

Binder Updates

From: [Kamran Ali](#)
To: [REDACTED]
Subject: Juvenile Prohibitor: 459 PC/460 PC First Degree Burglary
Date: Monday, December 20, 2021 3:45:00 PM
Attachments: [California State Prohibitor.pdf](#)

Hello,

Please share with your teams. It is known that Penal Code section 460(a) is a juvenile prohibitor (see attached, page 5). I wanted to clarify that 459 PC can also be a juvenile prohibitor as long as the conviction was in the first degree. So regardless if someone is convicted under 459 or 460, the key element to prohibit for a juvenile is if it was burglary was in the first degree. These juvenile prohibitors are found in 707(b)(21) WIC.

Please let me know if you have any questions.

Kamran Ali
Staff Services Manager I
Department of Justice - Division of Law Enforcement
Bureau of Firearms
Quality Assurance Unit

California State Prohibitor Page

Firearms Listed With Purpose Codes 03, 07 or 11:

State Prohibitors do apply. rhd 8/22/13

State Prohibitor:

Outstanding Warrants

CA Penal Code § 29800(a)(3). Any person who has an outstanding warrant for any offense listed in this subdivision and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

NOTE: (Prior to 1/1/2012 see 12021(a) PC)

CA Penal Code § 29805. (a) (2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

CA Penal Code § 29851 (formerly § 29581 PC). Persons not having knowledge of outstanding warrant. Sections 29800 and 29805 do not apply to or affect a person who otherwise violates those sections if the person did not have knowledge of the outstanding warrant. cmc 01/09/2017

Narcotics Addiction

CA Penal Code § 29800(a)(1). Any person who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in his or her possession or under custody or control any firearm is guilty of a felony. **NOTE:** (Prior to 1/1/2012 see 12021(a) PC)

Specified Convictions of Enumerated Offenses

CA Penal Code § 29800(a)(1). Any person who has been convicted of, a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515 PC (see chart below), and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(a)(2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417* and who owns, purchases, receives or has in possession or under custody or control any firearm is guilty of a felony.

**Cal. Penal Code 417(a)(2): Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a firearm in any fight or quarrel*

(c) Subdivision (a) shall not apply to a conviction or warrant for a felony under the laws of the United States unless either of the following criteria, as applicable, is satisfied:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment.

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars (\$1,000), or received both punishments.

NOTE: (Prior to 1/1/2012 see 12021(a) and (b) PC)

Enumerated Offenses Involving Violent Use of Firearm (23515(a), (b), and (d) PC)*	Penal Code
Assault with Firearm	245(a)(2)
Assault with Machinegun	245(a)(3)
Assault with Assault Weapon	245(a)(3)
Assault with .50 BMG Rifle	245(a)(3)
Assault with Firearm on Peace Officer or Firefighter	245(d)(1)
Assault with Semiautomatic Firearm on Peace Officer or Firefighter	245(d)(2)
Assault with Machinegun on Peace Officer or Firefighter	245(d)(3)
Assault with Assault Weapon on Peace Officer or Firefighter	245(d)(3)
Assault with .50 BMG Rifle on Peace Officer or Firefighter	245(d)(3)
Drawing, exhibiting, or using firearm or deadly weapon in presence of peace officer	417(c)
Shooting at inhabited dwelling house, occupied building, vehicle, aircraft, or inhabited housecar or camper	246

*Prior to 01/01/2012, see 12001.6 PC

Prohibiting Misdemeanor Violations

CA Penal Code § 29805 (a)(1). Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of, or has an outstanding warrant for, a misdemeanor violation (see chart below) and who, within 10 years of the conviction, or if the individual has an outstanding warrant, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5*, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. shn 6/27/2019

*Cal. Penal Code 273.5: Willful infliction of corporal injury

(c) Except as provided in Section 29855, any person who is convicted on or after January 1, 2020, of a misdemeanor violation of Section 25100*, 25135*, or 25200*, and who, within 10 years of the conviction owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

**Cal. Penal Code 25100: Criminal storage of firearm accessible to child*

**Cal. Penal Code 25135: Persons with firearm in residence where another resident is prohibited from possession firearms*

**Cal. Penal Code 25200: Storage of firearms accessed by children or prohibited persons and carried off-premises*

(d) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

NOTE: Even if the 10 years have elapsed on the aforementioned charges, but the charge meets MCDV federal criteria, the individual would **still be** federally prohibited per ATF Legal Counsel.

NOTE: Prior to 1/1/2012, see 12021(c) (1) PC.

10-year Prohibition Misdemeanor Violations (29805(a) PC)	Statute
Armed criminal action	25800 PC
Assault	240/241 PC
Assault with a stun gun or taser weapon	244.5 PC
Assault with deadly weapon for force likely to produce great bodily injury	245 PC
Assault with a deadly weapon or instrument on a school employee	245.5 PC
Battery	242/243 PC
Bringing firearm related contraband into a youth authority institution	1001.5 WIC
Bringing firearm related contraband into juvenile hall	871.5 WIC
Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc.	171c(a)(1) PC
Carrying a concealed or loaded firearm or other deadly weapon	17510 PC
Criminal possession of a firearm	25300 PC
Discharge a firearm in a grossly negligent manner	246.3 PC
Discharge of firearm from motor vehicle	26100(b) PC
Discharge of firearm from motor vehicle – willfully and maliciously	26100(d) PC
Drawing, exhibiting, or using firearm or deadly weapon	417 PC
False report of criminal offense to peace officer or official that firearm has been lost or stolen	148.5(f) PC
Grand Theft (if property taken was a firearm)	487 PC
Inflicting corporal injury on a spouse or significant other	273.5 PC
Inflicting serious bodily injury as a result of brandishing	417.6 PC
Intentional and knowing violation of court order to prevent harassment, disturbing the peace, or threats or acts of violence	273.6 PC
Interference with exercise of civil rights	422.6 PC

Intimidation of witness	136.1 PC
Intimidation of witnesses and victims with deadly weapon	136.5 PC
Person or corporation who sells any concealable firearm to any minor. (Prior to 01/01/1995)	12100(a) PC
Petty Theft if property taken was a firearm	490.2 PC
Possess a firearm in school zone (Gun-Free School Zone Act)	626.9 PC
Possessing a deadly weapon with intent to commit an assault	17500 PC
Possession of ammunition designed to penetrate metal or armor	30315 PC
Providing a firearm or deadly weapon to a person described in WIC 8100/8103	8101 WIC
Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under a conservatorship	8103 WIC
Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat or physical violence against an identifiable victim	8100 WIC
Remove/take a firearm from person, or immediate presence of a peace officer	148(d) PC
Sale, supply, delivery, or giving possession of firearm by licensed person to individual under 21 years of age	27510 PC
Sexual Battery	243.4 PC
Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, house car or camper (effective 1/1/04, a conviction under this section constitutes a LIFETIME firearm prohibition-do not apply the ten-year rule).	246 PC
Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house	247 PC
Stalking	646.9 PC
Supplying, selling, or giving possession of a firearm to a person for participation in criminal street gangs	186.28 PC
Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers, etc.	171d PC
Terroristic Threats	422 PC
Threatening witnesses, victims, or informants	140 PC
Threatening public officers, employees and school officials	71 PC
Threatening certain public officials, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat	76 PC
Unauthorized possession of a weapon in a courtroom, courthouse or court building, or at a public meeting	171b PC
Unauthorized possession/transportation of a machine gun	32625 PC
Various violations involving sales and transfers of firearms	27590(c) PC
Wearing a peace officer uniform, while picketing	830.95 PC

Probation condition restricting possession of firearm

CA Penal Code § 29815(a). Any person who, as an express condition of probation, is prohibited or restricted from owning, possessing, controlling, receiving, or purchasing a firearm and who owns, purchases, receives, or has in possession or under custody or control, any firearm but who is not subject to Section 29805 or subdivision (a) of Section 29800 is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state

prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

NOTE: (Prior to 1/1/2012 see 12021(d) PC)

Juvenile Adjudication

CA Penal Code § 29800(b). Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 23515 (see chart above), when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 707 of the Welfare and Institutions Code, who owns or has possession or under his or her custody or control any firearm is guilty of a felony.

CA Penal Code § 29820(a) PC This section applies to any person who satisfies both of the following requirements:

(1) The person is alleged to have committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code (see chart below), an offense described in subdivision (b) of Section 1203.073 (see chart below), any offense enumerated in Section 29805 (see chart above), or any offense described in Section 25850 (carrying a loaded firearm in public), subdivision (a) of Section 25400 (carrying concealed firearm), or subdivision (a) of Section 26100 (permitting loaded firearm in motor vehicle).

(2) The person is subsequently adjudged a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code (see chart below), an offense described in subdivision (b) of Section 1203.073 (see chart below), any offense enumerated in Section 29805 (see chart above), or any offense described in Section 25850 (carrying a loaded firearm in public), subdivision (a) of Section 25400 (carrying concealed firearm), or subdivision (a) of Section 26100 (permitting loaded firearm in motor vehicle).

(b) Any person described in subdivision (a) shall not own, or have in possession or under custody or control, any firearm until the age of 30 years.

NOTE: (Prior to 1/1/2012 see 12021(e) PC)

Prohibiting Offenses in 707(b) WIC	Statute
*Aggravated mayhem	205 PC
*Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice	
*Any felony in which the defendant uses a firearm which use has been charged and proved	12022.3(a) PC 12022.55 PC
*Any felony punishable by death or imprisonment in the state prison for life.	
*Arson	451(a) or (b) PC
Assault by any means of force likely to produce great bodily harm	245(a)(4) PC
Assault with a firearm or destructive device	245 PC
*Assault with intent to commit mayhem, rape, sodomy, oral copulation	220 PC
*Attempted murder	664 PC
*Burglary, 1 st degree, with person present in residence during commission	460(a) PC

*Carjacking while armed with dangerous or deadly weapon	215 PC
*Continuous sexual abuse of a child	288.5 PC
Crimes against person 60 years of age or older, blind persons, paraplegics	1203.09 PC
Discharge firearm from motor vehicle at another person, willfully and maliciously	26100 PC
Discharge of firearm into an inhabited or occupied building	246 PC
Escape, by use of force or violence	871(b) WIC
*Extortion-Participation in criminal street gang	186.22(b)(4)(C) PC
Felony offense in which minor used a prohibited weapon described	16590 PC
*Forcible acts of sexual penetration	289(a) or (j)PC
*Human Trafficking	236.1(b) or (c) PC
*Igniting or exploding destructive device or explosive with intent to commit murder	18745 PC
Influencing testimony or information given to law enforcement official (felony only)	137 PC
*Intimidation of witnesses and victims (felony only)	136.1 PC
*Kidnapping	209.5 PC
Kidnapping for purposes of robbery	209(b) PC
Kidnapping for purposes of sexual assault	209(b) PC
Kidnapping for ransom	209(a) PC
Kidnapping with bodily harm	209(a) PC
*Lewd or lascivious acts	288(a) or (b) PC
Manufacturing, compounding, or selling one-half ounce or more a salt or solution of a controlled substance	11055(e) HSC
*Mayhem	203 PC
*Murder	189 or 190 PC
*Oral copulation by force, violence, duress, menace, or threat of great bodily harm	287(c) or (d) PC Former 288a PC
*Participation in criminal street gang (felony only)	186.22 PC
*Rape with force, violence, or threat of great bodily harm	261(a)(2), (6) PC 262(a)(1), (4) PC 264.1 PC
*Robbery	213 PC
*Sodomy by force violence, duress, menace, or threat of great bodily harm	286(c) or (d) PC
Torture	206/206.1 PC
*Use of firearm, assault weapon, machinegun, or .50 BMG rifle in commission of felony	12022.5 PC 12022.53 PC
Violent felony (* as defined)	667.5(c) PC
*Voluntary manslaughter	192(a) PC
*Weapons of mass destruction	11418(b), (c) PC
*Willfully and maliciously exploding or igniting destructive device or explosive and causing bodily injury	18750 PC
*Willfully and maliciously exploding or igniting destructive device or explosive causing death, mayhem, or great bodily injury	18755 PC

Offense with “*” are violent felonies as defined in 667.5(c) PC

1203.073 (b) PC. Felony convictions for controlled substances violations involving cocaine, cocaine base, methamphetamine, phencyclidine, or heroin	Health and Safety Code
(1) Possession for sale of substance containing 28.5 grams or more of cocaine or cocaine base; or 57 grams or more of a substance containing at least 5 grams of cocaine or cocaine base.	11351 11351.5 11352
(2) Possession for sale by selling a substance containing 28.5 grams or more of methamphetamine or 57 grams or more of a substance containing methamphetamine.	11378 11379
(3) Manufacturing, compounding, converting, producing, deriving, processing or preparing by chemical extraction or independently by means of chemical synthesis controlled substance, EXCEPT phencyclidine	11379.6(a) 11379.6(b)
(4) Except as otherwise provided in 1203.07 PC, any person convicted of violating adult using, soliciting, inducing, encouraging, or intimidating a minor to manufacture, compound, or sell heroin, cocaine base, cocaine, or methamphetamine.	11353 11380
(5) Any person convicted of manufacturing (11379.6 HSC), sale or furnishing substances falsely represented (11382 HSC), or possession with intent to manufacture PCP (11383 HSC) with respect to methamphetamine, if he or she has one or more prior convictions for violations of 11378, 11379, 11379.6, 11380, or 11383 HSC with respect to methamphetamine.	11379.6 11382 11383

NOTE: In summary, any person who is alleged to have committed an offense listed in (the three lists from above) subdivision (b) of Section 707, an offense described in subdivision (b) of Section 1203.073 or any offense enumerated in Section 29805 and the person is adjudged a ward of the juvenile court, shall not own, or have in his or her possession or under his or her custody or control, any firearm until the age of thirty.

Mental disorders, mental illness, intensive treatment

Communicated Threat of Physical Violence to Psychotherapist

CA WEL & INST § 8100(b)(1). A person shall not have in his or her possession or under his or her custody or control, or purchase or receive, or attempted to purchase or receive, any firearms whatsoever or any other deadly weapon for a period of five years if, on or after January 1, 2014, he or she communicates to a licensed psychotherapist, as defined in subdivisions (a) to (e), inclusive, of Section 1010 or the Evidence Code, a serious threat of physical violence against a reasonably identifiable victim or victims.

The five-year period shall commence from the date that the licensed psychotherapist reports to the local law enforcement agency the identity of the person making the communication. The prohibition provided for in this subdivision shall not apply unless the licensed psychotherapist notifies a local law enforcement agency of the threat by that person.

The person, however, may own, possess, have custody or control over, or receive or purchase any firearm if a superior court, pursuant to paragraph (3) and upon petition of the person, has found, by a preponderance of the evidence, that the person is likely to use firearms or other deadly weapons in a safe and lawful manner.

Adjudicated Mental Disorder or Mental Illness or Mental Disordered Sex Offender

CA WEL & INST § 8103(a)(1). A person who after October 1, 1955, has been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, shall not purchase or receive, or attempt to purchase or receive, or have in his or her possession, custody, or control a firearm or any other deadly weapon unless there has been issued to the person a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm or any other deadly weapon without endangering others, and the person has not, subsequent to the issuance of the certificate, again been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness.

5350 Conservatorship

CA WEL & INST § 8103(e)(1). A person who has been placed under conservatorship by a court, pursuant to Section 5350 or the law of any other state or the United States, because the person is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, shall not purchase or receive, or attempt to purchase or receive, or have in his or her possession, custody, or control, any firearm or any other deadly weapon while under the conservatorship if, at the time the conservatorship was ordered or thereafter, the court that imposed the conservatorship found that possession of a firearm or any other deadly weapon by the person would present a danger to the safety of the person or to others. Upon placing a person under conservatorship, and prohibiting firearm or any other deadly weapon possession by the person, the court shall notify the person of this prohibition.

5150 Hold

CA WEL & INST § 8103(f)(1)(A). A person who has been (i) taken into custody as provided in Section 5150 because that person is a danger to himself, herself, or to others, (ii) assessed within the meaning of Section 5151, and (iii) admitted to a designated facility within the meaning of Sections 5151 and 5152 because that person is a danger to himself, herself, or others, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for a period of five years after the person is released from the facility.

(B) A person who has been taken into custody, assessed, and admitted as specified in subparagraph (A), and who was previously taken into custody, assessed, and admitted as specified in subparagraph (A) one or more times within a period of one year preceding the most recent admittance, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for the remainder of his or her life.

(C) A person described in this paragraph, however, may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm if the superior court has, pursuant to paragraph (5), found that the people of the State of California have not met their burden pursuant to paragraph (6).

5250, 5260, 5270 – Intensive Treatment for Mental Disorder or Impairment by Chronic Alcoholism

CA WEL & INST § 8103(g)(1)(i). A person who has been certified for intensive treatment under Section 5250, 5260, or 5270.15 shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for a period of five years.

(ii) Any person who meets the criteria contained in subdivision (e) or (f) who is released from intensive treatment shall nevertheless, if applicable, remain subject to the prohibition contained in subdivision (e) or (f).

NOTE: Even after the five years have passed, those individuals committed under 5250, 5260 and 5270.15 are still FEDERALLY PROHIBITED.

Protection and Restraining Orders

CA Penal Code § 29825. Persons restricted from purchasing, receiving, owning, or possessing firearm by temporary restraining order, injunction, or protective order.

(a) A person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so in any jurisdiction by a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision, that includes a prohibition from owning or possessing a firearm, is guilty of a public offense.

(b) A person who owns or possesses a firearm knowing that the person is prohibited from doing so in any jurisdiction by a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision, that includes a prohibition from owning or possessing a firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

- **CA Code of Civil Procedure § 527.6(u). Harassment restraining order;**
- **CA Code of Civil Procedure § 527.8(s). Employees subject to unlawful violence or threat of violence at the workplace restraining order;**
- **CA Code of Civil Procedure § 527.85(s). Officers authorized to maintain order on school campus or facility restraining order;**
- **CA Penal Code § 136.2(d). Protective orders;**
- **CA Welfare & Institutions Code § 15657.03(u). Protective orders;**

A person subject to a protective order issued pursuant to this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect. The court shall order a person subject to a protective order issued pursuant to this section to relinquish any firearms the person owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure. Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

- **CA Penal Code § 646.91(m). Stalking; emergency protective orders.** A person subject to an emergency protective order under this section shall not own, possess, purchase, or receive a firearm while the order is in effect.
- **CA Family Code § 6389(a). Firearm or ammunition ownership, possession, purchase or receipt.** A person subject to a protective order, as defined in Section 6218 (see definition below), shall not own, possess, purchase, or receive a firearm or ammunition while that protective order is in effect. A person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

Protective order definition:

Family Code § 6218: “Protective order” means an order that includes any of the following restraining orders, whether issued ex parte, after notice and hearing, or in a judgment:

- (a) An order described in Section 6320 enjoining specific acts of abuse.
- (b) An order described in Section 6321 excluding a person from a dwelling.
- (c) An order described in Section 6322 enjoining other specified behavior.

NOTE: A subject that has an active protection order as defined in Section 6218 is state prohibited.

California Gun Violence Restraining Order

A gun violence restraining order is an order, in writing, signed by the court, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition, CA PC § 18100.

Pursuant to CA PC § 18175 - If the court finds that there is clear and convincing evidence to issue a gun violence restraining order, the court shall issue a gun violence restraining order that prohibits the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition. A gun violence restraining order issued under this chapter has a duration of **one to five years**, subject to termination by further order of the court at a hearing held pursuant to Section 18185 and renewal by further order of the court pursuant to Section 18190.

Pursuant to CA PC § 18190, **any of the following people may request a renewal of a gun violence restraining order at any time within the three months before the expiration of a gun violence restraining order: an immediate family member of the subject of the petition; an employer of the subject of the petition; a coworker of the subject of the petition; an employee or**

teacher of a secondary or postsecondary school that subject has attended in the last six months; or a law enforcement officer. The renewal of a gun violence restraining order issued pursuant to Section 18190 shall have the duration of one to five years, subject to termination of the court by further order. Temporary gun violence restraining order – issued pursuant to CA PC § 18125 – a temporary gun violence restraining order shall prohibit the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, and shall expire 21 days from the date the order is issued.

The Legal Analysis Team (LAT) does not provide legal advice or guidance regarding an individual's firearms eligibility; the contents of this page should not be relied upon as a substitute for obtaining your own legal counsel.

From: [Kamran Ali](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: Misdemeanor Drug Arrests
Date: Wednesday, August 11, 2021 3:35:00 PM

Hello Everyone,

Please disseminate to your staff. There has been some confusion regarding 18, U.S.C., § 922, (g)(3) (Persons who are unlawful users of or addicted to any controlled substance). Some analysts have been delaying or making undetermined transactions that have a misdemeanor drug arrest in 2019 but no final disposition. The stated reason for this is that because the courts have been closed and cases are taking longer to process, some people may not be convicted until 2020 or 2021. **Please note that analysts are not to chase for final dispositions regarding misdemeanor drug arrests older than one year, even if the arrest is in 2019.**

Please let me know if you have any questions.

