

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

**Attachment B**

**978.20(a) Detachable Magazine**

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

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

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

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

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

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

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

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



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

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

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

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**978.20(b) Flash Suppressor**

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

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**978.20(b) Flash Suppressor**

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

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

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

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**978.20(b) Flash Suppressor**

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



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

**Attachment B**

**978.20(b) Flash Suppressor**

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

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

**Attachment B**

**978.20(b) Flash Suppressor**

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

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Comment/Response Spreadsheet**

**Attachment B**

**978.20(b) Flash Suppressor**

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

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

**Attachment B**

**978.20(b) Flash Suppressor**

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

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

**Attachment B**

**978.20(b) Flash Suppressor**

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

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**978.20(b) Flash Suppressor**

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

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Comment/Response Spreadsheet**

**Attachment B**

**978.20(b) Flash Suppressor**

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

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

**Attachment B**

**978.20(c) Forward Pistol Grip**

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



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Comment/Response Spreadsheet**

**Attachment B**

**978.20(c) Forward Pistol Grip**

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

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**978.20(c) Forward Pistol Grip**

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

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**978.20(c) Forward Pistol Grip**

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

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Comment/Response Spreadsheet**

**978.20(c) Forward Pistol Grip**

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

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

**Permanently Altered (Deleted)**

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

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**Attachment B**

**Permanently Altered (Deleted)**

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

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**Attachment B**

**Permanently Altered (Deleted)**

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

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**Attachment B**

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

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



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**Attachment B**

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

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

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

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

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**Attachment B**

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**978.20(e) Thumbhole Stock**

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

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

**978.20(e) Thumbhole Stock**

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

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

**Attachment B**

**978.20(e) Thumbhole Stock**

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

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

**978.20(e) Thumbhole Stock**

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



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

**978.20(e) Thumbhole Stock**

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

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

**Attachment B**

**978.30(a,b) Requirements for Assault Weapon Registration**

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

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

**Attachment B**

**978.30(a,b) Requirements for Assault Weapon Registration**

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

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

**Attachment B**

**978.30(a,b) Requirements for Assault Weapon Registration**

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

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

**978.30(c) Joint Registration**

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

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

**Attachment B**

**Overall Regulations**

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

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

**Attachment B**

**Overall Regulations**

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

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

**Attachment B**

**Overall Regulations**

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