

EXHIBIT G

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2017-1114-01	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
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RECEIVED DATE PUBLICATION DATE

NOV 14 '17

NOV 24 '17

Office of Administrative Law

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of JusticeAGENCY FILE NUMBER (if any)
DOJ-17-013

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Assault Weapon Definitions		TITLE(S) 11	FIRST SECTION AFFECTED 5460	2. REQUESTED PUBLICATION DATE 11/24/17
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Melan Noble		TELEPHONE NUMBER (916) 210-7011
FAX NUMBER (Optional)		NOTICE REGISTER NUMBER		PUBLICATION DATE
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Assault Weapon Definitions		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 5460	
TITLE(S) 11		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
			E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

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SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Sean McCluskie, Chief Deputy Attorney General

California Code of Regulations
Title 11, Division 5

Chapter 39 Assault Weapons and Large-Capacity Magazines

Article 1. General

§ 5460 Application of Definitions

The definitions of terms in section 5471 of this chapter shall apply to the identification of assault weapons pursuant to Penal Code section 30515.

Note: Authority cited: Sections 30515, 30900, Penal Code. Reference: Sections 30515, 30900, Penal Code.

NOTICE OF PROPOSED RULEMAKING

The Department of Justice (DOJ) proposes to adopt section 5460 of title 11, division 5, Chapter 39, of the California Code of Regulations (CCR) concerning definitions of terms related to identify assault weapons as described in Penal Code (PC) section 30515, after considering all public comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The DOJ will hold a public hearing to receive public comments on the proposed regulatory action.

The hearing will be held on January 8, 2018, 10:00 am to 12:00 pm, at the following location:

Resources Building Auditorium
1416 9th Street
Sacramento, California 95814

This auditorium is wheelchair accessible. There is no designated parking lot. Parking will need to be found nearby.

At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The DOJ requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on January 8, 2018. Only comments received by the DOJ by that time will be considered. Written comments must be submitted to:

Jacqueline Dosch
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-5419
Email: awdefinitions@doj.ca.gov

AUTHORITY AND REFERENCE

PC section 30520(c) gives the DOJ authority to “adopt those rules and regulations that may be necessary or proper to carry out the purposes and intent of this chapter,” which refers to Part 6,

Title 4, Division 10, Chapter 2 of the PC, entitled “Assault Weapons and .50 BMG Rifles” (hereinafter, “assault weapons law”). This chapter contains the statutory provisions restricting the possession, sale, and use of assault weapons, and PC section 30515 falls within Chapter 2.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC section 30515 contains specific characteristic definitions of assault weapons. The proposed regulation provides that the definitions of terms in section 5471 of CCR title 11, division 5, shall apply to the identification of assault weapons pursuant to PC section 30515. Section 5471 was previously promulgated by DOJ in support of the registration of a new class of assault weapons and states that assault weapons that do not have a fixed magazine, as defined in PC section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, as provided in PC section 30900(b)(1). Section 5471 defines forty-four terms used in the identification of assault weapons pursuant to PC section 30515 or otherwise used in the section 5471 definitions themselves. Under the proposed regulation, these definitions would apply to the identification of assault weapons pursuant to PC section 30515, without limitation to context of the new registration process.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

This regulation will provide detailed, concrete information regarding firearms that constitute assault weapons. Because the DOJ has already promulgated one set of definitions for this purpose, the adoption of those preexisting definitions for all purposes under the assault weapons law will ensure that a single set of definitions applies across the entire assault weapons law. The proposed regulation will promote efficiency within the DOJ, as well as provide uniform guidance on characteristics-based assault weapons to the public, the judiciary, district attorney’s offices, and law enforcement agencies throughout California. Additionally, by applying the definitions across the entire statute there will be no question that the same definitions are to be used for everything. Furthermore, this regulation will benefit the health and welfare of California residents by providing uniform guidance on assault weapons to the public, the judiciary, district attorney’s offices, and law enforcement, thereby supporting the enforcement of California’s Assault Weapons Control Act.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the DOJ must evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the DOJ has reviewed existing regulations pertaining to firearms within California Code of Regulations (CCR) title 11, division 5 and determined these proposed regulation is not inconsistent or incompatible. This determination is based on the fact that the proposed regulation adopts definitions that are already in use for the registration of a new class of assault weapons, and that were promulgated pursuant to the Department’s statutory authority to adopt regulations implementing the statutory requirement to register those weapons, as set forth in PC section 30900(b).

