



## **INFORMATION BULLETIN:**

### **CALIFORNIA “ASSAULT WEAPON” RESTRICTIONS**

#### **THE DEFINITIVE GUIDE**

**MARCH 9, 2024**

California law generally prohibits any person in this state from manufacturing, causing to be manufactured, distributing, transporting, importing into the state, keeping for sale, offering for sale, exposing for sale, giving, or lending any firearm classified under California law as an “assault weapon.”<sup>1</sup> And with limited exceptions, California also prohibits mere possession of any “assault weapon.”<sup>2</sup>

CRPA members and California gun owners continue to have questions regarding what exactly constitutes an “assault weapon”—and for good reason. The term “assault weapon” is purely political, whose definition under California law keeps changing almost as much as a competitive 1911 shooter changes magazines. To help CRPA members, gun owners, firearm retailers, and law enforcement keep up, CRPA has prepared the following information bulletin which contains the most current and up-to-date information on California’s “assault weapon” restrictions.

If after reviewing this material you still have questions or are in possession of an “assault weapon” in violation of California law for any reason, CRPA encourages you to seek legal counsel immediately by contacting an attorney experienced in California firearm laws to discuss your options. You can also contact CRPA attorneys at [helpdesk@michellawyers.com](mailto:helpdesk@michellawyers.com) or by calling (562) 216-4465.

#### **I. WHAT IS AN “ASSAULT WEAPON” UNDER CALIFORNIA LAW?**

Generally, there are two types of “assault weapons” in California—those semiautomatic firearms expressly listed by their make and model and those identified as “assault weapons” by their features and/or characteristics.<sup>3</sup> As for the first type, it is important to understand that California only considers those firearms which are *semiautomatic* and expressly listed by make and model as “assault weapons.”<sup>4</sup> In other words, the firearm must first be capable of semiautomatic function—mere frames and receivers of firearms expressly listed

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<sup>1</sup> Cal. Pen. Code § 30600(a). Violations are a felony punishable up to eight years in prison. *Id.*

<sup>2</sup> Cal. Pen. Code § 30605(a). Violations are a wobbler punishable by imprisonment in a county jail for up to one year. *Id.*

<sup>3</sup> Cal. Pen. Code §§ 30510-30515; Cal. Code Regs. tit. 11, §§ 5495-5499.

<sup>4</sup> Cal. Pen. Code § 30510 (stating in part “ ‘assault weapon’ means the following designated *semiautomatic* firearms. . .” (emphasis added)).

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by their make and model cannot lawfully be classified as “assault weapons.” With that in mind, the following semiautomatic firearms are classified as “assault weapons” under California law:

RIFLES	
MAKE	MODEL
American Arms	AK-C 47
	AK-F 39
	AK-F 47
	AK-Y 39
American Spirit	USA Model
Armalite	AR 10 <del>(all)</del>
	AR-180
	Golden Eagle
	M15 <del>(all)</del>
Arsenal	SLG <del>(all)</del>
	SLR <del>(all)</del>
Beretta	AR-70
Bushmaster	Assault Rifle
	XM15 <del>(all)</del>
B-West	AK-47 <del>(all)</del>
Calico	M-900
CETME	Sporter
Colt	AR-15 <del>Series</del>
	Law Enforcement (6920)
	Match Target <del>(all)</del>
Daewoo	Sporter <del>(all)</del>
	AR 100
	AR 110C
	K-1
	K-2
	Max 1
Max 2	
Dalphon	B.F.D.
DPMS	Panther <del>(all)</del>
Eagle Arms	EA-15 AS H-Bar
	EA-15 E1
	M15 <del>(all)</del>

RIFLES	
MAKE	MODEL
Fabrique Nationale	308 Match
	FAL
	FNC
	LAR
	Sporter
Frankford Arsenal	AR-15 <del>(all)</del>
Hesse Arms	HAR 15A2 <del>(all)</del>
	Model 47 <del>(all)</del>
Heckler & Koch	Wieger STG 940 Rifle
	91
	93
	94
	PSG-1
IMI	Galil
	UZI
Inter Ordnance – Monroe	NC AK-47 <del>(all)</del>
	NC M-97
	NC RPK
J&R ENG M-68	M-68
Kalashnikov USA	USA Hunter Rifle/Saiga
Knights	AR-25 <del>(all)</del>
	RAR <del>(all)</del>
	SR-15 <del>(all)</del>
Les Baer	Ultimate AR <del>(all)</del>
MAADI CO	MISR <del>(all)</del>
	MISTR <del>(all)</del>
MAAI	AK47
	ARM

