

California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

Subject: ***Kasler v. Lockyer***
**California Supreme Court Decision Regarding
Roberti-Roos Assault Weapons Control Act**

No.:
2000-04-FD

Date:
08-22-2000

For further information contact:
Firearms Division
(916) 227-3703

**TO: ALL LAW ENFORCEMENT AGENCIES
ALL FIREARMS DEALERS AND MANUFACTURERS
ALL PRESIDING JUDGES OF THE SUPERIOR COURTS
ALL DISTRICT ATTORNEYS**

Summary

Effective August 16, 2000, copycat/clone "series" AK and AR-15 assault weapons can not be offered for sale, sold, manufactured, or imported into California. Additionally, such assault weapons possessed prior to August 16, 2000, must be registered on or before December 31, 2000. This bulletin addresses issues surrounding these changes.

Supreme Court Findings / Opinion

On August 16, 2000, the California Supreme Court's long awaited decision in *Kasler v. Lockyer*, a case which addresses the 1989 Roberti-Roos Assault Weapons Control Act (AWCA), became final. The California Supreme Court reversed an earlier Court of Appeal decision which had determined there were constitutional infirmities in the AWCA. In *Kasler*, the California Supreme Court upheld the constitutionality of the AWCA in its entirety.

An integral part of the AWCA is the provision in Penal Code section 12276.5, which allows the Attorney General to add-on additional weapons which are similar to those listed in subdivisions (a), (b) and (c) of section 12276. In addition, and separate from the add-on provision, Penal Code section 12276, subdivisions (e) and (f), state that **all AK "series" and AR-15 "series" weapons** are controlled assault weapons even if they are "other models that are only variations, with minor differences, regardless of manufacturer." There are many copycat/clone "series" AK and AR-15 assault weapons.

The add-on provision of Penal Code section 12276.5 was a major subject of the *Kasler* litigation which began in 1992. During the pendency of the litigation and due to questions about the constitutionality of the AWCA, Attorney General Daniel Lungren, and later Attorney General Bill Lockyer, did not use the add-on provision to regulate other weapons, nor did the Department of Justice identify the "series" weapons listed in the separate provisions of Penal Code section 12276, subdivisions (e) and (f). "Series" weapons continued to be manufactured, imported into California, sold, purchased and possessed within California without regard to Penal Code section 12276, subdivisions (e) and (f).

In 1999 the Legislature expanded the assault weapons definition by adding Penal Code section 12276.1, which identifies assault weapons by characteristics. The *Kasler* decision has affirmed the Attorney General's authority to identify assault weapons with both the add-on provisions of Penal Code section 12276.5 and identify the "series" AK and AR-15 assault weapons pursuant to Penal Code section 12276 (e) and (f). **Removal of assault weapon characteristics does not eliminate the need to register AK and AR-15 "series" weapons.**

Department of Justice Obligation

To date, multiple legislative sessions have passed legislation to control assault weapons under three governors. Now with the concurrence of the California Supreme Court, the legislative, executive and judicial branches of government have directly addressed the control of assault weapons. In light of the recent Supreme Court's determination that the Act is constitutional, the Department of Justice is obligated to identify and enforce the statute with respect to AK and AR-15 copycat/clone "series" weapons. To assist the public in identifying these assault weapons, the Department of Justice has identified the attached list of "series" weapons. The Department of Justice, with the assistance of experts and other interested parties in the assault weapons field, plans to publish a more current list by October 1, 2000. Thereafter, individuals who lawfully possessed these copycat/clone "series" weapons will have 90 days, October 2, 2000, through December 31, 2000, to register these "series" assault weapons with the Department of Justice. For those who are currently in possession of these assault weapons, the Department of Justice will begin accepting registrations for these copycat/clone "series" assault weapons immediately.

Peace officers owning personal assault weapons **are not exempt** from these requirements.

Effective Dates / Deadlines for "Series" Assault Weapons

On August 16, 2000, the Supreme Court's decision in *Kasler* became final as the result of the Supreme Court's denial for rehearing. As of that date, copycat/clone AK and AR-15 "series" weapons can no longer be manufactured within the state, imported into the state, offered for sale or sold within California.

Individual Owner Obligations

In order to comply with the law, an individual who lawfully acquired an AK or AR-15 "series" assault weapon on or before August 16, 2000 (starting the DROS process by August 16, 2000 through a firearms dealer licensed pursuant to Penal Code section 12071) must do one of the following on or before December 31, 2000:

- Register the weapon with the Department of Justice;
- Render the weapon permanently inoperable;
- Sell the weapon to a licensed assault weapons dealer;
- Remove the weapon from this state;
- Relinquish the weapon to law enforcement.

