

California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

Subject:

.50 BMG Rifles - Assembly Bill 50

No.:

2004-FD-08

Date: 12/20/04

For further information contact:

Firearms Division
(916) 263-4887

**TO: ALL CALIFORNIA FIREARMS DEALERS, FIREARMS MANUFACTURERS AND
ASSAULT WEAPON PERMITTEES
ALL CHIEFS OF POLICE, SHERIFFS AND DISTRICT ATTORNEYS**

Summary

Effective January 1, 2005, the .50 Caliber BMG Registration Act of 2004 (Assembly Bill 50, Statutes 2004, Chapter 494), commencing with Penal Code section 12275, regulates .50 BMG rifles in essentially the same manner as assault weapons. The law generally prohibits the manufacturing, importation, sale, and possession of .50 BMG rifles. The same basic exceptions accorded to assault weapon restrictions will be accorded to the new .50 BMG rifle restrictions. For individuals who lawfully possessed .50 BMG rifles prior to January 1, 2005, the new law also provides for the registration and possession of their .50 BMG rifles.

.50 BMG Rifle Definition, Statutory Restriction and Exemptions

Penal Code (PC) section 12278 defines a ".50 BMG rifle" as a center fire rifle that can fire a .50 BMG cartridge and is not already an assault weapon pursuant to 12276, 12276.1, or 12276.5 PC, or a machinegun as defined by 12200 PC.

With certain exceptions, 12280 PC provides that, commencing January 1, 2005, no one may possess, manufacture, cause to be manufactured, distribute, transport, or import into the state, keep for sale, or offer or expose for sale, or give or lend any .50 BMG rifle. Lawful sales of .50 BMG rifles may be conducted prior to January 1, 2005. The Dealer Record of Sale (DROS) for a .50 BMG rifle must be initiated prior to January 1, 2005 and, if that rifle is not delivered within 30 days, the transfer may not occur and the sale must be cancelled.

12285 PC requires any person who lawfully possesses a .50 BMG rifle prior to January 1, 2005, to register the firearm with the Department of Justice (DOJ) by April 30, 2006. This section also enumerates how properly registered .50 BMG rifles may be lawfully used in this state.

12285 PC also provides that, after January 1, 2005, no properly registered .50 BMG rifle may be sold or transferred to anyone within this state other than a permitted .50 BMG rifle dealer, or relinquished to a law enforcement agency in accordance with 12288 PC. 12285 PC also provides that any person who obtains title to a lawfully registered .50 BMG rifle by bequest or intestate succession shall, within 180 days of receipt, render the weapon permanently inoperable, sell the weapon to a .50 BMG rifle permitted dealer, obtain a permit from the Department of Justice, or remove the weapon from this state.

As with regulated assault weapons, 12280 PC provides various exemptions from the statutory .50 BMG rifle restrictions. The most notable exemptions are for the sales to, possession by, and use of .50 BMG rifles by law enforcement and military agencies, as well use and possession of .50 BMG rifles by individuals possessing a DOJ Assault Weapon/.50 BMG Rifle Permit pursuant to 12286 or 12287 PC.

Paragraph (2) of subdivision (f) of 12280 PC provides that AB 50's .50 BMG rifle restrictions shall not prohibit the delivery, transfer, or sale of a .50 BMG rifle to, or the possession of a .50 BMG rifle by, a sworn peace officer member of an agency specified in subdivision (e) of 12280 PC, provided that the peace officer presents verifiable written certification from the head of his/her agency, identifying the recipient of the .50 BMG rifle as a peace officer and authorizing him or her to receive the specific .50 BMG rifle.

All specific exemptions are enumerated by subdivisions (e) through (t) of 12280 PC.

Step-Down Provision

As with the statutory provisions for assault weapons, the new .50 BMG rifle statutes bestow a step-down sentencing to an infraction punishable by a fine not exceeding five hundred dollars for certain first-time possession offenses, provided the person is found with not more than two firearms in compliance with subdivision (a) of Section 12285 and the person: 1) proves he or she lawfully possessed the .50 BMG rifle prior to January 1, 2005; 2) has not previously been convicted of a violation of Penal Code section 12280; and 3) was found to be in possession of the .50 BMG rifle prior to April 30, 2007.

Registration Requirements and Procedures

General Public:

Paragraph (2) of subdivision (a) of 12285 PC provides that any person who lawfully possesses any .50 BMG rifle prior to January 1, 2005, that is not specified as an assault weapon under 12276 or 12276.5 PC or defined as an assault weapon pursuant to 12276.1 PC, shall register the .50 BMG rifle with DOJ no later than April 30, 2006. Subdivision (f) of 12285 PC specifically disallows .50 BMG rifle registration by anyone under the age of 18 or by any individual who is legally ineligible to possess firearms.

The statute provides for a registration process similar in nature to the assault weapon registration process. DOJ is providing firearms dealers with .50 BMG rifle registration cards with this bulletin. Individuals may also obtain registration cards directly from DOJ by calling (916) 263-4887. The registration fee prescribed by statute is \$25 per submission, regardless of the number of weapons included per submission.

Subdivision (e) of 12285 PC provides for the option of joint registration for .50 BMG rifles owned by family members residing in the same household. For joint registrations of .50 BMG rifles, each registrant must submit a completed application and the \$25 fee.

The statute also provides that any person who legally registered a firearm as an assault weapon pursuant to the provisions of law in effect prior to January 1, 2005, where the assault weapon is thereafter defined as a .50 BMG rifle, shall be deemed to have registered the weapon for the purposes of the .50 BMG rifle registration requirements. This valid registration status includes assault weapons properly registered prior to January 1, 2005 with changed out .50 BMG barrels.

Peace Officers:

Paragraph (2) of subdivision (f) of 12280 PC provides that sworn peace officer members of agencies listed in subdivision (e) of 12280 PC who acquire or receive a .50 BMG rifle after January 1, 2005, shall register the .50 BMG rifle no later than one year after the acquisition or

receipt. The peace officer must include with the registration application to DOJ a copy of the previously described letter authorizing the registration from the head of his/her agency. Peace officers registering .50 BMG rifles under this provision must also submit to DOJ a completed Peace Officer .50 BMG Rifle Registration Application form (FD 049P) and the \$25 registration fee.

Permits to Possess and/or Manufacture .50 BMG Rifles Pursuant to Penal Code Sections 12286 and 12287

Because the .50 BMG Rifle provisions are literally intertwined with the assault weapons statutes, DOJ is creating a combined DOJ Assault Weapon/.50 BMG Rifle Permit. All existing DOJ Assault Weapon Permit holders will be grand-fathered into this combined permit. Anyone wishing to obtain a DOJ Assault Weapon/.50 BMG Rifle Permit should contact DOJ at (916) 227-3694 to request a permit application package.

If you have any questions, please feel free to visit the Firearms Division's web site at www.ag.ca.gov/firearms, or speak with a Firearms Division Field Representative at (916) 263-4887.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Rossi", with a large, stylized flourish at the end.

RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General