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RIFLES (Cont.)	
MAKE	MODEL
"Made in China" Type Rifles	56
	56S
	84S
	86S
	AK
	AK47
	AK47S
	AKM
MAS 223	223
Mitchell Arms, Inc.	AK-47 <del>(aH)</del>
	AK-47 Cal. .308 <del>(aH)</del>
	M-76
	M-90
Norinco	RPK
	56
	56S
	81S <del>(aH)</del>
	84S
	86 <del>(aH)</del>
	86S
	90-2
	91
	AK-47 <del>(aH)</del>
	Hunter Rifle
	MAK 90
	NHM 90
	RPK Rifle
	SKS w/detachable magazine
Sport	
Ohio Ordnance Works (o.o.w.)	AK-74
	ROMAK 991
Olympic Arms	AR-15
	Car-97
	PCR <del>(aH)</del>

RIFLES (Cont.)	
MAKE	MODEL
Ordinance, Inc.	AR-15
Palmetto	SGA <del>(aH)</del>
Poly Technologies	AK47
	AKS
Professional Ordnance, Inc.	Carbon 15 Rifle
PWA	All Models
Rock River Arms, Inc.	Car A2
	Car A4 Flattop
	LE Tactical Carbine
	NM A2 - DCM Legal
	Standard A-2
RPB Industries Inc.	Standard A-4 Flattop
	sM10
Sig Sauer	sM11
	AMT
	PE 57
	SG 550
Springfield Armory	SG 551
	BM59
Sterling	SAR-48
	MK-6
Steyer (Steyr) <sup>5</sup>	AUG
SWD Incorporated	M11
UZI <del>(All Makes)</del>	UZI
Valmet	76 S
	Hunter Rifle
	M62S
	M71S
	M785
Weaver Arms	Nighthawk
Wilson Combat	AR-15
WUM	WUM <del>(aH)</del>

<sup>5</sup> Note that the statutory spelling for Steyr was incorrect as enacted. See Cal. Pen. Code § 30510(a)(15). This was corrected via DOJ regulations. See 11 C.C.R. § 5495(a).

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PISTOLS	
MAKE	MODEL
Advance Armament Inc.	M11
Bushmaster	Pistol
Calico	M-950
Encom	MP-9
	MP-45
IMI	UZI
Intratec	TEC-9
MARS	Pistol
Military Armament Corp.	M-11
Professional Ordinance, Inc.	Carbon 15 Pistol
RPB Industries Inc.	sM10
	sM11
Sites	Spectre
Sterling	MK-7
SWD Incorporated	M11

SHOTGUNS	
MAKE	MODEL
Cobray	Streetsweeper, S/S Inc., SS/12
	Striker 12
Franchi	SPAS 12
	LAW 12

Take note that the firearms listed in the tables above are divided into three categories: *rifles*, *pistols*, and *shotguns*.<sup>6</sup> As you can see, the majority fall under the “rifle” category. In addition to the general requirement that the firearm must be semiautomatic, the firearm must also fit into the right category to meet the definition of a prohibited make/model “assault weapon.” Law enforcement agencies and individual officers often fail to appreciate these prerequisites.

For those firearms with the notation “all” or “series” designation in the above list, the California Legislature was clearly attempting to restrict similar models of those same firearms. But the California Supreme Court has made clear that firearms which are not expressly listed cannot be labeled “assault weapons” pursuant to their make and model simply because they may fall within the “all” or “series” classification.<sup>7</sup> Such firearms must still be expressly designated by the Attorney General via regulation.<sup>8</sup> Despite this ruling, the statutory

<sup>6</sup> A “rifle” is a weapon *fired from the shoulder* that fires a single projectile through a rifled bore for each single pull of the trigger. Cal. Pen. Code § 17090. A “pistol” is a weapon that fires a projectile and has a barrel less than 16 inches in length. Cal. Pen. Code §§ 17010, 16530. A “shotgun” is a weapon *fired from the shoulder* that fires a number of projectiles or a single projectile through a smooth bore. Cal. Pen. Code § 17190.