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed regulations are not mandated by federal law or regulation.

OTHER STATUTORY REQUIREMENTS

The proposed regulations are not required by any other statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The DOJ has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts that a representative person or business would incur in reasonable compliance with the proposed action: None. The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. (Gov code section 11346.5(a)(9)).

Significant effect on housing costs: None.

Small business determination: The DOJ has determined that the proposed regulation will not affect the creation nor elimination of businesses. This determination is based on the fact that the proposed regulation adopts definitions that are already in use for the registration of a new class of assault weapons, and that were promulgated pursuant to the Department's statutory authority to adopt regulations implementing the statutory requirement to register those weapons, as set forth in PC section 30900(b).

Assessment regarding effect on jobs/businesses: Adoption of the proposed regulation will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

This regulation will benefit the health and welfare of California residents by providing uniform guidance on assault weapons to the public, the judiciary, district attorney's offices, and law enforcement, thereby supporting the enforcement of California's Assault Weapons Control Act.

BUSINESS REPORT

In accordance with Government Code sections 11346.5(a)(11) and 11346.3 (d), this proposed regulation does not require a report to be made to businesses or anyone.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the DOJ must determine that no reasonable alternative was considered, or has been identified and brought to the attention of the DOJ that would be more effective in carrying out the purpose of the action proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulation may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Jacqueline Dosch
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-5419
Email: awdefinitions@doj.ca.gov

The back-up contact person for these inquiries is:

Audrey Durfor
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-7615
Email: awdefinitions@doj.ca.gov

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are

available at the DOJ website at <http://oag.ca.gov/firearms/regs>. Copies may also be obtained by contacting Jacqueline Dosch.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the DOJ may adopt the proposed regulation substantially as described in this notice. If the DOJ makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the DOJ adopts the regulation. Copies of any modified text will be available on the DOJ website at <http://oag.ca.gov/firearms/regs>. A written copy of any modified text may be obtained by contacting Jacqueline Dosch.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available on the DOJ website at <http://oag.ca.gov/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Jacqueline Dosch.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the DOJ website at <http://oag.ca.gov/firearms/regs>.

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

Penal Code (PC) section 30515 specifies characteristics that identify a firearm as an assault weapon. Section 5471 of title 11, division 5, California Code of Regulations (CCR) further defines terms used in PC section 30515 to describe those characteristics, for the purpose of the requirement to register with the Department of Justice (DOJ) a new class of assault weapons by stating assault weapons that do not have a fixed magazine, as defined in PC section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, as provided in PC section 30900(b)(1). Section 5471 defines forty-four terms used in the identification of assault weapons pursuant to PC section 30515 or otherwise used in the section 5471 definitions themselves. Aside from the registration definitions set forth in section 5471, there currently are no definitions of the terms used in PC section 30515 to identify a firearm as an assault weapon.

BENEFITS

The proposed regulation will apply the definitions of terms in CCR section 5471 to the identification of assault weapons pursuant to PC section 30515, without limitation to context of the new registration process. This regulation will provide detailed, concrete information regarding firearms that constitute assault weapons. The proposed regulation will promote efficiency within the DOJ, as well as provide uniform guidance to the public, the judiciary, district attorney's offices, and law enforcement agencies throughout California.

