



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
(916) 263-4887

November 1, 2005

Dear Mr.

I am writing in response to your letter dated October 4, 2005 regarding the sale of 80% completed firearms receivers in California. You asked about two different types of receivers: an AR-15, and a Government Model 1911. The answer to your question depends upon the type of receiver at issue.

As you pointed out in your letter, the manufacture and sale of AR-15's is illegal in California pursuant to Penal Code 12280. It is also illegal to possess an unregistered AR-15 rifle in California, whether the rifle is a Colt AR-15, or another version of that model. It is also illegal to "cause" an assault rifle "to be manufactured." Therefore, it would be illegal to sell AR-15 receivers in California to persons intending to "manufacture" their own AR-15 rifles, even if the receivers were only 80% completed.

Government Model 1911 pistols, on the other hand, are legal to own in California. Receivers for 1911 models that are 80% completed may be sold to purchasers who intend to "manufacture" their own pistols. When the firearms are complete, the owners will need to apply for a serial number from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. The completed pistols cannot be sold by a California licensed firearms dealer, however, unless they are tested by a DOJ-certified laboratory, and listed for sale on the DOJ Roster of handguns that are approved for sale in the state. A person cannot "manufacture" more than five firearms per year without a state firearms manufacturing license.

I hope that this information was helpful. Feel free to contact me if you have any additional questions.

Sincerely,

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
(916) 263-4887

December 7, 2005

Re: CMMG MOD4SA Semi-Auto AR-15 Type Lower Receiver

Dear _____,

I am writing in response to your letter (undated) regarding the above-referenced firearm. You asked about the legality of purchasing and possessing a "CMMG MOD4SA semi-auto AR-15 type lower receiver."

We are not familiar with that particular make and model of firearm, so cannot give a definitive opinion about whether or not it is legal in California. We would be happy to examine the firearm itself, or a photo thereof, in order to render an opinion.

You should be aware, however, that the receiver may be illegal if it has any of the characteristics listed in Penal Code 12276.1. Also, a local prosecutor in one of California's 58 counties could decide to prosecute you for possession of an assault weapon, regardless of our opinion about the legality of the firearm.

Please feel free to contact me if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For **BILL LOCKYER**
Attorney General



December 21, 2005

RE: The Legality of Certain AR-15 Series Receivers

Dear

I am writing in response to your letter dated October 14, 2005. In your letter, you posed a number of questions about the legality in California of certain AR-15 series receivers in California.

First, you inquired about whether you could modify an AR-15 series receiver so that it would have more than "minor differences" from the original banned receiver. Specifically, you inquired about obtaining an AR-15 receiver with a fixed magazine from an out-of-state manufacturer or distributor and having that receiver delivered to a federally licensed firearms dealer (FFL) in California. Whether such a receiver would be legal to buy and own in California depends upon the manner in which the magazine is affixed. We cannot offer an opinion about a receiver we have not examined. You might consider importing an AR-15 receiver that we have already approved, such as the FAB-10, Hess or the Vulcan Arms.

You also asked about manufacturing a "homebuilt rifle receiver," by attaching a magazine that would not be readily detachable and would accept no more than ten rounds of ammunition. Whether such a receiver would be legal to build and own in California depends on the manner in which the magazine is affixed. While we would be happy to offer our opinion about such a modification, we can only do so after examining the modified receiver itself. If you would like to submit a sample for examination, please contact me for instructions about how to do so.

Also, you should be aware that a local district attorney who believed you were manufacturing an assault weapon could file charges against you for violating Penal Code 12280(a). Finally, you should consult with our office and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to ensure that you are in compliance with all state and federal laws regarding the manufacture of firearms, before you begin any manufacturing operations.

You asked about a number of specific ways to attach a magazine to a lower receiver. While we would be happy to offer our opinion about such a modification, we can only do so after examining the modified lower receiver. Again, please contact me for instructions, if you would like to submit a sample for examination.

December 21, 2005
Page 2

Finally, you asked about whether a "receiver that is neither a Category 1 nor a Category 2 weapon...is also not subject to Category 3 compliance." A receiver with a magazine that is not "readily detachable" is not subject to the ban on generic characteristic set forth in section 12276.1(a)(1).

