



C A L I F O R N I A

DEPARTMENT OF JUSTICE

FIREARMS USED IN THE COMMISSION OF CRIMES

2023

**DIVISION OF LAW ENFORCEMENT
BUREAU OF FORENSIC SERVICES**

THIS REPORT IS AVAILABLE ONLINE AT
[OAG.CA.GOV/PUBLICATIONS#CRIME](https://oag.ca.gov/publications#crime)

EXECUTIVE SUMMARY

Reporting Requirement

California Penal Code section 34200 requires the California Department of Justice (DOJ) to provide the Legislature, on or before April 15 of each year, a written report on the specific types of firearms used in the commission of crimes based upon information obtained from state and local crime laboratories. Although DOJ is statutorily required to produce this annual report based on data obtained from state and local crime laboratories, there is no corresponding statutory mandate for local crime laboratories to track or provide this data to DOJ.

Section 34200 requires the report to include the following information regarding crimes in which firearms were used:

- (a) A description of the relative occurrence of firearms most frequently used in the commission of violent¹ crimes, distinguishing whether the firearms used were handguns, rifles, shotguns, assault weapons, or other related types of weapons.
- (b) A description of specific types of firearms that are used in homicides or street gang and drug trafficking crimes.
- (c) The frequency with which stolen firearms were used in the commission of the crimes.
- (d) The frequency with which fully automatic firearms were used in the commission of the crimes.
- (e) Any trends of importance such as those involving specialized ammunition or firearms modifications, such as conversion to a fully automatic weapon, removal of serial number, shortening of barrel, or use of a suppressor.

Scope of Report

The 2023 Firearms Used in the Commission of Crimes Report consists only of data from DOJ's 10 regional crime laboratories², which principally serve the rural areas of California. It does not include data from any of the local crime laboratories that serve California's major cities and

¹ Section 34200 does not define the term "violent crimes." Accordingly, for purposes of this report, DOJ uses the definition of "violent felonies" provided in Penal Code section 667.5.

² A map of DOJ's regional laboratories and the counties served by each is available at <https://oag.ca.gov/bfs/services>.

urban areas.³ As a result, the data in this report may not be representative of gun-use trends within urban areas or within California as a whole.

DOJ also issues a separate annual report about firearms used in the commission of crimes across California.⁴ California law requires state and local law enforcement agencies to report to DOJ all available information necessary to identify and trace the history of firearms recovered by the law enforcement agency that were illegally possessed, used in a crime, or suspected of having been used in a crime.⁵ DOJ is required to submit an annual report to the Legislature summarizing its analysis of those crime gun records, including information about the number of crime guns recovered without serial numbers and the number of crime guns disaggregated by manufacturer and dealer where the most recent recorded sale or transfer of the firearm occurred.⁶ Pursuant to Penal Code section 11108.3, DOJ releases the annual Crime Guns in California report by July 1 each year.

REPORT

The 10 regional crime laboratories operated by DOJ's Bureau of Forensic Services (BFS) completed 449 firearms examination requests during the 2023 calendar year. Eighty-five firearms qualified for inclusion in this report. A firearm is considered to be qualified for this report if forensic testing has positively tied it to at least one of the violent crimes defined by Penal Code section 667.5. Small inconsistencies in data totals are attributable to the fact that the categories in this report, other than firearm types and calibers, are not mutually exclusive; as a result, individual firearms may fit and be counted within multiple categories. For example, if a laboratory examined a stolen shotgun with a shortened barrel that was used in a street gang homicide, that weapon would be counted in each of those categories.

Types of Firearms and Calibers of Ammunition Used in Crimes

³ Cal. Penal Code section 34200 requires DOJ to provide this report based on "information obtained from state and local laboratories." DOJ operates the state laboratories and all available data from those laboratories is included herein. The statute does not mandate that local laboratories track this data or provide it to DOJ for inclusion into this report. DOJ requested this information from local laboratories. While DOJ did receive some information about firearms obtained by law enforcement and submitted to local laboratories, the submissions did not include necessary data like whether the firearm was associated with a crime, and, if so, what crime. As the statute mandates that this report include information about the "types of firearms used in the commission of crimes," (Cal. Penal Code section 34200, *emphasis added*), and the data received from local laboratories lacked that information, no information received from local laboratories is included in this report.

⁴ DOJ's first annual Crime Guns in California report was released on June 30, 2023 and is available at <https://oag.ca.gov/system/files/attachments/press-docs/AB%201191%20Crime%20Gun%20Report.pdf>.

⁵ Cal. Penal Code section 11108.3.

⁶ Cal. Penal Code section 11108.3(f).

The 85 qualifying firearms⁷ examined by DOJ laboratories during this reporting period constituted 76 handguns (89%), eight rifles (9%), and one shotgun (1%) (Figure 1). Of the eight rifles examined, five were California assault weapons.⁸

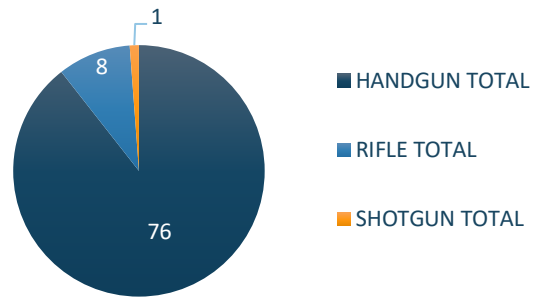


Figure 1. Types of firearms used in crimes.

The most commonly encountered calibers were 9 mm Luger (S&W), followed by 40 Smith & Wesson, and 380 Automatic (Figure 2).

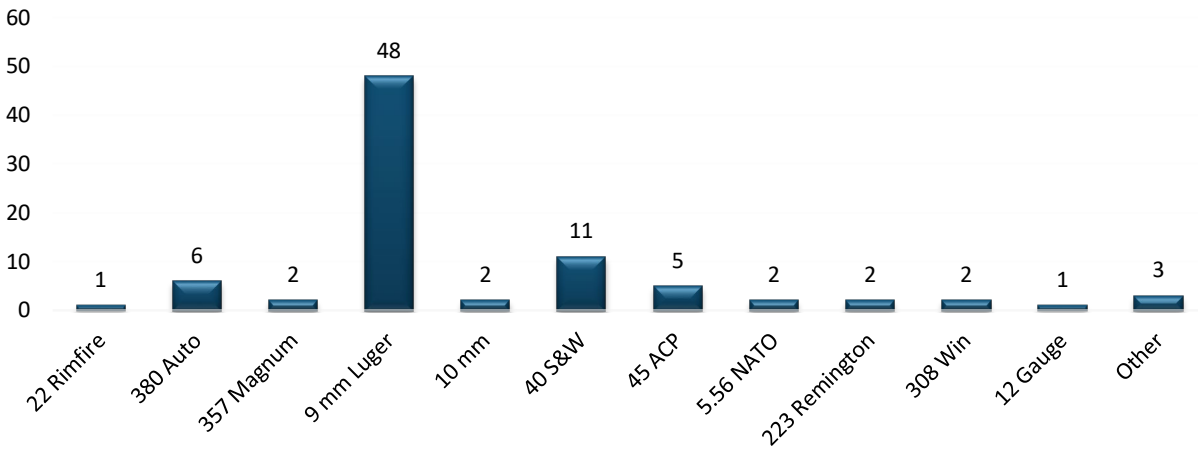


Figure 2. Calibers of ammunition used in crimes (displayed by caliber size).

⁷ This figure may not include all qualifying firearms received during the reporting period because qualification is determined upon examination. It may include qualifying firearms received during the previous reporting period.

⁸ As defined in Penal Code sections 30510 and 30515

Firearms Used in Crimes of Violence Other than Homicides

Forty-one of the 85 qualifying firearms examined by DOJ laboratories (48%) were submitted in cases involving crimes of violence other than homicides. These 41 firearms constituted 36 handguns (88%), four rifles (10%), and one shotgun (2%) (Figure 3). Two of the four rifles were California assault weapons. The firearms examined in this category did not include any fully automatic firearms.

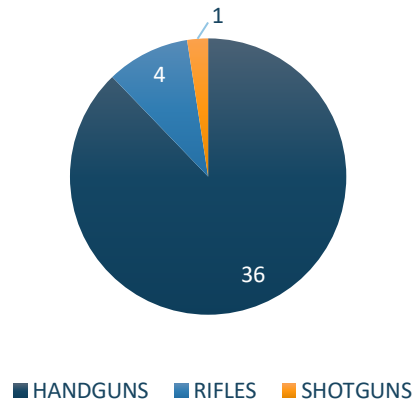


Figure 3. Firearms used in crimes of violence other than homicides.

Firearms Used in Homicides

Of the 85 qualifying firearms examined during this reporting period, 44 (52%) were submitted to DOJ’s laboratories in homicide cases. These 44 firearms constituted 40 handguns (91%) and four rifles (9%) (Figure 4). Three of the four rifles were California assault weapons, and one of the three California assault weapons was a short-barreled rifle. No shotguns or fully automatic firearms were linked to homicides.

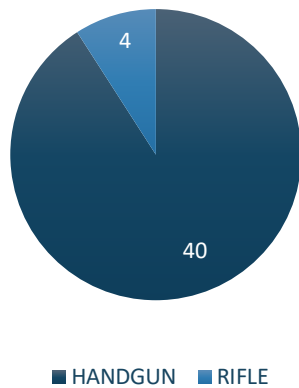


Figure 4. Firearms used in homicides.

Firearms Without Serial Numbers

Twenty-seven of the 85 qualifying firearms (32%) were submitted without serial numbers (Figure 5). Of these 27 firearms, 25 (93%) were handguns and two (7%) were rifles. One of the handguns was a “Polymer 80” firearm, which is typically marketed in an unfinished state and requires additional machining and parts to produce a functional firearm, and another was a 3-D printed firearm. The

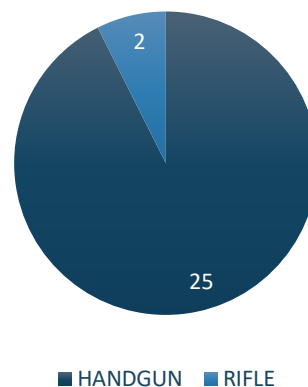


Figure 5. No serial numbers present.

