



Roll Call Training Bulletin

Produced by: Sergeant Mike Lange and [REDACTED]
Prepared by: Officer Obed Magny

Sam Somers Jr., Chief of Police

Volume 49

September 22, 2016
Assault Weapons FAQ's

Q: What is considered an assault weapon under *current* California law?

A: There are three categories of assault weapons under California law:

- Category One: Firearms specified on the original Roberti-Roos assault weapons list.
Penal Code § 30510, subs. (a),(b), and (c)
- Category Two: Firearms specified on the AK and AR-15 series weapons.
Penal Code § 30510, subs. (e) and (f)
- Category Three: Firearms defined as assault weapons based on specific generic characteristics, often called "SB 23 Assault Weapons." **Pen. Code § 30515**

*******Many of California's firearm related laws will change in 2017*******

Q: What are generic features and how are they defined?

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

- **Detachable magazine**
Any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor the 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.
- **Flash suppressor**
Means any device designed, intended, or that functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.
- **Forward pistol grip**
Means a grip that allows for a pistol style grasp forward of the trigger.
- **Pistol grip**
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.



Roll Call Training Bulletin

Produced by: Sergeant Mike Lange and [REDACTED]
Prepared by: Officer Obed Magny

Sam Somers Jr., Chief of Police

Volume 49

- **Thumbhole stock**

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



PISTOL GRIP

DETACHABLE MAGAZINE

FORWARD PISTOL GRIP



THUMBHOLE STOCK



Roll Call Training Bulletin

Produced by: Sergeant Mike Lange and [REDACTED]
Prepared by: Officer Obed Magny

Sam Somers Jr., Chief of Police

Volume 49

Q: It looks like an AR15/M16/AK47 so it is automatically prohibited right?

A: NO. California Penal Code allows for firearms to look like an assault weapon, but these firearms are not prohibited. The most common way that firearms are made within compliance is with the use of a magazine locking device. These devices require the use of a “tool” to release the magazine.



Other rifles may look like an assault weapon, but if the rifle is not chambered in a centerfire cartridge, then these weapons do not qualify. Common examples are AR-15 style rifles that are chambered in .22 caliber rim fire ammunition, HK MP5 style rifles chambered in .22 caliber rim fire, and AK47 style rifles chambered in .22 caliber rim fire.

Q: What is the Penal Code for possession of a high capacity magazine?

A: Generally, it is illegal to buy, manufacture, import, keep for sale, expose for sale, give or lend any large-capacity magazine (able to accept more than 10 rounds) in California. However, continued possession of large-capacity magazines that you owned in California prior to January 1, 2000, is legal provided you are not otherwise prohibited. A person prohibited from possessing firearms is also prohibited from owning or possessing any magazines or ammunition (See 32310 and 32311 PC).

As the law is currently written, mere possession of a magazine able to accept more than ten (10) rounds is not a criminal offense.



Roll Call Training Bulletin

Produced by: Sergeant Mike Lange and [REDACTED]
Prepared by: Officer Obed Magny

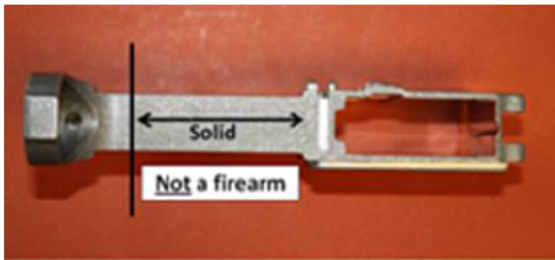
Sam Somers Jr., Chief of Police

Volume 49

Q: I found an AR15 style rifle with no serial number on it. Is that illegal?

A: Receiver blanks that do not meet the definition of a "firearm" are not subject to regulation under the Gun Control Act (GCA). The ATF has long held that items such as receiver blanks, "castings" or "machined bodies" in which the fire-control cavity area is completely solid and un-machined have not reached the "stage of manufacture" which would result in the classification of a firearm per the GCA.

Once a firearm is manufactured from an unfinished receiver the firearm must comply with all state and federal regulations.





Roll Call Training Bulletin

Produced by: Sergeant Mike Lange and [REDACTED]
Prepared by: Officer Obed Magny

Sam Somers Jr., Chief of Police

Volume 49

Q: These are short barrel rifles right?



A: NO, both of these examples are of AR15 style pistols. The pistol on the left has a “pistol brace” attached that appears similar to a stock, but under ATF regulations the brace is not considered a stock. Depending on the features some AR15 style pistols fall under 30515 PC as an assault weapon:

*A semiautomatic pistol that has the capacity to accept a **detachable magazine** and any 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 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 pistol with a fixed magazine that has the capacity to accept more than 10 rounds.*



Roll Call Training Bulletin

Produced by: Sergeant Mike Lange and [REDACTED]
Prepared by: Officer Obed Magny

Sam Somers Jr., Chief of Police

Volume 49

Q: I found a completed lower receiver next to a completed upper receiver. I can attach the two together and it qualifies as an assault weapon right?

A: NO. Under current California law, in order to qualify as an assault weapon, the firearm must fit the qualifications in the configuration that you located the firearm in. This means even though all the parts of an assault weapon may be in one place, the firearm must be fully assembled at the time you located it in order to qualify as an assault weapon. *The same does not hold true for short barreled rifles or machine guns.*

NOT AN ASSAULT WEAPON



ASSAULT WEAPON



If you have any other questions please feel free to call or email:

