

Department of Justice Regulations for Assault Weapons and Large Capacity Magazines

FINAL STATEMENT OF REASONS

Hearing Dates: February 24, 2000, Sacramento, California
February 28, 2000, Los Angeles, California

UPDATE OF INITIAL STATEMENT OF REASONS

Section 978.10 - Title and Scope

There is no information to be updated. This section was adopted as originally proposed.

Section 978.20 - Definitions of Terms Used to Identify Assault Weapons

Section 978.20 further defines terms used in Penal Code section 12276.1 to describe the characteristics that identify a firearm as an assault weapon. The six terms (Section 978.20 (a-f)) initially identified in this section are addressed separately relative to the revisions made to each of the original definitions proposed by the Department and subsequently noticed and modified.

978.20(a) - Detachable Magazine

The proposed definition as originally noticed to the public defined a detachable magazine as “any magazine that can be readily removed without the use of tools.” During the initial public comment period (December 31, 1999 through February 28, 2000), comments were received that caused the Department to make revisions to the definition. Comments expressed concern about the use of the term “magazine,” which is often erroneously used to describe clips that are used to load ammunition into a fixed magazine. Recognizing that to be true, the Department changed the word “magazine” to the statutory term “ammunition feeding device” (PC section 12276.1(c)(1)). The Department also added the phrase “without disassembly of the firearm action” as a result of public comment stating that there are firearms with fixed magazines that can be field stripped (disassembled in the field) without using any tools (such as the M1 Garand). Including those firearms in the definition of a “detachable magazine” would have been inconsistent with the legislative intent of the statute. Several comments were made that claimed that an assault weapon pursuant to PC section 12276 has a detachable magazine requiring the use of a bullet tip or cartridge to remove it from the firearm. The comments claimed that if a bullet or ammunition cartridge were to be considered a tool, these types of firearms statutorily defined as assault weapons would not meet the definition of having a detachable magazine. For that reason the Department added “For the purpose of this definition, a bullet or ammunition cartridge is not a tool.” It was also necessary to add linked or belted ammunition to the definition of an ammunition feeding device because that type of ammunition system feeds cartridges directly into the firing chamber, like the spring and follower of a box-type magazine. The definition was accordingly revised to read “detachable magazine means any ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action or the use of a tool(s). For the purpose of this definition, a bullet or ammunition cartridge is not a tool. Ammunition feeding device includes any belted or linked ammunition.”

This revised definition was noticed to the public in the first of two 15-day comment periods (May 10 through May 30, 2000). The change in terms from a magazine to an ammunition feeding device prompted new comments relating to firearms that use clips, stripper clips, and en bloc clips to load ammunition into fixed magazines. Although people affected by the regulations understand ammunition clips are clearly not considered magazines, use of the statutory term “ammunition feeding device” caused the affected parties to speculate that clips may be included in the definition. The exclusion of clips from the definition is necessary to keep the legislative intent of the statute intact. Comments also claimed that a bullet or ammunition cartridge should be considered a tool because the type of firearm that utilizes a bullet or ammunition cartridge to release the magazine is a firearm with a fixed magazine, clearly not intended by the Legislature to be categorized as an assault weapon. The Department further researched the claims and confirmed that it is necessary to identify a bullet or ammunition cartridge as a tool to allow certain firearms with fixed magazines to remain fixed by definition. The definition was again revised to read “detachable magazine means any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor the use of a tool being required. A bullet or ammunition cartridge is considered a tool. Ammunition feeding device includes any belted or linked ammunition, but does not include clips, en bloc clips, or stripper clips that load cartridges into the magazine.”

This second revision prompted a second 15-day comment period (July 12 through July 31, 2000). None of the comments received during the second 15-day comment period warranted additional revisions to the definition.

978.20 (b) - Flash Suppressor

This term was originally defined as “any device that reduces or conceals the visible light or flash created when a firearm is fired. This definition includes flash hidiers, but does not include compensators and muzzle brakes (devices attached to or integral with the muzzle barrel to utilize propelling gasses for counter-recoil).” There were two primary problems with the definition when it was originally noticed to the public (December 31, 1999 through February 28, 2000). The most significant problem with the original definition was that it included and/or excluded particular devices by name (flash hider, muzzle brake, compensator) without consideration of whether the devices actually suppress flash. After further consideration prompted by public comments, the Department concluded that the absence of statutorily defined specific measurement standards or a statutory requirement to establish those standards demonstrates a legislative intent to identify any device that reduces or redirects flash from the shooter’s field of vision as a flash suppressor regardless of its name and intended/additional purpose. Thus, “flash hidiers” are flash suppressors only if they reduce or redirect flash from the shooter’s field of vision. Conversely, “compensators” and “muzzle brakes” are not flash suppressors only if they do not reduce or redirect flash from the shooter’s field of vision. The revised definition is clearly consistent with the legislative intent of the statute as it neither includes nor excludes any particular device on the basis of its name only. Additionally, “conceals” in the original definition presented the possibility of an overly broad interpretation which could have included any device positioned between the shooter’s eye and the muzzle flash, such as the sights on a gun. To avoid such unintended interpretation, the word “conceals” was replaced with “redirects.” Accordingly, the original definition was changed to:

“flash suppressor means any device that reduces or redirects muzzle flash from the shooter’s field of vision.”

This revised definition was noticed to the public during the first 15-day comment period (May 10 through May 30, 2000). Comments addressing this version of the definition prompted further reconsideration and revision. As such, the definition was revised a second time by replacing “. . . that reduces or redirects muzzle flash . . .” with “. . . designed, intended, or that functions to reduce or redirect muzzle flash . . .” This change was necessary because it became clear that flash suppressors are typically attached by twisting or screwing the device onto the threaded barrel of a firearm. Therefore, by simply making a half turn (180 degrees), an otherwise fully operational flash suppressor would not function as prescribed in the prior definition. The revised definition eliminates this potential loophole. Accordingly, this final revision “flash suppressor means any device designed, intended, or that functions to reduce or redirect muzzle flash from the shooter’s field of vision,” was noticed during the second 15-day comment period (July 12 through July 31, 2000). Although additional comments were received, no comments were received during the second 15-day comment period that resulted in substantial revision to the definition. However, the Department made a non-substantial revision by adding “perceptibly” to the phrase “reduce or redirect” to confirm that if a reduction or redirection of flash is so minuscule that it is imperceptible to the human eye, it could not reasonably be considered a reduction.

978.20 (c) - Forward Pistol Grip

The proposed definition originally noticed to the public defined a forward pistol grip as “any protrusion in front of the trigger that is designed or intended to grasp and control the firearm.” As a result of public comment during the initial comment period (December 31, 1999 through February 28, 2000), the Department determined the term “any protrusion” appeared to lack clarity in that it could include many shooting accessories or parts of the firearm that may be used to grasp and control the firearm, but could not be considered forward pistol grips, such as sling swivels, bipods and monopods, palm rests, etc. The definition was therefore revised by replacing “any protrusion” with “a grip that allows for a pistol style grasp.” The Department believes that the concept of a “pistol style grasp” is generally understood by persons affected by the regulations. The revised definition: “forward pistol grip means a grip that allows for a pistol style grasp forward of the trigger” was then noticed to the public during the first 15-day comment period (May 10 through May 30, 2000). Although additional comments were received, no comments were received during the first 15-day comment period that warranted additional revisions to the definition.

978.20(d) - Permanently Altered

As originally noticed to the public, the statutory term “permanently altered” was defined to mean “any irreversible change or alteration.” However, after consideration of public comment received during the initial comment period (December 31, 1999 through February 28, 2000), the Department determined that the proposed definition failed to provide any additional clarity to the statutory term “permanently altered.” Furthermore, the Department found that none of the comments considered provided additional clarity while maintaining the legislative intent. The term “permanently altered” as used in the statute appears to be sufficiently understood without

further definition. As such, the regulations were revised to delete this originally proposed definition and it has not been adopted by the Department.

978.20 (e) - Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

This term was originally defined as “any component that allows for the grasp, control, and fire of the firearm where the portion grasped is located beneath an imaginary line drawn parallel to the barrel that runs through the top of the exposed trigger” and noticed during the initial comment period (December 31, 1999 through February 28, 2000). This definition was subject to broad interpretation primarily due to the wording “any component.” The definition was accordingly initially revised by replacing “any component” with “a grip that allows for a pistol style grasp.” The Department believes that the concept of a “pistol style grasp” is generally understood by persons affected by the regulations. This revision: “pistol grip that protrudes conspicuously beneath the action of the weapon means a grip that allows for a pistol style grasp below the top of the exposed trigger” was noticed to the public during the first 15-day notice period (May 10 through May 30, 2000).

Subsequent comments resulted in additional modifications. To further clarify the criteria that establishes a “pistol style grasp” and its relationship to a grip that protrudes conspicuously beneath the action of the weapon, the condition “in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed portion of the trigger while firing” was added to the definition. The revision also reflects a change from “top of the exposed trigger” to “top of the exposed portion of the trigger” because as one contributor pointed out, the former would mean the upper portion of a trigger, a part of which is exposed, with the balance hidden from view in the receiver of the firearm. The final revised definition: “Pistol grip that protrudes conspicuously beneath the action of the weapon means a grip that allows for a pistol style grasp in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed portion of the trigger while firing” was noticed during the second 15-day comment period (July 12 through July 31, 2000). Although additional comments were received, no comments were received during the second 15-day comment period that warranted additional revisions to the definition.

978.20(e) - Thumbhole Stock

The proposed definition originally noticed to the public defined a thumbhole stock as “any stock with any opening that enables the firearm to be grasped, controlled and fired with one hand.” Comments received during the initial comment period (December 31, 1999 through February 28, 2000) stated that the term “any stock with any opening” is overly broad and ambiguous. The Department agrees that any opening can include openings other than thumbholes. As a result, the Department changed “any stock with any opening” to “a stock with a hole.” Significant public input received during the initial comment period also addressed the subjectivity of the phrase “fired with one hand.” It appears from the comments that it could be an arbitrary standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. The Department accordingly determined its use would add confusion rather than clarity to the definition. The definition was revised to specify the physical characteristic of a thumbhole stock as “a stock with a hole that allows the thumb of the trigger hand to penetrate the stock,” and was noticed during the first 15-day comment period (May 10 through May 30, 2000). The comments received during this 15-day notice raised additional challenges regarding the

definition of the term “penetrate.” In an effort to further clarify the definition, the Department added the phrase “into or through” to the phrase “penetrate the stock.” The final revised definition: “thumbhole stock means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock” was noticed during the second 15-day comment period (July 12 through July 31, 2000). Although additional comments were received, none resulted in substantial revision to the definition. However, the Department made a non-substantial revision by adding “while firing” to make it explicit in the definition that the placement of the thumbhole must allow the thumb of the trigger hand to penetrate into or through the stock while firing.

978.30 (a) Requirements for Assault Weapon Registrations

There is no information to be updated. This section was adopted as originally proposed.

978.30 (b) Requirements for Assault Weapons Registrations

The originally proposed regulation section 978.30 (b) identified the required Assault Weapon Registration Application form (FD023) and stated the information to be provided on the form. Comments were received during the initial comment period (December 31, 1999 through February 28, 2000) concerning the disposition of an application when submitted within 30 days of the end of the registration period, since the regulations allow for a 30-day time frame for determining completeness of the application. As a result, the Department revised the regulation to specify that applications submitted to the Department with a postmark date no later than the end of the registration period with the appropriate fee, will be processed even if the application must be returned to the applicant for completion or correction after the close of the registration period. Other comments had also stated that the proposed regulation did not make a provision for firearms with extra barrels, or what must be done if the barrel must be changed in order to comply with safety or hunting regulations. The Department agreed, and deleted the requirement that barrel length information be provided on the registration application. Another contributor stated that the exact date and name and address of the person or firearms dealer from whom the assault weapon was acquired may not be known. Additional comments stated that the registration process must provide for registrations without requiring acquisition information because long guns acquired before 1990 did not required receipts, waiting periods or seller information. The Department agreed, and revised the regulation to state that the month and date of acquisition are to be provided if known. The year of acquisition is required because only assault weapons acquired before specific dates as provided by the Penal Code qualify for registration. Additionally, the regulation was revised so that the name and address of the person or firearms dealership from whom the assault weapon was acquired is optional. These revisions were noticed to the public during the first 15-day comment period (May 10 through May 30, 2000). Additional comments were received, but none were sufficient to warrant further revisions to the regulation.

978.30(c) - Requirements for Assault Weapon Registrations

Penal Code section 12285 (e) requires that the Department’s registration procedures provide the option of joint registration for assault weapons owned by family members residing in the same household. As originally proposed, the Department’s procedures in section 978.30(c) required that the joint registrations identify one individual as the primary registrant, and that joint registrations remain valid only while the primary and co-registrant(s) live in the same household. Comments received during the initial comment period (December 31, 1999 through February 28,

2000) stated that the Department set forth additional and unnecessary requirements by designating a primary registrant, as well as requiring that the joint registration remain valid only while the registrants reside in the same household. Admittedly, had the Legislature intended these requirements they should have been statutorily stated in a much clearer manner. As such, the Department deleted these requirements from the regulation, and the proposed regulations was revised to read “Joint registrations will be permitted for assault weapons owned by family members residing in the same household.” This revised regulation was noticed during the first 15-day comment period (May 10 through May 30, 2000). Although additional comments were received during the first 15-day comment period, none were sufficient to warrant further revision to the regulation.

978.31 - Fees

There is no information to be updated. This section was adopted as originally proposed.

978.32 - Processing Times

There is no information to be updated. This section was adopted as originally proposed.

978.33 Voluntary Cancellations

This section was not proposed or noticed in either the initial comment period (December 31, 1999 through February 28, 2000), or the first 15-day comment period (May 10 through May 30, 2000), but was noticed to the affected parties in the second 15-day comment period (July 12 through July 31, 2000). Comments received during the initial comment period stated that a procedure needs to be in place for cancellation of an assault weapon registration due to theft, destruction, or modification of the firearm to no longer meet the definition of an assault weapon. The Department agreed and added Section 978.33 to the proposed regulations. Because it was fully anticipated and expected by the affected parties there would be a procedure for voluntary cancellations, the addition of this section is considered by the Department to be a substantial modification sufficiently related to the text of the regulation as originally proposed. Thereafter, section 978.33 was noticed to the public during the Department’s second 15-day comment period. After full consideration of the comments received, the Department adopts this regulation as proposed.

978.40 - Requirements for Large Capacity Magazine Permits Pursuant to Penal Code Section 12079

There is no information to be updated. This section was adopted as originally proposed.

978.41 - Processing Times

There is no information to be updated. This section was adopted as originally proposed.

978.42 - Term Length of Large Capacity Magazine Permits

There is no information to be updated. This section was adopted as originally proposed.

978.43 - Large Capacity Magazine Permit Record Keeping

There is no information to be updated. This section was adopted as originally proposed.

978.44 - Large Capacity Magazine Permit Revocations

There is no information to be updated. This section was adopted as originally proposed.

Additional technical theoretical, and/or empirical studies, reports, or documents

In addition to the sources cited in the initial statement of reasons, the Department relied on information from the following sources when formulating the five definitions in the proposed regulation:

- Jane's Infantry Weapons, Glossary, Twentieth Edition, 1994-95
- Sporting Arms and Ammunition Manufacturers' Institute, Inc. (SAAMI), Technical Correspondent's Handbook, Glossary of Industry Terms
- SAAMI Non-Fiction Writer's Guide
- National Rifle Association Institute for Legislative Action (NRA-ILA), Firearms Glossary
- Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Federal Firearms Regulations Reference Guide, 2000
- California Attorney General's Assault Weapons Identification Guide, 1993
- Complete Guide to Guns & Shooting, by John Malloy, 1995

The addition of the above reference material to the rulemaking file was noticed and made available to the public from July 12, through July 31, 2000.

Local Mandate Determination

The proposed regulations do not impose any mandate on local agencies or school districts.

Business Impact

The proposed regulations do not have any significant adverse impact on small business.

Consideration of Alternatives

No alternative which was considered would be either more effective than or equally effective as and less burdensome to affected private persons than the proposed regulations.

Objections or Recommendations/Responses

The proposed regulations resulted in significant input from the affected persons. During the initial 45-day comment period (December 31, 1999 through February 28, 2000), the Department received written input from approximately 1,300 individuals. The Department also held two public hearings to receive oral testimony on the proposed regulations. During the first hearing, held in Sacramento on February 24, 2000, the Department heard testimony from 57 people. Fifty one

people gave testimony in the second hearing in Los Angeles on February 28, 2000. In response to revisions to the regulations, approximately 190 letters were received during the first 15-day comment period (May 10 through May 30, 2000). Further revisions resulted in a second 15-day comment period (July 12 through July 31, 2000). An additional 85 letters were received during the second 15-day period.

In order to properly manage the immense volume of public comment, the Department developed a system consisting of a Comment/Response spreadsheet and Comment Identification Key to assist with public comment organization. The Comment/Response spreadsheets were used to categorize all comments (written and oral) and responses, and are included hereto as Attachments A, B, and C, representing each of the three comment periods (December 31, 1999 through February 28, 2000, May 10, through May 30, 2000, and July 12 through July 31, 2000, respectively). The spreadsheets also include a frequency count for all comment summaries. The Comment Identification Key was used to credit contributors with the appropriate comment summaries and is located under Part J in the rulemaking file. Additionally, Speaker Logs and video recordings for both public hearings are found under Part E in the rulemaking file. The logs include a list of speakers in chronological order and the digital video tracking number to identify at what point on the video tapes each speaker testified.

During the interpretive analysis of public comment, comment codes were assigned to the summaries of each comment, recommendation and objection (all like-comment summaries were assigned the same comment code), and entered into the Comment/Response spreadsheet. Each defined term and regulation were assigned to a specific category during each comment period. For example, section 978.20(a), the definition of detachable magazine, was assigned Category 1 in each of the comment periods (noted as A, B and C). Therefore, all summarized comments beginning with 1. (A1., B1., and C1.) represent comments pertaining to the definition of a detachable magazine. The frequency column on the spreadsheet represents the number of contributors who made each of the summarized comments. All comments, both written and oral, were responded to in this manner and were either accepted or rejected for the reasons identified in the attachments.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine			
Number	Freq.	Comment Summary	Department Response
A1.01	22	The proposed definition of detachable magazine is too broad, and goes beyond the intent of the legislation.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A1.02	66	The regulation lacks clarity because it could be interpreted to include rifles such as the M1 Garand.	The Department does not consider the en bloc clips used in the M1 Garand to be ammunition feeding devices because their purpose is to enable the loading of the cartridges into the fixed magazine, rather than into the firing chamber. The revised definition provides the needed distinction between ammunition feeding devices and clips, stripper clips and en bloc clips, and is consistent with the legislative intent of the statute.
A1.03	3	This type of magazine adds to safety. Banning this item is not keeping with Statement's object of rulemaking, which is to promote public safety.	The comment addresses the statute and not the proposed regulations. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A firearm is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
A1.04	2	Banning detachable magazines would stop several thousands from hunting because many rifles would be in this category.	The comment addresses the statute and not the proposed regulations. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
A1.06	5	The definition is overly broad and lacks clarity because it can be interpreted to include firearms that can be field-stripped without the use of tools making internally fixed magazines detachable.	The Department's revised definition provides the needed clarity to distinguish detachable from fixed magazines and is consistent with the legislative intent of the statute. Thus, firearms that require disassembly of the action to remove a magazine do not fall under this definition.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine			
Number	Freq.	Comment Summary	Department Response
A1.07	15	Definition of a detachable magazine is so broad that most hunting rifles would be classified as assault weapons.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine." However, based on other comments, the Department has revised the definition to provide the needed clarity and is consistent with the legislative intent of the statute.
A1.08	7	The term 'magazine' lacks clarity as the general public believes that any device by which ammunition is loaded into a firearm is interchangeable with terms such as clip, stripper clip, etc.	The Department agrees the term "magazine" lacks clarity. The Department's revised definition provides the needed distinction between ammunition feeding devices and clips, stripper clips and en bloc clips which do not feed cartridges directly into the chamber. The definition is consistent with the statutory definition "any ammunition feeding device".
A1.09	4	The term 'readily' is subjective term and needs a more specific definition.	The Department disagrees with the comment. The Department believes the term "readily" is understood by reasonable people when used in the context of "with neither disassembly of the firearm action nor the use of tools being required".
A1.10	1	Recommended revision: "A detachable magazine is a bullet feeding device, consisting of a spring, follower, body, and base plate, that can be inserted and removed from the firearm, as a unit, without the use of tools."	The Department disagrees with this comment because it excludes belted and linked ammunition. The statute defines a magazine as "any ammunition feeding device", which includes belted or linked ammunition because they feed ammunition directly into the firing chamber.
A1.11	1	Rules should be more narrowly drawn to apply only to those magazines which are intentionally designed to be removed and replaced during the normal course of firing operations.	The Department agrees with the basic premise of the comment. The Department has revised the definition to exclude magazines that require disassembly of the firearm action as that would not be part of the normal course of firing operations.
A1.12	4	The SKS rifle with a detachable magazine cannot be changed without using a bullet tip as a tool, thus the regulations conflict with the specific listing of SKS rifles with detachable magazines in the Roberti-Roos Assault Weapons Control Act. DOJ has no authority to contradict existing law.	The Department disagrees with the comment because any magazine that requires the use of a bullet or any other tool for its removal is a fixed magazine, not a detachable magazine. The SKS with a true detachable magazine does not require a bullet or any other tool to remove and is a controlled assault weapon under Penal Code section 12276. Identifying a bullet as a tool allows for the proper categorization of an SKS with a fixed magazine. Therefore, the SKS referred to in the comment has a fixed, not detachable magazine.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine			
Number	Freq.	Comment Summary	Department Response
A1.13	1	A gun with a detachable magazine allows the owner to keep the gun locked and unloaded, yet, ready for use quickly if needed, therefore, they should not be banned.	The comment addresses the statute and not the proposed regulations. Pursuant to Penal Code section 12276.1, the “capacity to accept a detachable magazine” is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute.
A1.14	6	The definition of detachable magazine lacks clarity because it does not define "tool".	The Department agrees the definition requires additional clarification regarding the term "tool". Thus, the Department revised the definition to specify that a bullet or ammunition is a tool because certain firearms have fixed magazines that can be removed utilizing a bullet or cartridge. Identifying a bullet as a tool allows these types of magazines to appropriately remain fixed by definition.
A1.15	1	The "detachable magazine" definition makes most pistols illegal.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the “capacity to accept a detachable magazine” is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A pistol is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the “capacity to accept a detachable magazine.” However, based on other comments, the Department has revised the definition to provide the needed clarity and is consistent with the legislative intent of the statute.
A1.16	1	Recommended revision: "Detachable magazine" means any magazine that can be readily removed without the use of tools and has a capacity of more than 10 rounds.	The Department disagrees with the comment. The capacity of the magazine is irrelevant for the purpose of defining a "detachable magazine".
A1.17	1	"Detachable magazine" definition lacks clarity because it doesn't distinguish a standard 30-round capacity AR-15 type magazine from a 10-round Ruger Mini-14 magazine, and others.	The Department disagrees with the comment. The capacity of the magazine is irrelevant for the purpose of defining a "detachable magazine".
A1.18	2	Recommended revision: "Detachable magazine means any magazine that can be removed without use of tools and without disassembly of the firearm.	The Department agrees with the comment and has incorporated the recommended wording into the revised definition.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine			
Number	Freq.	Comment Summary	Department Response
A1.19	8	A detachable magazine does not make a rifle an assault weapon.	The Department agrees with the comment. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine." However, based on other comments, the Department has revised the definition to provide the needed clarity and is consistent with the legislative intent of the statute.
A1.20	1	Recommended revision: "Detachable magazine" means any magazine that can be readily removed without the use of tools with the exception of ammunition clips that are inserted into the top of the receiver when the bolt is retracted, and holds no more than 8 rounds of ammunition."	The Department disagrees with this comment because it excludes belted and linked ammunition. The statute defines a magazine as "any ammunition feeding device", which includes belted or linked ammunition because they feed ammunition directly into the firing chamber.
A1.21	1	The definition should be revised and expanded in detail by firearms experts so that a precise and useful definition may be rendered.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A1.22	4	The definition should distinguish between an external, detachable magazine that carries the bullets for the gun, and a clip (such as an en bloc or stripper clip) this is merely used to hold the bullets while loading an internal magazine.	The Department's revised definition provides the needed distinction between ammunition feeding devices and clips, stripper clips and en bloc clips which do not feed cartridges directly into the chamber. The definition is consistent with the statutory definition "any ammunition feeding device".
A1.23	1	Magazine should be clearly defined as a self feeding spring loaded device.	The Department disagrees with the comment because it excludes belted and linked ammunition. The statute defines a magazine as "any ammunition feeding device", which includes belted or linked ammunition because they feed ammunition directly into the firing chamber.
A1.24	1	The detachable magazine definition goes beyond the intent of the legislature by including any magazine that can be easily removed without tools.	The Department disagrees with the comment. The Department believes it is consistent with the legislative intent of the statute to define a detachable magazine as being readily removed without the use of tools.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine			
Number	Freq.	Comment Summary	Department Response
A1.25	2	The definition should read: ". . . That can be readily removed without disassembly of a portion of the action".	The Department agrees with the comment and has incorporated the recommended wording into the revised definition.
A1.26	1	The broad definition will produce various law enforcement interpretations, therefore the definition is void for vagueness.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A1.27	2	Recommends that the M1 Garand be specifically excluded from the definition of an assault weapon.	The Department disagrees with the comment because the Department does not have the authority to exclude specific makes and models of firearms. However, the Department has revised the definition to be consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A1.28	1	Recommended revision: "Detachable magazine means any magazine with a capacity of ten rounds or more which protrudes below an imaginary line drawn parallel to the barrel that runs through the bottom of the exposed trigger and can be readily removed without the use of tools."	The Department disagrees with the comment. The capacity of the magazine and the length the magazine protrudes beneath the exposed trigger are irrelevant to the definition of a "detachable magazine".
A1.29	1	The proposed definition greatly expands the scope and effect of SB 23 by including firearms not typically classified as "assault weapons" and fails to provide clarity as to the types of firearms that will be banned.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A1.30	1	Many shotguns have tubular magazines that can be removed by unscrewing a single large bolt, that is by design 'finger tight' so that it can be removed by hand. Therefore, these semi-automatic shotguns meet the requirement for a detachable magazine.	The Department disagrees with the comment. Having to unscrew a single large bolt to reload the tubular magazine precludes that type of magazine from being considered "readily" removable. Thus, such a magazine would not be considered "detachable".

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine			
Number	Freq.	Comment Summary	Department Response
A1.31	1	Recommended revision: "A container from which the mechanism of the gun transfers ammunition to the chamber and which can readily be removed and exchanged for a full one.	The Department disagrees with the comment. The Department believes the terms "mechanism" and "chamber" would require further clarification/definition for the recommended definition to meet the clarity standard. Furthermore, the Department disagrees with this comment because it excludes belted and linked ammunition. The statute defines a magazine as "any ammunition feeding device", which by the proposed regulation includes belted or linked ammunition because they feed ammunition directly into the firing chamber.
A1.32	1	Every firearm having a barrel has "the capacity to accept" a flash suppressor. Almost every firearm that has a stock has "the capacity to accept" a different stock of another configuration... It should be clarified in the regulation that the "capacity to accept" as used in PC section 12276.1(a) refers only to the detachable magazine, not to the enumerated items.	The Department disagrees with the comment. The comment addresses the statute, which expressly qualifies "capacity to accept" or "capability to accept" for every specifically intended instance.
A1.33	2	Recommended revision: a magazine that can be removed by using a built-in magazine release.	The Department disagrees with the comment. The recommended definition is too narrow, therefore inconsistent with the legislative intent of the statute.
A1.34	1	Recommended revision: a magazine that can be removed by pushing an external button with a finger.	The Department disagrees with the comment. The recommended definition is too narrow, therefore inconsistent with the legislative intent of the statute.
A1.35	1	Detachable magazine is loosely worded enough to include a cylinder from a revolver.	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not revolvers.
A1.36	1	There is no definition of what is or is not a magazine for the purposes of the law.	The Department agrees with the comment. The Department's revised definition provides the needed distinction between ammunition feeding devices and clips, stripper clips and en bloc clips which do not feed cartridges directly into the chamber. The definition is consistent with the statutory definition "any ammunition feeding device".

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine			
Number	Freq.	Comment Summary	Department Response
A1.37	1	Recommended revision: "detachable magazine" means any integral ammunition magazine that will hold ammunition in place when the magazine is removed from the firearm and that can be readily removed without the use of tools.	The Department disagrees with this comment because it excludes belted and linked ammunition. The statute defines a magazine as "any ammunition feeding device", which includes belted or linked ammunition because they feed ammunition directly into the firing chamber.
A1.38	1	The definition is critically flawed and misstates legislative intent, in that it tacitly assumes "large capacity magazines" and/or interchangeability and ignores design intent and functionality.	The Department disagrees with the comment. The capacity of the magazine is irrelevant for the purpose of defining a "detachable magazine". The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A1.39	1	Recommends the definition be modified to reflect legislative intent and accordingly craft language suitable and sufficiently broad to reflect the distinctions peculiar to the BAR hunting rifle magazine system.	The Department disagrees with the comment. The Department does not have the authority to craft language intended to exclude a specific manufacturer's magazine system. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.01	84	Flash suppressor definition lacks clarity; does not provide measurement standards or testing procedures.	The Department disagrees with the comment. The Department believes the absence of any measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision. Therefore, establishment of specific measurement standards that permit some percentage or amount of flash suppression would conflict with the legislative intent of the statute. There is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department believes the revised definition is clear and consistent with the legislative intent of the statute.
A2.02	71	Flash suppressor definition lacks clarity; does not provide the ability to determine the difference between illegal flash suppressors and flash hidens, and legal muzzle brakes and compensators.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they reduce or redirect muzzle flash from the shooter's field of vision. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, any device that reduces or redirects flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. Furthermore, there is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department believes the revised definition is clear and consistent with the legislative intent of the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.03	25	Flash suppressor definition lacks clarity; it is ambiguous and subject to the arbitrary interpretation of law enforcement officers.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they reduce or redirect muzzle flash from the shooter's field of vision. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent that a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision, be considered a flash suppressor. Furthermore, there is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department believes the revised definition is clear and consistent with the legislative intent of the statute.
A2.05	3	The definition lacks a legal definition of "reduces".	The Department disagrees with the comment. The meaning of the word "reduces" is understood by reasonable people who are not being purposely obtuse.
A2.06	2	The term "conceal" lacks clarity and should be further defined.	The Department agrees that as used in the proposed definition, the term "conceal" lacked clarity. The term has been removed from the revised definition.
A2.07	2	The term 'any device' conflicts with the term used in the statute and goes beyond the language of the statute. The statute makes no distinction between a flash suppressor or muzzle brake. You don't have the authority to grant an exception to the statute.	The Department disagrees with the comment. The Department's definition begins with "any device" but then adds the appropriate qualifications or characteristics that make a device a flash suppressor. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they reduce or redirect muzzle flash from the shooter's field of vision. The absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, any device that reduces or redirects muzzle flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. Muzzle brakes and compensators are not flash suppressors only if they do not reduce or redirect muzzle flash from the shooter's field of vision. The revised definition is consistent with that intent.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.08	17	Any device mounted to the barrel or a weapon will reduce or conceal to some degree the light from the area when fired.	The Department's revised definition (including deletion of "conceals") provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A2.09	1	The regulation should be written to clarify that a flash suppressor is a device whose only purpose is the reduction of flash signature in order to avoid such inadvertent inclusion of innocuous gun parts.	The Department disagrees with the comment. The Department believes the legislative intent of statute is to identify as a flash suppressor, a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The revised definition is consistent with that intent.
A2.11	4	Flash suppressor should be defined as a device attached to the end of the barrel that provides no other benefit than to reduce the flash created by firing a rifle.	The Department disagrees with the comment. The Department believes the legislative intent of statute is to identify as a flash suppressor, a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The revised definition is consistent with that intent.
A2.12	3	If the device serves as a muzzle brake or compensator it should not be considered to be a flash suppressor for the purposes of this definition.	Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they reduce or redirect muzzle flash from the shooter's field of vision. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, any device that reduces or redirects any amount of muzzle flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The revised definition is consistent with the legislative intent of the statute.

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Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.13	7	As different cartridges have different propellants and charges, cartridges will have varying amounts of muzzle flash. Regulations need to address how much reduction in visible light is required, and how the change of ammunition will affect the testing of various firearms, since different cartridges have different propellants, charges and varying amounts of muzzle flash.	The Department disagrees with the comment. The variance in the amount of muzzle flash created by different cartridges is not a factor in determining whether a device is a flash suppressor. If the presence of a particular device results in muzzle flash being reduced or redirected from the shooter's field of vision, it is a flash suppressor. The Department believes the absence of any measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces or redirects any amount of muzzle flash. Therefore, establishment of specific measurement standards that permit some percentage or amount of flash suppression would conflict with the legislative intent of the statute. Additionally, there is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department believes the revised definition is clear and consistent with the legislative intent of the statute.
A2.14	8	As written, every law enforcement agency could have their own measurement standards, which can lead to inconsistent enforcement.	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent that a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision, be considered a flash suppressor. The revised definition is clear and consistent with that intent.
A2.15	2	Concise terminology is necessary to eliminate subjective interpretation.	The Department agrees with the comment. The Department believes the revised definition is clear, concise, and consistent with the legislative intent of the statute.
A2.16	1	Questions what possible public interest this regulation is design to protect.	The purpose of the regulation is to define the term "flash suppressor" as used to identify one of the assault weapon characteristics pursuant to Penal Code section 12276.1.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.17	1	The definition of flash suppressor should be amended to include measurable criteria for defining such devices that is developed from scientific testing and measurement, and written in a way to make the requirement clear to the average citizen.	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent that a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision, be considered a flash suppressor. Thus the Department would be exceeding its authority if it were to establish specific measurement standards that permitted some percentage or amount of flash suppression. The revised definition is consistent with the legislative intent of the statute and provides the needed clarity to be understood by reasonable people.
A2.18	2	The definition of flash suppressor requires clarifying revision that actually describe the physical characteristic that make an item a "flash suppressor".	The Department disagrees with the comment that flash suppressor should be defined by physical characteristics. The revised definition defines flash suppressor by its functional characteristics and provides the needed clarity to be understood by reasonable people.
A2.20	2	Requests a clear, fault-free definition of use of flash suppressor, compensator, muzzle brakes, which are legal and which are not.	The Department disagrees with the comment as far as the need to define compensators and muzzle brakes. However, any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they reduce or redirect muzzle flash from the shooter's field of vision. The Department believes the legislative intent of the statute is to identify as a flash suppressor, a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The revised definition is consistent with the legislative intent of the statute and provides the needed clarity to be understood by reasonable people.
A2.21	1	Flash suppressor fails to delineate any method of determining whether a device is actually a flash suppressor or not. Thus the determination will be made in a subjective, rather than objective manner, any many abuses of the law are bound to occur.	There is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. Accordingly, the sole purpose of this regulation is to define "flash suppressor" and it has been defined in a manner which is both clear and consistent with the legislative intent of the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.22	6	"The ("Flash Suppressor") definition is inaccurate, subjective and confusing. A flash suppressor or flash hider does not reduce or conceal visible light or flash created when the weapon is fired. It merely redirects the blast somewhat so it is less visible to the person firing the weapon. While the principles for designing military flash hidere are well known, apparently the legislature and DOJ are unaware of their capabilities and purpose. The proposed definition does nothing to clarify what a flash suppressor is, and might equally be applied to gun powder that produces less flash than "average". I recommend DOJ study how flash suppressors are designed and come up with a(n) objective definition based on those principles."	While the Department agrees a flash suppressor does not reduce or conceal total light or flash output, it does in fact, reduce or redirect light or flash very specifically away from the shooter's field of vision. The Department's revised definition (including replacing "conceals" with "redirects") provides the needed clarity and is consistent with the legislative intent of the statute. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent that a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision, be considered a flash suppressor.
A2.23	5	The definition does not differentiate between other barrel attachments such as the Browning BOSS system and bloop tubes, which are extended barrel enclosures that are used by Olympic competitors and other target shooters.	The Department agrees with the comment. The original definition exceeded Departmental authority by including and/or excluding particular devices by name without consideration of whether the devices suppress flash. The Department believes the legislative intent is to identify a flash suppressor as any device that reduces or redirects muzzle flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The revised definition of a flash suppressor based on its functional characteristics is consistent with the legislative intent of the statute and provides the needed clarity to be understood by reasonable people.
A2.24	1	Commentary suggests there is no way to quantify the effectiveness of any given design of flash suppressor type device; there are too many variables, including primer composition and flame temperature; propellant sensitivity, frangibility, burn rate, caloric content and expansion ratio; working pressure; projectile weight, obturation and friction coefficient; muzzle pressure and plume temperature, etc.	While the Department believes it is possible to measure a device's effectiveness at reducing or redirecting flash or light from the shooter's field of vision, there is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors.