PURPOSE AND NECESSITY

PC section 30515 contains specific characteristic definitions of assault weapons. On July 1, 2016, Assembly Bill 1135 (Chapter 40, Statutes of 2016), and Senate Bill 880 (Chapter 48, Statutes of 2016) were signed into law, with an effective date of January 1, 2017. These bills amended PC section 30515 to include in the definition of "assault weapon" a new class of weapons. These bills also amended PC section 30900(b) to require the registration of assault weapons that do not have a fixed magazine, as defined in PC section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearms with the use of a tool, as provided in PC section 30900(b)(1). PC section 30900(b)(5) required DOJ to promulgate regulations for the purpose of implementing the new registration requirement, and provided that the regulations were exempt from the Administrative Procedure Act. DOJ promulgated registration regulations, including section 5471 of CCR title 11, division 5, which defined forty-four terms used in the identification of assault weapons pursuant to PC section 30515 or otherwise used in the section 5471 definitions themselves.

The proposed regulation provides that the definitions of terms in section 5471 of CCR title 11, division 5, shall apply to the identification of assault weapons pursuant to PC section 30515, for all purposes under the assault weapons law. Section 5471 provides the following definitions:

- (a) “Ability to accept a detachable magazine” means with respect to a semiautomatic shotgun, it does not have a fixed magazine.
- (b) “Action” means the working mechanism of a semiautomatic firearm, which is the combination of the receiver or frame and breech bolt together with the other parts of the mechanism by which a firearm is loaded, fired, and unloaded.
- (c) “Barrel” means the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. Barrels may have a rifled or smooth bore.
- (d) “Barrel length” means the length of the barrel measured as follows: Without consideration of any extensions or protrusions rearward of the closed bolt or breech-face the approved procedure for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthestmost end of the barrel or permanently attached muzzle device. Permanent methods of attachment include full-fusion gas or electric steel-seam welding, high-temperature (1100°F) silver soldering, or blind pinning with the pin head welded over. Barrels are measured by inserting a dowel rod into the barrel until the rod stops against the closed bolt or breech-face. The rod is then marked at the furthestmost end of the barrel or permanently attached muzzle device, withdrawn from the barrel, and measured.
- (e) “Bullet” means the projectile expelled from a gun. It is not synonymous with a cartridge. Bullets can be of many materials, shapes, weights, and constructions such as solid lead, lead with a jacket of harder metal, round-nosed, flat-nosed, hollow-pointed, et cetera.
- (f) “Bullet-button” means a product requiring a tool to remove an ammunition feeding device or magazine by depressing a recessed button or lever shielded by a magazine lock. A bullet-button equipped fully functional semiautomatic firearm does not meet the fixed magazine definition under Penal Code section 30515(b).
- (g) “Bore” means the interior of a firearm’s barrel excluding the chamber.
- (h) “Caliber” means the nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In the United States, caliber is usually expressed in hundreds of an inch; in Great Britain in thousandths of an inch; in Europe and elsewhere in millimeters.
- (i) “Cartridge” means a complete round of ammunition that consists of a primer, a case, propellant powder, and one or more projectiles.
- (j) “Centerfire” means a cartridge with its primer located in the center of the base of the case.
- (k) “Contained in” means that the magazine cannot be released from the firearm while the action is assembled. For AR-15 style firearms this means the magazine cannot be released from the firearm while the upper receiver and lower receiver are joined together.
- (l) “Department” means the California Department of Justice.

- (m) “Detachable magazine” means any ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action or use of a tool. A bullet or ammunition cartridge is considered a tool. An ammunition feeding device includes any belted or linked ammunition, but does not include clips, en bloc clips, or stripper clips that load cartridges into the magazine.

An AR-15 style firearm that has a bullet-button style magazine release with a magnet left on the bullet-button constitutes a detachable magazine. An AR-15 style firearm lacking a magazine catch assembly (magazine catch, magazine catch spring and magazine release button) constitutes a detachable magazine. An AK-47 style firearm lacking a magazine catch assembly (magazine catch, spring, and rivet/pin) constitutes a detachable magazine.

