



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: FIREARM LAW CHANGES

DATE: August 23, 2022

Bulletin #2022-025

On June 30, 2022, the California Legislature enacted several new firearm regulations including Assembly Bill 1621 - Unserialized Firearms.¹ AB 1621 changes the definition of a firearm pursuant to Penal Code section 16520 – Firearm (definition) to include “firearm precursor parts”—mirroring the language of the ATF’s federal rule change which takes effect August 24, 2022.² Please refer to Attachment 1 (below) provided by the Santa Clara County District Attorney’s Office regarding AB 1621.

AB 1621 - Unserialized Firearms

Effective immediately, the definition of a firearm pursuant to PC 16520 has been changed to include firearm precursor parts, meaning the new definition includes unfinished frames and receivers. This pertains to most of the regulations used by law enforcement, to include possession by prohibited persons (e.g., felons, restrained persons, etc.). Effective June 30, 2022, when a prohibited person is found to be in possession of a firearm precursor part, a violation of PC 29800 (Felon in Possession of a Firearm) has occurred.

AB 1621 repealed several Penal Code sections which were created by AB 879 - Firearms (October 2019) to regulate firearm precursor part possession, as duplicative. Those sections are no longer needed because the definition change rolls these violations into existing law. The repealed Penal Code sections are 30405, 30406, 30412, and 30414.

PC 16520 – Firearm (definition)

- (a) As used in this part, “firearm” means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.
- (b) As used in the following provisions, “firearm” includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621

² <https://www.atf.gov/rules-and-regulations/definition-frame-or-receiver>

ALL DEPARTMENT PERSONNEL
SUBJECT: FIREARM LAW CHANGES

August 23, 2022

Page 2

PC 16531 – Firearm Precursor Part (definition)

(a) “Firearm precursor part” means any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.

PC 29180 – Assembly of Firearms

Current California law requires individuals obtain and affix a serial number before completing (assembling) a firearm. This code section continues to regulate unserialized firearms.



Anthony Mata
Chief of Police

AM:SD:JP:MM

Attachment 1: California Gun Law Guide July 2022 Edition, Santa Clara County District Attorney’s Office

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Santa Clara County District Attorney's Office

**California Gun Law Guide
July 2022 Edition**
Santa Clara County District Attorney's Office

Drugs & Guns

HS 11550(e)	Under Infl. With a Loaded Firearm	16-2-3
HS 11370.1	Possession of CS & Loaded Firearm	2-3-4
PC 29800(a)(1)	Possession of Firearm by Addict	16-2-3

Assaultive Conduct

PC 417 et al	Brandishing a Firearm	Misd.
417(c)	+ in immediate presence of peace officer	16-2-3
417.3	+ at occupant of motor vehicle	16-2-3
417.4	+ imitation firearm (BB, toy gun, etc.)	Misd.
PC 245(a)(2)	Assault of a person with a Firearm	2-3-4
245(a)(3)	+ with Machinegun or Assault Weapon	4-8-12
245(a)(3)	+ with Semiautomatic Firearm	3-6-9
PC 246	Shoot @ Occupied Building/Vehicle	3-5-7
PC 246.3	Willful Discharge w/ Gross Negligence	16-2-3
PC 247(b)	Shoot @ Unoccupied Building/Vehicle	16-2-3

Guns In Cars

PC 25400(a)(1)	Concealed Firearm in Vehicle	Fact Specific
PC 25400(a)(2)	Concealed Firearm on Person	Fact Specific
PC 25400(a)(3)	Concealed on Passenger in Vehicle	Fact Specific
Felony If PC 25400:	(c)(1) Prior Felony (c)(2) Stolen Firearm (c)(3) Gang Participant (c)(4) No Lawful Possession	(c)(5): Prior crime against person, property, or narcotics (c)(6): Loaded or Ammo readily available and not RO
Notes & Exemptions:	Person: Carried on belt holster ≠ concealed [PC 25400] Person: Carried in locked container for lawful purpose is OK Vehicle: Locked container or locked in trunk is OK [PC 25610] Misc. Exceptions: See PC 25505 & PC 25605	
PC 26100(a)	Driver OR Owner Knowingly Allowing Another to Carry Loaded Firearm in Car	Misd.
PC 26100(b)	Driver OR Owner Knowingly Allowing Another to Discharge Firearm from Car	16-2-3
PC 26100(c)	Shoot from Vehicle at Another Person	3-5-7
PC 26100(d)	Discharge Firearm from Motor Vehicle	16-2-3

