

“BULLET BUTTON” / “ASSAULT WEAPON” QUICK REFERENCE GUIDE

QUICK TIPS

FOR GUN OWNERS WITH FIREARMS NOW CLASSIFIED AS “ASSAULT WEAPONS”

On January 1, 2017, the definition of an “assault weapon” (“AW”) under California law was changed to include firearms which were required to be equipped with a “bullet button” or similar magazine locking device.

This change does not affect existing definitions of other types of AWs, including: make/model, AWs; semiautomatic, centerfire rifles with an overall length less than 30 inches; semiautomatic, centerfire rifles with fixed magazines capable of accepting more than 10 rounds; semiautomatic pistols with fixed magazines capable of accepting more than 10 rounds; shotguns with revolving cylinders; and semiautomatic shotguns with both a folding telescoping stock and a pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

A complete list of firearms which are prohibited by make/model can be found in the California Code of Regulations or in the “Assault Weapon Identification Guide” on DOJ’s website at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/aw-guide/pdf>.

The following flowchart will help gun owners who own firearms not already registered as an “assault weapon” to determine if the firearm is classified as such, either under the new law or existing law. Several definitions are also provided for key terms used in the flowchart, but some of these definitions are from now rejected regulations and are subject to change.

If after reviewing this flowchart you believe you are in possession of an illegal “assault weapon,” contact a skilled firearms attorney immediately.

PREREQUISITE FEATURES OF AN ASSAULT WEAPON (AW)

The Penal Code now classifies the following as an AW:

RIFLES: A semiautomatic, centerfire rifle *that does not have a fixed magazine but has 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, or (F) A forward pistol grip.

PISTOLS: A semiautomatic pistol *that does not have a fixed magazine but has any one of the following:* (G) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer; (H) A second handgrip; (I) A shroud that is attached to, or partially or completely encircles, that barrel that allows the bearer to fire the weapon without burning the bearer’s hand, except

a slide that encloses the barrel; (J) The capacity to accept a detachable magazine at some location outside of the pistol grip.

SHOTGUNS: While the change in the Penal Code affects certain *rifles* and *pistols*, the DOJ has taken the position that semiautomatic shotguns required to be equipped with “bullet buttons” are also affected.

KEY DEFINITIONS

“FIXED MAGAZINE” - An ammunition feeding device contained in, or permanently to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

“DISASSEMBLY OF THE FIREARM ACTION” - “The fire control assembly is detached from the action in such a way that the action has been interrupted and will not function. For example, disassembling the action on a two-part receiver, like that on AR-15 style firearm, would require the rear take down pin to be removed, the upper receiver lifted upwards and away from the lower receiver using the front pivot pin as the fulcrum, before the magazine may be removed.”

WHAT ARE MY OPTIONS TO STAY OUT OF TROUBLE IF I OWN A NEWLY DEFINED “ASSAULT WEAPON”?

1. REGISTER: A firearm that was lawful to acquire and possess last year but now is considered an AW can be registered on or before July 1, 2018. Once the registration system is active, you can register at <https://cfars.doj.ca.gov/login.do>.

NOTE: Any AW may be “jointly” registered with another family member over the age of 18 (including a parent, grandparent, child, grandchild, or sibling) who resides with you. But they must separately complete the AW registration.

2. MODIFICATION: You can modify your firearm so that it is no longer an AW. This can generally be accomplished in two ways:

A. “Featureless Build:” If a rifle (while still semiautomatic, centerfire, and not having a fixed magazine) does not have any of the features listed in A-F above; or if a pistol, (while still semiautomatic and lacking fixed magazine), does not have any of the features listed in G-J, then it isn’t an AW under the recent change to California law. Removing or changing all of these features may prevent the firearm from meeting the definition of an AW. For example, one may replace the pistol grip with an aftermarket grip like the “Monsterman Grip;” pin or rivet their telescoping stock in place; or remove the “flash suppressor” or replace it with a muzzle brake.

B. “California Compliant Build:” If you remove one of the three prerequisite features for the new “assault weapon” definition (i.e., for rifles: semiautomatic, centerfire, or not having a fixed magazine) the firearm can then still have all of the features listed in A-F (with the exception of the grenade launcher). Most firearm owners choose to install an aftermarket device on their rifle that causes the firearm to have a “fixed magazine.” The parts replace the “bullet button” magazine lock. The device prevent the magazine’s release unless/until the upper receiver is pivoted up from the lower