- (n) “Disassembly of the firearm action” means the fire control assembly is detached from the action in such a way that the action has been interrupted and will not function. For example, disassembling the action on a two part receiver, like that on an AR-15 style firearm, would require the rear take down pin to be removed, the upper receiver lifted upwards and away from the lower receiver using the front pivot pin as the fulcrum, before the magazine may be removed.
- (o) “Featureless” means a semiautomatic firearm (rifle, pistol, or shotgun) lacking the characteristics associated with that weapon, as listed in Penal Code section 30515.
- (p) “Fixed magazine” means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- (q) “Flare launcher” means a device used to launch signal flares.
- (r) “Flash suppressor” means any device attached to the end of the barrel, that is designed, intended, or functions to perceptibly reduce or redirect muzzle flash from the shooter's field of vision. A hybrid device that has either advertised flash suppressing properties or functionally has flash suppressing properties would be deemed a flash suppressor. A device labeled or identified by its manufacturer as a flash hider would be deemed a flash suppressor.
- (s) “FMBUS” means a Firearm Manufactured By Unlicensed Subject.
- (t) “Forward pistol grip” means a grip that allows for a pistol style grasp forward of the trigger.
- (u) “Frame” means the receiver of a pistol.
- (v) “Grenade launcher” means a device capable of launching a grenade.

- (w) “Permanently attached to” means the magazine is welded, epoxied, or riveted into the magazine well. A firearm with a magazine housed in a sealed magazine well and then welded, epoxied, or riveted into the sealed magazine well meets the definition of “permanently attached to”.
- (x) “Overall length of less than 30 inches” with respect to a centerfire rifle means the rifle has been measured in the shortest possible configuration that the weapon will function/fire and the measurement is less than 30 inches. Folding and telescoping stocks shall be collapsed prior to measurement. The approved method for measuring the length of the rifle is to measure the firearm from the end of the barrel, or permanently attached muzzle device, if so equipped, to that part of the stock that is furthest from the end of the barrel, or permanently attached muzzle device. (Prior to taking a measurement the owner must also check any muzzle devices for how they are attached to the barrel.)
- (y) “Pistol” means any device designed to be used as a weapon, from which a projectile is expelled by the force of any explosion, or other form of combustion, and that has a barrel less than 16 inches in length. This definition includes AR-15 style pistols with pistol buffer tubes attached. Pistol buffer tubes typically have smooth metal with no guide on the bottom for rifle stocks to be attached, and they sometimes have a foam pad on the end of the tube farthest from the receiver.
- (z) “Pistol grip that protrudes conspicuously beneath the action of the weapon” means a grip that allows for a pistol style grasp in which the web of the trigger hand (between the thumb and index finger) can be placed beneath or below the top of the exposed portion of the trigger while firing. This definition includes pistol grips on bullpup firearm designs.
- (aa) “Receiver” means the basic unit of a firearm which houses the firing and breech mechanisms and to which the barrel and stock are assembled.
- (bb) “Receiver, lower” means the lower part of a two part receiver.
- (cc) “Receiver, unfinished” means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers may be found in various levels of completion. As more finishing work is completed the precursor part gradually becomes a firearm. Some just have the shape of an AR-15 lower receiver for example, but are solid metal. Some have been worked on and the magazine well has been machined open. Firearms Manufactured by Unlicensed Subjects (FMBUS) began as unfinished receivers.
- (dd) “Receiver, upper” means the top portion of a two part receiver.
- (ee) “Rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (ff) “Rimfire” means a rimmed or flanged cartridge with the priming mixture located in the rim of the case.