Kamran Ali
Staff Services Manager I
Department of Justice - Division of Law Enforcement
Bureau of Firearms
Quality Assurance Unit

From: [Kamran Ali](#)
To: [REDACTED]
Subject: Pardons
Date: Monday, November 22, 2021 8:43:00 AM
Attachments: [image001.png](#)
Importance: High

Hello All,

Effective immediately, all transactions involving a pardon must be reviewed by the DAG before a determination can be made. If an analyst comes across a pardon, they will need to forward it to their supervisor/manager along with all relevant court documentation and pardon paperwork.

While the DAGs will be reviewing all of the pardons from now on, I still wanted to clarify how California Pardons work with regards to restoration of firearm rights. If the conviction that was pardoned involved the use of a **dangerous weapon** (not just a firearm), the pardon would not restore firearm rights. Penal Code section 4852.17 states:

Whenever a person is granted a full and unconditional pardon by the Governor, based upon a certificate of rehabilitation, the pardon shall entitle the person to exercise thereafter all civil and political rights of citizenship, including, but not limited to: (1) the right to vote; (2) the right to own, possess, and keep any type of firearm that may lawfully be owned and possessed by other citizens; except that this right shall not be restored, and Sections 17800 and 23510 and Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6 shall apply, if the person was ever convicted of a felony involving the use of a dangerous weapon.

See below for an example of a pardon that would not be valid.

245(A)(1) PC-FORCE/ADW NOT FIREARM:GBI LIKELY TOC:F
DISPO:CONVICTED COMMITTED TO PRISON
CONV STATUS:FELONY TOS:1
SEN: 004 YEARS PRISON
03
COM:03/13/2014 CERTIFICATE OF REHABILITATION GRANTED BY THE
JUDGE OF THE SUPERIOR COURT OF LOS ANGELES COUNTY UNDER
THE PROVISIONS OF SECTION 4852.13 PC
04
COM:12/23/2016 PARDON GRANTED BY THE GOVERNOR OF CALIFORNIA

If you are unsure if the conviction involved a deadly weapon, you will need to reach out to the court or pardon office for any documentation.

The comprehensive training has also been updated to reflect the correct information. Please let me know if you have any questions.

From: [Kamran Ali](#)
To: [Kamran Ali](#)
Subject: RE: Hunting License Requirement
Date: Friday, July 16, 2021 8:21:05 AM
Attachments: [image001.png](#)

Gloria,

Please see my comments below . A valid exception is needed when a nonimmigrant alien is admitted in the United States under a nonimmigrant visa. The immigrant alien query (IAQ) will state "*the subject admitted under a nonimmigrant visa.*" A valid, and most common, exception is a hunting license.

Please do not hesitate to reach out if you ever have questions on aliens.

Thank you,

[REDACTED]

Liaison Specialist

NICS Business Relations Team

Mobile: [REDACTED]
[REDACTED]

I am currently working remotely. Please continue to email me and I will respond as soon as possible.

Confidentiality Statement:

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From: Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>
Sent: Thursday, July 15, 2021 6:59 PM
To: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Subject: [EXTERNAL EMAIL] - Hunting License Requirement

Good afternoon,

Could you please clarify for me under what circumstances a hunting license (or other exception) would be required for a non-immigrant? [When a nonimmigrant alien is admitted](#)

into the United States under a nonimmigrant visa. Is a valid hunting license required for **all** non-immigrants, regardless of whether or not they have a Visa for firearm purposes? **Only** required for those admitted into the U.S. under the nonimmigrant visa, i.e. Russia, China, Mexico, Japan, etc., with the exception of most Canadians and Micronesians. Most Canadians and Micronesians are not admitted under a nonimmigrant visa, therefore the visa statement will not be part of the IAQ, and they are not required to have a valid exception. Or is a valid hunting license (or other exception) **only** required for a non-immigrant with a Visa? **Yes** exception is required, with the exception of some Canadians and Micronesians. If the individual's country of citizenship is something other than Canada and Micronesia, i.e. Russia, China, Mexico, Japan, etc., then the individual must have a valid exception.

Thank you,

Gloria L. Cisneros

Crime Analyst Supervisor

Department of Justice - Division of Law Enforcement

Bureau of Firearms - Quality Assurance and Firearm Record Review Teams

Phone: 916-210-2622

Fax: 916-731-3312

Gloria.Cisneros@doj.ca.gov



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From: [Gloria Cisneros](#)
To: [REDACTED]
Subject: RE: Prosecution Prefilling Deferral
Date: Tuesday, October 12, 2021 9:30:00 AM
Attachments: [image001.png](#)

Hi Team,

In addition to the process below, when it comes to Prosecution Prefilling Deferral's we are to chase all Felony and DV related arrest charges [REDACTED] If we don't get a final status on whether or not it has been successfully completed, it is to go undetermined.

I have confirmed this information with BCU. This is still under review with the DAG and upper management, if anything changes I will let you know.

Thank you,
Gloria

From: Gloria Cisneros
Sent: Friday, July 30, 2021 7:34 AM
To: Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>; Russell Yee <Russell.Yee@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Brian Duong <Brian.Duong@doj.ca.gov>; Spencer Quam <Spencer.Quam@doj.ca.gov>; Lisa Gallegos <Lisa.Gallegos@doj.ca.gov>
Cc: Kamran Ali <Kamran.Ali@doj.ca.gov>
Subject: Prosecution Prefilling Deferral

Good morning,

When coming across Prosecution Prefilling Deferral, if it has been over 3 years it's ok to proceed. If the Prosecution Prefilling Deferral is within 3 years, this would require additional research.

This process is currently under review with the DAG and upper management but until we hear otherwise we will continue as we previously had.

Thank you,

Gloria L. Cisneros
Crime Analyst Supervisor
Department of Justice - Division of Law Enforcement
Bureau of Firearms - Quality Assurance and Firearm Record Review Teams

- 2 Witkin Cal. Crim. L. 3d Crimes Against Peace Well § 196, Nuisances.
 1 Witkin Cal. Crim. L. 3d Crimes Against the Person § 178, in General.
 1 Witkin Cal. Crim. L. 3d Defenses § 49, (S 49) Weapons.
 1 Witkin Cal. Crim. L. 3d Criminal Elements § 9, Facts that Must be Known.
 1 Witkin Cal. Crim. L. 3d Criminal Elements § 17, (S 17) Public Welfare Offenses.
 1 Witkin Cal. Crim. L. 3d Introduction to Crimes § 27, (S 27) Construction Favoring Validity.
 1 Witkin Cal. Crim. L. 3d Introduction to Crimes § 57, (S 57) Illustrations: Ordinance Held Valid.
 3 Witkin Cal. Crim. L. 3d Punishment § 86, Constitutional Limitations.
 3 Witkin Cal. Crim. L. 3d Punishment § 141, Defendant Responsible for Claimed Violation.
 3 Witkin Cal. Crim. L. 3d Punishment § 175, (S 175) Illegal Possession of Weapon.
 3 Witkin Cal. Crim. L. 3d Punishment § 517, (S 517) P.C. 1203.

§ 12020.1. Composite knuckles; hard wooden knuckles

Any person in this state who possesses, commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any * * * composite knuckles or hard wooden knuckles is guilty of a misdemeanor. As used in this section, "composite knuckles" means any device or instrument made wholly or partially of composite materials, other than a medically prescribed prosthetic, that is not a metal knuckle as defined in paragraph (7) of subdivision (c) of Section 12020, that is worn for purposes of offense or defense in or on the hand, and that either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. As used in this section, * * * "hard wooden knuckles" means any device or instrument made wholly or partially of * * * wood * * * or paper products that is not a metal knuckle as defined in paragraph (7) of subdivision (c) of Section 12020, that is worn for purposes of offense or defense in or on the hand, and that either protects the wearer's hand while striking a blow, or increases the force of impact from the blow or injury to the individual receiving the blow. The * * * composite materials, wood, * * * or paper products contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs that would contact the individual receiving a blow. (Added by Stats.2002, c. 208 (S.B.1689), § 1, Amended by Stats.2008, c. 346 (S.B.1162), § 1; Stats.2009, c. 121 (A.B.714), § 1.)

Cross References

Misdemeanors, see Penal Code §§ 17 and 19.

Research References

- 2 Witkin Cal. Crim. L. 3d Crimes Against Peace Well § 161, (S 161) in General.

§ 12020.3. Firearms with bright orange or bright green coloration; civil fine

Any person who, for commercial purposes, purchases, sells, manufacturers, ships, transports, distributes, or receives a firearm, where the coloration of the entire exterior surface of the firearm is bright orange or bright green, either singly, in combination, or as the predominant color in combination with other colors in any pattern, is liable for a civil fine in an action brought by the city attorney of the city or the district attorney for the county of not more than ten thousand dollars (\$10,000). (Added by Stats.2000, c. 275 (A.B.2053), § 2.)

Cross References

"Firearm" defined for purposes of this Title, see Penal Code § 12001.

Research References

- 2 Witkin Cal. Crim. L. 3d Crimes Against Peace Well § 161, (S 161) in General.

§ 12020.5. Advertising unlawful weapons prohibited

It shall be unlawful for any person, as defined in Section 12277, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020, 12220, 12280, 12303, 12320, 12321, 12355, or 12520 in any newspaper, magazine, circular, form letter, or open publication that is published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device. (Added by Stats.1976, c. 1127, p. 5043, § 1. Amended by Stats.1989, c. 18, § 1.5; Stats.1989, c. 19, § 1.5; Stats.1990, c. 81 (A.B.2046), § 1; Stats.1995, c. 263 (A.B.99), § 1; Stats.1997, c. 593 (A.B.202), § 2.)

Research References

- 2 Witkin Cal. Crim. L. 3d Crimes Against Peace Well § 140, in General.

§ 12021. Specified convictions; narcotic addiction; condition of probation; restrictions on firearms possession; punishment; employment needs; relief from prohibition; justifiable violations

(a)(1) Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country or of an offense enumerated in subdivision (a), (b), or (d) of Section 12001.6, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417 and who owns, purchases, receives, or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(b) Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 12001.6, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 707 of the Welfare and Institutions Code, and who owns or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(c)(1) Except as provided in subdivision (a) or paragraph (2) of this subdivision, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, Section 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, 12023, or 12024, subdivision (b) or (d) of Section 12034, Section 12040, subdivision (b) of Section 12072, subdivision (a) of former Section 12100, Section 12220, 12320, or 12590, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in paragraph (3) of subdivision (g) of Section 12072, and who, within 10 years of the conviction, owns, purchases, receives, or has in his or her possession or under his or her custody or control, any firearm is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this subdivision. However, the prohibition in this paragraph may be reduced, eliminated, or conditioned as provided in paragraph (2) or (3).

(2) Any person employed as a peace officer described in Section 830.1, 830.2, 830.31, 830.32, 830.33, or 830.5 whose employment or livelihood is dependent on the ability to legally possess a firearm, who is subject to the prohibition imposed by this subdivision because of a conviction under Section 273.5, 273.6, or 646.9, may petition the court only once for relief from this prohibition. The petition shall be filed with the court in

ed from doing so by a temporary restraining order or an issued pursuant to Section 527.6 or 527.8 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, or a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

Every person who owns or possesses a firearm knowing that he or she is prohibited from doing so by a temporary restraining order or injunction issued pursuant to Section 527.6 or 527.8 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, or a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

The Judicial Council shall provide notice on all protective orders that the respondent is prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect. The order shall state that the firearm shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun store, and that proof of surrender or sale shall be filed within a reasonable time of receipt of the order. The order shall state the consequences for a violation of the prohibition. The order shall also state on its face the expiration date for relinquishment.

If probation is granted upon conviction of a violation of this subdivision, the court shall impose probation consistent with Section 1203.097.

(1) A violation of subdivision (a), (b), (c), (d), or (e) is punishable where all of the following conditions are met:

) The person found the firearm or took the firearm from a person who was committing a crime against him or her.

) The person possessed the firearm no longer than was necessary to deliver or transport the firearm to a law enforcement agency for that agency's disposition according to law.

) If the firearm was transported to a law enforcement agency, it was transported in accordance with paragraph (18) of subdivision (a) of Section 12026.2.

) If the firearm is being transported to a law enforcement agency, the person transporting the firearm has given prior notice to the law enforcement agency that he or she is transporting the firearm to the law enforcement agency for disposition according to law.

2) Upon the trial for violating subdivision (a), (b), (c), (d), or (e), the trier of fact shall determine whether the defendant was acting within the provisions of the exemption created by this subdivision.

3) The defendant has the burden of proving by a preponderance of the evidence that he or she comes within the provisions of the exemption created by this subdivision.

4) Subject to available funding, the Attorney General, working with the Judicial Council, the California Alliance Against Domestic Violence, prosecutors, and law enforcement, probation officers, and parole officers, shall develop a protocol for the implementation of the provisions of this section. The protocol shall be designed to facilitate the enforcement of restrictions on firearm ownership, including provisions for giving notice to defendants who are restricted, provisions for informing those defendants of the procedures by which defendants shall dispose of firearms when required to do so, provisions explaining how

defendants shall provide proof of the lawful disposition of firearms, and provisions explaining how defendants may obtain possession of seized firearms when legally permitted to do so pursuant to this section or any other provision of law. The protocol shall be completed on or before January 1, 2005. (Added by Stats.1953, c. 36, p. 654, § 1. Amended by Stats.1965, c. 931, p. 2545, § 1; Stats.1970, c. 1345, p. 2506, § 1, eff. Sept. 17, 1970; Stats.1974, c. 1197, p. 2588, § 1; Stats.1976, c. 1139, p. 5161, § 303, operative July 1, 1977; Stats.1982, c. 136, § 6, eff. March 26, 1982, operative April 25, 1982; Stats.1983, c. 1092, § 326.5, eff. Sept. 27, 1983, operative Jan. 1, 1984; Stats.1989, c. 254, § 1; Stats.1989, c. 1044, § 3; Stats.1990, c. 9 (A.B.497), § 2; Stats.1990, c. 1180 (A.B.1753), § 3; Stats.1991, c. 953 (A.B.108), § 4, eff. Oct. 14, 1991; Stats.1991, c. 955 (A.B.242), § 3; Stats.1992, c. 163 (A.B.2641), § 114, operative Jan. 1, 1994; Stats.1993, c. 219 (A.B.1500), § 221.3; Stats.1993, c. 297 (S.B.1184), § 1; Stats.1993, c. 600 (A.B.242), § 1; Stats.1993, c. 612 (A.B.685), § 2; Stats.1994, c. 146 (A.B.3601), § 170; Stats.1994, c. 23 (A.B.482), § 5; Stats.1994, c. 451 (A.B.2470), § 4; Stats.1993-94, 1st Ex.Sess., c. 27 (A.B.91), § 1; Stats.1994, 1st Ex.Sess., c. 29 (A.B.68), § 4; Stats.1993-94, 1st Ex.Sess., c. 33 (S.B.36), § 3; Stats.1993-94, 1st Ex.Sess., c. 33 (S.B.36), § 3.5; Stats.1995, c. 178 (S.B.23), § 1; Stats.1997, c. 143 (A.B.688), § 1; Stats.1997, c. 158 (A.B.78), § 2.5; Stats.1999, c. 662 (S.B.218), § 17; Stats.2000, c. 400 (A.B.1989), § 1; Stats.2001, c. 944 (S.B.950), § 3; Stats.2002, c. 830 (A.B.2695), § 2; Stats.2003, c. 490 (A.B.319), § 1; Stats.2003, c. 495 (A.B.1290), § 3; Stats.2003, c. 498 (S.B.226), § 8; Stats.2003, c. 499 (S.B.238), § 4.7; Stats.2004, c. 183 (A.B.3082), § 276; Stats.2004, c. 593 (S.B.1797), § 6; Stats.2006, c. 538 (S.B.1852), § 526; Stats.2008, c. 599 (S.B.1302), § 4.)

Law Revision Commission Comments

Subdivision (g) of Section 12021 is amended to substitute references to the Family Code provisions that replaced the former Civil Code provisions. The reference to former Code of Civil Procedure Section 550(f) has been replaced by a reference to Family Code Section 5516, which requires the court to give the respondent notice that the respondent is prohibited from purchasing or receiving or attempting to purchase or receive a firearm, including a notice of the penalty for violation. [22 Cal.L.Rev.Comm.Reports 1 (1992)].

Cross References

Attorney General, generally, see Government Code § 12500 et seq.
Civil actions for abuse of elderly or dependent adults, protective orders, see Welfare and Institutions Code § 15657.03.
Criminal conviction, denial of firearms permit, see Business and Professions Code § 7591.11.
Custodial or transportation officers, notification to state or local agency of restrictions on firearm possession, see Penal Code § 832.17.
Denial of firearms permit for an alarm agent who has criminal conviction, see Penal Code § 7591.11.
Denial to issue, refusal to renew, automatic revocation of permits to alarm companies, see Business and Professions Code §§ 7596.8, 7596.81, 7596.83.
Domestic violence protective orders, requirement to relinquish firearms, see Penal Code § 136.2.
Employees subject to unlawful violence or threat of violence at the workplace, temporary restraining order, injunction, see Code of Civil Procedure § 527.8.
"Felony" defined, see Penal Code § 17.
Findings of jury as to charge of being armed with weapon, see Penal Code § 1158a.
Firearm defined for purposes of this Title, see Penal Code § 12001.
Firearms, deadly weapons or explosives, bringing into prison, prison road camp or jail, see Penal Code § 4574.
Firearms capable of being concealed upon person, see Penal Code § 12001.
License to carry a concealed weapon, denial or revocation, persons within prohibited class described in this section, see Penal Code § 12050.
License to sell firearms at retail, forfeiture upon delivery of firearms to persons in prohibited classes under this section, see Penal Code § 12071.
Misdemeanor violation threatening crime victim, witness or informant, punishment, see Penal Code § 140.

forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments:

1. Death;
2. Imprisonment;
3. Fine;
4. Removal from office; or,
5. Disqualification to hold and enjoy any office of honor, trust, or profit in this State. (Enacted 1872.)

Cross References

Authority of state to punish for crime, see Government Code §§ 201, 202.
 Disqualification to hold office, see Const. Art. 7, § 8; Government Code § 1020 et seq.
 Imprisonment and the death penalty, see Penal Code § 2000 et seq.
 No act or omission criminal or punishable except as prescribed or authorized by Penal Code, see Penal Code § 6.
 Personal representative, incompetency of person, see Probate Code § 8402.
 Preservation of proceedings for removal from office, see Penal Code § 10.
 Removal from office, see Const. Art. 4, § 18; Government Code § 3020 et seq.
 Vehicle service contracts, failure of obligors or administrators to comply with Insurance Code §§ 12815, 12830 and 12835, public offense, see Insurance Code § 12845.

Research References

- 1 Witkin Cal. Crim. L. 3d Introduction to Crimes § 4, Nature of Crime.
- 4 Witkin Cal. Crim. L. 3d Pretrial Proceedings § 21, (S 21) Warrant of Probable Cause for Arrest.
- 3 Witkin Cal. Crim. L. 3d Punishment § 5, Nature and Kinds of Punishment.
- 3 Witkin Cal. Crim. L. 3d Punishment § 76, Youth Authority Act.
- 3 Witkin Cal. Crim. L. 3d Punishment § 107, Removal.
- 3 Witkin Cal. Crim. L. 3d Punishment § 108, Disqualification.
- 2 Witkin Cal. Crim. L. 3d Sex Offenses & Crimes § 16, Intoxication.

§ 16. Crimes; kinds

Crimes and public offenses include:

1. Felonies;
2. Misdemeanors; and
3. Infractions. (Enacted 1872. Amended by Stats.1968, c. 1192, p. 2254, § 1, operative Jan. 1, 1969.)

Research References

- 1 Witkin Cal. Crim. L. 3d Crimes Against the Person § 67, (S 67) Assault or Battery on Other Providers.
- 1 Witkin Cal. Crim. L. 3d Crimes Against the Person § 68, as Element of Offense.
- 1 Witkin Cal. Crim. L. 3d Introduction to Crimes § 70, in General.
- 3 Witkin Cal. Crim. L. 3d Punishment § 21, Equal Treatment.
- 3 Witkin Cal. Crim. L. 3d Punishment § 548, (S 548) Mandatory.

§ 17. Felony; misdemeanor; infraction; classification of offenses

(a) A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions.

(b) When a crime is punishable, in the discretion of the court, by imprisonment in the state prison or by fine or imprisonment in the county jail, it is a misdemeanor for all purposes under the following circumstances:

- (1) After a judgment imposing a punishment other than imprisonment in the state prison.
- (2) When the court, upon committing the defendant to the Youth Authority, designates the offense to be a misdemeanor.
- (3) When the court grants probation to a defendant without imposition of sentence and at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be a misdemeanor.

(4) When the prosecuting attorney files in a court having jurisdiction over misdemeanor offenses a complaint specifying that the offense is a misdemeanor, unless the defendant at the time of his or her arraignment or plea objects to the offense being made a misdemeanor, in which event the complaint shall be amended to charge the felony and the case shall proceed on the felony complaint.

(5) When, at or before the preliminary examination or prior to filing an order pursuant to Section 872, the magistrate determines that the offense is a misdemeanor, in which event the case shall proceed as if the defendant had been arraigned on a misdemeanor complaint.

