**PISTOL:** Any device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and that *has a barrel less than 16 inches* in length.<sup>3</sup>

**SHOTGUN:** A weapon . . . *intended to be fired from the shoulder* and designed . . . to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.<sup>4</sup>

Note that per the above, both rifles and shotguns must be capable of being fired from the shoulder, which has been generally understood to mean a firearm equipped with a stock of some type. And as for pistols, the firearm must generally have a barrel less than 16 inches in length. What exactly is an “other” type firearm then? A good example would be a semiautomatic Browning 1919 A4, originally produced around 1936 and not legally classified under California law as either a rifle, pistol, or shotgun. This is true for the U.S. Ordinance 1919 Semiautomatic as well. This is because such firearms do not typically come equipped with a stock and have a barrel longer than 16 inches.



*U.S. Ordinance M1919 Semiautomatic*

<sup>1</sup> Cal. Code Regs, tit. 11, § 5485(a).

<sup>2</sup> Pen. Code § 17090.

<sup>3</sup> Pen. Code §§ 16530, 17010. This definition also includes any device that has a barrel 16 inches or more in length which is designed to be interchangeable with a barrel less than 16 inches in length.

<sup>4</sup> Pen. Code § 17190.

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Further examples of “others” also include the following complete firearms:



*Heritage Manufacturing Rough Rider®*



*Mossberg Mavrick 88 Pistol Grip 8*



*Mossberg Shockwave*

“Other” firearms also include the barreled action firearms in disassembled states, including barreled actions for some of the most popular and common hunting rifles such as the Remington 700:



*Remington 700 SPS Barreled Action*

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## II. WHAT ARE “OTHER CATEGORY ASSAULT WEAPONS”?

As noted above, recent changes to California law classify certain “other” type firearms as “assault weapons.” Pursuant to these changes, the following “other” type firearms are now considered “assault weapons”:

- A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine, but that has any one of the following:
  - A pistol grip that protrudes conspicuously beneath the action of the weapon;
  - A thumbhole stock;
  - A folding or telescoping stock;
  - A grenade launcher or flare launcher;
  - A flash suppressor;
  - A forward pistol grip;
  - 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 the bearer’s hand, except a slide that encloses the barrel;
  - The capacity to accept a detachable magazine at some location outside of the pistol grip.
- A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has a fixed magazine with the capacity to accept more than 10 rounds; or,
- A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has an overall length of less than 30 inches.<sup>5</sup>

As a threshold matter, note that for each of the above the firearm must be both “semiautomatic” and “centerfire.” DOJ has defined these terms as follows:

**SEMIAUTOMATIC:** 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.<sup>6</sup>

**CENTERFIRE:** A cartridge with its primer located in the center of the base of the case.<sup>7</sup>

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<sup>5</sup> Pen. Code § 30515(a)(9-11).

<sup>6</sup> Cal. Code Regs., tit. 11, § 5471(hh). This definition also states: (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; and, (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).

<sup>7</sup> Cal. Code Regs., tit. 11, § 5471(j).

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If the “other” firearm in question is not both semiautomatic and centerfire, then the firearm is not an “assault weapon” regardless of its configuration. But if the firearm is both semiautomatic and centerfire, we can then proceed with the next steps by looking at both the magazine release mechanism and the firearm’s overall length.

### a. “Fixed” Versus “Detachable” Magazine

DOJ has defined the term “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.”<sup>8</sup> As used here, “contained in” means the magazine “cannot be released from the firearm while the action is assembled.”<sup>9</sup> And “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.”<sup>10</sup> DOJ has also defined “detachable magazine” to mean “any ammunition feeding device that can be removed readily from the firearms without disassembly of the firearm action or use of a tool.”<sup>11</sup>

Some may ask how the definitions apply to certain “other” type firearms which incorporate belted or linked ammunition. Although not expressly addressed under California law, DOJ regulations include “belted or linked ammunition” as a type of ammunition feeding device in the context of California’s “assault weapon” restrictions.<sup>12</sup> Therefore, if the belted or linked ammunition can be removed from the firearm without disassembly of the firearm action, the firearm does not have a “fixed magazine” for purposes of California’s “assault weapon” restrictions.

