

California Department of Justice FIREARMS DIVISION Randy Rossi, Director		INFORMATION BULLETIN	
<i>Subject:</i> U.S. DOJ ATF DETERMINATION REGARDING THE EFFECT OF CPC 1203.4 AND 12021(c) (2) FIREARMS RIGHTS RESTORATION	<i>No.:</i> 2004-FD-05	<i>For further information contact:</i> Firearms Division (916) 263-4887	
	<i>Date:</i> 09/28/04		

TO: ALL CALIFORNIA CRIMINAL JUSTICE AGENCIES

On June 4, 2004, the California Department of Justice (DOJ) was advised by the United States (U.S.) Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regarding the effect of "set asides/dismissals" pursuant to California Penal Code (PC) Section 1203.4, for conviction of a misdemeanor crime of domestic violence, as defined under Title 18 U.S.C. Section 921(a)(33).

Accordingly, this Information Bulletin is to notify all California agencies of the impact this determination will have on certain agency employees/clients. Specifically, employees/clients who have PC Section 273.5 and /or 243(e)(1) convictions that include the use or attempted use of physical force, or the threatened use of a deadly weapon are affected. While these individuals may have had their conviction set aside/dismissed pursuant to PC Section 1203.4, concordant with ATF advice, they remain prohibited from acquiring/possessing firearms under federal law. As you may know, the misdemeanor crime of domestic violence firearm disability under federal law applies to federal, state, and local government employees in both their official and private capacities. Since, the firearms prohibition relief afforded to many peace officers pursuant to PC Section 12021(c)(2) and/or 1203.4 has been nullified according to the ATF determination, affected officers will no longer be able to acquire/possess firearms.

In the past, many agency employees/clients received a firearms clearance from the California Department of Justice, Firearms Division, because their past domestic violence misdemeanor convictions were set aside/dismissed pursuant to PC Section 1203.4. Now, the Department will no longer be able to clear these individuals to acquire/possess firearms. Additionally, employers of affected subjects who occupy jobs that require an annual/bi-annual DOJ employment clearance, will immediately begin receiving prohibited notifications from the Department regarding these individuals eligibility to acquire/possess firearms.

Should you have any questions regarding this information, please feel free to contact the Firearms Division at (916) 263-4887.

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General