(c) When a defendant is committed to the Youth Authority for a crime punishable, in the discretion of the court, by imprisonment in the state prison or by fine or imprisonment in the county jail, the offense shall, upon the discharge of the defendant from the Youth Authority, thereafter be deemed a misdemeanor for all purposes.

(d) A violation of any code section listed in Section 19.8 is an infraction subject to the procedures described in Sections 19.6 and 19.7 when:

(1) The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he or she is arraigned, after being informed of his or her rights, elects to have the case proceed as a misdemeanor; or

(2) The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

(e) Nothing in this section authorizes a judge to relieve a defendant of the duty to register as a sex offender pursuant to Section 290 if the defendant is charged with an offense for which registration as a sex offender is required pursuant to Section 290, and for which the trier of fact has found the defendant guilty. (Enacted 1872. Amended by Code Am.1873-74, c. 196, p. 455, § 1; Stats.1947, c. 826, p. 1960, § 1; Stats.1957, c. 1012, p. 2249, § 1; Stats.1959, c. 532, p. 2498, § 1; Stats.1963, c. 919, p. 2169, § 1; Stats.1968, c. 1192, p. 2254, § 2, operative Jan. 1, 1969; Stats.1969, c. 1144, p. 2214, § 1; Stats.1975, c. 664, p. 1454, § 1; Stats.1976, c. 1070, p. 4809, § 1, eff. Sept. 21, 1976; Stats.1980, c. 1270, p. 4296, § 1; Stats.1989, c. 897, § 5; Stats.1998, c. 960 (A.B.2680), § 1.)

Cross References

Alcoholic beverages,

Punishment for felony, see Business and Professions Code § 25618.

Punishment for misdemeanors, see Business and Professions Code § 25617.

Authority of state to punish for crime, see Government Code § 201.

City ordinance, violation as misdemeanor, see Government Code § 36900.

Contributing to delinquency of minors, persuading, luring or transporting minors 12 years of age or younger, see Penal Code § 272.

DNA and Forensic Identification Database and Data Bank Act, reversal, dismissal or acquittal, request for expungement of information, specimens from persons no longer considered suspects, see Penal Code § 299.

Motor vehicle laws, violation of provisions as infractions, misdemeanors or felonies, see Vehicle Code § 40000.1 et seq.

Pharmacies, violation of provisions as misdemeanor unless otherwise provided, see Business and Professions Code § 4321.

Physicians and surgeons, violation of provisions as misdemeanor unless otherwise provided, see Business and Professions Code §§ 2314, 2315.

Provisions of law applicable to misdemeanors as applicable to infractions, see Penal Code § 19.7.

Public offense punishable as misdemeanor, see Penal Code § 19.4.

Public officers and employees, disqualification of peace officers, felonies, see Government Code § 1029.

Punishment for,

Infractions, see Penal Code § 19.6.

From: [Jill Tobia](#)
To: [Terrence Bell](#); [Gilbert Mac](#); [Tanya Dominguez](#); [Ariam Griffin](#); [Rachel Lin](#); [Elizabeth Anguiano](#); [Praneel Singh](#)
Cc: [Maricela Leyva](#); [Erica Brown](#); [Henry Ng](#); [Adam Lovan](#); [Gloria Cisneros](#); [Patrick Plant](#); [Shanon Thompson](#); [Elene McGee](#); [Brandon Brazil-Cruz](#); [Charles Sarosy](#); [Raquel Perez](#); [Mayra G. Morales](#); [Blake Graham](#)
Subject: Attention: Change in Out of Country Felony Convictions
Date: Wednesday, July 6, 2022 11:45:00 AM

Hello all,

Please share the following with your teams.

[REDACTED] an out of country felony conviction **is a lifetime prohibition under PC 29800(a)(1)** (see the full text below). We must not disregard the out of country conviction as has been the "word of mouth procedure".

Analysts must conduct research to see if there is additional information available from outside the U.S. Because it may be difficult to determine what is considered a felony in another country's legal system, [REDACTED] we send them transactions, with any supporting documentation, when we come upon an out of country conviction. [REDACTED]

PC 29800(a)(1): "Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony."

Sincerely,

Jill Tobia

Staff Services Manager II
Division of Law Enforcement
Bureau of Firearms
916-210-2677
Jill.tobia@doj.ca.gov

From: [Jill Tobia](#)
To: [Terrence Bell](#); [Gilbert Mac](#); [Tanya Dominguez](#); [Elizabeth Anguiano](#); [Rachel Lin](#); [Ariam Griffin](#); [Maricela Leyva](#); [Henry Ng](#); [Adam Lohan](#); [Praneel Singh](#); [Erica Brown](#)
Cc: [Shanon Thompson](#); [Elene McGee](#); [Patrick Plant](#); [Blake Graham](#); [Mayra G. Morales](#); [Raquel Perez](#)
Subject: FW: Updated California Terminology Pages
Date: Thursday, August 11, 2022 7:19:00 AM
Attachments: [CA Terminology Page.pdf](#)

Hello,

Please see below and attached and distribute to your teams as appropriate.

Jill

From: Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>
Sent: Monday, August 8, 2022 11:34 AM
To: Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>; Tong Vang <Tong.Vang@doj.ca.gov>; Hazel Davenport <Hazel.Davenport@doj.ca.gov>; Spencer Quam <Spencer.Quam@doj.ca.gov>; Brian Duong <Brian.Duong@doj.ca.gov>; Lisa Gallegos <Lisa.Gallegos@doj.ca.gov>; Raymond Sullentrup <Raymond.Sullentrup@doj.ca.gov>; Emily Dzubak <Emily.Dzubak@doj.ca.gov>
Cc: Jill Tobia <Jill.Tobia@doj.ca.gov>; Elizabeth Anguiano <Elizabeth.Anguiano@doj.ca.gov>; Rachel Lin <Rachel.Lin@doj.ca.gov>; Angela Chavez <Angela.Chavez@doj.ca.gov>; Chia VueVang <Chia.VueVang@doj.ca.gov>
Subject: Updated California Terminology Pages

Hi Team,

Attached you will find the most updated CA Terminology Pages. Please note that anything in red are updates. Also, there is information regarding 1203.425 & 851.93, please feel free to share this information as we've been getting a lot of questions about these.

I have also updated this information in our NICS folder on the I:/ drive.

Thank you,

Gloria L. Cisneros
Crime Analyst Supervisor
Department of Justice - Division of Law Enforcement
Bureau of Firearms - Quality Assurance and Firearm Record Review Teams
Phone: 916-210-2622
Fax: 916-731-3312

California Terminology Page

Last Updated:

Friday, July 29, 2022

Terminology	Updates Date	Initials	Definition of Terminology	Application of Terminology
Accusation set side	02/21/20	cmc	The offense is dismissed but may be prosecuted at a later date. Does not require additional research. If prosecuted later the offense will be posted as another DOA. [CA PC 13151.1]	This is a final disposition. This is not a conviction.
Adjudication Withheld	02/21/20	cmc	Deferred entry of judgment.	See Deferred Judgment
Bond Forfeiture	02/21/20	cmc	A bench warrant for arrest may be issued for bond forfeiture. [CA PC 979 & 1195]	Not a final disposition.
California Youth Authority	02/21/20	cmc	A prison for children and young adults.	This is a juvenile adjudication.
Case Compromised and Discharged	02/21/20	cmc	The court may in its discretion, on payment of costs incurred, order all proceedings to be stayed upon the prosecution, and the defendant to be discharged therefrom. The order is a bar to another prosecution for the same offense. [CA PC 13151.1]	This is a final disposition. This is not a conviction.
Conditional Settlement	04/05/07	sep	The court accepts a plea of guilty or nolo contendere from the defendant, and dismisses the case upon successful completion of probation, BUT this is not a disposition authorized by California Law for a criminal case, therefore, even though there is a dismissal, this will remain a conviction. (Rule 2.1.13)	This is a conviction.
Counseled and Released	02/21/20	cmc	A code used by police departments to indicate that they did not seek to have a petition filed in the juvenile court.	This is a final disposition and not a conviction/juvenile adjudication.
Deferred Adjudication	02/21/20	cmc	Deferred entry of judgment.	See Deferred Judgment
Deferred Judgment Deferred Entry of Judgment	02/21/20	cmc	Deferred Entry of Judgment requires a plea of guilty or nolo contendere from the defendant, a stipulated period of deferment and the agreement that the charge can be dismissed if conditions of the deferment are successfully met. [CA PC 1000 and 1203.43; WI 793]	This is not conviction. Subject is under probation during the deferment period. Successful completion of the deferment or a conviction is needed.

California Terminology Page

Last Updated:

Friday, July 29, 2022

Terminology	Updates		Definition of Terminology	Application of Terminology
	Date	Initials		
Deferred Sentence	02/21/20	cmc	Deferred entry of judgment.	See Deferred Judgment
Dismissed	04/04/22	cmc	If the charge is dismissed prior to adjudication/conviction, then the dismissal is a final disposition and a non-conviction.	This is a final disposition and is not a conviction. This does not include Dismissed - Furtherance of Justice, Set Aside/Dismissed under 1203.4 PC, 1210.1 PC, 3200 W & I, or 3201 W & I.
Dismissed - Furtherance of Justice/Dismissed per PC 1385	02/21/20	cmc	A court, in furtherance of justice, may order an action to be dismissed. These dismissals can be made properly before, during and after trial. This dismissal may apply to the entire case or just to enhancements of punishment in a case. [CA PC 1385]	This remains a conviction if entered after adjudication of guilt. This is not a conviction if the charge is dismissed prior to adjudication.
Expungement	01/09/14	rhd	A record can be expunged but not for all purposes depending on the offense.	This is not a true expungement for NICS purposes.
Expunged per Menard v Saxbe	04/03/17	rhd	Expungement noted on CA criminal history	This is a true expungement for NICS purposes
Honorable Discharge CYA			Subject successfully completed his sentence to the California Youth Authority.	Refer to Juvenile Adjudication Terminology.

California Terminology Page

Last Updated:

Friday, July 29, 2022

Terminology	Updates Date	Initials	Definition of Terminology	Application of Terminology
Juvenile Adjudication	07/14/22	shn	<p>Adjudicated as a juvenile for an offense that, if committed by an adult, would be a felony. [CA PC 29820]</p> <p>The person is alleged to have committed an offense listed in Section 707(b) of the Welfare and Institutions Code, an offense described in Section 29820(a)(1)(B),(C),(D),(E),(F) (formerly 1203.073(b)), any offense enumerated in Section 29805, or any offense described in Section 25850, Section 25400(a), or Section 26100(a).</p> <p>The person is subsequently adjudged a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code shall not own, or have in possession or under custody or control, any firearm until the person is 30 years of age or older.</p> <p>If the individual is a juvenile by age but is convicted in adult court (not a juvenile adjudication), it is a conviction and disqualifying before and after the age of thirty unless relief is obtained.</p> <p>The CA state prohibitor page contains the lists for Section 707(b) and 29820(a)(1)(B),(C),(D),(E),(F) (formerly 1203.073(b)).</p> <p>NOTE: (Prior to 1/1/2012 see 12021(c)(1) and (e) PC)</p>	This is not a conviction. This is a CA state prohibitor. It is a juvenile adjudication if adjudged a ward of the juvenile court - then the subject may not possess until he/she turns thirty (30) years of age.
Juvenile Hall (To)	05/05/18	cmc	The place where minors are detained before, during, and after trial.	This is not a final disposition. Need to determine if the individual was adjudicated as a juvenile.
Juvenile Petition Sustained	02/21/20	cmc	Gives the court jurisdiction to declare the minor a ward of the court [CA WIC Section 725].	This is a juvenile adjudication. Refer to Juvenile Adjudication.
Juvenile Petition Denied/Not Sustained	02/21/20	cmc	The District Attorney did not file charges.	This is a final disposition and not a conviction/juvenile adjudication.
Juvenile Petition Dismissed	02/21/20	cmc	A petition dismissed by the juvenile court with no further action taken. [CA WIC 390]	This is a final disposition and not a conviction/juvenile adjudication.

California Terminology Page

Last Updated:

Friday, July 29, 2022

Terminology	Updates Date	Initials	Definition of Terminology	Application of Terminology
"No arrest received"	04/10/13	rhd	Occurs when a disposition is received from the court but the initial fingerprint record has not been received. An arrest is required on the record before the disposition can be posted so "No arrest received" is added in order to post the disposition	The initial charge(s) and disposition are added to the record as subsequent charges
No Billed			Charge not filed.	This is a final disposition. This is not a conviction.
No Complaint Filed Not Filed	07/22/22	shn	Charge not filed.	This is a final disposition. This is not a conviction.
Nunc Pro Tunc	12/12/21	shn	Nunc pro tunc can be used to correct clerical errors by modifying the conviction.	Nunc pro tunc order and supporting court documents are needed to verify if it was a clerical modification to the conviction.
Petition for recall of sentence	02/21/20	cmc	Any felony conviction that is recalled and resentenced or designated as a misdemeanor shall be considered a misdemeanor for all purposes, except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearm. [CA 1170.18 PC]	This is not a valid reduction for NICS purposes.
Pretrial Diversion	02/21/20	cmc	Not a conviction as long as the diversion is completed.	This is not a conviction if successfully completed. Requires research to determine if diversion was completed.
Prosecution Prefiling Deferral			This is a diversion in which the individual is given conditions to comply with. If conditions are met, no charges are filed.	Requires research to determine if charges were filed.
Reduced to Misdemeanor	09/12/19	cmc	A post-conviction reduction can be made under 17PC, 1170.18 PC (Proposition 47) or 11361.8/11361.9 HS (Proposition 64).	There will be a comment in the court comment segment if the reduction was under 1170.18 PC or 11361.8/11361.9 HS. For application of these three reductions, please see terminology below.

California Terminology Page

Last Updated:

Friday, July 29, 2022

Terminology	Updates Date	Initials	Definition of Terminology	Application of Terminology
Reduced to misdemeanor per 17PC	07/15/21	shn	Reduces a felony to a misdemeanor ONLY if the offense is a "wobbler", meaning the charge can be felony or misdemeanor by statute AND the subject was not sentenced to confinement in the state prison or the county jail for 16 months or more.	This reduces a felony conviction to a misdemeanor if certain criteria is met. Please refer to definition. Note: If this is NOT posted to all offenses in the court segment, additional research is needed to determine if the reduction applies to all convicting charges.
Reduced to Misdemeanor or Dismissed per Proposition 64 Reduced or Dismissed per 11361.8 HS or 11361.9 HS	07/13/22	shn	The Control, Regulate and Tax Adult Use of Marijuana Act allows for petitioning for resentencing or dismissal of the offense regardless of the sentence received (prison and county jail sentences 16 months or more are eligible). This reduction only applies to the following offenses: <ul style="list-style-type: none"> • Possession of Marijuana 11357 HS • Cultivation of Marijuana 11358 HS • Possession of Marijuana for Sale 11359 HS • Transp, Dist, or Import of Marijuana 11360 HS • Personal Use of Marijuana 11362.1 HS • Personal Cultivation of Cannabis 11362.2 HS • Proh Smoking/Ingesting/Poss/Manu Cannabis 11362.3 HS 	This is a valid reduction or dismissal. See definition. Note: If this is NOT posted to all offenses in the court segment, additional research is needed to determine if the reduction applies to all convicting charges.
Reduced to misdemeanor/ per Proposition 47/Petition for recall of sentence 1170.18 PC	09/12/19	cmc	Any felony conviction that is recalled and resentenced or designated as a misdemeanor shall be considered a misdemeanor for all purposes, except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearm.	This is not a valid reduction for NICS purposes.
Released			After posting of bail/bond.	This is not a final disposition

California Terminology Page

Last Updated:

Friday, July 29, 2022

Terminology	Updates Date	Initials	Definition of Terminology	Application of Terminology
Released			From parole or probation.	This remains a conviction if an adjudication is entered. This is not a conviction with completion of deferred judgment.
Released Detention Only (REL-DET ONLY)			Used mainly by law enforcement when they arrested the wrong individual. [CA PC 11115]	This is a final disposition. This is not a conviction.
Released/Handled Informally	02/21/20	cmc	A court may, without adjudging the minor a ward of the court, release the juvenile to the probation officer and be placed on a six month probation and counselling program. This does not require a plea of guilt (CA statute 654 and 654.2 W&I). The informal supervision is typically for first offenders and non-violent crimes. If the juvenile does not complete the informal probation program, a petition can be filed with the juvenile court or the prosecuting attorney (DA). The DA can then decide to file charges in the juvenile court. If a petition is filed, this may lead to a juvenile adjudication.	Not a juvenile adjudication if successfully completed.
Released To Parent	08/01/07	kle	A juvenile is returned to parent after committing a crime	This is not a final disposition.
Relief Granted per 1203.425 PC	07/19/22	shn	A person is granted conviction record relief from public view. "Relief granted pursuant to this section does not affect a person's authority to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility."	This remains a conviction for NICS purposes.

California Terminology Page

Last Updated:

Friday, July 29, 2022

Terminology	Updates Date	Initials	Definition of Terminology	Application of Terminology
Relief Granted per 851.93 PC	07/29/22	shn	A person granted arrest record relief or successfully completed pretrial or drug diversion shall be granted relief and the arrest will be deemed not to have occurred.	<p>1. Conviction on record: This remains a conviction for NICS purposes.</p> <p>2. No Disposition on record: This is not a final disposition. Court documentation is needed to determine why relief was issued.</p> <p>3. Drug or Pretrial Diversion on record: This is a final disposition and not a conviction.</p>
Sealed Arrest per 851.91 PC	02/02/22	shn	A person who has suffered an arrest that did not result in a conviction may petition the court to have his or her arrest and related records sealed. [CA PC 851.91]	This is a final disposition. This is not a conviction.
Sealed Record	02/02/22	shn	A record can be sealed for multiple reasons (e.g. arrests, diversion, deferred, juvenile, etc.).	Further research required to determine the reason record was sealed.
Set Aside - 1203.4 and 1203.4a PC	02/21/20	cmc	A set aside/dismissal under section 1203.4 PC, or section 1203.4a PC, is not a true set aside for Brady purposes.	This is not a true set aside for NICS purposes.
Set Aside per -1210.1 PC	02/21/20	cmc	A set aside per 1210.1 is not a true set aside for NICS purposes. Dismissal of an indictment, complaint, or information pursuant to paragraph (1) does not permit a person to own, possess, or have in his or her custody or control any firearm capable of being concealed upon the person or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.	This is not a true set aside for NICS purposes.
Set Aside - 3200 W&I Code	02/21/20	cmc	A set aside/dismissal under sections 3200 or 3201 Welfare and Institution Code shall have the same force and effect as a dismissal under section 1203.4 PC. This is not a true set aside for Brady purposes.	This is not a true set aside for NICS purposes.
Suspended Execution of Sentence			Typically a judge will pronounce judgment, suspend the imposing or the execution of the sentence and place a person on probation. [CA PC 1203.1]	This remains a conviction.

California Terminology Page

Last Updated:

Friday, July 29, 2022

Terminology	Updates Date	Initials	Definition of Terminology	Application of Terminology
Suspended Imposition of Sentence			Typically a judge will pronounce judgment, suspend the imposing or the execution of the sentence and place a person on probation. [CA PC 1203.1]	This remains a conviction.
Suspended Sentence			Typically a judge will pronounce judgment, suspend the imposing or the execution of the sentence and place a person on probation. [CA PC 1203.1]	This remains a conviction.
Vacate per 1473.7 PC	07/14/22	shn	The court can vacate a conviction or sentence on appeal due to being legally invalid due to prejudicial error, discovery of evidence of actual innocence, based on race/ethnicity violation.	This is not a conviction if conviction was vacated. This remains a conviction if only sentence was vacated.
Wardship	02/21/20	cmc	An order adjudging a minor to be a ward of juvenile court. [CA W1 203]	This is a juvenile adjudication. This is a CA state prohibitor. The individual may not possess a firearm until he/she turns thirty years of age for felonies and enumerated offenses involving violent use of firearm under PC 23515.
Welfare & Instit. Code 1772-Set Aside	01/11/17	rhnd	Given upon completion of sentence to the California Youth Authority. May be stated as "conviction set-aside and dismissed per 1772 W&I.	This is not a true set aside for NICS purposes.

The Legal Analysis Team (LAT) does not provide legal advice or guidance regarding an individual's firearms eligibility; the contents of this page should not be relied upon as a substitute for obtaining your own legal counsel.