Assuming the “other” semiautomatic centerfire firearm has a “fixed” magazine, if the magazine capacity is less than 10 rounds, then the firearm cannot be classified as an “assault weapon.” But if the firearm’s magazine capacity is greater than 10 rounds, then it is now considered an “assault weapon” subject to the upcoming registration requirements. Assuming the “other” semiautomatic centerfire firearm does not have a “fixed” magazine and does not also have any one of the expressly listed features, then the firearm cannot be classified as an “assault weapon.”<sup>13</sup> But if it does not have a fixed magazine and has any one of the expressly listed features, then it is now considered an “assault weapon” subject to the upcoming registration requirements. Current applicable definitions for the listed features can be found in APPENDIX A.

### b. Overall Length of Less Than 30 Inches

DOJ has defined the term “overall length of less than 30 inches” to mean, “*with respect to a centerfire rifle* means the rifle has been measured in the shortest possible configuration that the weapon will function/fire

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<sup>8</sup> Cal. Code Regs., tit. 11, § 5471(p).

<sup>9</sup> Cal. Code Regs., tit. 11, § 5471(k). This definition also stated that 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.

<sup>10</sup> Cal. Code Regs., tit. 11, § 5471(n). This definition also provides an example regarding two-part receivers, stating “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 picot pin as the fulcrum, before the magazine may be removed.”

<sup>11</sup> Cal. Code Regs., tit. 11, § 5471(m).

<sup>12</sup> *Id.*

<sup>13</sup> Note that the list of prohibited features are those same features for rifle and pistol “assault weapon” features and are defined the same. See APPENDIX A for their definitions and more information regarding these features and how to properly identify them.

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and the measurement is less than 30 inches.<sup>14</sup> Note how this definition only expressly contemplates centerfire *rifles* and not “*other*” centerfire firearms. It is therefore unclear how exactly “*other*” type firearms should be measured. That said, measuring “*other*” type firearms from the tip of the muzzle to the further most rear point of the firearm in the shortest possible configuration that allows the weapon to function should be sufficient until further clarification from DOJ can be obtained.

### III. REGISTRATION OF “OTHER CATEGORY ASSAULT WEAPONS”

Should your firearm meet the definition of an “other category assault weapon” as detailed above, California law requires you to register that firearm with DOJ as an “assault weapon” before January 1, 2022, if you wish to continue to lawfully possess the firearm in California. However, to lawfully register the firearm, additional criteria must also be met in accordance with DOJ’s regulations.<sup>15</sup>

In general, to lawfully register, the firearm must have been lawfully possessed by the individual prior to September 1, 2020.<sup>16</sup> Practically speaking, this means the firearm must have been transferred to the individual and the individual had physical possession of it prior to September 1, 2020. What’s more, the firearm must have been lawfully possessed, meaning the individual must have been eligible to own and possess firearms under state and federal law. Conversely, DOJ has also stated the following firearms are expressly prohibited from being registered:

- “Other category assault weapons” that were not lawfully possessed *on or before* September 1, 2020
- “Other category assault weapons” that were required to have been registered under any other prior “assault weapon” registration period.
- “Other category assault weapons” with a “rifle buffer tube.”
- “Other category assault weapons” that are not fully assembled and functional.
- Rifles, pistols, shotguns, or rifle/shotgun combinations.
- “Other category assault weapons” manufactured by a federally-licensed manufacturer that do not have a serial number applied pursuant to federal law.
- “Other category assault weapons” that were not manufactured by a federally-licensed manufacturer (i.e. a home-built firearm) that do not have a serial number assigned by DOJ prior to September 1, 2020 and applied by the owner pursuant to section 5518 of Title 11 of the California Code of Regulations.<sup>17</sup>

Careful observers may note several problems and inconsistencies in the above limitations. First, DOJ states that it will not register “other category assault weapons” that were not lawfully possessed *on or before* September 1, 2020. This stands in contradiction to Penal Code section 30900’s requirement that the firearm be lawfully possessed *prior to* September 1, 2020. Given the statutory language should control over DOJ’s

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<sup>14</sup> Cal. Code Regs., tit. 11, § 5471(x) (emphasis added). This definition also states that folding and telescoping stocks shall be collapsed prior to measurement, and the approved method for measuring is to measure the firearm from the end of the barrel or permanently attached muzzle device to that part of the stock that is further from the end of the barrel or permanently attached muzzle device.

<sup>15</sup> DOJ’s recently adopted regulations can be viewed online at <https://oag.ca.gov/system/files/media/oaw-text-adopted-regs.pdf>.