- (gg) “Second handgrip” means a grip that allows the shooter to grip the pistol with their non-trigger hand. The second hand grip often has a grip texture to assist the shooter in weapon control.
- (hh) “Semiautomatic” means a firearm functionally able to fire a single cartridge, eject the empty case, and reload the chamber each time the trigger is pulled and released. Further, certain necessary mechanical parts that will allow a firearm to function in a semiautomatic nature must be present for a weapon to be deemed semiautomatic. A weapon clearly designed to be semiautomatic but lacking a firing pin, bolt carrier, gas tube, or some other crucial part of the firearm is not semiautomatic for purposes of Penal Code sections 30515, 30600, 30605(a), and 30900.
- (1) A mechanically whole semiautomatic firearm merely lacking ammunition and a proper magazine is a semiautomatic firearm.
- (2) A mechanically whole semiautomatic firearm disabled by a gun lock or other firearm safety device is a semiautomatic firearm. (All necessary parts are present, once the gun lock or firearm safety device is removed, and weapon can be loaded with a magazine and proper ammunition.)
- (3) With regards to an AR-15 style firearm, if a complete upper receiver and a complete lower receiver are completely detached from one another, but still in the possession or under the custody or control of the same person, the firearm is not a semiautomatic firearm.
- (4) A stripped AR-15 lower receiver, when sold at a California gun store, is not a semiautomatic firearm. (The action type, among other things, is undetermined.)
- (ii) “Shotgun with a revolving cylinder” means a shotgun that holds its ammunition in a cylinder that acts as a chamber much like a revolver. To meet this definition the shotgun’s cylinder must mechanically revolve or rotate each time the weapon is fired. A cylinder that must be manually rotated by the shooter does not qualify as a revolving cylinder.
- (jj) “Shroud” means a heat shield that is attached to, or partially or completely encircles the barrel, allowing the shooter to fire the weapon with one hand and grasp the firearm over the barrel with the other hand without burning the shooter’s hand. A slide that encloses the barrel is not a shroud.
- (kk) “Spigot” means a muzzle device on some firearms that are intended to fire grenades. The spigot is what the grenade is attached to prior to the launching of a grenade.
- (ll) “Stock” means the part of a rifle, carbine, or shotgun to which the receiver is attached and which provides a means for holding the weapon to the shoulder. A stock may be fixed, folding, or telescoping.
- (mm) “Stock, fixed” means a stock that does not move, fold, or telescope.

- (nn) “Stock, folding” means a stock which is hinged in some fashion to the receiver to allow the stock to be folded next to the receiver to reduce the overall length of the firearm. This definition includes under folding and over folding stocks.
- (oo) “Stock, telescoping” means a stock which is shortened or lengthened by allowing one section to telescope into another portion. On AR-15 style firearms, the buffer tube or receiver extension acts as the fixed part of the stock on which the telescoping butt stock slides or telescopes.
- (pp) “Those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool” includes functional semiautomatic rifles, pistols, and shotguns with bullet-button style magazine releases. These weapons do not have a fixed magazine.
- (qq) “Thumbhole stock” means a stock with a hole that allows the thumb of the trigger hand to penetrate into or through the stock while firing.
- (rr) “Threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer” means a threaded barrel able to accept a flash suppressor, forward handgrip, or silencer, and includes a threaded barrel with any one of those features already mounted on it. Some firearms have “lugs” in lieu of threads on the end of the barrel. These lugs are used to attach some versions of silencers. For purposes of this definition a lugged barrel is the same as a threaded barrel.

Defining these terms is necessary to promote a clear understanding of PC section 30515 for all purposes under the assault weapons statute. Because the DOJ has already promulgated one set of definitions, in the context of regulations governing the registration of a new class of assault weapons, the adoption of those preexisting definitions for all purposes under the assault weapons law will ensure that a single set of definitions applies across the entire assault weapons law. This regulation will benefit the health and welfare of California residents by providing uniform guidance on assault weapons to the public, the judiciary, district attorney’s offices, and law enforcement, thereby supporting the enforcement of California’s Assault Weapons Control Act.