I hope that this information is helpful. Please feel free to contact me again if you have any additional questions.

Sincerely,



ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



December 21, 2005

RE: Additional Information about Manufacture of 80% Receivers

Dear

I am writing in response to your letter dated November 9, 2005, requesting additional information.

First, you asked whether it is legal to manufacture 80% completed AR-15 receivers in California that are only offered for sale outside of the state. The prohibition in Penal Code 12280 against the manufacture of assault weapons does not distinguish between assault weapons that are to be sold within the state of California and those that are to be sold outside of the state. The prohibition in section 12280 is against the *manufacture* of assault weapons "*within the state.*"

The determination of whether a manufacturer is operating within the law depends on the product that is manufactured, not how close the product is to being completed. If a lower receiver that is virtually identical to a banned assault weapon is being produced in California, the manufacturer could face liability under Penal Code 12280(a), regardless of how complete (or incomplete) the receiver may be.

Second, you asked about manufacturing an AR-15 lower receiver with a blocked or otherwise modified magazine well. While we would be happy to offer an opinion about the legality of a particular modification, we cannot do so without physically examining the modified receiver itself. If you would like to submit a sample for examination, please contact me for instructions about how to do so.

I hope that this information was helpful. Feel free to contact me if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



December 21, 2005

RE: Your letter to the Firearms Division

Dear

I am writing in response to your letter dated November 1, 2005, requesting clarification about producing and selling partially completed AR-15 type lower receivers in California. You asked at what "point of completion (i.e. 0%, 40%, 80%, 99%, or only fully completed) is an AR-15 type lower receiver, not listed on the DOJ roster by name, considered to be an assault weapon in California?" It does not really matter how close a receiver is to being complete. The determination of whether a manufacturer is operating within the law depends on the product that is manufactured. If a lower receiver that is virtually identical to a lower receiver already banned in California is being manufactured, the manufacturer could face liability under Penal Code 12280(a), regardless of how much of the receiver is completed.

You also asked "at which point of completion would the magazine have to be pinned or welded in an AR type lower receiver, so that it would not be considered an assault weapon even if not completed?" Again, the relevant question is what product is being manufactured? If a lower receiver has more than minor differences from a banned assault weapon, it probably does not matter when the magazine of the receiver are pinned and welded. On the other hand, the manufacturer could face criminal liability under Penal Code 12280(a) for manufacturing a lower receiver with only minor differences from an assault weapon, even after pinning or welding the magazine.

We would be happy to render an opinion about the legality of a lower receiver you intend to produce, but can only do so if you provide a prototype of the lower receiver to our office. If you would like to submit a sample for examination, please contact me for instructions about how to do so.

I hope that this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



December 21, 2005

RE: Assault Weapons

Dear

This correspondence is in response to your letter (undated) in which you posed a number of questions regarding the regulation of assault weapons in California under the Roberti-Roos Assault Weapons Control Act of 1989 and subsequent legislation.

Your first question was about the effect of *Kasler v. Lockyer* (2000) 23 Cal. 4th 472 on California assault weapons law. *Kasler* upheld the original Roberti-Roos Assault Weapons Control Act of 1989, including the add-on provisions in Penal Code (PC) section 12276.5 that were amended into the law in 1999 by Senate Bill 23. The court in *Kasler* ruled that none of the assault weapons provisions violated constitutional guarantees of equal protection, separation of powers, or due process.

You asked "whether receivers that are not on the Roberti-Roos list, or are not "ak" and "ar" series are legal to buy and own in California." Receivers that are not listed in Penal Code section 12276 are still illegal to buy and own in California if they are listed in the Assault Weapons Identification Guide published by the California Department of Justice (DOJ), or if they have certain generic characteristics listed in Penal Code 12276.1. Also, a local prosecutor in one of California's 58 counties could file charges under 12276(e) for possession of an assault weapon because the firearm that is virtually identical to a listed assault weapon, even if the firearm is not identified by DOJ, and does not have any of the banned characteristics.

