

# MAGAZINE BANS

NRA-ILA Office of Legislative Counsel 1-6-10

## D.C. AND 6 STATES RESTRICT MAGAZINES BASED ON CAPACITY. 6 CITIES RESTRICT MAGAZINES BASED ON CAPACITY.

THE DISTRICT OF COLUMBIA, THE STATES OF CA, HI, MD, MA, NJ, NY, AND THE CITIES OF AURORA, CHICAGO, CINCINNATI, CLEVELAND, COLUMBUS, TOLEDO.

## CALIFORNIA

(a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine.

**Cal. Penal Code § 12020(a)(2)**, see <http://codes.lp.findlaw.com/cacode/PEN/3/4/2/1/2/s12020>

As used in this section, "large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

(A) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

(B) A .22 caliber tube ammunition feeding device.

(C) A tubular magazine that is contained in a lever-action firearm.

**Cal. Penal Code § 12020(E)(25)** see <http://codes.lp.findlaw.com/cacode/PEN/3/4/2/1/2/s12020>

### EXEMPTIONS:

(b) Subdivision (a) does not apply to any of the following:

(19) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(20) The sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large-capacity magazine by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(21) The sale or purchase of any large-capacity magazine to or by a person licensed pursuant to Section 12071.

(22) The loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:

(A)The person being loaned the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.

(B)The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.

(23)The importation of a large-capacity magazine by a person who lawfully possessed the large-capacity magazine in the state prior to January 1, 2000, lawfully took it out of the state, and is returning to the state with the large-capacity magazine previously lawfully possessed in the state.

(24)The lending or giving of any large-capacity magazine to a person licensed pursuant to Section 12071, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.

(25)The return to its owner of any large-capacity magazine by a person specified in paragraph

(26)The importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 12079, when those activities are in accordance with the terms and conditions of that permit.

(27)The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.

(28)The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.

(29)The return of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).

(30)(A)The manufacture of a large-capacity magazine for any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(B)The manufacture of a large-capacity magazine for use by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(C)The manufacture of a large-capacity magazine for export or for sale to government agencies or the military pursuant to applicable federal regulations.

(31)The loan of a large-capacity magazine for use solely as a prop for a motion picture, television, or video production.

(32)The purchase of a large-capacity magazine by the holder of a special weapons permit issued pursuant to Section 12095, 12230, 12250, 12286, or 12305, for any of the following purposes:

(A)For use solely as a prop for a motion picture, television, or video production.

(B) For export pursuant to federal regulations.

(C) For resale to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations.

**Cal. Penal Code § 12020**

see <http://codes.lp.findlaw.com/cacode/PEN/3/4/2/1/2/s12020>

## DISTRICT OF COLUMBIA

No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term "large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term "large capacity ammunition feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

**D.C. Stat. § 7-2506.01(b)** see page 2 at:

[http://mpdc.dc.gov/mpdc/frames.asp?doc=/mpdc/lib/mpdc/info/pdf/2ndFirearmsControl\\_Act.pdf](http://mpdc.dc.gov/mpdc/frames.asp?doc=/mpdc/lib/mpdc/info/pdf/2ndFirearmsControl_Act.pdf)

## HAWAII

The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds which are designed for or capable of use with a pistol is prohibited. This subsection shall not apply to magazines originally designed to accept more than ten rounds of ammunition which have been modified to accept no more than ten rounds and which are not capable of being readily restored to a capacity of more than ten rounds.

**Haw. Rev. Stat. §134-8(c)** see: [http://www.capitol.hawaii.gov/hrscurrent/Vol03\\_Ch0121-0200D/hrs0134/HRS\\_0134-0008.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/hrs0134/HRS_0134-0008.htm)

## ILLINOIS

### Aurora

#### **Transfer or possession of assault ammunition or assault weapons.**

(a) No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity ammunition feeding device.

(b) This section shall not apply to:

(1) Any law enforcement officer of this or any other municipality or state of the United States, members of the armed forces of the United States, or the organized militia of this or any other state to the extent that any such person is otherwise authorized to possess an assault weapon or large capacity ammunition feeding device and is acting within the scope of his or her duties;

(2) The transportation of assault weapons or large capacity ammunition feeding devices to persons exempt from this section, as set forth above, by federally licensed manufacturers and dealers, if the weapons or devices are broken down in a nonfunctioning state and not immediately accessible during transportation; or

(3) The government of the United States or the government of any municipality, county, or state.