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Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.25	4	Objects to Flash Suppressors or hidens being banned.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A2.26	2	ATF has a process for testing. Commentary questions whether DOJ will accept ATF's determination on any devices submitted to them for testing.	There is no legislative mandate or funding for the Department to establish a testing program for devices such as flash suppressors, muzzle brakes, etc. The Department will neither approve nor disapprove any devices regardless of ATF determinations.
A2.27	2	Recommends specifically excluding tuning devices, and barrel extensions for increasing the sign radius or weight and balance, because many of those devices are being installed on a large number of hunting and competitive rifles to enhance accuracy. Excluding those terms from the definition of flash suppressors will protect the rights of sportsmen and competitive shooters.	The Department disagrees with the comment. The Department believes the legislative intent of the statute is to identify as a flash suppressor, a device that reduces or redirects any amount of muzzle flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The Department does not have statutory authority to make exclusions that would be inconsistent with the intent of the law.
A2.28	2	The Department should abide by federal standards.	No formal standards or specifications have been published by the Bureau of Alcohol, Tobacco, and Firearms regarding flash suppressors.
A2.29	1	The proposed definition greatly expands the scope and effect of SB 23 by including firearms not typically classified as "assault weapons" and fails to provide clarity as to the types of firearms that will be banned.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A2.30	1	The term 'muzzle barrel' is not only unclear, it is inherently contradictory.	The Department agrees with the comment. The term "muzzle barrel" has been deleted from the revised definition.

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Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.31	4	The definition is ambiguous because compensators and muzzle brakes also reduce visible light but are, by the proposed regulations, exempt.	The Department believes the legislative intent of the statute is to identify as a flash suppressor, a device that reduces or redirects any flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. The revised definition is consistent with the legislative intent of the statute and provides the needed clarity to be understood by reasonable people.
A2.32	2	Flash suppressor must be accounted for in terms of intensity and frequency of visible electromagnetic flux.	The Department disagrees with the comment. The Department believes the revised definition provides the needed clarity for proper understanding of the regulations by those people affected by them and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A2.33	3	Since many flash suppressors perform some recoil compensation or muzzle braking functions, and many compensators and muzzle brakes also suppress flash to some extent, it may be impossible to provide a definition that meets both the literal requirements of SB 23 and its legislative intent. A legislative "fix" may be required.	The Department agrees with the comment. However, in the absence of any legislative amendment, the Department believes the intent of the existing statute is to identify as a flash suppressor, a device that reduces or redirects any flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The revised definition is consistent with the legislative intent of the statute and provides the needed clarity to be understood by reasonable people.
A2.34	1	Does not agree that flash hidens should be lumped with flash suppressors, they were designed for two different things.	The Department agrees with the comment as far as including and/or excluding devices based on the name of the device. The Department believes the legislative intent of statute is to identify as a flash suppressor, a device that reduces or redirects any flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The revised definition is consistent with that legislative intent.
A2.35	2	Recommends using military engineering drawing to describe "flash suppressors".	The Department disagrees with the comment. The Department believes the revised definition is sufficiently clear without the use of military engineering drawings.

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Comment/Response Spreadsheet**

978.20(b) Flash Suppressor			
Number	Freq.	Summary of Comment	Department Response
A2.36	1	The Department should publish a list of legal muzzle brakes and compensators so that law enforcement officers don't mistakenly engage in false arrest.	The Department disagrees with the comment. The Department believes the legislative intent of statute is to identify as a flash suppressor, a device that reduces or redirects any flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. Furthermore, there is no legislative mandate or funding for the Department to establish a testing program for the approval/disapproval of devices such as flash suppressors, muzzle brakes, etc. Therefore, the Department will publish no list. The revised definition is consistent with the legislative intent of the statute and provides the needed clarity to be understood by reasonable people.
A2.37	1	The definition is insufficiently broad so as to be exclusionary by class.	The Department agrees with the comment. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A2.38	1	Requests a modification that would fairly reflect legislative intent and incorporate an exclusion of the Browning BOSS and BOSS-CR.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. The Department believes the legislative intent is to identify a flash suppressor as any device that reduces or redirects muzzle flash from the shooter's field of vision regardless of its name, or intended purpose, or additional purpose. The revised definition of a flash suppressor based on its functional characteristics is consistent with the legislative intent of the statute and provides the needed clarity to be understood by reasonable people.

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Comment/Response Spreadsheet**

978.20(c) Forward Pistol Grip			
Number	Freq.	Summary of Comment	Department Response
A3.01	96	The definition lacks clarity because it is unclear whether items such as sling swivels, magazines forward of the trigger, fore-ends, hand guards and bipods are considered forward pistol grips.	The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.
A3.02	60	The definition lacks clarity because it does not state whether such a device has to possess a vertical or horizontal orientation and can be interpreted to include any rifle with a stock or forearm that extends past the trigger.	The Department disagrees with the comment. The legislature did not specify an intended grip orientation in the statute. Therefore, the Department would exceed its authority to specify whether the grip possesses a vertical or horizontal orientation. The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.
A3.03	4	Regulation is contrary to the statement's object to protect the health, safety and security of California citizens, because if the definition of a forward pistol grip is to grasp and <u>control</u> the firearm, it only makes sense that the better the control of the firearm, the safer the firearm.	The statute and not the regulations establishes a forward pistol grip as an assault weapon characteristic. The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A3.04	1	The proposed definition does not state that the protrusion needs to be attached to the weapon, only in use with the weapon, and implies a shooting stick can be a forward pistol grip.	The Department disagrees with the comment. The statute is express and clear when it states an assault weapon "has" versus "can be used with" a forward pistol grip. Although the definition is clear in this respect, the Department has nevertheless revised its definition to specifically define physical characteristics of a forward pistol grip. The revision is consistent with the legislative intent of the statute.
A3.05	1	The word protrudes is not sufficiently defined and would seem to include a 'potbellied stock/forearm'.	The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.
A3.07	5	Forward Pistol Grip definition leaves too much room for misinterpretation.	The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.

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Comment/Response Spreadsheet**

978.20(c) Forward Pistol Grip			
Number	Freq.	Summary of Comment	Department Response
A3.08	2	The forward pistol grip definition would outlaw an old Remington hunting rifle.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, a "forward pistol grip" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a forward pistol grip.
A3.09	6	Definition lacks clarity because misinterpretation of the definition could include sporting firearms that have detachable magazines that protrude in front of the trigger.	The Department's revised definition specifies a forward pistol grip as necessarily being a grip. A magazine forward of the trigger that is also a grip would be subject to this definition. The revision is consistent with the legislative intent of the statute.
A3.10	3	Definition doesn't make sense.	The Department disagrees with the comment. However, the Department agrees the original definition was subject to broad interpretation unintended by the Department and the Legislature. The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.
A3.11	1	The use of some form of "forward grip" is important for safety and control the firearm.	The statute and not the regulations establishes a forward pistol grip as an assault weapon characteristic. The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A3.12	5	The regulation is too broad.	The Department's revised definition specifies the physical characteristics of a forward pistol grip. The revision is consistent with the legislative intent of the statute.
A3.13	1	A grasp could be with a single finger, for example on the checkered front surface of a trigger guard, such as are found on the Glock pistols.	The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.

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Comment/Response Spreadsheet**

978.20(c) Forward Pistol Grip			
Number	Freq.	Summary of Comment	Department Response
A3.14	1	Recommends an illustration or picture of a forward pistol grip be included.	The Department disagrees with the comment. The Department believes the revised regulations are sufficiently clear without the use of illustrations.
A3.16	8	The forward pistol grip definition does not include specific measurable criteria for defining "any protrusion" in a way that can be clearly understood by the average citizen.	The Department disagrees with the comment. The revised definition provides the needed clarity by defining the physical characteristics of a forward pistol grip. The Legislature did not address specific measurable criteria.
A3.17	6	Requests wording to specifically exempt slings, forehand stops, palm rests and bi-pods from the forward pistol grip definition.	The Department's revised definition provides the needed clarity by defining the physical characteristics of a forward pistol grip and is consistent with the legislative intent of the statute. The named devices would not be included in the definition.
A3.18	1	As written, definition includes the enlarged rifle stocks peculiar to Olympic .22 competition rifles.	The Department does not have the authority to draft definitions that would exclude a particular type of firearm if to do so would conflict with the legislative intent of the statute. However, the Department's revised definition provides the needed clarity by defining the physical characteristics of a forward pistol grip and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A3.19	5	The Department has exceeded its administrative authority by expanding the scope of what is included far beyond a pistol grip.	The Department agrees with the comment. The Department's revised definition specifies the physical characteristics of a forward pistol grip and is consistent with the legislative intent of the statute.
A3.20	2	The definition is reasonable as long as it means a device that is "intended to be grasped", rather than "could be grasped" (such as a sling swivel).	The Department disagrees with the comment because the Department believes it exceeds its authority in requiring the forward pistol to allow for the grasp and control of the firearm. The mere presence of a forward pistol grip meets the criteria in statute. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.

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Comment/Response Spreadsheet**

978.20(c) Forward Pistol Grip			
Number	Freq.	Summary of Comment	Department Response
A3.21	1	The forward pistol grip should be defined as a stand alone protrusion.	The Department disagrees with the comment because the term protrusion is overly broad. The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.
A3.22	1	A forward pistol grip should be defined as a pistol grip that is forward of the trigger mechanism.	The Department agrees with the comment and has incorporated the recommendation into its revised definition.
A3.23	1	Recommended revision: "forward pistol grip means any protrusion in front of the trigger that is <u>mainly</u> designed or intended to grasp and control the firearm."	The Department disagrees with the comment. The term "mainly" as recommended lacks clarity. The Department's revised definition provides the needed clarity by defining the physical characteristics of a forward pistol grip and is consistent with the legislative intent of the statute.
A3.24	3	The proposed definition should be withdrawn, and rewritten.	The proposed definition was rewritten and is consistent with the legislative intent of the statute.
A3.25	1	The proposed definition greatly expands the scope and effect of SB 23 by including firearms not typically classified as "assault weapons" and fails to provide clarity as to the types of firearms that will be banned.	The Department has revised the definition to provide the needed clarity and the revision is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A3.26	1	Recommended revision: "forward pistol grip means a protrusion in front of the trigger that is substantially perpendicular to the barrel and that extends more than three inches below the barrel, and that is designed for the grasping and control of the firearm".	The Department disagrees with the comment. The revised definition provides the needed clarity by defining the physical characteristics of a forward pistol grip. The Legislature did not address specific measurable criteria.

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Comment/Response Spreadsheet**

978.20(c) Forward Pistol Grip			
Number	Freq.	Summary of Comment	Department Response
A3.27	1	Recommended revision: "distinct protrusion below the forestock, not including a sling, which enables the firearm to be grasped and controlled independently of such forestock."	The Department disagrees with the comment. The Department believes the mere presence of a forward pistol grip meets the criteria in the statute. The revised definition specifies the physical characteristics of a forward pistol grip and is clear and consistent with the legislative intent of the statute.
A3.28	1	Recommended revision: "A rigid protrusion extending 3 inches or more below the lowest longitudinal surface."	The Department disagrees with the comment. The revised definition provides the needed clarity by defining the physical characteristics of a forward pistol grip. The Legislature did not address specific measurable criteria.
A3.29	1	A pistol grip is a pistol grip. Doesn't agree that "any protrusion" is a pistol grip.	The Department agrees with the comment and has revised the definition accordingly.
A3.30	1	Recommend "a hand grip perpendicular to the barrel that protrudes one inch or more below the bottom of the detachable magazine."	The Department disagrees with the comment. The revised definition provides the needed clarity by defining the physical characteristics of a forward pistol grip. The Legislature did not address specific measurable criteria.
A3.31	1	Recommended revision - A vertical or nearly vertical hand-hold projection, attached to the fore-end, intended to be encompassed by the grasping hand.	The Department disagrees with the comment. The legislature did not specify an intended grip orientation in the statute. Therefore, the Department would exceed its authority to specify whether the grip possesses a vertical or horizontal orientation. The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Attachment A

978.20(c) Forward Pistol Grip			
Number	Freq.	Summary of Comment	Department Response
A3.32	1	Recommended revision: a tubular grip perpendicular to the barrel and forward of the action that protrudes one inch or more below the bottom of the detachable magazine.	The Department disagrees with the comment. The revised definition provides the needed clarity by defining the physical characteristics of a forward pistol grip. The Legislature did not address specific measurable criteria.

**45-Day Comment Period
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978.20(d) Permanently Altered			
Number	Freq.	Summary of Comment	Response
A4.01	13	The definition lacks clarity; commentary suggests that the only way a firearm can be permanently altered is for it to be destroyed.	The Department agrees the definition lacks clarity. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.02	3	This vague requirement can be interpreted to mean just about anything, even to stock checkering and stock recoil pad installation.	The Department agrees the definition lacks clarity. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.03	1	There is no language in statute that allows for the alteration of a magazine, permanent or temporary that will take it out of the definition given by the statute itself.	The Department disagrees with the comment. The Department has determined the phrase "permanently altered" as stated in PC section 12276.1(c)(2) is easily understood by reasonable people. Therefore, the Department believes further specificity is not necessary and has deleted the definition from its regulations.
A4.04	2	The definition lacks clarity; and indicates there is no way of telling which modification DOJ would or would not consider irreversible. The definition must specify those procedures it would find acceptable in order to make the resale of large-capacity magazines legal.	The Department disagrees a need exists for resale procedures because 12020(a)(2) prohibits, with certain exceptions, the sale of Large Capacity Magazines. The Department would exceed its authority to create sales procedures.

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978.20(d) Permanently Altered			
Number	Freq.	Summary of Comment	Response
A4.05	22	The description of "permanently altered" is vague and confusing because the irreversible standard is unachievable.	The Department agrees the definition lacks clarity. The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.07	2	The definition is vague and does not include a standard by which it can be enforced.	The Department agrees the definition lacks clarity. The Department disagrees that establishment of enforcement standards is required. Physical inspection is sufficient to determine a magazine's capacity to accept more than ten rounds. The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.08	1	Recommended revision: "altered so as to not conform to the definition of an assault rifle as defined in SB 23 and requiring the use of tools to change the alteration."	The Department disagrees with the comment. The statute does not allow for the alteration to be restored. Therefore, such definition would be in conflict with the statute and the Department does not have authority to conflict with the statute.
A4.09	2	Recommended revision: "Permanently altered means any change or modification which cannot be readily restored or converted to allow the magazine or other feeding device to accept more than ten rounds of ammunition."	The Department disagrees with the comment. The statute does not allow for the alteration to be restored. Therefore, such definition would be in conflict with the statute and the Department does not have authority to conflict with the statute.
A4.10	1	This definition would negate the part of the law that allows things to be done with magazines that have been altered so as to hold no more than 10 rounds. A realistic standard for ease of restoration should be specified.	The Department disagrees with the comment. The statute does not allow for the alteration to be restored. Therefore, such definition would be in conflict with the statute and the Department does not have authority to conflict with the statute.

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978.20(d) Permanently Altered			
Number	Freq.	Summary of Comment	Response
A4.11	22	The definition needs to be reworded because there is nothing irreversible that cannot be fixed, repaired or changed back on a firearm.	The Department agrees that "irreversible" is not synonymous with the word "permanent". The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.12	1	The definition does not specify acceptable methods of implementation and tests of "irreversible change".	The Department agrees the definition lacks clarity. The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.13	2	The regulation should be amended to include a definition that allows the devices to be modified such that they cannot be returned to the original state without the use of specialized tools, machinery, and knowledge not generally available to the average citizen. A simple test of this status should be developed and specified so that the average citizen can quickly and cheaply determine if any change is in compliance with the law.	The Department disagrees with the comment. The statute does not allow for the alteration to be restored. Therefore, such definition would be in conflict with the statute and the Department does not have authority to conflict with the statute.
A4.14	1	The term "modification" in the definition of "Permanently Altered" is unclear.	The Department does not agree that the term "modification" is unclear. However, the Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.

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978.20(d) Permanently Altered			
Number	Freq.	Summary of Comment	Response
A4.15	2	The definition of "Permanently Altered" says virtually nothing that would be useful to firearms owner, law enforcement or the courts. The department must describe what is a "permanent" alteration. For example, is "welding" deemed to be "permanent?" The statute does not require that "permanent" be "irreversible". If a large capacity detachable magazine is configured by alteration to be identical to a lawful 10 round magazine as newly manufactured, is that acceptable? The definition as proposed is vague and has great potential for unnecessary confusion, arrest and prosecution. It requires revision. The department must state what procedures are "permanent" for the purposes of the new law.	The Department agrees the definition lacks clarity. The Department agrees that the word "irreversible" is not synonymous with the work "permanent". The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.16	1	Death is the only "irreversible change".	The comment addresses neither the statute nor the proposed regulations. However, The Department has determined the phrase "permanently altered" as stated in PC section 12276.1(c)(2) is easily understood by reasonable people. Therefore, the Department believes further specificity is not necessary and has deleted the definition from its regulations.
A4.17	1	The use of the word "irreversible" in its definition, thus making it impossible to "permanently alter" something, alters the meaning of the law, which DOJ does not have the authority to do.	The Department agrees that the word "irreversible" is not synonymous with the word "permanent". The Department has determined the phrase "permanently altered" as stated in PC section 12276.1(c)(2) is easily understood by reasonable people. Therefore, the Department believes further specificity is not necessary and has deleted the definition from its regulations.
A4.18	1	Recommended revision: "Permanently Altered" means any change or modification not reversible without extensive use of tools.	The Department disagrees with the comment. The statute does not allow for the alteration to be restored. Therefore, such definition would be in conflict with the statute and the Department does not have authority to conflict with the statute.

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978.20(d) Permanently Altered			
Number	Freq.	Summary of Comment	Response
A4.19	1	The irreversible standard would damage the functionality of the magazine.	The Department disagrees with the comment because the alteration of a magazine does not necessarily damage its functionality. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.20	1	The proposed definition greatly expands the scope and effect of SB 23 by including firearms not typically classified as "assault weapons" and fails to provide clarity as to the types of firearms that will be banned.	The Department agrees the definition lacks clarity. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.21	1	The regulation is not adequate in the context of the due process required of a statute that imposes criminal penalties for violation.	The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.22	1	If proposed definition stands, the DOJ should be the single point of approval to pass judgment on proposed alterations by manufacturers, importers, retailers, gunsmiths and owners, or every jurisdiction could impose its own standard.	The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people and there is no reason for the DOJ to be the point of approval to pass judgment on proposed alterations. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.23	1	Definition is purposefully broad and would include alterations made to firearms such as lengthening or shortening the stock to fit the shooter, or the addition of swivels for accuracy.	The Department disagrees with the comment. The comment references firearms and firearms accessories, while the term "permanently altered" refers solely to the capacity of feeding devices.

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978.20(d) Permanently Altered			
Number	Freq.	Summary of Comment	Response
A4.24	1	"Permanently altered" = "Irreversibly changed" = Tautology.	The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.25	1	Recommended revision: one or more parts are modified or replaced so as not to allow more than 10 rounds in any one feeding device.	The Department agrees with the intent of the comment. The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
A4.26	1	Recommended revision: Permanent alteration would require substantial reworking of the magazine structure or replacement of altered parts to restore the magazine to the original capacity.	The Department disagrees with the comment. The statute does not allow for the alteration to be restored. Therefore, such definition would be in conflict with the statute and the Department does not have authority to conflict with the statute.
A4.27	1	Regulation is vague and meaningless. All forms of use, wear and maintenance produce permanent alteration.	The Department agrees the definition lacks clarity. However, the Department disagrees with the relevance of the assertion that all forms of use produce permanent alteration. The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.

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978.20(d) Permanently Altered			
Number	Freq.	Summary of Comment	Response
A4.28	1	The definition is in conflict with legislative intent and the plain reading of the bill.	The Department agrees with the comment. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.01	2	Recommended revision: A grip is defined as that structure the hand grasps or encircles, and includes any connected extension used for attachment to the gun. No gun should have a grip that is perpendicular to the barrel, or in any amount that is less than perpendicular, to a point that the grip can no longer be grasped. No gun should have a grip that attaches to the gun in more than one place.	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. This comment would make it easy to circumvent the law by simply attaching a pistol grip at an angle slightly more than perpendicular to the barrel which would exclude it from being considered a pistol grip according to the definition. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.02	4	Recommends the use of illustrations in the regulations to provide clarity.	The Department disagrees with the comment. The Department believes the revised regulation is sufficiently clear without the use of illustrations.
A5.03	42	The vagueness of the regulation makes equal enforcement throughout the state difficult, due to the various interpretations that can be made.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A5.04	2	Recommends the use of the Association of Firearm and Tool Mark Examiners (AFTE) definition of pistol and to distinguish a pistol grip as separate and distinct from the "wrist" of a rifle stock.	The Department disagrees with the comment. The Department believes the term "wrist" would require further clarification/definition for the recommended definition to meet the clarity standard. The Department also disagrees with the comment's assertion that a grip must be separate and distinct from the wrist of a rifle stock to be considered a pistol grip.
A5.05	10	Requests that the pistol grip definition be deleted as unnecessary and susceptible to misinterpretation. The meaning of the term 'pistol grip' is sufficiently understood without additional definition.	The Department agrees the original definition was subject to misinterpretation. The Department also agrees the term "pistol grip" is sufficiently understood by reasonable people without further clarification. However, the Department believes for the sake of clarity, the extended phrase "pistol grip that protrudes conspicuously beneath the action" needs to be defined. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A5.06	4	Recommends amending the definition to show the imaginary line drawn parallel to the barrel running through the bottom most portion, or part, of the exposed trigger, rather than the top of the exposed trigger.	The Department disagrees with the comment. The Department believes the comment incorrectly identifies the location of a firearm's action. As a result, the recommended definition is inconsistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.07	15	The regulation doesn't include a definition for "conspicuously".	The Department disagrees that the word "conspicuously" requires an exclusive definition that is independent from the phrase "pistol grip that protrudes conspicuously beneath the action". The Department believes that to a reasonable person, the meaning of "conspicuously" is sufficiently understood within the context of the entire phrase as defined.
A5.08	3	The objective of a pistol grip is to control the weapon. The better the control of the firearm, the safer the firearm. The regulation is contrary to the objective to protect the health, safety and security of citizens.	The purpose of the definition is to clarify the meaning of a term used in the identification of an assault weapon pursuant to Penal Code section 12276.1. It is the statute, not the regulations, that established a "pistol grip that protrudes conspicuously beneath the action" as one of the assault weapon characteristics.
A5.10	1	The imaginary line definition appears to have been arbitrarily promulgated and not based upon the mechanics of handling and using a firearm with or without a pistol grip.	The Department disagrees with the comment that the original definition was "arbitrarily promulgated." However, the "imaginary line" wording has been deleted from the Department's revised definition.
A5.11	2	Definition lacks clarity. Most hunting rifles and shotguns have forearms that protrude low enough to be considered a pistol grip when the imaginary line is drawn parallel to the barrel to the top of the trigger.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.12	8	Statute does not specify nor do you have the authority to expand the definition in such a way as to enlarge the class of weapons to be controlled by the statute.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.13	1	The terms 'grasp, control and fire . . .' as used could be interpreted in a manner that would expand the class of weapons beyond the intent of the legislation.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.14	1	The term 'exposed trigger' lacks clarity and must be further defined. As used it appears to mean the upper portion of a trigger a part of which is exposed, with the balance of the trigger hidden from view in the receiver of the firearm. As defined the placement of the imaginary lines would be moved some distance higher than the bottom of the action. It is vague and ambiguous as defined in the proposed rule.	The Department agrees with the comment. The Department has revised the definition from "top of the exposed trigger" to "top of the exposed portion of the trigger."
A5.15	131	The language as proposed can be argued to define the imaginary line in such a way as to apply to any firearm that has a stock that is in any part below the imaginary line, since a stock is used to control, grasp and fire the weapon.	The definition has been revised, including deletion of the "imaginary line" wording. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.17	20	The definition is tremendously ambiguous and too easily misconstrued and is impossible to interpret with any degree of certainty.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.18	8	Recommended revision: Pistol grip that protrudes conspicuously beneath the action of the weapon means any component that allows for the grasp, control and fire of the firearm where the portion grasped is located completely (or entirely) beneath an imaginary line drawn parallel to the barrel that runs through the top of the exposed trigger.	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.19	3	Definition lacks clarity because misinterpretation of the definition could include the detachable magazine that protrudes beneath the action of the rifle.	The Department's revised definition specifies a protruding pistol grip as necessarily being a grip. A magazine that is also a grip that allows for a pistol style grasp in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed portion of the trigger while firing would be subject to this definition. The revision is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.20	6	The proposed definition lacks clarity and exceeds the legislative intent of the statute by including firearms not typically classified as assault weapons.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.21	49	The exemption explained in the Pistol Grip Information and Illustrations on the DOJ web site must be integrated into the rules.	The DOJ web sites (www.regagun.org and www.caag.state.ca.us/firearms) have always accurately identified a "pistol grip that protrudes conspicuously beneath the action of the weapon." The establishment of the definition was an evolving process over the course of several months. While an iteration of the evolving definition may have had the appearance of conflicting with the DOJ web site, the Department's revised definition and web site are consistent, clear, and fulfil the legislative intent of the statute.
A5.22	2	The regulation would impact most of the competitive shooters in the state because competition target rifles have a conspicuous pistol grip.	The Department disagrees with the comment because the characteristics used to identify a firearm as an assault weapon were established by the Legislature in Penal Code section 12276.1, and not by the Department in these regulations. The Department does not have the authority to amend the statute nor implement regulations that would conflict with the legislative intent of the statute.
A5.23	80	The pistol grip definition can be interpreted to include the Remington 7400, Browning BAR, and Ruger Mini 14 and many other civilian-type firearms as assault weapons.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons. Standard hunting rifle stocks, such as those typically found on the Remington 7400, Browning BAR and Ruger Mini 14, do not meet the revised definition of a "pistol grip that protrudes beneath the action of the weapon".
A5.24	48	Remington 7400 and Ruger Mini-14 and other rifles with a curved stock can be interpreted as having "conspicuously protruding pistol grips", but the Attorney General says these weapons were not intended to be covered.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons. Standard hunting rifle stocks, such as those typically found on the Remington 7400 and Ruger Mini 14, do not meet the revised definition of a "pistol grip that protrudes beneath the action of the weapon".

