



Investigations Division Training Bulletin



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Circuit Judge in .410/.45 Colt by Rossi



I was recently asked about the legality of the Circuit Judge manufactured by Rossi. They are currently being sold, with a rifled bore, in California. The firearm is capable of firing a .410 gauge shotgun shell or a .45 caliber Long Colt cartridge. The firearm has an 18.5 inch rifled barrel and is designed to be fired from the shoulder. The firearm has a five shot revolving cylinder.

Penal Code section 12276.1(a)(8) defines an assault weapon as, “*Any shotgun with a revolving cylinder*”. Is the Rossi firearm a shotgun or a rifle? If it is a shotgun then it would be considered an assault weapon. The term “rifle” or “shotgun” are not defined in the Assault Weapon statute. However, both “rifle” & “shotgun” are defined in Penal Code section 12020.

Penal Code section 12020(c)(20) defines a rifle as; *a weapon designed to be fired from the shoulder and designed to fire a cartridge **through a rifled bore**.*

Detective Halstead
Sacramento Police Department
ATF Task Force
(916) 808-0671

Penal Code section 12020(c)(21) defines a shotgun as; *a weapon designed to be fired from the shoulder and designed to fire projectiles from a shotgun shell **through a smooth bore.***

The Assault Weapon statute and Penal Code section 12020 are both located in Part 4, Title 2 of the Penal Code, which is titled “Control of Deadly Weapons”. Since the legislature did not define the term “shotgun” in the Assault Weapon statute we have to go by where they have defined it in the Penal Code.

The Circuit Judge rifle has a rifled bore and therefore it is not a shotgun by definition and thus is not an assault weapon as defined in Penal Code section 12276.1(a)(8).

**Detective Halstead
Sacramento Police Department
ATF Task Force
(916) 808-0671**