Specifically, you asked about the PTR-91 receiver, which is not listed in Penal Code 12276. The PTR-91 is illegal in California under Penal Code 12276.1 because it has a pistol grip. You are correct that it would not be considered by DOJ to be a Category One or Two Assault Weapon. However, as mentioned above, a local prosecutor could file charges under 12276(e), even if the firearm was not identified by DOJ, and did not have any of the banned characteristics.

Finally, you asked whether the PTR-91 receiver would comply with California law if it had a fixed magazine "or no pistol grip or flash-hider." Subject to local

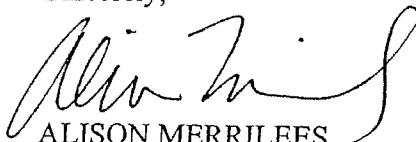
December 21, 2005

Page 2

prosecutorial discretion to file charges under Penal Code 12276(e), the PTR-91 may be legal for sale in California if it lacks all of the generic characteristics listed in Penal Code 12276.1.

I hope that this information was helpful. If you have any additional questions regarding this issue, please feel free to contact me at (916) 263-0802.

Sincerely,



ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Facsimile: (916)263-0676

December 27, 2005

Re: Ewbanks EMAK 7.62x39 receiver

Dear . . .

I am writing in response to your letter dated November 28, 2005, inquiring about the Ewbanks EMAK 7.62x39 receiver. You asked about the legality of purchasing and possessing a Ewbanks EMAK 7.62x39 receiver in California. We are not familiar with that particular make and model of firearm, so cannot give a definitive opinion about whether or not it is legal in California. We would be happy to examine the firearm itself, or a photo thereof, in order to render an opinion.

You should be aware, however, that the receiver may be illegal if it has any of the characteristics listed in Penal Code 12276.1. Also, a local prosecutor in one of California's 58 counties could decide to prosecute you for possession of an assault weapon, regardless of our opinion about the legality of the firearm.

Please feel free to contact me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General

For **BILL LOCKYER**
Attorney General



FIREARMS DIVISION
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Facsimile: (916)263-0676

December 27, 2005

Re: Curio and Relic Firearms

Dear

I am writing in response to your letter dated October 31, 2005. You asked about the extent to which curio and relic firearms are exempt from certain California laws. Generally speaking, curios and relics are subject to the provisions of the California Penal Code regulating dangerous weapons, unless specifically exempted. California has adopted the federal definition of curios and relics, found at Title 27 of the Federal Code of Regulations, in section 178.11.

You asked about specific provisions of the Penal Code:

Q: Must a Curio and Relic firearm pass the Handgun Safety Test if it is a handgun?

A: Pursuant to Penal Code 12131, only handguns that are listed on the roster of "not unsafe handguns" may be sold in California. Penal Code 12132(g) exempts curios and relics from that requirement.

Q: May a Curio and Relic firearm be a California Assault Weapon?

A: Antique firearms (manufactured prior to January 1, 1899) are specifically exempted from the definition of "assault weapons," pursuant to the provisions of Penal Code 12276.1(c)(1). However, curios and relics are not exempt from that definition. Therefore, a curio or relic would only be exempt if it were an antique.

Q: May a Curio and Relic firearm be a Machinegun in accordance with federal law?

A: Neither antiques, nor curios and relics, are exempt from the definition of a "machinegun" in Penal Code 12200.



FIREARMS DIVISION
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Facsimile: (916)263-0676

December 27, 2005

Re: Romak 3 receiver

Dear

I am writing in response to your letter dated November 28, 2005, inquiring about the Romak 3 receiver. You asked about the legality of purchasing and possessing a Romak 3 receiver in California. The Romak 3 is considered to be an assault weapon in California. It is listed in the Assault Weapons Identification Guide published by the California Department of Justice, as "Ohio Ordinance Works ROMAK 991." The Romak 3 is another name for the Romak 991.