AUTHORITY AND REFERENCE

PC section 30520(c) gives the DOJ authority to “adopt those rules and regulations that may be necessary or proper to carry out the purposes and intent of this chapter,” which refers to Part 6, Title 4, Division 10, Chapter 2 of the PC, entitled “Assault Weapons and .50 BMG Rifles.” This chapter contains the statutory provisions restricting the possession, sale, and use of assault weapons, and PC section 30515 falls within Chapter 2.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

DOJ relied on information from the following sources when formulating the definitions in section 5471, which the proposed regulation shall apply to the identification of assault weapons pursuant to PC section 30515:

“ATF Rul. 2005-4.” Carl J. Truscott, Director, October 12, 2005

Frank C. Barnes, “Cartridges of the World,” 12th Edition, (2009)

Graham Smith, Ian V. Hogg, “Military Small Arms 300 Years of Soldiers’ Firearms,” (1996)

Ian V. Hogg, John S. Weeks, “Military Small Arms of the 20th Century,” 7th Edition, (2000)

JB Wood, “The Gun Digest Book of Firearms Assembly/Disassembly Part 1: Automatic Pistols,” MCMLXXIX (1979)

JB Wood, “The Gun Digest Book of Firearms Assembly/Disassembly Part IV: Centerfire Rifles Revised Edition,” MCMXCI (1991)

National Rifle Association, “NRA Institute for Legislative Action Glossary,” December 6, 2016

U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “ATF Guidebook – Importation & Verification of Firearms, Ammunition, and Implements of War, Firearms Verification,”(attached for reference)

US Marine Corps, “US Marine Corps Technical Manual for Rifle, 5.56 mm, m16A2,” ArmaLite, Inc.” (1984)

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation defines certain terms used in PC section 30515 to promote a clearer understanding of the statute. PC 30515 was originally enacted in 1999 and sets forth the specific features that qualify a firearm as an assault weapon. PC section 30515 describes over a dozen different types of firearms that may constitute assault weapons, and several terms are used to describe each of these types of firearms. The proposed regulation provides guidance on and examples of the terms that PC section 30515 uses to define assault weapons, but it does not alter the fundamental definitions of assault weapons provided by PC section 30515.

The proposed regulation is unlikely to create or eliminate jobs or businesses within California because the regulation does not change the requirements of the statute. Although the definitions in the regulation will assist in interpretation of the statute, it is the statute that lists the features that may qualify a firearm as an assault weapon. Restrictions on assault weapons as defined by PC 30515 have been in place for almost twenty years. Any impacts on jobs or businesses within California resulting from these statutory restrictions have already occurred. Although the proposed regulation might help to clarify whether a particular firearm constitutes an assault weapon under PC section 30515, any resulting impact on jobs or businesses relating to firearms generally or assault weapons specifically would be extremely minimal (or even nonexistent), particularly when compared with the impact on these jobs and businesses when the statute was first enacted. For these same reasons, the proposed regulation is unlikely to result in the expansion of businesses currently in California.

The DOJ concludes it is unlikely that the proposed regulation will affect (1) the creation or elimination of jobs within California, (2) the creation of new businesses or the elimination of existing businesses within California, (3) the expansion of businesses currently doing business within California.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The DOJ finds that the proposed regulation would not have statewide adverse economic impact on business. The proposed regulation merely defines certain terms used in PC section 30515 to promote a clearer understanding of the statute. Any potential adverse impact that may result from restrictions placed on assault weapons are a result of the statute, which was first enacted almost twenty years ago, and not the regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

Although no specific alternatives were formally presented to the DOJ, several definitions were considered from the research material referenced above. DOJ determined the definitions proposed most accurately reflect the legislative intent of PC section 30515. DOJ anticipates and welcomes comments from the public. When the public comment period begins, DOJ will review each comment, determine the validity of the comment and decide whether to change the text based on the comment.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES, AND THE AGENCY'S REASONS FOR REJECTING THEM

DOJ finds that the proposed regulation would not have any adverse impact on small businesses, thus no alternatives were identified. The proposed regulation merely defines certain terms used in PC section 30515 to promote a clearer understanding of the statute. Any potential adverse impact that may result from restrictions placed on assault weapons are a result of the statute and not the regulation.