(4) Any person who, while in their home and in an act of self-defense, uses either an assault weapon owned by a person mentioned in paragraph (1) above or such a weapon for which a certificate of ownership has been issued but for which they are not the certificate holder.

(c) Any assault weapon or large capacity ammunition feeding device possessed, sold or transferred in violation of subsection (a) above is hereby declared to be contraband and shall be seized and appropriately disposed of by the police department.

(d) Any person found in violation of this section shall be guilty of a Misdemeanor IV.

(e) Any person who, prior to the effective date of this section, was legally in possession of an assault weapon or large capacity ammunition feeding device prohibited by this section, shall have ninety (90) days from the effective date of this section to do any of the following without being subject to prosecution hereunder:

(1) Remove the assault weapon or large capacity ammunition feeding device from within the limits of the city;

(2) Modify the assault weapon either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon;

(3) Surrender the assault weapon or large capacity ammunition feeding device to the police chief or his designee for appropriate disposal; or

(4) Obtain a certificate of ownership from the Aurora Police Department in accordance with subsection (g) below.

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(4) Large Capacity Ammunition feeding device means:

a. Any magazine, belt, drum, feed strip or similar device that has a capacity of, or can be readily restored or converted to accept, more than fifteen (15) rounds of ammunition; or

b. Any combination of parts from which a device described in the above clause can be assembled;

The term does not include an attached tubular device designed to accept and capable of operating with only .22 caliber rimfire ammunition.

**Aurora, IL., § 29-49.**

see <http://library3.municode.com/default-test/DocView/10143/1/111/114>

## Chicago

No person shall sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or assault ammunition, as those terms are defined in Chapter 8-20 of this code.

**Chicago, IL., § 8-24-025**

“Assault ammunition” means any ammunition magazine having a capacity of more than 12 rounds of ammunition.

**Chicago, IL., § 8-20-030(j)**

See: [http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago\\_il/title8offensesaffectingpublicpeacemorals/chapter8-20weapons?f=templates\\$fn=document-frame.htm\\$3.0#JD\\_8-20-020](http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/title8offensesaffectingpublicpeacemorals/chapter8-20weapons?f=templates$fn=document-frame.htm$3.0#JD_8-20-020)

## MARYLAND

A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 20 rounds of ammunition for a firearm.

### **MD. CODE ANN. CRIM. LAW § 4-305**

[http://www.michie.com/maryland/lpext.dll/mdcode/9239/9482/94de/94f3?f=templates&fn=document-frame.htm&2.0#JD\\_cr4-305](http://www.michie.com/maryland/lpext.dll/mdcode/9239/9482/94de/94f3?f=templates&fn=document-frame.htm&2.0#JD_cr4-305)

FOR LIST OF EXEMPTIONS SEE: <http://www.michie.com/maryland/lpext.dll/mdcode/9239/9482/94de/94e4?f=document-frame.htm&f=templates&2.0#>

## MASSACHUSETTS

“Large capacity feeding device”, (i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(31) as appearing in such section on September 13, 1994. The term “large capacity feeding device” shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition.

### **Mass. Gen. Laws. Ch. 140, § 121**

<http://www.mass.gov/legis/laws/mgl/140-121.htm>

No person shall sell, offer for sale, transfer or possess an assault weapon or a large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994. Whoever not being licensed under the provisions of section 122 violates the provisions of this section shall be punished, for a first offense, by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000 or by imprisonment for not less than five years nor more than 15 years, or by both such fine and imprisonment.

The provisions of this section shall not apply to: (i) the possession by a law enforcement officer for purposes of law enforcement; or (ii) the possession by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving such a weapon or feeding device from such agency upon retirement.

### **Mass. Gen. Laws. Ch. 140, § 131M**

<http://www.mass.gov/legis/laws/mgl/140-131m.htm>

A Class A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper; and (ii) rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it deems proper. A violation of a restriction imposed by the licensing authority under the provisions of this paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that the provisions of section 10 of chapter 269 shall not apply to such violation.

### **Mass. Gen. Laws. Ch. 140, § 131**

<http://www.mass.gov/legis/laws/mgl/140-131.htm>

## NEW JERSEY

"Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm.

**N.J. Stat. Ann. § 2C:39-1(y)**

[http://lis.njleg.state.nj.us/cgi-bin/om\\_isapi.dll?clientID=192770&Depth=4&TD=WRAP&advquery="2C:39-1%20Definitions"&headingswithhits=on&infobase=statutes.nfo&rank=&record=\(1A1E\)&softpage=Doc\\_Frame\\_Pg42&wordsaroundhits=2&x=0&y=0&zz="](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=192770&Depth=4&TD=WRAP&advquery=)

h. Large capacity ammunition magazines. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of a large capacity ammunition magazine which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel is guilty of a crime of the fourth degree.

