

# ALL THESE DEADLINES: WHAT FACTS WE KNOW and THOSE WE DON'T

With the signing of 2016's package of bills by Governor Brown known as *Gunmageddon*, and the statewide passage of the Ammo Grab (Proposition 63), there are a number of looming deadlines that affect law-abiding gun owners. As has become routine, the Department of Justice is famous for **moving the goal posts**, which has created confusion and could put law abiding citizens and retailers in precarious legal situations. GOC has received many phone calls asking good questions about what to expect, and although we don't have all the answers, we wanted to provide some FAQs on what we know – and what we don't:

## LARGE (traditional) CAPACITY MAGAZINES

- **HOW DID THE LAW CHANGE ON THE POSSESSION OF LARGE CAPACITY MAGAZINES?**

Both Gunmageddon (SB 1446) and Prop. 63 had the same deadline dates for the possession of LCM's and made the possession of any magazine capable of holding more than 10 rounds illegal no matter when and where they were acquired. The options for complying with the laws are to (1) sell or move the magazines out of California, (2) sell to a DOJ licensed LCM dealer, (3) turn them in to the police, (4) permanently modify the magazines so they could never hold more than 10 rounds, (5) disassemble the mags and never reassemble them as long as this law is in effect, or (6) destroy them.

- **WHAT IS THE DATE FOR COMPLIANCE?**

Due to a "stay" (the halting of further legal process) issued in federal court, compliance has been *suspended indefinitely, as noted below* (the date *had been* January 1, 2018).

- **WHAT ARE THE DETAILS OF THE COURT CHALLENGE?**

Duncan v. Becerra was filed by some of our pro-Second Amendment partners, and U.S. District Court Judge Roger Benitez ruled that the ban on the possession of LCMs was an unconstitutional violation of the 2nd Amendment, due process and a government taking. **Judge Benitez ordered a stay, preventing the law from going into effect.** California's anti-Second Amendment Attorney General Xavier Becerra has appealed Judge Benitez' ruling to the 9<sup>th</sup> Circuit Court asking for it to be overturned. The 9<sup>th</sup> Circuit Court has not set any date on when the case would be heard.

Thus, as of November 1, 2017, possession of legally acquired and owned LCMs is permissible.

## ASSAULT WEAPONS AND BULLET BUTTONS

- **HOW WAS THE LAW REVISED?**

Pursuant to Assembly Bill 1135 (Stats. 2016, chapter 40) and Senate Bill 880 (Stats. 2016, chapter 48) effective January 1, 2017, the definition of an assault weapon was revised to include any firearm that required a bullet button in order to make it California compliant.

- **WHAT IS NOW REQUIRED OF GUN OWNERS?**

Any person who, from January 1, 2001, to December 31, 2016, lawfully possessed an assault weapon that does not have a fixed magazine (as defined in Penal Code section 30515), including those weapons with an ammunition feeding device (bullet button) that can be readily removed from the firearm with the use of a tool, shall register the firearm.

If the firearm is not registered as a California Assault Weapon, it must be moved out of the state, sold to a licensed California Assault Weapons dealer, turned in to law enforcement, reconfigured to be California compliant, disassembled (and never reassembled while the law is in effect), or destroyed.

- **WHAT IS THE DATE OF COMPLIANCE?**

June 30, 2018. DOJ's registration process is now open; to register, go to <https://oag.ca.gov/firearms>

(The initial date for compliance was January 1, 2018, but pursuant to Assembly Bill 103 [Stats. 2017. Ch. 17], an extension was passed.)

- **IS THIS BEING CHALLENGED IN THE COURTS?**

YES. A lawsuit has been filed in federal court (Rupp v. Becerra) that challenges the constitutionality of the statute and the regulations issued by DOJ.

## AMMUNITION REGISTRATION AND LEGAL VENDORS

- **WHAT LAWS GOT US TO THIS AWFUL PLACE – AND HOW?**

Both Gunmageddon and Prop.63 from 2016 make it illegal for ANYONE to import ammunition into California - by any means - including mail-order or driving it across the border beginning **January 1, 2018**. These laws also mandate the registration of all ammunition purchasers and the creation of databases – by the Department of Justice as well as the licensed ammunition vendor.

- **HOW DOES THIS CHANGE HOW CALIFORNIANS CAN PURCHASE AMMUNITION?**

All purchases must be made in a face to face transaction with a licensed ammunition vendor. The only way to mail order ammo is to have it shipped directly to a licensed ammunition vendor.

- **WHAT DO WE KNOW – AND DON'T KNOW – ABOUT ACTUAL REGISTRATION?**

The actual regulations on such purchases have not been released by DOJ, but the public comment period concluded on September 12, 2017.

We do know that beginning **January 1, 2019**, ammo purchasers will be required to undergo a background check and will be added to a DOJ-maintained database (i.e. ammo registration). Dealers will also be required to keep records of purchases for a period of 5 years.

*\*\*DOJ has informed us that they will be relying on the Automated Firearms System (AFS) for background checks. Huge questions remain as to how law-abiding citizens who are NOT in AFS (as registered gun owners) will be allowed to purchase ammunition. Will DOJ automatically reject any purchaser who is not in AFS? This is a huge gap of information and it is unclear how DOJ will maneuver through this\*\**

Additionally, details are still unknown regarding - but are not limited to - the process which will be required for having ammo shipped to a licensed vendor, the process for retrieving ammo from the vendor, what fees can be charged (such as for storage if the ammunition is not immediately picked up).

- **DOES THIS IMPACT HANDLOADERS?**

**No.** It will still be legal to purchase via mail order or personally import all component parts including projectiles, powder, cases and primers.

- **IS THIS BEING CHALLENGED IN THE COURTS?**

**YES,** a lawsuit is scheduled to be filed in the very near future. Stay tuned!

This is the tip of the iceberg. Depending on court actions, please remember some of these dates might change. If you have any questions, give GOC a call at (916) 984-1400. If we do not have the answers, we will get them for you. Stay safe, and above all, be armed and informed.

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**GUN OWNERS**

*of California*

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