



California Weapons Law

California Weapons Laws

Non-firearms: formerly in PC 12020,
completely overhauled effective 1/1/2012.
Definitions: Generally, see PC 16000 et seq.
Crimes: Dangerous PC 17500 et seq.
Firearms PC 23500 et seq.

California Assault Weapons Law

- 1990: PC 12276 (now 30510)
Category I
- Defined by Name
EG: AK47, Colt AR-15

California Assault Weapons Law

- 1992-3: PC 12276 amended (now 30510)
Category II
Additional weapons named.

California Assault Weapons Law

- 2000: PC 12276.1 added (now 30515)
Category III
- Weapons defined by characteristics.

California Assault Weapons Law

Category III

- Semiautomatic centerfire rifle that has the capacity to accept a detachable magazine, and any one of the following:

California Assault Weapons Law

Category III

1. A pistol grip which protrudes conspicuously below the action of the weapon.
2. A thumbhole stock.
3. A folding or telescoping stock.

California Assault Weapons Law

Category III

4. A grenade launcher or flare launcher.
5. A flash suppressor.
6. A forward pistol grip.



AK-47



Standard AR-15



AR-15 Style Rifle



AR-15 Style Rifle



Pistol Grip

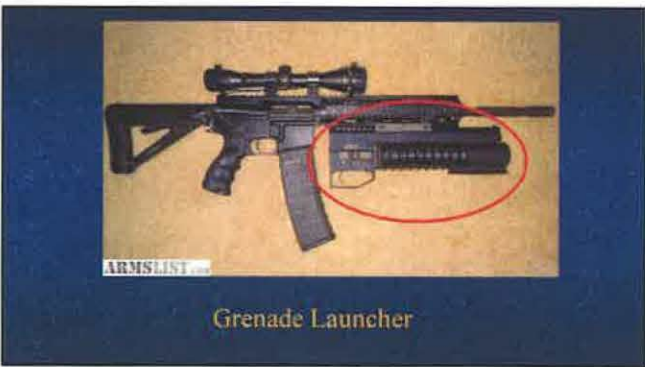


Thumbhole Stock

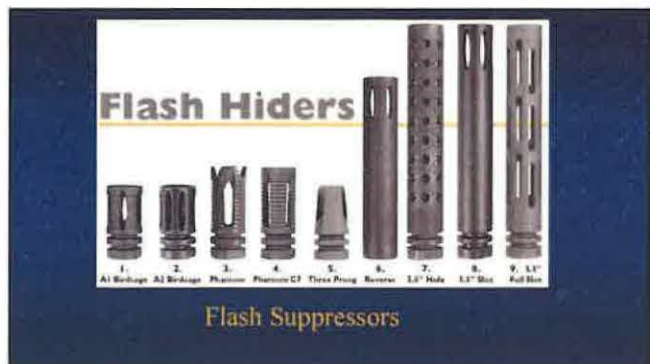


Folding Stock











California Assault Weapons Law

1/1/2012 PC 12076 & 12076.1 revoked.
PC 30510 & 30515 added. Same language.

1/1/2017: PC 30515 Assault Weapon definition amended:

"A semiautomatic centerfire rifle that does not have a fixed magazine, but has one of the following:" [Same list of characteristics as previously in PC 12076.1]

California Assault Weapons Law

The Bullet Button Rule

11 Cal. Code of Regulations 5469:

"detachable magazine" means any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool. Ammunition feeding device includes any belted or linked ammunition, but does not include clips, en bloc clips, or stripper clips that load cartridges into the magazine."



Bullet Button

California Assault Weapons Law

The Bullet Button Rule

With the passage of the amendment to PC 30515, the Bullet Button Rule is no longer in effect, as the definition of an assault weapon no longer uses the term "detachable magazine."

Except:

California Assault Weapons Law

PC 30680: Allows persons who lawfully possessed an assault weapon before 1/1/2017 to register the assault weapon before 1/1/2018 (later amended to 7/1/2018) with DOJ. Lawfully possessed includes the requirement that it had a bullet button.

California Assault Weapons Law

Also, after each successive implementation of the assault weapons ban, persons who lawfully possessed an assault weapon prior to the implementation of that law were provided an opportunity to register those weapons with DOJ.

Large Capacity Magazines

PC 32310(a): "... any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity magazine is punishable by [up to one year in county jail or 1170(h) felony jail]."

Large Capacity Magazines

PC 32310(a): Problem: proving when and where the defendant did one of the acts listed in this statute. Statute of Limitations? Venue?

Large Capacity Magazines

PC 32310(b): "... any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, is guilty of an infraction [\$100/mag fine], or is guilty of a misdemeanor [(\$100)/mag and/or by up to one year jail]."

Large Capacity Magazines

PC 32310(b) Enforcement of this subdivision is currently barred by a preliminary injunction in the federal case of *Duncan v. Becerra*, Case No.: 3:17-cv-1017-BEN (Southern District of California).

California Assault Weapons Law

(Note: This explanation is not exhaustive; there are additional definitions of assault weapons in Penal Code Sections 30510 and 30515. The below-described weapons are by far the most common.)