Licensed Firearms Dealer Obligations

In order to comply with the law, a firearms dealer licensed pursuant to Penal Code section 12071 who has an AK or AR-15 "series" assault weapon in lawful possession as of August 16, 2000, in business inventory must:

- Have lawfully sold or transferred the "series" assault weapon via the Dealer Record of Sale (DROS) process on or before midnight August 16, 2000. The DROS must include both an assignment of a transaction number and the submission of the purchaser's information. Delivery must take place prior to midnight September 14, 2000. DROS transactions initiated August 17, 2000 and after must be canceled.

OR

- Dispose of the “series” assault weapon by December 31, 2000, or obtain a permit from the Department of Justice in the same manner as specified by Penal Code section 12230, et seq.

A weapon can be disposed of by any one of the following ways:

- Render the weapon permanently inoperable;
- Sell the weapon to a licensed assault weapons dealer;
- Remove the weapon from this state;
- Relinquish the weapon to law enforcement.

“Series” assault weapons **can not** be transferred to the firearms dealer’s personal collection after August 16, 2000.

Senate Bill (SB) 23 , Penal Code section 12276.1, in light of *Kasler*

Senate Bill 23, Penal Code section 12276.1, does not apply to AK and AR-15 “series” assault weapons. These assault weapons must be registered. Removal of a characteristic will not change their status as assault weapons.

Questions

In an effort to assist you in identifying Roberti-Roos and AK and AR-15 “series” weapons, the Department of Justice will publish an Assault Weapon Identification Guide in the near future. If you have any questions, please feel free to visit the Firearms Division’s web site at caag.state.ca.us/firearms, or speak with a Firearms Division Field Representative at 916-227-3703. For more information on SB 23, you may visit the www.regagun.org website or call the toll-free information line at 877-734-2486.

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

Attachment
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AK ASSAULT WEAPONS - ORIGINALLY IDENTIFIED
THESE ASSAULT WEAPONS HAD TO BE REGISTERED BY MARCH 31, 1992.

MAADI CO

AK47
ARM

Norinco

56
56 S
84 S
86 S

Made in China

AK
AKM
AKS
AK47
AK 47S
56
56S
84S
86S

Poly Technologies

AKS
AK47

AK "SERIES" ASSAULT WEAPONS - RECENTLY IDENTIFIED
THESE ASSAULT WEAPONS MUST BE REGISTERED BY DECEMBER 31, 2000.

American Arms

AK-Y 39
AK-F 39
AK-C 47
AK-F 47

MARS

Pistol

Arsenal

SLR (all)
SLG (all)

Mitchell Arms, Inc.

AK-47 (all)
AK-47 Cal. 308 (all)
M-76
RPK
M-90

B-West

AK-47 (all)

Norinco

AK-47 (all)
86 (all)
Hunter Rifle
Model B (all)
NHM 90, 90-2, 91 Sport
RPK Rifle
Type 81 S (all)
MAK 90

Hesse Arms

Model 47 (all)
Wieger STG 940 Rifle

Inter Ordnance - Monroe, NC

AK-47 (all)
RPK
M-97

Ohio Ordnance Works (o.o.w.)

ROMAK 991

Kalishnikov USA

Hunter Rifle

Valmet

Hunter Rifle
76 S

MAADI CO

MISR (all)
MISTR (all)

WUM

WUM (all)

AR ASSAULT WEAPONS - ORIGINALLY IDENTIFIED
THESE ASSAULT WEAPONS HAD TO BE REGISTERED BY MARCH 31, 1992.

Colt

AR-15

AR "SERIES" ASSAULT WEAPONS - RECENTLY IDENTIFIED
THESE ASSAULT WEAPONS MUST BE REGISTERED BY DECEMBER 31, 2000.

American Spirit

USA Model

Les Baer

Ultimate AR (all)

Armalite

AR 10 (all)

M15 (all)

Golden Eagle

Olympic Arms

AR-15

Car-97

PCR (all)

Bushmaster

Bushmaster XM15 (all)

Ordnance, Inc.

AR -15

Colt

Sporter (all)

Match Target (all)

Law Enforcement (6920)

Professional Ordnance, Inc.

Carbon 15 Rifle

Carbon 15 Pistol

Dalphon

B.F.D.

Palmetto

SGA (all)

DPMS

Panther (all)

PWA

All Models

Eagle Arms

M15 (all)

EA-15 A2 H-BAR

EA-15 E1

Rock River Arms, Inc.

Standard A-2

Car A2

Standard A-4 Flattop

Car A4 Flattop

NM A2 - DCM Legal

LE Tactical Carbine

Frankford Arsenal

AR 15

Wilson Combat

AR-15

Hesse Arms

HAR 15A2 (all)

Knights

SR-15 (all)

SR-25 (all)

RAS (all)