



## **Senate Bill 880 & Assembly Bill 1135 – “assault weapons”**

Senate Bill 880 and Assembly Bill 1135 are identical. Both bills dramatically change what constitutes an “assault weapon” in California. The bill does not require individuals to surrender the firearms they currently owned, but will require those firearms to be modified or registered as “assault weapons” under the provisions of these bills.

### **The specific provisions of the bills are as follows:**

- The definition of an “assault rifle” now includes any semiautomatic centerfire rifle that does not have a fixed magazine, but 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.
- The definition of “assault weapon” now also includes any semiautomatic pistol (not just centerfire) that does not have a fixed magazine, but has 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 their hand, except a slide that encloses the barrel
  - The capacity to accept a detachable magazine at some location outside of the pistol grip

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- Adds a new definition for “fixed magazine,” which reads “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.”
- Provides an exception for newly classified “assault weapons” lawfully *possessed* prior to January 1, 2017, so long as the person registers the firearm by January 1, 2018.
- **Requires any firearms lawfully purchased between January 1, 2001 and December 31, 2016 now classified as “assault weapons,” including firearms lawfully equipped with a “bullet button,” to be registered before January 1, 2018, but not before the effective date of the regulations required to be adopted by the California Department of Justice (DOJ) for registration.**
  - The registration must be submitted electronically via the Internet through an application created by DOJ.

**Consider how many AR and AK style rifles you have, now when did you buy them? Where did you buy them? From who?**

- The registration must contain a description of the firearm, 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**, 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.

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- Requires a fee up to \$15 per person (not per firearm), but this fee may not exceed the processing costs of the department. to be paid by debit or credit card when submitting the registration.
- Requires the Department of Justice to adopt regulations regarding the registration process. These regulations will be exempt from the Administrative Procedure Act.

**Firearms affected by the bills:**

- Firearms currently required to be equipped with a “bullet button” or similar magazine locking device, including:
  - AR pattern rifles and pistols
  - AK pattern rifles and pistols

**What is not affected by these bills:**

- Shotguns (including semiautomatic shotguns)
- Bolt-action firearms
- Lever-action firearms
- Pump-action firearms
- Rimfire rifles
- Typical semiautomatic pistols (Glocks, 1911s, etc., so long as they do not possess any of the prohibited features)

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- Revolvers
- Any other firearm not classified as a semiautomatic rifle or pistol.

**Last day to purchase new firearms now classified as “assault weapons:”**

Because the provisions of these bills only exempt firearms lawfully *possessed* prior to January 1, 2017, individuals wishing to acquire a firearm that will now be classified as an “assault weapon” must do so prior to January 1, 2017. It must also be understood that **because the law states that the person must possess the firearm prior to January 1, 2017, the purchaser must take delivery of the firearm from a dealer no later than December 31, 2016.** As a result, individuals wishing to purchase a firearm before the cut-off date should plan ahead to ensure they take delivery prior to this date.

**How to register a firearm:**

If a person decides to register their firearm under the provisions of the bill, they have until January 1, 2018 to do so. This means any registration should be submitted no later than December 31, 2017 (although we suggest you submit the registration as soon as you are able to do so). **Unfortunately, the bills also state that a person may not submit their registration until the effective date of the necessary regulations from the California Department of Justice regarding registration. DOJ has a history of problems implementing regulations. It will remain to be seen how soon DOJ completes this task. Because no requirement has been established in either bill for the Department of Justice to enact regulations by a specific date, the window to register any firearm could theoretically be extremely small, should DOJ fail to enact regulations in a prompt fashion.**

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In the past the law allowed for families to jointly register “assault weapons.” It is unknown at this time whether that will be allowed for these newly designated “assault weapons.”

**Also there are a number of groups advertising “gun trusts” as a way to avoid registration and/or market a “gun trust” as a way to keep firearms within your family. Both statements are likely incorrect. On January 1, 2018 if you are in possession of an “assault weapon” and that firearm is not registered to you as an “assault weapon” you are in violation of these bills.**

#### Alternatives to registration:

**Other than complying** with the registration requirements, should an individual possess a firearm affected by the provisions of these bills, they have the following options:

- Remove the firearm from the state;
- Sell, transfer, or otherwise lawfully dispose of the firearm (note that the transfer, if it occurs within California, must happen before January 1, 2017);
- Surrender the firearm to law enforcement;
- **Configure the firearm so it no longer possesses any of the “features” that would classify it as an assault weapon (i.e. a “featureless build”)** >>Flow Chart<<;
- Configure the firearm to have a “fixed” magazine as specifically defined (meaning that the ammunition feeding device is contained in, or permanently attached to, the firearm in such a manner that the device cannot be removed without disassembly of the firearm action).

It should be noted that it is unclear what it means to “disassemble a firearm’s action.” Nevertheless, there may be a few options on the market that may allow individuals to configure their firearms to incorporate a fixed magazine as defined by the bills.

However, these are untested as of yet under these bills. One example that may work

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is the ARMagLock.<sup>[2]</sup> Another option may be to permanently affix the magazine to the rifle in such a manner as to no longer be removable.

### **Assembly Bill 1511 - Lending**

California law generally requires the loan of a firearm to be conducted through a licensed firearm dealer (FFL). However, there are some exceptions. Of particular importance is the exception in California Penal Code § 27880 for loans of a firearm between persons who are personally known to each other. Under this exception, an individual can loan a firearm to a person that they “personally know” without having to go through an FFL, as long as the loan is “infrequent” and does not exceed 30-days. Assembly Bill 1511 (AB 1511) amends this exception to only apply to certain immediate family members.

