

Fifty Caliber Rifles

Background

Fifty caliber rifles are military firearms, used by armed forces across the globe, that combine long range, accuracy, and massive power. Designed for use in urban combat situations, these weapons can penetrate structures and destroy or disable light armored vehicles, radar dishes, helicopters, stationary and taxiing airplanes, and other “high-value” military targets. The 50 caliber rifle is considered one of the most powerful and destructive weapons legally available to civilians in the United States.¹ It can hit a target accurately from distances of 1,000 to 2,000 yards, depending on the skill of the shooter, and can reach targets at a longer range, sacrificing accuracy.²

The destructive power of the 50 caliber rifle can be magnified by the use of certain types of ammunition that are legal under federal law (although banned in some states). In addition to the standard “ball” round of 50 caliber ammunition, armor-piercing,³ incendiary, and combination armor-piercing and incendiary ammunition for 50 caliber rifles can significantly enhance their destructive capacity,⁴ particularly against chemical and industrial facilities⁵ and civil aviation targets.⁶ Federal law enforcement has “identified some examples of criminal misuse of the .50 caliber rifle with a nexus to terrorism, outlaw motorcycle gangs, international and domestic drug trafficking, and violent crime.”⁷

Despite their deadly power, or possibly because of it, 50 caliber rifles are proliferating on the civilian firearms market, yet are subject to less regulation than handguns.⁸

Although most of the data regarding 50 caliber firearms relate to rifles, the industry also has introduced 50 caliber handguns. Smith & Wesson now manufactures a handgun which can fire a 50 caliber round and which may be capable of penetrating the highest grade of concealable body armor typically worn by law enforcement officers.⁹

¹ Violence Policy Center, *Voting From the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* 7-12 (Oct. 2001).

² *Id.* at 8.

³ For additional information on armor-piercing ammunition, see section on [Ammunition Regulation](#).

⁴ *Voting From the Rooftops*, *supra* note 1, at 12-20.

⁵ See generally Violence Policy Center, *Sitting Ducks: The Threat to the Chemical and Refinery Industry from 50 Caliber Sniper Rifles* (Aug. 2002).

⁶ See generally Violence Policy Center, *Just Like Bird Hunting: The Threat to Civil Aviation From 50 Caliber Sniper Rifles* (Jan. 2003).

⁷ Office of Special Investigations, U.S. General Accounting Office, *Weaponry: Availability of .50 Caliber Semiautomatic Rifles* 6-7 (June 30, 1999). See also Violence Policy Center, *Criminal Use of the 50 Caliber Sniper Rifle Fact Sheet* (2007), available at <http://www.vpc.org/snipercrime.htm> (last visited Nov. 27, 2007).

⁸ Violence Policy Center, *One Shot, One Kill: Civilian Sales of Military Sniper Rifles* 41-42 (May 1999); *Voting from the Rooftops*, *supra* note 1, at 62-68; and Violence Policy Center, *Clear and Present Danger: National Security Experts Warn About the Danger of Unrestricted Sales of 50 Caliber Anti-Armor Sniper Rifles to Civilians* 5 (July 2005).

⁹ Violence Policy Center, *Vest Buster: The .500 Smith & Wesson Magnum – The Gun Industry’s Latest Challenge to Law Enforcement Body Armor* 25 (June 2004).

Summary of Federal Law

Federal law does not ban 50 caliber rifles. Moreover, because 50 caliber rifles are classified as long guns, they can be purchased legally from a federally licensed dealer by an 18 year-old.¹⁰ Legislation was introduced in the U.S. Senate in 1999, 2001, 2003 and 2005 to bring 50 caliber rifles under the National Firearms Act, thereby imposing registration requirements and other regulations on their importation, manufacture and transfer. Similar legislation was introduced in the House of Representatives in 1999, 2001, 2004 and 2005. Some of the bills introduced in the House also would have banned the transfer and possession of 50 caliber rifles. To date, there has been no movement on these bills.¹¹

SUMMARY OF STATE LAWS REGARDING 50 CALIBER RIFLES

California is the only state that bans 50 caliber rifles. Connecticut bans a single model of 50 caliber rifle. Maryland imposes various regulations on transfers of 50 caliber rifles.