Polymer 80 firearm and the 3-D printed firearm were both used in homicides. Both of the rifles were California assault weapons.

Four of the 27 firearms submitted without serial numbers (15%) were traditionally manufactured firearms that had their serial numbers obliterated or removed. Two were used in crimes of violence other than homicides, and two were used in homicides.

Weapons Examined by Year

The number of California assault weapons examined by DOJ laboratories was slightly higher in 2023 than in 2022; however, there has been very little change overall in the number of California assault weapons examined in the last 20 years. As a category, their numbers have been nominal relative to the total number of firearms examined (Figure 6).

For information on California’s assault weapons laws and regulations, please visit DOJ’s website at <https://www.oag.ca.gov/ogvp/fed-assault-weapons-ban>.

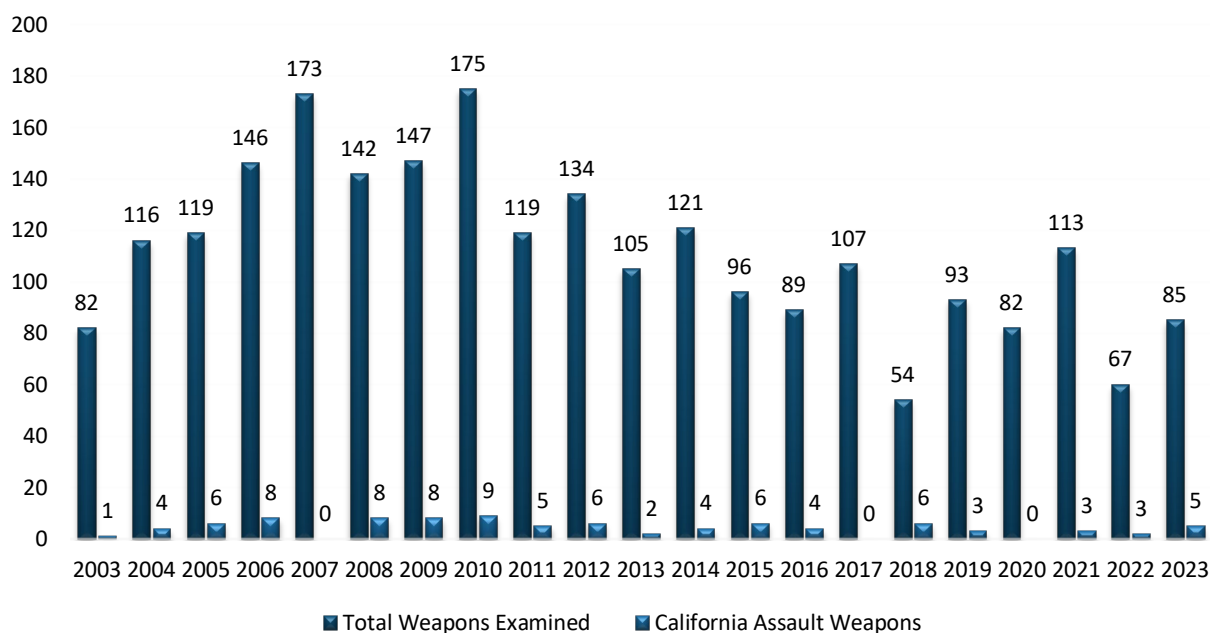


Figure 6. Weapons examined by year.

Trends and Special Cases

California Assault Weapons

Five of the 85 qualifying firearms examined in 2023 were identified as California Assault Weapons (as defined in Pen. Code §§ 30510 and 30515) (see Figure 6 on page 5).

Drug Trafficking Crimes

None of the qualifying firearms were identified as being used in drug trafficking crimes.

Fully Automatic Firearms (Machine Guns, Submachine Guns or Full-Automatic Conversions)

None of the qualifying firearms examined this year exhibited fully automatic firing.

Officer-Involved Shooting Incidents

Two qualifying firearms were identified as being related to officer-involved shooting incidents. Both were bolt-action rifles; neither were California assault weapons.

Short-Barreled Shotguns or Rifles

One of the examined firearms was classified as a short-barreled rifle.

Stolen Firearms

None of the examined firearms were confirmed to have been reported stolen. However, information related to a firearm's ownership status is not often provided to the laboratory conducting the forensic examination.

Street Gang Crimes

None of the qualifying firearms were identified as being related to street gang crimes.

Suppressors

No qualifying firearms equipped with a suppressor (silencer) were examined in 2023.

Unusual Ammunition

There were no reported examinations of armor-piercing, exploding, Glazer-type, incendiary, frangible⁹ or tracer ammunition.

⁹ A frangible bullet is designed to fragment or disintegrate upon impact with an object harder than itself, in order to minimize the potential for damage from ricochet or penetration.