**On January 1, 2017, California Penal Code § 27880 will no longer exempt loans between person who are personally known to each other. Instead, this exemption will only exempt the “infrequent” loans of a firearm between spouses; registered domestic partners; or any parent, child, sibling, grandparent, or grandchild, whether related by consanguinity, adoption, or step relation from the dealer requirement, as long as the loan is for a lawful purpose, does not exceed 30-days, and the recipient of the firearm has a Firearm Safety Certificate (if the firearm is a handgun, an unexpired Handgun Safety Certificate will suffice).**

AB 1511 also adds that if the firearm being loaned under this exception is a handgun, the handgun must be registered to the person making the loan.

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So what does this all mean? As a practical matter, gun owners can no longer use this exception to loan of a firearm between to an individual who is not one of the immediate family members listed above. In other words, gun owners cannot loan firearms to their boyfriends or girlfriends, in-laws, or friends under this exception and

may be required to process the loan through a dealer. Fortunately, there are other exceptions to the dealer requirement that gun owners can still use to loan a firearm to another person without having to go through an FFL. These exceptions include:

- Loaning a firearm to a person 18 years of age or older for the purposes of target shooting at a target facility (Cal. Penal Code § 27910)
- Loaning a firearm to a licensed hunter during hunting season (Cal. Penal Code § 27650)
- The infrequent loan of a firearm for use as a prop in a motion picture, television, video, theatrical, or other entertainment production event (Cal. Penal Code §§ 27955, 27960)
- Loaning a firearm to **a person 18 years of age or older (NO KIDS)** as long as the person loaning the firearm is, at all times, within the presence of the person being loaned the firearm. (Cal. Penal Code § 27545)

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**Senate Bill 1446 – “Large-Capacity” Magazine Ban**

Senate Bill 1446 prohibits the possession of so-called “large-capacity” magazines capable of holding more than ten rounds.

Under the new law, **anyone in possession of a “large-capacity” magazine has until July 1, 2017 to do one of the following:**

- **Sell it to a licensed firearm dealer**
- **Take it out of state**
- **Destroy it**
- **Surrender it to law enforcement.**

**The possession of a magazine capable of holding more than ten rounds after July 1, 2017 is an infraction offense punishable by a fine not to exceed \$100 for the first offense, \$250 for the second offense, and \$500 for the third and subsequent offenses.**

The law does not apply if the individuals in possession of a firearm that the person obtained prior to January 1, 2000, if no magazine that holds 10 or fewer rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm.

The exceptions under currently law for the activities associated with “large-capacity” magazines will now, for the most part, extend to possession of “large-capacity” magazines. The restrictions on possession do not extend to: law enforcement agencies; peace officer (defined in Penal Code 830 et seq) who are authorized to carry firearms in the course and scope of their duties; California licensed firearm dealers; to name a few.



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There are also a number of new exceptions. Sworn federal law enforcement officers who are authorized to carry firearms in the course and scope of their duties. The restrictions on possession will also not extend to honorably retired sworn peace officers and federal law enforcement officers who were authorized to carry a firearm in the course and scope of that officer's duties (this exception does not extend to the ability to purchase, import, manufacture, buy, etc. only to possession). Certain museums and forensic laboratories are also exempt.

### **Assembly Bill 1695 – False Reporting of Firearms **Lost/Stolen (NO MORE BOATIG ACCIDENTS)****

AB 1695 amends Penal Code sections 148.5 and 29805.

Section 148.5 prohibits filing false reports with law enforcement that a misdemeanor or felony was committed. AB 1695 makes it a misdemeanor for you to falsely report your firearm (or frame or receiver) lost or stolen (Penal Code section 148.5(f)). This bill was oddly conceived because it's already a crime to file a false police report. Lying to law enforcement that you are a victim of a crime (i.e. having your firearm stolen) is already a crime. However, it is now also a crime to lie to law enforcement about losing your firearm.

Coupled with this crime as a firearm restriction. Penal Code section 29805 lists Penal Code and Welfare and Institutions Code sections that, if you are convicted of one of

the listed code sections, you are prohibited under California law from possessing firearms for 10 years. AB 1695 adds the violation of Penal Code section 148.5(f) to that list. In other words, if you are convicted for falsely reporting your firearm lost or stolen you will be prohibited from possessing firearms for 10 years.

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**Senate Bill 1235 – Ammunition**

**(1) Commencing January 1, 2018, generally prohibits private ammunition sales, requiring people to use an ammunition vendor licensed by the DOJ to complete a transaction, unless the transaction involves 50 rounds or less in a month and is between: (a) licensed hunters while hunting; or (b) immediate family members;**

(2) Commencing January 1, 2018, bans the direct mail-order sale of all ammunition, meaning no more having ammunition shipped to you;

(3) Commencing July 1, 2019, prohibits residents, except for certain special ones, from bringing any ammunition from out-of-state into California;

(4) Commencing July 1, 2019, generally prohibits the purchase of ammunition by anyone, except for special people, unless authorized by the DOJ to do so;

(5) Commencing July 1, 2019, requires ammunition vendors to record personal information about the ammunition purchaser and what ammunition is purchased, and to submit the information to the DOJ, which must retain the information for 2 years in a database to be known as the Ammunition Purchase Records File.

(6) Requires DOJ to create and maintain another database of qualified ammunition purchasers and vendors.

These are just the basics of what SB 1235 will do if not stopped. It will take some time to digest this enormous bill. Stay tuned for a detailed analysis from CRPA explaining what this all means in practice.