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.25	4	Requests a more reasonable definition for conspicuous pistol grip that will only ban military style AK-47's and the like.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.26	1	The standard stock like those on the Ruger Mini-14 and the M1 Garand predate the arrival of assault weapons in W.W.II, and therefore cannot be included in an assault weapons classification.	The Department disagrees with the comment. The date a particular firearm model is first made available does not impact whether the firearm is subject to the law. However, standard hunting rifle stocks do not meet the revised definition of a "pistol grip that protrudes beneath the action of the weapon."
A5.29	17	The proposed redefinition of pistol grip is arbitrary and capricious and goes well beyond the letter and intent of the law, therefore needs to be revised.	The Department disagrees with the comment that the original definition was arbitrary and capricious. However, the Department has revised the definition to provide the needed clarity consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.30	2	A firearm "handle" has no bearing on any type of crime and turns innocent people into felons.	The comment addresses the statute rather than the proposed regulations. A "pistol grip that protrudes conspicuously beneath the action" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.
A5.31	5	The pistol grip definition must be such that it covers only those firearms that have a distinct pistol grip which is separate from the rifle stock or which can be removed or altered.	The Department disagrees with the comment. The Department does not believe that a grip must be separate and distinct from the rifle stock to be considered a pistol grip.
A5.32	1	To clarify the pistol grip definition take the "fire with one hand" statement from the test used to define a "thumbhole stock" and include it after "firearm" in the pistol grip" definition.	The Department disagrees with the comment because it would be subject to interpretations that conflict with the legislative intent of the statute. After considering numerous public comments that were critical of the "fired with one hand" standard in the thumbhole stock definition, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person.
A5.33	10	Pistol grip definition doesn't make sense.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.34	35	The pistol grip definition is too broad.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.35	2	Recommended revision: a handgrip, most of which <i>protrudes below</i> the trigger guard, that is designed to be grasped by a closed fist.	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the terms "most of which protrudes" and "grasped by a closed fist" are unclear and the definition should not be limited to consideration of the component's "designed" purpose, but more importantly, its actual functional capability. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.36	8	The definition is too broad and exceeds the intent of the legislation because it would include all semi-automatic centerfire rifles capable of accepting a detachable magazine.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.37	2	The definition implies that if the pistol grip was redesigned to a "target configuration" where the thumb is positioned on a rest above the imaginary line, it would be in compliance.	The Department agrees with the comment. However, the Department's revised definition references the position of the web of the trigger hand. Thus, the grip described in the comment would be considered a pistol grip only if the web of the trigger hand can be placed below the top of the exposed portion of the trigger while firing.
A5.40	1	Recommended revision: It would make more sense to have the line drawn from the muzzle to the butt plate so that no grip may extend more than four or five inches below that imaginary line.	The Department disagrees with the comment. The Department believes the comment could allow the law to be circumvented by simply lengthening the rear end (butt plate) of the stock.
A5.41	1	Disagrees that pistol grips should be banned because a pistol grip only allows for control of a weapon on full automatic fire, these firearms have been controlled since the 1930s.	The comment addresses the statute rather than the proposed regulations. A "pistol grip that protrudes conspicuously beneath the action" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations. The Department has no authority to amend the statute.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.42	2	The proposed language should be clarified to only specify pistol grips that protrude separately from the rear stock piece and/or skeletonized rear stocks, in which the fingers and thumb may completely surround the grip piece.	The Department disagrees with the comment. The Department disagrees with the contention that a grip must be separate from the stock piece to be considered a pistol grip. Additionally, the Department also believes the requirement that the fingers and thumb "completely surround" the grip piece would be inaccurate and inconsistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.43	3	"Attorney General Lockyer said the definition means the hand is "entirely" below the line. The web of my hand is above the line on an AR 15. He also stated that if "some fingers" are above the line, then the firearm is not an assault weapon. My hand only has five fingers: a trigger finger, three below that, and a thumb. If my thumb is above the line, does that count as "some fingers"? He also stated "it depends on how you hold it". So, a firearm is an assault weapon if one person holds it wrong? And a non-assault weapon if another person, or the same person, holds it right? How about holding it upside down?"	The revised definition is based on whether the firearm is capable of being grasped in the specified manner as opposed to how any individual chooses to grasp the firearm. The Department believes the revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.44	1	Recommended revision: Any component that allows for the single handed grasp, control, and fire of the firearm from the hip.	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. The Department has received conflicting opinions from the public regarding the single handed "grasp, control, and fire" a rifle. Some comments suggest almost all rifles would meet the standard, while others state virtually none of them would. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.45	1	With a true pistol grip, the web of the hand, between the thumb and index finger, is below the small of the stock of the weapon. If the weapon has a legal handgrip, the web of the hand is above the small of the stock.	The Department agrees with the comment relative to the use of the web of the hand in explaining a pistol grip and has incorporated this concept into it's revised definition. The Department rejects use of the phrase "small of the stock" because of concern that it is not entirely clear and could be inconsistent with the legislative intent of the statute.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.46	1	Objects to this definition as the proposed "imaginary line" language was not included in the original text of SB 23.	The Department disagrees with the comment's assertion that regulations that define statutory terms may not use words or phrases that aren't in the statute. However, in consideration of other issues raised by public comments, the "imaginary line" wording has been deleted from the Department's revised definition.
A5.47	4	Objects to this definition because it includes sporting rifles and curio & relics.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.48	1	This definition is so broad that people who are no longer involved with firearms may have firearms that are now assault weapons in their attic, and they may be unaware of the need to register them.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons. Since January, 2000, the Department has conducted an extensive public notification campaign regarding assault weapon registration. This campaign has included radio and television advertisements, a web site (www.regagun.org) devoted to assault weapon registration information, a toll free assault weapon information telephone number (1-888-REG-A-Gun), and placement of informational posters and counter displays at firearms dealerships throughout California.
A5.49	3	The regulation does not address the orientation of the firearm when applying the imaginary line definition.	The Department disagrees with the comment because the Department believes a reasonable person would accurately infer that the orientation of the firearm would be horizontal with the "right side up". However, in consideration of other issues raised by public comments, the "imaginary line" wording has been deleted from the Department's revised definition.
A5.51	2	Features such as a pistol grip contribute to the safe control, firing and accuracy of the firearm.	The comment addresses the statute rather than the proposed regulations. A "pistol grip that protrudes conspicuously beneath the action" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.52	4	Pistol grip definition lacks clarity because it doesn't specifically include or exclude pistols.	The Department disagrees with the comment because the purpose of the definition is to clarify the meaning of a "pistol grip that protrudes conspicuously beneath the action" as the phrase is used in the identification of an assault weapon pursuant to Penal Code section 12276.1. The law specifies the types of firearms that are considered assault weapons based on the its individual characteristics. The Department does not have the authority to amend the statute or establish regulations that conflict with intent of the law.
A5.53	2	The definition of a pistol grip should be amended in such a way that it is clear to the average citizen, law enforcement, and firearm dealers which designs are covered by the regulations. The definition should include a more normal description of a pistol grip, a projection of a minimum size that extends a minimum distance below the level of the lowest portion of the trigger and is used to grasp and control the firearm with the hand and fingers other than the trigger finger.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.54	3	The Department has exceeded its administrative authority by expanding the meaning of "pistol grip" and "beneath" to include any portion of a firearm that is lower than an imaginary line drawn "parallel to the barrel that runs through the top of the exposed trigger.	The definition has been revised, including deletion of the "imaginary line" wording. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.55	1	The action of a firearm includes all of its moving parts including the entire length of the trigger. The statute is very clear that the "conspicuous protrusion" must be below the action. That means the bottom of the trigger, not the bottom of the receiver. Obviously, the imaginary line proposed would have to be drawn tangent to the bottom of the trigger. Otherwise, the statute would have said bottom of the receiver, not beneath the action. Furthermore, contributor believes the term "beneath" means directly under the action, not lower than an imaginary line along the bottom of the receiver (top of the exposed trigger) drawn parallel to the barrel.	The Department disagrees with the comment. The Department believes "action" must include only the top of the exposed portion of the trigger which is what initiates the firing sequence. The lowest portion and overall length of the trigger is insignificant beyond the need that the trigger be sufficiently exposed to be pulled.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.56	1	The definition requires revision to conform to the statute.	The Department agrees with the comment. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.57	3	A pistol grip that extends below the trigger does not make a rifle an assault weapon.	The comment addresses the statute rather than the proposed regulations. A "pistol grip that protrudes conspicuously beneath the action" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.
A5.58	63	Attorney General's public statements and information on the DOJ web site to clarify the definitions conflict with the published regulations.	The DOJ web sites (www.regagun.org and www.caaq.state.ca.us/firearms) have always accurately identified a "pistol grip that protrudes conspicuously beneath the action of the weapon." The establishment of the definition was an evolving process over the course of several months. While an iteration of the evolving definition may have had the appearance of conflicting with the DOJ web site, the Department's revised definition and web site are consistent, clear, and fulfil the legislative intent of the statute.
A5.59	1	Proposed definition quite reasonable and in keeping with what the Legislature intended.	The Department appreciates the support expressed by the comment. However, in response to problems and concerns expressed in other comments, the definition has been revised. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.60	4	Recommended Revision: Pistol grip exists if the web of the hand is below the lower portion of the action of the rifle (a line drawn parallel with the barrel through the exposed top of the trigger) when grasping and controlling the rifle.	The Department agrees with the comment. The Department has revised the definition to incorporate the concept of identifying a pistol grip based on the placement of the web of the hand.
A5.61	1	Pistol grip should be defined as a stand alone protrusion.	The Department disagrees with the comment. The Department does not believe that a grip must be a "stand alone protrusion" to be considered a pistol grip. This comment would narrow the meaning of the term and would conflict the legislative intent of the statute.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.62	4	The pistol grip definition is inconsistent with the wording in the statute, and should include the same language the Legislature used in the bill.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.63	4	The definition lacks clarity. Mr. Lockyer's response to a question of how to define a pistol grip was "It depends on how you hold it". This statement implies that holding the rifle sideways, upside down, etc. can change the legality of the weapon.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.64	1	The location of the thumb, the web of the hand, and the proximal region of the second finger grasping the rifle must be the sole determinant of whether the entire grasp is beneath the imaginary line, because when grasping <i>ANY rifle, the distal region of the second finger ALWAYS</i> lies below the imaginary line.	The Department disagrees that an acceptable definition must be limited to positioning of the thumb, the web of the hand, and the proximal region of the second finger. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.65	2	Semi-pistol grip and straight conventional rifle stocks cannot be grasped without placing the hand around the principal (long) axis of the shoulder stock, while a full pistol grip stock can be grasped without putting the hand around the main shoulder stock. A full (or conspicuously protruding) pistol grip is independent of the shoulder stock.	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. The Department does not believe that a grip must be independent of the shoulder stock to be a pistol grip. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.66	1	As defined, a sling could be included because it can be grasped by the firing hand and can allow better control of the weapon when it is wrapped around the hand.	The Department agrees with the comment and has revised the definition accordingly. As worded in the revision, the definition would not include slings.
A5.67	2	Recommends adoption of the BATF definition of the term to avoid legal complications.	The Department disagrees with the comment because the Bureau of Alcohol, Tobacco, and Firearms (ATF) does not have a definition for a "pistol grip that protrudes conspicuously beneath the action", although the phrase is used in regulations promulgated by that agency.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.68	2	The explanation that sporting rifles would not be included in this classification because they are capable of being gripped "both above and below" the imaginary line drawn is confusing. There are pure "assault rifle" style guns that fall within this description. The most obvious is the H & K assault rifle which is a semi-automatic rifle, has a detachable magazine and a "pistol grip" so it would fall easily within the assault rifle description. It appears as if it does not, though, because the pistol grip is configured so that a substantial portion of the hand is both above and below the top of the trigger guard.	The definition has been revised, including deletion of the "imaginary line" wording. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.69	1	Recommended revision: "Pistol grip that protrudes conspicuously beneath the action of the weapon means any component that allows for the grasp, control and fire of the firearm where the portion mainly grasped is located beneath an imaginary line drawn parallel to the barrel that runs through the bottom of the exposed trigger.	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. The recommended revision would only compound the problem by adding the word "mainly." Assuming "mainly" is intended to mean "more than 50%", it would still be difficult to determine when the standard is met relative to gripping a firearm. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.70	1	Under the proposed definition, a flintlock rifle from our Revolutionary War has a pistol grip.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.71	1	Recommended revision: A "pistol grip that protrudes conspicuously beneath the action of the weapon is a vertical or near-vertical grip immediately behind the trigger, similar to the grip of a pistol, attached to the buttstock and/or receiver only at its upper and/or front portions.	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the terms "near-vertical" and "similar to" are unclear. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.72	2	The definition of pistol must discuss the angle of an axis through the cylinder of the finger's grip, relative to the axis of the gun barrel.	The Department disagrees with the comment. In addition to concern that it may not be possible to accurately distinguish all pistol grips from all non-pistol grips by using the recommended criteria (the angle of an axis through the cylinder of the finger's grip, relative to the axis of the gun barrel), the language would be difficult for non-technical people to understand. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.73	1	The definition does not take into account the various shooting styles of different shooters with respect to various grips on the "portion grasped".	The Department disagrees with the comment because the shooting style is not a relevant consideration for determining whether or not a "pistol grip" is present on a firearm.
A5.74	2	Recommended revision: "Any component that allows for the grasp, control and fire of the firearm, where the portion grasped extends more than four inches below the top of the exposed trigger, or more than two inches below the lowermost portion of the trigger guard."	The Department disagrees with the comment because it would allow the legislative intent of the statute to be circumvented by simply lengthening the trigger guard. If the Legislature had intended to identify a "pistol grip that protrudes ..." on the basis of a fixed length it would have done so in the law. Thus, the Department believes its revised definition is more consistent with the legislative intent of the statute.
A5.75	1	Recommended revision: "distinct protrusion beneath the action, not including a sling, which enables the firearm to be grasped and controlled independently of the stock."	The Department disagrees with the comment. The Department does not believe that a grip must allow for the grasp and control independent of the stock to be a pistol grip.
A5.76	1	The intent of the law might be better served by a definition of the extension of the butt (aft) side of the pistol grip 3 inches or more below its point of attachment to the stock or mechanism.	The Department disagrees with the comment. If the Legislature had intended to identify a "pistol grip that protrudes ..." on the basis of a fixed length it would have done so in the law. Thus, the Department believes its revised definition is more consistent with the legislative intent of the statute.
A5.77	2	"pistol grip that protrudes conspicuously beneath the action of the weapon means any component not integral to, or part of, the stock or buttstock, that allows for the grasp or control of the firearm, and where the portion designed to be grasped is attached to the portion of the firearms housing the action and is independent of the firearm's stock or buttstock."	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. The Department does not agree a pistol grip must be "not integral to, or part of, the stock or buttstock" a "stand alone protrusion". The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.78	1	Recommends using the Glossary of the AFTE definition - "on shoulder arms, that part of the stock, behind the trigger, shaped similar to the grip of a pistol to afford a better grasp."	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the terms "similar to" and "better" are unclear. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.79	1	The DOJ's extra-regulatory interpretation of "above and below" the "imaginary line" on the DOJ web site only adds to the confusion. Contributor believes it is improper, confusing, and unfair to attempt to make such changes outside of the properly defined public regulatory process.	The DOJ web sites (www.regagun.org and www.caag.state.ca.us/firearms) have always accurately identified a "pistol grip that protrudes conspicuously beneath the action of the weapon." The establishment of the definition was an evolving process over the course of several months. While an iteration of the evolving definition may have had the appearance of conflicting with the DOJ web site, the Department's revised definition and web site are consistent, clear, and fulfil the legislative intent of the statute.
A5.81	3	A suitable litmus test would be to define the maximum angle (in degrees from the axis of the bore) that the middle, ring, and little finger of the firing hand can be when gripping the rifle at the grip.	The Department disagrees with the comment. In addition to concern that it may not be possible to accurately distinguish all pistol grips from all non-pistol grips by using the recommended criteria, the language would be difficult for non-technical people to understand. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.82	3	Terminology "action" does not fit the intent of the definition. A receiver is a part, action is the type of fire; i.e. semi-automatic, lever action, etc.	The Department disagrees with the comment. The Department believes the word "action" is intended to identify "part" of the firearm. The term "pistol grip that protrudes conspicuously beneath the action of the weapon" would be nonsensical if "action" referred to the type of fire as suggested by the comment.
A5.83	1	The imaginary line theory is not enforceable by law enforcement.	The definition has been revised, including deletion of the "imaginary line" wording. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.84	2	Requests an exemption for a monte carlo stock.	The Department has no authority to amend the statute, nor exceed legislative intent with exemptions based on the name (monte carlo stock) of a component without consideration of how it functions. The Department believes the revised definition is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.85	1	Besides being an illegal "underground" regulation, the web site "clarification" is different than the actual proposed language in the regulation.	The DOJ web sites (www.regagun.org and www.caag.state.ca.us/firearms) have always accurately identified a "pistol grip that protrudes conspicuously beneath the action of the weapon." The establishment of the definition was an evolving process over the course of several months. While an iteration of the evolving definition may have had the appearance of conflicting with the DOJ web site, the Department's revised definition and web site are consistent, clear, and fulfil the legislative intent of the statute.
A5.86	1	The random selection of a phantom point of "action" is not supported by any reference material or SB 23 and necessarily includes firearms not intended to be classified as "assault weapons."	The Department disagrees with the comment that a "random selection" of a "phantom point" was made to identify the action of a firearm. The Department believes the revised definition is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A5.87	1	The statute uses three terms that require definition (pistol grip, protrudes conspicuously, and action) yet the proposed regulation treats the words as a single term.	The Department disagrees with the comment. The Department does not believe "pistol grip", "protrudes conspicuously" and "action" require exclusive definitions independent from the phrase "pistol grip that protrudes conspicuously beneath the action". The Department believes that to a reasonable person, the meaning of those terms is sufficiently understood within the context of the entire phrase as defined.
A5.88	2	Legislative intent indicates that a firearm can have a pistol grip; it can protrude; just not conspicuously.	The Department believes the revised definition based on the placement of the web of the trigger hand is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons. The proposed definition is the only definition considered by the Department that accurately identifies "pistol grips that protrude conspicuously..." and excludes non-pistol grips generally found on typical hunting/sporting rifles.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.89	1	Recommended Revision: Pistol grip is any grip or protrusion that is attached (or immediately adjacent) to the trigger guard which extends below a line parallel to the barrel and passes through the bottom of the trigger guard.	The Department disagrees with the comment. The Department does not believe the comment accurately defines all pistol grips nor does it exclude all non-pistol grips as required.
A5.90	1	Recommended revision: (a pistol grip is) "a part that protrudes conspicuously beneath the action. It is a separate part that is independent of the rifle stock; the rifle stock can be removed and attached to the action without affecting the pistol grip and vice versa."	The Department disagrees with the comment. The Department does not believe that a grip must be separate and independent of the rifle stock to be considered a pistol grip.
A5.91	1	Recommended revision: ". . . Any component specifically designed for the grasp, control and fire of the firearm with one hand where the portion grasped extends two inches or more beneath an imaginary line drawn parallel to the barrel that runs through the bottom of the exposed trigger.	The Department disagrees with the comment because it would be subject to interpretations that conflict with the legislative intent of the statute. After considering numerous public comments that were critical of the "fired with one hand" standard in the thumbhole stock definition, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person.
A5.92	1	Recommended revision: A pistol grip is a protrusion between the butt of the stock and trigger of the rifle that extends six or more inches below the lowest portion of that stock.	The Department disagrees with the comment. If the Legislature had intended to identify a "pistol grip that protrudes ..." on the basis of a fixed length it would have done so in the law. Thus, the Department believes its revised definition is more consistent with the legislative intent of the statute.
A5.93	1	Suggests that a pistol grip be distinguished by the position of the thumb when it is being grasped.	The Department disagrees with the comment. The position of the thumb is not a characteristic that allows a pistol grip to be distinguished from a non-pistol grip.
A5.94	1	A pistol grip allows 360 degree access with a single hand to the gripping surface, and this should be incorporated into the definition.	The Department disagrees with the comment. Although 360 degree access with a single hand to the gripping surface may be a characteristic of pistol grips, it does not exclude numerous non-pistol grip rifle stocks.
A5.95	1	The regulation should clarify whether the term "action" is synonymous with the term "receiver".	The Department disagrees with the comment. The Department believes its revised definition provides the needed clarity to understand the meaning of the term "action" within the context of entire phrase being defined.

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978.20(e) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon			
Number	Freq.	Summary of Comment	Response
A5.96	1	Recommended revision: . . ."well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon."	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the terms "well-defined handle" and "similar to" are unclear.
A5.97	1	Definition "characterizes every rifle, pistol and shotgun I've ever seen unless 'straight stocked' in the English style."	The Department's revised definition will not include every firearm that does not have a straight stock. The revised definition is consistent with the legislative intent of the statute.
A5.98	1	Recommended Revision: "pistol grip that protrudes conspicuously beneath the action of the weapon" means "a gripping device extending vertically, or approximately so, beneath the action of the weapon such as the pistol grip on the Colt AR-15."	The Department disagrees with the comment because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the terms "approximately" and "such as" are unclear.

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978.20(f) Thumbhole Stock			
Number	Freq.	Summary of Comment	Response
A6.01	7	Any rifle or shotgun can be grasped and fired with one hand. It is unlikely that any can be controlled with one hand.	The Department disagrees with the comment. After considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.02	2	Definition in conflict with state and federal law because BATF allows for the importation of the Russian "Dragunov"-type stock.	The Department disagrees with the comment. The purpose of the regulation is to define a thumbhole stock. A thumbhole stock alone does not make a firearm an assault weapon. For the purposes of California law, there is no restriction on the sale of thumbhole stocks.
A6.03	2	Control in firing with one hand could be interpreted to include handguns as assault weapons.	The Department disagrees that the definition could be interpreted to include handguns because the statute addresses semiautomatic centerfire rifles and not handguns. After considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.04	2	The definition to grasp, control and fire with one hand is contrary to the statement's object to protect the health, safety and security of citizens. It makes sense that the better the control of the firearm, the safer is the firearm.	The Department disagrees with the comment. The purpose of the definition is to identify an assault weapon characteristic regardless of the underlying safety issues of the characteristic. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.

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978.20(f) Thumbhole Stock			
Number	Freq.	Summary of Comment	Response
A6.06	8	The definition's term 'any stock with any opening' is very broad and ambiguous and expands the statutory term beyond its meaning.	The Department agrees with the comment. The phrase "any stock with any opening" includes openings other than thumbholes. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.07	4	The definition is inaccurate because an opening such as a thumbhole does not enable the control of a rifle with one hand.	The Department disagrees with the comment. After considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.08	2	Definition of a thumbhole stock is vague because contributor can't tell whether a skeletonized stock is or is not a thumbhole stock.	The Department agrees with the comment. The phrase "any stock with any opening" includes openings other than thumbholes. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.09	1	The definition can be interpreted to mean that any firearm with a thumbhole stock that has a long or heavy barrel would not be controllable with one hand and therefore would not be classified as an "assault weapon". As long as a "thumbhole stock" cannot also be a "pistol grip", most rifles with pistol grips can be converted to thumbhole stocks and thus be exempt from registration with reducing their functionality. Contributor requests that this definition not be changed.	The Department disagrees with the comment. After considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The California Legislature decided to specifically identify both characteristics (thumbhole stock and protruding pistol grip) as assault weapon characteristics, although neither is mutually exclusive. Many thumbhole stocks may also meet the Department's definition of a pistol grip that protrudes conspicuously beneath the action of the weapon.

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978.20(f) Thumbhole Stock			
Number	Freq.	Summary of Comment	Response
A6.10	6	Thumbhole stock should be defined as a through hole in the stock, which allows the thumb to pass through the stock to the side opposite the controlling hand. Absence of a hole completely through the stock shall not be considered a thumbhole.	The Department disagrees that the hole must extend completely through the stock. The Department has revised the definition to provide clarity and legislative consistency. A hole which allows the thumb to penetrate into or through the stock meets the Department's definition of a thumbhole stock.
A6.11	3	Definition is unacceptable because it includes most target stocks used in competition, which are designed to ergonomically fit the shooting hand to increase the control and accuracy necessary for competition.	The Department disagrees with the comment. Presence of a thumbhole stock is an offending characteristic of an assault weapon by virtue of the statute, not the proposed regulation. The Department does not have the authority to amend the statute. However, the Department has revised its original definition to provide the needed clarity and consistency with the legislative intent of the statute.
A6.12	2	The definition of thumbhole stock doesn't make sense because the purpose of any stock on a rifle is to enable the control of the firearm.	The Department disagrees with the comment. After considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.13	2	Doesn't agree that consideration of the placement of the thumb should be criteria for defining an assault weapon.	The Department disagrees with the comment. It is the statute, not the regulations, that established a "thumbhole stock" as one of the assault weapon characteristics.
A6.14	4	Including in the definition of an assault weapon the ability to fire with one hand discriminates against the disabled, if a one-armed person can grasp, control and fire a weapon with one hand.	The Department disagrees with the comment. After considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.

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978.20(f) Thumbhole Stock			
Number	Freq.	Summary of Comment	Response
A6.15	4	A "hole" has a specific definition. "Any opening" is rather vague.	The Department agrees with the comment. The phrase "any stock with any opening" includes openings other than thumbholes. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.16	3	The thumbhole stock feature does not make the rifle an assault weapon.	The Department agrees with the comment. It is the statute, not the regulations, that established a "thumbhole stock" as one of the assault weapon characteristics. Pursuant to Penal Code section 12276.1, a thumbhole stock is only one of the characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a thumbhole stock.
A6.17	15	This definition is open to any interpretation as any firearm can be grasped, controlled and fired with one hand.	The Department disagrees with the comment. After considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.18	2	The proposed definition of thumbhole stock requires specific meaning for the terms "opening" and "controlled". They are not clearly stated.	The Department agrees with the comment. The phrase "any stock with any opening" includes openings other than thumbholes. The existence of a thumbhole meets the criteria of a thumbhole stock. Requiring that it enable the grasp, control, and fire of the firearm expands the scope of the definition. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.

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978.20(f) Thumbhole Stock			
Number	Freq.	Summary of Comment	Response
A6.19	7	The thumbhole stock language depends too much on subjective determinations of strength and dexterity.	The Department agrees with the comment. After considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.20	2	The regulation does not address the discriminatory potential of SB 23 with respect to those with certain physical disabilities that would cause them to fire with one hand.	The Department disagrees with the comment. However, after considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.21	7	The regulation does not contain provisions which would exempt people with types of disabilities that require them to fire with one hand. Without such an exemption, discrimination exists.	The Department disagrees with the comment. However, after considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.22	3	Recommends adoption of the Bureau of Alcohol, Tobacco and Firearms (BATF) definition of thumbhole stock.	The Department disagrees with the recommendation. Federal law does not specifically define a thumbhole stock as an assault weapon feature, rather, ATF considers a thumbhole stock to meet the definition of a "pistol grip that protrudes conspicuously beneath the action of the weapon". The California Legislature decided to specifically identify both characteristics (thumbhole stock and protruding pistol grip) as assault weapon characteristics, although neither is mutually exclusive. Many thumbhole stocks may also meet the Department's definition of a pistol grip that protrudes conspicuously beneath the action of the weapon.

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978.20(f) Thumbhole Stock			
Number	Freq.	Summary of Comment	Response
A6.23	3	Objects to banning thumbhole stocks.	It is the statute, not the regulations, that established a "thumbhole stock" as one of the assault weapon characteristics. Pursuant to Penal Code section 12276.1, a thumbhole stock is only one of the characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute.
A6.24	1	This term in PC section 12276.1 should be eliminated as it is irrelevant. Any rifle, pistol or shotgun designed or redesigned for individual use can be fired with one hand when equipped with a conventionally designed stock.	The Department disagrees with the comment. The purpose of the definition is to clarify the meaning of term "thumbhole stock" used in the identification of an assault weapon pursuant to PC section 12276.1. It is the statute, not the regulations, that established a "thumbhole stock" as one of the assault weapon characteristics.
A6.25	1	Recommended revision: "thumbhole stock means any stock with any opening that enables the firearm to be mainly grasped, controlled, and fired with one hand.	The Department disagrees with the comment. However, after considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. Additionally, the term "mainly" as recommended lacks clarity. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.26	1	A rifle is too heavy, long and ungainly to have any use as a single handed firearm. The regulatory definition arguably would apply to no rifle, since none can be controlled and fired with one hand by the average shooter.	The Department disagrees with the comment. However, after considering numerous public comments that were critical of the "fired with one hand" standard, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Furthermore, the Department believes the mere existence of a thumbhole meets the criteria of a thumbhole stock. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.27	1	The proposed definition greatly expands the scope and effect of SB 23 by including firearms not typically classified as "assault weapons" and fails to provide clarity as to the types of firearms that will be banned.	The revised definition provides the clarity needed and is consistent with the legislative intent of the statute relative to the type of firearms identified as assault weapons.

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Comment/Response Spreadsheet**

978.20(f) Thumbhole Stock			
Number	Freq.	Summary of Comment	Response
A6.28	1	There is no justification for an over-inclusive definition of "thumbhole stock" which is also not supported by the reference material in the rulemaking file.	The Department has revised the definition to provide clarity and consistency with the legislative intent of the statute.
A6.29	1	The loose definition could be interpreted in a way that the top comb of the pistol grip area of a conventional rifle stock could be "any opening" and therefore be a thumbhole stock.	The Department agrees with the comment. The phrase "any stock with any opening" includes openings other than thumbholes. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.30	1	Isn't certain what size a thumbhole has to be but regardless of the size, the thumbhole allows the thumb to go through and wrap around for maximum one-handed leverage and control.	The Department disagrees that the hole must extend completely through and allow the thumb to wrap around the stock. However, the Department has revised the definition to provide clarity and legislative consistency. A hole which allows the thumb to penetrate into or though the stock meets the Department's definition of a thumbhole stock.
A6.31	1	A semiautomatic, detachable magazine rifle with a traditional stock with two rectangular holes through the buttstock for attaching a rifle sling could be construed as an "assault weapon" due to the "opening" for a sling which is used for "grasp and control" or even "firing" of the firearm.	The Department agrees with the comment. The phrase "any stock with any opening" includes openings other than thumbholes. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
A6.32	1	The definition is not clear.	The Department agrees with the comment. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.

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Comment/Response Spreadsheet**

978.30(a,b) Requirements for Registration of Assault Weapons			
Number	Freq.	Summary of Comment	Response
A7.01	7	Regulations infringe upon the constitutional rights of all citizens by attempting to require citizens to submit to registration not required or allowed under the 2nd amendment.	The comment addresses the statute and not the proposed regulations.
A7.02	8	Disagrees with Article 3 #978.30, the registration procedures.	The requirement to register assault weapons is set in statute. The purpose of the regulations is to implement the statute.
A7.03	1	Regulations need to include provision for prison inmates to register.	The Department disagrees with the comment. PC section 12021(a)(1) prohibits possession of firearms by felons.
A7.04	1	Section (b) 1. Needs to include inmates California Department of Corrections (CDC) identification card, and statement to notify CDC of assault weapons information/registration requirements. Due to the fact that the inmate cannot get to the weapons to provide the requested information, a second party needs to be included in Section 978.30.	The Department disagrees with the comment. PC section 12021(a)(1) prohibits possession of firearms by felons.
A7.05	1	The regulation doesn't state what happens to a registered weapon once the owner dies.	The Department disagrees that the regulation must include procedures for assault weapon disposition upon the death of the registered owner. PC section 12285(b)(1) specifies the disposition options for assault weapons upon the death of registered owner.
A7.06	6	The regulation does not make a provision for firearms with extra barrels, or what must be done if the barrel must be changed in order to comply with safety or hunting regulations.	The Department agrees with the comment. The requirement that barrel length information be provided on the registration application has been deleted in response to this comment. The lawful changing of barrels will not affect the registration.
A7.07	2	Suggests that barrel length requirement be removed as it is not specifically in the law.	PC section 12285(a) authorizes the Department to require any information it deems necessary for registration. However, in response to other comments, the barrel length requirement has been deleted from the proposed regulation.

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Comment/Response Spreadsheet**

978.30(a,b) Requirements for Registration of Assault Weapons			
Number	Freq.	Summary of Comment	Response
A7.08	4	Suggests that procedures and forms be added to allow citizens to properly re-register when they change their place of residence, or modify their firearm.	The Department disagrees with the comment. Because the statute does not require registrants to submit updates to their initial registration, no formal procedures are needed for update information. However, any updated information voluntarily submitted by the registrant to the Department will be processed accordingly.
A7.09	1	Suggests that a form and procedure be developed to handle any subsequent removal of a firearm classified and registered as an assault weapon from the DOJ records due to modification, theft or destruction.	The Department agrees that a procedure is needed to allow for voluntary cancellations. The regulations have been revised to include section 978.33, which explains the procedure for voluntary cancellation of an assault weapon registration if the registrant either 1) no longer possesses the assault weapon, or 2) has modified or reconfigured the firearm so that it no longer meets the assault weapon definition.
A7.10	1	Objects to the word "application" in all sections of 978.32 because the law requires registration, and the word "application" implies that a citizen attempting to comply can be turned down for reasons not specified in the regulations. Suggests the word "application" be replaced with the word "registration".	The Department disagrees with the comment. The Department is responsible for verifying that applicants for registration meet the qualifications for registration, prior to accepting registration of assault weapons.
A7.11	1	The provisions of proposed sections 978.30 through 978.32 appear to be clearly stated and consistent with current law.	The Department appreciates the comment that the regulations are clearly stated. However, in response to other comments, revisions have been made as necessary.
A7.12	4	Portions of the Roberti-Roos Act that are awaiting court decisions should be cleared up before including the Act in the regulations.	The Department disagrees with the comment. The Department is mandated by PC section 12285 to implement the assault weapon registration program.
A7.13	4	Registration requirement imposes an unnecessary burden on California citizens.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute. The Department is making no changes to the proposed regulations to accommodate this comment.

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Comment/Response Spreadsheet**

978.30(a,b) Requirements for Registration of Assault Weapons			
Number	Freq.	Summary of Comment	Response
A7.14	1	The exact date and name and address of the person or firearms dealer from whom the assault weapon was acquired may not be known. The regulation does not include a consequence for failure to provide this information.	The Department agrees with the comment. The original regulation has been revised to state that the month and day of acquisition are required only if known. The year of acquisition is required because only assault weapons acquired before specific dates as provided by the Penal Code qualify for registration. It is the Department's responsibility to identify and reject unqualified assault weapon registrations. Additionally, the regulation has been revised so that the name and address of the person or firearms dealership from whom the assault weapon was acquired is optional.
A7.15	8	The registration process must provide for registrations without requiring acquisition information because long guns acquired before 1990 did not require receipts, waiting periods or seller information.	The Department agrees with the comment. Requirements for certain acquisition information have been revised in section 978.30 in response to this comment.
A7.16	1	The vagueness of the definitions of an assault weapon render the registration requirement null and void, since no one can be certain what an assault weapon is or whether they have one.	The Department disagrees with the comment. The revised definitions provide the needed clarity and are consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
A7.17	1	If DOJ fails to process in time and a person appeals and gets their fees back, the regulations don't state whether the registration is valid.	The Department disagrees with the comment. The length of time it takes the Department to process a registration application has no bearing on its validity. Nothing in the revised regulations imply or suggest that the Department's failure to meet the specified processing times would in any way affect an otherwise valid registration.
A7.18	1	Instructions on FD 23 are subjective.	The Department disagrees with the comment. PC section 12285(a) authorizes the Department to require any information deemed appropriate for registration.
A7.19	2	Regulations don't address how to remove a registration from the records if a firearm is modified in a way that it is no longer an assault weapon.	The Department agrees that a procedure should be in place to allow for voluntary cancellations. The regulations have been revised to include section 978.33, which explains the procedure for voluntary cancellation of an assault weapon registration if the registrant either 1) no longer possesses the weapon, or 2) has modified or reconfigured the weapon so that it no longer meets the assault weapon definition.

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978.30(a,b) Requirements for Registration of Assault Weapons			
Number	Freq.	Summary of Comment	Response
A7.20	1	Concerned the information contained in the Assault Weapon Registration database will be leaked into the wrong hands.	The Department disagrees with the comment. The Assault Weapon Registration Database is subject to the same privacy safeguards currently in place for other confidential databases maintained by the Department.
A7.21	1	The registration process is unnecessarily intrusive and comprehensive.	The Department disagrees with the comment. The process established by the Department is the least burdensome to the registrant, while allowing the Department to collect the information necessary to confirm an applicant's eligibility to register their assault weapon.

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978.30(c) Joint Registration			
Number	Freq.	Summary of Comment	Response
A9.01	2	The necessity for grown children or siblings to reside together to acquire gun collection is unreasonable.	PC section 12285(e) allows for joint registration of assault weapons only for family members residing in the same household. However, the Department deleted the stipulation that joint registrations remain valid only while the registrants live in the same household.
A9.02	1	Prohibiting (contributor probably meant 'Permitting') joint registrations "only while living in the same household" unconstitutionally infringes on my right to travel and discriminates against my resident co-owner son who spends half of his nights nearer to his job site.	The Department disagrees with the comment that the proposed regulation is unconstitutional and discriminatory. A person who spends some nights away from their residence due to travel or commute purposes would not be considered to have changed residences. Furthermore, the Department deleted the stipulation that joint registrations remain valid only while the registrants live in the same household.
A9.04	3	Proposed regulation (978.30 c) changes the law and is beyond the authority of DOJ. The addition of primary and co-registrant title DOJ severed what would have otherwise been joint registration. Penal Code does not require a "primary registrant".	The Department agrees with the comment. The Department removed the requirements that joint registrations identify one individual as the primary registrant, and that joint registrations remain valid <u>only</u> while living in the same household.
A9.06	1	The joint registration should be done as it was for the 1989 Roberti-Roos Assault Weapons Control Act.	The Department agrees with the comment. The revised regulation is consistent with the procedures for joint registration under the 1989 Roberti-Roos Assault Weapons Control Act.
A9.08	1	This regulation illustrates that the law is not meant for the outlaws but for family members.	The Department disagrees with the comment. By reference, the comment addresses the statute, not the proposed regulations.
A9.09	1	There needs to be a procedure in the regulation for rescinding the joint registration from one of the registrants.	The Department agrees with the comment. The regulations have been revised to include section 978.33, which explains the procedure for voluntary cancellation of an assault weapon registration if the registrant either 1) no longer possesses the weapon, or 2) has modified or reconfigured the weapon so that it no longer meets the assault weapon definition.

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978.30(c) Joint Registration			
Number	Freq.	Summary of Comment	Response
A9.10	1	The regulations need to have a procedure to follow if one of the co-registrants were to move.	The Department determined it would exceed its authority to require joint registrations to identify one individual as the primary registrant, and has deleted this requirement from the proposed regulations. Additionally, the Department does not require registrants to submit updates to their initial registration. However, any updated information voluntarily submitted by the registrant to the Department will be processed accordingly.
A9.11	4	The regulations need to include a procedure to follow if the primary registrant passes away.	The Department agrees that the proposed regulations should have addressed situations in which the primary registrant is survived by a co-registrant. However, the Department determined it would exceed its authority to require joint registrations to identify one individual as the primary registrant, and has deleted this requirement from the proposed regulations.
A9.12	2	Firearms are community property under state law. Each spouse is legally entitled to own and possess them unless they belong to a prohibited class. Amend section to provide that either or both spouses can own and register assault weapons. Divorce or separation should not impair the right to possess firearms or what residence they can ultimately reside in. It would, however, be reasonable for DOJ to require an amended registration to show who has what after a family has been dissolved.	The Department agrees with the comment. Spouses who are not prohibited from owning firearms may be joint registrants and the Department has deleted the stipulation that joint registrations remain valid only while the registrants live in the same household. Because the statute does not require registrants to submit updates to their initial registration, no formal procedures are necessary for update information. However, any updated information voluntarily submitted by the registrant to the Department will be processed accordingly.
A9.13	1	Recommends revising section 978.30 c as follows: Joint registration will be permitted for assault weapons owned by family members. Joint registration must identify one individual as primary registrant.	The Department disagrees with the comment. PC section 12285(e) allows for joint registration only for family members residing in the same household. Additionally, the requirement that joint registrations identify one individual as the primary registrant was inconsistent with the statute. Therefore, the Department deleted that requirement from the proposed regulation.

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978.30(c) Joint Registration			
Number	Freq.	Summary of Comment	Response
A9.14	1	As long as the co-registration family member is legally authorized to own and possess an assault weapon, the location of that person's residency should not be a factor. The only administrative requirement would be the addition of a second address on the registration application. PC section 12285 (e) should be changed accordingly.	The Department disagrees with the comment. PC section 12285 requires joint registrants to reside in the same household at the time of registration. Allowing family members who do not reside in the same household would conflict with the statute.
A9.15	1	Concerned with what could happen if a family member who is not a joint registrant of a weapon uses the weapon to fend off a criminal.	Although the comment raises an issue related to firearms laws, it is not within the scope of the proposed regulations.