State Ban

[California](#)

Cal. Penal Code §§ 12275.5(b), 12278, 12280 – 12289.5

Single Model Ban

[Connecticut](#)

Conn. Gen. Stat. § 53-202a(a)(1)

State Regulation

[Maryland](#)

Md. Code Ann., Pub. Safety §§ 5-101(p)(2)(ix), 5-102 – 5-143

Description of State Laws Banning and/or Regulating 50 Caliber Rifles

1. *California:*

a. *Prohibited Activities:* California's 50 caliber ban prohibits a wide range of activities; it applies to manufacture, possession, distribution, and importation of 50 caliber rifles, as well as sale, offering for sale, and transfer.

b. *Definition of Banned Weapon:* California's ban on 50 caliber rifles defines the banned weapons based on the type of cartridge they are capable of firing. California's ban prohibits "50 caliber BMG rifles" which are defined as any "center fire rifle that can fire a .50 BMG cartridge." A BMG cartridge is then defined in detail based on specific length and diameter.¹²

¹⁰ 18 U.S.C. § 922(b)(1), (c)(1). By contrast, federally licensed dealers can only sell or transfer handguns to persons age 21 or older. 18 U.S.C. § 922(x)(1), (3), (5).

¹¹ A 2007 report by the International Association of Chiefs of Police (IACP) recommended that Congress enact an effective ban on 50 caliber sniper rifles. International Association of Chiefs of Police, *Taking a Stand: Reducing Gun Violence in Our Communities* 27 (Sept. 2007).

¹² Under the definition of "destructive device," California also bans the possession, sale, offer for sale, and knowing transportation of incendiary and tracer ammunition that is equal to or less than .60 caliber, for use in rifles, including .50 caliber rifles. Cal. Penal Code §§ 12301(a), 12303, 12303.6. Connecticut also bans distribution, transportation, importation, sale and transfer of armor piercing or incendiary 50 caliber bullets. Conn. Gen. Stat. § 53-202l.

c. *Grandfathering:* The California law provides that in order to retain possession of a 50 caliber rifle, any person who lawfully possessed such a weapon prior to January 1, 2005 must have registered it no later than April 30, 2006.¹³

2. *Connecticut:* Connecticut bans the possession, distribution, importation, transportation, and keeping or offering for sale of the “Barrett Light-Fifty model 82A1,” which is included in the state’s definition of assault weapon.

3. *Maryland:* Maryland is the only other state that in some manner regulates the 50 caliber rifle, including the “Barrett light .50 cal. semi-auto” in the list of assault weapons defined as “regulated firearms.” Transfers of regulated firearms are subject to enhanced background checks, minimum age restrictions and waiting periods. Moreover, firearms dealers and private/secondary sellers must comply with additional regulations when transferring a regulated firearm, and purchasers are limited to the purchase of one regulated firearm per month.

SUMMARY OF SELECTED¹⁴ LOCAL LAWS BANNING 50 CALIBER RIFLES

Local Laws Banning 50 Caliber Rifles

Los Angeles

Los Angeles, Cal., Municipal Code ch. V, art. 5, § 55.18(a), (d)

San Francisco

San Francisco, Cal., Police Code art. 9, § 613.10-1(c), (d), (g)

Both Los Angeles and San Francisco enacted laws banning 50 caliber rifles. As highlighted below, Los Angeles also bans 50 caliber handguns, and San Francisco also bans 50 caliber ammunition and 50 caliber handguns.