Gun Sales

PC 27500	Sell or Provide to Prohib. Person	2-3-4
PC 27510	Licensed Dealer Selling to Minor	2-3-4
PC 27505	Selling Firearm to Minor Felony to sell <u>handgun</u> to Minor (16-2-3)	Misd.
PC 27590(b)(5)	Gang Member Selling Firearm	2-3-4
PC 27585	Resident Traffic <u>handgun</u> into CA	16-2-3
PC 27545	Sell <u>handgun</u> to/from Unlicensed Dealer	16-2-3
PC 28250	Fictitious or Incorrect Registration Info	8-12-18
PC 27520	Straw Purchase of Firearm	16-2-3
PC 26180(b)	False Statement on Gun License App.	16-2-3

Criminal Storage of Firearms

PC 25110(a)-(c)	1st Deg: Minor Causes GBI/Death with Owner's Firearm → 16-2-3 Wobbler 2nd Deg: Minor Takes Owner's Firearm into Public Place → Misd. 3rd Deg: Negligent Gun Storage Around Minor → Misd.	PC 25140(a) Unattended Gun in Vehicle → Inf. PC 25250 Unreported Firearm Theft → Inf.
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Gun Crime Contacts
SuDDA Marisa McKeown: mmckeown@dao.sccgov.org
DDA Mike Vidmar: mvidmar@dao.sccgov.org
DDA Olivia Mendoza: omendoza@dao.sccgov.org

☐ = Wobbler ☐ = Strike

Definition of "Firearm"

A "Firearm" is a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion. (NOT: BB gun, Air Rifle, stun gun) **PC 16520(a)**

16520(b): includes precursor part in definition of firearm for most sections

Carrying Firearms & Stealing Firearms

PC 25800	Carry Loaded Firearm + Intent of Felony	16-2-3
PC 25850(a)	Loaded Firearm on person / in vehicle	Misd. Unless
Felony If	(c)(1) Prior Felony (c)(2) Stolen Firearm (c)(3) Gang Participant	(c)(4) No Lawful Possession (c)(5) Prior crime against person/property/narco. (c)(6) Not listed as RO with CA DOJ
Exemptions	Person's place, residence, or temporary residence [PC 26055]	
PC 26350(a)(1)	Open Carry an Exposed, Unloaded <u>Handgun</u> out of Vehicle in Public	Misd. Unless
PC 26350(a)(2)	Open Carry an Exposed, Unloaded <u>Handgun</u> inside or on Vehicle in Public	Misd. Unless
Felony If	Handgun and unexpended ammunition for that handgun in D's immediate possession and Gun is not in lawful possession.	
Exemption	Gun in locked trunk or locked container [PC 26389]	
PC 26400(a)(1)	Open Carry an Exposed, Unloaded <u>Non-Handgun</u> out of Vehicle in Public	Misd. Unless
Felony If	Firearm and unexpended ammunition for that firearm in D's immediate possession and Gun is not in lawful possession.	
PC 487(d)(2)	Theft of a Firearm	16-2-3

