



BUREAU OF FIREARMS
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December 5, 2007

Mr. Eugene Hoffman, Jr.
751 Sylvan Way
Emerald Hills, CA 94062

Re: Dangerous Weapons License/Permit(s) Application

Dear Mr. Hoffman:

This letter is in regards to your Dangerous Weapons License/Permit application received by the Bureau of Firearms within the California Department of Justice (DOJ) on November 27, 2007. After reviewing your application, we have determined that the Bureau of Firearms is compelled to reject your application.

Penal Code Section 12286 allows "[a]ny person who lawfully acquired an assault weapon before June 1, 1989, or a .50 BMG rifle before January 1, 2005, and wishes to use it in a manner different than specified in subdivision (c) of Section 12285, who lawfully acquired an assault weapon between June 1, 1989, and January 1, 1990, and wishes to keep it after January 1, 1990, or who wishes to acquire an assault weapon after January 1, 1990, or a .50 BMG rifle after January 1, 2005, shall first obtain a permit from the Department of Justice *in the same manner as specified in Article 3 (commencing with Section 12230) of Chapter 2.*" Therefore, a person seeking a permit to possess or acquire assault weapons pursuant to Section 12286 must apply for an assault weapons permit "in the same manner" as a person applying for a machinegun permit issued pursuant to Section 12230. Likewise, DOJ must evaluate such an application "in the same manner" as it would evaluate an application for a machinegun permit.

The criteria for the issuance of licenses and permits to possess, transport, and sell "dangerous weapons," including both machine guns and assault weapons, are set forth in DOJ regulations. (Cal. Code Regs., tit. 11, § 4125, et seq.) The regulations provide that "[n]o permit or license shall be issued to any applicant who fails to establish good cause for such permit or license and that such permit or license would not endanger the public safety." (Cal. Code Regs., tit. 11, § 4128, subd. (b).) Therefore, a person seeking a permit to possess or acquire assault weapons, or use registered assault weapons in a manner not authorized by statute must establish "good cause" for the issuance of an assault weapon permit.

DOJ regulations provide that "[t]o establish good cause, an applicant must provide the Department with clear and convincing evidence that there is a bona fide market or public necessity for the issuance of a dangerous weapons permit or license and that the applicant can satisfy that need without endangering public safety." (Cal. Code Regs., tit. 11, § 4128, subd. (c).) The regulations give examples of "good cause" that are recognized by the department:

- (1) Sales to and/or manufacture for sales to law enforcement, military and/or dangerous weapon permittees/licensees.

- (2) Training, research and development; and/or manufacturing pursuant to government contract.
- (3) Use and/or manufacture of dangerous weapons as props in commercial motion picture, television production, or other commercial entertainment events.
- ...
- (5) Repair and maintenance of dangerous weapons lawfully possessed by others.
- (6) Use of dangerous weapons in activities sanctioned by government military agencies by members of those agencies.
- (7) The sale of assault weapons and/or the manufacture of assault weapons for the sale to, purchase by, or possession of assault weapons by: the agencies listed in subdivision (e), and the officers described in subdivision (f) of Section 12280; entities and persons who have been issued assault weapon permits; entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed herein; federal law enforcement and military agencies; law enforcement and military agencies of other states; and foreign governments and agencies approved by the United States State Department.
- (8) Use of dangerous weapons for the design, manufacture, demonstration, and sales of dangerous weapons accessories to law enforcement and military agencies, qualifying peace officers, and California dangerous weapons licensees/permittees. (Cal. Code Regs., tit. 11, § 4128, subd. (c).)

Significantly, the regulations also specify that possession for the purpose of maintaining a collection does not establish good cause and "shall not be allowed for short-barreled shotguns, short-barreled rifles, machine guns or assault weapons." (Cal. Code Regs., tit. 11, § 4128, subd. (c)(4).)

Your application states that "I wish to acquire and keep a small number of Assault Weapons for collection, marksmanship, and hunting." DOJ is precluded by law from issuing an assault weapons permit for such a reason. Therefore, DOJ is compelled by law to reject your application. Because your application must be denied, a background investigation by DOJ is not necessary. Accordingly, your personal check in the amount of \$321.00 is being returned to you. If you have any questions regarding this information, please feel free to contact me at (916) 263-0297.

Sincerely,



VICKI M. LYMAN, Manager
Firearms Licensing and Permits Unit

For EDMUND G. BROWN JR.
Attorney General

enclosure