<sup>7</sup> See *Harrott v. County of Kings*, 25 Cal.4th 1138, 1144 (2001) (concluding the legislative history of California’s “assault weapon” restrictions “reveals strong concern that law enforcement personnel be clearly advised which firearms are ‘assault weapons’ . . . so as to prevent erroneous confiscation of legal weapons,” and that “the Attorney General’s list must be amended within 90 days to include the specified firearm” in order for a firearm to be lawfully declared an “assault weapon”).

<sup>8</sup> *Id.* Seemingly unwilling to promulgate new regulations every time they desired a new firearm to be listed, DOJ worked with the Legislature to repeal the provision allowing the add-on of firearms to California’s make/model restrictions. This occurred simultaneously with the adoption of Senate Bill No. 23 in 2000, which classified firearms as “assault weapons” by their features and/or characteristics as opposed to their make and model.

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language has remained unchanged, causing significant confusion among law enforcement, gun owners, and licensed dealers to this day.

**As a result, we have struck out the phrases “all” and “series” in the above list to illustrate how they should not be considered when determining whether a firearm is expressly prohibited by its make and model as an “assault weapon.”**

The second way a firearm can be labeled an “assault weapon” is if it meets any of the following criteria:

### **“Rifles”**

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

- (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A flash suppressor.
- (F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.<sup>9</sup>

### **“Pistols”**

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

- (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
- (B) A second handgrip.
- (C) 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.
- (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.<sup>10</sup>

### **“Shotguns”**

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<sup>9</sup> Cal. Pen. Code § 30515(a)(1-3).

<sup>10</sup> Cal. Pen. Code § 30515(a)(4-5).

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- (6) A semiautomatic shotgun that has both of the following:
  - (A) A folding or telescoping stock.
  - (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
- (7) A semiautomatic shotgun that does not have a fixed magazine.
- (8) Any shotgun with a revolving cylinder.<sup>11</sup>

**“Other Firearms” (Not Legally Classified as Rifle, Pistol, or Shotgun)**

- (9) 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) A pistol grip that protrudes conspicuously beneath the action of the weapon.
  - (B) A thumbhole stock.
  - (C) A folding or telescoping stock.
  - (D) A grenade launcher or flare launcher.
  - (E) A flash suppressor.
  - (F) A forward pistol grip.
  - (G) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
  - (H) A second handgrip.
  - (I) 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.
  - (J) The capacity to accept a detachable magazine at some location outside of the pistol grip.
- (10) 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.
- (11) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has an overall length of less than 30 inches.<sup>12</sup>

Except for shotguns with revolving cylinders, all the above firearms have a “semiautomatic” prerequisite. Meaning if the firearm in question is not semiautomatic, then it is generally incapable of being classified as an “assault weapon” under California law.

For more information regarding “other” firearms classified as an “assault weapon,” including the registration period open until midnight, December 31, 2021, be sure to review CRPA’s information bulletin titled [“Other” “Assault Weapon” Registration Opening Oct. 1](https://crpa.org/resources/legal-guides/), available on CRPA’s website at <https://crpa.org/resources/legal-guides/>.

## II. DEFINITIONS USED TO IDENTIFY “ASSAULT WEAPONS”

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<sup>11</sup> Cal. Pen. Code § 30515(a)(6-8).

<sup>12</sup> Cal. Pen. Code § 30515(a)(9-11).

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As is a prerequisite for nearly all types of “assault weapons” under California law, the term “semiautomatic” was only recently adopted by DOJ following the enactment of Senate Bill No. 880 and Assembly Bill No. 1135 in 2016. For purposes of California’s “assault weapon” restrictions, the term “semiautomatic” means the “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.”<sup>13</sup>

The definition also clarifies that “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.”<sup>14</sup> And firearms “lacking a firing pin, bolt carrier, gas tube, or some other crucial part of the firearm is not semiautomatic” for purposes of California’s “assault weapon” restrictions.<sup>15</sup> In other words, partially or completely disassembling the firearm to the point where it no longer functions in a semiautomatic mode—including *down to a frame/receiver only*—means the firearm cannot lawfully be classified as an “assault weapon” because it cannot meet the definition of “semiautomatic.” DOJ’s definition for the term “semiautomatic also provides several examples of when a firearm is or is not considered semiautomatic as follows:

- A mechanically whole semiautomatic firearm merely lacking ammunition and a proper magazine is a semiautomatic firearm.
- 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.)
- 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.
- 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>16</sup>

Rifles and “other” type firearms must also be “centerfire” to be classified as an “assault weapon.” DOJ defines the term “centerfire” to mean “a cartridge with its primer located in the center of the base of the case.”<sup>17</sup> In other words, if a rifle or “other” type firearm is configured to fire rimfire cartridges only, then the rifle or “other” type firearm cannot be classified as an “assault weapon” by nature of its features and/or characteristics.<sup>18</sup>

#### a. “Fixed Magazine”

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<sup>13</sup> Cal. Code Regs. tit. 11, § 5471(hh).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Cal. Code Regs. tit. 11, § 5471(hh)(1-4).

<sup>17</sup> Cal. Code Regs. tit. 11, § 5471(j).

<sup>18</sup> But if the firearm is semiautomatic and is otherwise identified on the above list of prohibited make/model firearms, then it could still be labeled an “assault weapon” by nature of being a prohibited make/model firearm.

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Several firearms classified as “assault weapons” by their features and/or characteristics also have a prerequisite that the firearm is not equipped with a “fixed magazine.” The term “fixed magazine” is defined by DOJ as follows:

*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>19</sup>

While the term “ammunition feeding device” is self-explanatory and generally synonymous with “magazine,”<sup>20</sup> there are several additional terms that require clarification. These include “contained in” and “disassembly of the firearm action.”

“Contained in” is defined by DOJ to mean “the magazine cannot be released from the firearm while the action is assembled.”<sup>21</sup> And using AR-15 style firearms by way of example, DOJ also states that this means the magazine cannot be released from the firearm while the upper receiver and lower receiver are joined together.<sup>22</sup>

Along similar lines, DOJ defines “disassembly of the firearm action” to mean “the fire control assembly is detached from the action in such a way that the action has been interrupted and will not function.”<sup>23</sup> And also using an AR-15 style firearm by way of example, DOJ states this “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.”<sup>24</sup>

Assuming your firearm’s magazine is “contained in, or permanently attached to, [the] firearm in such a manner that the [magazine] cannot be removed without disassembly of the firearm action” in accordance with the above, then the firearm is equipped with a “fixed magazine” for purposes of California’s “assault weapon” restrictions. Otherwise, the firearm is likely equipped with either a “detachable magazine”<sup>25</sup> or a “bullet-button”<sup>26</sup> magazine release mechanism.

Note that simply because a firearm does not have a “fixed magazine” does not necessarily mean the firearm can be classified as an “assault weapon.” Generally, the firearm must still be semiautomatic and meet additional criteria (such as being equipped with one or more specified features) to meet the definition of an “assault weapon.”

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<sup>19</sup> Cal. Code Regs. tit. 11, § 5471(p).

<sup>20</sup> See Cal. Pen. Code § 16890 (defining “magazine” to mean “any ammunition feeding device”). DOJ does state in the definition for “detachable magazine” that 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.” Cal. Code Regs. tit. 11, § 5471(m).

<sup>21</sup> Cal. Code Regs. tit. 11, § 5471(k). Where “action” is defined as “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.” Cal. Code Regs. tit. 11, § 5471(b).

<sup>22</sup> *Id.*

<sup>23</sup> Cal. Code Regs. tit. 11, § 5471(n).

<sup>24</sup> *Id.*

<sup>25</sup> DOJ defines “detachable magazine” to mean any ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action or use of a tool. Cal. Code Regs. tit. 11, § 5471(m). Where a “bullet or ammunition cartridge is considered a tool. *Id.*

<sup>26</sup> A “bullet-button” is defined as “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.” Cal. Code Regs. tit. 11, § 5471(f). DOJ further states that a “bullet-button” equipped semiautomatic firearm “does not meet the fixed magazine definition” for California’s “assault weapon” restrictions. *Id.*

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For more information on the “fixed magazine” requirement, as well as what modifications or alternatives may be available, be sure to visit the CRPA website and watch the [free webinar](#) on how to make “Featureless” builds that are not “assault weapons” under California law.<sup>27</sup>

## b. Specifically Identified “Features”

As applied to those features expressly prohibited for certain type of firearms, DOJ has provided the following definitions<sup>28</sup>:

**"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.<sup>29</sup>

**"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.<sup>30</sup>

**"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.<sup>31</sup>

**"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.<sup>32</sup>

**"Grenade launcher"** means a device capable of launching a grenade.<sup>33</sup>

**"Flare launcher"** means a device used to launch signal flares.<sup>34</sup>

**"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.<sup>35</sup>

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<sup>27</sup> See <https://crpa.org/resources/crpa-webinars/>.