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Comment/Response Spreadsheet**

978.31 Fees			
Number	Freq.	Summary of Comment	Response
A10.01	4	This law was allegedly wanted by, and to benefit the majority of California tax payers. Its costs should be borne by all via the General Fund, not by the additional fees the proposed regulations impose on the firearms owners.	PC section 12285(a) mandates a one-time registration program with a fee amount up to \$20.
A10.02	4	Registration requirement imposes a financial burden on citizens.	The Department disagrees with the comment. PC section 12285(a) mandates a one-time registration program with a fee amount up to \$20.
A10.03	1	The tax payers should not be required to pay for the uncertain and ineffective enforcement of this law.	The Department disagrees with the comment. The \$20 fee is authorized under PC 12285(a) for the processing of the registration.
A10.04	4	Opposes registration fees.	PC section 12285(a) mandates a one-time registration program with a fee amount up to \$20.
A10.05	2	Since the DOJ states that the \$20 fee will be insufficient to offset the costs of the program, one can only expect regular increases in the registration fees in the future.	PC section 12285(a) mandates a one-time registration program with a fee amount up to \$20.
A10.06	2	This section should clearly state that the registration fee is the same for both individual and family registrations.	The Department disagrees with the comment. The \$20 fee per person is clearly stated in the regulation and needs no further clarification.
A10.07	3	Contributor states that any fee is nothing more than a tax, and they will always be paid by the consumer, as an indirect tax.	The Department disagrees with the comment. The \$20 fee is authorized under PC 12285(a) for the processing of the registration.
A10.08	1	Senior citizen on fixed income cannot afford liability insurance, licensing, annual registration and fees to own a gun.	PC section 12285(a) mandates a one-time registration program with a fee amount up to \$20.

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978.31 Fees			
Number	Freq.	Summary of Comment	Response
A10.09	1	To impose a tax, post facto, after the fact, is an illegal act by the state.	The \$20 fee is authorized under PC 12285(a) for the processing of the registration.
A10.10	1	Cash should be accepted as legal tender for registration.	The Department agrees with the comment. Although the Department recommends the use of bank checks and money orders when transmitting payment through the U. S. Mail, the regulations do not prohibit submission of cash payment.
A10.11	2	Fee is an infringement on 2nd amendment rights as it artificially discriminates against the poor who have just as much right to own any type of firearm as the rich.	PC section 12285(a) mandates a one-time registration program with a fee amount up to \$20.
A10.12	1	When I bought my firearm I paid a fee for a Dealer Record Of Sale (DROS) and was not informed I might have to pay registration fees in the future; therefore the proposal of a new fee is tantamount to fraud.	The Department disagrees with the comment. The DROS fee only covers the cost to determine whether or not a purchaser is prohibited from purchasing or possessing a firearm at the time of the transaction. The \$20 application fee for an assault weapon registration covers the costs of processing the application, conducting an eligibility background check, and creating and maintaining the database of registered assault weapons.
A10.13	1	The fee of \$20 per person should be changed to per <u>application</u> to clarify that the fee is for registration of assault weapons and not for the registration of assault weapon owners. PC section 12285 (a) should be changed accordingly.	The Department disagrees with the comment. PC section 12285(a) mandates a one-time registration program with a fee amount up to \$20 per person for any number of weapons registered by that person at the same time. The Department has no authority to amend the statute.

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Comment/Response Spreadsheet**

978.32 Processing Times			
Number	Freq.	Summary of Comment	Response
A11.01	4	The regulation does not address the disposition of the application when submitted within 30 days of the end of the registration period, since the regulations allow for a 30-day time frame for determining completeness of the application.	The Department agrees with the comment. The proposed regulation has been revised to state that applications submitted to the Department with a postmark date not later than the end of the registration period with the required fee will be processed even if the application must be returned to an applicant for completion or correction after the close of the registration period.
A11.02	1	Lack of certain data (acquisition information, etc.) should not be used to delay processing of a registration. Some information may simply not be available.	The Department agrees with the comment relative to the availability of certain acquisition information. The month and day of acquisition is required only if known. The year of acquisition is required because only assault weapons acquired before specific dates as provided by the Penal Code qualify for registration. It is the Department's responsibility to identify and reject unqualified assault weapon registrations. Additionally, the requirement to provide the name and address of the person or firearms dealership from whom the assault weapon was acquired is optional.
A11.03	1	The processing time is too lengthy.	The Department disagrees with the comment. The processing time standards are commensurate with the actual processing times of assault weapon registrations during a similar registration program conducted by the Department pursuant to the original Roberti-Roos Assault Weapons Control Act of 1989.
A11.04	3	The penalty for the department's failure to inform or deny within the specified period should result in approval of the registration application.	The Department disagrees with the comment. The Department does not have the authority to approve or accept an assault weapon registration except as provided by statute.
A11.05	1	The escape clause language of this section '... And the department fails to establish good cause for exceeding this time period' seems to apply only to an appeal of the failure to reimburse the applicant's fee.	The Department agrees with the comment. Pursuant to Government Code section 15378, the hearing process is for an appeal in the event the Department fails to provide full reimbursement of an applicant's fees if the Department fails to meet the time frames for processing a registration application.

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978.32 Processing Times			
Number	Freq.	Summary of Comment	Response
A11.06	2	Any appeal process should provide for a face to face hearing with the DOJ official or Attorney General's office representative who will preside over the hearing. That hearing should be at a location convenient to the applicant.	The Department disagrees with the comment. The appeal process established pursuant to Government Code section 15378 does not require the Department to conduct a "face to face" hearing. A written appeal can be made directly to the agency head.
A11.07	1	Recommends the following processing deadlines: determine completeness of application - 3 days; process completed application 7 days; appeal determination - 10 days.	The Department disagrees with the comment. The processing time standards are commensurate with the actual processing times of assault weapon registrations during a similar registration program conducted by the Department pursuant to the original Roberti-Roos Assault Weapons Control Act of 1989.

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978.40-44 Large Capacity Magazine Permits			
Number	Freq.	Summary of Comment	Response
A13.01	1	The provisions of the proposed section 978.40 through 978.44 appear to be clearly stated and consistent with current law.	The Department appreciates the acknowledgement by the contributor that the regulation is clear.
A13.02	1	The term "good cause" is a term calculated to be used to arbitrarily deny permits to law-abiding citizens.	The Department disagrees with the comment. The comment addresses the term "good cause", which is mandated by PC section 12079(a).
A13.03	1	Section 978.40 (a) should be amended to permit private owners of high capacity magazines to dispose of them outside of the state without any implied or explicit need for a permit.	The Department disagrees with the comment. A Large Capacity Magazine permit is required for transportation or sale of large capacity magazines from California to an out of state client. Pursuant to PC section 12079, a Large Capacity Magazine permit can be obtained only by a licensed California firearms dealer. The Department does not have the authority to amend the statute.
A13.04	1	Regulation makes no provision for wholesale distributors only, who have no California Firearms Dealer (CFD) number which is required.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A13.05	1	Definition of good cause is too vague/broad.	The Department disagrees with the comment. The Department believes the regulation is clearly stated and consistent with the legislative intent of the statute. Due to the ambiguous nature of the comment, the Department is unable to respond further.
A13.06	2	Definition of good cause should indicate that serious economic hardship would result with the elimination of large capacity magazines from inventory.	The Department disagrees with the comment. Demonstration of good cause does not require that denial of a permit would result only in hardship to the dealer, but also hardship relative to the impact on those persons' or agencies' legitimate need to acquire large capacity magazines (e.g. law enforcement).
A13.07	2	Record retention should be indefinite.	The Department disagrees with the comment. The record keeping requirements established in the proposed regulation are consistent with other programs conducted by the Department for various permits and licenses related to firearms.

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978.40-44 Large Capacity Magazine Permits			
Number	Freq.	Summary of Comment	Response
A13.08	2	Permit revocation should result from any violation of the Dangerous Weapons Control Law, not just the Assault Weapons Control Act.	The Department disagrees with the comment. The permit revocation requirements established in the proposed regulation are consistent with other programs conducted by the Department for various permits and licenses related to firearms.
A13.09	1	Record keeping requirements are unreasonable.	The Department disagrees with the comment. The record keeping requirements established in the proposed regulation are consistent with other programs conducted by the Department for various permits and licenses related to firearms.
A13.10	2	This regulation is too vague and confusing.	The Department disagrees with the comment. The Department believes the regulation is clearly stated and consistent with the legislative intent of the statute. Due to the ambiguous nature of the comment, the Department is unable to respond further.

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Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.01	108	Regulations go beyond the original intent of the legislature	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A18.02	70	Due to ambiguous wording of the statute, recommends that DOJ reject proposed regulations.	The Department disagrees with the comment. The Department is authorized under PC section 12276.5 to adopt the rules and regulations necessary to carry out the intent of the legislature. These regulations serve to interpret and make clear the statute.
A18.03	19	Recommends DOJ provide a list of guns and accessories that are defined as assault weapons under SB 23.	The Department disagrees with the comment. PC section 12276.1 defines assault weapons by characteristic, not by make and model. The Department believes the proposed regulations clearly define the characteristics that, when present on a firearm, may identify a firearm as an assault weapon.
A18.04	171	Definitions/regulations are too broad and vague and/or confusing, and lack specificity.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A18.05	7	Family members who are law abiding and have clean records should be able to hand down gun collection (often quite valuable) to another family member. This becomes a property rights issue.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.06	27	Broad definitions will result in the ban of expensive competitive match rifles, and many ordinary hunting rifles.	The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A18.07	118	SB 23 is a bad law.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.

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Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.08	17	The definitions of what constitutes a detachable magazine, forward pistol grip, flash suppressor or a protruding pistol grip can be interpreted to mean almost anything, and/or exceed legislative intent.	The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A18.09	10	Proposed regulations are confusing, vague and a violation of rights under the constitution.	The regulations have been revised for clarity and consistency with the legislative intent of the statute. The comment addresses the constitutionality of the regulations. The purpose of the regulations is to clarify and make specific the statute. Therefore, the regulations, as written, do not create a constitutional issue.
A18.10	71	Regulations should be revised to make them clear.	The Department has revised the regulations to provide additional clarity.
A18.11	63	Proposed regulations infringe upon the constitutional right of the people to keep and bear arms.	The Department disagree with the comment. The statute, not the regulations, mandate the registration of assault weapons. The purpose of the regulations is to clarify and make specific the statute.
A18.12	7	Regulations should include a list of common types of firearms that do not meet the definition of assault weapon, therefore are lawful.	The Department disagrees with the comment. PC section 12276.1 defines assault weapons by characteristic, not by make and model. The Department believes the proposed regulations clearly define the characteristics that, when present on a firearm, may identify a firearm as an assault weapon.
A18.13	12	The definition of an assault rifle is one that has the capability of selecting semi or fully automatic firing.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.14	64	Concerned that this regulatory action will lead to stricter laws and/or confiscation in the future.	The purpose of the regulations is to clarify and make specific the statute. These regulations as written do not impact future legislative action.
A18.15	27	SB 23 should be thrown out and declared unconstitutional	The comment addresses the constitutionality of the statute and not the proposed regulations.
A18.16	2	Resource materials do not support and were not incorporated into the regulations.	The Department disagrees with the comment. The reference materials cited were used to assist the Department with the proposed regulations.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.17	1	Forward pistol grip, permanently altered, or a thumbhole stock on a single shot target rifle should not make it an assault weapon.	The comment addresses the statute and not the proposed regulations. Pursuant to Penal Code section 12276.1, several characteristics must be present to identify a firearm as an assault weapon. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the one of the features identified in the comment.
A18.18	16	The definitions as proposed could lead to expensive and unnecessary litigation due to varying local interpretations.	The comment addresses the enforcement of the statute, not specifically related to the regulations. The Department believes the regulations, as revised, are clearly stated and consistent with the legislative intent of the statute.
A18.19	7	Asks that DOJ address and revise the current law as written, to clear up the confusion.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.20	159	SB 23 only hurts the honest, law abiding tax-paying citizens.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.21	173	SB 23 in direct conflict with the 2nd Amendment.	The comment addresses the constitutionality of the statute and not the proposed regulations.
A18.22	5	The regulations should include an exception for weapons 50 years or older, historical and collector weapons.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.23	6	"SB 23 is a bad law and worse it is too vague. It can make a gun legal or illegal simply by the interpretation of the agent enforcing the law."	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.24	5	"The object of the proposed regulations should be to make the law administrable (sic), to reduce confusion, and to prevent over-eager accusations against people who are not otherwise criminals."	The purpose of the regulations is to implement, interpret, or make specific the statute referenced. Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department made revisions to the original regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.25	1	"The term "assault weapons" should be restricted to only those weapons which the legislature intended, and then only to those guns very obviously intended. It is no part of the Attorney General's powers to expand the intention of an Act passed by the legislature."	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The original regulations have been revised, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A18.26	1	Banning parts of firearms such as magazine, forward pistol grip, etc. renders firearms absolutely useless.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.27	2	Statements in Senate bills that classify firearms as military assault weapons are false, and stated in such general terms that they encompass all firearms, not the few they claim to be addressing.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.28	21	Most of the definitions relate strictly to appearance and have little or nothing to do with safety or criminal use of firearms.	The Department disagrees with the comment. The purpose of the definition is to identify an assault weapon characteristic regardless of the underlying safety issues of the characteristic.
A18.29	4	The definitions under 978.20 can be interpreted to include all semi-automatic pistols	The Department disagrees with the comment. The definitions under section 978.20 further define assault weapons pursuant to PC section 12276.1. Semiautomatic pistols must possess certain characteristics as shown in PC section 12276.1 to meet the definition of an assault weapon.
A18.30	9	Knowledgeable members of the firearms community should revise regulations so that proper terminology is used to insure that the rights of the private citizens are protected. Postpone implementation until such expertise can be consulted.	The Administrative Procedures Act ensures the opportunity for public participation in the rulemaking process. In addition, meetings with members of the firearms community were held. Input from those meetings was considered in the proposed regulations, and the minutes of the meetings are included in the rulemaking file.
A18.31	2	Regulations place unnecessary burden to private owners and dealers by requiring additional paperwork.	The Department disagrees with the comment. The statute, not the regulations, require owners of firearms defined as assault weapons to register those weapons. The paperwork necessary for the registration enables the Department to meet its obligation relative to confirmation of the applicant's eligibility to register an assault weapon.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.32	7	Regulations will jeopardize the ability of legal firearms owners from participating in legitimate sporting activities.	The Department disagrees with the comment. The statute, not the regulations, define firearms with certain characteristics as assault weapons. The Department does not have to authority to exclude specific firearms on the basis of their use in legitimate sporting activities. The Department does not have the authority to amend the statute.
A18.33	11	Law-abiding gun owners will be excessively penalized by arbitrary definitions.	The Department believes the revised regulations are consistent with the legislative intent of the statute.
A18.34	43	Recommends DOJ not adopt these regulations.	The Department believes the revised regulations are consistent with the legislative intent of the statute.
A18.35	26	Requests changes be made to the proposed regulations that minimize the impact on ordinary firearms owners throughout the state.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. However, the Department believes the revised regulations are consistent with the legislative intent of the statute and impose minimal impact on the affected public.
A18.36	4	Proposed regulations are confusing and/or arbitrary.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A18.37	1	If my two competition rifles (AR15 and M1A) become inoperable I will be unable to replace them.	The comment does not address the proposed regulations. PC section 12285 includes provisions for servicing or repair of assault weapons, although no provisions are included in statute for replacement of assault weapons.
A18.38	2	Firearms dealer concerned about the ability of staff and customers to interpret the proposed regulations.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A18.39	1	Contributor cites a provision that states "if a person cannot be sure that his property is legal and determine that he has the right to buy, sell, or trade his property, the law becomes invalid."	The Department believes the revised regulations are sufficiently clear to provide firearms owners the ability to determine whether the firearm(s) they possess are assault weapons. If unsure, it is incumbent on the owner to seek advice from a firearms expert, or an attorney.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.40	1	The law is unfair because some people need a stock that allows for a good grasp for control due to pain.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.41	6	The regulations should address the transportation and importation of large capacity magazines.	The Department disagrees with the comment. The Department believes provisions for the transportation of large capacity magazines are sufficiently clear in PC section 12020. Importation and exportation of large capacity magazines by persons licensed pursuant to PC section 12071 are made specific under section 978.40-978.44.
A18.42	79	Object to the Regulations	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The original regulations have been revised, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A18.43	5	The definitions are deficient in that they do not address the numerous ambiguities in the law.	The Department disagrees with the comment. The comment addresses the statute and not the proposed regulations. The Department believes the revised definitions are clearly stated and easily understood by those affected by the regulations.
A18.44	13	Opposes large capacity magazine restrictions	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.45	5	The law is too vague regarding firearms capable of accepting high capacity magazines.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.46	1	The proposed regulations lack precise technical definitions, which makes it impossible to determine whether the law applies to any particular firearm or part of a firearm. This must be resolved if people are expected to comply.	The revised definitions are clearly stated and easily understood by those affected by the regulations.
A18.47	8	Recommends that DOJ stop trying to regulate gun owners' rights out of existence.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.48	1	The law should be changed to allow shooters under 18 to continue sanctioned rifle competition.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.49	25	SB 23 is not enforceable as written.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.50	6	Suggests exempting certain Hemmerli, Pardini, and Walther semi-automatic target pistols from assault weapon law	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.51	1	The regulations need to address the opportunity for a person, whose business transfers them to the state or anyone who moves to the state, to properly register assault weapons.	The Department disagree with the comment. PC section 12285 (b)(2) addresses the requirements for persons moving into this state who own an assault weapon, therefore there is no need for the regulations to do so.
A18.52	2	Recommends an exemption be made for military weapons range instructors.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.53	3	The definitions in 978.20 attempt to define by cosmetic appearance rather than function, or a combination of both. Function should only be used because it is easily understood. Arms experts, such as Jane's define "assault weapon" as a selective fire weapon, i.e. one that is fully automatic and semi-automatic.	The Department disagrees with the comment. The statute, not the regulations, define an assault weapon by characteristic. The purpose of the regulations is to identify the characteristics of an assault weapon pursuant to PC section 12276.1. The revised regulations are consistent with the legislative to the intent of the statute, relative to the identification of assault weapon characteristics.
A18.54	1	Recommend definition of assault rifle: Assault rifle, any rifle that has a clip larger than 10 rounds.	The Department disagrees with the comment. The recommendation conflicts with the legislative intent of the statute. The Department does not have authority to amend the statute or adopt regulations that conflict with the statute.
A18.55	2	The assault weapon definitions, as proposed will cause Jr. shooting group, the California Grizzlies to be eliminated. Suggests DOJ contact the NRA and CRPA for guidance.	The Department does not have to authority to exempt particular groups, despite their involvement in legitimate sporting activities.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.56	3	The clause cited in PC section 12280 (b) (1) is not addressed in the regulations. Suggests verbiage be added to the regulations that clarify this requirement in the law and the DOJ's intent in enforcing it. Absence of such clarification, it is impossible to know whether an additional permit is required on an earlier date than specified by other parts of the law.	The Department disagrees with the comment. PC section 12285 clearly defines a one-year registration period. Furthermore, PC section 12280 states there will be no enforcement during the one-year registration period.
A18.57	1	The regulations are incomplete as there is no proposed regulation about what constitutes "lending" a large capacity magazine.	The Department disagrees that the regulations should state what constitutes "lending" a large capacity magazine because PC section 12020(a)(2) prohibits, with certain exceptions, the lending of large capacity magazines.
A18.58	22	An assault rifle by its original definition is a full automatic firearm.	The Department disagrees with the comment. PC sections 12276 and 12276.1 define "assault weapons" under California law. The proposed regulations interpret, make specific, and clarify those assault weapon characteristics present in PC section 12276.1.
A18.59	1	The reference to section 12276.5 under 978.10, should be revised to 12276.5(l). The rest of section 12276.5 applies only to section 12276 which the proposed regulation does not affect.	The Department has made a non-substantial revision to the authority citation for section 978.10 of the regulations by replacing 12276.5 with 12276.5(i) to accommodate this comment.
A18.60	1	There needs to be a place where an individual can take a rifle, diagram, or photo, to have a determination made as to whether it is an assault weapon. If it is not, a letter should be issued with the serial number of the rifle, to eliminate various law enforcement determinations.	The Department disagrees with the comment. The Department believes the revised regulations are clear, but ultimately it is up to the firearm owner to determine whether their firearm meets the definition of an assault weapon.
A18.61	2	The department must stay within the bounds of its administrative authority. Some of what the Department has proposed requires the enactment of further legislation.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department believes the revised regulations accurately interpret the statute and are consistent with the legislative intent of the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.62	3	Under this proposal an illegal part can be replaced with one that meets the requirement of the proposed regulations. This is in conflict with BATF ruling 922 r pursuant to 18 U. S. Code, as a violation of the 1994 crime bill.	The Department disagrees with the comment. Although a firearm can be modified or reconfigured to no longer meet the assault weapon definition pursuant to California law, any applicable federal laws remain in force.
A18.63	2	The regulations need to include a clear definition of a barrel shroud to separate it from a scope mount on semiautomatic pistols.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.64	5	The broad term in PC section 12276.1 "has the capacity to accept" is not addressed in the proposed regulations, and needs to be to eliminate multiple interpretations by law enforcement, prosecutors, and courts.	The Department disagrees with the comment. The Department believes the phrase "has the capacity to accept" is sufficiently understood by reasonable people.
A18.65	1	Regarding a pistol that accepts a magazine outside of the grip. . . Several fine pistols have this characteristic, and should not be defined as assault weapons.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.66	5	SB 23 has negatively impacted competitive shooting by eliminating the AR-15 type competitive rifles, which in California rifle match shooters being the only competitors in the U.S. who cannot legally used the best target rifles in the world.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.67	4	If the vagueness of the law is such that the DOJ cannot issue a list of restricted firearms by model and manufacturer, the Attorney General should issue a request to the California Supreme Court to withhold the implementation until the legislature clarifies the law by model, description and manufacturer.	Because the Legislature defined assault weapons by characteristic, the Department does not have the authority to promulgate a list of assault weapons by model and manufacturer.
A18.68	1	Detachable Magazines and Pistol Grips enable handicapped and elderly to better control their rifles. Contributor objects to the inclusion of those features.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.69	1	Disagrees that if a rifle has a pistol grip or flash suppressor it is more dangerous than any other rifle.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.70	6	Restricting/banning the public's ability to possess semi-automatic firearms give the individual an unfair disadvantage when confronted by an attacker.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.71	1	The definitions of terms should be added legislatively.	The Department disagrees with the comment. The purpose of the regulations is to interpret and make specific the statute.
A18.72	2	The use of Federal definitions that have withstood challenge, would avoid confusion in the law's interpretation and make it simpler to enforce.	The Department did consider federal statute and regulations when drafting the regulation as cited in the rulemaking file. However, none of the assault weapon characteristic terms defined in the Department's regulations are defined in either federal statute or regulations.
A18.73	1	Recommends that PC section 12276.1(b) be amended to read: "Assault weapon" does not include any antique firearm or unmodified M1, M1-C, or M1-D Garand. "Unmodified" as used in the above sentence does not include internal modifications for the purpose of enhancing accuracy or efficiency of the designed function of the firearm. - Note: To categorize these firearms as an assault weapon and to required the law abiding owners of such firearms to register the same would be a gross miscarriage of justice.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.74	3	In order for this law to be effective, there should be an exemption for any person possessing a National Rifle Association High Power Rifle classification card.	The Department does not have to authority to exempt particular groups, despite their involvement in legitimate sporting activities.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.75	1	Appreciates knowing that rimfire caliber firearms can still be sold in California.	The statute for which these regulations are being adopted addresses semiautomatic, centerfire rifles, semiautomatic pistols, shotguns and semiautomatic shotguns. Rimfire firearms are not addressed in the statute nor the regulations.
A18.76	1	Concern that statute includes a restriction on barrels threaded to accept flash suppressors, forward handgrips, etc., so the question is whether a rifle that is threaded can be purchased.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.77	1	If retired law enforcement officers are exempt from these rules and regulations a double standard is being created by establishing rules that do not apply equally to all citizens of this state.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.78	1	The laws regarding the sales of large capacity magazines to peace officers should be the same between the Federal Government and state.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.79	1	Requests that a full law enforcement exemption be made for active and retired law enforcement personnel to purchase assault weapons	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.81	1	Questions whether an offending part, if removed, then reattached outside of California, makes the firearm an assault weapon	The Department disagrees with the comment. The Comment relates to the enforcement of the statute, not the proposed regulations.
A18.82	1	Questions the legality of possession of an AR15 and a detached pistol grip	The Department disagrees with the comment. The Comment relates to the enforcement of the statute, not the proposed regulations.
A18.83	2	The definitions under 978.20 actually constitute ex post facto, de facto lawmaking.	The Department disagrees with the comment. The purpose of the regulations is to interpret and make specific the statute.
A18.84	2	The proposed regulations accurately reflect the majority opinion of those on the task force and are consistent with our understanding of the intent of SB 23.	The Department appreciates the contributor's acknowledgement that the regulations are clear and consistent with legislative intent. As a result of public input, the Department has made revisions to the regulations where necessary. The Department believes the revisions to the proposed regulations further enhance the clarity of the regulations, and the consistency with the legislative intent of the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.85	1	Should include a clause exempting semi-auto rifles where there is no know(n) or manufactured magazines in the state (now or prior to enactment of SB 23) available for the firearm that have a magazine capacity greater than 10 rounds; and the rifle meets the minimum overall length requirement of the bill and has a barrel length of at least 20 inches..	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.86	1	Make an exemption that allows transfer of a registered assault weapon within the state provided the new buyer or intended receiver of weapon is approved for the registration of the weapon and it is accomplished through a licensed dealer in the State of California.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.87	4	Regulations need to address how a damaged or lost firearm can be replaced or repaired.	The Department disagrees with the comment. PC section 12285(c) sufficiently provides for the transportation and transfer of the assault weapon for the purposes of repair. The statute does not authorize replacement of an assault weapon.
A18.88	1	Appreciative of the fact that the DOJ is addressing the mandate set out in 12276.5 (I)	The Department appreciates the support exhibited by the contributor.
A18.89	4	Law must be fully explained to law enforcement/gun clubs including extensive training in order for it to be equally enforced.	The Department believes the revised regulations are clearly stated and consistent with the legislative intent of the statute.
A18.90	1	Questions how the Attorney General will ensure equal enforcement of the law throughout the state.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.91	2	The law should provide the ability for the military/reservist to maintain firearms proficiency with the weapons they will use if called into action.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.92	4	Fears that the government will track those who have come to the hearing to speak about firearms regulations.	The purpose of the public hearing is to afford any interested person the opportunity to present statements regarding the proposed regulatory action pursuant to Government Code section 11346.8. The records from the public hearing are submitted to the Office of Administrative Law as required under Government Code section 11347.3. The statements made at the public hearing are considered by the Department for the sole purpose of adoption of the proposed regulations.
A18.93	2	Input from Stakeholders meetings was not incorporated into the regulations.	The Department disagrees with the comment. The Department considered input from all sources cited in the Initial Statement of Reasons, including attendees at the Stakeholders meetings.
A18.94	1	Removal of offending characteristics impacts the safety of the firearm.	The presence of certain offending characteristics may identify a firearm as an assault weapon, without consideration of perceived safety attributes. Lacking these characteristics, the firearms is not considered an assault weapon.
A18.95	3	Preferred that the hearings be held on a non-workday.	The Department believes it provided sufficient opportunity for all concerned to submit comments regarding the proposed regulations. In addition to a written comment period exceeding the minimum 45 days, the Department held two public hearings, both available to receive verbal comments from 8:00 a.m. to 8:00 p.m. to accommodate the working public.
A18.96	1	Objects to 10 round magazine restriction for non-sworn armored car/security employees.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.97	1	Legislation constitutes an unreasonable burden on Federal Firearms License (FFL) collectors; recommends an exemption related to assault weapons and large capacity magazines for FFL collectors.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.98	4	The regulations should be available in languages other than English, as well as English.	The Department disagrees with the comment. The Department believes there are not a substantial number of non-English-speaking people are affected by these regulations, therefore, it is not feasible to produce the regulations in a language other than English. However, pursuant to Government Code (GC) 7292 the Department employs a sufficient number of qualified bilingual persons available to provide service to those non-English speaking persons affected by the regulations.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.99	1	This law allows for our property to be taken away without due process.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.100	1	Objects to the strong presence of law enforcement at the hearings.	The presence of law enforcement at the public hearings resulted from a number of death threats having been made to the Department during the rulemaking process. To ensure the safety of the public and staff, the Department provided the security personnel it deemed necessary. At no time, did security hinder the process or impede the public's right to present oral testimony.
A18.101	1	Objects to the statement that "no other alternatives were presented to or considered by the Department".	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. However, after consideration of public comment, the Department believes no alternatives would be more effective and less burdensome to interested persons than the revised regulations.
A18.102	1	The regulations failed to consider the .22 rimfire rifle that only accepts a detachable magazine that holds more than the 10 round limit. Requests an exclusion for detachable .22 caliber magazines.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
A18.103	1	Requests an extension to the comment period to allow everyone concerned to review the reference material.	The Department disagrees with the comment. Pursuant to Government Code section 11346.4, 45 days prior to the close of the public comment period the proposed regulations must be made available for review. The Department exceeded this minimum requirement by accepting public comment for 60 days. To further extend the comment period would delay the rulemaking process. The Department believes it to be in the best interest of those affected by the regulations to adopt the regulations in a timely manner.
A18.104	1	Supports SB23 and any other legislation that attempts to curb unregulated gun ownership.	The Department appreciates the support exhibited by the contributor.
A18.105	1	The Department should begin immediately to prepare and adopt the policy to preempt prosecutions and enforcement of interpretation inconsistent with its regulations and the laws.	The Department disagrees with the comment. By reference, the comment addresses the enforcement of the statute, not the proposed regulations.

**45-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations			
Number	Freq.	Summary of Comment	Response
A18.106	1	The regulations must be police chief and District Attorney "proof".	Pursuant to the Administrative Procedures Act the regulations must meet the Office of Administrative Law standards of review for necessity, clarity, authority, reference, nonduplication and consistency. The Department believes the revised regulations meet those standards.
A18.107	1	The regulations must be clear enough that the law can be properly enforced and that the citizens will not inadvertently violate it.	The Department agrees with the comment. The Department's revised regulations provide the needed clarity and are consistent with the legislative intent of the statute.
A18.108	1	The definitions provide little of significance that will benefit lawful firearms owners, law enforcement, District Attorneys or the courts relative to determining what is, or is not, an assault weapon.	Pursuant to the Administrative Procedures Act the regulations must meet the Office of Administrative Law standards of review for necessity, clarity, authority, reference, nonduplication and consistency. The Department believes the revised regulations meet those standards.
A18.109	1	Release the other alternatives that were considered in accordance with Government section 11346.5 (a)(12) when you determined that no other alternative would be as effective and less burdensome to affect private persons.	Although the Department considered numerous possible definitions including those submitted during the public comment periods, ultimately none were deemed to be as effective and less burdensome to the affected public. In accordance with the Public Records Act, the entire rulemaking file is available for viewing.

**45-Day Comment Period
Comment/Response Spreadsheet**

Economic and Fiscal Impact			
Number	Freq.	Summary of Comment	Response
A19.01	1	SB 23 and proposed regulations are so poorly written they are an impediment to business because business owners don't know what they can order.	The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A19.02	2	The regulations adversely affect interstate commerce due to confusion.	The Department disagrees with the comment. Any impact on interstate commerce that may occur is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations. The Department does not have the authority to amend the statute.
A19.03	6	Loss in Pittman Robertson funds which provide major funding for wildlife and habitat improvement.	The Department disagrees with the comment. Any impact on funding that may occur is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations. The Department does not have the authority to amend the statute.
A19.04	3	The proposed definition of a conspicuously protruding pistol grip will result in harm to business transactions because the business would have to contact DOJ regarding the status of every semi-automatic firearm sold.	The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A19.05	1	Confusion over a standard rifle stock being considered a pistol grip may generate a costly public information campaign.	The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute. The Department believes the revised regulatory package is clearly stated and easily understood by the average person. Additionally, the Department has conducted a public notification campaign regarding the registration of assault weapons.
A19.06	3	Interstate commerce will be adversely affected.	The Department disagrees with the comment. Any impact on interstate commerce that may occur is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations. The Department does not have the authority to amend the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Economic and Fiscal Impact			
Number	Freq.	Summary of Comment	Response
A19.07	1	There is a negative economic impact on the film and television industry in California.	The Department believes the comment addresses the lack of statutory exemption for the sale of assault weapons or large capacity magazines to the entertainment industry. The comment addresses the statute and not the proposed regulations. The Department does not have the authority to amend the statute.
A19.08	2	The scheme will obviously hurt any business dealing with semi-automatic firearms due to lack of clarity.	The Department has made revisions to the regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
A19.09	3	Negative economic impact will occur because federally licensed dealers who desire to do business with distributors offering a good variety of products will be forced to look outside of the state, as these regulations will narrow the variety of firearms and accessories that licensed dealers may sell in or export from California.	The Department disagrees with the comment. Any impact on interstate commerce that may occur is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations. The Department does not have the authority to amend the statute. The Department believes the revised regulatory package is clearly stated and easily understood by the average person.
A19.10	5	Regulations may have a significant impact on jobs, prevent expansion of existing business, or even eliminate existing businesses within the state.	The Department disagrees with the comment. Any impact on interstate commerce that may occur is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations. The Department does not have the authority to amend the statute.
A19.11	1	Questions whether the DOJ polled the licensed firearms dealers regarding the potential economic impact of this ban. Suggests a poll could be done through the COE process.	No specific dealer polling was conducted. However, the Administrative Procedures Act ensures the opportunity for public participation in the rulemaking process. In addition, meetings with members of the firearms community were held. Input from those meetings was considered in the proposed regulations, and the minutes of the meetings are included in the rulemaking file. Comments regarding the potential economic impact of the regulations are responded to in the final statement of reasons.
A19.12	3	Confiscation of firearms will create a black market and encourage illegal gun trafficking.	The comment does not address the proposed regulations.

**45-Day Comment Period
Comment/Response Spreadsheet**

Economic and Fiscal Impact			
Number	Freq.	Summary of Comment	Response
A19.13	1	There are costs associated with training for law enforcement.	Any costs associated with training for law enforcement is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations.
A19.14	1	Regulations cause school districts to lengthen their Hunter Safety classes to decipher the new restrictions, which will cause school hours to be extended or other subjects shortened.	The Department disagrees that the proposed regulations will result in any changes to school district policies or school hours. Any impact on Hunter Safety programs statewide is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations. The Department does not have the authority to amend the statute.
A19.15	1	Additional costs will be incurred for special measuring equipment for every peace officer, and extra personnel to determine compliance. The proposal failed to calculate those costs.	The Department disagrees that the proposed regulations will result in the need for special equipment for peace officers or extra personnel.
A19.16	1	SB 23 has coerced firearms dealers and manufacturers out of California, raised Unemployment Insurance and public assistance costs, and reduced Sale Tax Receipts that could benefit all Californians. New business has been created to modify rifles to comply with these regulations.	The comment addresses the statute and not the proposed regulations. The Department does not have the authority to amend the statute.
A19.17	1	Cost or savings to local agencies was not considered.	The Department disagrees with the comment. Any costs or savings to local agencies is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations. The Department does not have the authority to amend the statute.