The original assault weapons ban was enacted by the Legislature in 1989, to become effective in 1990, with the provision that persons who lawfully possessed any of these weapons before Jan. 1, 1990 could register them with DOJ and thus continue to possess them legally. The assault weapons banned by this law, were defined in Penal Code Section 12276 (now 30510) *by name*. The firearms originally named in 12276 are classified by DOJ as "Category I." Firearms manufacturers responded by making minor changes to their weapons and renaming the newly changed weapons. Thus, the Colt AR-15 became the "Colt Sporter." The Legislature responded by amending Section 12276 in 1992 and 1993 to add the names of the newly named weapons to 12276. These weapons are classified by DOJ as "Category II." The Legislature further defined assault weapons by their characteristics, rather than their names by adding Penal Code Section 12276.1 (now 30315), effective Jan. 1, 2000. This section defined an assault weapon as "a semiautomatic centerfire rifle having the capacity to accept a detachable magazine" and having at least one of the following additional characteristics: a pistol grip that protrudes conspicuously below the action of the weapon, a thumbhole stock, a folding or telescoping stock, a grenade launcher or flare launcher, a flash suppressor, or a forward pistol grip. The weapons defined by 21276.1 are classified by DOJ as "Category III." The Legislature included an additional opportunity for those who lawfully possessed such rifles before Jan.1, 2000 to register them with DOJ.

Subsequently, an Opinion of the Attorney General, codified in 11 Cal. Code of Regulations 5469, held that, if the rifle in question required "a tool" to detach the magazine, the rifle was not to be considered to have the capacity to accept a detachable magazine. The Opinion went on further to state: "A bullet is a tool." (This opinion only applies to Category III weapons. This was the inception of the "bullet button," which allowed rifles that would otherwise be considered assault weapons to be sold and possessed legally, provided they required some sort of tool, including a bullet (which can be inserted into a hole in the immobile magazine release of an AR-15 clone type of rifle). The AK 47 and its clones has different type of magazine release, to a different type of tool would be needed to make one legal. For this weapon, a small flat-head screwdriver or a similar tool is needed on those rifles that are so modified.

In 2016, the Legislature amended Section 30515 (former 12276.1) to change the definition of assault weapon from "having the capacity to accept a detachable magazine" to "not having a fixed magazine" with the same six additional characteristics. Again, the Legislature provided an opportunity of those who lawfully possessed such weapons before Jan. 1, 2017 to register their weapons with DOJ. In this case, "lawfully possessed" would include the weapon having a bullet button or functional equivalent.

California Weapons Law

Weapon	Definition	Crime
	Generally, see PC 16000 <i>et seq.</i>	Dangerous 17500 <i>et seq.</i> Firearms 23500 <i>et seq.</i>
.50 BMG Rifle	30530	30605
Ammunition	16150	30305 (felon) 30315, 30320 (armor-piercing)
Assault Weapon	30510, 30515	30605
Ballistic Knife	16220	21110
Billy Club, Lead Cane, Blackjack, Sandbag, Sandclub, Sap, Slungshot	None	22210
BB Device	16250	19910 (minors)
Belt Buckle Knife	16260	20410
Composite Knuckles	16405	21710
Concealed Firearm	16530	25400**
Dangerous Fireworks	HS 12505	HS 12677 <i>et seq.</i>

Destructive Device	16460	18710 <i>et seq.</i>
Dirk/Dagger	16420, 16470	21310
Explosive	16510	18710 <i>et seq.</i>
Firearm	16520	25400 (concealed) 25850 (loaded) 29800 (felon poss.)
Hard Wooden Knuckles	16680	21710
Imitation Firearm	16700	20150 (removal of orange tip, etc.) 20170 (brandish)
Large Capacity Magazine	16740	32310(a) and (b)
Loaded Firearm	16840	25850**
Machine Gun	16880	32625
Metal Knuckles	16920	21810
Multiburst Trigger Activator	16930	32900
Nunchaku	16940	22010
Short-barreled Rifle	17170	33210, 33215

Short-barreled Shotgun “Sawed-off Shotgun”	17180	33210, 33215
Shuriken (Throwing Star)	17190	22410
Silencer	17210	33410
Stun Gun	17230	22610 (felon, addict, furnish to minor)
Switchblade Knife	17235	21510
Tear Gas	17240	22810 (felon, addict, minors, etc.)
Zip Gun	17360	33600

Large Capacity Magazines law by year

2008 PC 12020

(a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

...

(2) Commencing January 1, 2000, manufactures, or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large capacity magazine.

2009 PC 12020. Same as 2008.

2010 PC 12020. Same as 2008.

2011 PC 12020. Same as 2008.

2012 PC 32310.

Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing January 1, 2000, any person in this state who manufactures, or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large capacity magazine is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

2013 32310

Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing January 1, 2000, any person in this state who manufactures, or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.

2014 PC 32310.

(a) Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing January 1, 2000, any person in this state who manufactures, or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, ** lends, buys, or receives any large capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.

(b) For purposes of this section, "manufacturing" includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.

2015 PC 32310. Same as 2014.

2016 PC 32310. Same as 2014.

2017 PC 32310

(a) Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing January 1, 2000, any person in this state who manufactures, or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large capacity magazine is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

(b) For purposes of this section, "manufacturing" includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.

(c) Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing July 1, 2017, any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, is guilty of an infraction punishable by a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, or is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

(d) Any person who may not lawfully possess a large-capacity magazine commencing July 1, 2017 shall, prior to July 1, 2017:

(1) Remove the large-capacity magazine from the state;

(2) Sell the large-capacity magazine to a licensed firearms dealer; or

(3) Surrender the large-capacity magazine to a law enforcement agency for destruction.

Switchblade

Penal Code Section 17235 (formerly contained in section 653k) contains the following language: "[A] 'switchblade knife' means a knife having the appearance of a pocketknife and includes a spring-blade knife, snap-blade knife, gravity knife or any other similar type knife, the blade or blades of which are two or more inches in length and which can be released automatically by a flick of a button, pressure on the handle, flip of the wrist or other mechanical device, or is released by the weight of the blade or by any mechanism whatsoever. 'Switchblade knife' does not include a knife that opens with one hand utilizing thumb pressure applied solely to the blade of the knife or a thumb stud attached to the blade, provided that the knife has a detent or other mechanism that provides resistance that must be overcome in opening the blade, or that biases the blade back toward its closed position."