Prohibited Weapons

PC 30605	Possession of Assault Weapon	16-2-3
PC 30600(a)	Manufacture, Sale, Lend, or Transport Assault Weapon or .50 BMG Rifle	4-6-8
PC 30600(b)	↑ Same But to a Minor	+1 Y
PC 30600(c)	3 or More = Distinct & Separate Offense	
PC 30610(a)	Possession of .50 BMG Rifle	16-2-3
PC 31360	Felon Purchase/Possess Body Armor	16-2-3
PC 31500	Possession of Unconventional Pistol	16-2-3
PC 32310(a)	Manufacture, Sale, Lend, or Transport Large-Capacity Magazine	16-2-3
PC 32310(c)	Possession of Large-Capacity Magazine	16-2-3
PC 32625(a)	Possession of Machine Gun	16-2-3
PC 32625(b)	Conversion/Manufacture/Sale of Machine Gun	4-6-8
PC 32900	Poss. of Multiburst Trigger Activator	16-2-3
PC 33215	Possession/Sale of Short-Barreled Rifle (<16") or Shotgun (<18")	16-2-3
PC 33410	Possession of Silencer	16-2-3
PC 33410	Possession, Manufacture, or Offer to Sell Zip Gun	16-2-3

Injunction DO NOT USE →

**ALL DEPARTMENT PERSONNEL
SUBJECT: FIREARM LAW CHANGES**

August 23, 2022

Page 4

Prohibited Persons		
Prohibited Persons Crimes		
PC 29610	Possession of Firearm (Capable of Concealment) by Minor	Fact Specific
PC 29650	Possession of Live Ammunition by Minor	
Felony If:	>Prior Adjudication Under 29610 / 29615 OR >Prior Adjudication Under 29905 (violence), 32625, 33410	
PC 29800(a)(1)	Gun Possession by Felon, Addicted to Use of Narcotic, 2+ PC 417 Convictions, or Knowledge of Outstanding Warrant	16-2-3
PC 29805(a)	Gun Possession Within 10 Year of Certain Misdo (Below)	16-2-3
PC 29805(b)	Gun Possession After PC 273.5 Conviction (2019 or Later)	16-2-3
PC 29815	Gun Possession in Violation of Probation Condition	16-2-3
PC 29820	Gun Possession by Juvenile Ward Prior to Age 30 (Below)	16-2-3
PC 29825(a)	Purchase/Receive (or Attempt to Purchase/Receive) Firearm While Subject to TRO or PO Listed Below (Not GVRO)	16-2-3
PC 29825(b)	Gun Possession While Subject to TRO or PO Listed Below	16-2-3
PC 29900(a)	Gun Possession by Felon Convicted of Violent Crime	16-2-3
PC 29900(b)	↑ Same but When Prosecuted as Adult Under WI § 707	16-2-3
Lifetime Prohibitions		
PC 29800	Any Person Convicted of Any Felony or Violent Offense	
PC 29800	Any Person Convicted of Misdemeanor PC § 273.5	
PC 29800	Any Person With 2+ Convictions for PC § 417(a)(2)	
WI 8103(a)(1)	Any Person Adjudicated to be a Mentally Disordered Sex Offender	
WI 8103(a)(1)	Any Person Found Incompetent to Stand Trial or NG by Insanity	
10 Year Prohibitions—Misdemeanor Priors		
PC 29805	Any Person Convicted of Any of the Below Misdemeanors	
Penal Code §§: 71, 76, 136.5, 140, 148(d), 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 244.5, 245, 245.5, 246, 246.3, 247, 273.6, 417, 417.1, 417.2, 417.6, 422, 626.9, 646.9, 830.95(a), 17500, 17510(a), 25300, 25800, 27510, 27590(c), 30315, or 32625		
Welfare & Institutions §§: 871.5, 1001.5, 8100, 8101, or 8103		
5 Year Prohibitions		
WI 8103(g)	Any Person Admitted Under WI §§ 5150, 5151, or 5152	
WI 8103(g)	Any Person Certified Under WI §§ 5250, 5260, 5270.15	
Juvenile Prohibitions—Until Age 30		
PC 29820	Juveniles Adjudged Wards of the Court For Any Of the Below	
Penal Code §§: 136.1, 137, 186.22(b), 187, 664-187, 192(a), 203 + 1203.09(f), 205, 206, 207 + injury, 208(d), 209(a), 209(b), 209.5, All 211's, 215 + armed with deadly/dangerous weapon, 215 + 1203.09(a) or (f), 2202 + 1203.09(a), 243-243.9 + 1203.09(f), 245(a)(1), 245(a)(2), 245(a)(3), 245(a)(4) [245 (a)(1) force likely], 245(b), 245(c), 245(d), 245.2, 245.3, 245.5, 246, 261(a)(2), 261(a)(6) + 1203.09(a), 262(a)(1), 262(a)(4) + 1203.09(a), 264.1, 286(c)(2), 286(d), 288(b)(1), 288 (b)(2), 288a(c)(2), 288a(d), 289(a)(1), 289(a)(2), 451(a), 451(b), 459-460(a) 1203.09(a), 12022(b), 12022.5, 12022.5, 12022.53, 12034(c), 12308, Felony + 16590, 18745, 25850, 25400(a), 26100 (a), 26100(c)		
Welfare & Institutions §: 871(b) + GBI		
Health & Safety §§: 11379 (0.5 oz or more), 11379.5, 11379.6 (0.5 oz or more)		
Miscellaneous Prohibitions		
PC 29900	Any Person With Probation Firearm Limitation From PC § 29900(c)	
18 USC 922(g)	Any Person Charged with a Felony Pending Resolution	
WI 8103(e)	Any Voluntary Patient at MH Facility or Disabled Conservatorship and Is Found to be a Danger to Self or Others	
PC 29800(a)	Any Person Addicted to the Use of Narcotics	
PC 29825	Any Person Subject to CPO or TRO from FC § 6218, PC § 136.2, CCP §§ 527.6 or 527.8	
PC 18205	Any Person Subject to a GVRO	