BE ADVISED THAT THE INFORMATION ON THESE PAGES IS UPDATED ROUTINELY; THEREFORE, PLEASE CHECK OFTEN FOR ADDITIONS, DELETIONS OR

From: [Jill Tobia](#)
To: ▪ [Ronell Blackwell](#); [Eustolia Quezada](#); [Michael Haroldsen](#); [Russell Yee](#); [Tong Vang](#); [Hazel Davenport](#); [Victoria Nunez](#); [Raymond Sullentrup](#); [Gloria Cisneros](#); [Brian Duong](#); [Lisa Gallegos](#); [Spencer Quam](#)
Cc: [Patrick Plant](#); [Elene McGee](#); [Shanon Thompson](#); [Mayra G. Morales](#); [Raquel Perez](#)
Subject: DACA Status and Firearms Eligibility
Date: Friday, February 18, 2022 11:51:00 AM

Hello All,

I was advised that recently BOF received questions regarding individuals with DACA status. Specifically, if they are eligible to purchase firearms. Also asked was if an individual with DACA status who is enlisted in the military, can purchase firearms. Below are the responses to the questions. Some of you may already know this but for the sake of ensuring everyone has the same information, I'm sharing with all of you. Please forward to others as appropriate.

Deferred Action for early Childhood Arrivals (DACA)—On June 15, 2012, the secretary of Homeland Security announced that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. [Deferred action does not provide lawful status.](#)

Those under DACA are individuals who came to the U.S. as children. They are NOT legally in the U.S. and [are prohibited under 922\(g\)\(5\) for firearm purposes](#). The immigration alien query (IAQ) response from ICE will be returned as “not legal” if they still are actively under the DACA status. As long as an individual is in the DACA program, regardless of military status, they are prohibited from possessing, purchasing, and transferring firearms. But again, the IAQ would advise their current immigration status.

I do not have the U.S. code, but DACA information is available on <https://www.uscis.gov/DACA> and <https://www.dhs.gov/deferred-action-childhood-arrivals-daca>, also there is a Presidential memorandum available.

For NICS purposes per the IAQ: Not legal = Not legal.


Liaison Specialist
NICS Business Relations Team

Sincerely,

Jill Tobia

Staff Services Manager II

Division of Law Enforcement

Bureau of Firearms

916-210-2677

Jill.tobia@doj.ca.gov

From: [Jill Tobia](#)
To: FW: Felony Wobblers: Reductions
Thursday, April 21, 2022 10:00:00 AM
Cc: [image003.jpg](#)
Subject: [image001.png](#)
Date: [image004.jpg](#)
Attachments:

Hello All,

Please refer to the email below dated July 1, 2021. QAU has been asked to provide additional information/clarification. Can you share the information directly below with your teams?

If an analyst is unable to find out how the conviction was reduced by checking AAS/Folder/Court Online, delay the transaction and send it to the Phone Resolution Team (if your unit is able to use PRT). If your unit is unable to send the transaction to PRT for research, use all tools available to you (in addition to AAS/Folder/Court Online) to conduct additional research. If you are still unable to determine how the conviction was reduced, seek guidance from your supervisor.

Thank you!

Jill

From: Kamran Ali
Sent: Friday, July 30, 2021 8:29 AM
To:
Subject: Felony Wobblers: Reductions

Hello,

Please disseminate to your staff and let me know if you have any questions.

[illegible]

Kamran Ali
Staff Services Manager I
Department of Justice - Division of Law Enforcement
Bureau of Firearms
Quality Assurance Unit

From: [Rachel Lin](#)
To: Stealth Wobblers
Thursday, March 24, 2022 1:49:43 PM
High
Cc:
Subject:
Date:
Importance:

Hello Team,

I have information to share on an offense that appeared to be straight felony but it's actually a wobbler, a "Stealth Wobbler".

[REDACTED]

18(b) PC states that "[e]very offense which is prescribed by any law of the state to be a felony punishable by imprisonment or by a fine, but without an alternate sentence to the county jail for a period not exceeding one year, may be punishable by imprisonment in the county jail not exceeding one year or by a fine, or by both."

We will use 33410 PC as an example [REDACTED]

33410. Any person, firm, or corporation who within this state possesses a silencer is guilty of a felony and upon conviction thereof shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment

In other words, when a statute like PC 33410 states that punishment is by imprisonment or by fine, but doesn't provide for a county jail sentence, the statute is deemed to also be punishable by a county jail sentence at the court's discretion. "Offenses punishable by a fine as an alternative to a term of imprisonment in state prison, but do not expressly provide for sentencing to county jail, can also be punished as misdemeanors. . . . Such offenses have been called " 'stealth wobblers' ", and can be reduced to misdemeanors pursuant to section 17 in the same way as wobblers."

I want to remind everyone to look up the offense if you are unfamiliar. Please see your supervisor for any questions.

Here's the court step of the conviction for 33410 PC:

```
COURT:
20210629 C CENTRAL NAM:001 PRO:4 03
001: [REDACTED] 1) PC-CCW IN VEHICLE TOC:M
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:MISDEMEANOR TOS:4
002: MISCELLANEOUS OFFENSE TOC:M
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:MISDEMEANOR TOS:4
COM:CHRG 33410PC
```


003: 30605(A) PC-ILL POSSESS ANY ASSAULT WEAPON TOC:M
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:MISDEMEANOR TOS:4
SEN: 024 MONTHS PROBATION; 180 DAYS JAIL; 180 DAYS JAIL SS;
IMP SEN SS
DISPO:CONVICTION CERT BY CLERK OF THE COURT
DISPO:FOR CERT INFO SEE AUTOMATED ARCHIVE SYS

04

Thank you all!

Rachel Lin

Staff Services Manager I

California Department of Justice

Bureau of Firearms

Office: 916-210-2644

Cell: 916-202-3407

From: [Jill Tobia](#)
To: CYA and Paroled and Discharged - Sharing Info
Cc: Wednesday, February 23, 2022 4:19:48 PM
Subject:
Date:

Hello All,

Just keeping you all updated. Please share this information with your teams.

BCU recently viewed a felony conviction of a wobbler offense where the individual was held in CYA and then Paroled and Discharged as an automatic reduction to a misdemeanor.

[REDACTED]

Pen. Code, § 17

(c) When a defendant is committed to the Division of Juvenile Justice for a crime punishable, in the discretion of the court, either by imprisonment in the state prison or imprisonment in a county jail under the provisions of subdivision (h) of Section 1170, or by fine or imprisonment in the county jail not exceeding one year, the offense shall, upon the discharge of the defendant from the Division of Juvenile Justice, thereafter be deemed a misdemeanor for all purposes.

Sincerely,

Jill Tobia

Staff Services Manager II
Division of Law Enforcement
Bureau of Firearms
916-210-2677
Jill.tobia@doj.ca.gov

From: [Jill Tobia](#)
To: [Ronell Blackwell](#); [Eustolia Quezada](#); [Michael Haroldsen](#); [Russell Yee](#); [Tong Vang](#); [Hazel Davenport](#); [Victoria Nunez](#); [Raymond Sullentrup](#); [Gloria Cisneros](#); [Brian Duong](#); [Lisa Gallegos](#); [Spencer Quam](#)
Cc: [Patrick Plant](#); [Elene McGee](#); [Shanon Thompson](#); [Mayra G. Morales](#); [Raquel Perez](#)
Subject: DACA Status and Firearms Eligibility
Date: Friday, February 18, 2022 11:51:20 AM

Hello All,

I was advised that recently BOF received questions regarding individuals with DACA status. Specifically, if they are eligible to purchase firearms. Also asked was if an individual with DACA status who is enlisted in the military, can purchase firearms. Below are the responses to the questions. Some of you may already know this but for the sake of ensuring everyone has the same information, I'm sharing with all of you. Please forward to others as appropriate.

Deferred Action for early Childhood Arrivals (DACA)—On June 15, 2012, the secretary of Homeland Security announced that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. [Deferred action does not provide lawful status.](#)

Those under DACA are individuals who came to the U.S. as children. They are NOT legally in the U.S. and [are prohibited under 922\(g\)\(5\) for firearm purposes](#). The immigration alien query (IAQ) response from ICE will be returned as “not legal” if they still are actively under the DACA status. As long as an individual is in the DACA program, regardless of military status, they are prohibited from possessing, purchasing, and transferring firearms. But again, the IAQ would advise their current immigration status.

I do not have the U.S. code, but DACA information is available on <https://www.uscis.gov/DACA> and <https://www.dhs.gov/deferred-action-childhood-arrivals-daca>, also there is a Presidential memorandum available.

For NICS purposes per the IAQ: Not legal = Not legal.


Liaison Specialist
NICS Business Relations Team

From: [Rachel Lin](#)
To: [Carolyn Kumar](#); [Cheryl Waddle](#); [Comfort Ashong](#); [Edgar Rodriguez](#); [Hoan Do](#); [Juan Romo](#); [Kelly Tang](#); [Kimberly Dich](#); [Mai Truong](#); [Mamta Devi](#); [Michelle Nguyen](#); [Nicole Saucedo](#); [Rosalind Eison](#); [Teresa Weng](#); [Will Ragster](#); [Danny La](#); [Dylan Bradley](#); [Edward Grant](#); [Emily Dzubak](#); [Gloria Charles](#); [Jasdeep Cheema](#); [Maria Vue](#); [Michael Lee](#); [Pamela ColemanWatts](#); [Rene Truscott](#); [Andrew Davies](#); [Clover McMillan](#); [Dustin Dunbar](#); [Ernest Macatuno](#); [Israel Sotelo](#); [Jennoria James](#); [Kelci Craig](#); [Mary Romeo](#); [Samira Nassar](#); [Vincent Naicker](#)
Cc: [Gloria Cisneros](#); [Kamran Ali](#); [Chia VueVang](#); [Angela Chavez](#); [Cheri Flesher](#); [Elizabeth Anguiano](#)
Subject: FW: 17 pc after 1203.4 PC wobblers felony
Date: Friday, June 4, 2021 4:26:29 PM

Hello,

I have information to share so we all can be on the same page in regards to whether a reduction to misdemeanor per 17 pc AFTER 1203.4 PC on a WOBBLER felony offense is valid.

[REDACTED] they CAN obtained a 17 pc after 1203.4 PC. This was brought up from some staff, so hopefully this will help to clarify it. Please let me know if you need further clarification.

FYI: there are certain things the court can do AND cannot do after a 1203.4 PC..... 17 PC reduction is one they CAN do.

Sample below:

COURT:
20090323 CASC SANTA CLARA NAM:002 PRO:4 04
001:
460(B) PC-BURGLARY:SECOND DEGREE TOC:F
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:FELONY TOS:1
002:
460(B) PC-BURGLARY:SECOND DEGREE TOC:F
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:FELONY TOS:1
003:
484E(B) PC-GRAND THEFT OF ACCESS CARDS TOC:F
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:FELONY TOS:1
SEN: 003 YEARS PROBATION; 005 MONTHS JAIL; FINE; IMP SEN SS;
CONCURRENT
20120705 05
DISPO:CONV SET ASIDE & DISM PER 1203.4 PC
20130117 06
DISPO:REDUCED TO MISD & DISM PER 1203.4 PC

[REDACTED]

[REDACTED]

[REDACTED]

From: [Gloria Cisneros](#)
To: [Victor Martinez](#)
Subject: FW: 851.91 PC
Date: Wednesday, August 10, 2022 9:32:00 AM
Importance: High

From: Chia VueVang <Chia.VueVang@doj.ca.gov>

Sent: Monday, April 29, 2019 9:55 AM

To: Russell Yee <Russell.Yee@doj.ca.gov>; Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>; Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>; Allison Law <Allison.Law@doj.ca.gov>; Amanda Thomas <Amanda.Thomas@doj.ca.gov>; Anil Kumar <Anil.Kumar@doj.ca.gov>; Cheryl Waddle <Cheryl.Waddle@doj.ca.gov>; Edgar Rodriguez <Edgar.Rodriguez@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Faye Louie <Faye.Louie@doj.ca.gov>; Jennoria James <Jennoria.James@doj.ca.gov>; Jose Martin <Jose.Martin@doj.ca.gov>; Juan Romo <Juan.Romo@doj.ca.gov>; Kelly Tang <Kelly.Tang@doj.ca.gov>; Kimberly Dich <Kimberly.Dich@doj.ca.gov>; Mai Truong <Mai.Truong@doj.ca.gov>; Marisa Senteney <Marisa.Senteney@doj.ca.gov>; Mary Romeo <Mary.Romeo@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Michelle Nguyen <Michelle.Nguyen@doj.ca.gov>; Nadine Langston <Nadine.Langston@doj.ca.gov>; Nicole Saucedo <Nicole.Saucedo@doj.ca.gov>; Rene Truscott <Rene.Truscott@doj.ca.gov>; Rosalind Eison <Rosalind.Eison@doj.ca.gov>; Samira Nassar <Samira.Nassar@doj.ca.gov>; Susan Morisseau <Susan.Morisseau@doj.ca.gov>; Teresa Weng <Teresa.Weng@doj.ca.gov>; Vincent Naicker <Vincent.Naicker@doj.ca.gov>
Cc: Rachel Lin <Rachel.Lin@doj.ca.gov>; Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Mitch Matsumoto <Mitch.Matsumoto@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>
Subject: 851.91 PC

Hi Staff,

I came across dispo shown below and just wanted to share with all of you. Per penal code book, 851.91 PC which is "Sealing of arrest records where arrest does not result in conviction". Based on this verbiage, it does not required further research. If you have any questions, please see your supervisor.

DATE				CYC	SEQ
ARR/DET/CITE:			DOB:		
19940316	IOCH	NAM:002		002	01
001					
20190111	(1) PC-FORCE/ADW NOT FIREARM:GBI LIKELY	TOC:F			02
	DISPO:ARREST RELIEF GRANTED PER 851.91 PC				

Chia Vue-Vang
Background Clearance Unit
Division of Law Enforcement/Bureau of Firearms

From: [Kamran Ali](#)
To: [Rachel Lin](#); [Elizabeth Anguiano](#); [Cheri Flesher](#); [Angela Chavez](#)
Cc: [Gloria Cisneros](#); [Chia VueVang](#)
Subject: FW: 922 (g)(6)
Date: Thursday, July 29, 2021 2:41:40 PM
Attachments: [image001.png](#)
[922\(g\)\(6\) Presentation with Talking Points.pdf](#)

Hi All,

Please see Gloria's email below. She went to a training today and NICS stated that "Dismissal" on a military record means the same thing as a dishonorable discharge. This was a surprise to myself and Gloria. I do not think this is something that is widely known amongst staff. None of the trainers or FRR staff were aware of it either. It does state in the attached that dismissal or dishonorable discharge counts as a separation from the military. I don't think this situation comes up very often, but I was thinking of sending an email to all managers to disseminate to their staff. However, I wanted to get all of yours perspective on this first. I did talk to Chia about this briefly as well.

-Kamran

From: [REDACTED] >
Sent: Thursday, July 29, 2021 1:07 PM
To: Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>
Cc: [REDACTED]
[REDACTED]
Subject: RE: 922 (g)(6)

The Legal Analysis Team (LAT) does not provide legal advice or guidance on an individual's firearms eligibility; the contents of this e-mail or any attachments thereto should not be relied upon as a substitute for obtaining your own legal counsel. The following reflects the NICS Section's view if it were processing this scenario on an internal background check.

Gloria,

I am glad it was helpful!

I did have a few questions/clarification regarding a disposition of "Dismissal".

* A "Dismissal" is used for commissioned officers vs. Dishonorable Discharge is for enlisted military?

Correct, a Dismissal is used for commissioned officers and Dishonorable Discharge is for enlisted or non-commissioned officers. They both have they same impact and same meaning just different terminology based on rank structure.

* "Dismissal" can be denied under 922 (g)(6)?

Correct, a Dismissal can be used as a denial under 18 U.S.C. 922(g)(6) for commissioned officers.

* Will a "Dismissal" only be given through a GCM?

Correct, Dismissal and Dishonorable Discharge can only come by way of a GCM conviction.

* Additional research needs to be done on a "Dismissal" to make sure sentence was imposed?

Correct, this can be verified through the service members DD-214 (final discharge documentation)

* A "Dismissal" can be changed to a different type of discharge if certain conditions were met?

Correct, at the time of sentencing the judge my sentence a certain time to be served and a character of service as dishonorable discharge, however, after sentencing the character of discharge could be reduced to a Bad Conduct discharge for example.

NOTE: A Dismissal and Dishonorable Discharge are the same thing just different terminology based on rank structure. In addition, military will never use the terminology of dismissed (like how states used dismissed as a dismissal of charges). If you see Dismissal on a military record this is an indication of a possible 18 U.S.C. 922(g)(6).

Please feel free to contact me at anytime, if any additional questions arise, thank you for your attendance today!

[REDACTED]
Legal Administrative Specialist
FBI National Instant Criminal Background Check System (NICS) Section
[REDACTED]

The Legal Analysis Team (LAT) provides support regarding the FBI Criminal Justice Information Services Division's National Instant Criminal Background Check System Section's (NICS) application of certain firearms prohibitions. The support is only the sharing of information regarding how the NICS Section would view a set of facts if it were processing the background check. This is not and should not be used as a substitute for your own analysis or legal advice. The LAT does not provide guidance on a transaction status or whether a particular person is prohibited from receipt of a firearm. It is recommended that you consult your legal counsel regarding application of law specific to your particular case. Variance in the substance of the information you provided, either by adding, modifying, or omitting any detail, may change the accuracy of this response as it applies to your request.

From: Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>

Sent: Thursday, July 29, 2021 3:11 PM

To: [REDACTED]

Subject: [EXTERNAL EMAIL] - 922 (g)(6)

Good afternoon [REDACTED]

I just attended the NICS presentation you did regarding Military dispositions, thank you, it was very informative.

I did have a few questions/clarification regarding a disposition of "Dismissal".

- * A "Dismissal" is used for commissioned officers vs. Dishonorable Discharge is for enlisted military?

- * "Dismissal" can be denied under 922 (g)(6)?

- * Will a "Dismissal" only be given through a GCM?

- * Additional research needs to be done on a "Dismissal" to make sure sentence was imposed?

- * A "Dismissal" can be changed to a different type of discharge if certain conditions were met?

I just want to make sure my notes are clear before disseminating this information.

Thank you,

Gloria L. Cisneros

Crime Analyst Supervisor

Department of Justice - Division of Law Enforcement

Bureau of Firearms - Quality Assurance and Firearm Record Review Teams

Phone: 916-210-2622

Fax: 916-731-3312

Gloria.Cisneros@doj.ca.gov

From: [Rachel Lin](#)
To: [Susan Morisseau](#); [Brian Duong](#); [Paul Carbaial](#); [Brieanna Rembert](#); [Benjamin Bernstein](#); [Joy Pal](#); [Doris Maysonet](#); [Marisol Lopez](#); [Christopher Louie](#); [Rachel Pyara](#); [Kathy Jensen](#); [Sharrell McGee](#); [Patricia Valentine](#); [Holly Clark](#); [Carolyn Kumar](#); [Cheryl Waddle](#); [Comfort Ashong](#); [Edgar Rodriguez](#); [Hoan Do](#); [Juan Romo](#); [Kelly Tang](#); [Kimberly Dich](#); [Mai Truong](#); [Michelle Nguyen](#); [Nicole Saucedo](#); [Paul Madsen](#); [Rosalind Eison](#); [Teresa Weng](#); [Will Ragster](#); [Danny La](#); [Dustin Dunbar](#); [Emily Dzubak](#); [Gloria Charles](#); [Jasdeep Cheema](#); [Jasmine AlonsoCampos](#); [Kiet Tran](#); [Maria Vue](#); [Michael Lee](#); [Pamela ColemanWatts](#); [Rene Truscott](#); [Andrew Davies](#); [Camryn Davis](#); [Clover McMillan](#); [Kelci Craig](#); [Nancy Bacon](#); [Samira Nassar](#); [Tyler Puckett](#); [Vincent Naicker](#)
Cc: [Chia VueVang](#); [Cheri Flesher](#); [Angela Chavez](#); [Gloria Cisneros](#); [Shanon Thompson](#); [Elizabeth Anquiano](#)
Subject: FW: 1203.4 PC Clarification Update
Date: Wednesday, July 6, 2022 1:10:46 PM

Hi Team,

I am sending this again as a reminder and to share with new analysts of the 1203.4 PC clarification.