**45-Day Comment Period
Comment/Response Spreadsheet**

Economic and Fiscal Impact			
Number	Freq.	Summary of Comment	Response
A19.18	1	DOJ indicated no cost or savings to any state agency. Contributor suggests the cost of education and implementation of this confusing scheme will be substantial to all law enforcement agencies and court in the State.	The Department disagrees with the comment. Any costs or savings to any state agency, with the exception of the Department, is a result of the statutory prohibition of assault weapons and large capacity magazines, not the Department's proposed regulations. The Department does not have the authority to amend the statute. The costs incurred by the Department related to these regulations will be primarily recovered by the registration fees.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.01	1	A simple crimped lanyard hanging from the gun and permanently attached to the gun so as to require tools to remove, will make any magazine or feeding device a permanent fixture of the weapon.	The purpose of the regulation is to define the detachability of a magazine. Pursuant to Penal Code (PC) section 12276.1, a semiautomatic, centerfire rifle or semiautomatic pistol that has the "capacity to accept" a detachable magazine has the potential of being classified as an assault weapon if it meets additional criteria specified in the statute. Use of a lanyard to attach a feeding device to a firearm does not alter the firearm's "capacity to accept" a detachable magazine.
B1.02	1	Attempt to define a detachable magazine is ill conceived and unsuitable.	The Department disagrees with the comment. The Department believes the definition is clearly stated and understood by those affected by the regulations.
B1.03	1	Recommended revision: A detachable magazine is a feeding device or ammunition frame which can be removed from the receiver of a firearm so as to replenish the battery of ammunition when a firearm is used in the commission of a crime.	The Department disagrees with the comment. The recommended definition refers to an ammunition frame which requires additional clarification and excludes belted or linked ammunition. Additionally, whether the firearm is used in the commission of a crime is irrelevant to the firearm's capability to accept the detachable magazine.
B1.04	3	This version will cause just about all bolt action hunting rifles to fall into the category of "assault weapon".	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not bolt action hunting rifles.
B1.05	2	Agrees that a bullet or cartridge is not a tool.	The Department disagrees with the comment. The Department has determined that a bullet or cartridge is considered a tool because certain firearms have fixed magazines that can be removed utilizing a bullet or cartridge. Identifying a bullet as a tool allows these types of magazine to appropriately remain fixed by definition.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.06	1	"Belted" ammunition can mean a high powered rifle cartridge that has an extra thick "belt" of brass around its base to handle the higher pressures generated when fired.	The comment references certain types of cartridges that have a belt around the base to make the cartridge stronger, due to the high pressures of the magnum round, such as the 7 mm magnum or the 300 Winchester magnum. Such ammunition cannot plausibly be considered a feeding device.
B1.07	13	This definition is so broad it could be construed to mean the clip used with the vintage M-1 Garand rifle.	The Department does not consider the en bloc clips used in the M1 Garand to be ammunition feeding devices because their purpose is to enable the loading of the cartridges into the fixed magazine, rather than into the firing chamber. The revised definition provides the needed distinction between ammunition feeding devices and clips, stripper clips and en bloc clips, and is consistent with the legislative intent of the statute.
B1.08	4	The definition of a "detachable magazine" is still confusing.	The Department disagrees with the comment. The Department believes the definition is clearly stated and understood by those affected by the regulations.
B1.09	1	The "clips" such as those used in the M1 Garand are used to load ammunition from the top of the rifle into a magazine that cannot physically accept more than eight rounds. This clearly goes beyond the original intent of SB 23.	The Department does not consider the en bloc clips used in the M1 Garand to be ammunition feeding devices because their purpose is to enable the loading of the cartridges into the fixed magazine, rather than into the firing chamber. The revised definition provides the needed distinction between ammunition feeding devices and clips, stripper clips and en bloc clips, and is consistent with the legislative intent of the statute.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.10	1	Recommended revision: A "detachable magazine" means any self contained ammunition feeding device that can be removed readily from the firearms without disassembly of the firearms action or the use of a tool(s). For the purpose of this definition, a bullet or ammunition cartridge is not a tool. Ammunition feeding device includes any belted or linked ammunition. This definition does not extend to rifles that use top loading clips to feed fixed magazines which are physically incapable of holding more than ten rounds.	The Department disagrees with the comment. The Department has determined that a bullet or cartridge is considered a tool because certain firearms have fixed magazines that can be removed utilizing a bullet or cartridge. Identifying a bullet as a tool allows these types of magazine to appropriately remain fixed by definition. Additionally, reference to the capacity of the magazine is irrelevant to its detachability. The revised definition provides the needed distinction between ammunition feeding devices and clips, stripper clips and en bloc clips, and is consistent with the legislative intent of the statute.
B1.11	3	The new wording seems to suggest that any weapon that has a "detachable magazine" qualifies as an assault rifle.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A weapon is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
B1.12	1	The definition does not include a reference to size, capacity, caliber and/or type of action.	The Department disagrees with the comment. The purpose of the regulation is to define the detachability of a magazine without reference to size, capacity, caliber and/or type of action.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.13	1	Reference to "disassembly of the firearm action" is inappropriate and should be re-written because the term "action" refers to either the style of firearms operation (pump, lever, bolt, etc.) or to a firearms moving parts. Fixed magazines are generally not attached to a firearm action (moving parts), instead they are usually attached to the firearms non-moving receiver, frame, trigger guard or stock. Thus, there is usually no need to disassemble the "action" of a firearm to remove a fixed magazine.	The Department disagrees with the comment. The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm.
B1.14	3	The definition of a "detachable magazine" should clearly state that it does not include "clips" in order to avoid any confusion over whether the 8-round enbloc clip used in the M-1 Garand is considered a detachable magazine.	The Department agrees with the comment and has incorporated the recommendation into the revised definition.
B1.15	6	The regulations should provide clarity on the issue of clips used to load ammunition into a fixed magazine versus detachable magazines. The revised definition could be interpreted to include stripper clips used to load fixed magazines.	The Department agrees with the comment and has incorporated the recommendation into the revised definition.
B1.16	4	The definition needs to be changed to "ammunition cartridge is a tool."	The Department agrees with the comment and has incorporated the wording into the definition.
B1.17	4	The DOJ's broadened definition of a magazine as an "ammunition feeding device" exceeds legislative intent.	The Department disagrees with the comment. The statute (Penal Code section 12276.1(c) (1)), not the regulations, defines a magazine as any ammunition feeding device.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.18	4	The DOJ's broadened definition of a magazine as "belted or linked ammunition" exceeds legislative intent.	The Department disagrees with a the comment. Belted or linked ammunition is considered an ammunition feeding device because the cartridges are fed directly into the firing chamber, unlike clips, which are used to load cartridges into fixed magazines.
B1.19	1	The DOJ's broadened definition of a magazine as "any device that can be removed without disassembly of the firearm action" exceeds legislative intent.	The Department disagrees with the comment. "Any device that can be removed without disassembly of the firearm action" appropriately distinguishes fixed magazines from detachable magazines, and is consistent with the legislative intent of the statute.
B1.20	1	The proposed definition greatly expands the scope and effect of SB 23 by including weapons not typically classified as "assault weapons" and fails to provide clarity as to the types of weapons that will be banned.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B1.21	1	Because the enbloc clip used with the M1 Garand, which is used to load a fixed magazine, can be readily removed without the use of tools, it could be interpreted as having a detachable magazine, according to the proposed definitions.	The Department does not consider the en bloc clips used in the M1 Garand to be ammunition feeding devices because their purpose is to enable the loading of the cartridges into the fixed magazine, rather than into the firing chamber. The revised definition provides the needed distinction between ammunition feeding devices and clips, stripper clips and en bloc clips, and is consistent with the legislative intent of the statute.
B1.22	1	The definition lacks clarity because it doesn't specify whether the links and belts must have ammunition in the links to be considered a detachable magazine.	The Department disagrees with the comment. The definition clearly defines linked or belted ammunition as ammunition feeding devices because both elements are required to feed the ammunition into the chamber.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.23	3	This definition is so broad is could be construed to include sporting semiautomatic rifles such as the Ruger, Remington, and/or the Browning BAR.	The Department disagrees with the comment. The rifles cited may, in fact, have the "capacity to accept a detachable magazine". However, pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
B1.24	1	If belted and linked ammunition is considered an ammunition feeding device, then so can hands and arms because they can easily and readily feed ammunition into a firearm without the aid of a tool.	The Department disagrees with the comment. Hands and arms are not firearms devices, therefore, they are not considered ammunition feeding devices.
B1.25	3	Definition lacks clarity because it fails to define "readily removable".	The Department disagrees with the comment. The Department believes the term "readily removable" is understood by reasonable people when used in the context of "with neither disassembly of the firearm action nor the use of a tool(s) being required".
B1.26	2	Definition doesn't address the capacity of the magazine.	The Department disagrees with the comment. The capacity of the magazine is irrelevant for the purposes of defining a "detachable magazine".
B1.27	4	Because the M-1 magazine could be removed without disassembly of the action (the bolt would still be left in the receiver), it could be interpreted as having a detachable magazine.	The Department disagrees with the comment. The Department does not believe the fixed magazine in an M-1 rifle meets the definition of a detachable magazine because it cannot be "removed readily".

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.28	1	The definition lacks clarity because it fails to define "ammunition feeding device".	The Department agrees with the comment. "Ammunition feeding device" is the statutory definition of a magazine pursuant to Penal Code section 12276.1(c)(1). The revised definition provides the needed clarity to further define "ammunition feeding device", provides the distinction between ammunition feeding devices, which feed ammunition directly into the firing chamber, and clips, en bloc clips or stripper clips that load cartridges into a fixed magazine, and is consistent with the legislative intent of the statute.
B1.29	1	Recommended revision: "A "detachable magazine" means any ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action or the use of a tool. For the purpose of this definition, a tool is any inanimate object that can be used to disassemble the magazine".	The Department disagrees with the comment. The Department's revised definition specifically identifies a bullet or ammunition cartridge as a tool because certain firearms have fixed magazines that can be removed utilizing a bullet or cartridge. Identifying a bullet as a tool allows these types of magazine to appropriately remain fixed by definition.
B1.30	3	The term "ammunition feeding device" is too vague.	The Department agrees with the comment. "Ammunition feeding device" is the statutory definition of a magazine pursuant to Penal Code section 12276.1(c)(1). The revised definition provides the needed clarity to further define "ammunition feeding device", provides the distinction between ammunition feeding devices, which feed ammunition directly into the firing chamber, and clips, en bloc clips or stripper clips that load cartridges into a fixed magazine, and is consistent with the legislative intent of the statute.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.31	2	The definition is confusing because it doesn't say what constitutes a tool.	The Department disagrees that the definition is confusing. However, the Department revised the definition to specify that a bullet or ammunition is a tool because certain firearms have fixed magazines that can be removed utilizing a bullet or cartridge. Identifying a bullet as a tool allows these types of magazine to appropriately remain fixed by definition.
B1.32	1	The definition is confusing because it doesn't say what a detachable magazine is.	The Department disagrees with the comment. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B1.33	1	The correct definition of a "detachable magazine" is a box like device that contains a spring-driven follower to feed cartridges into a firearm and can be removed by pressing a magazine release.	The Department disagrees with the comment, because it excludes linked and belted ammunition. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B1.34	2	The definition has been expanded to include "anything" that can be removed from the firearm.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B1.35	1	Contributor supports the definition.	The Department appreciates the support expressed by the contributor.
B1.36	1	A weapon (rifle) whose total supply of ammunition is carried completely within the body of the basic weapon should not be classified as an assault weapon.	The Department agrees with the comment. The revised definition provides the needed clarity regarding the distinction between detachable ammunition feeding devices and fixed magazines, and is consistent with the legislative intent of the statute.
B1.37	1	Under the revised definition, even one's own hand could be construed as a "detachable magazine".	The Department disagrees with the comment. Hands are not firearms devices, therefore, they are not considered ammunition feeding devices.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.38	1	Belted or linked ammunition are not an ammunition feeding device. An ammunition feeding device may require the use of belted or linked ammunition.	The Department disagrees with the comment. Belted or linked ammunition is considered an ammunition feeding device because the cartridges are fed directly into the firing chamber.
B1.39	1	The definition is now so broad that it covers an estimated 90% of all semiautomatic weapons.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A semiautomatic weapon is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
B1.40	1	No objection to the definition as it now written for "detachable magazine", except that it includes belted and linked ammunition.	The Department disagrees with the comment. Belted or linked ammunition is considered an ammunition feeding device because the cartridges are fed directly into the firing chamber, unlike clips, which are used to load cartridges into fixed magazines.
B1.41	3	Disagrees that belted or linked ammunition should be included in the definition.	The Department disagrees with a the comment. Belted or linked ammunition is considered an ammunition feeding device because the cartridges are fed directly into the firing chamber, unlike clips, which are used to load cartridges into fixed magazines.
B1.42	1	The definition lacks clarity because it fails to define "disassembly of the firearm action".	The Department disagrees with the comment. The definition is sufficiently clear without defining the extent of disassembly of the action.
B1.43	1	The capacity of belted or linked ammunition is not addressed.	The Department disagrees with the comment. The capacity of the feeding device is irrelevant for the purposes of defining a "detachable magazine".

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.44	1	Contributor questions whether military surplus containers are considered to be large capacity ammunition feeding devices.	Military surplus containers are not considered ammunition feeding devices because they do not directly feed ammunition into the firing chamber, they merely store ammunition.
B1.45	1	Recommends that the language "any ammunition feeding device that can be readily removed" be struck from the definition.	The Department disagrees with the recommendation. The statute, not the regulations defines a magazine as "Any ammunition feeding device", Penal Code section 12276.1(c)(1). "Readily removed" provides clarity as to the detachability of the feeding device.
B1.46	2	Definition is too broad and will encompass many firearms not intended to be assault weapons.	The Department believes the revised definition provides the needed clarity and consistency with the legislative intent of the statute. However, pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A firearm is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
B1.47	2	The definition lacks clarity because it would include revolvers when cylinders are removed or swung out.	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not revolvers.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(a) Detachable Magazine

Number	Freq.	Comment Summary	Response
B1.48	1	Recommended revision: "'detachable magazine' means any device, containing ammunition, that can be removed readily from the firearm without disassembly of the firearm action or the use of a tool(s) using only the firing hand while the firing hand can remain in constant contact with the grip or trigger during the removal and or insertion of said device."	The Department disagrees with the comment. It is unreasonable to require that the firing hand remain in constant contact with the grip during the removal and/or insertion of the magazine.
B1.49	1	Under this definition a simple bolt on a rifle used to manually feed a bullet into a chamber can be considered an "ammunition feeding device".	The Department disagrees with the comment. Reasonable persons affected by the regulations do not consider a bolt to be an ammunition feeding device.
B1.50	1	Bolt action weapons fit this definition because most bolt action weapons can be fed with a stripper clip.	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not bolt action rifles.
B1.51	1	Tubular magazine that are popular in semiautomatic .22L rifles and centerfire lever action weapons also fit the definition since part of the tubular magazine comes apart without the use of a tool.	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not lever action rifles.
B1.52	1	Recommended revision: "'detachable magazine' means a removable ammunition storage device integral to the firearm during use that can be removed . . . "	The Department disagrees with the recommendation. The Department believes the revised definition more clearly defines a detachable magazine and is consistent with the legislative intent of the statute.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.01	2	Definition of flash suppressor is confusing and inadequate and requires clarification so as to avoid varying interpretations by law enforcement.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B2.02	1	The flash suppressor definition is inadequate, confusing and preposterous by engineering design standards.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B2.03	1	Muzzle brakes by design are devices which typically increase the report of the firearm as do flash suppressors and make the firearm more audible during daylight and thus more detectable by law enforcement.	The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Thus, muzzle brakes and compensators are flash suppressors if they also suppress flash. The revised definition is consistent with the legislative intent.
B2.04	1	Flash suppressor definition has no meaning because no flash is at present directed AT a shooter's field of vision by any weapon.	The Department disagrees with the comment. When a firearm is discharged, although no muzzle flash is directed at the shooter, muzzle flash is directed into the shooter's field of vision.
B2.05	1	Recommended revision: A flash suppressor is a device, other than the barrel or muzzle brake, that is designed as its primary purpose to reduce or redirect muzzle flash from the shooter's field of vision.	The Department disagrees with the comment. The recommended definition would exceed Departmental authority by excluding devices based on what they are named without consideration of whether the devices suppress flash. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.06	3	The gun barrel itself could be construed to be a device that reduces or redirects muzzle flash from the shooter's field of vision.	The Department disagrees with the comment. A barrel is part of the firearm. A flash suppressor is a device that would reduce or redirect the flash emitted from whatever barrel is on the firearm.
B2.07	1	Although a compensator or muzzle brake is primarily designed to reduce recoil, the fact that it just adds length to the barrel may serve to reduce muzzle flash from the shooter's field of vision.	The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Thus, muzzle brakes and compensators are flash suppressors if they also suppress flash. The revised definition is consistent with the legislative intent.
B2.08	1	Leaving the original proposed definition intact eliminates any ambiguity regarding the use of muzzle brakes and successfully addresses the intent of SB 23 by referring specifically to "flash hidiers".	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.09	15	The definition continues to lack clarity relative to the lack of measurement standards (how much reduction or redirection of muzzle flash constitutes a flash suppressor).	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent that a device that reduces or redirects any amount of flash, be considered a flash suppressor. Thus the Department would be exceeding its authority if it were to establish specific measurement standards that permitted some percentage or amount of flash suppression. Furthermore, there is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department's revised regulation is clear and consistent with the legislative intent of the statute.
B2.10	6	The definition should state that the design and intended purpose of a given device should be to reduce or redirect flash to the shooter's field of vision.	The Department agrees that the design and intended purpose of the device should be considered when identifying a flash suppressor. However, the Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to also identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended purpose or additional functionality.
B2.11	5	The original proposed definition was better than this one.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.12	32	Under this new definition true muzzle brakes and/or compensators could be classified as flash suppressors.	The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Thus, any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash.
B2.13	1	For this definition to be clear it needs to provide objective means for quantification, as well as reference points from which quantities are measured, and clarify where and how a device must be attached to a firearm to be considered a "flash suppressor".	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The Department believes the revised definition is clear and consistent with the legislative intent of the statute.
B2.14	4	The definition can be interpreted to mean anything attached to a firearm, or even integral components of the firearm such as the barrel which does direct the muzzle flash away from the shooter.	The Department disagrees with the comment that a firearm barrel could be considered a flash suppressor. A barrel is part of the firearm. A flash suppressor is a device that reduces or redirects the flash emitted from whatever barrel is on the firearm.
B2.15	1	The proposed definition greatly expands the scope and effect of SB23 by including weapons not typically classified as 'assault weapons' and fails to provide clarity as to the types of weapons that will be banned.	The Department disagrees with the comment. The definition does not make any particular type of firearm an assault weapon. A flash suppressor is only one of the characteristics that could make a firearm an assault weapon, but only if the firearm also meets other specified criteria. Nevertheless, the Department believes the revised definition is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.16	4	Under this definition a blindfold, a pillow and/or a pair of sunglasses would be classified as a 'flash suppressor'.	The Department disagrees with the comment. This is a specious criticism of the definition. Pursuant to Penal Code section 12276.1, the definition applies to a firearm that "has" a flash suppressor. Neither the Department nor any reasonable people would consider the items referenced in the comment to be firearm devices that could be plausibly identified as "flash suppressors".
B2.17	21	Objects to the removal of the exemption of muzzle brakes and compensators as stated in the originally proposed regulations.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.
B2.18	10	Concerned that the Browning BOSS could be interpreted as a flash suppressor.	The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Therefore, if the device referenced in the comment suppresses flash it would fall within the definition.
B2.20	4	The definition should expressly exclude any device formally approved by the federal Bureau of Alcohol, Tobacco, and Firearms as a non-flash suppressor.	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Regardless of any determinations made by the Bureau of Alcohol, Tobacco, and Firearms, devices such as muzzle brakes and compensators are flash suppressors if they also suppress flash.

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Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.21	1	Recommended revision: A flash suppressor is any device that is designed to reduce or redirect muzzle flash from the shooter's field of vision.	The Department disagrees with the comment because it would exceed Departmental authority by excluding devices that the Legislature intended to be identified as flash suppressors. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Thus, muzzle brakes and compensators that suppress flash are flash suppressors even if they were not "designed" for that purpose.
B2.22	2	The definition lacks clarity because it fails to define "field of vision".	The Department disagrees with the comment. The Department believes that to a reasonable person, the meaning of a "shooter's field of vision" is sufficiently understood within the context of the entire definition without the need for additional clarification.
B2.23	3	Any and all devices forward of the muzzle suppress flash therefore are included within this definition, which exceeds the intent of the legislature.	The Department disagrees with the comment that all devices forward of the muzzle suppress flash. However, the Department acknowledges that devices that do suppress flash are flash suppressors. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent of the statute.
B2.24	1	Under this definition even a device that provides a small degree of muzzle flash reduction as a side effect would be defined as a "flash suppressor".	The Department agrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The Department believes the revised definition is clear and consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.25	1	The deletion of the specific exemption for muzzle brakes and compensators is a serious prejudicial move against the elderly, the handicapped, and women. The DOJ's insensitivity to the special needs of these groups will undoubtedly lead to litigation.	The Department does not have authority to exclude devices that function as flash suppressors on the basis of the device being particularly useful for certain segments of the population. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with that legislative intent.
B2.26	1	The DOJ is working at odds with other state organizations such as the Department of Fish and Game, which provides lifetime hunting licenses. A lifetime hunting license will be meaningless if someone is too frail to fire an uncompensated, bolt-action rifle and your regulations prohibit him or her from using a semiautomatic with a muzzle brake.	The Department does not have authority to exclude devices that function as flash suppressors on the basis of the device being particularly useful for certain segment of the population. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with that legislative intent.
B2.27	1	Recommended revision: "Flash suppressor' means any device that reduces or redirects muzzle flash for the sole purpose of hiding the muzzle flash from the shooter or an observer. This does not include compensators and muzzle brakes (devices attached to or integral with the muzzle barrel to utilize propelling gasses for counter-recoil)."	The Department disagrees with the comment. The recommended definition would exceed Departmental authority by excluding devices based on what they are named without consideration of whether the devices suppress flash. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.

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Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.28	1	Redirection of the muzzle flash from the shooter's field of vision is a wholly new provision not part of the legislative act. Inclusion of this provision is not only improper, but vague and uncertain with regard to interpretation.	The Department disagrees with the comment. The Department believes the addition of redirection of muzzle flash is an appropriate and necessary description of the function of a flash suppressor. The revised definition is clear and consistent with the legislative intent of the statute.
B2.29	1	Recommended revision: "Flash suppressor" means any appliance, extension, alteration or void at the muzzle end of a rifled barrel which, when compared to a plain rifled barrel of the same chambering, bore diameter, and overall length, has the effect of diminishing luminescence measured by laboratory instruments directed toward the muzzle, placed above the vertical axis of the trigger, at the normal eye position of the shooter when the firearm is discharged from the shoulder.	The Department disagrees with the comment. The recommended definition's reference to the eye position of the shooter when the firearm is discharged from the shoulder is not appropriate because pursuant to Penal Code Section 12276.1, "flash suppressor" may be a characteristic identified on a semi-automatic pistol. This type of firearm would not typically be discharged from the shoulder. Additionally, the definition uses several terms that would have to be defined further to avoid the misinterpretation of the statute that would be contrary to the legislative intent.
B2.30	2	The definition makes no exception for devices attached to the muzzle to improve the accuracy of the rifle, such as the Browning BOSS-CR, which may inadvertently reduce muzzle flash.	The Department agrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Thus, muzzle brakes, compensators and also the device specifically referenced in the comment, are flash suppressors if they suppress flash. The revised definition is consistent with the legislative intent.
B2.31	2	The definition lacks clarity because even replaceable barrels, which, by virtue of their varying length, can significantly affect visible muzzle flash.	The Department disagrees with the comment. A flash suppressor is the device, on the barrel of the firearm, that causes the reduction or redirection of flash from the shooter's field of vision.

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Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.32	2	Changing to a longer barrel could become a flash suppressor because it might tend to reduce muzzle flash.	The Department disagrees with the comment. A flash suppressor is the device, on the barrel of the firearm, that causes the reduction or redirection of flash from the shooter's field of vision.
B2.33	2	In order for autoloading firearms to cycle properly when using various blank ammunition, they must be altered through various methods of reducing and redirecting muzzle flash and chamber pressure. These devices would be technically the closest to what is described as a 'flash suppressor', and would apply to any autoloading firearm used in the motion picture and television industry.	The Department's revised definition is clear and consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B2.34	2	The definition in the corrected version is difficult to understand.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The Department believes the revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.35	1	Contributor supports the definition.	The Department appreciates the support expressed by the contributor. However, in response to problems and concerns expressed in other comments, the definition has been revised. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B2.36	2	The definition does not distinguish the difference from a muzzle brake or BOSS device and a flash suppressor.	Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.
B2.37	3	Disagrees with definition. Flash suppressors are designed to reduce the sight of the flash from down range, not the shooter.	The Department disagrees with the comment. The description provided by the comment is for a "flash hider" not a "flash suppressor".
B2.38	1	The definition is ambiguous because the muzzle of any firearm could be considered as directing the flash away from the shooters field of vision.	The Department disagrees with the comment. A muzzle is part of the firearm. A flash suppressor is a device that would reduce or redirect the flash emitted from the muzzle end of the firearm.
B2.39	1	In terms of safety it would be more sensible to outlaw the use of firearms that do not protect the user from temporary blindness caused by muzzle flash.	The comment addresses the statute rather than the proposed regulations. A "flash suppressor" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.

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Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.40	1	Recommends removal of the word 'reduce' from the definition.	The Department disagrees with the comment. Removal of "reduce" from the proposed definition would improperly narrow the meaning of the definition that would be inconsistent with the legislative intent of the statute relative to the types of devices that should be identified as "flash suppressors".
B2.41	1	Recommends that any reference to the shooter's field of vision is confusing and might result in inappropriate application of the regulation.	The Department disagrees with the comment. The Department believes that to a reasonable person, the meaning of a "shooter's field of vision" is sufficiently understood within the context of the entire definition without the need for additional clarification.
B2.42	1	There is no mention of size, shape, or type of attachment.	An attachment's size, shape and type are not appropriate criteria to identify it as a flash suppressor. The Department's revised definition appropriately defines a flash suppressor based on functionality.
B2.43	1	Recommends the use of illustrations.	The Department disagrees with the comment. The Department believes the revised regulation is sufficiently clear without the use of illustrations.
B2.44	2	The definition lacks clarity because it can include devices such as telescopes and scope mounts, and some sights.	The Department disagrees with the comment. Only devices that reduce or redirect muzzle flash from the shooter's field of vision meet the definition of a flash suppressor. An attachment that does not affect the flash but merely blocks some of it by virtue of being between the shooter's eye and the muzzle flash would not be a flash suppressor.
B2.45	1	The definition would impact negatively on a number of gun owners other than those who have assault weapons, and should be modified so that the device cannot be used in the commission of a violent crime.	The Department disagrees with the comment. The comment that the identification of a flash suppressor as an assault weapon characteristic be limited to devices used in the commission of a crime would require an amendment to the statute. The Department does not have authority to incorporate the recommended qualification/condition into the definition.

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Attachment B

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
B2.46	1	Recommended revision: "'flash suppressor' means any device that conceals muzzle flash from other observers."	The Department disagrees with the comment. The recommended definition more closely describes a "flash hider" than a "flash suppressor". Thus, the comment would not be consistent with the legislative intent of the statute
B2.47	1	Objects to the inclusion of the wording 'redirects muzzle flash from the shooter's field of vision'.	The Department disagrees with the comment. The Department believes the addition of redirection of muzzle flash is an appropriate and necessary description of the function of a flash suppressor. The revised definition is clear and consistent with the legislative intent of the statute.
B2.48	1	It is unfair to smaller shooters and many female shooters to require the removal of recoil compensators in order to be in compliance with the regulations.	The Department does not have authority to exclude devices that function as flash suppressors on the basis of the device being particularly useful for small and or female shooters. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with that legislative intent.
B2.49	1	Recommended revision: "'flash suppressor' means a device whose sole purpose is to conceal the muzzle flash from a fired round".	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with that legislative intent.

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Attachment B

978.20(c) Forward Pistol Grip

Number	Freq.	Summary of Comment	Response
B3.01	1	The definition of a forward pistol grip is ambiguous and as stated includes all handguns.	The Department disagrees with the comment. The definition of forward pistol grip applies to Penal Code section 12276.1(a)(1) which applies to semiautomatic, centerfire rifles.
B3.02	1	Ambiguities exist for firearms such as the Cobray M12 which has a pistol grip located centrally on the firearm.	The Department disagrees with the comment. The definition clearly states that any pistol grip forward of the trigger, regardless of where it is on the firearm, is a forward pistol grip.
B3.03	1	Substituting "grasp" for "grip" is a circular definition with no meaning.	The Department disagrees with the comment. In the definition, the phrase "pistol style grasp" describes how an object (in this case, a grip) is held; "grip" is the object being held. The use of these terms does not comprise a circular definition. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B3.04	9	This definition lacks clarity because it fails to define "pistol style grasp". Clarity is required in order to achieve uniform application statewide.	The Department disagrees with the comment. The term "pistol style grasp" allows for a clear and reasonable understanding of the intended meaning of the definition. The Department believes the term is clearly stated and understood by reasonable persons.
B3.05	1	There is no difference between the grasp used on a rifle and the grasp used on a pistol. Therefore, the wording can be construed to include any rifle with any style of stock, which exceeds legislative intent.	The Department disagrees with the comment. The grasp used on a rifle and the grasp used on a pistol are distinctly different. The grip must be located forward of the trigger in order to meet the definition of a forward pistol grip. Rifle stocks are located behind the trigger.
B3.06	1	The proposed definition greatly expands the scope and effect of SB 23 by including weapons not typically classified as 'assault weapons' and fails to provide clarity as to the types of weapons that will be banned.	The Department disagrees with the comment. The Department's revised definition specifies defines the physical characteristics of a forward pistol grip and is consistent with the legislative intent of the statute.

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Comment/Response Spreadsheet**

Attachment B

978.20(c) Forward Pistol Grip

Number	Freq.	Summary of Comment	Response
B3.07	1	The proposed regulation is overly broad and vague and does not satisfy the APA's criteria for adoption of regulations.	The Department disagrees with the comment. The Department believes the definition is clearly stated and understood by those affected by the regulations.
B3.08	6	The modified definition is still sufficiently vague to potentially cover bipods and/or monopods because they can provide a pistol style grasp.	The Department disagrees with the comment. The revised definition specifies a forward pistol grip must be a grip. While the capacity to be grasped is a necessary criteria, it is not sufficient. Because the bipod and monopod are not grips, they do not fall within the definition of a forward pistol grip. The Department believes that reasonable people would not consider a bipod or monopod a grip.
B3.09	3	The definition exceeds the intent of the legislature because sling fittings provide a pistol style grasp.	The Department disagrees with the comment. The revised definition specifies a forward pistol grip must be a grip. While the capacity to be grasped is a necessary criteria, it is not sufficient. Because sling fittings are not grips, they do not fall within the definition of a forward pistol grip. The Department believes that reasonable people would not consider a sling fitting a grip.
B3.10	2	The definition exceeds the intent of the legislature because ammunition magazines provide a pistol style grasp and could be interpreted to be included in the definition.	The Department's revised definition specifies a forward pistol grip must be a grip. A magazine forward of the trigger that is also a grip that allows for a pistol style grasp would be subject to this definition. The revision is consistent with the legislative intent of the statute.
B3.11	1	The definition is contradictory because a 'pistol style grasp' means a method of grasping and controlling a pistol while engaging the trigger. If there is a projection forward of the trigger, then it is impossible to actuate the trigger with the hand grasping it. Therefore, it is not a pistol style grasp.	The Department disagrees with the comment. A 'pistol style grasp' does not mean the trigger needs to be engaged. The mere presence of the forward pistol grip meets the criteria in statute. It is implicit in the definition that, since the grip is forward of the trigger, it is grasped by the non-trigger hand.

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Attachment B

978.20(c) Forward Pistol Grip

Number	Freq.	Summary of Comment	Response
B3.12	4	The definition lacks clarity because it fails to specify whether it refers to a vertical 'pistol style grasp'.	The Department disagrees with the comment. The legislature did not specify an intended grip orientation in the statute. Therefore, the Department would exceed its authority to specify whether the grip possesses a vertical or horizontal orientation. The Department's revised definition specifies a forward pistol grip as necessarily being a grip. The revision is consistent with the legislative intent of the statute.
B3.13	1	Recommended revision: "'forward pistol grip' means any downward protrusion from the fore-end or forestock which may be partially encircled by the thumb and web of the shooter's non-trigger hand during semiautomatic fire.	The Department disagrees with the comment. The Department believes it would exceed its authority specifying "during semiautomatic fire" in the definition. The mere presence of the forward pistol grip meets the criteria in statute. The revised definition specifies the physical characteristics of a forward pistol grip and is clear and consistent with the legislative intent of the statute.
B3.14	1	The term 'pistol style grasp' is not an accepted term of art within the technical field, and has no standard meaning.	The Department disagrees with the comment. The term "pistol style grasp" allows for a clear and reasonable understanding of the intended meaning of the definition. The Department believes the term is clearly stated and understood by reasonable persons.
B3.16	3	The DOJ regulations must be specific with regard to the shape, size, and composition of the 'foreword pistol grip' if confusion and wrongful prosecution is to be avoided.	The Department disagrees with the comment. The Legislature did not address specific measurable criteria. The revised definition defines the physical characteristic of a forward pistol grip and is consistent with the legislative intent of the statute.
B3.17	2	Contributor supports the definition.	The Department appreciates the support expressed by the contributors.
B3.18	1	The definition is ambiguous because a plain rifle stock with no protrusion on the bottom could be considered to have a 'forward pistol grip' by comparing it to a pistol that has no protrusions on the bottom, forward of the trigger.	The Department disagrees with the comment. The grasp used on a rifle and the grasp used on a pistol are distinctly different. The grip must be located forward of the trigger in order to meet the definition of a forward pistol grip. Rifle stocks are located behind the trigger.

