

## California-Legal AR and AK Type Semi-Automatic Rifles

The Federal Assault Weapon Ban expired in September 2004.

According to the California DOJ, there are three categories of "Assault Weapons":

- Category I are listed by make and model in PC 12276, also known as the Roberti-Roos list.
- Category II 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 Harrott decision. 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 AB2728, which prevents the DOJ from ever updating the list after Jan 2007.
- Category III are defined by characteristic features listed in PC 12276.1. These are sometimes referred to as "SB23 features" (from the Senate bill) or sarcastically as "evil features":
  - (1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and 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.
    - (F) A forward pistol grip.
  - (2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.
  - (3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

Therefore an AR or AK type rifle is **legal** if it is built on an "off-list" lower receiver (OLL), has an overall length of 30 inches or more, has a barrel length of 16 inches or more (PC 12020), and,

- has a fixed (non-detachable) magazine holding 10 rounds or less
- **or** has a detachable magazine, but has no other SB23 features

A firearm built in one of the above defined configurations is just a semi-automatic rifle, not an Assault Weapon as defined by California law.

### Fixed vs. Detachable Magazines

The DOJ defined the term detachable magazine in CCR 11 § 5469 as: "Detachable magazine" means any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool.

### Pistol Grips

CCR 11 § 5469 states a "pistol grip that protrudes conspicuously beneath the action of the weapon" means a grip that allows for a pistol style grasp in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed portion of the trigger while firing.

### High Capacity Magazines:

Since Jan 1, 2000, California law (PC 12020) prohibits the manufacture, importation, or sale of large capacity magazines. A "large capacity magazine" is defined as any ammunition feeding device with the capacity to accept more than ten rounds (with several exceptions not relevant here). However, California does not ban the *possession* of large capacity magazines. Any large capacity magazines acquired before 2000 are legal to continue to possess, use, and even lend (when in the accessible vicinity). However, they are only legal to use in "featureless" builds, not fixed-mag builds, which are limited to 10 rounds.

## Example Photos of California-Legal Semi-Automatic Rifles

Example 1: fixed (non-detachable) 10-round magazine:



Note the presence of multiple SB23 features including a telescoping stock, pistol grip, forward pistol grip, and flash suppressor. This is legal because the off-list lower receiver has a fixed (non-detachable) 10 round magazine.

Close-up of several types of commercially available magazine locks:



Bullet-Button ®



Prince50 ®



Mag-Lock ®

Notes: To load a rifle equipped with a Prince50 or Mag-Lock, pull the takedown pin, pivot the rifle open, and top load. Do not loosen the set screw on a Prince50 without first disassembling the rifle. To load a rifle equipped with a Bullet-Button, use a bullet tip (tool) to detach the magazine. Do not use magazines with more than 10 round capacity with these configurations.

Example 2: detachable magazine, but no other SB23 features:



Note the detachable magazines (10, 20, and 30 round), the MonsterMan non-pistol grip, and no SB23 features. Also note that the bayonet lug and muzzle break are not SB23 features. The bayonet lug was on the now expired federal ban and a muzzle break is not a flash suppressor, although they may look quite similar.

Example 3: detachable magazine, but no other SB23 features:

