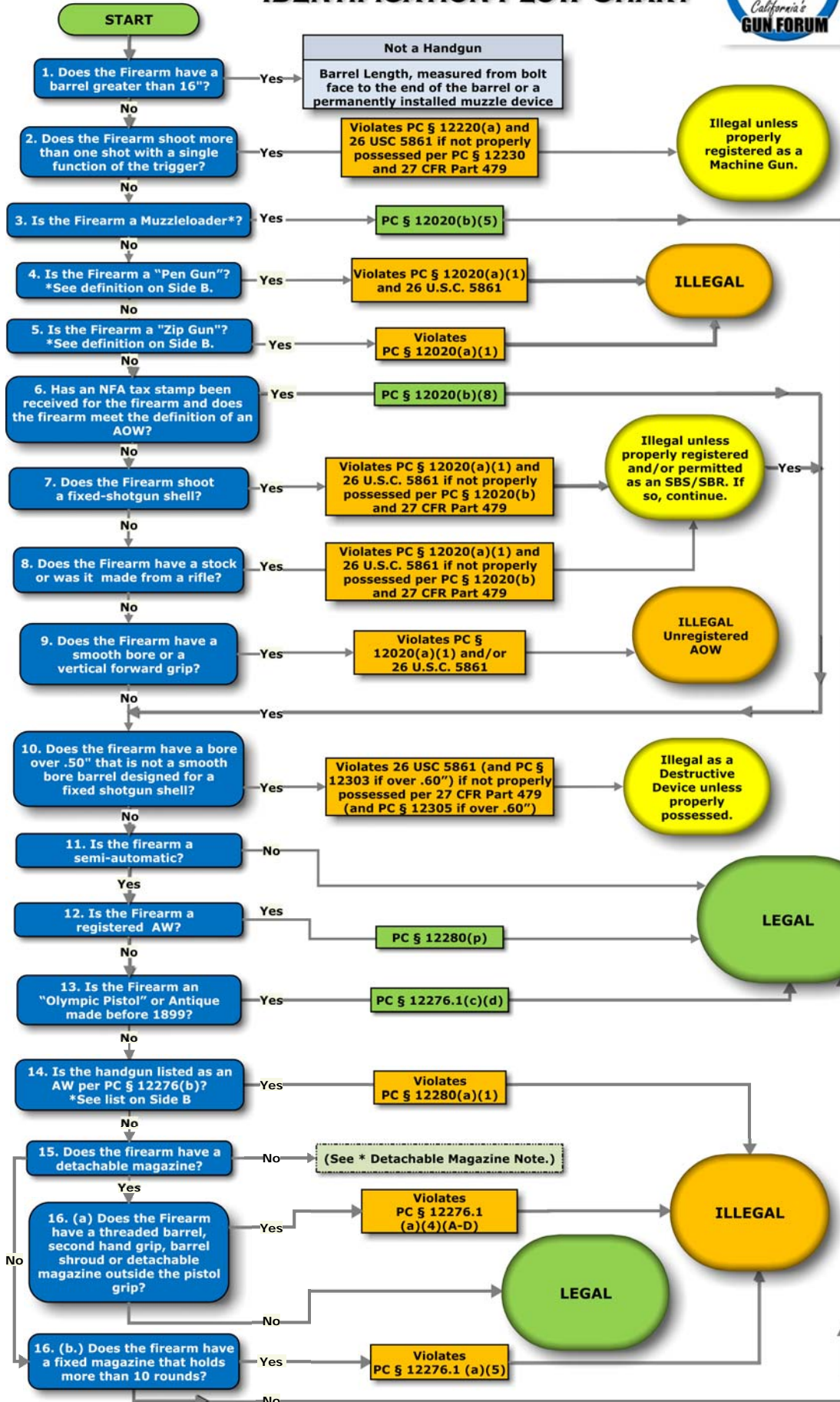


# THE CALIFORNIA HANDGUN IDENTIFICATION FLOW CHART



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\* **Roberti-Roos Assault Weapons Control Act of 1989**  
The registration deadline for assault weapons listed in the Roberti-Roos ban was March 31, 1992.