Assault Weapon Definitions		
PC 30515(a)(1)	A Semiautomatic Centerfire Rifle Without a Fixed Magazine and One of:	
>Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon >Thumbhole Stock >Flare Launcher >Folding or Telescoping Stock >Flash Suppressor >Grenade Launcher >Forward Pistol Grip		
PC 30515(a)(2)	A Semiautomatic Centerfire Rifle With a Fixed Magazine & 10+ Round Capacity	
PC 30515(a)(3)	A Semiautomatic Centerfire Rifle With a Length of Less than 30 Inches	
PC 30515(a)(4)	A Semiautomatic Pistol Without a Fixed Magazine and One of:	
>Threaded Barrel, Capable of Accepting a Flash Suppressor, Forward Handgrip, or Silencer >Second Handgrip >Shroud Attached to, or Partially or Completely Encircles, the Barrel that Allows the Bearer to Fire the Weapon w/out Burning the Bearer's Hand, Except a Slide that Encloses the Barrel >The Capacity to Accept a Detachable Magazine at Some Location Outside the Pistol Grip		
PC 30515(a)(5)	A Semiautomatic Pistol With a Fixed Magazine & 10+ Round Capacity	
PC 30515(a)(6)	A Semiautomatic Shotgun With Both of:	
>Folding or Telescoping Stock AND >Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon, Thumbhole Stock, or Vertical Grip		
PC 30515(a)(7)	A Semiautomatic Shotgun that Accepts a Detachable Magazine	
PC 30515(a)(8)	Any Shotgun with a Revolving Cylinder	
Machine Gun Definition		
Any weapon that shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reload, by single function of the trigger; - Also includes the frame or receiver of any weapon described in subdivision (a), any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun.		
PC 16880		

Ghost Guns		
PC 29180	Unserialized Firearm Manufacture Without Application to CA DOJ	Misd.
PC 16531	*Firearm Precursor Part* (FPP): any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.	
PC 23920*	Possession of Unserialized Gun/FPP	Misd.
*Effective date: 1/1/2024		
PC 29010	3D Printing Firearm/FPP	Misd.

Ammunition		
PC 30305(a)	Possession of Ammunition by Felon	16-2-3
PC 30310	Possession of Ammo at School	Misd.
PC 30314	Traffic Ammo into CA	Inf.
PC 30315	Possession of Armor Piercing Ammo	16-2-3
PC 30320	Manufacture, Sale, or Transport of Armor Piercing Ammo	16-2-3