

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487

August 04, 2005

RE: Harrott v. County of Kings

Dear

This correspondence is in response to your letter dated May 13th, 2005 in which you posed three questions regarding *Harrott v. County of Kings* and "series" assault weapons.

Your first question was about the effect of the *Harrott* decision on California assault weapons law. In *Harrott*, the California Supreme Court upheld the Attorney General's authority to identify series assault weapons pursuant to Penal Code (PC) section 12276(e), but held that such firearms must first be included in the list of series assault weapons promulgated by the Attorney General pursuant to section 12276.5(h), before they are considered "assault weapons" under California law. Since the *Harrott* decision, the Attorney General's Office has carried out its legal authority by identifying assault weapons and periodically publishing the "Assault Weapons Identification Guide."

Your second question was whether the receiver of a semiautomatic rifle could be an "assault weapon" if it does not have any of the characteristics specified in PC section 12276.1 and it is not listed in PC section 12276. The answer is "yes". As affirmed in *Harrott*, the receiver of a semiautomatic rifle would be considered an "assault weapon" if it were specifically listed by the Department of Justice in the California Code of Regulations (CCR), as authorized under PC 12276.5(h).

Your final question was whether it is lawful under California law to purchase a stripped DSA "ZM4" receiver. The DSA "ZM4" is not listed in PC Section 12276 nor is it listed in CCR Section 979.11 (Title 11, Division 1, Chapter 12.9). Therefore, assuming it does not meet the characteristics criteria specified in PC section 12276.1 (such as a

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"pistol grip that protrudes conspicuously beneath the action of the weapon"), it could lawfully be purchased (or possessed) in California. If it did meet the characteristics criteria, it would be a prohibited assault weapon per PC section 12276.1(a)(1).

You should be aware that all DSA receivers, including the ZM4, will soon be added to the list of weapons that are considered "assault weapons" under California law. After the list is published, owners will have 90 days to register their firearms, pursuant to PC 12285.

If you have any additional questions regarding this issue, please feel free to contact me at

Sincerely,



ALISON MERRILEES
Deputy Attorney General
Firearms Division

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487

July 8, 2004

Mr. Chuck Michel
407 North Harbor Boulevard
San Pedro, California 90731

Re: CALDOJ-052504-CAR15; -DPMS; -SAJGA; -Benelli M1014

Dear Mr. Michel:

This letter responds to your four (4) letters dated June 14, 2004, regarding determinations by the California Department of Justice of the "assault weapons status" of four firearms: the DPMS A15 rifle; the SAJGA rifle; the CAR-15, and the Benelli M1014 shotgun. The Attorney General appreciates your inquiry and will be reviewing the firearms to determine if they are indeed series firearms of the Colt AR-15, AK-47, or are otherwise assault weapons within the meaning of the California Penal Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Rieger", written over a horizontal line.

TIM RIEGER
Deputy Attorney General

TR/idm

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487

May 5, 2005

Re: HAR-25, serial number R1350

Dear Mr

Your exemplar I received on May 2, 2005, has been examined by our staff and has been classified as a non-series design firearm. Your fixed magazine design removes your exemplar from any prohibitions related to AR-15 Stoner design weapons that are enumerated in California Penal Code section 12276(e) & (f) and prohibited by 12280(a)(1) & (b). Please ensure that all following production of this receiver conforms with the exemplar we have in evidence.

Sincerely,

A handwritten signature in cursive script, appearing to read "I Chinn".

IGNATIUS CHINN
Special Agent Supervisor
Firearms Division

For BILL LOCKYER
Attorney General

IC/ls

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487

April 20, 2005

Re: V15 serial number P7573

Dear Mr.

Your latest exemplar/modifications are in compliance with our suggested changes as compared to your previous exemplar. With these changes, we have noted that your design deviates from the original AR-15 design to a degree that is no longer considered a series weapon. Thus, it is legal to sell to the civilian population in California.

Sincerely,

A handwritten signature in cursive script, appearing to read "I. Chinn".

IGNATIUS CHINN
Special Agent Supervisor
Firearms Division

For BILL LOCKYER
Attorney General

IC/s

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. BOX 320200
SACRAMENTO, CA 95833-0200

April 7, 2004

Re: Legality of Proposed Homemade Stoner AR-15 Receiver

Dear Mr.

Thank you for your letter regarding your proposed homemade AR-15 receiver. In your letter you cite California Penal Code section 12276.1 regarding assault weapons defined by characteristics. Unfortunately, the receiver your exhibit depicts is an AR-15, without significant variation. This firearm would be a "series" assault weapon as defined by Penal Code section 12276, subdivisions (e) and (f). Other designs which have been approved by the Department of Justice include a receiver such as yours without the magazine well milled open. In other words, the magazine was built into the receiver and the rounds are loaded similar to an M-1 Garand. In addition, a single shot version of the AR-15 receiver has been approved. Your design is an assault weapon within the meaning of California law.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Rieger", written over a horizontal line.

TIM RIEGER, Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General

TR:ls

BILL LOCKYER
 Attorney General

State of California
 DEPARTMENT OF JUSTICE

PLEASE PRINT NAME
 P.O. Box 100007
 Sacramento, Ca 95836-0007

December 3, 2005

Budwood City, CA 94005

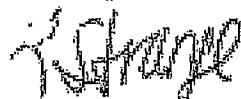
Dear Mr.

You are asking about the legality of purchasing and possessing a Stag-15
 lower receiver in California.

The Stag-15 is not listed as a Category I assault rifle in California Penal Code section
 12276. Although technically the receiver is legal to purchase and possess in California at this
 time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1),
 (a)(2), or (a)(3)), you should be aware that the Stag-15 lower receiver is virtually identical to
 rifles that are now listed as assault weapons by the Department, and is likely to be considered an
 assault weapon in the near future.

If you have any further questions, please do not hesitate to contact me at 916-263-4887.

Sincerely,



LISA STRANGE, Analyst
 Firearms Division

For BILL LOCKYER
 Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. Box 160487
Sacramento, CA 95816-0487
Facsimile: (916) 263-0676

September 27, 2005

Healdsburg, CA 95448

Re: JP Rifles CTR-02

Dear

I am writing in response to your letter to Tim Rieger dated September 20, 2005. You asked about the legality of purchasing and possessing a JP Rifles CTR-02 in California. As you pointed out in your letter, that particular make and model is not listed as an assault weapon in the list promulgated by the Department in response to the *Harrot v. County of Kings* case.

As long as the rifle does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3), it is legal to purchase and possess in California. You should be aware, however, that the JP Rifles CTR-02 is virtually identical to rifles that are now listed as assault weapons by the Department, and may be considered an assault weapon in the near future.

Please feel free to contact me if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General