



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS New Firearms Legislation



URGENT AND TIME SENSITIVE YOU MAY BE IMPACTED

Senate Bill 880/Assembly Bill 1135 – Firearms: Assault Weapons

Effective January 1, 2017, “Bullet Button” firearms will be considered assault weapons.

The newest version of the law will revise the definition of “assault weapon” to mean the following:

Rifles: 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.

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

A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

Pistols: 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.

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

Shotguns: 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.

A semiautomatic shotgun that has the ability to accept a detachable magazine.

Any shotgun with a revolving cylinder.

The law will exempt from punishment a person who possessed a bullet button assault weapon prior to January 1, 2017, if specified requirements are met:

- Prior to January 1, 2017, the person would have been eligible to register the assault weapon pursuant to subdivision (b) of section 30900.
- The person lawfully possessed that assault weapon prior to January 1, 2017.
- The Person registers the assault weapon by January 1, 2018, in accordance with subdivision (b) of section 30900.
- The registration must be submitted electronically via the internet, through the California Firearms Application Reporting System (CFARS) at <https://cfars.doj.ca.gov>. The registration period will be January 1, 2017 through December 31, 2017.

A “fixed magazine” will be defined to mean an ammunition feeding device, contained in, or permanently attached to, a firearm in such manner that the device cannot be removed without disassembly of the firearm action.

The department is drafting regulations that specify the acceptable methods of registering an assault weapon.

Please refer to the attached Frequently Asked Questions to find out how this may affect dealers specifically.

To learn more about the firearm laws, refer to the CA Legislation Information page.

<http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

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Firearms Dealers Frequently Asked Questions

- 1. After January 1, 2017, will a firearms dealer be required to possess a Dangerous Weapons Permit in order to sell firearms that are affected by SB 880/AB 1135?**

YES. Beginning January 1, 2017, a firearms dealer must have a valid Dangerous Weapons Permit to sell firearms affected by SB 880/AB 1135.

- 2. How long does the Dangerous Weapons Permit application process take?**

At this time, applications are taking at least 1 year to process.

- 3. What happens if a dealer doesn't acquire a Dangerous Weapons Permit by January 1, 2017, and they still have firearms that are affected by SB 880/AB 1135 in their inventory?**

Pursuant to Penal Code Section 30600 a regular firearms dealer is not authorized to manufacture, distribute, transport, or import into the state, keep for sale, or offer or expose for sale or give or lend any bullet button assault weapons after January 1, 2017. A dealer who has applied for and received a Dangerous Weapons Permit specifically for assault weapons would be an exception to the above statement.

Please note: Submission of a Dangerous Weapons Permit application does not constitute an exception for a dealer to have firearms that are affected by SB 880/AB 1135 in their possession after January 1, 2017. Dealers **MUST** have a DOJ issued Dangerous Weapons Permit for assault weapons.

- 4. What can a dealership do to ensure they are not in violation of any new assault weapon legislation?**

If you do NOT have a Dangerous Weapons Permit, you must deliver, or dispose of all firearms that are affected by SB 880/AB 1135 prior to January 1, 2017:

- Conduct all SB 880/AB 1135 affected firearms sales (DROS) by no later than December 21, 2016, and ensure all firearms are picked up/delivered PRIOR to December 31, 2016, at 10:59:59 pm (the DROS Entry System is available from 7:00 am – 11:00 pm). *It is strongly recommended that dealers plan accordingly and ensure they are able to deliver all firearms by said date and time.*
- For SB 880/AB 1135 affected firearms that are not sold (DROS'd) by December 21, 2016:
 - Transfer the firearms to a firearms dealers with a Dangerous Weapons Permit
 - Remove the characteristic(s) specified in Penal Code section 30515 that make the firearm an assault weapon
 - Permanently attach the magazine in such a manner that it cannot be removed without disassembly of the firearm action
 - Lawfully remove the firearm from this state
 - Make arrangements with the local police department or sheriff's office to relinquish the firearms. Call first. Do not go to the police department or sheriff's office without first making prior arrangements.

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Please note: it is the dealership's responsibility to ensure they are not in violation of any assault weapon laws. If you do not have a Dangerous Weapons Permit and are in possession of firearms that are affected by SB 880/AB 1135 after January 1, 2017, you will be prosecuted.

- 5. What if an individual initiates a DROS on a firearm that is affected by SB 880/AB 1135 on or before December 21, 2016, but the background check is delayed and determination is not provided by the Department of Justice by December 31, 2016?**

The dealer will NOT be able to deliver the firearm after December 31, 2016, regardless of the circumstances.

- 6. What if an individual initiates the DROS process on a firearm that is affected by SB 880/AB 1135 through a dealer sale or private party transfer before January 1, 2017, but the 10-day waiting period doesn't end until after January 1, 2017, can they still pick up the firearm?**

NO. After January 1, 2017, the firearm affected by SB 880/AB 1135 will be considered an assault weapon and cannot be delivered -- regardless of the date the DROS was initiated.

- 7. What if an individual insists on initiating a private party transfer of a firearm affected by SB 880/AB 1135 after December 21, 2016, such that the delivery cannot take place until after January 1, 2017?**

Dealers should advise customers that firearms affected by SB 880/AB 1135 cannot be delivered to either the transferor or transferee after January 1, 2017, regardless of when the DROS was initiated.

Private Party Transfers on firearms affected by SB 880/AB 1135 should not be initiated after December 21, 2016, unless the buyer has a 10-day waiting period exemption. Since a dealer cannot legally deliver a firearm affected by SB 880/AB 1135, they will not be required to process Private Party Transfers specific to those firearms.

- 8. Can a firearm that is affected by SB 880/AB 1135 that is registered under the new law be pawned?**

NO. Assault weapons cannot be pawned. Therefore, firearms identified as an assault weapon under the new law cannot be pawned after December 31, 2016.

- 9. What if the DROS Entry System is unavailable on December 21, 2016?**

The Department does not anticipate having any issues with the DROS Entry system.

- 10. If the DROS Entry System is unavailable on December 21, 2016, will dealers be allowed to use the DROS worksheet (BOF 929)?**

NO. The Department does not anticipate having any issues with the DROS Entry system.

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11. What if the DROS Entry System is unavailable on December 31, 2016, how can firearms be delivered?

The Department does not anticipate having any issues with the DROS Entry system. The delivery of firearms can ONLY and MUST be delivered within the DROS Entry System.

12. Are there any circumstances in which the Department of Justice would allow for the delivery of a firearm affected by the new legislation (SB 880/AB 1135) after December 31, 2016.

NO. To the extent possible, firearms dealers should recommend that their customers not wait until the last minute to pick up their firearms.