[REDACTED]

Thank you,
Rachel

From: Rachel Lin
Sent: Sunday, February 21, 2021 1:36 PM
To: Andrew Davies <Andrew.Davies@doj.ca.gov>; Clover McMillan <Clover.McMillan@doj.ca.gov>; Dustin Dunbar <Dustin.Dunbar@doj.ca.gov>; Ernest Macatuno <Ernest.Macatuno@doj.ca.gov>; Israel Sotelo <Israel.Sotelo@doj.ca.gov>; Jennoria James <Jennoria.James@doj.ca.gov>; Kelci Craig <Kelci.Craig@doj.ca.gov>; Mary Romeo <Mary.Romeo@doj.ca.gov>; Nadine Langston <Nadine.Langston@doj.ca.gov>; Samira Nassar <Samira.Nassar@doj.ca.gov>; Vincent Naicker <Vincent.Naicker@doj.ca.gov>; Anil Kumar <Anil.Kumar@doj.ca.gov>; Carolyn Kumar <Carolyn.Kumar@doj.ca.gov>; Cheryl Waddle <Cheryl.Waddle@doj.ca.gov>; Comfort Ashong <Comfort.Ashong@doj.ca.gov>; Edgar Rodriguez <Edgar.Rodriguez@doj.ca.gov>; Hoan Do <Hoan.Do@doj.ca.gov>; Juan Romo <Juan.Romo@doj.ca.gov>; Kelly Tang <Kelly.Tang@doj.ca.gov>; Kimberly Dich <Kimberly.Dich@doj.ca.gov>; Mai Truong <Mai.Truong@doj.ca.gov>; Mamta Devi <Mamta.Devi@doj.ca.gov>; Michelle Nguyen <Michelle.Nguyen@doj.ca.gov>; Nicole Saucedo <Nicole.Saucedo@doj.ca.gov>; Rosalind Eison <Rosalind.Eison@doj.ca.gov>; Teresa Weng <Teresa.Weng@doj.ca.gov>; Will Ragster <Will.Ragster@doj.ca.gov>; Danny La <Danny.La@doj.ca.gov>; Dylan Bradley <Dylan.Bradley@doj.ca.gov>; Edward Grant <Edward.Grant@doj.ca.gov>; Emily Dzubak <Emily.Dzubak@doj.ca.gov>; Gloria Charles <Gloria.Charles@doj.ca.gov>; Jasdeep Cheema <Jasdeep.Cheema@doj.ca.gov>; Maria Vue <Maria.Vue@doj.ca.gov>; Michael Lee <Michael.Lee@doj.ca.gov>; Pamela ColemanWatts <Pamela.ColemanWatts@doj.ca.gov>; Rene Truscott <Rene.Truscott@doj.ca.gov>
Cc: Chia VueVang <Chia.VueVang@doj.ca.gov>; Cheri Flesher <Cheri.Flesher@doj.ca.gov>; Elizabeth Anquiano <Elizabeth.Anquiano@doj.ca.gov>
Subject: FW: 1203.4 PC Clarification Update

Hello,

FYI: 1203.4 PC Clarification Update:

Staff asked a question in regards to the conviction set aside and dismissal per 1203.4 PC.

Correction to question (a) below. The correct answer should be “NO”. **1203.4 PC does not restore firearm rights (both long and hand guns).**

-
Should you need further clarification, please contact your supervisor. Thanks!

Rachel

From: Chia VueVang <Chia.VueVang@doj.ca.gov>

Sent: Thursday, February 18, 2021 11:53 AM

To: Rachel Lin <Rachel.Lin@doj.ca.gov>

Subject: FW: 1203.4 PC Clarification

From: Chia VueVang <Chia.VueVang@doj.ca.gov>

Sent: Monday, December 16, 2019 2:47 PM

To: Allison Law <Allison.Law@doj.ca.gov>; Anil Kumar <Anil.Kumar@doj.ca.gov>; Cheryl Waddle <Cheryl.Waddle@doj.ca.gov>; Edgar Rodriguez <Edgar.Rodriguez@doj.ca.gov>; Faye Louie <Faye.Louie@doj.ca.gov>; Jennoria James <Jennoria.James@doj.ca.gov>; Jose Martin <Jose.Martin@doj.ca.gov>; Juan Romo <Juan.Romo@doj.ca.gov>; Kelly Tang <Kelly.Tang@doj.ca.gov>; Kimberly Dich <Kimberly.Dich@doj.ca.gov>; Mai Truong <Mai.Truong@doj.ca.gov>; Marisa Senteney <Marisa.Senteney@doj.ca.gov>; Mary Romero <Mary.Romero@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Michelle Nguyen <Michelle.Nguyen@doj.ca.gov>; Nadine Langston <Nadine.Langston@doj.ca.gov>; Nicole Saucedo <Nicole.Saucedo@doj.ca.gov>; Rene Truscott <Rene.Truscott@doj.ca.gov>; Rosalind Eison <Rosalind.Eison@doj.ca.gov>; Samira Nassar <Samira.Nassar@doj.ca.gov>; Susan Morisseau <Susan.Morisseau@doj.ca.gov>; Teresa Weng <Teresa.Weng@doj.ca.gov>; Vincent Naicker <Vincent.Naicker@doj.ca.gov>

Cc: Nancy Saelee <Nancy.Saelee@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>; Russell Yee <Russell.Yee@doj.ca.gov>; Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>; Mitch Matsumoto <Mitch.Matsumoto@doj.ca.gov>; Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>

Subject: RE: 1203.4 PC Clarification

Clarification.....

Below answers (a – c) are for only wobbler charges.

Chia...

From: Chia VueVang

Sent: Monday, April 8, 2019 9:35 AM

To: Allison Law <Allison.Law@doj.ca.gov>; Amanda Thomas <Amanda.Thomas@doj.ca.gov>; Anil Kumar <Anil.Kumar@doj.ca.gov>; Cheryl Waddle <Cheryl.Waddle@doj.ca.gov>; Edgar Rodriguez <Edgar.Rodriguez@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Faye Louie <Faye.Louie@doj.ca.gov>; Jennoria James <Jennoria.James@doj.ca.gov>; Jose Martin

<Jose.Martin@doj.ca.gov>; Juan Romo <Juan.Romo@doj.ca.gov>; Kelly Tang <Kelly.Tang@doj.ca.gov>; Kimberly Dich <Kimberly.Dich@doj.ca.gov>; Mai Truong <Mai.Truong@doj.ca.gov>; Marisa Senteney <Marisa.Senteney@doj.ca.gov>; Mary Romero <Mary.Romero@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Michelle Nguyen <Michelle.Nguyen@doj.ca.gov>; Nadine Langston <Nadine.Langston@doj.ca.gov>; Nicole Saucedo <Nicole.Saucedo@doj.ca.gov>; Rene Truscott <Rene.Truscott@doj.ca.gov>; Rosalind Eison <Rosalind.Eison@doj.ca.gov>; Samira Nassar <Samira.Nassar@doj.ca.gov>; Susan Morisseau <Susan.Morisseau@doj.ca.gov>; Teresa Weng <Teresa.Weng@doj.ca.gov>; Vincent Naicker <Vincent.Naicker@doj.ca.gov>

Cc: Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Nancy Saelee <Nancy.Saelee@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>; Russell Yee <Russell.Yee@doj.ca.gov>; Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>; Mitch Matsumoto <Mitch.Matsumoto@doj.ca.gov>; Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>

Subject: 1203.4 PC Clarification

Staff,

[REDACTED] 1203.4 PC. Please review the questions and answers and apply to your background clearance processes whenever necessary. See your supervisor if you have any questions.

- a) If a subject has a PC 1203.4 dismissal but remains a felony conviction prior to 2004, he/she is able to purchase or possess **long guns** only. ~~Yes~~ **NO**
- b) If a subject has a PC 1203.4 dismissal with a 17(b) reduction, then regardless of the conviction date he/she can purchase or possess hand guns or long guns as long as the conviction isn't reduced to a prohibiting misdemeanor. **Yes, as long as it was a wobbler.**
- c) If a subject has a PC 1203.4 dismissal after 2004, he/she is NOT able to purchase or possess handguns and/or long guns. **Yes**

Have a nice Monday!

Chia Vue-Vang
Background Clearance Unit
Division of Law Enforcement/Bureau of Firearms
California Department of Justice
(916) 227-0514



From: [Ronell Blackwell](#)
To: [Gloria Cisneros](#)
Subject: FW: 1203.4 PC Clarification Update
Date: Thursday, June 23, 2022 12:57:20 PM

From: Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>
Sent: Monday, February 22, 2021 7:48 AM
To: Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>; Russell Yee <Russell.Yee@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Spencer Quam <Spencer.Quam@doj.ca.gov>; Brian Duong <Brian.Duong@doj.ca.gov>; Tong Vang <Tong.Vang@doj.ca.gov>; Hazel Davenport <Hazel.Davenport@doj.ca.gov>; Lisa Gallegos <Lisa.Gallegos@doj.ca.gov>
Cc: Kamran Ali <Kamran.Ali@doj.ca.gov>
Subject: FW: 1203.4 PC Clarification Update

Good morning team,

Please see below for an update on 1203.4 PC dismissals.

Thank you,
Gloria

From: Jill Tobia <Jill.Tobia@doj.ca.gov>
Sent: Monday, February 22, 2021 7:31 AM
To: Rachel Lin <Rachel.Lin@doj.ca.gov>; Kamran Ali <Kamran.Ali@doj.ca.gov>; Elizabeth Anguiano <Elizabeth.Anguiano@doj.ca.gov>; Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Chia VueVang <Chia.VueVang@doj.ca.gov>; Cheri Flesher <Cheri.Flesher@doj.ca.gov>
Cc: Shanon Thompson <Shanon.Thompson@doj.ca.gov>; Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>
Subject: Re: 1203.4 PC Clarification Update

Thank you, Rachel.

Kamran and Gloria, this is something you should include in the all BOF background refresher training.

Jill

From: Rachel Lin
Sent: Sunday, February 21, 2021 1:07:17 PM
To: Kamran Ali; Elizabeth Anguiano; Ariam Griffin; Chia VueVang; Cheri Flesher
Cc: Shanon Thompson; Jill Tobia

Subject: FW: 1203.4 PC Clarification Update

Hello,

FYI: **1203.4 PC Clarification Update**: Please share with your team and teams that may benefit from this information.

Staff asked a question in regards to the conviction set aside and dismissal per 1203.4 PC.

[REDACTED] there's a correction to question (a) below. The correct answer should be "NO". **1203.4 PC does not restore firearm rights (both long and hand guns).**

- Should you need further clarification, please give me a call. Thanks!

Rachel

From: Chia VueVang <Chia.VueVang@doj.ca.gov>

Sent: Thursday, February 18, 2021 11:53 AM

To: Rachel Lin <Rachel.Lin@doj.ca.gov>

Subject: FW: 1203.4 PC Clarification

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To: Allison Law <Allison.Law@doj.ca.gov>; Anil Kumar <Anil.Kumar@doj.ca.gov>; Cheryl Waddle <Cheryl.Waddle@doj.ca.gov>; Edgar Rodriguez <Edgar.Rodriguez@doj.ca.gov>; Faye Louie <Faye.Louie@doj.ca.gov>; Jennoria James <Jennoria.James@doj.ca.gov>; Jose Martin <Jose.Martin@doj.ca.gov>; Juan Romo <Juan.Romo@doj.ca.gov>; Kelly Tang <Kelly.Tang@doj.ca.gov>; Kimberly Dich <Kimberly.Dich@doj.ca.gov>; Mai Truong <Mai.Truong@doj.ca.gov>; Marisa Senteney <Marisa.Senteney@doj.ca.gov>; Mary Romero <Mary.Romero@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Michelle Nguyen <Michelle.Nguyen@doj.ca.gov>; Nadine Langston <Nadine.Langston@doj.ca.gov>; Nicole Saucedo <Nicole.Saucedo@doj.ca.gov>; Rene Truscott <Rene.Truscott@doj.ca.gov>; Rosalind Eison <Rosalind.Eison@doj.ca.gov>; Samira Nassar <Samira.Nassar@doj.ca.gov>; Susan Morisseau <Susan.Morisseau@doj.ca.gov>; Teresa Weng <Teresa.Weng@doj.ca.gov>; Vincent Naicker <Vincent.Naicker@doj.ca.gov>

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Subject: RE: 1203.4 PC Clarification

Clarification.....

Below answers (a – c) are for only wobbler charges.

Chia...

From: Chia VueVang

Sent: Monday, April 8, 2019 9:35 AM

To: Allison Law <Allison.Law@doj.ca.gov>; Amanda Thomas <Amanda.Thomas@doj.ca.gov>; Anil Kumar <Anil.Kumar@doj.ca.gov>; Cheryl Waddle <Cheryl.Waddle@doj.ca.gov>; Edgar Rodriguez <Edgar.Rodriguez@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Faye Louie <Faye.Louie@doj.ca.gov>; Jennoria James <Jennoria.James@doj.ca.gov>; Jose Martin <Jose.Martin@doj.ca.gov>; Juan Romo <Juan.Romo@doj.ca.gov>; Kelly Tang <Kelly.Tang@doj.ca.gov>; Kimberly Dich <Kimberly.Dich@doj.ca.gov>; Mai Truong <Mai.Truong@doj.ca.gov>; Marisa Senteney <Marisa.Senteney@doj.ca.gov>; Mary Romero <Mary.Romero@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Michelle Nguyen <Michelle.Nguyen@doj.ca.gov>; Nadine Langston <Nadine.Langston@doj.ca.gov>; Nicole Saucedo <Nicole.Saucedo@doj.ca.gov>; Rene Truscott <Rene.Truscott@doj.ca.gov>; Rosalind Eison <Rosalind.Eison@doj.ca.gov>; Samira Nassar <Samira.Nassar@doj.ca.gov>; Susan Morisseau <Susan.Morisseau@doj.ca.gov>; Teresa Weng <Teresa.Weng@doj.ca.gov>; Vincent Naicker <Vincent.Naicker@doj.ca.gov>

Cc: Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Nancy Saelee <Nancy.Saelee@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>; Russell Yee <Russell.Yee@doj.ca.gov>; Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>; Mitch Matsumoto <Mitch.Matsumoto@doj.ca.gov>; Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>

Subject: 1203.4 PC Clarification

Staff,

[REDACTED] 1203.4 PC. Please review the questions and answers and apply to your background clearance processes whenever necessary. See your supervisor if you have any questions.

- a) If a subject has a PC 1203.4 dismissal but remains a felony conviction prior to 2004, he/she is able to purchase or possess **long guns** only. ~~Yes~~ **NO**
- b) If a subject has a PC 1203.4 dismissal with a 17(b) reduction, then regardless of the conviction date he/she can purchase or possess hand guns or long guns as long as the conviction isn't reduced to a prohibiting misdemeanor. **Yes, as long as it was a wobbler.**
- c) If a subject has a PC 1203.4 dismissal after 2004, he/she is NOT able to purchase or possess handguns and/or long guns. **Yes**

Have a nice Monday!

Chia Vue-Vang
Background Clearance Unit
Division of Law Enforcement/Bureau of Firearms
California Department of Justice
(916) 227-0514

From: [Gloria Cisneros](#)
To: [Ronell Blackwell](#); [Russell Yee](#); [Michael Esquivel](#); [Eustolia Quezada](#); [Spencer Quam](#); [Lisa Gallegos](#); [Brian Duong](#)
Subject: FW: Felony Wobblers: Reductions
Date: Tuesday, September 28, 2021 8:49:00 AM
Attachments: [image001.png](#)

Hi Team,

Please see the email below regarding reductions.

Thank you,
Gloria

From: Kamran Ali <Kamran.Ali@doj.ca.gov>
Sent: Thursday, July 29, 2021 4:30 PM
To: Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>
Subject: Felony Wobblers: Reductions

Hello,

I wanted to let everyone know to please have your staff check AAS/Folder/Court online when there is a reduction to a misdemeanor on wobbler felonies that don't show how they were reduced. This is to ensure that a valid reduction that restores firearm rights was used. Please see example below of a conviction that stated "reduced to misdemeanor" on the RAP sheet but had a Prop 47 reduction, which does not restore firearm rights.