Los Angeles: In June 2003, Los Angeles became the first jurisdiction to ban 50 caliber rifles (as well as 50 caliber handguns). Section 55.18 of Chapter V, Article 5 of the Los Angeles Municipal Code provides that no person “shall sell, give, transfer ownership of, transfer, offer for sale, or display for sale any large caliber firearm.” The term “large caliber firearm” is defined as any firearm “capable of firing a center-fire cartridge of .50 caliber or larger either by designation or actual measurement.” The term ‘large caliber firearm’ shall include any rifle or handgun.”¹⁵

San Francisco: San Francisco is the only jurisdiction that bans 50 caliber cartridges along with 50 caliber firearms. Section 613.10-1 of Article 9 of the San Francisco Police

¹³ Registration is critical to any law that exempts pre-ban weapons. Without such a provision, it would be nearly impossible to enforce a possession ban because there would be no way to determine the date an individual acquired possession of a banned weapon.

¹⁴ This section is based on research and analysis of existing firearms laws in: Boston, Massachusetts; Chicago, Illinois; Hartford, Connecticut; Los Angeles, California; Newark, New Jersey; New York, New York; Omaha, Nebraska; and San Francisco, California. LCAV selected these cities because they are located in states that grant local jurisdictions broad authority to regulate firearms. It also includes existing laws in Cleveland and Columbus, Ohio. Note, however, that in 2006, the Ohio Legislature passed House Bill 347 (overriding the Governor’s veto), which created Ohio Rev. Code Ann. § 9.68(A), a provision that purports to preempt all local authority to regulate firearms with few, limited exceptions. Legal challenges to the law are pending. Additional information about state laws governing local authority to regulate firearms is contained in the section of this report titled [“The Legal Background.”](#)

¹⁵ The State of California adopted its ban on .50 BMG rifles in 2004. In June 2005, as a result of litigation challenging the Los Angeles ordinance, the city amended the law to exclude .50 BMG rifles.

Code provides that no person shall sell, give, transfer, offer for sale or display for sale any 50 caliber firearm (including rifles and handguns) or 50 caliber cartridge.

The San Francisco ordinance has a sunset provision which provides that if the State of California enacts legislation which is covered by the law, the requirements of the ordinance shall be suspended. The state's ban on 50 caliber rifles went into effect after San Francisco adopted its ordinance. Accordingly, that provision of the ordinance is no longer in effect. San Francisco's bans on 50 caliber handguns and 50 caliber cartridges remain in effect.

FEATURES OF COMPREHENSIVE LAW BANNING 50 CALIBER RIFLES

The features listed below are intended to provide a framework from which policy options may be considered and debated. LCAV has not attempted to include every provision or every creative approach identified in the analysis above, nor have we addressed appropriate exceptions so that the regulation does not produce unintended consequences. A jurisdiction considering modifying existing, or developing new legislation in this area should consult with counsel to ensure its legal sufficiency and compatibility with existing codes and statutes, as appropriate.

- Ban applies to 50 caliber rifles (*California, Los Angeles¹⁶*) and 50 caliber cartridges (*San Francisco*), and may include 50 caliber handguns (*Los Angeles, San Francisco*)
- Prohibited activities include possession, sale, purchase, transfer, loan, pledge, transportation, distribution, importation, and manufacture of 50 caliber rifles (*California bans manufacture, possession, distribution, importation, sale, offering for sale, and transfer*)
- Pre-ban weapons are not grandfathered and instead are to be rendered inoperable or removed from the jurisdiction
- Alternatively, if pre-ban firearms are grandfathered, there is a registration mechanism for grandfathered firearms, with strict limits on transferability, use and storage of pre-ban weapons¹⁷ (*California*)

¹⁶ See *supra* note 15.

¹⁷ See section on [Registration of Firearms](#) for features of comprehensive registration laws. The most comprehensive system of regulating the purchase, possession and ownership of firearms combines registration of firearms with licensing of gun owners. Additional information on licensing of firearm owners is contained in the section on [Licensing of Gun Owners or Purchasers](#).