

CHIEF OF DETECTIVES

NOTICE

January 1, 2018

8.4

TO: All Commanding Officers

FROM: Chief of Detectives

SUBJECT: NEW AND REVISED CALIFORNIA GUN/AMMUNITION LAWS
EFFECTIVE IN 2018

The purpose of this notice is to inform Department personnel of new and revised gun/ammunition laws, which will take effect in 2018.

ASSAULT WEAPONS

As a result of Proposition 63, the State of California revised the definition of an assault weapon, which was effective January 1, 2017. The definition was expanded to include; firearms that were lawfully obtained between 2001 through 2016. These are firearms with assault weapon features, but lacked a fixed magazine that required disassembly of the firearm action to remove the magazine. These assault weapons are commonly known as or referred to as “bullet button guns.” The new definition closes a loophole that exempted these firearms from being registered. Under the new definition, registration of these firearms is mandated. The deadline to register the newly defined assault weapons with the California (CA) Department of Justice (DOJ) is June 30, 2018.

Department personnel are reminded that they are also required to register personally purchased “bullet button guns” in accordance with 30900 Penal Code Section (PC). The Dealer Record of Sale (DROS), which was completed when the gun was originally purchased, does not satisfy the requirement for an assault weapon registration, unless the assault weapon was purchased with a Department letter signed by the Chief of Police and the assault weapon registration process was completed with the CA DOJ.

Department personnel may continue to charge persons who possess unregistered, Category 1 through 3, assault weapons as well as “bullet button guns” manufactured after January 1, 2017. Effective July 1, 2018, Department personnel may also charge persons in possession of newly defined assault weapons that were not registered by June 30, 2018. Commonly used assault weapon related charges include the following:

- 29800 (a) PC. Felon in possession of firearm.
- 30305 (a) PC. Prohibited person in possession of ammunition, magazines, speed loaders.
- 30600 PC. Manufacture, distribution, sale or transport of assault weapon.
- 30605 PC. Possession of Unregistered Assault Weapon.
- 32310 PC. Manufacture, import, sell any large capacity magazine.
- 33215 PC. Possession, manufacture, import, sale, give or loaning of short-barreled rifle or short-barreled shotgun.

HOME MANUFACTURED GUNS (GHOST GUNS)

Effective July 1, 2018, individuals must apply for a state issued serial number with the CA DOJ prior to assembling or manufacturing a firearm, in accordance with 29180 PC. Upon issuance of the serial number, individuals will have ten days to manufacture or assemble the firearm and affix the serial number. Additionally, individuals who assembled or manufactured a firearm prior to July 1, 2018, are also required to apply for a unique serial number from the CA DOJ. Effective January 1, 2019, individuals in possession of a non-serialized home manufactured gun will be guilty of an infraction.

AMMUNITION SALES

Effective January 1, 2018, individuals and businesses will be required to obtain a license from the CA DOJ to sell ammunition annually. Additionally, individuals will be required to purchase ammunition from a CA DOJ licensed ammunition dealer. This restriction includes internet and out-of-state sales, therefore, internet and out-of-state ammunition purchases must be shipped to a licensed ammunition dealer.

Beginning July 1, 2019, licensed ammunition dealers will be required to conduct a background check with the CA DOJ to ensure individuals seeking to purchase ammunition are not prohibited possessors. Law enforcement officers, certain law enforcement recruits and instructors are exempted from the new ammunition purchasing requirements.

BAN ON OPEN CARRY OF LONG GUNS IN UNINCORPORATED AREAS

Effective October 13, 2017, 26400 PC was revised to include a prohibition of carrying an unloaded long gun in unincorporated areas. Open carry of long guns was previously only prohibited in incorporated areas. 26350 PC prohibits open carry of handguns.

REVISED BAN ON FIREARM POSSESSION IN SCHOOL ZONES

Assembly Bill 424, signed in 2017, removed the authority from School District Superintendents to allow persons with Concealed Carry Weapon permits to carry firearms on school grounds. In accordance with 626.9 PC, full-time peace officers or honorably retired peace officers who are authorized to carry a concealed firearm will continue to be allowed to carry a firearm in a school zone.

PROHIBITED PERSONS

Effective January 1, 2018, courts are required to inform offenders upon their conviction that they must:

- turn over their firearms to local law enforcement; or,
- sell their firearms to a licensed dealer; or,
- give their firearms to a licensed firearm dealer for storage.

The Los Angeles Police Department is currently working with state courts and the Department of Probation to develop procedures to comply with this law. Department personnel will be advised of new or revised procedures.

LARGE CAPACITY MAGAZINES

On June 29, 2017, the Federal District Court for the Southern District of California granted an injunction on enforcement of 32310 (C) and (D) PC, regarding possession of large capacity magazines (magazine capable of holding more than ten rounds). On July 1, 2017, Los Angeles Municipal Code 46.30, which prohibited possession of large capacity magazines within Los Angeles city limits, was preempted by 32310 PC. Department personnel will be notified if the suspension of enforcement of large capacity magazine possession is lifted.

Department personnel shall continue to enforce large capacity magazine prohibitions to include; manufacturing, importation, sale, offers for sale, giving, lending, buying or receiving, in accordance with 32310 PC.

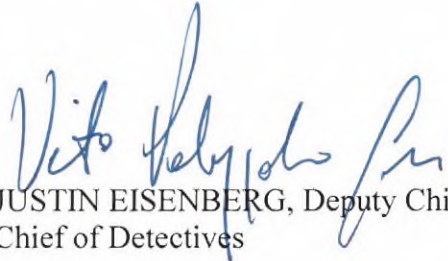
GUN UNIT NOTIFICATIONS

Due to the complex nature of firearm and ammunition investigations, Department personnel should notify the Gun Unit, Gang and Narcotics Division if they encounter any of the following criminal investigations:

- Large quantity of firearms seized
- Machine guns and/or components (i.e. auto sear)
- Destructive devices (i.e. suppressor)
- Firearms trafficking
- Violation of federal firearms law which necessitates notification to Bureau of Alcohol, Tobacco, Firearms and Explosives
- Theft of firearms from a Federal Firearms Dealer
- Unlicensed gunsmith/armory
- Assault weapon manufacturing

The Gun Unit can be contacted during business hours, Monday through Friday, 0600-1600 hours at (213) 486-5360 or off-hours via RACR Division at (213) 484-6700.

Should you have any questions regarding this matter, please contact Lieutenant Steve Embrich, Officer-in-Charge, Gang Support Section, Gang and Narcotics Division, at (213) 486-5330.



JUSTIN EISENBERG, Deputy Chief
Chief of Detectives

APPROVED:



SEAN W. MALINOWSKI, Deputy Chief
Chief of Staff
Office of the Chief of Police

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