



DOJ Proposed Regulations Quick Reference Guide

The following is a quick reference guide for California gun owners regarding the newly *proposed* assault weapons (AW) regulations from the Department of Justice (DOJ). These regulations have *not* been approved as final. However, they are unlikely to be substantially changed and can provide general guidelines on how an individual gun owner can attempt to comply with the new AW laws. It is the individual's responsibility to stay up-to-date and comply with newly enacted or amended laws. Please consult a qualified attorney for further details.

Registration of all assault weapons (as defined under current law) must be completed by December 31, 2017.

All bullet button/magazine lock firearms are *currently* considered *assault weapons*. This includes all categories of rifles, pistols, and shotguns that have a bullet button style device.

- **Fixed Magazine:** Means 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*. Bullet buttons or magazine locks are *not considered fixed magazines*.
 - **“Contained in”:** Means that the magazine cannot be released from the firearm while the action is assembled. For AR15 style firearms this means the magazine cannot be released from the firearm while the upper receiver and lower receiver are joined together.
 - **“Permanently attached to”:** Means the magazine is welded, epoxied, or riveted into the magazine well. A firearm with a magazine housed in a sealed magazine well and then welded, epoxied, **or** riveted into the sealed magazine well meets the definition of permanently attached to.
 - **“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.
 - **For example:** Disassembling the action on a two part receiver, like that on a AR15 style firearm, would require the rear takedown 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.
 - **Caution:** Although the DOJ has seemingly approved the way in which many new compliance products attempt to comply with the new definition of fixed magazine, the DOJ has not approved *any specific product*. Therefore, purchasing and installing a compliance product is *no guarantee* of compliance.
 - **Suggestion:** Any installation of a compliance product that operates in the fashion illustrated immediately above be epoxied, riveted, or welded onto the firearm so that it may be considered “permanently attached to” the firearm.



- **Featureless:** Means a semiautomatic firearm (rifle, pistol or shotgun) lacking the characteristics associated with that weapon, as listed in Penal Code section 30515.
 - o **Rifles:** The rifle cannot have a pistol grip, collapsible/folding stock, flash hider, or a forward pistol grip/forward vertical grip.
 - o **Pistols and Shotguns:** Because of the listed features that identify a pistol or a shotgun as an assault weapon, it is not possible to convert an “assault weapon” pistol or shotgun into a featureless pistol or shotgun.
- **Stripped Lowers:** Stripped AR15 lower receivers are **not** considered semiautomatic firearms. Thus, they are *legal to purchase*.
- **Disassembly of AR15 Style Rifles:** If the fully assembled upper and fully assembled lower receiver is completely detached from one another, the lower receiver *cannot* be considered a semiautomatic firearm.
 - o Thus, if the upper and lower receiver of an AR15 style firearm are separated and never combined, the firearm cannot be considered an assault weapon.

A semiautomatic firearm lacking a firing pin, bolt carrier, gas tube, or some other crucial part of the firearm is not semiautomatic for purposes of Penal Code section 30515 (AW classification), 30600 (criminal possession of an AW), 30605(a) (AW penalties), and 30900 (registration of AWs).

*****CAUTION:** Once registered as an assault weapon, the magazine release mechanism *cannot be changed or altered*.

Registration Process

The DOJ will not accept the registration of incomplete/unassembled firearms, featureless firearms, fixed magazine firearms (under the new definition), firearms that should have been registered prior to 2017, or firearms purchased after December 31, 2016.

- **80% Receivers (Self-made firearms):** For completed 80% receivers to be registered as assault weapons, they need to have been completed and assembled prior to December 31, 2016.
 - o In addition, they need to have a DOJ issued serial number pursuant to penal code 5474 before initiating assault weapon registration.
- **Joint Registration:** The proposed regulations allow for joint registration amongst immediate family members (including siblings) if they *presently reside in the same home*. This must be proven through documentation.
- **Deregistration:** The regulations allow for a de-registration process. If you register an assault weapon, you can file the necessary form (BOF 4546) to deregister the firearm upon proof that the firearm is now in a compliant form.
- **Registration Information:** In order to register an assault weapon, the individual must provide detailed personal information and the firearm’s markings and characteristics.



- ***Additionally, the individual must provide the *date the firearm was acquired* **and** the *name of whom or what business the firearm was acquired from*.
- **Registration Website:** Registration will be available through the California Firearms Application Reporting System (CFARS) at the following website: <https://cfars.doj.ca.gov/login.do>.

DISCLAIMER: The above information is opinion and does not constitute legal advice. For legal consultation, please contact a qualified attorney.