<sup>16</sup> Cal. Code Regs., tit. 11, § 5485(b).

<sup>17</sup> Cal. Code Regs., tit. 11, § 5487.

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conflicting regulation, it is reasonable to conclude that the firearm must have been possessed prior to September 1, 2020. In other words, you must have possessed the firearm on or before midnight of August 31, 2020. CRPA attorneys have asked DOJ to clarify this inconsistency but have yet to receive a response.

A second question arises regarding the prohibition against registering any “other category assault weapon” that was required to have been registered under any other prior “assault weapon” registration period. This appears meaningless because there has never been an “other category assault weapon” classification until now. Nor does there appear to be any criteria or other information regarding what firearms DOJ believes should have been previously registered. For these reasons, no submitted registration application should be denied on these grounds. That said, CRPA attorneys have asked DOJ to clarify their position but have yet to receive a response.

Perhaps most questionable of all, however, is the third restriction against registering “other category assault weapons” with a “rifle buffer tube.” The term “rifle buffer tube” is not legally defined anywhere in either California law or DOJ’s regulations. Unsurprisingly there is no restriction against registering a firearm equipped with such a device under California law. Meaning DOJ appears to be arbitrarily imposing this restriction without justification, let alone providing any clarity as to what is exactly meant by the term “rifle buffer tube.” Once again, CRPA attorneys have asked DOJ to clarify but have yet to receive a response.

### **A. Submitting Registrations for “Other Category Assault Weapons”**

Should you wish to register your “other category assault weapon”, there are two ways of doing so—either electronically or by mail. Submitting a registration electronically will require individual to visit DOJ’s registration website at <https://oawr.doj.ca.gov/>, which at the time of this publication is not yet active. Submitting a registration via mail will require completion of a DOJ form titled “Other Assault Weapon Registration (BOF 1039) (Orig. 07/2021)” which will be available for download on DOJ’s Forms and Publications webpage beginning October 1, 2021.<sup>18</sup> Note that unlike prior “assault weapon” registration periods, there is no option to jointly register an “other category assault weapon” with an immediate family member.<sup>19</sup>

Regardless of the manner submitted, applicants must provide the following information:

- Full name;
- Alias name (if applicable);
- Address;
- Mailing address (if different);
- Telephone number(s);
- Email;
- Date of birth;
- Gender;
- Height;
- Weight;
- Eye color;
- Hair color;
- Military identification number (if applicable);

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<sup>18</sup> <https://oag.ca.gov/firearms/forms>.

<sup>19</sup> The recent changes to California law addressing “other category assault weapons” expressly prohibit their joint registration. See Cal. Pen. Code § 30955(b).

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- California Driver License number or California Identification Card number;
- Proof of lawful presence in the United States (if required pursuant to section 4045.1 of Title 11 of the California Code of Regulations<sup>20</sup>);
- U.S. citizenship status;
- Place of birth;
- Country of citizenship; and,
- Alien registration number or I-94 (if applicable).<sup>21</sup>

In addition, applicants must also include a description of the firearm(s) they intend to register. The required information about the firearm(s) include, but are not limited to:

- Whether the firearm is self-built;
- Firearm type;
- Make;
- Category;
- Model;
- Caliber;
- Color;
- Barrel length and unit of measurement;
- Whether the magazine is fixed or not;
- Cartridge type;
- Serial number;
- All identification marks;
- Country of origin/manufacturer;
- Date the firearm was acquired;
- Name and address of the individual from whom, or business from which, the firearm was acquired; and,
- Whether the firearm is less than 30 inches.<sup>22</sup>

Lastly, applicants must also provide clear digital photos of each firearm in the following manner:

- One depicting the firearm from the end of the barrel and/or permanently attached muzzle device to the point furthest from the end of the barrel and/or permanently attached muzzle device. This photo must include an extended tape measure with the measurement of the entire firearm in inches clearly legible;
- One depicting the barrel which includes an extended tape measure with the measurement of the barrel in inches clearly legible;
- If the firearm has a fixed magazine, one depicting the magazine release device that is used. If the firearm does not have a fixed magazine, one depicting the push-button release mechanism;
- One depicting the left side of the receiver/frame; and,
- One depicting the right side of the receiver/frame.<sup>23</sup>

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<sup>20</sup> See APPENDIX B for information regarding providing proof of lawful presence in the United States.