Please feel free to contact me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Facsimile: (916)263-0676

December 27, 2005

Re: Armory USA & Global Trades Co - Type 2 - 1.0mm Receiver

Dear :

I am writing in response to your letter dated November 28, 2005, inquiring about the Armory USA & Global Trades Co - Type 2 - 1.0mm receiver. You asked about the legality of purchasing and possessing an Armory USA & Global Trades Co - Type 2 - 1.0mm receiver in California. We are not familiar with that particular make and model of firearm, so cannot give a definitive opinion about whether or not it is legal in California. We would be happy to examine the firearm itself, or a photo thereof, in order to render an opinion.

You should be aware, however, that the receiver may be illegal if it has any of the characteristics listed in Penal Code 12276.1. Also, a local prosecutor in one of California's 58 counties could decide to prosecute you for possession of an assault weapon, regardless of our opinion about the legality of the firearm.

Please feel free to contact me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Facsimile: (916)263-0676

December 27, 2005

Re: L.A.R. Manufacturing Inc. Grizzly .223 CAL receiver

Dear _____

I am writing in response to your letter dated December 5, 2005, inquiring about the L.A.R. Manufacturing Inc. Grizzly .223 CAL receiver. You asked about the legality of purchasing and possessing a L.A.R. Manufacturing Inc. Grizzly .223 CAL receiver in California. We are not familiar with that particular make and model of firearm, so cannot give a definitive opinion about whether or not it is legal in California. We would be happy to examine the firearm itself, or a photo thereof, in order to render an opinion.

You should be aware, however, that the receiver may be illegal if it has any of the characteristics listed in Penal Code 12276.1. Also, a local prosecutor in one of California's 58 counties could decide to prosecute you for possession of an assault weapon, regardless of our opinion about the legality of the firearm.

Please feel free to contact me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Facsimile: (916)263-0676

December 27, 2005

Re: High Capacity Magazine Replacement Parts

Dea.

I am writing in response to your letter dated October 31, 2005. You asked about repairing large capacity magazines by replacing all the components of the magazines in question. Whether the scenario you describe constitutes repairing or manufacturing a large capacity magazine depends upon the legal opinion of the prosecutor in the jurisdiction where the acts occur. There are 58 district attorneys in California's 58 counties. They could elect to prosecute you for a felony (Penal Code 12280(a)(2)), if they believed that you were manufacturing a large capacity magazine.

Please feel free to contact me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Facsimile: (916)263-0676

December 27, 2005

Re: Importation of Stag-6.8 Lower Receiver into California

Dear

I am writing in response to your inquiry about whether it is legal to send a Stag-6.8 lower receiver to California.

The Stag-6.8 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the Stag-6.8 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the Stag-6.8 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the Stag-6.8 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General

For **BILL LOCKYER**
Attorney General



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of Stag-15 Lower Receiver into California

Dear

I am writing in response to your inquiry about whether it is legal to send a Stag-15 lower receiver to California.

The Stag-15 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the Stag-15 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the Stag-15 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the Stag-15 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of FAR-15 Lower Receiver into California

Dear

I am writing in response to your inquiry about whether it is legal to send a FAR-15 lower receiver to California.

The FAR-15 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the FAR-15 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the FAR-15 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the FAR-15 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For **BILL LOCKYER**
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of Stag-15 Lower Receiver into California

Dear

I am writing in response to your inquiry about whether it is legal to send a Stag-15 lower receiver to California.

The Stag-15 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the Stag-15 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the Stag-15 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the Stag-15 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For **BILL LOCKYER**
Attorney General



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of Stag-15 Lower Receiver into California

Dear

I am writing in response to your inquiry about whether it is legal to send a Stag-15 lower receiver to California.

The Stag-15 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the Stag-15 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the Stag-15 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the Stag-15 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of FAR-15 Lower Receiver into California

De,

I am writing in response to your inquiry about whether it is legal to send a FAR-15 lower receiver to California.

The FAR-15 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the FAR-15 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the FAR-15 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the FAR-15 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For **BILL LOCKYER**
Attorney General



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of DSA ZM4 Lower Receiver into California

Dear

I am writing in response to your inquiry about whether it is legal to send a DSA ZM4 lower receiver to California.

The DSA ZM4 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the DSA ZM4 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the DSA ZM4 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the DSA ZM4 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For **BILL LOCKYER**
Attorney General



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of DSA ZM4 Lower Receiver into California

Dear

I am writing in response to your inquiry about whether it is legal to send a DSA ZM4 lower receiver to California.

