

MARIN COUNTY SHERIFF'S DEPARTMENT
INVESTIGATIONS DIVISION POLICY AND PROCEDURE MANUAL

CHAPTER 1- ADULT
INV-1-2
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DATE
06-14-99

ADMINISTRATIVE INSTRUCTION
SKS ASSAULT RIFLE "BUY-BACK" PROGRAM

POLICY

It shall be the policy of the Marin County Sheriff's Office to fulfill the law enforcement responsibilities as outlined in Assembly Bill 48 effective January 1, 1999.

PROCEDURE

On January 1, 1999 Assembly Bill 48 took effect establishing a SKS assault rifle "buy-back" program to provide reimbursement to those who possess the SKS Sporter assault rifles acquired between January 1, 1992 and December 19, 1997.

PC subsections 12281(c) and 12281(f) address the relinquishment and seizure of SKS Sporter assault rifles. Subsection (c) provides that SKS Sporter assault rifles possessed by persons, firms, corporations, or companies as described by subsections (a) and (b) of 12281 PC cannot be seized for a section 12280 PC violation before January 1, 2000. This does not preclude a peace officer's authority to seize a firearm if he/she has a reasonable basis to believe that it is prohibited. The Attorney General's Office is sponsoring legislation to further clarify this issue. In implementing this SKS Sporter assault rifle "buy-back" provision, the following definition of a SKS Sporter rifle should be used by local law enforcement:

"A semi-automatic rifle configured to accept a detachable magazine which is capable of firing a 7.62 x 39mm cartridge and is not otherwise prohibited under the Roberti-Roos Assault Weapon Act (PC section 12276 et.seq.). Such rifles must have been acquired between the dates of January 1, 1992 and December 19, 1997. Stock design/composition or the variety of SKS identification markings that may exist would not affect its acceptance under AB 48's buy-back provisions.*

** Ruger Mini-30, Colt Sporter, and AK style rifles do not qualify under the buy-back provision of AB 48.*

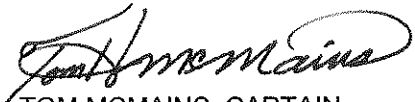
1. The owner contacts the Marin County Sheriff's Office Evidence Technician Gaeton Ingrassia for instructions on how, when and where to turn in their SKS Sporter. The owner is instructed as to location, time and method of relinquishing the firearm.
2. The Marin County Sheriff's Office determines if the firearm qualifies for the SKS Sporter buy-back program. The status of the firearm is checked through AFS. If the firearm is determined to be stolen or questionable, the Marin County Sheriff's Office will take appropriate action as required by law.
3. the Marin County Sheriff's Office prepares an internal agency receipt and obtains a case number from Communications. The case number will be placed on the **Reimbursement Voucher (BCIA 4011)**.

4. The Marin County Sheriff's Office enters the firearm into AFS through the Law Enforcement Firearms Records screen immediately or as soon as possible after completion of the voucher. If an AFS entry is not present and/or does not reflect the following information, DOJ will contact the Sheriff's Office to clarify the information.
5. Enter "**X-destroyed**" in the Document Code field according to the Sheriff's Office planned disposition of the weapon.
6. Enter "**SKS BUYBACK**" in the Miscellaneous (MIS) field to identify this record as an SKS Buy-Back transaction and for DOJ verification purposes.
7. Enter the Case number property receipt into the Originating Agency Case Number(OCA) field.
8. The Marin County Sheriff's Office completes the voucher form including the AFS File Control Number and property receipt. The Marin County Sheriff's Office must sign off on the voucher as a witness to the owner's certification under penalty of perjury.
9. The canary yellow copy of the voucher form is to be retained by the Marin County Sheriff's Office. The pink and white copies will be given to the person relinquishing the firearm. Instructions for the owner on how to submit the voucher to DOJ for payment are listed at the top of the form.
10. If a voucher form is voided or rendered unusable, please write "VOID" on the voucher and retain it with the other SKS Sporter buy-back records.
11. If a person loses a completed voucher, you may issue a replacement voucher as follows:
 - ▶ Verify that a voucher was previously issued to the requester
 - ▶ Call DOJ to confirm that the lost voucher has not been received
 - ▶ Prepare a new voucher. For the new AFA entry, type "SKS BUYBACK replacing No. XXXXXX (Voucher number) in the miscellaneous field to identify this record as being a replacement voucher transaction.

CONCLUSION OF SKS SPORTER BUY-BACK PROGRAM

January 1, 2000 is the last day the Marin County Sheriff's Office may accept qualifying SKS Sporter assault weapons for the Buy-back Program. March 31, 2000 is the last day owners may submit a voucher to DOJ for payment. After March 31, 2000 the Marin County Sheriff's Office will maintain a list of unissued voucher form numbers and then destroy any unissued voucher forms.

By Order of



TOM MCMAINS, CAPTAIN
BUREAU OF FIELD SERVICES

RELATED STANDARDS:

PC - 12281 (a) thru (k).

AFFECTED DIVISIONS:

Patrol
Communication Div



**State of California
Department of Justice
Reimbursement Voucher for SKS Sporter**
(Penal Code Section 12281)

No 110501

Use a Separate Voucher for Each SKS Sporter

Please follow these instructions for processing your SKS Sporter Reimbursement Voucher: (NOTE: All information must be typed or printed clearly. Illegible or missing information may result in a processing delay.)

FOR DOJ USE ONLY	
DATE RECEIVED	_____
APPROVED	_____
BATCH #	_____
TO ACCOUNTING	_____
TO CONTROLLER	_____

- Please send the **White (Original)** copy of your Reimbursement Voucher and a copy of the Property Receipt to the address listed below.
- If 3 or more vouchers are being submitted you must provide your **Social Security # or Tax Identification (T.I.D.) #**.
- Your Reimbursement Voucher must be submitted within **90 days** of the Voucher / Property Receipt date to:

Department of Justice
Division of Criminal Justice Information Services
Firearms Program - SKS Buy-back
P. O. Box 820200
Sacramento, CA 94203-0200

DRAFT

Please Type or Print / Press Hard

Law Enforcement Agency Receiving Weapon for Reimbursement

Name of Police or Sheriff's Department _____

Date Weapon Relinquished (Mo./Day/Yr.) _____

ORI C A 0 _____

Property Receipt or other Agency Record # (enter in OCA field) _____

Description of Weapon

Serial Number (must be legible) _____

Make _____

Caliber _____

Model _____

AFS Transaction # (FCN) _____

Personal Information

Name of Person or Company Relinquishing Weapon _____

Address _____

City _____

State _____

Zip _____

() _____

Telephone Number _____

Social Security # _____ or T. I. D. # _____

Must be provided if reimbursement vouchers total more than \$600 (three or more weapons) in current year.

Signatures

I certify under penalty of perjury that the foregoing is true and correct and that I acquired the weapon being relinquished in California between January 1, 1992 and December 19, 1997.

X

Signature of Person Relinquishing Weapon _____

Date (Mo./Day/Yr.) _____

X

Signature and Badge # of Receiving Officer (Witness) _____

Date (Mo./Day/Yr.) _____

Distribution Copies: White - (Original DOJ); Canary - (Law Enforcement); Pink - (Relinquisher)