\* **Senate Bill 23 (SB-23)**  
The registration deadline for assault weapons as "defined by characteristics" in SB-23 was December 31, 2000.

The registration deadline for assault weapons as defined by Penal Code section 12276(e) "AK and AR-15 series" assault weapons was January 23, 2001.

"This chart is intended to address the possession of handguns and omits issues relating to the sale or transfer of handguns and associated Handgun Roster issues."

**CA Definition of Handgun**  
"A handgun is any pistol, revolver, or other firearm capable of being concealed upon the person that has a barrel length of less than 16 inches. The term also applies to any device that has a barrel length of 16 inches or more which is designed to be interchanged with a barrel less than 16 inches. (Penal Code § 12001(a).)"

**Definition of Terms**  
AOW: "Any Other Weapon"-26 U.S.C § 5845(e)  
AW: "Assault Weapon"-PC § 12276(b)  
SBR: "Short Barrelled Rifle"-PC § 12020(c)(2)  
SBS: "Short Barrelled Shotgun"-PC § 2020(c)(1)

**\*Detachable Magazines**  
**Note:** A firearm equipped with a Magazine lock, such as a Bullet Button, MAG-LOCK, Raddlock, Range-Maglok™®, or other similar device, does not have a magazine that meets the criteria of a detachable magazine as defined in CCR 11 § 5469 (a).  
A Handgun equipped with a magazine lock requires a tool to remove the magazine from the firearm.  
Therefore, the magazine is not legally considered "detachable", and would be considered a "fixed" magazine.



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Defending California Firearm Rights



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# THE CALIFORNIA HANDGUN IDENTIFICATION FLOW CHART



Harrott vs County of Kings (2001) 25 Cal. 4th 1138	Definition of Terms																																																																		
...a trial court may not find a semiautomatic firearm a series assault weapon under section 12276, subdivision (e), unless the firearm has first been included in the list of series assault weapons promulgated by the Attorney General pursuant to section 12276.5, subdivision (h)	<p><b>AOW: "Any Other Weapon"</b>  <b>AW: "Assault Weapon"</b>  <b>SBR : "Short Barrelled Rifle" § 12020(c)(2)</b>  <b>SBS: "Short Barrelled Shotgun" § 12020(c)(1)</b>  <b>DD: "Destructive Device" §12301(A)(3) &amp; CFR Title 27 Part § 479.11</b>  <b>NFA: National Firearms Act</b>  <b>CFR: Code of Federal Regulations</b>  <b>U.S.C: United States Code</b>  <b>PC: California Penal Code</b>  <b>CCR: California Code of Regulations</b></p>																																																																		
The 3 categories of an assault weapon in California	<p><b>Definition of a "Detachable Magazine" CCR 11 § 5469 (a)</b></p> <p>"Detachable magazine" means any ammunition feeding device that <u>can be removed readily from the firearm</u> with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a <b>tool</b>.</p>																																																																		
<p><b>Category 1</b> - are firearms listed on the original <b>Roberti-Roos</b> assault weapons list PC section 12276 (a), (b), and (c).</p> <p><b>Category 2</b> - was the legally ambiguous definition targeting AR and AK "series" firearms in PC 12276(e). This definition was modified by the California Supreme Court in 2001 in what is known as the <b>Harrott v. County of Kings (2001) 25 Cal.4th 1138</b>. The DOJ was required to create an additional list of firearms by make and model. It is available in CCR 11 § 5499 and is sometimes referred to as the "series list". Then came <b>AB2728</b>, which prevents the DOJ from ever updating the list after Jan 2007.</p> <p><b>Category 3</b> - are defined by characteristic features listed in PC 12276.1. These are sometimes referred to as "<b>SB23 features</b>" (Senate Bill 23).</p>	<p><b>Definition of a Pen Gun - U.S. v. Rybar, 103 F.3d 273 (3d Cir. 1996)</b></p> <p>[FN5]. A "<b>pen gun</b>" is a small, single-shot pistol which resembles a fountain pen or air pressure gauge. It is classified as an "any other weapon" under the National Firearms Act because of its concealability and thus requires registration under the Act. <b>Note: California Law prohibits AOW classified pen guns.</b></p>																																																																		
Definition of Assault Weapon Roberti-Roos Assault Weapons Control Act of 1989 and the .50 Caliber BMG Regulation Act of 2004.	PC § 12276.1(d)(3) Antique firearm.																																																																		
<p>As used in this chapter, "<b>assault weapon</b>" shall mean the following designated semiautomatic firearms:</p> <p><b>(b)</b> All of the following specified pistols:</p> <p>(1) UZI*</p> <p>(2) Encom MP-9 and MP-45.</p> <p>(3) The following MAC types:</p> <p>(A) RPB Industries Inc. sM10 and M11.</p> <p>(B) SWD Incorporated M-11.</p> <p>(C) Advance Armament Inc. M-11.</p> <p>(D) Military Armament Corp. Ingram M-11.</p> <p>(4) Intratec TEC-9.</p> <p>(5) Sites Spectre.</p> <p>(6) Sterling MK-7.</p> <p>(7) Calico M-950.</p> <p>(8) Bushmaster Pistol.</p> <p><b>PC § 12276(e)</b></p> <p><b>(b)</b> Pistols</p> <p>MARS Pistol</p> <p>Professional Ordnance, Inc. Carbon 15 Pistol</p> <p>* <b>(1)</b> (marked "UZI Pistol" only)</p>	<p><b>§ 12276.1(d)(3)</b></p> <p><b>(d)</b> The following definitions shall apply under this section:</p> <p><b>(3) "Antique firearm"</b> means any firearm manufactured prior to January 1, 1899."</p>																																																																		
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# THE CALIFORNIA HANDGUN IDENTIFICATION FLOW CHART