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Attachment B

978.20(c) Forward Pistol Grip

Number	Freq.	Summary of Comment	Response
B3.19	1	Definition could be interpreted to include a pistol style grip on a strap or sling.	The Department disagrees with the comment. The revised definition specifies a forward pistol grip must be a grip. While the capacity to be grasped is a necessary criteria, it is not sufficient. Because straps and slings are not grips, they do not fall within the definition of a forward pistol grip. The Department believes that reasonable people would not consider a strap or a sling a grip.
B3.20	1	Recommended revision: "forward pistol grip' means a fixed handle attached forward of the trigger assembly, below the barrel or stock, in approximately the same plane as the trigger assembly."	The Department disagrees with the comment. The Department believes the revised definition of "forward pistol grip" more accurately defines the term than the recommendation.
B3.21	1	The term pistol grip and the definition are very confusing.	The Department disagrees with the comment. The Department believes the definition is clearly stated and understood by reasonable persons.
B3.22	1	The definition lacks clarity because pistol style grasp doesn't state whether it is grasped with one or two hands.	The Department disagrees that the definition must specify whether the grip is grasped with one or two hands. The term is clearly stated and understood by reasonable people.
B3.23	1	The language would impact a number of military style match and collector guns.	The purpose of the definition is to specify the physical characteristics of a forward pistol grip. The impact this definition may or may not have on Military style match and collector guns is a result of the statute, not the regulations.
B3.24	3	The definition is still unclear.	The Department disagrees with the comment. The Department believes the definition is clearly stated and understood by reasonable persons.
B3.25	1	Recommended revision: "a pistol style grip located in front of the trigger designed to be grasped as a means of providing control of the firearm."	The Department disagrees with the comment. The Department believes it would exceed its authority in requiring the forward pistol grip to be grasped as a means of providing control of the firearm. The revised definition specifies the physical characteristics of a forward pistol grip and is clear and consistent with the legislative intent of the statute.

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978.20(c) Forward Pistol Grip

Number	Freq.	Summary of Comment	Response
B3.26	1	The revised regulation incorporates a new undefined term 'pistol style grasp'. There are five 'protrusions' commonly found on semiautomatic centerfire rifles that are designed to 'grasp' the firearm. However, none of them can be plausibly thought of as a forward pistol grip. They are: a forward hand guard; a protruding detachable magazine; a hand stop; a sling swivel and sling; and a bipod.	The Department agrees with the comment. The revised definition specifies a forward pistol grip must be a grip, in addition to having the capacity to be grasped. Because the five protrusions identified in the comment are not grips, they would not meet the Department's definition of a forward pistol grip. The Department believes that reasonable people would not consider the items identified in the comment forward pistol grips.

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Comment/Response Spreadsheet**

Attachment B

Permanently Altered (Deleted)

Number	Freq.	Summary of Comment	Response
B4.01	4	This definition should not be dropped from the proposed regulations because it is critical that the public know what this term means in order to avoid arrest and prosecution for failing to comply with an undefined mandate.	The Department disagrees with the comment. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
B4.02	1	Screwing, gluing, welding and riveting are probably as close to "Permanently Altered" as we can get. Recommend that they be given as examples to establish some sort of guideline under this section.	The Department disagrees with the comment. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
B4.03	1	The DOJ needs to give clear instructions as to what methods of modification are acceptable.	The Department disagrees with the comment. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
B4.04	1	The proposed definition greatly expands the scope and effect of SB 23 by including weapons not typically classified as 'assault weapons' and fails to provide clarity as to the types of weapons that will be banned.	The Department disagrees with the comment. Permanently altered refers to magazines, not assault weapons. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
B4.05	1	The failure to define a critical term in SB 23 is not adequate in the context of the due process required of a statute that imposes criminal penalties for violation.	The Department disagrees with the comment. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.

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Comment/Response Spreadsheet**

Attachment B

Permanently Altered (Deleted)

Number	Freq.	Summary of Comment	Response
B4.06	1	Consumers must have some guidelines, consistent with the intent of the legislature, to guide them in determining what type of modification would be considered permanent.	The Department disagrees with the comment. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
B4.07	2	Since the definition has been removed from the regulations, contributor questions whether a weapon can be altered to make it a non-assault type weapon.	The Department disagrees with the comment. Permanently altered refers to magazines, not assault weapons. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
B4.08	1	Contributor questions how to permanently alter a magazine.	The Department disagrees that the regulation needs to include a method of permanent alteration. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
B4.09	2	Because there is no definition, varying interpretations will be made as to what constitutes 'permanent alteration'.	The Department disagrees with the comment. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.
B4.10	1	Questions whether there is no such thing as "permanently altered" or is it just being left open to interpretation.	The Department disagrees with the comment. The Department has deleted the proposed definition because it believes the phrase “permanently altered” conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.

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Attachment B

Permanently Altered (Deleted)

Number	Freq.	Summary of Comment	Response
B4.11	1	Since the definition has been removed from the regulations, no firearm can be altered in any way either temporarily or permanently.	The Department disagrees with the comment. Removal of the definition from the regulations does not alter the statute. Penal Code section 12276.1(c)(2) allows for the permanent alteration of magazines to limit their capacity to no more than 10 rounds.
B4.12	1	The Legislature intended for firearm owners to be able to alter their large capacity feeding devices to comply with the law, thus making registration of some firearms unnecessary and resale of firearms possible.	The Department agrees with the comment. Removal of the definition from the regulations does not alter the statute. Penal Code section 12276.1(c)(2) allows for the permanent alteration of magazines to limit their capacity to no more than 10 rounds.
B4.13	1	The Legislature specifically recognized that "permanently altered" required further explanation and clarification in order to give firearm owners sufficient guidance in how to bring their property into compliance with the law, and passed responsibility for that clarification to the Department.	The Department disagrees with the comment. The Department has deleted the proposed definition because it believes the phrase "permanently altered" conveys a meaning that is sufficiently understood by reasonable people. None of the alternative definitions considered by the Department added clarity to the inherent meaning of the phrase.

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Attachment B

978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.01	1	The pistol grip definition does not clarify whether the grip is in front of, or behind the trigger. Thus, all rifles and handguns which are gripped by a "pistol style grasp" fall under the definition of an assault weapon.	The Department disagrees with the comment. The definition does not make any particular type of firearm an assault weapon. A pistol grip is only one of the characteristics that could make a firearm an assault weapon, but only if the firearm also meets other specified criteria. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.02	2	"The top of the exposed portion of the trigger" is not clear.	The Department disagrees with the comment. The Department believes that to a reasonable person, the meaning of "the top of the exposed portion of the trigger " is sufficiently understood without the need for additional clarification.
B5.03	1	Note that any grip which is shorter than a trigger cannot be a "pistol style grasp"; it will be too short.	The Department disagrees with the comment. The Department's revised definition references a "pistol style grasp" based on the placement of the web of trigger hand relative to the "top of the exposed portion of the trigger", not the total length of the trigger.
B5.04	2	This definition has no meaning.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.05	22	A lot of hunting rifles and shotguns have pistol grip stocks that are below the exposed trigger and would fall into the assault weapon category.	The definition does not make any particular type of firearm an assault weapon. A pistol grip is only one of the characteristics that could make a firearm an assault weapon, but only if the firearm also meets other specified criteria. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.06	1	This whole category should be dropped from the books.	The comment addresses the statute rather than the proposed regulations. A "pistol grip that protrudes conspicuously beneath the action" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.

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Attachment B

978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.07	14	The definition of pistol grip is still ambiguous.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.08	7	This modified definition could still put the Ruger Mini-14, W.W.II-Korean War vintage M-1 Carbines and the M1-A under the definition of "assault weapon".	Although the Department is not authorized to exempt specific makes or models of firearms, the Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.09	1	Recommended revision: The downward projecting grip could be completely encompassed by the hand with no portion of the hand (thumb) touching the stock above the grip.	The Department disagrees with the comment. The recommend definition would be inconsistent with the legislative intent of the statute because it would exclude some grips that should be identified as pistol grips.
B5.10	1	The proposed definition for a pistol grip is very arbitrary and capricious.	The Department disagrees with the comment that the definition was arbitrary and capricious. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.11	1	A "pistol grip" is that component of a gun that the shooter holds on to in order to grasp, control and fire the firearm. Unless that component of a firearm serves to allow the fingers of the shooter, other than the index finger and the thumb, to grasp, control and fire, it cannot be defined as a "pistol grip".	The Department disagrees with the comment. The Department does not believe that a pistol grip must allow all the fingers to grasp it. The Department's revised definition is based on the position of the web of the trigger hand.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.12	1	Recommended revision: "Pistol grip that protrudes conspicuously beneath the action of the weapon" means a grip that allows for a pistol style grasp below the top of the exposed portion of the trigger and when normally grasped, the middle finger of the shooting hand is below the trigger guard.	The Department disagrees with the recommended definition because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the terms "pistol style grasp" and "normally" are unclear. Although the revised definition also uses the term "pistol style grasp", the Department's definition further defines the term based on the position of the web of the trigger hand. The Department's revised definition is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.13	1	There should be an exemption in the regulations for disabled shooters who cannot grip firearms in the normal manner and need pistol grips to hold, aim and fire their weapons.	The Department does not have the authority to amend the statute as would be required to provide the requested exemption.
B5.14	1	The stock of most rifles is tapered behind the trigger to permit a pistol grip-like grasp of the stock with the index finger extending forward on the trigger. This tapered section is integral with the stock and the stock itself extends below a horizontal line through the top of the exposed trigger and is certainly conspicuous because anybody can see it and knows that is where one wraps his fingers and thumb to grip the firearm.	The Department agrees the definition was subject to broad interpretation unintended by the Department and the Legislature. The Department's revised definition (based on the position of the web of the trigger hand) provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.15	1	Rewrite the definition to clarify that the pistol grip is a separate and distinct protrusion from the main stock that extends below a horizontal line through the top of the exposed trigger and affords the shooter a grip other than around the stock of the firearm.	The Department disagrees with the comment. The Department does not believe that a grip must be "separate and distinct" from the stock to be considered a pistol grip. Although pistol grips are generally distinct or "conspicuous" protrusions, it is possible to form a true pistol grip from a single piece of material that is not "free standing" and "separate" from the stock.
B5.16	12	The definition lacks clarity because it fails to define "pistol style grasp".	The Department agrees the phrase "pistol style grasp" was unclear as used in the definition. The definition has been revised to include specific criteria (based on the position of the web of the trigger hand) for a "pistol style grasp". The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B5.17	1	A definition of "pistol style grasp" needs to include the number of fingers and what size of hand will be used as a standard to achieve such a grasp.	The Department agrees the phrase "pistol style grasp" was unclear as used in the definition. The definition has been revised to include specific criteria (based on the position of the web of the trigger hand) for a "pistol style grasp". The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B5.18	1	There is no difference between the grasp used on a rifle and the grasp used on a pistol. Therefore, the wording can be construed to include any rifle with any style of stock, which exceeds legislative intent.	The Department disagrees with the comment. The grasp used on a rifle and the grasp used on a pistol are distinctly different. However, the definition has been revised to include specific criteria (based on the position of the web of the trigger hand) for a "pistol style grasp". The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.19	1	The phrase "below the top of the exposed trigger" is ambiguous and certain to cause as much confusion as the language of the previous proposal.	The Department disagrees with the comment. The Department believes that to a reasonable person, the meaning of "below the top of the exposed portion of the trigger" is sufficiently understood without the need for additional clarification.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.20	1	The proposed definition greatly expands the scope and effect of SB 23 by including weapons not typically classified as 'assault weapons' and fails to provide clarity as to the types of weapons that will be banned.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.21	1	The statute uses three terms that require definition ("pistol grip", "protrudes conspicuously" and "action"). Yet the regulation treats the words as a single term and adds a new undefined term "pistol style grasp".	The Department disagrees with the comment. The Department does not believe "pistol grip", "protrudes conspicuously" and "action" require exclusive definitions independent from the phrase "pistol grip that protrudes conspicuously beneath the action". The Department believes that to a reasonable person, the meaning of those terms is sufficiently understood within the context of the entire phrase as defined.
B5.22	1	The term "pistol style grasp" lacks clarity since there are a wide variety of pistols which place the hand in different relation to the trigger than contemplated by the revised regulation.	The Department agrees the phrase "pistol style grasp" was unclear as used in the definition. The definition has been revised to include specific criteria (based on the position of the web of the trigger hand) for a "pistol style grasp". The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
B5.23	1	The proposed language only makes the determination of the meaning of the section more difficult.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.24	1	Recommended revision: "Pistol grip that protrudes conspicuously beneath the action of the weapon" means a grip that allows for a pistol style grasp below the bottom of the exposed portion of the trigger and is not an integral part of the stock used to position the rifle against the shoulder."	The Department disagrees with the recommended definition because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the term "pistol style grasp" requires additional specification as provided by the Department's revised definition. The Department also believes the recommended definition incorrectly identifies the location of a firearm's action. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.25	1	Recommended revision: "Pistol grip that protrudes conspicuously beneath the action of the weapon" means a grip that allows for a pistol style grasp solely below and not both above and below the top of the exposed portion of the trigger."	The Department disagrees with the recommended definition because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the term "pistol style grasp" requires additional specification as provided by the Department's revised definition. Additionally, the recommended definition would exclude some pistol grips that can be grasped above the top of the exposed portion of the trigger. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.26	1	Recommended revision: "Pistol grip that protrudes conspicuously beneath the action of the weapon" means a protrusion on a rifle stock which has a "back strap", which extends below the rifle tock at an angle of more than 70 degrees and which allows the thumb to be completely wrapped around said pistol grip to where the thumb touches the trigger guard of the rifle.	The Department disagrees with the comment. In addition to concern that the recommended criteria excludes some grips that should be identified as pistol grips, the suggested language would be difficult for non-technical people to understand. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.28	2	Recommends the use of illustrations in the definition.	The Department disagrees with the comment. The Department believes the revised regulation is sufficiently clear without the use of illustrations.
B5.29	1	The definition lacks clarity because it fails to state where the fingers and the web of the hand are placed.	The Department agrees with the comment. As recommended, the Department has revised the definition to identify a pistol grip based on the placement of the web of the trigger hand.

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Number	Freq.	Summary of Comment	Response
B5.30	1	There is at least one make/model of SB 23 style rifle that has a pistol grip which is gripped partially above the top of the trigger, which will slip through the cracks and not meet the definition of "assault rifle".	The Department's revised definition, based on the placement of the web of the trigger hand, provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.31	2	The language regarding the top of the exposed portion of the trigger was not contained in the original legislation. Information put out by the DOJ Firearms Division prior to the implementation of SB 23 had the imaginary line running below the bottom portion of the exposed part of the trigger. The proposed language alters the intent of the law and would encompass an increased number of firearms being placed within the definition of assault weapons.	The Department disagrees with the comment. The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm. Furthermore, the Department believes "action" must include only the top of the exposed portion of the trigger which is what initiates the firing sequence. The lowest portion and overall length of the trigger is insignificant beyond the need that the trigger be sufficiently exposed to be pulled. The Department's revised definition is consistent with the legislative intent as it clearly and accurately identifies pistol grips and excludes non-pistol grips generally found on typical hunting rifles.
B5.32	4	Objects to the wording 'beneath the action'. The 'action' of a firearm is the type of firearm not a physical location.	The Department disagrees with the comment. The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm. The term "pistol grip that protrudes conspicuously beneath the action of the weapon" would be nonsensical if "action" referred to the type of fire as suggested by the comment.
B5.33	4	The area of any rifle stock behind the receiver is known as the 'pistol grip', where the trigger hand grasps the rifle. Therefore, under the proposed definition, all rifles allow a pistol style grasp.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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Number	Freq.	Summary of Comment	Response
B5.34	2	Recommended revision: "A pistol grip that protrudes conspicuously beneath the action of the weapon' means a grip that allows for a pistol style grasp below the bottom of the trigger guard."	The Department disagrees with the comment. The Department believes the comment incorrectly identifies the location of a firearm's action. As a result, the recommended definition is inconsistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.35	4	The definition can still be interpreted to mean just about any conventional type stock.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.36	1	Recommended revision: "'pistol grip that protrudes conspicuously beneath the action of the weapon' means any downward protrusion from the action or buttstock which may be partially encircled by the thumb and web of the shooter's trigger hand, thereby enabling the shooter to grasp, aim and discharge the firearm with one hand alone during semiautomatic fire.	The Department disagrees with the recommended definition because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. The Department has received conflicting opinions from the public regarding the single handed grasp and discharge of firearm. Some comments suggest almost all rifles would meet the standard, while others state virtually none of them would. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.37	1	Recommended revision: "A pistol grip is one that allows the entire hand to wrap around the grip with the thumb and index fingers being in the same horizontal plane, perpendicular to the trigger's vertical plane.	The Department disagrees with the comment. In addition to concern that the recommended criteria excludes some grips that should be identified as pistol grips, the suggested language would be difficult for non-technical people to understand. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.40	1	Contributor supports the definition.	The Department appreciates the support expressed by the contributor. However, in response to problems and concerns expressed in other comments, the definition has been revised. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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Number	Freq.	Summary of Comment	Response
B5.41	1	Suggests that the regulation state how perpendicular the grip is to that imaginary line or one that extends three inches or more below the imaginary line.	The Department disagrees with the comment. If the legislature had intended to identify a "pistol grip that protrudes . . ." on the basis of a fixed length or angle of the grip, it would have done so in the law. The Department believes its revised definition is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.42	1	Suggests that a pistol grip is one that is not part of the buttstock.	The Department disagrees with the comment that no pistol grip can be part of the buttstock. It is possible to form a true pistol grip from a single piece of material that is not separate from the rest of an otherwise traditional stock.
B5.43	1	The pistol grip definition is too broad, and can include all long guns.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.44	2	The definition lacks clarity because it fails to define "conspicuously".	The Department disagrees with the comment. The Department does not believe that the word "conspicuously" requires an exclusive definition that is independent from the phrase "pistol grip that protrudes conspicuously beneath the action". It is not necessary to define each word individually for the meaning of the entire phrase as a whole to be clearly understood. The Department's revised definition is clear and consistent with the legislative intent of the statute. No changes are being made in response to this comment.
B5.45	1	Recommended revision: "'pistol grip that protrudes conspicuously beneath the action of the weapon' means a grip that extends below the stock and action so as to provide for a full hand grasp in position to actuate the trigger.	The Department disagrees with the recommended definition because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the term "full hand grasp" requires additional specification as provided by the Department's revised definition. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.46	1	The definition can be interpreted to mean that there cannot be a grip on a trigger.	The Department's revised definition, based on the placement of the web of the trigger hand, provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.47	1	Recommended revision: "pistol grip that protrudes conspicuously beneath the action of the weapon' means a grip that allows for a pistol-style grasp extending more than two inches below the bottom of the exposed portion of the trigger."	The Department disagrees with the recommended definition because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the term "pistol style grasp" requires additional specification as provided by the Department's revised definition. Additionally, if the Legislature had intended to identify a "pistol grip that protrudes. . ." on the basis of a fixed length it would have done so in the law. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.48	2	As defined could outlaw 90 - 95 percent of all long guns.	The Department disagrees with the comment. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.49	1	The definition lacks clarity because it doesn't state what the pistol grip is attached to.	The Department disagrees with the comment that the attachment of a pistol grip needs to be addressed. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.50	1	The definition lacks clarity because pistol style grasp doesn't state whether it is grasped with one or two hands.	The Department agrees the phrase "pistol style grasp" was unclear as used in the definition. The definition has been revised to include specific criteria (based on the position of the web of the trigger hand) for a "pistol style grasp". The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.51	1	The definition lacks clarity because if 'protrudes conspicuously below the exposed trigger' includes stocks, it is not clear what the definition of 'stock' is.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.52	2	The Department should propose a guideline measured in inches below the bottom of the exposed trigger.	The Department disagrees with the comment. If the Legislature had intended to identify a "pistol grip that protrudes . . ." on the basis of a fixed length it would have done so in the law. The Department believes its revised definition is consistent with the legislative intent of the statute.
B5.53	1	The history of pistol designs shows such a wide variety of potential grip methods as to effectively be applicable to all semiautomatic, centerfire rifles, which exceeds the intent of the legislature.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.54	1	The language would impact a number of military style match and collector guns.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons. The impact this definition may or may not have on Military style match and collector guns is a result of the statute, not the regulations.
B5.55	1	The definition is still not clear and allows for serious misinterpretation by local police and prosecutors.	The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.56	1	Recommended revision: "pistol grip that protrudes conspicuously beneath the action of the weapon' means any component protruding +/- 20 degrees of perpendicular to the bore of the barrel, directly behind the trigger, under the action and the lower end of which is not an integral part of the stock."	The Department disagrees with the recommended definition because it lacks clarity and would be subject to interpretation that is inconsistent with the legislative intent of the statute. In particular, the terms "bore" and "integral part" would require further clarification. The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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Number	Freq.	Summary of Comment	Response
B5.57	1	Suggests that the entire hand be required to grasp the pistol grip below the bottom of the trigger guard.	The Department disagrees with the comment. The Department believes the condition that the "entire hand" be required to grasp a pistol grip would be inaccurate and inconsistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.58	1	Recommended revision: ". . .a grip separate from the stock, designed to provide a pistol style grasp for the trigger hand.	The Department disagrees with the comment. The Department does not believe that a grip must be separate from the rifle stock to be considered a pistol grip. Although pistol grips are generally distinct or "conspicuous" protrusions, it is possible to form a true pistol grip from a single piece of material that is not "free standing" and "separate" from the stock.
B5.59	1	There are basically two type of "pistol grips". Those found on semi-automatic pistol and those found on single shot pistols. Since the Department did not make clear which style the Department means to encompass with the proposed regulation, prosecutors will be free to file charges for all styles of grips.	The Department's revised definition, based on the placement of the web of the trigger hand, provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
B5.60	1	The term "action" describes a relationship of parts and how the firearm functions, i. e. bolt action, lever action, single actions, etc. The legislature may have meant to say "receiver" which is a specific part, but they said "action". Thus, the conspicuous protrusion must be measured from a non-existent location. Criminal prosecutions should not and cannot be based on an undefined "pistol style grasp", mythical point of "action" and undefined "portions" of a trigger. Yet that is exactly what this revised regulation will result in.	The Department disagrees with the comment. The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm. The revised definition is consistent with the legislative intent as it clearly and accurately identifies pistol grips and excludes non-pistol grips generally found on typical hunting rifles.
B5.61	1	The definition doesn't specify whether the grasp must be directly or completely below the trigger or that any part or portion of the grip that falls below the trigger will bring it under law.	The Department's revised definition, based on the placement of the web of the trigger hand, provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
B5.62	1	Pistol grips provide safety features that are in the best interest of public safety.	The comment addresses the statute rather than the proposed regulations. A "pistol grip that protrudes conspicuously beneath the action" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.

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978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
B6.01	1	Thumbhole stocks, as defined, render champion marksmanship rifles with pistol grips which have a cutout within the stock for the thumb and palm of the shooter as assault weapons. The Savage model 110 is typically modified by use of the popular "Choate" stock to improve accuracy for long distance marksmanship. This definition impinges on the rights of marksmen and markswomen who prefer this configuration in competitive shooting.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, a thumbhole stock is only one of the characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a thumbhole stock. The impact this definition may or may not have on marksmanship rifles is a result of the statute, not the regulations.
B6.02	2	Delete this section. It has no relevance to any known meaning of the term "assault weapon".	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
B6.03	1	Lots of sporting rifles have a composite stock that you put your thumb through.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
B6.04	1	There are a lot of extremely expensive competition rifles that would fall into the assault weapon category.	The comment addresses the statute and not the regulations. Pursuant to Penal Code section 12276.1, a thumbhole stock is only one of the characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a thumbhole stock.
B6.05	1	Some accessory manufacturers received the OK from BATF for sales in California of stocks with the "no thumbhole" provision. This new wording would invalidate these modified stocks.	Approval from BATF was based on the stock not meeting the pistol grip criteria for an assault weapon without consideration of whether it is a thumbhole stock. The California Legislature decided to specifically identify both protruding pistol grips and thumbhole stocks as assault weapon characteristics.

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978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
B6.06	5	The definition lacks clarity because it fails to define "penetrate", whether the thumb must penetrate all the way through the stock or only to a certain unspecified depth.	The Department disagrees with the comment. Reasonable persons affected by the regulation understand the distinction between a mere depression in the stock and a hole able to accommodate the thumb. The Department believes if the depression in the stock allows the thumb to penetrate into or through the stock, it is considered a thumbhole stock.
B6.07	1	The definition still fails to exclude many holes which are not considered "thumbholes" to any person reasonably acquainted with rifle stocks.	The Department disagrees with the comment. However, the Department has made a non-substantial revision by adding "while firing" to make it explicit in the definition that the placement of the thumbhole must allow the thumb of the trigger hand to penetrate into or through the stock while firing.
B6.08	3	The term 'penetrate' doesn't indicate whether the hole must go all the way through the stock or be merely an indentation and/or whether the hole must be perpendicular to the bore of the barrel.	The Department disagrees with the comment. Reasonable persons affected by the regulation understand the distinction between a mere depression in the stock and a hole able to accommodate the thumb. The Department believes if the depression allows the thumb to penetrate into or through the stock, it is considered a thumbhole stock.
B6.09	1	The definition doesn't clarify whether an accessory hole or a sling mounting hole in the buttstock of a rifle qualifies the stock as having a thumbhole.	The Department disagrees with the comment. However, the Department has made a non-substantial revision by adding "while firing" to make it explicit in the definition that the placement of the thumbhole must allow the thumb of the trigger hand to penetrate into or through the stock while firing.
B6.10	1	The proposed definition greatly expands the scope and effect of SB 23 by including weapons not typically classified as 'assault weapons' and fails to provide clarity as to the types of weapons that will be banned.	The Department agrees with the comment. The Department's revised definition specifically defines the physical characteristic of a thumbhole stock and is consistent with the legislative intent of the statute.

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978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
B6.11	1	The proposed language broadens the definition of the section to include stocks that target shooters use to shoot competition events, which the legislature did not intend to include.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
B6.12	1	The literal interpretation of the definition would include any holes in the butt, normally used for carrying cleaning tools, by virtue of one being able to place their thumb from their shooting hand into the hole.	The Department disagrees with the comment. However, the Department has made a non-substantial revision by adding "while firing" to make it explicit in the definition that the placement of the thumbhole must allow the thumb of the trigger hand to penetrate into or through the stock while firing.
B6.13	2	The definition lacks clarity because it does not address skeletonized stocks.	The Department disagrees with the comment. The purpose of the regulation is to define a thumbhole stock, not a skeletonized stock. The revised definition is clearly stated and consistent with the legislative intent of the statute.
B6.14	4	The proposed definition could include certain types of rifle stocks that allow the shooter's thumb to cross over the stock (where there is a deep indentation on the top of the stock).	The Department disagrees with the comment. Reasonable persons affected by the regulation understand the distinction between an indentation in the stock and a hole able to accommodate the thumb. The Department believes if the depression allows the thumb to penetrate into or through the stock, it is considered a thumbhole stock.
B6.15	1	Recommended revision: "A 'thumbhole stock' means a stock with a hole that allows the thumb of the trigger hand to completely penetrate the stock.	The Department disagrees with the comment. Reasonable persons affected by the regulation understand the distinction between a mere depression in the stock and a hole able to accommodate the thumb. The Department believes if the depression allows the thumb to penetrate into or through the stock, it is considered a thumbhole stock.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
B6.16	2	Recommended revision: "A 'thumbhole stock' means any shoulder stock with a hole that allows the thumb of the trigger hand to completely penetrate the stock and grasp the stock while firing the weapon."	The Department disagrees with the comment. Reasonable persons affected by the regulation understand the distinction between a mere depression in the stock and a hole able to accommodate the thumb. The Department believes if the depression allows the thumb to penetrate into or through the stock, it is considered a thumbhole stock.
B6.17	1	The definition lacks clarity because it fails to define "penetrate".	The Department disagrees with the comment. The term "penetrate" is sufficiently clear in the definition and requires no further clarification.
B6.18	2	The definition lacks clarity because it fails to define "hole".	The Department disagrees it is necessary to define the term hole. Persons affected by the regulation are able to identify a hole capable of accommodating a thumb.
B6.19	3	The definition lacks clarity because it doesn't state how big or small the hole is and/or whether it is covered or uncovered.	The Department disagrees it is necessary to provide specific dimensions. Persons affected by the regulation are able to identify a hole capable of accommodating a thumb.
B6.20	2	Contributor supports the definition.	The Department appreciates the support of the contributor.
B6.21	2	As defined could outlaw Benchrest and 22 caliber 'steel challenge' rifles and other firearms used for international competition.	The Department disagrees with the comment. However, the comment addresses the statute and not the regulations. Pursuant to Penal Code section 12276.1, a thumbhole stock is only one of the characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a thumbhole stock.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
B6.22	1	Delete or revise the definition and include it in the pistol grip definition as a form of a pistol style grasp.	The Department disagrees with the comment. While the functionality of a thumbhole stock may be covered by the pistol grip definition because of the way the stock is grasped, the California Legislature decided to specifically identify both protruding pistol grips and thumbhole stocks as assault weapon characteristics. A stock with a hole that allows the thumb to penetrate into or through the stock meets the definition of a thumbhole stock.
B6.23	1	The definition lacks clarity because the location of the hole in the stock is not stated.	The Department disagrees with the comment. However, the Department has made a non-substantial revision by adding "while firing" to make it explicit in the definition that the placement of the thumbhole must allow the thumb of the trigger hand to penetrate into or through the stock while firing.
B6.24	1	There must be a provision added to allow an alteration so that they would be defined legal for resale.	The Department disagrees with the comment. The definition is sufficiently clear for reasonable persons affected by the regulations to recognize whether the stock is a thumbhole stock for the purposes of resale.
B6.25	1	Since stocks are harder than the human hand, the contributor questions how a thumb can penetrate a stock.	It is inherent in the definition that penetration of the stock is by virtue of a hole in the stock (i.e. a thumbhole), into which a thumb can be placed.
B6.26	1	Since most 'thumbhole' style stocks are also of the protruding pistol grip variety, there is no justification for an over inclusive definition of 'thumbhole stock' which is also not supported by the reference material in the rulemaking file.	The Department disagrees with the comment. While the functionality of a thumbhole stock may be covered by the pistol grip definition because of the way the stock is grasped, the Legislature deemed both characteristics offensive. Therefore, a stock with a hole that allows the thumb to penetrate into or through the stock meets the definition of a thumbhole stock.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.30(a,b) Requirements for Assault Weapon Registration

Number	Freq.	Summary of Comment	Response
B7.01	1	Compliance with the registration requirements is not possible since the given definitions are vague, served not in accordance with the Constitution of the State of California and the United States, and technically incompetent in nature.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
B7.02	1	Registration and regulation of firearms is an abrogation of liberty and inalienable rights guaranteed by the 2nd Amendment of the Federal Constitution. Article 3 - "Assault Weapon Registration" should be deleted.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
B7.03	1	Regarding "Name and address of person or firearms dealership from whom assault weapon was acquired" - though optional, this provision has no significant relevance for purposes of registration of a firearm to its present owner and should be deleted. Unless the firearm was just recently acquired, most people do not remember from whom or exactly when they purchased it.	The statute authorizes the Department to seek the information it deems necessary to confirm an applicant's eligibility to register an assault weapon. The Department believes acquisition information is needed to the practicable extent possible for corroboration of lawful possession for registration of assault weapons. The Department acknowledges that it is possible that owners may not remember from whom the assault weapon was acquired. The Department could not, in good faith, deny registration in those cases, therefore, providing this information was made optional.
B7.04	1	The inclusion of the acquisition date of a firearm should be optional or provide for an estimation to the best of one's knowledge in the event an individual loses his or her records.	The Department agrees with the comment. The original proposed regulation was revised to state that the month and day of acquisition is required only if known. However, the year of acquisition is required because only assault weapons acquired before specific dates as provided by the Penal Code qualify for registration. It is the Department's responsibility to identify and reject unqualified assault weapon registrations.
B7.05	2	The registration requirements are complex and confusing.	The Department disagrees with the comment. The Department believes the procedures for assault weapon registration are clear, understandable, and consistent with the legislative intent of the statute.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.30(a,b) Requirements for Assault Weapon Registration

Number	Freq.	Summary of Comment	Response
B7.06	1	The information required on the Assault Weapon Registration Form (FD023) is intrusive.	The Department disagrees with the comment. The process established by the Department is the least burdensome to the registrant, while allowing the Department to collect the information necessary to confirm an applicant's eligibility to register their assault weapon. The Department is making no changes to the proposed regulations in response to this comment.
B7.07	1	Objects to stating the name of the firearms dealer from whom the assault weapon was acquired because it goes against the American ethics this country is based on.	The regulation was revised to make the name of the person/firearms dealer from whom the assault weapon was acquired optional.
B7.08	1	Section 978.30(b)(2), assault weapon information should be modified by adding "if known" after "year". During the seventies and eighties these types of firearms were freely traded without any record keeping. As a result, the date of acquisition, including the year, may not be known.	The original proposed regulation was revised to state that the month and day of acquisition is required only if known. However, the year of acquisition is required because only assault weapons acquired before specific dates as provided by the Penal Code qualify for registration. It is the Department's responsibility to identify and reject unqualified assault weapon registrations.
B7.09	1	Contributor supports the regulation with the exception of the fee noted in section 978.30 (b)	The Department appreciates the support expressed by the contributor. The \$20 fee is authorized under PC 12285(a) for the processing of the registration.
B7.10	4	The registration requirement will be used to obtain information to make confiscation of firearms easier for the government.	The comment addresses the statute and not the proposed regulations. The purpose of the regulations is to implement the statute.
B7.11	1	Objects to registration requirement.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

978.30(a,b) Requirements for Assault Weapon Registration

Number	Freq.	Summary of Comment	Response
B7.12	1	The registration regulation doesn't address how a person who is in possession of only a receiver, is to register it.	Firearms are defined as assault weapons pursuant to Penal Code section 12276.1 only if they possess certain characteristics. Therefore, the receiver is not an assault weapon until the additional characteristics described in Penal Code section 12276.1 are present.
B7.13	1	Submitted to the Department with a postmark date, or certification of delivery, no later . . . , and " . . . Registration period. In the event that the application is returned to the applicant by the department for completion or correction, the applicant must resubmit . . . "	The Department disagrees with the recommendation. The postmark date is sufficient documentation to the Department that the registration application meets the mandated submission deadline. The Department further believes the proposed regulation is clearly stated as written without the addition of the recommended phrase.
B7.14	1	Suggests registered mail.	The Department disagrees with the comment. The postmark date is sufficient documentation to the Department that the registration application meets the mandated submission deadline. The Department does not believe it is necessary to subject registrants to the additional cost of registered mail.
B7.15	1	The state and FBI already have the assault weapon information.	The Department disagrees with the comment. The Dealer Record of Sale (DROS), which is the process by which a sale or transfer is transacted, is not a registration. Neither the state DOJ nor the FBI have the assault weapon information requested by the Department as part of the assault weapon registration process.
B7.16	1	Section 978.30 can be interpreted to allow for DOJ to 'punish' any dealer or private citizen they choose by not acting on their application or renewal or even claiming the paperwork was not received during the most busy part of the United States Postal season.	The Department disagrees with the comment. The contributor's accusations against the Department are completely unfounded. Because the comment does not cite any specific instances of Departmental misconduct, no further response is necessary.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

978.30(c) Joint Registration

Number	Freq.	Summary of Comment	Response
B9.01	1	Joint registration in a single household betrays sufficient evidence of firearm ownership for no conspicuous purpose other than to pave the way for convenient firearm confiscation.	The comment addresses the statute and not the proposed regulations.
B9.02	1	The joint registration concept no doubt is to cut off the rights of future generations of family members who would otherwise inherit these lawfully owned firearms.	The comment addresses the statute and not the proposed regulations. The Department is making no changes to the proposed regulations in response to this comment.
B9.03	1	Contributor supports the regulation regarding joint registration.	The Department appreciates the support expressed by the contributor.
B9.04	1	Recommends that the requirement for joint registration be applied to blood relationships, not living arrangements.	The comment addresses the statute and not the proposed regulations. Penal Code section 12285(e) authorizes joint registration for family members living in the same household. The Department has no authority to amend the statute.
B9.05	1	Questions whether someone will be denied registration if everyone in the residence is not registered.	Joint registration is an optional provision authorized under section 12285(e). There is no requirement for all persons in the household to register an assault weapon(s) owned by a single family member.