<sup>28</sup> Additional definitions for related terms not expressly discussed here can be found in section 5471 of Title 11 of the California Code of Regulations.

<sup>29</sup> Cal. Code Regs. tit. 11, § 5471(z).

<sup>30</sup> Cal. Code Regs. tit. 11, § 5471(qq).

<sup>31</sup> Cal. Code Regs. tit. 11, § 5471(nn).

<sup>32</sup> Cal. Code Regs. tit. 11, § 5471(oo).

<sup>33</sup> Cal. Code Regs. tit. 11, § 5471(v).

<sup>34</sup> Cal. Code Regs. tit. 11, § 5471(q).

<sup>35</sup> Cal. Code Regs. tit. 11, § 5471(r).

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“**Forward pistol grip**” means a grip that allows for a pistol style grasp forward of the trigger.<sup>36</sup>

“**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.<sup>37</sup>

“**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.<sup>38</sup>

“**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.<sup>39</sup>

“**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.<sup>40</sup>

“**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.)<sup>41</sup>

For more detailed information regarding the above listed “features” and what modifications or alternatives may be available, be sure to visit the CRPA website and watch the [free webinar](#) on how to make “Featureless” builds that are not “assault weapons” under California law.<sup>42</sup>

### III. EXCEPTIONS FOR POSSESSION OF REGISTERED “ASSAULT WEAPONS”

Although it is generally illegal to possess any firearm in California classified as an “assault weapon,” there are limited exceptions for those who registered their firearms with DOJ<sup>43</sup>, law enforcement<sup>44</sup>,

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<sup>36</sup> Cal. Code Regs. tit. 11, § 5471(t).

<sup>37</sup> Cal. Code Regs. tit. 11, § 5471(rr).

<sup>38</sup> Cal. Code Regs. tit. 11, § 5471(gg).

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

<sup>40</sup> Cal. Code Regs. tit. 11, § 5471(ii).

<sup>41</sup> Cal. Code Regs. tit. 11, § 5471(x).

<sup>42</sup> See <https://crpa.org/resources/crpa-webinars/>.

<sup>43</sup> Cal. Pen. Code §§ 30900-30965

<sup>44</sup> Cal. Pen. Code § 30630.

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executors/administrators of estates<sup>45</sup>, and other limited circumstances. Some individuals mistakenly believe that if the firearm was bought prior to being declared an “assault weapon,” there is no need to “register” the firearm to continue its lawful possession. This is simply incorrect. To continue lawful possession of a firearm subsequently declared an “assault weapon,” the person must have submitted an “assault weapon” registration application to DOJ.<sup>46</sup> If you are uncertain whether you properly registered your firearm as an “assault weapon,” you can request a copy of your firearm records from DOJ by submitting an [Automated Firearms System \(AFS\) Request for Firearm Records](#) to view your entire AFS records. Alternatively, you can also submit an [Assault Weapon Registration \(AWR\) Confirmation Letter Request](#) to obtain a copy of the confirmation letter for your registered “assault weapons” only.<sup>47</sup>

Note that if you previously registered a firearm as an “assault weapon” with DOJ, you need not to have submitted another “assault weapon” registration at any subsequent point when California’s definition of an “assault weapon” changed.<sup>48</sup>

For law enforcement officers and licensed firearm dealers with questions concerning the possession and acquisition of firearms classified as “assault weapons” by law enforcement, be sure to review the CRPA information bulletin titled [Exempt Law Enforcement Firearm and Ammunition Sales](#) available on CRPA’s website at <https://crpa.org/resources/legal-guides/>.

#### **a. Pending and Upcoming Registration Periods**

At this time, DOJ is currently accepting “assault weapon” registration applications for “other” type firearms that are now classified as “assault weapons” which were lawfully possessed on or before September 1, 2020. Registration applications for such firearms can be submitted until midnight, December 31, 2021. For more information about this registration period, including more information regarding “other” type firearms now classified as “assault weapons,” be sure to review CRPA’s information bulletin titled [“Other” “Assault Weapon” Registration Opening Oct. 1](#), available on CRPA’s website at <https://crpa.org/resources/legal-guides/>.