## 2008 Dangerous Weapons Control Laws Title 2 of Part 4 of the Penal Code and Other Selected Code Sections

### Unlawful Carrying And Possession Of Weapons

#### PC § 12020(a)(1) Article 2.

(a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any flechette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.

#### PC § 12020(b)

(b) Subdivision (a) does not apply to any of the following:

(2) The manufacture, possession, transportation or sale of **short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice** pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

(5) For purposes of this section, "**antique firearm**" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(7) Any firearm or ammunition that is a **curio or relic** as defined in Section 478.11 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) **Any other weapon** as defined in subsection (e) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a). The exemption provided in this subdivision does not apply to pen guns.

#### Definitions:

(c) (1) As used in this section, a "**short-barreled shotgun**" means any of the following:

(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

(B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.

(C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

(D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C) inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C) inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person

(2) As used in this section, a "**short-barreled rifle**" means any of the following:

(A) A rifle having a barrel or barrels of less than 16 inches in length.

(B) A rifle with an overall length of less than 26 inches.

(C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.

(10) As used in this section, a "**zip gun**" means any weapon or device which meets all of the following criteria: (A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. (B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. (C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and Subchapters F (commencing with Section 4216) and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(12) As used in this section, an "**unconventional pistol**" means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

### PC § 12200 thru 12251 Machine Guns

#### ARTICLE 1. GENERAL PROVISIONS

\* **12200.** The term "**machinegun**" as used in this chapter means any weapon which shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person. The term also includes any weapon deemed by the federal Bureau of Alcohol, Tobacco, and Firearms as readily convertible to a machinegun under Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code.

#### ARTICLE 2. UNLAWFUL POSSESSION OF MACHINE GUNS

\* **12220.** (a) Any person, firm or corporation who within this state possesses or knowingly transports a machinegun, except as authorized by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison, or by a fine not to exceed ten thousand dollars (\$10,000), or by both such fine and imprisonment. (b) Any person, firm, or corporation who within this state intentionally converts a firearm into a machinegun, or who sells, or offers for sale, or knowingly manufactures a machinegun, except as authorized by this chapter, is punishable by imprisonment in the state prison for four, six, or eight years.