The DSA ZM4 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the DSA ZM4 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the DSA ZM4 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the DSA ZM4 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of DSA ZM4 Lower Receiver into California

Dear .

I am writing in response to your inquiry about whether it is legal to send a DSA ZM4 lower receiver to California.

The DSA ZM4 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the DSA ZM4 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the DSA ZM4 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the DSA ZM4 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

December 28, 2005

Re: Importation of Stag-15 Lower Receiver into California

Dea,

I am writing in response to your inquiry about whether it is legal to send a Stag-15 lower receiver to California.

The Stag-15 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the Stag-15 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the Stag-15 will soon be classified as an assault weapon.

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A handwritten signature in black ink, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
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Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



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December 28, 2005

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ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



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ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

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ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



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For BILL LOCKYER
Attorney General



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Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



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ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



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ALISON MERRILEES
Deputy Attorney General
Firearms Division

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. Box 160487
Sacramento, CA 95816-0487

Public: 916-263-0802
Facsimile: 916-263-0676

January 5, 2006

Re: Your email

Dear

I am writing in response to your email dated January 4, 2006, requesting information on behalf of your client, the California Association of Firearms Dealers. You asked a number of questions in your email.

What AR /AK series frames has the DOJ opined to be legal at this time? (I understand that the DOJ is sending and has sent some letters regarding this, but this request also goes to those AR / AK series firearms that have not received written letters from the DOJ.)

As you know, the Firearms Division is statutorily responsible for identifying illegal AR and AK-series firearms. As a service, we also offer advice to the public and law enforcement about whether certain firearms are legal to purchase and possess in California. We do not maintain a list of AR/AK series frames that are legal to own.

We respond to inquiries by determining whether the firearm/receiver is listed by make and model in Penal Code section 12276 or identified in the Attorney General's Assault Weapons Identification Guide. If so, it is an illegal assault weapon. If it is not listed and we are not familiar with the firearm, we cannot give an opinion about the legality of the firearm without examining the firearm itself, or a photograph thereof.

If we are familiar with a firearm/receiver that is not listed, but the firearm/receiver has features listed in Penal Code section 12276.1, it is an illegal assault weapon. If it does not have the features, but is virtually identical to a listed assault weapon, it is our position that the firearm/receiver is technically legal to purchase and possess in California. However, our opinion is not conclusive about the legality of the firearm/receiver. A local prosecutor in one of California's 58 counties could decide to prosecute anyone who purchases or possesses such a firearm/receiver, or the gun dealer who orders it for illegal importation of an assault weapon, regardless of our opinion.

What firearms / receivers does the DOJ contemplate will be added series lists?

What firearms / receivers does the DOJ contemplate may be added to the series lists?

As of today's date, there has been no final decision by the Attorney General to add series weapons to the Assault Weapons Identification Guide.

When will the list of proposed firearms to be added to the series lists be finalized?

As of today's date, the Attorney General has not decided whether or when to update the list of series weapons in the Assault Weapons Identification Guide.

Will the proposed new additions to the series list be subject to public comment?

No. According to the California Supreme Court, "the Attorney General has the authority to determine that certain semiautomatic firearms are assault weapons by simply identifying them as such in the list published by the Attorney General in the California Code of Regulations...two types of firearms defined in section 12276 by the use of the term series, namely the AK-47 series and the Colt AR-15 series." Harrott v. County of Kings (2003) 25 Cal. 4th 1138, 1155. The legislature granted DOJ the authority to identify "series" assault weapons and add them to the Attorney General's Assault Weapons Identification Guide pursuant to Penal Code without a court hearing, or public comment, because of the inherent danger and killing power of series weapons.

Do the additions to the list have to be approved by Office of Administrative Law?

No. Pursuant to Penal Code section 12276.5(h), an updated list merely needs to be filed with the California Secretary of State for publication in the California Code of Regulations. The Administrative Procedures Act does not apply to the submission and publication of the updated list of series assault weapons according to 12276.5(h).

