

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment A

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

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

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

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Comment/Response Spreadsheet**

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

45-Day Comment Period
Comment/Response Spreadsheet

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Comment/Response Spreadsheet**

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

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

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

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

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

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Comment/Response Spreadsheet**

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

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

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

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

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

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Comment/Response Spreadsheet**

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

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Comment/Response Spreadsheet**

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

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

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

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Comment/Response Spreadsheet**

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

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Comment/Response Spreadsheet**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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