# 5-09/180.10 - Prohibited Possession - Seizure/Surrender of Assault Weapons

Pursuant to Penal Code section 30900, any person possessing an "assault weapon" is required to register that weapon with the California Department of Justice (DOJ).

Any person (registrant) who registers an assault weapon and is subsequently identified by DOJ as prohibited under 30950 PC (i.e., convicted felons, habitual drug users, minors, mentally ill, convicted specified misdemeanants) is required by law to surrender the weapon to a police or sheriff's department. DOJ notifies both the registrant and the concerned local police or sheriff's department by letter.

Major Crimes Bureau is responsible for investigating these notifications. DOJ Prohibited Registration/Possession of Assault Weapons notification letters must be forwarded to the unit commander of Major Crimes Bureau for disposition. An URN number will be assigned and the investigative file maintained at Major Crimes Bureau.

The Major Crimes Bureau investigator shall attempt to ascertain whether or not the registrant surrendered the weapon in compliance with the DOJ notification. If compliance cannot be determined, the investigator shall, if necessary, obtain a search warrant for seizure of the weapon. Service of the search warrant shall be accomplished by the Special Enforcement Bureau.

The Major Crimes Bureau investigator is responsible for placing any seized weapons in evidence at Central Property. Major Crimes Bureau is also responsible for the handling of suspects, criminal filings, return of the search warrant and any other necessary follow-up investigation.

In the event a registrant surrenders the weapon to a deputy in the field or at a patrol station/unit, a report shall be written and Major Crimes Bureau immediately notified. In most cases, a person surrendering an assault weapon to a Department member should not be arrested when the only violation pertains to the prohibited possession of the assault weapon. In lieu of arrest, a complaint should be sought through the district attorney.

The Major Crimes Bureau unit commander shall notify DOJ of all relevant facts concerning the surrender of the weapon, and/or actions taken by the Department. Notification shall be in writing to California Department of Justice, Automated Firearms, Licenses and Permits Unit, P.O. Box 903417, Sacramento, CA 94203-4170.

In all cases, whether the weapon is seized by search warrant or obtained by surrender in compliance to a DOJ notification letter, a court order providing for the destruction of the weapon must be obtained prior to its destruction.