

**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.

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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.

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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.

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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.

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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.

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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.

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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.

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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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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.

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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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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.

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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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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.

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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".

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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.

**Second 15-Day Comment Period
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**

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**

Attachment C

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.

**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
C3.20	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.

**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
C3.25	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.

**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
C3.31	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.

**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
C3.35	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.

**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
C3.39	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.

**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
C3.43	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.

**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
C3.49	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.

**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
C3.54	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.

**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
C3.59	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.

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

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.

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

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.

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

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.

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

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.

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

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.

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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.

**Second 15-Day Comment Period
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.