<sup>21</sup> Cal. Code Regs., tit. 11, § 5488(a).

<sup>22</sup> Cal. Code Regs., tit. 11, § 5488(b).

<sup>23</sup> Cal. Code Regs., tit. 11, § 5488(c). And if required, applicants must provide additional photos if requested by DOJ. See Cal. Code Regs., tit. 11, § 5488(d).

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## B. Registration Fees

The fee for submitting an “other category assault weapon” registration is \$37.19 per person for the first firearm.<sup>24</sup> There is an additional \$5 fee for each subsequent firearm submitted, to which there is no limit.<sup>25</sup> If the registration is submitted electronically, the fee must be paid by using either a debit or credit card at the time the registration is submitted.<sup>26</sup> If the registration is submitted by mail, then the fee must be paid by check or money order made payable to the Department of Justice, and be received at the same time as the completed application form in the mail.<sup>27</sup>

## C. Application Processing

In general, applications will be processed in the order in which they are received.<sup>28</sup> Once submitted and the fee paid, DOJ will inform the applicant by mail that their application was received and is either (1) Accepted and being processed; (2) Being returned as incomplete with the required information specified; or, (3) Been rejected.<sup>29</sup> It is currently unknown approximately how long it will take DOJ to fully process a submitted application.

Submitted applications which are determined by DOJ to be incomplete must be corrected within 30 days of receiving notification. Failure to provide DOJ with the additional information will result in the application being rejected. In any event, all applications must be submitted to DOJ on or before midnight, December 31, 2021.

Should DOJ determine the application is complete and the firearm qualifies for registration, a firearms eligibility check will be conducted on the applicant.<sup>30</sup> If successful, the applicant shall receive an “other category assault weapon” registration disposition letter in the mail.<sup>31</sup> Note that at this time, it is unclear what will happen if an applicant’s eligibility check results in a “denial” or “undetermined” status. But because DOJ’s regulations state that a person will only receive a registration disposition letter if the background check is “successful,” it is assumed DOJ will attempt to deny registrations for those individuals that are labeled “undetermined” by DOJ.

## D. Post-Registration Modification

DOJ’s regulations state that the release mechanism for an ammunition feeding device on an “other category assault weapon” shall not be changed after registration.<sup>32</sup> However, this prohibition does not apply to the repair or like-kind replace of the release mechanism, or an “other category assault weapon” undergoing voluntary deregistration.<sup>33</sup> DOJ has also stated on its website that “[w]ith the exception of the release mechanism, firearm features that were included at time of registration may be removed at any point after

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<sup>24</sup> Cal. Code Regs., tit. 11, § 5489(a).

<sup>25</sup> *Id.*

<sup>26</sup> Cal. Code Regs., tit. 11, § 54889(b).

<sup>27</sup> *Id.*

<sup>28</sup> Cal. Code Regs., tit. 11, § 5490(a).

<sup>29</sup> Cal. Code Regs., tit. 11, § 5490(b).

<sup>30</sup> Cal. Code Regs., tit. 11, § 5490(d).

<sup>31</sup> Cal. Code Regs., tit. 11, § 5490(e).

<sup>32</sup> Cal. Code Regs., tit. 11, § 5491(a).

<sup>33</sup> Cal. Code Regs., tit. 11, § 5491(b).

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registration and remain compliant.”<sup>34</sup> Therefore, as long as the changes being made to the firearm do not concern the release mechanism for its ammunition feeding device, there are generally no limitations on what changes may be made.<sup>35</sup>

## **E. Voluntary De-Registration**

If you registered your “other” type firearm as an “assault weapon” and then subsequently modify the firearm to no longer meet the legal definition of an “assault weapon,” you will have the option of submitting a deregistration request to DOJ.<sup>36</sup> Note, however, that once you deregister the firearm as an “assault weapon,” you generally cannot return the firearm to its prior “assault weapon” configuration in California.

## **IV. LAWFUL ALTERNATIVES TO REGISTRATION**

Should you not wish to register your “other” type firearm as an “assault weapon”, you still have options that will allow you to continue to lawfully possess it in California. This includes modifying the firearm so that it no longer meets the definition of an “assault weapon” or keeping the firearm disassembled. Additionally, owners of such firearms can remove the firearm from the state of California, sell the firearm, or surrender the firearm to law enforcement.