Beginning January 13, 2022, DOJ will also be reopening “assault weapon” registrations for those who attempted to register their “bullet-button” “assault weapons” in 2018 but were unable to do so due to technical issues with DOJ’s registration website. To be eligible to submit a registration, applicants must meet the following requirements:

- 1) The person must have been eligible to register an “assault weapon” pursuant to subdivision (b) of Penal Code section 30900;
- 2) The person must have lawfully possessed the “assault weapon” prior to January 1, 2017; and,
- 3) The person must verify under penalty of perjury that they attempted to register the “assault weapon” prior to the original July 1, 2018, deadline.

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<sup>45</sup> Cal. Pen. Code § 30655.

<sup>46</sup> Individuals who properly submitted “assault weapon” registrations will have had their information entered into DOJ’s “Automated Firearms System” and will have received a confirmation notice in the mail of the “assault weapon” registration.

<sup>47</sup> Both application forms are available on DOJ’s website at <https://oag.ca.gov/firearms/forms>.

<sup>48</sup> See <https://oag.ca.gov/firearms/regagunfaqs#10b>; See also <https://oag.ca.gov/firearms/regagunfaqs#11b>.

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As it stands, DOJ has not provided any further details on what the above requirements mean or how they will be implemented. CRPA will continue to monitor the situation as it develops and provide members with more information as it becomes available. Additional information can also be found on DOJ's website at <https://oag.ca.gov/firearms/bullet-button-assault-weapon>.

### **b. Limitations on Registered "Assault Weapons"**

For those individuals who registered their "assault weapons," California law generally restricts the use and possession of said firearm under the following conditions:

- At that person's residence, place of business, or other property owned by that person, or on property owned by another with the owner's express permission.
- While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.
- While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.
- While on the premises of a shooting club that is licensed pursuant to the Fish and Game Code.
- While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.
- While on publicly owned land, if the possession and use of the firearm is specifically permitted by the managing agency of the land.
- While transporting the assault weapon between any of the places mentioned in this section, or to any licensed gun dealer, for servicing or repair, if the assault weapon is transported unloaded and in a locked container.<sup>49</sup>

### **c. Loan of "Assault Weapons" at Shooting Facility**

California law also allows individuals to temporarily loan their registered "assault weapons" to others at a licensed target facility or other similar event under the following conditions:

- The person to whom the assault weapon is lent is 18 years of age or over and is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
- The person to whom the assault weapon is lent remains in the presence of the registered possessor of the assault weapon.
- The assault weapon is possessed at any of the following locations:
  - While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.
  - While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

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<sup>49</sup> Cal. Pen. Code § 30945. California licensed firearm dealers are authorized to take possession of any "assault weapon" for purposes of servicing or repairing the firearm, generally. Cal. Pen. Code § 31050. However, DOJ mistakenly believes the dealer must be in possession of a "dangerous weapons permit" to do so. Under the law, however, no such requirement exists.

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- While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.<sup>50</sup>

#### **d. Possession by Non-California Resident at Competitions**

One notable and often overlooked exception for the possession of a firearm classified as an “assault weapon” by individuals who are not California residents applies if the following conditions are met:

- The person is attending or going directly to or coming directly from an organized competitive match or league competition that involves the use of an assault weapon.
- The competition or match is conducted on the premises of one of the following:
  - A target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.
  - A target range of a public or private club or organization that is organized for the purpose of practicing shooting at targets.
- The match or competition is sponsored by, conducted under the auspices of, or approved by, a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.
- The assault weapon is transported unloaded and in a locked container.
- The person is 18 years of age or over and is not in a class of persons prohibited from possessing firearms under Federal or California law.<sup>51</sup>

What is meant by a “nationally or state recognized entity” that fosters proficiency in, or promotes education about, firearms is unknown. What’s more, the person must be attending or *going directly to* or *coming directly from* an organized competition—meaning the person arguably cannot stop or make any unnecessary deviations while in California. What that means, exactly, is also not entirely clear under the exception.

Given the lack of clarity regarding this exception, it can rarely be used as a defense to a potential charge for unlawful possession of an “assault weapon.” CRPA attorneys are also unaware of this exception being used as a defense, successfully or otherwise.

## **IV. CONCLUSION**

The above information, although comprehensive, only begins to scratch the surface of California’s complex and arbitrary restrictions on firearms labeled “assault weapons.” If you still have questions, CRPA encourages you to reach out to CRPA attorneys by sending an email to [helpdesk@michellawyers.com](mailto:helpdesk@michellawyers.com) or by calling (562) 216-4444.

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<sup>50</sup> Cal. Pen. Code § 30660.

<sup>51</sup> Cal. Pen. Code § 30665.

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