

BULLETIN FOR GUN OWNERS WHO DID NOT REGISTER THEIR FIREARMS AS “ASSAULT WEAPONS”

The following information summarizes the available alternatives to gun owners who did not register their “bullet-button” firearms as “assault weapons” before July 1, 2018. Regardless if you registered your firearm or not, you should be aware of this information in the event you are contacted by CA DOJ agents or local law enforcement. **If the police knock on your door you should avoid speaking to them, and unless they have a search warrant try not to even open the door.** Instead, tell the officer(s) that you assert your right to remain silent and wish to have an attorney present.¹

Disassembly

As stated by CA DOJ in their “bullet-button assault weapon” regulations, AR-15 style firearms with the upper and lower receivers completely detached from one another are not considered “semiautomatic” for the purposes of California’s “assault weapon” laws.² What’s more, semiautomatic firearms lacking a crucial part (such as a firing pin, bolt carrier, or gas tube) are also not considered “semiautomatic.”³

In other words, disassembling a bullet-button firearm or removing a crucial part of the action should mean the firearm is no longer considered an “assault weapon” under California law. For those who have not yet made any changes to their firearm or were unable to submit a registration application, this is the quickest and simplest solution to avoid potential criminal charges for mere possession of the firearm. With the firearm disassembled, you can then decide if you want to modify, transfer, or remove the firearm from California.

Modification

There are generally two methods for modifying a firearm so that it can no longer be classified as an “assault weapon” under the recent amendment to California law. The first method is to ensure that a firearm equipped with any of the characteristics necessary to classify it as an “assault weapon” can only accept a fixed magazine.⁴ Such firearms are commonly known as “California compliant” builds and are usually equipped with a mechanism designed to make the firearm’s magazine truly “fixed” within the meaning of California law.⁵

The second method is to ensure that a firearm *without* a “fixed” magazine is not equipped with any of the prohibited features specifically listed in the California Penal Code, e.g., a pistol grip, adjustable stock, flash

¹ Michel & Associates, P.C. has developed a flyer that you can hand to the police to assert and protect your constitutional rights. This flyer can be found at <http://www.calgunlaws.com/wp-content/uploads/2013/07/APPS-Notice.pdf>.

² 11 C.C.R. § 5471(hh)(3).

³ 11 C.C.R. § 5471(hh).

⁴ See Cal. Penal Code §§ 30515(a)(1), 30515(a)(4). Individuals should also ensure that their firearms are not prohibited as a make/model “assault weapon” or otherwise prohibited. See Cal. Penal Code §§30510-30515; 11 C.C.R. §§ 5495-5499.

⁵ The term “fixed magazine” is defined under California law as “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. Cal. Penal Code § 30515(b). For the purposes of registration, CA DOJ has defined the term “disassembly of the firearm action” to mean “the fire control assembly is detached from the action in such a way that the action has been interrupted and will not function.” 11 C.C.R. § 5471(n). Be sure to watch [CRPA’s “California compliant” build webinar](#) to learn more.

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suppressor, etc. Such firearms are commonly known as “featureless” builds and are usually equipped with specially designed aftermarket components.⁶

Sale / Transfer

Gun owners may also sell or transfer their firearms—but be aware of specific restrictions. In general, the sale or transfer of any “bullet-button assault weapon” in California has been prohibited since January 1, 2017.⁷ As a result, gun owners wishing to sell or transfer the firearm in California may only do so if the firearm is no longer in an “assault weapon” configuration or has been disassembled to such an extent that only the frame or receiver is being sold or transferred.

What’s more, all firearm transfers in California must be processed by a California licensed firearms dealer absent limited circumstances.⁸ And pursuant to federal law, any firearm being sold or transferred to an individual in another state must first be delivered to a licensed firearms dealer in the recipient’s home state.⁹

Removal from CA / Surrender to Law Enforcement

Finally, gun owners may choose to remove their firearm from California or surrender the firearm to law enforcement. By removing the firearm to another state where you can lawfully store the firearm, you may continue to possess the firearm if the other state does not also prohibit its possession. **Beware**, however, that the firearm must not be in “assault weapon” configuration when being transported out of the state; in other words, you must disassemble it, if it is not modified as described above.

FOR MORE INFORMATION

Be sure to review NRA and CRPA’s [“Bullet Button” / “Assault Weapon” Quick Reference Guide](#) for additional information. And don’t forget to watch [CRPA’s other webinars](#) regarding California firearm laws.

Stay up-to-date on this and other important Second Amendment issues affecting California gun owners by subscribing to NRA and CRPA email alerts, and by visiting the NRA-ILA California dedicated webpage at www.StandAndFightCalifornia.com and the CRPA webpage at www.CRPA.org.

⁶ For the purposes of registration, CA DOJ has enacted several definitions for the terms used in Penal Code section 30515’s definition of an “assault weapon,” which include the terms “pistol grip that protrudes conspicuously beneath the action of the weapon,” “thumbhole stock,” “folding stock,” telescoping stock,” “flash suppressor,” “forward pistol grip,” “threaded barrel,” “second handgrip,” and “shroud.” See Cal. Penal Code §§ 30515(a)(1), 30515(a)(4); See also 11 C.C.R. §§ 5471. Be sure to watch [CRPA’s “featureless” build webinar](#) to learn more.

⁷ See Cal. Penal Code § 30600.

⁸ Cal. Penal Code § 27545.

⁹ 18 U.S.C. § 922(a)(3).

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