

Gov. Jerry Brown recently signed several new gun control measures into law. These measures further restrict “assault weapons”, detachable magazines, ammunition, loans of firearms, and building homemade firearms.

“Assault Weapons” SB880, AB1135

SB880 and AB1135 prohibit certain firearms equipped with an extremely common type of magazine locking device commonly referred to as a “bullet button.” These locking devices were built to comply with prior California law by making the magazine removable only with the use of tools, including the pointed tip of a bullet, on firearms that would have otherwise been classified as an “assault weapon” under California law.

The new law changes the definition of “assault weapon” to require that a rifle or pistol that otherwise meets California’s “one-feature test” must have a “fixed magazine” to avoid classification as an “assault weapon.” “Fixed magazine” is defined to mean “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.”

The following rifles¹ and pistols will now require a “fixed magazine” with the capacity to accept no more than ten rounds to avoid classification as an “assault weapon”:

- A semi-automatic, centerfire rifle that has a pistol grip that protrudes conspicuously beneath the action of the weapon; a thumbhole stock; a folding or telescoping stock; a grenade launcher or flare launcher; a flash suppressor; or a forward pistol grip.
- A semi-automatic pistol that has a threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer; a second handgrip; 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; or the capacity to accept a detachable magazine at some location outside of the pistol grip

Current lawful owners of firearms that meet this new definition will have limited options on what they can do with their firearms. One option provided by the bill is to register a newly defined “assault weapon” that was lawfully possessed before January 1, 2017. Registration will have to be completed by January 1, 2018, but only after regulations implementing the new registration provision go into effect. Lawful

¹ California law also defines any semiautomatic, centerfire rifle with an overall length of less than 30 inches as an “assault weapon” without regard to the feature test.

gun owners may also be able to modify their firearms to comply with the new law by either eliminating any prohibited features or converting the firearm to meet the new definition of “fixed magazine.”

Ammunition Restrictions SB1235

SB1235 creates substantial new burdens on the sale and transfer of ammunition. The new laws for ammunition will generally follow current California laws for firearm sales. Ammunition vendors will have to be licensed and the sale or transfer of ammunition by unlicensed persons will generally be prohibited.

Ammunition Defined

The new law uses an existing definition that defines “ammunition” to mean “one or more loaded cartridges consisting of a primer case, propellant, and with one or more projectiles. ‘Ammunition’ does not include blanks.” This definition seems to exclude ammunition components, but a final determination as to what is covered by the new law will only be possible when the implementing regulations are published.

Prohibited Activities

Beginning January 1, 2018, the new law will generally prohibit anyone without an ammunition vendor license from selling or mail-ordering any ammunition.

Beginning July 1, 2019, most residents will be prohibited from bringing ammunition into the state, ammunition vendors will need prior approval from Cal. DoJ before transferring any ammunition, and vendors will also be required to record and submit information on ammunition purchasers to Cal. DoJ.

While there are several exemptions to these new prohibitions, most private individuals will have to go through these new procedures when purchasing any ammunition.

30-Day Loan Restrictions AB1511

Prior California law provided an exception to the general requirement that all firearm transfers go through a licensed dealer where the loan was between adults and did not exceed 30 days and it was “between persons who are personally known to each other . . .” Beginning January 1 of next year, the 30 day loan provision will only apply where “the loan is to a spouse, registered domestic partner, or any of the following relations, whether by consanguinity, adoption, or steprelation: [parent, child, sibling, grandparent, or grandchild].” This will substantially complicate firearm loans in California because loans not between the

specified family members will have to fit within one of a number of exemptions for specific purposes.

Magazine Ban SB1446

Subject to limited exceptions, possession of a magazine that holds more than 10 rounds of ammunition will generally be prohibited. Prior to July 1, 2017, persons in lawful possession of such magazines will have to remove the magazines from the state, sell the magazines to a licensed dealer, destroy the magazines, or surrender the magazines to law enforcement for destruction. There are several exceptions for government actors or persons disposing of magazines, but the only generally applicable exception applies to “[a] person lawfully in possession of a firearm that the person obtained prior to January 1, 2000, if no magazine that holds 10 or fewer rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm.”

Serial Number Requirement AB857

Beginning July 1, 2018, anyone manufacturing or assembling a firearm must apply to Cal. DoJ before manufacturing or assembling the firearm for a unique serial number. Within 10 days of manufacturing or assembling the firearm, the unique serial number must be permanently affixed to the firearm.

Before January 1, 2019, a person who owned a firearm that did not bear a serial number before July 1, 2018, shall apply to Cal. DoJ for a serial number and permanently affix it to the firearm. Many valuable unserialized firearms should be exempted from these requirements by exceptions to the serial number requirement for firearms other than handguns that were made prior to December 16, 1968, any “antique firearm”, or any “curio or relic” as those terms are defined by federal law.

The new law will further prohibit the sale or transfer of any firearm manufactured or assembled under the provisions of this new law. This provision will prohibit any transfer of homemade firearms made after July 1, 2018.