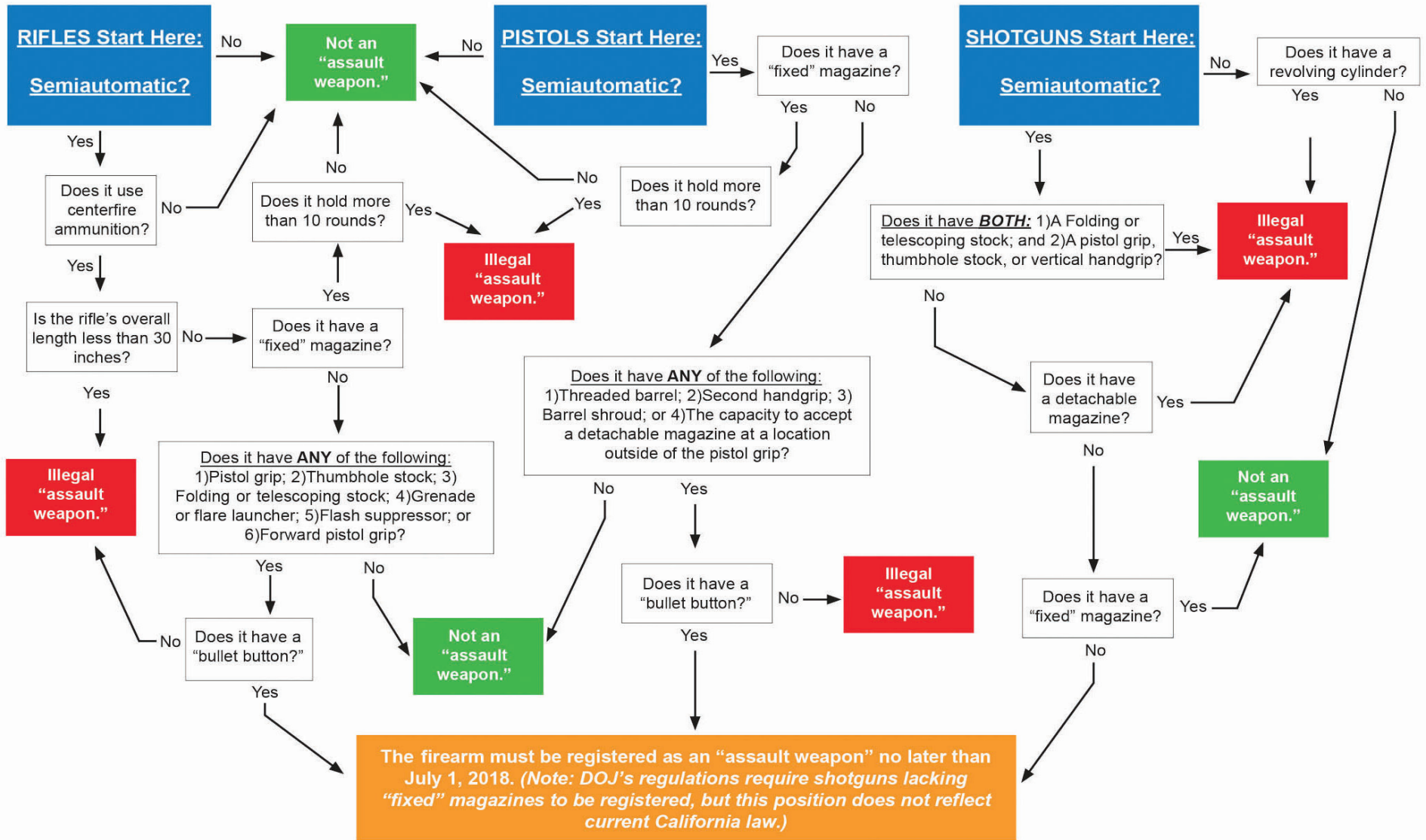
receiver of the firearm. Because removal of the magazine requires “disassembling the firearm’s action,” the magazine is considered “fixed.”

Some owners are choosing to affix their magazine to the firearm by welding or epoxying the magazine to the receiver and then loading the firearm through the chamber breech. Some are converting their rifles from centerfire to rimfire. While others are restricting their firearm’s ability to function as a semiautomatic.

3. DISASSEMBLY: A firearm has to be assembled and functioning to be an AW. Consequently, disassembling the firearm, or removing a crucial part of the firearm that will prevent it from functioning, or even taking the upper receiver off from the lower receiver, should take the firearm out from under the “AW” definition. But once disassembled, the firearm can never be reassembled in California into a configuration that meets the definition of an “AW,” and you should never manifest the intent to reassemble the firearm in an “AW” configuration in California (never discuss your firearm or how it might be reassembled with anyone). **CAUTION:** If a firearm is lacking a non-essential part, like a magazine, or a part not required for the firearm to function, or if the firearm is disabled by a gun lock but can otherwise still function properly, it is NOT a “disassembled” firearm. The firearm would still be considered an AW.

4. SALE/SURRENDER: AWs can be surrendered to law enforcement, or sold to properly licensed “assault weapon” dealers, or sold out of state to out of state dealers.

5. REMOVAL FROM CALIFORNIA: Some firearm owners are taking their firearms out of California. Firearm owners choosing this route should be mindful of other state laws and federal transfer requirements, particularly if the firearms are in a location where others may access them. And once removed from the state, it cannot be brought back into the state in an AW configuration.



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