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

Overall Regulations

Number	Freq.	Summary of Comment	Response
B10.01	1	The proposed revisions demonstrate the futility of attempting to regulate a "category" of firearms based on cosmetic attributes such as whether the shoulder stock has a hole in it big enough to insert a human thumb.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
B10.02	1	The Notice of Modifications did not include the status of Disclosures Regarding the Proposed Action, which were submitted during the original comment period.	The Notice of Modifications reflects only changes made to the proposed regulations. The Disclosures made by Department in the Notice of Proposed Rulemaking are unaffected by the changes to the proposed regulations.
B10.03	1	In revising the definitions in 978.20 it appears the DOJ largely abandoned the use of the reference material in the rule-making file, and also has declined to use other resource materials which were brought to the Department's attention in previous comments.	The Department disagrees with the comment. The reference materials cited were used to assist the Department with the proposed regulations. The Department sought additional reference material to assist with revisions to the proposed regulations.
B10.04	1	The proposed regulations expand the scope of SB 23 and do not provide 'clarity' as required by the Administrative Procedures Act.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department revised the originally proposed regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
B10.05	6	The proposed regulations do not reflect the intention of the Legislature and will result in tremendous confusion among gun makers, dealers, owners and prosecutorial agencies.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department revised the originally proposed regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.

First 15-Day Comment Period Comment/Response Spreadsheet

Attachment B

Overall Regulations

Number	Freq.	Summary of Comment	Response
B10.06	5	The revised regulations are more confusing than the original attempt.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department revised the originally proposed regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
B10.07	3	The DOJ should not submit rules or definitions pertaining to SB 23. The law should either be rescinded or rewritten so that definitions are obvious from the legislation itself.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
B10.08	1	The proposal gives a comment period from May 10 to May 30, 2000. Notice of the changes were not sent out until the first day of the comment period, thus taking up time from the comment period. Commentor does not think this is fair and requests additional time for comment for those that have not even as yet received their notice of modifications.	The Department disagrees that additional time should be provided for comment. Pursuant to the Administrative Procedures Act, the Department is required to provide a minimum 15 day notice for the type of modifications made to the proposed regulations. The Department exceeded the minimum requirement by allowing 20 days to submit comments on the changes made to the proposed regulations.
B10.09	1	The definitions proposed under section 978.20 are incorrect. An assault weapon should be defined as an automatic firearm.	The Department disagrees with the comment. PC section 12276 and 12276.1 define "assault weapons" under California law. The proposed regulations interpret, make specific, and clarify those assault weapon characteristics present in PC section 12276.1. The Department does not have the authority to conflict with, or amend the statute.
B10.10	1	The definitions and requirements are not clear and can be interpreted to include all semiautomatic handguns that contain a removable ammunition clip (magazine) from the firearm.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A firearm is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."

**First 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment B

Overall Regulations

Number	Freq.	Summary of Comment	Response
B10.11	3	Rejects revised regulations.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment.
B10.12	1	The changes to the text did not go far enough. The entire text should have been deleted as well as the proposed laws.	The comment addresses the statute and not the proposed regulations.
B10.13	1	Concerned that no changes were made in the regulations to provide exemptions for competitive match firearms.	The comment addresses the statute and not the proposed regulations. The impact the regulation may or may not have on competitive match firearms is a result of the statute, not the Department's regulations. The Department has no authority to amend the statute.
B10.14	1	The Fifty Caliber Shooters Policy Institute is specifically opposed to the new definitions of 'assault weapons' as they are now proposed under sections (a) through (e).	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department revised the modified regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
B10.15	1	The revised regulations are still vague.	Due to the ambiguous nature of the comment, the Department is unable to reference a specific regulation in response to the comment. The Department revised the modified regulations, as necessary, to provide clarity and consistency with the legislative intent of the statute.
B10.16	1	"Though I feel these regulations (are) "unconstitutional" I am glad to see them cleaned up, not so vague and all encompassing.	The Department appreciates the contributor's acknowledgement that the revised definitions are clear.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine

Number	Freq.	Summary of Comment	Response
C1.01	1	The definition is too broad because it could include speed loaders which are commonly used by police and hobbyists with revolvers.	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not revolvers.
C1.02	3	The detachable magazine definition makes every conceivable type of firearm an assault weapon.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A weapon is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
C1.03	2	The inclusion of linked ammunition as a magazine is a major expansion beyond legislative intent, and should be removed.	The Department disagrees with the comment. Linked and belted ammunition feed cartridges directly into the firing chamber, as do detachable magazines that have a spring and follower. Therefore, including linked and belted ammunition as an ammunition feeding device is consistent with the legislative intent of the statute.
C1.04	1	The definition remains vague. The statute restricts feeding devices that hold more than 10 rounds. The definition proposes that clips, en bloc clips or stripper clips would not be included as "detachable magazines". The definition and legislative intent seem to be in conflict.	The Department disagrees with the comment. The capacity of the magazine is irrelevant for the purposes of defining a "detachable magazine".
C1.05	1	The terms "removed readily", "firearm action", or "stripper clips that load cartridges into the magazine" are lacking in their capability to describe a firearm to provide a clear and unambiguous classification of the firearm for purposes of enforcing legislation.	The Department disagrees with the comment. The purpose of the definition is to identify a specific assault weapon characteristic, not to define a firearm.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine

Number	Freq.	Summary of Comment	Response
C1.06	1	Revolvers with a swing-out cylinder can be readily reloaded with a speed loader which is neither a clip, en bloc clip, stripper clip, but is indeed a mechanical frame with a mechanism to hold cartridges.	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not revolvers.
C1.07	1	Contributor doesn't understand how "a bullet or ammunition cartridge is considered a tool", applies to "detachable magazine".	Certain firearms have fixed magazines that can be removed utilizing a bullet or cartridge. Identifying a bullet as a tool allows these types of magazine to appropriately remain fixed by definition.
C1.08	1	Some tubular magazines have a detachable part containing the spring, follower and endcap of the magazine, which normally would not be considered a "detachable magazine", but appears to be so defined under the proposed text.	The Department disagrees with the comment. Tubular magazines are not normally readily removable like detachable box magazines.
C1.09	1	Contributor understands the definition.	The Department appreciates the contributor's acknowledgement that the revised definition is clear.
C1.10	5	A bullet or ammunition cartridge should not be considered a tool.	The Department disagrees with the comment. Certain firearms have fixed magazines that can be removed utilizing a bullet or cartridge. Identifying a bullet as a tool allows these types of magazine to appropriately remain fixed by definition.
C1.11	1	Since California is not a Title III state, no one can own the type of firearms that use linked belted ammunition.	The Department disagrees with the comment. Semiautomatic centerfire rifles exist that have been configured to accept linked ammunition.
C1.12	1	The designation of a bullet or cartridge as a tool for the purposes of this act appears to be an attempt to set a precedent for later inclusion of Mauser bolt action military rifles and clones of Mauser bolt action military rifles, since in many of these arms, a cartridge can be used as a useful tool.	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not bolt action rifles.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine

Number	Freq.	Summary of Comment	Response
C1.13	1	Classifying a semi-automatic firearm as an assault weapon simply because a magazine can be removed, without giving any consideration to why it is removable, or if it can be replaced with anything else, is too broad a definition and should be rethought.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute. Additionally, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A weapon is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
C1.14	1	The definition lacks a definition of "readily".	The Department disagrees with the comment. The Department believes the term "readily" is understood by reasonable people when used in the context of "with neither disassembly of the firearm action nor the use of a tool(s) being required".
C1.15	1	The definition could apply to all pistols and rifles.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A weapon is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
C1.16	1	The definition implies that a live round of ammunition can be used for a function that it was not designed for and is a dangerous and deadly term.	The Department disagrees with the comment. The use of a bullet tip to remove a fixed magazine from certain types of firearms is an accepted practice in the firearms industry. Additionally, the comment is irrelevant with respect to defining a detachable magazine.
C1.17	1	The "clip" for the M-1 rifle is really is not a clip that load cartridges into a magazine. It is not even associated with magazines, it holds the cartridges together to allow insertion into a receiver.	The Department disagrees with the comment. The en bloc clip used in the M1 rifle holds the cartridges together and is inserted into the receiver, and into the fixed magazine. It is the fixed magazine, not the clip that feeds the cartridges into the chamber for firing.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(a) Detachable Magazine

Number	Freq.	Summary of Comment	Response
C1.18	1	Certain cartridges can be used as a tool, to disassemble a trigger assembly, and then a fixed magazine. However, not all cartridges can be used as a tool to remove such a magazine (i.e. a .38 special with a wadcutter style projectile.)	The Department disagrees that the definition requires all cartridges to have the capability to be used as a tool to disassemble the firearm action.
C1.19	1	Recommends that a cartridge not be defined as a tool.	The Department disagrees with the recommendation. Certain firearms have fixed magazines that can be removed utilizing a bullet or cartridge. Identifying a bullet as a tool allows these types of magazine to appropriately remain fixed by definition.
C1.20	1	Objects to the use of the word "action" in this section. "Action" is a verb describing how a gun functions through the interaction of the user and the component parts, not a part of a gun.	The Department disagrees that "action" is not a part of a gun. The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm.
C1.21	1	Recommends the definition focus on disassembly or removal of the trigger assembly from the receiver and/or the firearm.	The Department disagrees with the recommendation. The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm.
C1.22	1	The extent of disassembly is not included in the definition.	The Department disagrees with the comment. The definition is sufficiently clear without defining the extent of disassembly of the action.
C1.23	1	Contributor questions whether a clip that loads cartridges into a magazine and remains resident during operation is excluded.	The Department does not consider a clip that remains resident in the fixed magazine an ammunition feeding device because its purpose is to load cartridges into the magazine, not into the firing chamber.
C1.24	1	Contributor questions at what point a clip becomes a magazine, if the base plate and the spring are removed, is the magazine now a clip.	The Department disagrees with the comment. Clips and magazines are not interchangeable items. Clips do not become magazines, nor do magazines become clips.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment C

978.20(a) Detachable Magazine

Number	Freq.	Summary of Comment	Response
C1.25	1	The definitions of both a clip and a magazine seem to be the same in a dictionary, so the definition is confusing.	While the definitions may be synonymous in a general English language dictionary, technical reference material clearly makes a distinction between a clip and a magazine. That distinction is incorporated into the definition.
C1.26	1	Contributor questions whether a belt is a magazine or a link.	As defined, belted ammunition is considered an ammunition feeding device because it feeds the cartridges directly into the firing chamber.
C1.27	1	Contributor questions from what moving part the magazine detaches.	A detachable magazine is one that is removed from the firearm, not necessarily from a moving part within the firearm.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.01	4	Without an objective measurement of flash luminosity it is impossible to determine if a device "functions to reduce . . . muzzle flash".	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with that legislative intent.
C2.02	5	The definition would still classify the Browning Bar with the CR BOSS system as an assault weapon, and is inconsistent with the intent of the Legislature.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.
C2.03	1	Compensators that are used to help control the recoil of firearms can (without intention) suppress the muzzle flash of the weapon. This definition is too broad, as it would restrict weapons that have increased safety devices built in, due to an incidental side effect.	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.
C2.04	3	The definition is too broad. The unintended consequence will be to define as assault weapons guns that use 'tuning' devices such as the CR BOSS system, or muzzle brakes. Reducing and/or redirecting the muzzle flash away from the shooters field of vision is an unintended result of tuning the barrels harmonics for greater accuracy. The definition must be written in such a way that the flash suppressor is defined as a device whose primary purpose is to reduce or redirect muzzle flash from the shooter's field of vision.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.05	2	The proposed language does not clearly define what a flash suppressor is, nor does it give officers in the field clear direction in being able to determine if a device has been "designed, intended, or that functions to reduce or redirect muzzle flash from the shooter's field of vision."	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with that legislative intent.
C2.06	1	It will be difficult to show in a court of law that a certain device was intended to direct muzzle flash away from the shooter's field of vision without extensive testing and expert testimony.	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with that legislative intent.
C2.07	1	As long as you allow compensators (which redirect muzzle blast, not flash), the definition reads fine. If you feel that "flash" is the same as "blast", then the flash suppressor definition is way too limiting.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.
C2.08	4	The proposed definition still does not make a distinction between a flash suppressor and a muzzle brake or compensator. The proposal is too broad in scope and vague in its meaning. It would likely be interpreted by some prosecutors and law enforcement personnel in a manner that was not intended by SB 23 and should be revised further.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.09	3	Suggested addition to the definition: "except for the devices defined as muzzle brakes the primary purpose, of which, is to reduce recoil".	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.
C2.10	7	The definition is interpreted to include muzzle brakes and/or compensators.	Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.
C2.11	1	The definition should clarify that the field of vision of the shooter is the upper hemisphere of the barrel. Proposed revision: "flash suppressor" means any device designed, intended or that functions to reduce or redirect the muzzle flash from the shooter's field of vision. The shooter's field of vision being defined as the hemisphere region above the axis of the barrel.	The Department disagrees with the comment. The Department believes that to a reasonable person, the meaning of a "shooter's field of vision" is sufficiently understood within the context of the entire definition without the need for additional clarification.
C2.12	6	The definition could be interpreted as anything on or done to the end of the barrel.	The Department disagrees with the comment. Only devices that reduce or redirect muzzle flash from the shooter's field of vision meet the definition of a flash suppressor.

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Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.13	4	Inclusion of the phrase "or that functions" in the definition changes the definition in such a way that it will be interpreted to include devices that the legislature clearly did not mean to include as flash suppressors.	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of whether flash suppression is an intended function of the device. The revised definition is consistent with that legislative intent.
C2.14	2	The definition is unsatisfactory because the owner of an otherwise lawful firearm has no means to determine the intent of the design of the device.	The Department believes the proposed definition's use of "intended" is appropriate. The term "intended" is necessary to include a device that ordinarily functions as a flash suppressor but is temporarily disabled or temporarily attached in a manner so that it does not "function" as a flash suppressor at the moment.
C2.15	3	The definition lacks measurement criteria.	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with that legislative intent.
C2.16	4	The installation of a longer barrel could be considered to meet this definition.	The Department disagrees with the comment. A barrel is part of the firearm. A flash suppressor is a device that reduces or redirects the flash emitted from whatever barrel is on the firearm.
C2.17	2	Muzzle flash varies from one type of ammunition to another, and a device that reduces the flash from one type of ammunition may not do so for another.	The Department disagrees with the comment. The Department does not believe that a device that effects muzzle flash with one type of ammunition would have no effect on another type of ammunition. However if a device can reduce or redirect muzzle flash from the shooter's field of vision for any type of ammunition capable of being fired from the weapon to which it is attached, the device is a flash suppressor.
C2.18	2	The clarification of flash suppressor is clear.	The Department appreciates the contributor's acknowledgement that the revised definition is clear.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.19	3	The sights on a gun can be interpreted to be flash suppressors.	The Department disagrees with the comment. Only devices that reduce or redirect muzzle flash from the shooter's field of vision meet the definition of a flash suppressor. An attachment that does not affect the flash but merely blocks some of it by virtue of being between the shooter's eye and the muzzle flash would not be a flash suppressor.
C2.20	1	If the redirection of muzzle flash does not reduce it, it is not a flash suppressor.	The Department disagrees with the comment. The Department believes the redirection of muzzle flash from the shooter's field of vision serves the purpose of a flash suppressor even if the amount of flash is not reduced.
C2.21	1	Recommended revision: "any device attached to or integral with the muzzle end of the barrel and extending at least 1/2 inch (some distance is necessary to eliminate the possibility of classifying the barrel itself as a flash suppressor) beyond the bore of the barrel, which is designed or intended to reduce the muzzle flash seen by the shooter."	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or primary function. The condition that a flash suppressor must be designed or intended to reduce flash would conflict with the legislative intent of the statute.
C2.22	1	The definition literally includes the word "intended". That means a device that is a flash suppressor is a device which is intended to be a flash suppressor. Such terms do not belong in documents of law enforcement.	The Department believes the proposed definition's use of "intended" is appropriate. The term "intended" is necessary to include a device that ordinarily functions as a flash suppressor but is temporarily disabled or temporarily attached in a manner so that it does not "function" as a flash suppressor at the moment. No changes are being made in response to this comment.

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Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.23	1	Suggests the Department approve compensators/muzzle brakes either by manufacturer's name or by adopting physical specifications (to include a drawing such as used by engineers).	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent that a device that reduces or redirects any amount of flash, be considered a flash suppressor. There is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department believes the revised definition is clear and consistent with the legislative intent of the statute.
C2.24	1	The Department should develop and promulgate objective criteria for determining whether a device "functions" to reduce or redirect flash.	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent that a device that reduces or redirects any amount of flash, be considered a flash suppressor. Thus the Department would be exceeding its authority if it were to establish specific measurement standards that permitted some percentage or amount of flash suppression. Furthermore, there is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department believes the revised definition is clear and consistent with the legislative intent of the statute.
C2.25	2	Remove the word "functions" from the definition. A device that is not designed as a flash suppressor and only incidentally redirects muzzle flash as part of it's primary role of reducing recoil should not be administratively banned contrary to obvious legislative intent.	The Department disagrees with the comment. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. The revised definition is consistent with the legislative intent.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.26	2	Recommended revision: "any device designed and intended solely to reduce or redirect muzzle flash from the shooter's field of vision."	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Thus, devices such as muzzle brakes and compensators are not flash suppressors only if they do not also suppress flash.
C2.27	1	The flash suppressor should be considered a separate accessory of a weapon and not part of the definition of the assault weapon.	The comment addresses the statute rather than the proposed regulations. A "flash suppressor" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.
C2.28	1	The broad definition violates the original legislative intent and puts the Department in the position of creating law.	The Department disagrees with the comment. The Department believes the revised definition is consistent with the legislative intent of the statute.
C2.29	1	Recommended revision: "'flash suppressor' means any device specifically designed or intended to reduce muzzle flash from the shooter's field of vision when firing the weapon. This definition includes flash hidiers, but does not include compensators and muzzle brakes (devices attached to or integral with the barrel to utilize propelling gases for counter-recoil). The definition of "flash suppressor" also expressly excludes any device attached to or integral to the barrel which has been formally approved by the Federal Bureau of Tobacco, Alcohol and Firearms as a non-flash suppressor."	The Department disagrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Regardless of any determinations made by the Bureau of Alcohol, Tobacco, and Firearms, devices such as muzzle brakes and compensators are flash suppressors if they also suppress flash.
C2.30	1	Contributor questions whether smokeless powder, which can be reloaded into cases by anyone, is a flash suppressor.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the definition applies to a firearm that "has" a flash suppressor. Neither the Department nor any reasonable people would seriously consider smokeless powder to be a firearm device that could be plausibly identified as "flash suppressors".

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Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.31	2	Objects to a flash suppressor being an assault weapon characteristic.	The comment addresses the statute rather than the proposed regulations. A "flash suppressor" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.
C2.32	1	Law enforcement and firearms owners cannot be expected to determine the intent of a device.	There is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department's revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
C2.33	1	The definition would allow devices determined to be 'flash suppressors' by the Bureau of Alcohol, Tobacco, and Firearms (BATF) to be legal by California law.	Although no regulations establishing formal standards or specifications regarding flash suppressors have been promulgated or published by BATF, the Department is not aware of any devices determined to be "flash suppressors" by BATF that would be excluded from the Department's revised definition.
C2.34	4	Tinted eye protection and/or a shooter's rest that may reduce muzzle flash could fit this definition.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the definition applies to a firearm that "has" a flash suppressor. Neither the Department nor any reasonable people would seriously consider the items referenced in the comment to be firearm devices that could be plausibly identified as "flash suppressors".
C2.35	1	Eyes could be considered a flash suppressor, if a shooter closes their eyes the instant after their guns fires.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the definition applies to a firearm that "has" a flash suppressor. Neither the Department nor any reasonable people would seriously consider a shooter's own eyes to be firearm devices that could be plausibly identified as "flash suppressors".
C2.36	1	The intent of flash suppression is to render the shooter less visible to an enemy target, it makes no sense to talk about reducing muzzle flash from the shooter's field of vision.	The Department disagrees with the comment. The description provided by the comment is for a "flash hider" not a "flash suppressor".
C2.37	1	Any compensator or port redirects muzzle flash without necessarily reducing it.	The Department's revised definition is clear and consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.38	2	A device that is primarily designed as a muzzle brake but also reduces flash could be considered a flash suppressor under this definition.	The Department agrees with the comment. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The revised definition is consistent with the legislative intent. No changes to definition are being made in response to the comment.
C2.39	2	Contributor questions whether the Department will provide a list of muzzle brakes approved as brakes and not flash suppressors.	There is no legislative mandate or funding for the Department to establish a program to test or otherwise approve/disapprove devices such as flash suppressors, muzzle brakes, etc.
C2.40	2	The definition could mean a bored out potato.	The Department disagrees with the comment. The Department believes this is a specious comment. Pursuant to Penal Code section 12276.1, the definition applies to a firearm that "has" a flash suppressor. Neither the Department nor any reasonable people would consider a potato to be a firearm device that could be plausibly identified as a "flash suppressor".
C2.41	1	Contributor recommends the U.S. Department of Defense research be incorporated into the recommended testing and evaluation of the "effectiveness and intent of "flash hidens".	The Department disagrees with the comment. The recommended research material is not applicable because the proposed regulation defines "flash suppressors" not "flash hidens".
C2.42	1	Contributor recommends objective testing with light meters and other measuring devices be conducted to quantify the abilities and effectiveness of devices that reduce or redirect muzzle flash from the shooter's field of vision.	The Department disagrees with the comment. There is no legislative mandate or funding for the Department to establish scientific methodology for testing devices which may or may not be flash suppressors. The purpose of this regulation is to define "flash suppressor". The Department believes the revised definition is clear and consistent with the legislative intent of the statute.
C2.43	1	Contributor objects to the definition as it is based on intent and function. Many flash hidens are also intended and many actually function as recoil compensators and vice-versa.	The Department disagrees with the comment. The Department believes the revised definition is consistent with the legislative intent of the statute. Furthermore, the purpose of the regulation is to define "flash suppressors" not "flash hidens".

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.44	1	The proposed definition greatly expands the scope and effect of SB 23 by including weapons not typically classified as assault weapons and fails to provide clarity as to the types of weapons that will be banned.	The Department disagrees with the comment. The definition does not make any particular type of firearm an assault weapon. A flash suppressor is only one of the characteristics that could make a firearm an assault weapon, but only if the firearm also meets other specified criteria. Nevertheless, the Department believes the revised definition is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
C2.45	1	If the Department feels that the BATF standards should be used for defining a flash suppressor, they should be incorporated in their entirety.	No formal standards or specifications have been published by the Bureau of Alcohol, Tobacco, and Firearms regarding flash suppressors. No changes are being made in response to this comment.
C2.46	1	Contributor assumes that the Department doesn't intend to approve devices that don't meet their proposed standards, regardless of who else may have approved them.	There is no legislative mandate or funding for the Department to establish a program to test or otherwise approve/disapprove devices such as flash suppressors, muzzle brakes, etc. As such, the Department will neither approve nor disapprove any devices regardless of determinations made by other agencies/organizations.
C2.47	1	The key to understanding the proposed definition is knowing what "shooter's field of vision" means. Since it is undefined, contributor assumes it means below a horizontal plane that passes through the center line of the device. This or any other rational definition of "field of vision" would include the Springfield Armory muzzle brake, the Browning BAR - BOSS CR or many other sporting rifle devices as "flash suppressor". The "approved" Springfield muzzle brake redirects flash in an arc in excess of 300 degrees. If that isn't beyond the "shooters field of vision" what is?	The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Furthermore, there is no legislative mandate or funding for the Department to establish a program to test or otherwise approve/disapprove devices such as flash suppressors, muzzle brakes, etc. As such, the Department will neither approve nor disapprove any devices regardless of determinations made by other agencies/organizations.
C2.48	1	The portion of the definition that relates to redirecting "muzzle flash from the shooter's field of vision" is still unclear as to what is really meant.	The Department disagrees with the comment. The Department believes this is a specious comment. For a reasonable person, the meaning of redirecting muzzle flash from a "shooter's field of vision" is sufficiently understood within the context of the entire definition without the need for additional clarification.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.49	1	The primary purpose for using a flash suppressor is to not reveal the position of the shooter.	The Department disagrees with the comment. The description provided by the comment is for a "flash hider" not a "flash suppressor".
C2.50	1	If literally interpreted, the proposed regulation would effectively prohibit the sporting use of a muzzle brake or compensator on a detachable magazine semiautomatic firearm.	The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Thus, muzzle brakes and compensators are flash suppressors if they also suppress flash.
C2.51	1	Even devices designed exclusively as a muzzle brake also potentially create a flash suppression effect.	The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces any amount of flash regardless of its intended or additional functionality. Thus, muzzle brakes and compensators are flash suppressors if they also suppress flash.
C2.52	1	The primary difference between the two devices is that muzzle brakes and compensators have to vent the gases unsymmetrically, while maximum flash suppression is achieved with symmetrical dispersion of the gas cloud.	Any definition that includes or excludes devices based solely on what they are named, without consideration of whether the devices suppress flash, would exceed statutory authority. Muzzle brakes and compensators are flash suppressors if they also suppress flash. The Department believes the absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, any device that reduces the amount of flash regardless of its intended or additional functionality.
C2.53	1	The only clear unequivocal evidence for a device being designed for flash suppression is a symmetrical dispersion without a bias for upward venting.	The Department disagrees with the comment. Not all flash suppressors meet the description of having a symmetrical dispersion without a bias for upward venting. This criteria would improperly exclude some devices that should be identified as flash suppressors.
C2.54	1	Contributor questions whether the Department will defer to the technical assessment of the BATF and approve those devices approved by BATF.	There is no legislative mandate or funding for the Department to establish a testing program for devices such as flash suppressors, muzzle brakes, etc. As such, the Department will neither approve nor disapprove any devices regardless of ATF determinations.

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Comment/Response Spreadsheet**

978.20(b) Flash Suppressor

Number	Freq.	Summary of Comment	Response
C2.55	1	The definition has been modified to include a feature useful to those who have to use Semi-auto militia arms in a defensive capacity and is intended to be punitive to the law abiding.	The Department disagrees with the comment. The revised definition is not intended to impact a particular segment of the population nor to punish law abiding citizens. The Department's revised definition is consistent with the legislative intent of the statute.
C2.56	1	Permissible and impermissible reductions in flash must be specified in regards to their perceptibility by human observers since small variations cannot be perceived by most observers, and the ability to discern variations in brightness varies greatly from one individual to another.	The Department disagrees with the comment. The absence of specific measurement standards in the statute demonstrates the legislative intent to identify as a flash suppressor, a device that reduces or redirects any amount of flash. Thus, there is no permissible amount of flash. Nevertheless, common sense suggests that if a variation is so miniscule that it is imperceptible to the archetypal human eye, it could not reasonably be considered a reduction.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.01	1	The definition is ambiguous because if it is possible to grasp any stock on a rifle with a detachable magazine in a manner that places the web of the firing hand below the top of the exposed trigger when firing it would be an assault weapon.	The Department disagrees with the comment. The proposed definition is not ambiguous and although it could be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person.
C3.02	1	The definition is vague and will have the unintended consequence of throwing any semiautomatic, centerfire rifle with a detachable magazine that does not have a straight stock into the assault weapon category. Almost all are designed with enough drop in the comb that the web of the hand can be placed below the top of the exposed trigger. The definition could be changed to read "below the bottom of the exposed portion of the trigger" to avoid such unintended consequences.	The Department disagrees with the comment. The Department's proposed definition is not vague and will not include every rifle that does not have a straight stock. Although it might be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person. The contributor's recommendation is rejected because it would conflict with the legislative intent of the statute by excluding many stocks that should be identified as having pistol grips.
C3.03	2	The definition lacks any description of what is meant by "pistol style grasp".	The Department disagrees with the comment. The Department believes that within the context of the entire definition, the phrase "pistol style grasp" is understood by reasonable people. The definition specifies that a "pistol style grasp" must allow the web of the trigger hand (between the thumb and index finger) to be placed below the top of the exposed trigger. No changes are being made in response to this comment.
C3.04	1	The specification relating to the placement of the "web of the trigger hand" does not allow for any protrusion. Yet, SB 23 clearly provided for a grip to protrude, although not "conspicuously". Therefore, the proposed definition is in conflict with the statute and the department lacks authority to unilaterally change statute.	The Department disagrees with the comment. The proposed definition based on the placement of the web of the trigger hand does not conflict with the legislative intent of the statute relative to the type of firearms considered assault weapons. The proposed definition is the only definition considered by the Department that accurately identifies "pistol grips that protrude conspicuously..." and excludes non-pistol grips generally found on typical hunting/sporting rifles.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

Attachment C

978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.05	1	The grip section of almost every hunting rifle and shotgun is the same basic shape and contour of antique handguns. Thus, a false comparison could be drawn between the handgun and firearms that are clearly not intended to be an assault weapon and endanger very common sporting firearms.	The Department acknowledges the comment. However, the Department believes the definition accurately identifies "pistol grips that protrude..." while excluding standard grips that are on typical hunting rifles. No changes are being made in response to this comment.
C3.06	1	The definition is too limiting and would make a bolt action rifle with a detachable magazine with a McMillan type stock, an assault weapon.	The Department disagrees with the comment. Pursuant to Penal Code Section 12276.1, only semiautomatic firearms are subject to being classified as an assault weapon if they also have other specified characteristics. No bolt action rifle can be identified as an assault weapon, regardless of its other characteristics, including having a pistol grip.
C3.07	1	The grip should allow the web of the hand to come down much further below the top of the trigger and should allow the web to come down to the tip of the trigger.	The Department disagrees with the comment because it would conflict with the legislative intent of the statute by excluding grips that should be identified as pistol grips.
C3.08	1	As currently written this will give local prosecutors a green light to arrest gun owners that they view in violation of the law and let the courts sort it out.	The Department believes the proposed definition is consistent with the legislative intent of the law. It is appropriate for local law enforcement and the district attorney's office to make decisions relative to the arrest and prosecution of offenders.
C3.09	1	The paragraph should be redefined to clarify that a pistol grip is a free standing grip separate from the stock of the rifle. Recommended revision: "pistol grip that protrudes conspicuously beneath the action of the weapon" means a free standing grip separate from the stock that allows for a pistol style grasp in which the web of the trigger hand (between the thumb and the index finger) can be placed below the top of the exposed portion of the trigger while firing.	The Department disagrees with the comment. The Department does not believe that a grip must be free standing and separate from the rifle stock to be considered a pistol grip. Although pistol grips are generally distinct or "conspicuous" protrusions, it is possible to form a true pistol grip from a single piece of material that is not "free standing" and "separate" from the stock.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.10	2	The word conspicuously leaves too much to the imagination.	The Department disagrees with the comment. The Department is defining the phrase "pistol grip that protrudes conspicuously beneath the action of the weapon". It is not necessary to define each word individually for the meaning of the meaning of the entire phrase to be clearly understood. The Department's revised definition is clear and consistent with the legislative intent of the statute.
C3.11	1	Questions the definition's use of the phrase "only while firing".	The proposed definition includes the phrase "while firing", not "only while firing." The definition does not limit a firearm's identification of having a "pistol grip" to only when the firearm is being fired. The phrase "while firing" describes part of the criteria that distinguishes pistol grips from non-pistol grips.
C3.12	1	The definition is so broad that all handguns are now assault weapons.	The Department disagrees with the comment. The definition does not make any particular type of firearm an assault weapon. The definition applies to terms used in the identification of assault weapon characteristics pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, not handguns. Additionally, a protruding pistol grip is only one of the characteristics that could make a firearm an assault weapon, but only if the firearm also meets other specified criteria.
C3.13	1	The definition is ambiguous because it can be interpreted to include rifle stocks that have a long downward sloping grip area that could allow a large-handed person to slide his hand down far enough to meet this definition.	The Department disagrees with the comment. The proposed definition is not ambiguous and although it might be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person. The Department believes the proposed definition accurately identifies pistol grips and excludes non-pistol grips.
C3.14	1	The definition is vague and will be interpreted differently for different size hands because the web of larger hands will be different from the web of a petite hand.	The Department disagrees with the comment. The position where the web of the hand can be positioned while grasping a particular firearm is not affected by the size of the hand. The proposed definition based on the placement of the web of the trigger hand is the only definition considered by the Department that accurately identifies true pistol grips and excludes non-pistol grips.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.15	1	Neither term "conspicuously protruding pistol grip" or "pistol style grasp" has an accepted meaning in either law or firearms terminology.	The fact that a particular term or phrase does not have a universally accepted or understood meaning in law or within the firearms industry is the very reason for the regulation providing a definition.
C3.16	1	The proposed definition introduces subjective criteria based on highly variable anatomical features of the user of the firearm, and leaves the interpretation up to the imagination of owners, police officers and local district attorneys.	The Department disagrees with the comment. The position where the web of the hand can be positioned while grasping a particular firearm is not affected by the size of the hand. The proposed definition based on the placement of the web of the trigger hand is the only definition considered by the Department that accurately identifies pistol grips and excludes non-pistol grips.
C3.17	1	The proposed definition categorizes firearms as assault weapons based on where the owner can (rather than must) place his or her hand.	The Department agrees with the comment. The Department believes it is appropriate and necessary to distinguish pistol grips from non-pistol grips on the basis of whether a pistol style grasp is possible. The proposed definition establishes an objective standard that is unaffected by individual preferences relative to the grasp. A subjective standard based on how an individual chooses to grasp the firearm as opposed to how it can be grasped based on the design of the grip, would result in the same grip being a pistol grip for one person and a non-pistol grip for someone else. The proposed definition based on the placement of the web of the trigger hand is the only definition considered by the Department that accurately identifies pistol grips and excludes non-pistol grips.
C3.18	1	The introduction of anatomical features and an individual's style of grasp in legislation which specified a mechanical attribute broadens the reach of the law beyond its legislative intent and will inevitably lead to confusion among district attorneys and residents.	The Department disagrees with the comment. The revised definition based on the placement of the web of the trigger hand is the only definition that accurately identifies pistol grips and excludes non-pistol grips. The Department believes the proposed definition is consistent with the legislative intent of the law.
C3.19	1	The contributor states the revised definition of "pistol grip that protrudes ..." is clear.	The Department appreciates the contributor's acknowledgement that the revised definition is clear.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.20	1	The definition is not suitable since it defines all sidearms as assault weapons.	The Department disagrees with the comment. The definition does not make any particular type of firearm an assault weapon. A pistol grip is only one of the characteristics that could make a firearm an assault weapon, but only if the firearm also meets other specified criteria. The overwhelming majority of handguns would not be identified as "assault weapons".
C3.21	1	The proposed definition may include stocks, as most do, that angle down from the receiver of the rifle, even if they don't have a "pistol grip".	The Department disagrees with the comment. Although it might be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person. The Department believes the proposed definition accurately identifies pistol grips and excludes non-pistol grips.
C3.22	1	The definition should include that the pistol grip must enable the firearm to be grasped or controlled independently of the stock in order to avoid impacting stocks that don't have a "pistol grip".	The Department disagrees with the comment. The Department does not believe that a pistol grip must allow for the grasp and control of the firearm independent of the stock. The Department believes the proposed definition accurately identifies pistol grips and excludes non-pistol grips.
C3.23	1	Contributor states the key word is "can" because they can place the web of their trigger hand below the top of the exposed trigger and still fire any rifle. Does that mean that the rifle has a pistol grip?	Although it might be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person. The proposed definition based on the placement of the web of the trigger hand is the only definition considered by the Department that accurately identifies pistol grips and excludes non-pistol grips generally found on typical hunting rifles.
C3.24	7	Almost any rifle, with or without a "pistol grip" of any type, can be grasped with the web of the hand below the top of the exposed portion of the trigger while firing.	The Department disagrees with the comment. The proposed definition is not ambiguous and although it might be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.25	1	There is nothing to say that both hands are required to be on the stock or grip to function the firearm.	The Department agrees with the comment. In fact, a pistol grip may allow the firearm to be fired one handed depending on the size of the weapon and strength/dexterity of the shooter.
C3.26	1	The contributor assumes the definition will apply to grips found on AK 47 types compared to a Ruger Mini-14 or Remington 1100.	Although the definition neither includes nor excludes specific firearms, the stocks generally found on typical hunting rifles would not fall within the revised definition.
C3.27	1	This definition greatly expands the variety of firearms affected, which the Department does not have the authority to do.	The Department disagrees with the comment. The Department believes the proposed definition is consistent with the legislative intent of the statute as it accurately identifies pistol grips and excludes non-pistol grips.
C3.28	1	Recommended revision: ". . . Any component specifically designed for the grasp, control, and fire of the firearm with one hand where the portion that can be grasped extends two inches or more beneath the bottom of the exposed trigger.	The Department disagrees with the comment because it would be subject to interpretations that conflict with the legislative intent of the statute. After considering numerous public comments that were critical of the "fired with one hand" standard in the thumbhole stock definition, the Department believes it's use would add confusion rather than clarity to the definition. It is an overly subjective standard that requires consideration of physical characteristics such as strength and dexterity that vary from person to person. Additionally, the Department believes that if the Legislature had intended to identify a "pistol grip that protrudes ..." on the basis of a fixed length it would have specified such dimensions in the text of the law.
C3.29	1	Proposed definition would only be correct for a "thumb and forefinger grip" which obviously the California legislature did not intend.	The Department disagrees with the comment. The Department believes the proposed definition is consistent with the legislative intent of the statute as it accurately identifies pistol grips and excludes non-pistol grips.
C3.30	1	The handle of the pistol grip should have to protrude below the lowest point of the stock.	The Department disagrees with the comment because it would exclude grips that should be identified as pistol grips. Additionally, the recommended definition would allow the law to be circumvented by simply lengthening the rear end (butt plate) of the stock.