Once the new additions list is final, I assume sales will no longer be allowed. What must occur before it becomes final? Any idea when it would become final?

Sales of newly designated series weapons are illegal on the date when the list is published.

I assume that there would be a 90 day registration period; would people only be allowed to register the newly designated series guns during that period?

Individuals who owned newly designated series weapons before the date of publication would have 90 days to register their firearms with the Department of Justice

When is the new list being published?

An updated list must be published within ten days of submission to the California Secretary of State.

*What methods of publication and public notice does the DOJ intend to implement?
Has the DOJ done or is it doing an information bulletin on the addition of firearms to the series list?*

If DOJ were to update the Assault Weapons Identification Guide, DOJ would use all reasonable methods to inform the public about the change in the law, including but not limited to, Informational Bulletins.

What else is DOJ doing with this issue?

We continue in our effort to enforce existing firearm laws in order to protect and enhance public safety. I hope this information was helpful. Please feel free to contact me again if you have additional questions.

Sincerely,



ALISON MERRILEES
Deputy Attorney General

For BILL LOCKYER
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile (916) 263-0676

January 18, 2006

Re: Importation of DSA ZM4 Lower Receiver into California

Dear

I am writing in response to your inquiry about whether it is legal to send a DSA ZM4 lower receiver to California.

The DSA ZM4 is not listed as a Category One assault rifle in California Penal Code 12276, and is not yet a Category Two assault rifle. Although technically the receiver is legal to purchase and possess in California at this time (assuming it does not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that the DSA ZM4 lower receiver is virtually identical to rifles that are now illegal assault weapons. You should also be aware that we intend to add it soon to the DOJ Assault Weapons Identification Guide. Therefore, the DSA ZM4 will soon be classified as an assault weapon.

Also, please realize that this opinion is not conclusive about the legality of the firearm. A local prosecutor in one of California's 58 counties could decide to prosecute you, or the gun dealer who orders the DSA ZM4 for illegal importation of an assault weapon, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Merrilees".

ALISON MERRILEES
Deputy Attorney General
Firearms Division

For **BILL LOCKYER**
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



FIREARMS DIVISION
P.O. Box 160487
Sacramento, CA 95816-0487

Public: 916-263-0802
Facsimile: 916-263-0676

January 18, 2006

Re: Importation of Unlisted Lower Receivers into California: Stag 15, Fulton Armory, Ameetec
Mega Gator, Superior, Sun Devil

Dear .

I am writing in response to your inquiry about whether it is legal to send the unlisted AR-15 lower receivers listed above, into California.

The receivers about which you inquired are not listed as Category One assault rifles in California Penal Code 12276, and are not yet named as Category Two assault rifles. Although technically the receivers are legal to purchase and possess in California at this time (assuming they do not have the characteristics listed in Penal Code section 12276.1(a)(1), (a)(2) or (a)(3)), you should be aware that they are virtually identical to assault weapons that are now illegal in California. You should also be aware that we may add them soon to the DOJ Assault Weapons Identification Guide. Therefore, the lower receivers may soon be classified as assault weapons.

Also, please realize that this opinion is not conclusive about the legality of the receivers. A local prosecutor in one of California's 58 counties could decide to prosecute you for illegal importation of assault weapons, regardless of this letter.

I hope this information was helpful. Please feel free to write to me again if you have any additional questions.

Sincerely,

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ALISON MERRILEES
Deputy Attorney General

For BILL LOCKYER
Attorney General



FIREARMS DIVISION
P.O. Box 160487
Sacramento, CA 95816-0487

Public: 916-263-0802
Facsimile: 916-263-0676

January 19, 2006

Re: Importation of Unlisted Lower Receivers into California: Ameetec Arms, Mega Machine Shop

Dear _____

I am writing in response to your inquiry about whether it is legal to send the unlisted AR-15 lower receivers listed above, into California.

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Sincerely,

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ALISON MERRILEES
Deputy Attorney General

For **BILL LOCKYER**
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487

Facsimile: (916) 263-0676
(916) 263-0956

March 16, 2005

Dear .

In reference to your exemplar, we have determined that it does not fall under the prohibitions identified under California Penal Code section 12276 and is not a prohibited assault weapon.