### **A. Modification**

Modifying the firearm will require you to address the above listed features/characteristics so that the firearm can no longer be legally classified as an “assault weapon.” As noted above, “other” type firearms must generally be both semiautomatic and centerfire to potentially be considered an “assault weapon.” Modifying the firearm’s action to no longer be semiautomatic (i.e. single shot) or to no longer fire centerfire cartridges (i.e. rimfire) will ensure the firearm cannot be classified as an “assault weapon” and therefore need not be registered. Other options, such as modifying the firearm’s magazine release mechanism and/or ensuring the firearm is not equipped with any of the expressly listed features may also apply.

For more information on modification options, CRPA has published webinars regarding “California Compliant” and “Featureless” builds. These are terms often used by California gun owners to describe firearms that have been modified to ensure they cannot be classified as “assault weapons” under California law. As the features used to identify “other category assault weapons” under California law are defined the same for rifles, pistols, and shotguns classified as “assault weapons,” the discussion contained in these webinars is equally applicable.

**To watch the webinar regarding “California Compliant” builds, visit-**

<https://youtu.be/A9afrMmfqyQ>

**To watch the webinar regarding “Featureless” builds, visit-**

[https://youtu.be/x\\_IFGes9vwM](https://youtu.be/x_IFGes9vwM)

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<sup>34</sup> See <https://oag.ca.gov/firearms/regagunfaqs#17c> (last visited September 28, 2021).

<sup>35</sup> That said, it may still be possible to modify the firearm to be prohibited for some other reason, such as converting the “other” firearm into a “short-barreled rifle” or other generally prohibited weapon.

<sup>36</sup> Cal. Code Regs., tit. 11, § 5492. Deregistration requests must be submitted using DOJ’s “Notice of No Longer in Possession” form BOF 4546 (Rev. 12/2019), available online at <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/bof-4546-nlip-09-2016.pdf>.

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## B. Disassembly

A firearm must be both assembled and functioning to be considered an “assault weapon.” Consequently, disassembling the firearm or removing a crucial part that will prevent its function should prevent the firearm from being classified as an “assault weapon.” But once disassembled, the firearm can never be lawfully re-assembled in California into a configuration that meets the definition of an “assault weapon.” What’s more, individuals should never manifest the intent to reassemble the firearm into an “assault weapon” configuration in California (and to be safe, you should never discuss your firearm or how it might be reassembled with anyone).

Note that if a firearm is lacking a non-essential part, like a magazine, or a part not required for the firearm to function, or if the firearm is merely disabled by a gun lock but can otherwise still function properly, the firearm has not been disassembled and is still potentially considered an “assault weapon.”

## C. Sale/Surrender

While firearms now classified as “assault weapons” generally cannot be sold in California, they can still be sold to properly licensed “assault weapon” dealers. Such dealers possess what is known as a “Dangerous Weapons Permit” issued by the California Department of Justice.<sup>37</sup> Additionally, firearms classified as “assault weapons” by nature of their configuration can first be disassembled and then sold as a frame/receiver only to any California licensed firearms dealer or through a private party transfer. But as with the above, the firearm cannot then be reconfigured into an “assault weapon” in California. Further, firearms classified as “assault weapons” may generally be sold outside of California subject to any applicable state, federal, and local laws.

Firearms classified as “assault weapons” may also be surrendered to law enforcement. Before choosing to do so, however, you should consult with an experienced firearms attorney to ensure you avoid unnecessary prosecution. This is particularly true if the firearm you are attempting to surrender was previously required to be registered as an “assault weapon.”

## D. Removal from California

Lastly, owners of “other” type firearms now classified as “assault weapons” who do not wish to register them may also remove the firearm from the state of California. Owners choosing this option should be mindful of other state laws and federal transfer requirements, particularly if the firearms are in a location where others may access them. Before choosing this option, you should consult with an experienced firearms attorney to ensure you avoid unnecessary prosecution. What’s more, “other” type firearms now classified as “assault weapons” which are removed from California cannot be brought back into California in an “assault weapon” configuration.

To stay informed regarding any updates on this issue and more, be sure you are [subscribed to CRPA email alerts](#) or by visiting the CRPA website at [www.CRPA.org](http://www.CRPA.org).

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<sup>37</sup> Unfortunately, DOJ does not publish a list of dealers who possess a “Dangerous Weapons Permit.” As a result, individuals will simply need to contact various dealers in their area to determine who, if any, possess such a permit.

