14-12 - Assault Weapons

Los Angeles County Sheriff's Department
NEWSLETTER
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ASSAULT WEAPONS

In 1989, the State of California passed the Roberti-Roos Assault Weapons Act banning “Colt AR-15” rifles by name in the state. In 2000, California’s Assault Weapon Ban went further and banned AR-15’s made by other manufacturers (Penal Code Section 30510). Law Enforcement is bound by state law to know what an assault weapon is, what constitutes legal possession and when an assault weapon can be confiscated.

What is an assault weapon?

California State Senate Bill 23 (Penal Code section 30515) describes assault weapon characteristics as follows:

30515. (a) Notwithstanding Section 30510, "assault weapon" also means any of the following:

(1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and 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.

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

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

(4) A semiautomatic pistol that has the capacity to accept a detachable magazine and 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.

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

(6) 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.

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

(8) Any shotgun with a revolving cylinder.

Note: “Assault Weapon” does not include any antique firearm.

The following definitions shall apply under this section:

- “Magazine” shall mean any ammunition feeding device.
- “Capacity” to accept more than 10 rounds shall mean capable of accommodating more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

- "Antique firearm" means any firearm manufactured prior to January 1, 1899.

What constitutes legal possession of an assault weapon?

A Registered Assault Weapon (RAW) is a rifle that was owned and registered in the State of California before June 1, 2000. No new registrations are permitted. RAW rifles can have features which are prohibited in unregistered rifles. Assault weapons cannot be transferred, sold, inherited or pawned to anyone, including family. The exceptions are for active military and peace officers. The exceptions are specified for peace officers with written authorization from the head of their employing agency per Penal Code sections 30625 and 30630 and active military personnel who have a Military Assault Weapon Permit. All Registered Assault Weapons can be confirmed by the Automated Firearms System (AFS)via the California Law Enforcement Telecommunications System (CLETS).

When, where, how and why can you confiscate an assault weapon?

An assault weapon that is not registered to the owner in the State of California before June 1, 2001 may be confiscated unless they are possessed by law enforcement or active military and have the required written authorization from their respective agency head for possession. The seizure by law enforcement can come pursuant to a search warrant, plain view observation, calls for service or voluntary surrender. Unlawful possession of an assault weapon is defined in Penal Code section 30605 (a). The first violation of Penal Code section 30605(a) is inapplicable based on the passage date of June 1, 2001. For booking purposes per Penal Code 1170, the offense may be charged as a felony or a misdemeanor.

Information regarding the content of this newsletter may be directed to Field Operations Support Services.