Sincerely,

A handwritten signature in black ink, appearing to read "I Chinn".

IGNATIUS CHINN
Special Agent Supervisor
Firearms Division

For **BILL LOCKYER**
Attorney General

IC/dm

JJ' >
BILL LOCKYER
Attorney General

COPY

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile: (916) 274-5992
(916) 263-4880

March 17, 2005

RE: AFTER MARKET MODIFICATION OF FAB10 LOWER RECEIVER

Dear

In order for the Department of Justice (DOJ) Firearms Division to provide you an opinion as to whether your modification of the FAB10 Lower Receiver would conflict with stated law, you need to provide an exemplar of your firearm for review.

Please send the exemplar to the following address: DOJ-Firearms Division, PO Box 160487
Sacramento, CA 95816-0487 Attn: Supervising Special Agent Ignatius Chinn

Should you have any questions for Mr. Chinn, you can telephone him at (916) 263-0956.

Sincerely,

A handwritten signature in cursive script that reads "Sally S. Carney".

SALLY S. CARNEY, Field Representative
Firearms Division

FOR: BILL LOCKYER
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile: (916) 263-0676
(916) 263-0699

November 19, 2004

Gentlepersons:

Concerning your request to evaluate your AR-15 lower modification to the magazine well to take the modified lower AR-15 receiver out of series status, it is the opinion of this department that your modification changes the design to a point that we do not consider it a Stoner X-15 series design.

Therefore, any modification which conforms with the test model kept as evidence by the California Department of Justice Firearms Division as an exemplar is approved.

Sincerely,

IGNATIUS CHINN
Special Agent Supervisor
Firearms Division

For **BILL LOCKYER**
Attorney General

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487

Facsimile: (916) 263-0676
(916) 263-0956

April 20, 2005

Re: V15 serial number P7573

Dear

Your latest exemplar/modifications are in compliance with our suggested changes as compared to your previous exemplar. With these changes, we have noted that your design deviates from the original AR-15 design to a degree that is no longer considered a series weapon. Thus, it is legal to sell to the civilian population in California.

Sincerely,

A handwritten signature in black ink, appearing to read "I Chinn".

IGNATIUS CHINN
Special Agent Supervisor
Firearms Division

For BILL LOCKYER
Attorney General

IC/lr

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487
Facsimile: (916) 263-0676
(916) 263-6275

COPY

March 8, 2005

Re: Cease and Desist

Dear Mr. .

Our agreement with you to allow your altered AR-15 receivers was for the shorter 10-round fixed magazine which ended just below the magazine well. At the March 5, 2005, Cow Palace Gun Show, I observed a vendor by the name of Sonoma Firearms selling your AR-15 lower with a permanent fixed 20-round magazine. This was much longer than the originally approved magazine which is exhibited in our exemplar that is still in our possession.

Without inspecting this model and its permanently altered magazine, there could be a violation of California Penal Code section 12276.2.

Until the observed model is approved by the California Department of Justice, Firearms Division, it is not to be sold to the public in that configuration.

Sincerely,

A handwritten signature in black ink, appearing to read "I. Chinn".

IGNATIUS CHINN
Special Agent Supervisor
Firearms Division

For **BILL LOCKYER**
Attorney General

IC:ls

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



P.O. BOX 160487
SACRAMENTO, CA 95816-0487

Facsimile: (916) 263-0676
(916) 263-0956

May 5, 2005

Re: HAR-25, serial number R1350

Dear

Your exemplar I received on May 2, 2005, has been examined by our staff and has been classified as a non-series design firearm. Your fixed magazine design removes your exemplar from any prohibitions related to AR-15 Stoner design weapons that are enumerated in California Penal Code section 12276(e) & (f) and prohibited by 12280(a)(1) & (b). Please ensure that all following production of this receiver conforms with the exemplar we have in evidence.

Sincerely,

A handwritten signature in black ink, appearing to read "I Chinn".

IGNATIUS CHINN
Special Agent Supervisor
Firearms Division

For BILL LOCKYER
Attorney General

IC/lis