Please disseminate to your staff and let me know if you have any questions.

```
COURT:
20051014 CASCARANCHO CUCAMONGA NAM:001 PRO:4 04
001: [REDACTED]
459 PC-BURGLARY:SECOND DEGREE TOC:F
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:FELONY TOS:1
SEN: 036 MONTHS PROBATION; 039 DAYS JAIL
20150508 05
DISPO:REDUCED TO MISDEMEANOR
* * * *
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A. LAW ENFORCEMENT																																																	
[Redacted]					DOB (mm-dd-yyyy)		Age		Class																																								
SSN			DL#		FBI #		Hot		Race																																								
Arrest Date (mm-dd-yyyy)			Arresting Agency			Booking Agency																																											
09-06-2005			RANCHO CUCAMONGA PD			SAN BERNARDINO SHERIFF																																											
Law Firm Bookings #			Citation#		Crime Report#		Remarks																																										
[Redacted]			[Redacted]		[Redacted]		Count 1, a felony, is reduced to a M459 (2 nd degree) PC, misdemeanor, pursuant to PC1170.18.																																										
<table border="1"> <thead> <tr> <th>#</th> <th>Level</th> <th>Arrest Charge Section Code</th> <th>Dismissed</th> <th>In County Warrant Number</th> <th>Out of County Warrant Number</th> <th>Release Date</th> <th>Reason for Release Code</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>X</td> <td>459 PC</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>										#	Level	Arrest Charge Section Code	Dismissed	In County Warrant Number	Out of County Warrant Number	Release Date	Reason for Release Code	1	X	459 PC						2								3								4							
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C. SUBSEQUENT ACTION COURT																																																	
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PROBATION CHANGE		Date (mm-dd-yyyy)		<input type="checkbox"/> Probation Violated/Revoked/Reinstated with Sentence Modification (Must Complete Section E) <input type="checkbox"/> 1203.3 PC-Probation Terminated Early <input type="checkbox"/> 1203.9 PC- Probation Transferred				<input type="checkbox"/> Successful (Dismissed) <input type="checkbox"/> Unsuccessful																																									
SENTENCE CHANGE		Date (mm-dd-yyyy)		Sentence Vacated <input type="checkbox"/> CYA Vacated/Rejected <input checked="" type="checkbox"/> 1170 PC - Sentence Modified Pursuant to PC 1170.18 <input type="checkbox"/> Sentence Modified <input type="checkbox"/> Appeal Judgment Reversed																																													
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Kamran Ali
 Staff Services Manager I
 Department of Justice - Division of Law Enforcement
 Bureau of Firearms
 Quality Assurance Unit

From: [Rachel Lin](#)
To: [Hazel Davenport](#); [Angela Chavez](#); [Naomi Mascarinas](#); [Patricia Valentine](#); [Susan Morisseau](#); [Marisol Lopez](#); [Tong Vang](#); [Eustolia Quezada](#); [Ronell Blackwell](#); [Russell Yee](#); [Gloria Cisneros](#); [Michael Esquivel](#); [Andrew Davies](#); [Anil Kumar](#); [Clover McMillan](#); [Dustin Dunbar](#); [Ernest Macatuno](#); [Israel Sotelo](#); [Jennoria James](#); [Kelci Craig](#); [Mai Truong](#); [Mary Romeo](#); [Nadine Langston](#); [Nicole Saucedo](#); [Samira Nassar](#); [Teresa Weng](#); [Vincent Naicker](#); [Carolyn Kumar](#); [Cheryl Waddle](#); [Comfort Ashong](#); [Edgar Rodriguez](#); [Hoan Do](#); [Juan Romo](#); [Kelly Tang](#); [Kimberly Dich](#); [Mamta Devi](#); [Michelle Nguyen](#); [Rosalind Eison](#); [Will Ragster](#); [Danny La](#); [Dylan Bradley](#); [Edward Grant](#); [Emily Dzubak](#); [Gloria Charles](#); [Jasdeep Cheema](#); [Maria Vue](#); [Michael Lee](#); [Pamela ColemanWatts](#); [Rene Truscott](#)
Cc: [Ariam Griffin](#); [Elizabeth Anguiano](#); [Kamran Ali](#); [Chia VueVang](#); [Cheri Flesher](#)
Subject: FW: ICE/US citizen
Date: Monday, December 7, 2020 1:11:28 PM

Good Afternoon,
FYI: Please see response from [REDACTED] regarding Deportation Proceedings.
Thanks,
Rachel

From: [REDACTED]
Sent: Monday, December 7, 2020 1:05 PM
To: Rachel Lin
Subject: Re: ICE/US citizen

Deportation Proceedings is an Administrative charge and not criminal.
This entry is not prohibiting.

NOTE: I am currently teleworking, please continue to email me and I will respond as soon as I can.

Thank you,

[REDACTED]
Liaison Specialist
Business Relations Team
NICS Section
FBI CJIS Division

PH: [REDACTED]
PH: [REDACTED]
Email: [REDACTED]

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From: Rachel Lin <Rachel.Lin@doj.ca.gov>
Sent: Monday, December 7, 2020 4:02 PM
To: [REDACTED]
Subject: [EXTERNAL EMAIL] - ICE/US citizen

Good Afternoon [REDACTED],

Subject below is attempting to purchase a firearm in California. He claimed US citizen on his firearm purchase paperwork. He has an arrest in 1972 for Dep Proc. Please advise if further research is required regarding his immigration status? Thank you for your assistance!

[REDACTED]

er

Male White
Height Weight f Birth
5'09" 000
Hair Color Pattern
Black Brown (FPC)
Place of Birth
Mexico

Fingerprint Images

***** CRIMINAL HISTORY *****

===== Cycle 001 =====

Earliest Event Date 1972-06-26

Arrest Date 1972-06-26

Arrest Case Number

Arresting Agency AZICE1500 ICE/ERO TUCSON

Charge 1

Charge **Literal DEP PROC**

Severity Unknown

Handgun

AFS XREF

DROS Number

Transaction Type
DEALER SALE

Dealer Correction
No

Sale Date Sale Time
11/07/2020 10:29:42
AM

Queue Status
DELAYED DROS

Gun Show
No

Purchase Number
1

Transaction Number

Purchaser

Last

First

Middle

Suffix

DOB

Alias Last

Alias First

Alias Middle

Alias
Suffix

Residential Address

Residential City
RIVERSIDE

Residential State
CA

Residential Zip
9

Phone

Mailing Address

Mailing City

Mailing State

Mailing Zip

ID Type ID Number
CDL

ID Source
CALIFORNIA

Race
HISPANIC

Eyes
BROWN

Hair
GRAY

Gender
Male

Height Weight
5 ft 08 in 180 lbs

POB
MEXICO

US

Citizen?

Yes

Rachel Lin

Crime Analyst Supervisor

California Department of Justice

Bureau of Firearms

916-210-2644

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From: [Jill Tobia](#)
To: [Ronell Blackwell](#); [Russell Yee](#); [Gloria Cisneros](#); [Michael Esquivel](#); [Mitch Matsumoto](#)
Subject: FW: Military Protection Order:
Date: Tuesday, September 1, 2020 12:45:04 PM
Attachments: [image002.png](#)
[image003.png](#)

Hello All,

[REDACTED] if you come across this situation, collect everything you are able and seek [REDACTED] input before making a final determination.

Let me know if you have questions, comments, or concerns and I can address them with [REDACTED]

Thank you!

Jill

From: [REDACTED]
Sent: Tuesday, September 01, 2020 10:13 AM
To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>; Mitch Matsumoto <Mitch.Matsumoto@doj.ca.gov>; Victor Martinez <Victor.Martinez@doj.ca.gov>; Cheri Flesher <Cheri.Flesher@doj.ca.gov>; Chia VueVang <Chia.VueVang@doj.ca.gov>; Rachel Lin <Rachel.Lin@doj.ca.gov>
Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>; Elizabeth Anguiano <Elizabeth.Anguiano@doj.ca.gov>; Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Gilbert Mac <Gilbert.Mac@doj.ca.gov>; Terrence Bell <Terrence.Bell@doj.ca.gov>; Tanya Dominguez <Tanya.Dominguez@doj.ca.gov>
Subject: RE: Military Protection Order:

[REDACTED]

From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Tuesday, September 1, 2020 7:15 AM
To: Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>; Mitch Matsumoto <Mitch.Matsumoto@doj.ca.gov>; Victor Martinez <Victor.Martinez@doj.ca.gov>; Cheri Flesher <Cheri.Flesher@doj.ca.gov>; Chia VueVang <Chia.VueVang@doj.ca.gov>; Rachel Lin <Rachel.Lin@doj.ca.gov>
Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>; Elizabeth Anguiano <Elizabeth.Anguiano@doj.ca.gov>; Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Gilbert Mac <Gilbert.Mac@doj.ca.gov>; Terrence Bell <Terrence.Bell@doj.ca.gov>; Tanya Dominguez <Tanya.Dominguez@doj.ca.gov>; Robert Wilson <Robert.Wilson@doj.ca.gov>
Subject: FW: Military Protection Order:

Good Morning! All,

Please share with your staffs and see NIC's responses below explaining why Military Protection Orders are not Federally Prohibited. However, [REDACTED], further research is still required to determine if prohibited under the California Firearms Law.

Thank you,

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: [REDACTED]
Sent: Thursday, August 27, 2020 12:33 PM
To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>
Subject: RE: Military Protection Order:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Wednesday, August 26, 2020 12:51 PM
To: [REDACTED]

Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>

Subject: RE: Military Protection Order:

Hi! [REDACTED]

Please see [REDACTED] response.

➤ Military Protection Orders do not meet federally because they **are issued by the subject's Commanding Officer not a Court Order.**

-

➤ I don't know how this would affect your state prohibitor? Does there need to be a court order for this to be state disqualifying or are all protection orders disqualifying regardless?

Hope this helps.

[REDACTED]
Liaison Specialist

[REDACTED] Office

[REDACTED] Cell

Thanks,

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>

Sent: Tuesday, August 25, 2020 1:04 PM

To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>

Subject: RE: Military Protection Order:

No there is only one NICS section. The Legal Analysis Team (LAT) does not provide legal advice or guidance on an individual's firearms eligibility; the contents of this e-mail or any attachments thereto **should not be relied upon as a substitute for obtaining your own legal counsel.** The following reflects the NICS Section's view if it were processing this scenario on an internal background check.

Thank you,

[REDACTED]
Legal Administrative Specialist

FBI NICS Section

Telephone: [REDACTED]

Supervisor:

[REDACTED]
[REDACTED]

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From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Tuesday, August 25, 2020 3:58 PM
To: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Subject: [EXTERNAL EMAIL] - RE: Military Protection Order:

Just to clarify,

Are there any **other** sections in NICS that would process it differently?

Thanks,

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Sent: Tuesday, August 25, 2020 12:21 PM
To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Subject: RE: Military Protection Order:

Our **entire** section processes the same way.

From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Tuesday, August 25, 2020 3:19 PM

To: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Subject: [EXTERNAL EMAIL] - RE: Military Protection Order:

Good Afternoon [REDACTED]

Based on your response below, please confirm if the conclusion you provided applies to **all** of NICS or just your particular section.

Thank you,

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Sent: Tuesday, August 25, 2020 10:19 AM
To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Subject: RE: Military Protection Order:

Avelina,

This NICS section does not view Military Protection Orders as federally prohibitive.

Thank you,

[REDACTED]
Legal Administrative Specialist
FBI NICS Section
Telephone: ([REDACTED])

Supervisor:
[REDACTED]

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From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Tuesday, August 25, 2020 12:47 PM
To: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>
Subject: [EXTERNAL EMAIL] - Military Protection Order:

Good Morning!

Please review below regarding the Military Protective Order and advise if we would perform an additional research. If not, does this Military Protective Order meets the Federal Criteria and would be a disqualifying information? Please advise and thank you for assisting me in this matter. It's greatly appreciated.

FBI UCN
NDLSTADSM

NCIC-BEGIN
===== N C I C ===== (1 OF 1) 100.000000
MKE/PROTECTION ORDER
ORI/CAMC02002 [REDACTED]
DOB/[REDACTED]
SOC/[REDACTED]
BRD/N ISD/ [REDACTED] EXP/NONEXP [REDACTED]
PPN/[REDACTED] PPB/[REDACTED] PSN/[REDACTED]
PCO/08 - SEE THE MISCELLANEOUS FIELD FOR COMMENTS REGARDING THE TERMS AND
PCO/CONDITIONS OF THE ORDER.
OCA/[REDACTED]
MIS/THIS IS A MILITARY PROTECTIVE ORDER AND MAY NOT BE ENFORCEABLE BY
MIS/NON-MILITARY AUTHORITIES, IF SUBJECT IS IN POSSIBLE VIOLATION OF THE ORDER,
MIS/ADVISE THE ENTERING AGENCY (MILITARY LAW ENFORCEMENT) USMC, PMO, MCB CAMP
MIS/PENDLETON CA, [REDACTED] (24HR); [REDACTED] SUBJ WILL NOT INITIATE
MIS/CONTACT/COMMUNICATION; DIRECTLY/THROUGH 3RD PARTY, REMAIN ATLEAST 100' FROM
MIS/PROTECTED PERSON AND MEMBERS OF THEIR FAMILY INCLUDING
MIS/RESIDENCES/WORKSPACES, ALSO PROHIBITED: SOCIAL MEDIA CONTACT WITH PROTECTED
MIS/PERSON
DNA/N
ORI IS US MARINE CORPS LAW ENFORCEMENT CAMP PENDLETON [REDACTED]
NIC/[REDACTED] DTE/20200807 1803 EDT DLU/20200807 1803 EDT

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: [Ronell Blackwell](#)
To: [Gloria Cisneros](#)
Subject: FW: New Disposition Chasing Procedures
Date: Wednesday, November 17, 2021 1:37:03 PM
Importance: High

From: Chia VueVang <Chia.VueVang@doj.ca.gov>
Sent: Thursday, March 5, 2020 2:42 PM
To: Lori D'Agostini <Lori.DAgostini@doj.ca.gov>; Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Subject: FW: New Disposition Chasing Procedures
Importance: High

Hi Ladies,

Below is the email in regards to new dispo chasing and NDIA. We mirror our process in DROS with PRU as indicated below.

This email was sent to DROS, PRU, and ESNU managers, and I'm not sure if this would apply to all sections. Please check with your manager before implanting in your process.

Chia...

From: Kathey Norton <Kathey.Norton@doj.ca.gov>
Sent: Friday, July 19, 2019 11:20 AM
To: Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>
Subject: FW: New Disposition Chasing Procedures
Importance: High

Hi, Lupe:

I wanted to include you on this email that I sent out to Victor and Naomi last night about new dispo chasing procedures that Allison sent out last night. This is the project that Shanon has been working on for some time to reduce the number of contacts that we have to make when chasing dispos and narrow the focus for what the RAs will chase.

If you or your team has questions, please feel free to compile them for Shanon and we can discuss with her. I went ahead excerpted Allison's larger email to just narrow the focus for the teams view.

I have a list of questions from PRU that I need to run by Shanon, too.

The procedures are effective today, however, so staff need to start following them today.

Thanks so much,
Kathey

Effective immediately, the below procedure will be followed for chasing missing dispositions. The new procedure should increase productivity, align us with the way other sections in the department chase dispositions (consistency), as well as prevent frustration on the part of our allied agencies/courts by reducing the repetitive reach out that was required in past practice.

BOF will no longer be mandated to conduct 3 attempts, per agency. The new process will be 2 attempts, and Direct Access can serve as the first attempt.

Counties with Direct Access – (to be utilized by staff that have Direct Access capabilities)

1. Access all applicable direct access options available. This will serve as the first attempt for those agencies you research through this process.
2. If no disposition information is obtained, ONE additional contact will be made to EACH of the following agencies: law enforcement, prosecutorial, and/or judicial agencies by telephone. If the agency does not accept phone calls, a fax request will be necessary.
3. Staff must wait 7 days for a response. If a response is received, a PRDI will be created and sent to CJIS for update. If not, the arrest can be deemed as No Disposition Information Available (NDIA).

Note: Direct Access and Call = 2 Attempts

Counties with No Direct Access or if your staff does not have access to Direct Access

1. Staff will make first attempt to each agency (LEA/DA/Court) via fax or email.
2. Staff will wait 7 days for a response. If a disposition is obtained, a PRDI will be created and sent to CJIS for update. If not, staff will be required to make an additional contact to EACH applicable agency (LEA/DA/Court) by phone. If the agency does not accept phone calls, a fax request will be necessary.
3. Staff must wait 7 days for a response. If a response is received, a PRDI will be created and sent to CJIS for update. If not, the arrest can be deemed as NDIA.

Arrest with NDIA Status

Currently BOF staff are required to do additional research on all arrests with a NDIA status on the RAP sheet if the NDIA entry was made by another bureau other than BOF. Now, staff will no longer be required to perform the additional research and can assume that a diligent search was conducted by the department.

All NDIA's that can be sent to a BOF Retired Annuitant for chasing (see below criteria for RA NDIA Research) still applies. The RAs have been fairly successful in obtaining missing dispositions for arrests that fall into the designated criteria. This would apply only after you have made your first 2 attempts and still did not receive disposition information.

Retired Annuitant Disposition Chasing Criteria:

- All Domestic Violence and felony charges that are within 15 years that we are unable to retrieve disposition information for.
- All misdemeanor charges that are within 10 years.
- No out-of-state charges.
- No military charges.

Shanon's team will be updating the desk procedures related to Dispo Chasing, which I believe most if not all are using. In the meantime, please use this email as the new procedure.

From: [Rachel Lin](#)
To: [Patricia Valentine](#); [Joy Pal](#); [Brian Duong](#); [Brieanna Rembert](#); [Paul Carbajal](#); [Benjamin Bernstein](#); [Christopher Louie](#); [Susan Morisseau](#); [Marisol Lopez](#); [Rachel Pyara](#); [Doris Maysonet](#); [Sharrell McGee](#); [Kathy Jensen](#); [Carolyn Kumar](#); [Cheryl Waddle](#); [Comfort Ashong](#); [Edgar Rodriguez](#); [Hoan Do](#); [Juan Romo](#); [Kelly Tang](#); [Kimberly Dich](#); [Mai Truong](#); [Michelle Nguyen](#); [Nicole Saucedo](#); [Paul Madsen](#); [Rosalind Eison](#); [Teresa Weng](#); [Will Ragster](#); [Danny La](#); [Dustin Dunbar](#); [Emily Dzubak](#); [Gloria Charles](#); [Jasdeep Cheema](#); [Jasmine AlonsoCampos](#); [Kiet Tran](#); [Maria Vue](#); [Michael Lee](#); [Pamela ColemanWatts](#); [Rene Truscott](#); [Andrew Davies](#); [Camryn Davis](#); [Clover McMillan](#); [Kelci Craig](#); [Nancy Bacon](#); [Samira Nassar](#); [Tyler Puckett](#); [Vincent Naicker](#)
Cc: [Chia VueVang](#); [Cheri Flesher](#); [Angela Chavez](#); [Elizabeth Anguiano](#); [Gloria Cisneros](#)
Subject: FW: NTN
Date: Wednesday, July 13, 2022 10:10:31 AM
Importance: High

Good Morning Team,

FYI: We have been receiving inquiries from dealers requesting for NTNs. Please see information below for guidance and see your supervisor if you have any questions. Thank you.

From: Rachel Lin

Sent: Tuesday, October 20, 2020 12:20 PM

To: Nancy Saelee <Nancy.Saelee@doj.ca.gov>; Hazel Davenport <Hazel.Davenport@doj.ca.gov>; Joy Pal <Joy.Pal@doj.ca.gov>; Patricia Valentine <Patricia.Valentine@doj.ca.gov>; Florence Nucal <Florence.Nucal@doj.ca.gov>; Angela Chavez <Angela.Chavez@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>; Susan Morisseau <Susan.Morisseau@doj.ca.gov>; Marisol Lopez <Marisol.Lopez@doj.ca.gov>; Timothy Mulligan <Timothy.Mulligan@doj.ca.gov>; Doris Maysonet <Doris.Maysonet@doj.ca.gov>; Andrew Cruz <Andrew.Cruz@doj.ca.gov>; Tong Vang <Tong.Vang@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Spencer Quam <Spencer.Quam@doj.ca.gov>; Felipe Munoz <Felipe.Munoz@doj.ca.gov>; Victor Martinez <Victor.Martinez@doj.ca.gov>; Andrew Davies <Andrew.Davies@doj.ca.gov>; Anil Kumar <Anil.Kumar@doj.ca.gov>; Clover McMillan <Clover.McMillan@doj.ca.gov>; Dustin Dunbar <Dustin.Dunbar@doj.ca.gov>; Ernest Macatuno <Ernest.Macatuno@doj.ca.gov>; Israel Sotelo <Israel.Sotelo@doj.ca.gov>; Jennoria James <Jennoria.James@doj.ca.gov>; Mai Truong <Mai.Truong@doj.ca.gov>; Mary Romeo <Mary.Romeo@doj.ca.gov>; Nadine Langston <Nadine.Langston@doj.ca.gov>; Nicole Saucedo <Nicole.Saucedo@doj.ca.gov>; Samira Nassar <Samira.Nassar@doj.ca.gov>; Teresa Weng <Teresa.Weng@doj.ca.gov>; Vincent Naicker <Vincent.Naicker@doj.ca.gov>; Carolyn Kumar <Carolyn.Kumar@doj.ca.gov>; Cheryl Waddle <Cheryl.Waddle@doj.ca.gov>; Comfort Ashong <Comfort.Ashong@doj.ca.gov>; Edgar Rodriguez <Edgar.Rodriguez@doj.ca.gov>; Hoan Do <Hoan.Do@doj.ca.gov>; Juan Romo <Juan.Romo@doj.ca.gov>; Kelly Tang <Kelly.Tang@doj.ca.gov>; Kimberly Dich <Kimberly.Dich@doj.ca.gov>; Michelle Nguyen <Michelle.Nguyen@doj.ca.gov>; Rosalind Eison <Rosalind.Eison@doj.ca.gov>; Will Ragster <Will.Ragster@doj.ca.gov>; Danny La <Danny.La@doj.ca.gov>; Dylan Bradley <Dylan.Bradley@doj.ca.gov>; Edward Grant <Edward.Grant@doj.ca.gov>; Gloria Charles <Gloria.Charles@doj.ca.gov>; Jasdeep Cheema <Jasdeep.Cheema@doj.ca.gov>; Maria Vue <Maria.Vue@doj.ca.gov>; Michael Lee <Michael.Lee@doj.ca.gov>; Pamela ColemanWatts <Pamela.ColemanWatts@doj.ca.gov>; Rene Truscott <Rene.Truscott@doj.ca.gov>

Cc: Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>; Russell Yee <Russell.Yee@doj.ca.gov>; Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Chia VueVang <Chia.VueVang@doj.ca.gov>; Cheri Flesher <Cheri.Flesher@doj.ca.gov>; Ariam Griffin

<Ariam.Griffin@doj.ca.gov>; Kamran Ali <Kamran.Ali@doj.ca.gov>; Shanon Thompson
<Shanon.Thompson@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>

Subject: NTN

Importance: High

Hello,

Effective today and moving forward on DROS processing, please ensure to write the new NTN on all “Approval after Delay”, Approval after Denial”, and “Undetermined” letters. This new NTN needs to be notated on the DROS comment also.

Private Party Transfers, when the purchaser has been denied, we must run a multiple query with NICS on seller and provide the status and NTN to dealer. The seller’s status and NTN needs to be notated on the DROS comment as well.

Please let me know if you have any questions.

Thank you!

Rachel Lin

Crime Analyst Supervisor

California Department of Justice

Bureau of Firearms

916-210-2644

From: [Kamran Ali](#)
To: [Ariam Griffin](#); [Elizabeth Anguiano](#); [Gilbert Mac](#); [Maricela Leyva](#); [Praneel Singh](#); [Rachel Lin](#); [Tanya Dominguez](#); [Terrence Bell](#); [Yvette Glover](#); [Victor Martinez](#); [Chia VueVang](#); [Angela Chavez](#); [Gloria Cisneros](#); [Nataliya Pasemnyk](#); [Naomi Mascarinas](#); [Cheri Flesher](#)
Cc: [Allison Mendoza](#); [Blake Graham](#); [Mayra G. Morales](#); [Jill Tobia](#); [Patrick Plant](#); [Shanon Thompson](#); [Elene McGee](#)
Subject: Mental Health Notes: Contrary Information
Date: Tuesday, August 10, 2021 11:08:49 AM
Importance: High

Hello Everyone,

Effective immediately, when making a firearms or ammunition eligibility determination, do not rely on Mental Health Notes that offer direction contrary to what you see in the individual's criminal history information/RAP sheet. An example of this would be:

Subject has an Idaho record and Disqualification For Firearms flag. This is a prohibition from firearm purchase/ownership.

DOA 10/30/1993 Felony Aggravated Battery reduced to a misdemeanor conviction of Battery in 1994

But in 2005 a Mental Health Note was entered by an analyst to "ignore this disqualification for firearms flag per BS (Bob Saito)"

If your research leads you to determine that the Disqualification For Firearms Flag is incorrect, contact the appropriate agency to see removal of the flag. Do not simply ignore the flag per a MHN.

Additionally, do not rely on Mental Health Notes without sufficient back up documentation. An example of this would be:

"Deny per MM" or "Approve per BS".

Always conduct the necessary research to support your determination and cite your sources as appropriate. If a situation is complex, or you are uncertain what next steps to take, speak with your supervisor to obtain direction or elevate as appropriate.

Managers and supervisors attending the Bureau Consistency Committee

meeting this afternoon will discuss this matter further and provide additional information if necessary.

Best,

Kamran Ali

Staff Services Manager I

Department of Justice - Division of Law Enforcement

Bureau of Firearms

Quality Assurance Unit

From: [Kamran Ali](#)
To: [Ariam Griffin](#); [Elizabeth Anguiano](#); [Gilbert Mac](#); [Gloria Cisneros](#); [Maricela Leyva](#); [Praneel Singh](#); [Rachel Lin](#); [Salvador Gonzalez](#); [Tanya Dominguez](#); [Terrence Bell](#); [Yvette Glover](#)
Cc: [Elene McGee](#); [Jill Tobia](#); [Patrick Plant](#); [Shanon Thompson](#)
Subject: Pardons
Date: Monday, November 22, 2021 8:43:30 AM
Attachments: [image001.png](#)
Importance: High

Hello All,

Effective immediately, all transactions involving a pardon must be reviewed by the DAG before a determination can be made. If an analyst comes across a pardon, they will need to forward it to their supervisor/manager along with all relevant court documentation and pardon paperwork.

While the DAGs will be reviewing all of the pardons from now on, I still wanted to clarify how California Pardons work with regards to restoration of firearm rights. If the conviction that was pardoned involved the use of a **dangerous weapon** (not just a firearm), the pardon would not restore firearm rights. Penal Code section 4852.17 states:

Whenever a person is granted a full and unconditional pardon by the Governor, based upon a certificate of rehabilitation, the pardon shall entitle the person to exercise thereafter all civil and political rights of citizenship, including, but not limited to: (1) the right to vote; (2) the right to own, possess, and keep any type of firearm that may lawfully be owned and possessed by other citizens; **except that this right shall not be restored**, and Sections 17800 and 23510 and Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6 shall apply, **if the person was ever convicted of a felony involving the use of a dangerous weapon.**

See below for an example of a pardon that would not be valid.

245(A)(1) PC-FORCE/ADW NOT FIREARM:GBI LIKELY TOC:F
DISPO:CONVICTED COMMITTED TO PRISON
CONV STATUS:FELONY TOS:1
SEN: 004 YEARS PRISON

03

COM:03/13/2014 CERTIFICATE OF REHABILITATION GRANTED BY THE
JUDGE OF THE SUPERIOR COURT OF LOS ANGELES COUNTY UNDER
THE PROVISIONS OF SECTION 4852.13 PC

04

COM:12/23/2016 PARDON GRANTED BY THE GOVERNOR OF CALIFORNIA

If you are unsure if the conviction involved a deadly weapon, you will need to reach out to the court or pardon office for any documentation.

The comprehensive training has also been updated to reflect the correct information. Please let me know if you have any questions.

From: [Kamran Ali](#)
To: [Ariam Griffin](#); [Elizabeth Anguiano](#); [Gilbert Mac](#); [Maricela Leyva](#); [Praneel Singh](#); [Rachel Lin](#); [Tanya Dominguez](#); [Terrence Bell](#); [Angela Chavez](#); [Cheri Flesher](#); [Chia VueVang](#); [Gloria Cisneros](#); [Naomi Mascarinas](#); [Nataliya Pasemnyk](#); [Victor Martinez](#)
Cc: [Elene McGee](#); [Jill Tobia](#); [Patrick Plant](#); [Shanon Thompson](#)
Subject: Prop 64 Updates
Date: Monday, September 27, 2021 12:34:23 PM
Importance: High

Hi All,

[REDACTED]
[REDACTED] I am going to be updating the Prop 64 procedures, but I wanted to get this information out to everyone first. Please disseminate this information to your staff.

Under the current process, if someone has a conviction that qualifies for relief under Prop 64 and does not have the relief listed on the RAP sheet (as either a Prop 64 dismissal/reduction or 11361.8 H&S), they would be denied. However, because Prop 64 provides automatic relief, the applicant does not need to have it show up on their RAP sheet to have their firearm/ammunition rights restored.

Under the new process, if there is a qualifying conviction that does not have the dismissal/reduction listed on the RAP sheet, the analyst will need to contact the DA in charge of the prosecution and see if they opposed the reduction (a right they are granted under Prop 64). If they do not (which will be the case the vast majority of the time), the applicant can be approved and a mental health note should be entered stating the DA does not oppose the relief. If they do oppose, the applicant would be denied and a mental health note would be entered.

If a response is not received in a timely manner from the DA, the applicant would be delayed and undetermined. If an undetermined response cannot be used, they would be denied.

Please let me know if you have any questions.

Kamran Ali
Staff Services Manager I
Department of Justice - Division of Law Enforcement
Bureau of Firearms
Quality Assurance Unit

From: [Rachel Lin](#)
To: [Elizabeth Anquiano](#); [Shanon Thompson](#); [Kamran Ali](#); [Gloria Cisneros](#); [Cheri Flesher](#); [Chia VueVang](#); [Angela Chavez](#); [Jill Tobia](#)
Subject: FW: question on 417.1PC in 1993
Date: Tuesday, June 22, 2021 1:32:15 PM
Attachments: [REDACTED] [417.1PC.pdf](#)

FYI:
Information to share. Please see attached rap sheet for charge [REDACTED]. Thanks

From: [REDACTED]
Sent: Tuesday, June 22, 2021 12:15 PM
To: Rachel Lin <Rachel.Lin@doj.ca.gov>
Subject: RE: question on 417.1PC in 1993

[Lifetime prohibited.](#) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Rachel Lin <Rachel.Lin@doj.ca.gov>
Sent: Tuesday, June 22, 2021 12:05 PM
To: [REDACTED]
Subject: FW: question on 417.1PC in 1993

Correction:
This delay has just been undetermined by staff. We would still like to know for future and we don't know whether dealer will deliver firearm to purchaser.

From: Rachel Lin
Sent: Tuesday, June 22, 2021 11:51 AM
To: [REDACTED]
Subject: question on 417.1PC in 1993

[REDACTED]

I need your help to see if this purchaser with a misdemeanor conviction of 417.1 PC-Exhibit Firearm Presence Reserve P.O. in 1993 should be prohibited lifetime.

“Brandishing a firearm in presence of a peace officer (PC 417(c)) is a lifetime prohibition even on a misdemeanor conviction.

I am not sure if the “reserve P.O.” qualifies?

We currently have this DROS on delay.

Thank you!

Rachel Lin

4A1FXMHU0EW.IH

RE: [REDACTED].CYC/000.PDR/.PLS/+

DATE:20210622 TIME:10:37:31

** PALM PRINTS AVAILABLE

** III CALIFORNIA ONLY SOURCE RECORD

CII [REDACTED] TYP/CRM

DOB/[REDACTED] SEX/[REDACTED] RAC/[REDACTED]

HGT/600 WGT/245 EYE/BRO HAI/BRO POB/CA

CTZ/UNITED STATES;ALL OTHERS

NAM/001 [REDACTED]

002 [REDACTED]

003 [REDACTED]

004 [REDACTED]

FBI/[REDACTED]

DMV/[REDACTED]

SOC/[REDACTED]

MDS/[REDACTED]

OCC/SERVER

* * * *

DATE

CYC SEQ

APPLICANT:

19901017 CASDSOCIAL SERV COMM CARE NAM:001
SANTA ROSA

001 01

001:480110270 0190271504

APPLICANT LICENSE CERT OR PERMIT

TOC:N

19930104

02

DISPO:NO LONGER INTERESTED

* * * *

DATE

CYC SEQ

ARR/DET/CITE:

19921113 CAPDDAVIS

NAM:002

DOB:[REDACTED]

002 01

001:[REDACTED]

245(A)(1) PC-FORCE/ADW NOT FIREARM:GBI LIKELY

TOC:F

COURT:

19930624 CAMCWOODLAND

NAM:002 PRO:5

02

001 [REDACTED]

243(D) PC-BATTERY WITH SERIOUS BODILY INJURY

TOC:F

DISPO:DISMISSED/FOJ/MOTION OF PROSECUTOR

002:

242 PC-BATTERY

TOC:M

DISPO:CONVICTED-PROB/JAIL

CONV STATUS:MISDEMEANOR

TOS:4

003:

417.1 PC-EXHIBIT FIREARM PRESENCE RESERVE P.O.

TOC:F

DISPO:CONVICTED-PROB/JAIL

CONV STATUS:MISDEMEANOR

TOS:5

SEN: 036 MONTHS PROBATION; 090 MONTHS JAIL; RESTN

* * * *

DATE

CYC SEQ

ARR/DET/CITE:

19921113 CASOWOODLAND

NAM:002

DOB:[REDACTED]

003 01

001 [REDACTED]

245(A)(1) PC-FORCE/ADW NOT FIREARM:GBI LIKELY

TOC:F

ARR BY:CAPDDAVIS

CRT CASE [REDACTED]

DISPO: DISPO SEE MATCH ARR/DET/CITE NUMB(FDSMN)

COURT:

20030819 CASCMSACRAMENTO

NAM:002 PRO:5

04

001:03T03360

23152(A) VC-DUI ALCOHOL/DRUGS

TOC:M

DISPO:DISMISSED

002:

23152(B) VC-DUI ALCOHOL/0.08 PERCENT

TOC:M

DISPO:CONVICTED-PROB/JAIL

CONV STATUS:MISDEMEANOR

TOS:4

COM:XSEN:4 YR PROB,10 DS JL,\$480 FINE FNSS RSTN

05

DCN

* * * *

DATE

CYC SEQ

APPLICANT:

20040817 CASDDEPT OF REAL ESTATE

NAM:004

007 01

SACRAMENTO

001:055011100

APPLICANT LICENSE CERT OR PERMIT

TOC:N

SCN:05140000010

ATI-

02

20190701

BYP:2

03

DISPO:NO LONGER INTERESTED

04

ACN

* * * *

DATE

CYC SEQ

APPLICANT:

20060426 CASDINSURANCE

NAM:002

008 01

SACRAMENTO

001:1000

APPLICANT LICENSE CERT OR PERMIT

TOC:N

SCN:00561160001

ATI-

02

* * * *

DATE

CYC SEQ

ARR/DET/CITE:

20111119 CASOSACRAMENTO

NAM:004

009 01

001:00000000-00000000

23152(A) VC-DUI W/PRIOR CONV:PER 23550 VC

TOC:F

002:

23152(B) VC-DUI ALCOHOL/0.08 PERCENT

TOC:M

02

SCN

COURT:

20120314 CASCMSACRAMENTO

NAM:001 PRO:5

03

001:11T06251

23152(A) VC-DUI ALCOHOL/DRUGS

TOC:M

DISPO:DISMISSED

002:

23152(B) VC-DUI ALCOHOL/0.08 PERCENT TOC:M
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:MISDEMEANOR TOS:4
SEN: 004 YEARS PROBATION; 022 DAYS JAIL; FINE; FINE SS;
RESTN

DCN: [REDACTED]

04

* * * *

DATE

CYC SEQ

ARR/DET/CITE:

DOB: [REDACTED]

20160930 CASOSAN DIEGO

NAM:002

010 01

001: [REDACTED]

243(E)(1) PC-BAT:SPOUSE/EX SP/DATE/ETC

TOC:M

ARR BY:CAPDSAN DIEGO

20161020 DISPO: PROS REL-DET ONLY-LACK OF CORPUS

COM:PROS REL-DET ONLY-LACK OF SUFF EVID

02

COM:PHOTO AVAILABLE

03

SCN: [REDACTED]

04

DCN: [REDACTED]

* * * *

DATE

CYC SEQ

APPLICANT:

20191120 CAPVDIOCESE OF SACRAMENTO NAM:004
SACRAMENTO

011 01

001:SACREDHEARTSCHOOLSAC

APPLICANT VOLUNTEER/VCA

TOC:N

02

SCN: [REDACTED]

* * * *

DATE

CYC SEQ

APPLICANT:

20201116 CANCCTEC NAM:003
SACRAMENTO

012 01

001: [REDACTED]

APPLICANT TAX PREPARER 22253.5 BPC

TOC:N

02

SCN: [REDACTED]

* * * *

RAPBACK

ORI

RTE

CADJSACRAMENTO

APSS-SAU

* * * * * END OF MESSAGE * * * *

From: [Kamran Ali](#)
To: [Ariam Griffin](#); [Elizabeth Anguiano](#); [Gilbert Mac](#); [Gloria Cisneros](#); [Maricela Leyva](#); [Praneel Singh](#); [Rachel Lin](#); [Salvador Gonzalez](#); [Tanya Dominguez](#); [Terrence Bell](#); [Yvette Glover](#)
Cc: [Elene McGee](#); [Jill Tobia](#); [Patrick Plant](#); [Shanon Thompson](#)
Subject: RE: 12021(a)(1)
Date: Friday, November 5, 2021 1:58:11 PM
Attachments: [12021 \(a\)\(1\) - 2010.pdf](#)

I wanted to add a clarification to this. The reason this is a straight felony (in 2010) is because the court does not have any discretion in the sentencing and the conviction must be a felony. Because of that, it is a non-reducible offense and relief cannot be granted under 17(b).

-Kamran

From: Kamran Ali
Sent: Thursday, November 4, 2021 1:47 PM
To: Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Elizabeth Anguiano <Elizabeth.Anguiano@doj.ca.gov>; Gilbert Mac <Gilbert.Mac@doj.ca.gov>; Gloria Cisneros <Gloria.Cisneros@doj.ca.gov>; Maricela Leyva <Maricela.Leyva@doj.ca.gov>; Praneel Singh <Praneel.Singh@doj.ca.gov>; Rachel Lin <Rachel.Lin@doj.ca.gov>; Salvador Gonzalez <Salvador.Gonzalez@doj.ca.gov>; Tanya Dominguez <Tanya.Dominguez@doj.ca.gov>; Terrence Bell <Terrence.Bell@doj.ca.gov>; Yvette Glover <Yvette.Glover@doj.ca.gov>
Cc: Elene McGee <Elene.McGee@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>; Patrick Plant <Patrick.Plant@doj.ca.gov>; Shanon Thompson <Shanon.Thompson@doj.ca.gov>
Subject: 12021(a)(1)

Hello Everyone,

There was a question regarding if Penal Code section 12021(a)(1) was a straight felony in 2010. [REDACTED]
[REDACTED] it is a straight felony and not a wobbler. Please inform your staff and let them know that if they come across this conviction they will need to do research and refer to the appropriate Penal Code book depending on the year of the conviction.

Please let me know if you have any questions.

Kamran Ali
Staff Services Manager I
Department of Justice - Division of Law Enforcement
Bureau of Firearms
Quality Assurance Unit

From: [Gloria Cisneros](#)
To: [Ronell Blackwell](#); [Russell Yee](#); [Michael Esquivel](#); [Eustolia Quezada](#); [Brian Duong](#); [Spencer Quam](#); [Lisa Gallegos](#)
Cc: [Kamran Ali](#)
Subject: RE: Prosecution Prefilling Deferral
Date: Tuesday, October 12, 2021 9:30:00 AM
Attachments: [image001.png](#)

Hi Team,

In addition to the process below, when it comes to Prosecution Prefilling Deferral's we are to chase all Felony and DV related arrest charges [REDACTED]. If we don't get a final status on whether or not it has been successfully completed, it is to go undetermined.

I have confirmed this information with BCU. This is still under review with the DAG and upper management, if anything changes I will let you know.

Thank you,
Gloria

From: Gloria Cisneros
Sent: Friday, July 30, 2021 7:34 AM
To: Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>; Russell Yee <Russell.Yee@doj.ca.gov>; Michael Esquivel <Michael.Esquivel@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Brian Duong <Brian.Duong@doj.ca.gov>; Spencer Quam <Spencer.Quam@doj.ca.gov>; Lisa Gallegos <Lisa.Gallegos@doj.ca.gov>
Cc: Kamran Ali <Kamran.Ali@doj.ca.gov>
Subject: Prosecution Prefilling Deferral

Good morning,

When coming across Prosecution Prefilling Deferral, if it has been over 3 years it's ok to proceed. If the Prosecution Prefilling Deferral is within 3 years, this would require additional research.

This process is currently under review with the DAG and upper management but until we hear otherwise we will continue as we previously had.

Thank you,

Gloria L. Cisneros
Crime Analyst Supervisor
Department of Justice - Division of Law Enforcement
Bureau of Firearms - Quality Assurance and Firearm Record Review Teams

From: [Rachel Lin](#)
To: [Carolyn Kumar](#); [Cheryl Waddle](#); [Comfort Ashong](#); [Edgar Rodriguez](#); [Hoan Do](#); [Juan Romo](#); [Kelly Tang](#); [Kimberly Dich](#); [Mai Truong](#); [Mamta Devi](#); [Michelle Nguyen](#); [Nicole Saucedo](#); [Paul Madsen](#); [Rosalind Eison](#); [Teresa Weng](#); [Will Ragster](#); [Dustin Dunbar](#); [Dylan Bradley](#); [Edward Grant](#); [Emily Dzubak](#); [Gloria Charles](#); [Jasdeep Cheema](#); [Jasmine AlonsoCampos](#); [Kiet Tran](#); [Maria Vue](#); [Michael Lee](#); [Pamela ColemanWatts](#); [Rene Truscott](#); [Sohee Moon](#); [Andrew Davies](#); [Camryn Davis](#); [Clover McMillan](#); [Kelci Craig](#); [Nancy Bacon](#); [Samira Nassar](#); [Vincent Naicker](#)
Cc: [Gloria Cisneros](#); [Jill Tobia](#); [Shanon Thompson](#); [Elizabeth Anguiano](#); [Cheri Flesher](#); [Angela Chavez](#); [Chia VueVang](#); [Victor Martinez](#); [Ariam Griffin](#)
Subject: Stealth Wobblers
Date: Thursday, March 24, 2022 1:49:43 PM
Importance: High

Hello Team,

I have information to share on an offense that appeared to be straight felony but it's actually a wobbler, a "Stealth Wobbler".

[REDACTED]:

18(b) PC states that "[e]very offense which is prescribed by any law of the state to be a felony punishable by imprisonment or by a fine, but without an alternate sentence to the county jail for a period not exceeding one year, may be punishable by imprisonment in the county jail not exceeding one year or by a fine, or by both."

We will use 33410 PC as an example [REDACTED].

33410. Any person, firm, or corporation who within this state possesses a silencer is guilty of a felony and upon conviction thereof shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment

In other words, when a statute like PC 33410 states that punishment is by imprisonment or by fine, but doesn't provide for a county jail sentence, the statute is deemed to also be punishable by a county jail sentence at the court's discretion. "Offenses punishable by a fine as an alternative to a term of imprisonment in state prison, but do not expressly provide for sentencing to county jail, can also be punished as misdemeanors. . . . Such offenses have been called " 'stealth wobblers' ", and can be reduced to misdemeanors pursuant to section 17 in the same way as wobblers."

I want to remind everyone to look up the offense if you are unfamiliar. Please see your supervisor for any questions.

Here's the court step of the conviction for 33410 PC:

```
COURT:
20210629 CASC FRESNO CENTRAL NAM:001 PRO:4 03
001: [REDACTED]
      25400(A)(1) PC-CCW IN VEHICLE TOC:M
      DISPO: CONVICTED-PROB/JAIL
      CONV STATUS: MISDEMEANOR TOS:4
002: MISCELLANEOUS OFFENSE TOC:M
      DISPO: CONVICTED-PROB/JAIL
      CONV STATUS: MISDEMEANOR TOS:4
      COM: CHRG 33410PC
```


003: 30605(A) PC-ILL POSSESS ANY ASSAULT WEAPON TOC:M
DISPO:CONVICTED-PROB/JAIL
CONV STATUS:MISDEMEANOR TOS:4
SEN: 024 MONTHS PROBATION; 180 DAYS JAIL; 180 DAYS JAIL SS;
IMP SEN SS
DISPO:CONVICTION CERT BY CLERK OF THE COURT
DISPO:FOR CERT INFO SEE AUTOMATED ARCHIVE SYS

04

Thank you all!

Rachel Lin

Staff Services Manager I

California Department of Justice

Bureau of Firearms

Office: 916-210-2644

Cell: 916-202-3407

■

From: [Kamran Ali](#)
To: [Ariam Griffin](#); [Elizabeth Anguiano](#); [Gilbert Mac](#); [Gloria Cisneros](#); [Maricela Leyva](#); [Praneel Singh](#); [Rachel Lin](#); [Salvador Gonzalez](#); [Tanya Dominguez](#); [Terrence Bell](#); [Yvette Glover](#)
Cc: [Elene McGee](#); [Jill Tobia](#); [Patrick Plant](#); [Shanon Thompson](#)
Subject: Straight Felonies
Date: Thursday, December 9, 2021 3:54:10 PM
Attachments: [12021 \(a\)\(1\) Straight Felony.pdf](#)
Importance: High

Hello All,

. Please share with all of your staff.

I wanted to clarify two things regarding straight felonies:

1. If a state conviction states that the punishment is a felony, you do not need to contact NICS to see what the maximum punishment is. All convictions that only state the punishment as a felony (and do not give a length of the prison term) are straight felonies. The reason for this is that Penal Code section 18 states:

(a) Except in cases where a different punishment is prescribed by any law of this state, every offense declared to be a felony is punishable by imprisonment for 16 months, or two or three years in the state prison unless the offense is punishable pursuant to subdivision (h) of Section 1170.

Additionally, Penal Code section 17(b) only applies to crimes that are punishable at the discretion of the court (meaning wobblers). Regardless of the length of the prison term, someone who has been convicted of a crime that could only be sentenced as a felony cannot get their firearm rights restored under 17(b).

2. If Penal Code section 17 (or 17(b)) is cited in the cross reference section for a felony conviction that does not state the length of the prison sentence (meaning it states the punishment only as a felony), it does **not** mean that the conviction is a wobbler. Wobblers are convictions that can be punished as either a felony or a misdemeanor. In the case where there is a conviction for a felony without a prison term length specified, it is not possible for the conviction to be a misdemeanor. Therefore, it would be a straight felony. See example attached.

Please let me know if you have any questions.

Kamran Ali
Staff Services Manager I
Department of Justice - Division of Law Enforcement
Bureau of Firearms
Quality Assurance Unit

From: [Jill Tobia](#)
To: [Gilbert Mac](#); [Terrence Bell](#); [Tanya Dominguez](#); [Praneel Singh](#); [Ariam Griffin](#); [Elizabeth Anguiano](#); [Rachel Lin](#); [Erica Brown](#); [Maricela Leyva](#); [Adam Lohan](#); [Henry Ng](#)
Cc: [Shanon Thompson](#); [Patrick Plant](#); [Elene McGee](#); [Blake Graham](#); [Raquel Perez](#); [Mayra G. Morales](#); [Gloria Cisneros](#)
Subject: Update to NICS MCDV Qualified Relationships
Date: Thursday, August 11, 2022 7:24:05 AM

Good morning,

See the information below, summarized by Gloria Cisneros. Please distribute to your teams as appropriate.

The “Bipartisan Safer Communities Act of 2022, Public Law 117-159” (herein after “the Act”) was signed into law on June 25, 2022. The Act expands the type of relationships under the misdemeanor crime of domestic violence (MCDV) federal firearm prohibition under 922 (g)(9) to include ***a person who has a current or recent former dating relationship with the victim.***

NICS is currently evaluating the provisions of the Act to clarify the process for implementation. Because the provisions of the Act became effective immediately upon being signed into law, the NICS Section will begin denying transactions meeting the new criteria beginning Monday, August 8, 2022.

The following is provided to assist POC states and other NICS users:

- A “dating relationship” is between “individuals who have or have recently had a continuing serious relationship of a romantic or intimate nature.” Further consideration of whether a relationship qualifies as a dating relationship includes “(i) the length of the relationship; (ii) the nature of the relationship; and (iii) the frequency and type of interaction between the individuals involved in the relationship.
- A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship.
- The new dating relationship would include descriptions such as boyfriend, girlfriend, fiancé, etc. to include same-sex relationships.
- This new relationship is not retroactive; therefore, only convictions occurring on or after June 25, 2022, will apply.
- As with any MCDV relationship, information establishing a dating relationship may be established through incident report narratives, convicting documents, etc.
- All criteria needed to establish the MCDV prohibition still applies:
 - misdemeanor conviction
 - conviction for an offense containing, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon
 - qualified relationship

For individuals who only have one MCDV conviction or are not otherwise prohibited, the Act establishes an MCDV conviction involving a dating relationship as a temporary prohibition—with the convicted individual prohibited from possessing firearms for five years from the date of conviction or completion of sentence (whichever is later). However, the temporary five-year prohibition is voided if a subsequent firearms-prohibiting conviction occurs. The NICS Section will provide additional information regarding the application of this portion – and other portions - of the Act in future communications to our NICS user community.

Enhancements to the NICS Indices to include dating relationship as a RTV option when making NICS Indices entries is currently underway. Until the dating relationship RTV option is available for NICS Indices entries, we encourage NICS POCs and other NICS users to maintain information on individuals prohibited under the MCDV dating relationship criteria, for entry when the NICS Indices can receive the information.

If you have any questions regarding the new relationship criteria, you may reach out to the NICS Business Relations Team @ NICSLiasion@fbi.gov or at 844-265-6716.

Thank you,

Gloria L. Cisneros
Crime Analyst Supervisor
Department of Justice - Division of Law Enforcement
Bureau of Firearms - Quality Assurance and Firearm Record Review Teams
Phone: 916-210-2622
Fax: 916-731-3312
Gloria.Cisneros@doj.ca.gov

From: [Chia VueVang](#)
To: [Doris Maysonet](#); [Joy Pal](#); [Susan Morisseau](#); [Spencer Quam](#); [Kathy Jensen](#); [Patricia Valentine](#); [Sharrell McGee](#); [Holly Clark](#); [Danny La](#); [Brieanna Rembert](#); [Andrew Davies](#); [Carolyn Kumar](#); [Cheryl Waddle](#); [Clover McMillan](#); [Comfort Ashong](#); [Dylan Bradley](#); [Edgar Rodriguez](#); [Edward Grant](#); [Emily Dzubak](#); [Ernest Macatuno](#); [Gloria Charles](#); [Hoan Do](#); [Jasdeep Cheema](#); [Jennoria James](#); [Juan Romo](#); [Kelci Craig](#); [Kelly Tang](#); [Kimberly Dich](#); [Mai Truong](#); [Mamta Devi](#); [Maria Vue](#); [Michael Lee](#); [Michelle Nguyen](#); [Nicole Saucedo](#); [Pamela ColemanWatts](#); [Rene Truscott](#); [Rosalind Eison](#); [Samira Nassar](#); [Teresa Weng](#); [Vincent Naicker](#); [Will Ragster](#)
Cc: [Angela Chavez](#); [Cheri Flesher](#); [Elizabeth Anguiano](#); [Rachel Lin](#); [Christelle Farley](#); [Kamran Ali](#); [Gloria Cisneros](#)
Subject: Writ of Cooram Nobis
Date: Friday, December 17, 2021 1:56:09 PM
Importance: High

Good Afternoon Staff,

Effective immediately, all transactions involving a granted **Writ of Coram Nobis** must be reviewed by the DAG before a determination can be made. If you come across a **Writ of Coram Nobis**, please forward it to supervisor/manager along with all relevant court documentation. An example is provided below for your reference.

Please see your immediate supervisor if you have any questions.