#### ARTICLE 3. PERMITS

\* **12230.** The Department of Justice may issue permits for the possession, manufacture, and transportation or possession, manufacture, or transportation of machineguns, upon a satisfactory showing that good cause exists for the issuance thereof to the applicant for the permit, but no permit shall be issued to a person who is under 18 years of age.

# THE CALIFORNIA HANDGUN IDENTIFICATION FLOW CHART



**CFR Title 27: Alcohol, Tobacco and Firearms  
PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS  
CHAPTER II -SUBCHAPTER B,C,E,F-PART 479**

**Subpart B—Definitions**

**§ 479.11 Meaning of terms.**

**Antique firearm.** Any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

**Any other weapon.** Any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

**Destructive device.** (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) similar device; (b) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes; and (c) any combination of parts either designed or intended for use in converting any device into a destructive device as described in paragraphs (a) and (b) of this definition and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed or redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army under 10 U.S.C. 4684(2), 4685, or 4686, or any device which the Director finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

**Fixed ammunition.** That self-contained unit consisting of the case, primer, propellant charge, and projectile or projectiles.

**Frame or receiver.** That part of a firearm which provides housing for the hammer, bolt or breechblock and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

**Machine gun.** Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

**Revolver.** A projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

**Rifle.** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

**Shotgun.** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

**Subpart C—Administrative and Miscellaneous Provisions**

**§ 479.25 Collector's items.**

The Director shall determine in accordance with 26 U.S.C. 5845(a), whether a firearm or device, which although originally designed as a weapon, is by reason of the date of its manufacture, value, design, and other characteristics primarily a collector's item and is not likely to be used as a weapon. A person who desires to obtain a determination under that provision of law shall follow the procedures prescribed in §479.24 relating to destructive device determinations, and shall include information as to date of manufacture, value, design and other characteristics which would sustain a finding that the firearm or device is primarily a collector's item and is not likely to be used as a weapon.

[36 FR 14256, Aug. 3, 1971. Redesignated at 40 FR 16835, Apr. 15, 1975, and amended by T.D. ATF-48, 44 FR 55842, Sept. 28, 1979]

**Subpart E-TAX ON MAKING FIREARMS**

**§ 479.62 Application to make.**

No person shall make a firearm unless the person has filed with the Director a written application on Form 1 (Firearms)

**Subpart F-TRANSFER TAX**

**§ 479.84 Application to transfer.**

Except as otherwise provided in this subpart, no firearm may be transferred in the United States unless an application, Form 4 (Firearms), Application for Transfer and Registration of Firearm, in duplicate, executed under the penalties of perjury to transfer the firearm and register it to the transferee has been filed with and approved by the Director.

<b>NFA SECTION III: Weapons Removed From The NFA As Collector's Items And Classified As Curios Or Relics Under The GCA</b>	<b>How to legally acquire a NFA Firearm</b>
<p>The Bureau has determined that by reason of the date of their manufacture, value, design and other characteristics, the following firearms are primarily collector's items and are not likely to be used as weapons and therefore, are excluded from the provisions of the National Firearms Act.</p> <p>Further, the Bureau has determined that such firearms are also curios or relics as defined in 27 CFR 478.11. Thus, licensed collectors may acquire, hold, or dispose to them as curios or relics subject to the provisions of 18 U.S.C. Chapter 44 and 27 CFR Part 478. They are still "firearms" as defined in 18 U.S.C. Chapter 44.</p>	<p><b>(M2) How can an individual legally acquire NFA firearms?</b></p> <p><b>Basically, there are 2 ways that an individual (who is not prohibited by Federal, State, or local law from receiving or possessing firearms) may legally acquire NFA firearms:</b></p> <ol style="list-style-type: none"> <li><b>1. By transfer after approval by ATF of a registered weapon from its lawful owner residing in the same State as the transferee.</b></li> <li><b>2. By obtaining prior approval from ATF to make NFA firearms.</b></li> </ol> <p>[27 CFR 479.62-66 and 479.84-86 ]</p>