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Number	Freq.	Summary of Comment	Response
C3.31	1	The definition should include a statement that states that substantially all of the trigger hand fingers can wrap around the grip.	The Department disagrees with the comment. The Department believes the condition that "substantially all of the trigger hand fingers can wrap around the grip" is inaccurate and would be inconsistent with the legislative intent of the statute because it would exclude some grips that should be identified as pistol grips.
C3.32	1	The definition should indicate a specific length of the pistol grip.	The Department disagrees with the comment. If the Legislature had intended to identify a "pistol grip that protrudes ..." on the basis of a fixed length it would have done so in the law. Thus, the Department believes its revised definition is more consistent with the legislative intent of the statute.
C3.33	1	Any trigger guard could be treated as a pistol grip according to this definition.'	The Department disagrees with the comment. A trigger guard is not a "grip" and could not plausibly be considered a "grip" by a reasonable person.
C3.34	1	Recommended revision: "pistol grip that protrudes conspicuously below the action of the weapon' means a grip that allows for a pistol style grasp in which the web between the thumb and index finger of the trigger hand is typically placed below the top of the exposed portion of the trigger while firing the weapon in customary fashion. This definition expressly incorporates by reference the illustrations which have been posted on the California Department of Justice www.regagun.org web site up through and including July 15, 2000 as illustrative of the types of weapons that are and are not regulated as assault weapons under this definition."	The Department disagrees with the comment's recommended addition of "typically" and "customary" to the proposed definition. The Department believes the adjectives "typically" and "customary" express a meaning that is implicit within the proposed definition. Their explicit inclusion in the definition would not improve, and might hinder, the clarity of the definition.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.35	1	Many competition target shooters use after-market stocks that allow the rifle to be gripped in a manner described by the definition, which would require many sporting and competition rifles to be registered.	The Department disagrees with the comment. Although it might be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person. The Department believes the proposed definition accurately identifies pistol grips and excludes non-pistol grips. Furthermore, the competition firearms that typically use after-market stocks that meet the definition of having a "pistol grip that protrudes..." are bolt action, not semiautomatic. Bolt action firearms are not subject to regulation as assault weapons.
C3.36	1	The definition would make it difficult to interpret and apply the law because individual shooters may grip a weapon differently which would allow the web of the hand to be placed either above or below the top of the exposed portion of the trigger while firing depending on the individual grip.	The Department disagrees that interpretation and application of the proposed definition is affected by individual shooters method of gripping a firearm. The Department believes it is appropriate and necessary to distinguish pistol grips from non-pistol grips on the basis of whether a pistol style grasp is possible. The proposed definition establishes an objective standard that is unaffected by individual preferences relative to the grasp. A subjective standard based on how an individual chooses to grasp the firearm as opposed to how it can be grasped based on the design of the grip, would result in the same grip being a pistol grip for one person and a non-pistol grip for someone else.
C3.37	2	A pistol grip is a safety feature because they allow for greater control of the weapon.	The comment addresses the statute rather than the proposed regulations. A "pistol grip that protrudes conspicuously beneath the action" was established as one of the assault weapon characteristics by the Legislature in Penal Code section 12276.1, not by the Department's proposed regulations.
C3.38	2	There is at least one make/model of SB 23-style rifle that sports a "pistol grip which is gripped partially above the top of the trigger", even while firing.	The Department disagrees with the comment. The Department can not provide a complete response because the contributor does not specify the make or model of the firearm that they believe has a true pistol grip yet would not meet the Department's definition. Nevertheless, the fact that a grip can be grasped with the web of hand above the exposed trigger does mean it can not also be grasped with the web below the trigger. Such a grip would be excluded only if some extremely abnormal and implausible grasp would be required for the web of the hand to be place below the trigger.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.39	2	The fact that a shooter could possibly fire the weapon with the web of the hand below the "trigger line" doesn't mean that is the normal grip.	The Department believes it is appropriate to distinguish pistol grips from non-pistol grips on the basis of whether a pistol style grasp is possible. The proposed definition establishes an objective standard that is unaffected by individual preferences relative to the grasp. A subjective standard based on how an individual chooses to grasp the firearm as opposed to how it <u>can</u> be grasped based on the design of the grip, would result in the same grip being a pistol grip for one person and a non-pistol grip for someone else.
C3.40	1	The additional wording in this revision does absolutely nothing to help define the term "pistol grip".	The Department disagrees with the comment. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute relative to the type of firearms considered assault weapons.
C3.41	1	Anyone could take a Ruger Mini-14, install a wooden dowel that projects downward from the stock, and DOJ would have it called an assault weapon simply because the gun could be grasped by that dowel.	The Department disagrees with the comment. The fact that a firearm has a pistol grip does not make it an assault weapon. The firearm must also have other characteristics specified in Penal Code section 12276.1 to be an "assault weapon". Additionally, because the proposed definition states in part, "pistol grip...means a <u>grip</u> that allows ...", installation of wooden dowel that did not resemble a "grip" would not fall within the Department's definition.
C3.42	1	The use of the word "can" is unclear. Depending on how one positions one's firing hand one can get the web of his or her hand above any rifle's trigger and still touch the trigger.	The Department disagrees with the comment. Although it might be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person. The Department believes it is appropriate and necessary to distinguish pistol grips from non-pistol grips on the basis of whether a pistol style grasp is possible. The proposed definition establishes an objective standard that is unaffected by individual preferences relative to the grasp. A subjective standard based on how an individual chooses to grasp the firearm as opposed to how it can be grasped based on the design of the grip, would result in the same grip being a pistol grip for one person and a non-pistol grip for someone else.

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Number	Freq.	Summary of Comment	Response
C3.43	2	The definition does not define "conspicuous".	The Department disagrees that the word "conspicuously" requires an exclusive definition that is independent from the phrase "pistol grip that protrudes conspicuously beneath the action". It is not necessary to define each word individually for the meaning of the entire phrase as a whole to be clearly understood. The Department's revised definition is clear and consistent with the legislative intent of the statute.
C3.44	2	The definition does not define "action".	The Department disagrees that the word "action" requires an exclusive definition that is independent from the phrase "pistol grip that protrudes conspicuously beneath the action". It is not necessary to define each word individually for the meaning of the entire phrase as a whole to be clearly understood. The Department's revised definition is clear and consistent with the legislative intent of the statute.
C3.45	1	The definition does not define "below".	The Department disagrees with the comment that "below" needs to be defined. The Department believes that to a reasonable person, the meaning of "below" is sufficiently understood within the context of the entire definition.
C3.46	1	The definition does not specify how much flesh is included in "the web of the hand", or how far proximally it extends.	The Department believes the proposed definition is clear and consistent with the legislative intent of the law without the need for extreme specifications as suggested by the comment.
C3.47	1	Recommended revision: ". . . that allows a pistol style grasp in which the firearm grip is grasped by the web, palm and the middle, third and little fingers of the trigger hand while firing the weapon, and extends at least 2.5" (measured perpendicular to the bore of the firearm) below the top of the exposed portion of the trigger."	The Department disagrees with the comment. If the Legislature had intended to identify a "pistol grip that protrudes ..." on the basis of a fixed length it would have done so in the law. Thus, the Department believes its revised definition is more consistent with the legislative intent of the statute.
C3.48	1	Recommends the Department report back to the legislature that this attribute cannot be reasonably defined and therefore the law should be revised.	The Department disagrees with the comment. The Department acknowledges that it was difficult to clearly and accurately define a "pistol grip that protrudes conspicuously beneath the action of weapon". However, the Department believes that as a result of the input received from the public, all of the assault weapon definitions are understandable and consistent with the legislative intent of the statute.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.49	1	There is no clarity offered by the addition of the words "while firing".	The Department disagrees with the comment. The inclusion of "while firing" in the definition is in response to the admittedly ridiculous suggestion that the definition could be applied to non-pistol grips that could be grasped with the web of the trigger hand ("this is the hand I use for firing") placed below the top of the exposed portion of the trigger even though the trigger itself could not be reached. The "while firing" reinforces the fact that the definition refers to placement of the trigger hand while firing.
C3.50	1	Contributor objects to the definition because the installation of an "Anschutz style" target stock on any semiautomatic, centerfire rifle capable of accepting a detachable magazine would create an assault weapon because the web of the hand may be below the top of the trigger.	The statute does not authorize any exceptions for specific makes or models of stocks. If a stock meets the criteria specified in the definition, it is appropriate to identify it as having a pistol grip regardless of the specific make, model, or type of stock. Additionally, many competition firearms that use after-market stocks that meet the definition of having a "pistol grip that protrudes..." are bolt action, not semiautomatic. Bolt action firearms are not subject to regulation as assault weapons.
C3.51	1	Contributor objects to this definition in that each law enforcement vehicle in California will have to carry a drafting table with a parallelogram device in the trunk to enforce this law, which is unreasonable.	The Department disagrees with the comment. The Department believes its revised definition provides a clear and objective meaning that is consistent with the legislative intent of the statute.
C3.52	1	Weapon is not defined.	The Department believes it is obvious to any reasonable person that in the phrase "pistol grip that protrudes conspicuously beneath the action of the weapon", "weapon" refers to a firearm.
C3.53	1	The proposed definition greatly expands the scope and effect of SB 23 by including weapons not typically classified as assault weapons and fails to provide clarity as to the types of weapons that will be banned.	The Department disagrees with the comment. The proposed definition is not ambiguous and although it could be physically possible for some non-pistol grip rifles to be fired with the web of the hand positioned below the top of the exposed portion of the trigger, the rifle would have to be held in an extremely abnormal manner. Such a grasp could not plausibly be considered a "pistol style grasp" by a reasonable person. The Department believes the proposed definition is consistent with the legislative intent as it clearly and accurately identifies pistol grips and excludes non-pistol grips generally found on typical hunting rifles.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.54	1	This definition would impose restrictions based on how the rifle is gripped, not on how it is constructed.	The Department disagrees with the comment. The proposed definition is based on how the firearm can be grasped (based on the design/construction of the grip) rather than how an individual chooses to grasp the firearm. The Department believes it is appropriate and necessary to distinguish pistol grips from non-pistol grips on the basis of whether a pistol style grasp is possible. The proposed definition establishes an objective standard that is unaffected by individual preferences relative to the grasp. No changes are being made in response to this comment.
C3.55	1	The definition doesn't state how the above/below determination is made if a trigger projects from the receiver on a horizontal axis.	The Department disagrees with the comment. A reasonable person who is not being intentionally obtuse does not need instruction on how to determine whether or not the web of their hand is below the exposed portion of the trigger.
C3.56	1	Determination of whether the protrusion is conspicuous is accomplished by using the action as a reference point. However, the use of this term in the statute introduces another element of vagueness since the "action" is neither a part nor a specific location on a firearm.	The Department disagrees with the comment. The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm. The revised definition is consistent with the legislative intent as it clearly and accurately identifies pistol grips and excludes non-pistol grips generally found on typical hunting rifles.
C3.57	1	Action describes a relationship of parts and how the firearm functions, i.e. bolt action, lever action, etc. The legislature may have meant to say "receiver" which is a specific part - but they said "action". Thus, the conspicuous protrusion must be measured from a non-existent location.	The Department disagrees with the comment. The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm. The revised definition is consistent with the legislative intent as it clearly and accurately identifies pistol grips and excludes non-pistol grips generally found on typical hunting rifles.
C3.58	1	The regulation defines the term "action" as the "top of the exposed portion of the trigger". The random selection of a point of "action" is not supported by any reference material or SB 23 and necessarily includes firearms not intended to be classified as "assault weapons". Further, the addition of the words "portion of the" further confuses, rather than clarifies the regulation.	The Department disagrees with the comment that the definition uses a "random selection" of a point of "action". The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm. The revised definition is consistent with the legislative intent as it clearly and accurately identifies pistol grips and excludes non-pistol grips generally found on typical hunting rifles.

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978.20(d) Pistol Grip that Protrudes Conspicuously Beneath the Action of the Weapon

Number	Freq.	Summary of Comment	Response
C3.59	1	If the Department is forced to identify a random point of "action", it should choose one that does not encompass a wide variety of sporting weapons never intended to be deemed "assault weapons".	The Department disagrees with the comment that the definition identifies a "random point of action". The term "action" is generally understood in the firearms industry to mean both the function of the firearm (i.e. bolt-action, lever action, semiautomatic-action) and the working mechanism of the firearm. The revised definition is consistent with the legislative intent as it clearly and accurately identifies pistol grips and excludes non-pistol grips generally found on typical hunting rifles.
C3.60	1	The definition appears to be intended to pull civilian California competitors who fire the service rifle stages of National matches out of the competition.	The Department disagrees with the comment. The purpose of the proposed definition is to assist in the identification of a specific assault weapon characteristic. It is not intended to affect any particular group of individuals. The impact the regulation may or may not have on competitive shooters is a result of the statute, not the Department's regulations.

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978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
C4.01	2	The definition fails to define what size depression in the surface of a stock is considered a thumbhole.	The Department disagrees it is necessary to provide specific dimensions. Persons affected by the regulation are able to identify a hole capable of accommodating a thumb.
C4.02	1	The definition fails to define the term "penetrate" for the purposes of this proposed definition.	The Department disagrees with the comment. The term "penetrate" is sufficiently clear in the definition and requires no further clarification.
C4.03	1	Many amateur gun enthusiasts use the thumbhole style for looks and comfort.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
C4.04	1	The thumbhole stock feature alone does not define an assault rifle, rather, it could be a feature of an assault rifle.	The Department agrees with the comment. Pursuant to Penal Code section 12276.1, a thumbhole stock is only one of the characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a thumbhole stock.
C4.05	1	This paragraph should be altered to remove a portion of the added text "into or through", and should be changed to "through". The term "into" is ambiguous and unclear and would be subject to varying interpretations which would result in non-uniform application of the law. The section as written requires the interpretation of the noun "hole" as it is used with the modified "into". The term "through" used to modify the noun "hole" is clear and unambiguous, the hole penetrates through the stock. Recommended revision: "thumbhole stock" means a stock with a hole that allows the thumb of the trigger hand to penetrate through the stock.	The Department disagrees with the comment. The Department believes the revised definition is clear and easily understood by those affected by the regulations.

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978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
C4.06	2	The definition puts every other type of long firearm including thumbhole target rifles, custom stocked hunting rifles, Camp Perry type competition rifles, etc., as assault weapons.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, a thumbhole stock is only one of the characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a thumbhole stock.
C4.07	1	The word "into" could make any stock with a depression in the area be taken as a thumbhole stock. The word "into" should be removed.	The Department disagrees with the comment. Reasonable persons affected by the regulation understand the distinction between a mere depression in the stock and a hole able to accommodate the thumb. The Department believes if the depression allows the thumb to penetrate into or through the stock, it is considered a thumbhole stock.
C4.08	1	The definition implies that any concave depression in the stock in which the thumb can be inserted would render the firearm an assault weapon. As virtually all rifle stocks have both concave and convex portions, and any of the former could allow a thumb to "penetrate into . . . the stock", the definition is over-broad and unclear in helping to make the determination between legal and illegal firearms.	The Department disagrees with the comment. Reasonable persons affected by the regulation understand the distinction between a mere depression in the stock and a hole able to accommodate the thumb. Additionally, the presence of a thumbhole stock is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a thumbhole stock.
C4.09	1	The clarification of thumbhole stock is clear.	The Department appreciates the contributor's acknowledgement that the revised definition is clear.
C4.10	1	The thumbhole stock is not an asset in a rifle used to assault human beings.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
C4.11	1	The definition doesn't state where on the stock the hole needs to be located in order to be called a thumbhole, or whether your thumb must be in the hole while firing.	The Department has made a non-substantial revision by adding "while firing" to make it explicit in the definition that the placement of the thumbhole must allow the thumb of the trigger hand to penetrate into or through the stock while firing.

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978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
C4.12	1	Suggest adding a phrase similar to the following to the end of the sentence: "while the trigger hand is in the normal position for firing the rifle."	The Department disagrees with the recommendation. The Department believes the phrase "normal position" would require further clarification for the recommended definition to meet the clarity standard. However, the Department has made a non-substantial revision by adding "while firing" to make it explicit in the definition that the placement of the thumbhole must allow the thumb of the trigger hand to penetrate into or through the stock while firing.
C4.13	1	Many match rifles are made with thumbhole stocks. It's hard to understand how an 18 pound match rifle with a 30 inch long, one and a quarter inch round barrel could be conceived as an assault firearm.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
C4.14	1	Contributor understands that the definition represents both protruding grip and skeletonized stocks.	While many thumbhole stocks may function to meet the definition of a protruding pistol grip, the Legislature deemed both characteristics offending, therefore, the Department has defined both a protruding pistol grip and a thumbhole stock. The Department believes the revised definition is clear and easily understood by those affected by the regulations.
C4.15	2	Thumbhole stocks are used by competitive shooters for greater control.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
C4.16	1	The definition could be interpreted to include a stock that has any improvement in ergonomic design, most target stocks have some relief cut into it for the thumb. Varying interpretations can be made as to whether that relief "penetrates into" the stock.	The Department disagrees with the comment. Reasonable persons affected by the regulation understand the distinction between a mere depression in the stock to improve ergonomic design and a hole able to accommodate the thumb. Additionally, the presence of a thumbhole stock is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having a thumbhole stock.
C4.17	1	The definition could include a World War I Enfield rifle that has a hole (the size of which a thumb can fit) in the back of the stock.	The Department disagrees with the comment. However, the Department has made a non-substantial revision by adding "while firing" to make it explicit in the definition that the placement of the thumbhole must allow the thumb of the trigger hand to penetrate into or through the stock while firing.

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978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
C4.18	1	The additional language in the revision does not clarify what the definition of a thumbhole stock is.	The Department disagrees with the comment. The revised definition is provides the needed clarity and is consistent with the legislative intent of the statute.
C4.19	3	There are skeletonized or "Dragunov" style stocks that constitute little more than a framework, not a solid stock. The thumb will naturally "penetrate" through the stock. But it is not a thumbhole stock by any definition.	The purpose of the regulation is to define a thumbhole stock, not a skeletonized stock. The phrase "any stock with any opening" includes openings other than thumbholes. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
C4.20	1	Contributor objects to the definition because the installation of "International Style" thumbhole stock on any semiautomatic, centerfire rifle capable of accepting a detachable magazine would create an assault weapon.	The comment addresses the statute and not the proposed regulations. The Department has no authority to amend the statute.
C4.21	1	Recommends the Department report back to the Legislature that this attribute cannot be reasonably defined and therefore the law should be revised.	The Department disagrees with the comment. The Department believes the definition is clear and easily understood by those affected by the regulations.
C4.22	1	The definition doesn't state how big the hole has to be to be a thumbhole stock.	The Department disagrees it is necessary to provide specific dimensions. Persons affected by the regulation are able to identify a stock capable of accommodating a thumb.
C4.23	1	The definition doesn't state whether a skeletonized stock is considered a thumbhole stock.	The purpose of the regulation is to define a thumbhole stock, not a skeletonized stock. The phrase "any stock with any opening" includes openings other than thumbholes. The revised definition provides the needed clarity and is consistent with the legislative intent of the statute.
C4.24	1	The definition is unclear.	The Department disagrees with the comment. The Department believes the definition clear and easily understood by those affected by the regulations.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

978.20(e) Thumbhole Stock

Number	Freq.	Summary of Comment	Response
C4.25	1	Given the requirements of the pistol grip definition, this definition is irrelevant. If the way the stock is "grasped" is the determining factor, then the form of the stock makes no difference.	The Department disagrees with the comment. While the functionality of a thumbhole stock is covered by the pistol grip definition because of the way the stock is grasped, the Legislature deemed both characteristics offensive. Therefore, any stock that allows the thumb to penetrate into or through the stock, meets the definition of a thumbhole stock.
C4.26	1	A traditional thumbhole stock has an opening of about one inch in diameter. There is no justification for an over inclusive definition of "thumbhole stock" which is not supported by the reference material.	The Department disagrees it is necessary to provide specific dimensions. Persons affected by the regulation are able to identify a stock capable of accommodating a thumb.
C4.27	1	The definition affects varmint hunters and benchrest shooters whose bolt action rifles and single shot specialty pistols have this feature as a means of enhancing accuracy.	The Department disagrees with the comment. The definition applies to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1, in which the firearms affected are semiautomatic centerfire rifles, semiautomatic pistols, and semiautomatic shotguns, not bolt action rifles or single shot pistols.

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978.33 Voluntary Cancellations

Number	Freq.	Summary of Comment	Response
C5.01	2	If it is illegal to require registration (2nd amendment), it cannot be legal to "voluntarily" cancel the illegal registration.	The comment addresses the constitutionality of the statute and not the regulations.
C5.02	1	The Department should not only delete individual personal information but should be mandated not to store, share or transfer this information with any other parties. This policy should be written into this section.	The Department disagrees with the comment. The Department is bound by existing law and policies regarding information dissemination.
C5.03	2	Implementing this section would do absolutely nothing to stop crime.	The comment addresses the statute and not the regulations.
C5.04	1	The firearm should have to be permanently modified so that it lacks the capacity to accept a detachable magazine or any of the offensive features in order for the Department to accept cancellation of a registration.	The Department disagrees with the comment. Registration cancellation is not exclusive to modification of the firearm, nor does the Department believe permanent modification is required.
C5.05	1	Given the ambiguity of the definitions involved in the classification of an assault weapon, the inducement to surrender firearms herein represents an unfair infringement on American second amendment rights under a law that is a complete failure with regards to what it applies to.	The Department disagrees with the comment. The regulation does not include any provisions for the surrender of firearms.

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Comment/Response Spreadsheet**

978.33 Voluntary Cancellations

Number	Freq.	Summary of Comment	Response
C5.06	1	Recommends deletion of this regulation.	The Department disagrees with the recommendation. The Department believes the addition of this regulation is reasonable. Furthermore, the regulation is beneficial to the registrants, providing them the opportunity to cancel the registration of a weapon either modified to no longer meet the assault weapon definition, or no longer possessed by the registrant.
C5.07	1	Contributor understands the regulation.	The Department appreciates the contributor's acknowledgement that the revised definition is clear.
C5.08	1	The regulation lacks an explanation of how the Department will "permanently delete the registration of the specified assault weapon(s)." This is confusing in that there is not clarity to the proposed addition of this language.	The Department disagrees with the comment. The regulation clearly states the procedure for deletion of registration information, and needs no further clarification.
C5.09	1	Contributor objects to the notion that one can "de-configure" one of these firearms if they were so dangerous in the first place simply due to the addition or deletion of accessories, and questions the necessity and clarity of this addition.	The statute (Penal Code section 12276.1) is based on a firearm having certain characteristics that the Legislature has deemed offensive, thereby classifying the firearm as an assault weapon. Absent those characteristics the firearm is no longer an assault weapon. Therefore, the Department believes it is necessary to include a regulation for the voluntary cancellation of an assault weapon registration.
C5.10	1	If the Department doesn't actually permanently delete the registration information as stated in the regulations, the registrant should be entitled to collect exemplary and punitive damages.	The Department disagrees with the comment. Other avenues are available to the public if an agency violates regulatory mandates relative to that agency's administration.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations

Number	Freq.	Summary of Comment	Response
C6.01	1	Section 978.40 (b) is missing from the regulations.	The omission of 978.40 (b) is due to a word processing error. No substantive material was revised or omitted from the regulations. The typographical error has been corrected in the regulation document.
C6.02	1	Since it is illegal to have a state Department of Justice regulations for assault weapons (2nd amendment), the definitions are irrelevant.	The comment addresses the constitutionality of the statute and not the regulations.
C6.03	5	The latest revisions are vague.	The Department disagrees with the comment. The Department believes the regulations are clear and easily understood by those affected by the regulations.
C6.04	1	None of the definitions presented have any effect on the weapon's use.	The purpose of the definitions is to further define the statute pursuant to the authority given to the Department under Penal Code section 12276.5(i).
C6.05	1	The material used by the state for legislative purpose is not technical and scientific in nature and is not sanctioned by an engineer considered competent by the State Department of Consumer Affairs, Bureau of Registration for Professional Engineers, yet the characteristics which the state are trying to define are purely technical in nature.	The Department disagrees with the comment. The Department is not required to have reference material sanctioned by a Board-approved engineer. The Department consulted firearms experts and members of firearms advocacy and control groups when drafting the regulations. The regulations also meet the Administrative Procedures Act's requirements to be drafted in plain English in order that they are easily understood by those affected by the regulations.
C6.06	2	Commentor questions the lack of response to prior comment.	Pursuant to the Administrative Procedures Act, response to public comments submitted during the rulemaking process is appropriately made in the document titled the final statement of reasons.
C6.07	1	Objects to the use of reference materials without explicit references to such material being made in the regulations themselves. Nowhere in the actual regulations is it apparent how the reference material is being used. Suggest each use of a term in the regulations that is based on one or more sources explicitly reference such sources, or that the regulations themselves contain a glossary of terms with appropriate references.	Pursuant to the Administrative Procedures Act, the Department is responsible for citing the reference material used to draft the regulations. Citation of specific pieces of reference material used for each term defined or regulation is not required.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations

Number	Freq.	Summary of Comment	Response
C6.08	1	Suggests the Department employ one or more patent attorneys to write the definitions in the regulations, as the Department's efforts so far have been woefully inadequate.	The Department relied on firearms experts from law enforcement and firearms advocacy and control groups to draft the regulations, as well as the material referenced in the rulemaking file. The Department also analyzed public comments from three comment periods and two public hearings, and revised the regulations as necessary in response to those comments. The Department believes the regulations are clearly stated and easily understood by those affected by the regulations.
C6.09	3	Recommends deletion of all of the definitions in Section 978.20.	The Department disagrees with the recommendation. The purpose of the definitions is to further define the statute pursuant to the authority given to the Department under Penal Code section 12276.5(i).
C6.10	1	It appears the Department is trying to hide or keep as secret as possible all proceedings regarding this bill, and has done a very poor job of informing the public of the rulemaking/revision process.	The Department disagrees with the comment. The Department has exceeded the minimum requirements of the Administrative Procedures Act during each phase of the rulemaking process, thus providing the opportunity for meaningful public participation.
C6.11	1	Each revision is more vague and will be harder to enforce than the last revision.	The Department disagrees with the comment. The Department believes the regulations are clear and easily understood by those affected by the regulations.
C6.12	1	Commentor questions whether the Department considered adding the Bill of Rights to the U. S. Constitution as reference material to the rulemaking file.	The Department acknowledges the comment. However, the Bill of Rights is not a technical or empirical document relied upon by the Department when drafting the regulations, therefore, it is not included in the rulemaking file.
C6.13	1	Commentor questions why the U. S. Department of Defense was not considered and used as a source of information for the intent and function of flash hidens, since it wasn't included in the "Notice of Addition of Reference Material to the Rulemaking file".	The Department of Defense is not a technical or empirical source relied upon by the Department when drafting the regulations, therefore, it is not included in the rulemaking file.

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Comment/Response Spreadsheet**

Overall Regulations

Number	Freq.	Summary of Comment	Response
C6.14	1	The regulations, the numerous previous changes and the proposed changes under consideration at this time, have failed to meet the test of clarity and in part necessity.	The Department disagrees with the comment. The Department believes the regulations are clear and easily understood by those affected by the regulations. Additionally, the Department believes the necessity standard has been met by substantial evidence included in the rulemaking file to support the regulations.
C6.15	1	Despite repeated efforts, according to these regulations, any semiautomatic centerfire rifle with a detachable magazine would be considered an assault weapon.	The Department disagrees with the comment. Pursuant to Penal Code section 12276.1, the "capacity to accept a detachable magazine" is only one of several characteristics that might identify a firearm as an assault weapon if it meets additional criteria specified in the statute. A rifle is not considered an assault weapon as defined in P.C. section 12276.1 solely on the basis of having the "capacity to accept a detachable magazine."
C6.16	1	The revised regulations intentionally or unintentionally expand the scope of SB 23 and fail to clarify the reach of SB 23's criminal sanctions.	The Department disagrees with the comment. The Department believes the regulations are clear, easily understood by those affected by the regulations, and well within the Department's authority to promulgate.
C6.17	1	The regulations have been drafted so as to leave the terms sufficiently vague so that each of the 58 District Attorneys can apply their own interpretation of both the statute and regulations.	The Department disagrees with the comment. The Department believes the regulations are clear and easily understood by those affected by the regulations.
C6.18	1	Commentor suggests the Department add "Small Arms of the World: a basic manual of small arms", by Edward Clinton Ezell to the reference material.	The Department disagrees with the recommendation. The Department did not rely on the "Small Arms of the World: a basic manual of small arms" as a technical or empirical report during the rulemaking process, therefore it is not included in the rulemaking file.
C6.19	1	Particular pages that are pertinent to the regulation definitions should be cited for the reference materials.	The Department disagrees with the comment. Pursuant to the Administrative Procedures Act, the Department is responsible for citing the reference material used to draft the regulations. Citation of specific pieces of reference material used for each term defined or regulation is not required.

**Second 15-Day Comment Period
Comment/Response Spreadsheet**

Overall Regulations

Number	Freq.	Summary of Comment	Response
C6.20	1	The Department should redraft the proposed regulations in an effort to provide the public with clear, concise, readily understandable and implementable regulations that are within the Department's constitutional authority to promulgate.	The Department disagrees with the comment. The Department believes the regulations are clear, easily understood by those affected by the regulations, and well within the Department's authority to promulgate.
C6.21	1	The proposed regulations do not reflect the intention of the Legislature and will result in tremendous confusion among gun makers, dealers, owners and prosecutorial agencies.	The Department disagrees with the comment. The Department believes the regulations are clear and easily understood by those affected by the regulations.
C6.22	1	The proposed regulations expand the scope of SB 23 and do not provide "clarity" as required by the Administrative Procedures Act.	The Department disagrees with the comment. The Department believes the regulations are clear and easily understood by those affected by the regulations.
C6.23	1	The regulations don't include an explanation of necessity for each of the proposed changes.	The Department established the necessity for the regulations in the Initial Statement of Reasons. The necessity for the proposed changes and the opportunity for public comment were indicated in the Notices of Modifications to Text of Proposed Regulations, dated May 10, 2000 and July 12, 2000, and a Notice of Addition of Reference Material to Rulemaking File, dated July 12, 2000.