```
ARR/DET/CITE:
19961006 C [REDACTED] IA NAM:001 003 01
001: [REDACTED] T RECEIVED TOC:N
002: [REDACTED] 273.5 PC-INFLICT CORPORAL INJ ON SPOUSE/COHAB TOC:F
COURT:
19961211 C [REDACTED] IA NAM:001 PRO:5 02
001: [REDACTED] 242 PC-BATTERY TOC:M
DISPO:CONVICTED-PROBATION
CONV STATUS:MISDEMEANOR TOS:4
SEN: 024 MONTHS PROBATION; IMP SEN SS
20081007 03
DISPO:CONV SET ASIDE & DISM PER 1203.4 PC 04
COM:3-13-15 - VACATE JUDGEMENT PER WRIT OF ERROR CORAM NOBIS
COURT:
20150313 C [REDACTED] NAM:001 PRO:5 05
001: [REDACTED] SEE COMMENT FOR CHARGE TOC:N
DISPO:CONVICTED-FINE
CONV STATUS:INFRACTION TOS:6
SEN: FINE
COM:CHRG 415 PC
DISPO:FOR CERT INFO SEE AUTOMATED ARCHIVE SYS 06
COM:CONVICTION CERTIFIED BY KRYSTAL BALDWIN,DEPUTY
CLERK,CASCTULARE
DCN: [REDACTED] 07
```

* * * *

Chia Vue-Vang
Background Clearance Unit
Division of Law Enforcement/Bureau of Firearms

Sincerely,

Jill Tobia

Staff Services Manager II

Division of Law Enforcement

Bureau of Firearms

916-210-2677

Jill.tobia@doj.ca.gov

From: [Jill Tobia](#)
To: [Ronell Blackwell](#); [Russell Yee](#); [Gloria Cisneros](#); [Michael Esquivel](#); [Mitch Matsumoto](#)
Subject: FW: Military Protection Order:
Date: Tuesday, September 1, 2020 12:45:04 PM
Attachments: [image002.png](#)
[image003.png](#)

Hello All,

Please review the email thread below. [REDACTED] if you come across this situation, collect everything you are able and seek [REDACTED] input before making a final determination.

Let me know if you have questions, comments, or concerns and I can address them with Rob.

Thank you!

Jill

[REDACTED]
Sent: Tuesday, September 01, 2020 10:13 AM

To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>; Mitch Matsumoto <Mitch.Matsumoto@doj.ca.gov>; Victor Martinez <Victor.Martinez@doj.ca.gov>; Cheri Flesher <Cheri.Flesher@doj.ca.gov>; Chia VueVang <Chia.VueVang@doj.ca.gov>; Rachel Lin <Rachel.Lin@doj.ca.gov>

Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>; Elizabeth Anguiano <Elizabeth.Anguiano@doj.ca.gov>; Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Gilbert Mac <Gilbert.Mac@doj.ca.gov>; Terrence Bell <Terrence.Bell@doj.ca.gov>; Tanya Dominguez <Tanya.Dominguez@doj.ca.gov>

[REDACTED]

From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>

Sent: Tuesday, September 1, 2020 7:15 AM

To: Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>; Mitch Matsumoto <Mitch.Matsumoto@doj.ca.gov>; Victor Martinez <Victor.Martinez@doj.ca.gov>; Cheri Flesher <Cheri.Flesher@doj.ca.gov>; Chia VueVang <Chia.VueVang@doj.ca.gov>; Rachel Lin <Rachel.Lin@doj.ca.gov>

Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>; Jill Tobia <Jill.Tobia@doj.ca.gov>; Elizabeth Anguiano <Elizabeth.Anguiano@doj.ca.gov>; Ariam Griffin <Ariam.Griffin@doj.ca.gov>; Gilbert Mac <Gilbert.Mac@doj.ca.gov>; Terrence Bell <Terrence.Bell@doj.ca.gov>; Tanya Dominguez <Tanya.Dominguez@doj.ca.gov>; Robert Wilson <Robert.Wilson@doj.ca.gov>

Subject: FW: Military Protection Order:

Good Morning! All,

Please share with your staffs and see NIC's responses below explaining why Military Protection Orders are not Federally Prohibited. However, per Rob's email below, further research is still required to determine if prohibited under the California Firearms Law.

Thank you,

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: [REDACTED]
Sent: Thursday, August 27, 2020 12:33 PM
To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>
Subject: RE: Military Protection Order:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Wednesday, August 26, 2020 12:51 PM
To: [REDACTED]

Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>

Subject: RE: Military Protection Order:

Hi! [REDACTED]

Please see [REDACTED] response.

➤ Military Protection Orders do not meet federally because they **are issued by the subject's Commanding Officer not a Court Order.**

-

➤ I don't know how this would affect your state prohibitor? Does there need to be a court order for this to be state disqualifying or are all protection orders disqualifying regardless?

Hope this helps.

[REDACTED]
Liaison Specialist
[REDACTED] Office
[REDACTED] Cell

Thanks,

Avelina San Juan
Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>

Sent: Tuesday, August 25, 2020 1:04 PM

To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>

Subject: RE: Military Protection Order:

No there is only one NICS section. The Legal Analysis Team (LAT) does not provide legal advice or guidance on an individual's firearms eligibility; the contents of this e-mail or any attachments thereto **should not be relied upon as a substitute for obtaining your own legal counsel.** The following reflects the NICS Section's view if it were processing this scenario on an internal background check.

Thank you,

[REDACTED]
Legal Administrative Specialist

FBI NICS Section

Telephone: [REDACTED]

Supervisor:

[REDACTED]

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From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Tuesday, August 25, 2020 3:58 PM
To: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Subject: [EXTERNAL EMAIL] - RE: Military Protection Order:

Just to clarify,

Are there any **other** sections in NICS that would process it differently?

Thanks,

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Sent: Tuesday, August 25, 2020 12:21 PM
To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Subject: RE: Military Protection Order:

Our **entire** section processes the same way.

From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Tuesday, August 25, 2020 3:19 PM

To: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Subject: [EXTERNAL EMAIL] - RE: Military Protection Order:

Good Afternoon [REDACTED]

Based on your response below, please confirm if the conclusion you provided applies to **all** of NICS or just your particular section.

Thank you,

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



From: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Sent: Tuesday, August 25, 2020 10:19 AM
To: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Subject: RE: Military Protection Order:

Avelina,

This NICS section does not view Military Protection Orders as federally prohibitive.

Thank you,

[REDACTED]
Legal Administrative Specialist
FBI NICS Section
Telephone: [REDACTED]

Supervisor:
[REDACTED]

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From: Avelina SanJuan <Avelina.SanJuan@doj.ca.gov>
Sent: Tuesday, August 25, 2020 12:47 PM
To: NICS_LegalResearch <NICS_LegalResearch@FBI.GOV>
Cc: Praneel Singh <Praneel.Singh@doj.ca.gov>; Naomi Mascarinas <Naomi.Mascarinas@doj.ca.gov>
Subject: [EXTERNAL EMAIL] - Military Protection Order:

Good Morning!

Please review below regarding the Military Protective Order and advise if we would perform an additional research. If not, does this Military Protective Order meets the Federal Criteria and would be a disqualifying information? Please advise and thank you for assisting me in this matter. It's greatly appreciated.

FBI UCN
NDLSTADSM

NCIC-BEGIN
===== N C I C ===== (1 OF 1) 100.000000
MKE/PROTECTION ORDER
ORI/CAMC02002 [REDACTED]
DOB/[REDACTED]
SOC/[REDACTED]
BRD/N ISD/[REDACTED] EXP/NONEXP
PPN/[REDACTED] PPB/[REDACTED] PSN/[REDACTED]
PCO/08 - SEE THE MISCELLANEOUS FIELD FOR COMMENTS REGARDING THE TERMS AND
PCO/CONDITIONS OF THE ORDER.
OCA/[REDACTED]
MIS/THIS IS A MILITARY PROTECTIVE ORDER AND MAY NOT BE ENFORCEABLE BY
MIS/NON-MILITARY AUTHORITIES, IF SUBJECT IS IN POSSIBLE VIOLATION OF THE ORDER,
MIS/ADVISE THE ENTERING AGENCY (MILITARY LAW ENFORCEMENT) USMC, PMO, MCB CAMP
MIS/PENDLETON CA, [REDACTED] (24HR); [REDACTED]; SUBJ WILL NOT INITIATE
MIS/CONTACT/COMMUNICATION; DIRECTLY/THROUGH 3RD PARTY, REMAIN ATLEAST 100' FROM
MIS/PROTECTED PERSON AND MEMBERS OF THEIR FAMILY INCLUDING
MIS/RESIDENCES/WORKSPACES, ALSO PROHIBITED: SOCIAL MEDIA CONTACT WITH PROTECTED
MIS/PERSON
DNA/N
ORI IS US MARINE CORPS LAW ENFORCEMENT CAMP PENDLETON [REDACTED]
NIC/[REDACTED] DTE/20200807 1803 EDT DLU/20200807 1803 EDT

Avelina San Juan

Crime Analyst Supervisor
Bureau of Firearms
Armed and Prohibited Persons Section
Ph: 916-210-2335



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From: Rachel Lin <Rachel.Lin@doj.ca.gov>

Sent: Wednesday, September 2, 2020 1:09 PM

To: Nancy Saelee <Nancy.Saelee@doj.ca.gov>; Susan Morisseau <Susan.Morisseau@doj.ca.gov>; Sundra Hopkins <Sundra.Hopkins@doj.ca.gov>; Ronell Blackwell <Ronell.Blackwell@doj.ca.gov>; Brieanna Rembert <Brieanna.Rembert@doj.ca.gov>; Fe Magsaysay <Fe.Magsaysay@doj.ca.gov>; Florence Nucal

<Florence.Nucal@doj.ca.gov>; Patricia Valentine <Patricia.Valentine@doj.ca.gov>; Eustolia Quezada <Eustolia.Quezada@doj.ca.gov>; Angela Chavez <Angela.Chavez@doj.ca.gov>; Timothy Mulligan <Timothy.Mulligan@doj.ca.gov>; Andrew Cruz <Andrew.Cruz@doj.ca.gov>; Doris Maysonet <Doris.Maysonet@doj.ca.gov>; Marisol Lopez <Marisol.Lopez@doj.ca.gov>; Israel Sotelo <Israel.Sotelo@doj.ca.gov>; Anil Kumar <Anil.Kumar@doj.ca.gov>; Clover McMillan <Clover.McMillan@doj.ca.gov>; Dustin Dunbar <Dustin.Dunbar@doj.ca.gov>; Ernest Macatuno <Ernest.Macatuno@doj.ca.gov>; Jennoria James <Jennoria.James@doj.ca.gov>; Mai Truong <Mai.Truong@doj.ca.gov>; Mary Romeo <Mary.Romeo@doj.ca.gov>; Nadine Langston <Nadine.Langston@doj.ca.gov>; Nicole Saucedo <Nicole.Saucedo@doj.ca.gov>; Samira Nassar <Samira.Nassar@doj.ca.gov>; Teresa Weng <Teresa.Weng@doj.ca.gov>; Vincent Naicker <Vincent.Naicker@doj.ca.gov>; Carolyn Kumar <Carolyn.Kumar@doj.ca.gov>; Cheryl Waddle <Cheryl.Waddle@doj.ca.gov>; Comfort Ashong <Comfort.Ashong@doj.ca.gov>; Edgar Rodriguez <Edgar.Rodriguez@doj.ca.gov>; Faye Louie <Faye.Louie@doj.ca.gov>; Hoan Do <Hoan.Do@doj.ca.gov>; Juan Romo <Juan.Romo@doj.ca.gov>; Kelly Tang <Kelly.Tang@doj.ca.gov>; Kimberly Dich <Kimberly.Dich@doj.ca.gov>; Michelle Nguyen <Michelle.Nguyen@doj.ca.gov>; Rosalind Eison <Rosalind.Eison@doj.ca.gov>; Will Ragster <Will.Ragster@doj.ca.gov>; Danny La <Danny.La@doj.ca.gov>; Dylan Bradley <Dylan.Bradley@doj.ca.gov>; Edward Grant <Edward.Grant@doj.ca.gov>; Gloria Charles <Gloria.Charles@doj.ca.gov>; Maria Vue <Maria.Vue@doj.ca.gov>; Michael Lee <Michael.Lee@doj.ca.gov>; Pamela ColemanWatts <Pamela.ColemanWatts@doj.ca.gov>; Rene Truscott <Rene.Truscott@doj.ca.gov>
Cc: Cheri Flesher <Cheri.Flesher@doj.ca.gov>; Chia VueVang <Chia.VueVang@doj.ca.gov>; Guadalupe Sanchez <Guadalupe.Sanchez@doj.ca.gov>
Subject: Military Protection Order research required

Hello,

If you come across a **Military Protection Order**, (an example is shown below) **you'll need to request for a copy of the order** to see if it prohibits the possession of a firearm.

If it does, it may be a prohibition under state law:

29825

- (a) A person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so in any jurisdiction by a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, **or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision, that includes a prohibition from owning or possessing a firearm**, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

NCIC-BEGIN
===== N C I C ===== (1 OF 1) 100.000000
MKE/PROTECTION ORDER
ORI/CAMC02002 [REDACTED]
DOB/[REDACTED]
SOC/[REDACTED]
BRD/N [REDACTED] EXP/NONEXP [REDACTED]
PPN/[REDACTED] PPB/[REDACTED] PSN/[REDACTED]
PCO/08 - SEE THE MISCELLANEOUS FIELD FOR COMMENTS REGARDING THE TERMS AND
PCO/CONDITIONS OF THE ORDER.
OCA/[REDACTED]
MIS/THIS IS A MILITARY PROTECTIVE ORDER AND MAY NOT BE ENFORCEABLE BY
MIS/NON-MILITARY AUTHORITIES, IF SUBJECT IS IN POSSIBLE VIOLATION OF THE ORDER,
MIS/ADVISE THE ENTERING AGENCY (MILITARY LAW ENFORCEMENT) USMC, PMO, MCB CAMP
MIS/PENDLETON CA, [REDACTED] (24HR); [REDACTED]; SUBJ WILL NOT INITIATE
MIS/CONTACT/COMMUNICATION; DIRECTLY/THROUGH 3RD PARTY, REMAIN ATLEAST 100' FROM
MIS/PROTECTED PERSON AND MEMBERS OF THEIR FAMILY INCLUDING
MIS/RESIDENCES/WORKSPACES, ALSO PROHIBITED: SOCIAL MEDIA CONTACT WITH PROTECTED
MIS/PERSON
DNA/N
ORI IS US MARINE CORPS LAW ENFORCEMENT CAMP PENDLETON [REDACTED]
NIC/[REDACTED] DTE/20200807 1803 EDT DLU/20200807 1803 EDT

Now, see attached copy of the protection order, look at page 3 (section k), it states the ordered individual “will comply with any applicable law requiring him or her to dispose of his or her and privately owned firearms and ammunition and provide information that this order has been carried out”.

This scenario, the purchaser is prohibited.

Reminder: Each scenario may be different, if in doubt, please see your supervisor.

Rachel Lin

Crime Analyst Supervisor
California Department of Justice
Bureau of Firearms
916-210-2644

From: [Jill Tobia](#)
To: [Terrence Bell](#); [Tanya Dominguez](#); [Gilbert Mac](#); [Maricela Leyva](#); [Elizabeth Anquiano](#); [Rachel Lin](#); [Gloria Cisneros](#); [Praneel Singh](#); [Ariam Griffin](#)
Cc: [Patrick Plant](#); [Shanon Thompson](#); [Elene McGee](#); [Raquel Perez](#); [Mayra G. Morales](#)
Subject: CYA and Paroled and Discharged - Sharing Info
Date: Wednesday, February 23, 2022 4:19:48 PM

Hello All,

Just keeping you all updated. Please share this information with your teams.

BCU recently viewed a felony conviction of a wobbler offense where the individual was held in CYA and then Paroled and Discharged as an automatic reduction to a misdemeanor.

[REDACTED]
[REDACTED]
[REDACTED] the following to support their interpretation as an automatic reduction to a misdemeanor.

Pen. Code, § 17

(c) When a defendant is committed to the Division of Juvenile Justice for a crime punishable, in the discretion of the court, either by imprisonment in the state prison or imprisonment in a county jail under the provisions of subdivision (h) of Section 1170, or by fine or imprisonment in the county jail not exceeding one year, the offense shall, upon the discharge of the defendant from the Division of Juvenile Justice, thereafter be deemed a misdemeanor for all purposes.

Sincerely,

Jill Tobia

Staff Services Manager II
Division of Law Enforcement
Bureau of Firearms
916-210-2677
Jill.tobia@doj.ca.gov