

California DOJ Enforcing Statutory Prohibition on Sale of Non-Rostered Firearms to Probation Peace Officers

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The California Department of Justice has a Christmas gift for probation peace officers – renewed enforcement of the statutory ban on the sale of non-rostered firearms and high-capacity magazines to probation departments and their sworn employees.

“Non-rostered” handguns are firearms that have not been determined by the Department of Justice “not to be unsafe” (Pen. Code § 32015.). In other words, “non-rostered” firearms have not been approved by DOJ for sale to the public. The general public likewise is prohibited from purchasing high-capacity magazines.

Since January 1, 2001, Penal Code section 32000 has limited the sale or purchase of non-rostered handguns to the Department of Justice, the Department of Corrections and Rehabilitation, the California Highway Patrol, federal law enforcement, the military, and local police, sheriff’s and marshal’s offices, as well as any sworn member of one of those agencies. (Pen. Code § 32000(b)(4).) Parole, probation and local corrections are not included in the statute.

Many, if not most, gun dealers in California, however, have been selling non-rostered firearms and high-capacity magazines to probation peace officers over the years without limitation. Based on conversations I’ve had with probation peace officers who have been turned away recently when trying to buy non-rostered firearms, it appears dealers have been treating probation officers as peace officers included in the statute.

In the last few weeks, the DOJ has started to enforce the statutory restrictions by notifying gun dealers they are subject to fines and license revocation if they sell non-rostered firearms to probation peace officers. While the recent enforcement action is directed at dealers, not at the probation officers who purchase non-rostered guns, there soon may come a day when the DOJ goes after those who have bought or possess the prohibited firearms.