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## APPENDIX A – Feature Definitions

### **Pistol grip that protrudes conspicuously beneath the action of the weapon**

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.<sup>38</sup>

### **Thumbhole stock**

A stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.<sup>39</sup>

### **Folding stock**

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.<sup>40</sup>

### **Telescoping stock**

A stock which is shortened or lengthened by allowing one section to telescope into another portion.<sup>41</sup>

### **Grenade launcher**

A device capable of launching a grenade.<sup>42</sup>

### **Flare launcher**

A device used to launch signal flares.<sup>43</sup>

### **A flash suppressor**

Any of the following:

- 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.<sup>44</sup>

### **Forward pistol grip**

A grip that allows for a pistol style grasp forward of the trigger.<sup>45</sup>

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<sup>38</sup> Cal. Code Regs., tit. 11, § 5471(z). This definition also expressly includes pistol grips on bullpup firearm designs.

<sup>39</sup> Cal. Code Regs., tit. 11, § 5471(qq).

<sup>40</sup> Cal. Code Regs., tit. 11, § 5471(nn). This definition also expressly includes under folding and over folding stocks.

<sup>41</sup> Cal. Code Regs., tit. 11, § 5471(oo). This definition also states that 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.

<sup>42</sup> Cal. Code Regs., tit. 11, § 5471(v).

<sup>43</sup> Cal. Code Regs., tit. 11, § 5471(q).

<sup>44</sup> Cal. Code Regs., tit. 11, § 5471(r).

<sup>45</sup> Cal. Code Regs., tit. 11, § 5471(t).

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**Threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer**

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.<sup>46</sup>

**Second handgrip**

A grip that allows the shooter to grip the pistol with their non-trigger hand.<sup>47</sup>

*Note: As is the case with the current definition for “overall length of less than 30 inches,” it is unclear how this definition applies to “other” type firearms because the definition expressly addresses “pistols.”*

**Shroud that is attached to, or partially or completely encircles, the barrel that allows the bear to fire the weapon without burning the bearer’s hand, except a slide that encloses the barrel**

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.<sup>48</sup>

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<sup>46</sup> Cal. Code Regs., tit. 11, § 5471(rr). This definition also states that some firearms have “lugs” in lieu of threads on the end of the barrel which, for purposes of this definition, are treated the same as threaded barrels.

<sup>47</sup> Cal. Code Regs., tit. 11, § 5471(gg). This definition also states that the second hand grip often has a grip texture to assist the shooter in weapon control.

<sup>48</sup> Cal. Code Regs., tit. 11, § 5471(jj). This definition also clarifies that a slide enclosing the barrel is not a shroud.

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## APPENDIX B – Submitting Proof of Lawful U.S. Presence

For all individuals submitting “other category assault weapon” registrations whose California Driver’s License or Identification Card contains the notation “FEDERAL LIMITS APPLY” on the front, the individual must also submit proof of lawful presence in the United States in the form of one of the following:

- Valid, unexpired U.S. passport or passport card;
- Certified copy of U.S. birth certificate (issued by a city, county, or state vital statistics office). Abbreviated or Abstract certificates are NOT accepted;
- Certification of Birth Abroad (FS-545), Certification of Report of Birth (DS-1350) or Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240), issued by the U.S. Department of State;
- Valid, unexpired foreign passport with valid U.S. immigrant visa and approved Record of Arrival/Departure (I-94) form;
- Certified copy of birth certificate from a U.S. Territory;
- Certificate of Naturalization or U.S. Citizenship; or,
- Valid, unexpired Permanent Resident Card.<sup>49</sup>

Additionally, if the individual’s name as it appears on their California Driver’s License or Identification Card differs from the name of the above provided proof of lawful presence, the individual must also submit one of the following certified documents:

- An adoption document that contains the legal name of the applicant as a result of the adoption.
- A name change document that contains the applicant's legal name both before and, as a result of, the name change.
- A marriage certificate.
- A dissolution of marriage document that contains the legal name of the applicant as a result of the court action.
- A certificate, declaration or registration document verifying the formation of a domestic partnership.
- A dissolution of domestic partnership document that contains the legal name of the applicant as a result of the court action.<sup>50</sup>

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<sup>49</sup> Cal. Code Regs., tit. 11, § 4045.1(b).

<sup>50</sup> Cal. Code Regs., tit. 11, § 4045.1(c).

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