**N.J. Stat. Ann. § 2C:39-9(h)**

[http://lis.njleg.state.nj.us/cgi-bin/om\\_isapi.dll?clientID=192770&Depth=4&TD=WRAP&advquery=%22C%3a39-9%20Large%20Capacity%20Ammunition%20Magazine%22&headingswithhits=on&infobase=statutes.nfo&rank=&record=\(1A1E\)&softpage=Docume nt42&wordsaroundhits=2&x=23&y=15&zz="](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=192770&Depth=4&TD=WRAP&advquery=%22C%3a39-9%20Large%20Capacity%20Ammunition%20Magazine%22&headingswithhits=on&infobase=statutes.nfo&rank=&record=(1A1E)&softpage=Docume nt42&wordsaroundhits=2&x=23&y=15&zz=)

## NEW YORK

"Large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device, manufactured after September thirteenth, nineteen hundred ninety-four, that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

**N.Y. Penal Law 265.00(23)**

<http://codes.lp.findlaw.com/nycode/PEN/THREE/P/265/265.00>

Any person who manufactures or causes to be manufactured any machine-gun, assault weapon, large capacity ammunition feeding device or disguised gun is guilty of a class D felony.

**N.Y. Penal Law § 265.10**

<http://codes.lp.findlaw.com/nycode/PEN/THREE/P/265/265.10>

## OHIO

### Cincinnati

...no person shall sell, deliver, rent lease ... any detachable magazine ...more than ten rifle or carbine rounds...more than 15 handgun rounds

**Cincinnati, OH., Code § 708-37(b)**

[http://library.municode.com/HTML/19996/level2/TVII\\_C708.html#TVII\\_C708\\_s708-37](http://library.municode.com/HTML/19996/level2/TVII_C708.html#TVII_C708_s708-37)

### Cleveland

For the purpose of this chapter:

(a) "Assault weapon" means:

(1) any semiautomatic action, center fire rifle or carbine that accepts a detachable magazine with a capacity of 20 rounds or more;

(2) any .50 caliber rifle;

(3) any semiautomatic shotgun with a magazine capacity of more than six rounds

**Cleveland, OH., Code § 628.02**

[http://caselaw.lp.findlaw.com/clevelandcodes/cco\\_part6\\_628.html](http://caselaw.lp.findlaw.com/clevelandcodes/cco_part6_628.html)

(6) any part, or combination of parts, designed or intended to convert a firearm into an assault weapon as defined in divisions (a)(1), (a)(2), (a)(3) or (a)(4), or any combination of parts from which an assault weapon as defined in divisions (a)(1), (a)(2), (a)(3) or (a)(4), may be readily assembled if those parts are in the possession or under the control of the same person.

**Cleveland, OH., Code § 628.02(A)(6)**

[http://caselaw.lp.findlaw.com/clevelandcodes/cco\\_part6\\_628.html](http://caselaw.lp.findlaw.com/clevelandcodes/cco_part6_628.html)

## **Columbus**

"Large capacity magazine" means a box, drum, clip or other container which holds more than twenty (20) rounds of ammunition to be fed continuously into a semi-automatic firearm, except a magazine designed to hold only .22 caliber rimfire cartridges.

**Columbus, OH., Code § 2323.11**

[http://library.municode.com/HTML/16219/level2/T23\\_C2323.html#T23\\_C2323\\_2323.11](http://library.municode.com/HTML/16219/level2/T23_C2323.html#T23_C2323_2323.11)

No person shall knowingly possess a large capacity magazine

**Columbus, OH., Code § 2323.32**

[http://library.municode.com/HTML/16219/level2/T23\\_C2323.html#T23\\_C2323\\_232](http://library.municode.com/HTML/16219/level2/T23_C2323.html#T23_C2323_232)

## **Toledo**

No person shall knowingly possess a detachable ammunition magazine loaded with more than ten (10) rounds of ammunition.

**Toledo, OH., § 549.23**

[http://www.amlegal.com/nxt/gateway.dll/Ohio/toledo/partfive-generaloffensescode/chapter549weaponsandexplosives?f=templates\\$fn=document-frame.htm\\$3.0#JD\\_549.23](http://www.amlegal.com/nxt/gateway.dll/Ohio/toledo/partfive-generaloffensescode/chapter549weaponsandexplosives?f=templates$fn=document-frame.htm$3.0#JD_549.23)