

El Cajon Gun Exchange
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11/10/06

Jeff Amador, Field Representative
Department of Justice
Firearms Licensing and Permits Section
P.O. Box 820200
Sacramento, CA 94203-0200

Dear Jeff Amador,

If this letter smacks of *deja vu* it is because we just addressed the issue of redefining a detachable magazine a very short time ago. My last protest letter was only dated 8/10/06. Your Department has completely failed to address any of the concerns brought up then, making it unnecessary to write a whole new protest letter; the last one will do with only minor editing.

DOJ's persistence in this matter is more characteristic of the pursuit of a political agenda than anything having to do with enforcing a badly written law. The legislature did a poor job of giving the Attorney General all the tools needed to properly harass gun owners and he is left scrambling to find a way to deal with a pet peeve before leaving office.

That said, this is a formal protest of the proposed rule change concerning the change in definition of what is or is not to be considered a detachable magazine.

- Over one-hundred thousand firearm owners have relied, to their detriment if this regulation passes, on the historical interpretation, actions, and application of the "*assault weapon*" statutes and existing regulations defining "*detachable magazine*," which focuses on the interface between the magazine and the rifle.
- Fixed magazine guns, like the Barrett 82A1/CA and DSArms, can be retrofitted with a detachable magazine -- which would make them illegal.
- The DOJ historically emphasized that the focus on modifications of firearms was whether the firearm was a "*fixed magazine*" or a "*detachable magazine*," not the reversibility of the modification. For example, Director of the Firearms Division, Randy Rossi stated in a letter as far back as August 13, 2002 that a Barrett 82A1/CA, which was approved by the DOJ, was a "*fixed magazine*" -- despite the fact that the same firearm would not meet the newly proposed regulation by the DOJ.
- A DOJ lawyer for the Firearms Division has previously stated in writing that "**a receiver with a magazine that is not 'readily detachable' is not subject to the ban** on generic characteristic [sic] set forth in section 12276.1(a)(1)."
- This regulation would invalidate all ".50 BMG Rifle" registrations for the Barrett 82A1 made by owners pursuant to AB50, because an "assault weapon" cannot be registered ".50 BMG Rifle."
- "*Reversed*" should be defined. But given modern machining capabilities, no firearm is ever "*irreversible*" to only accept a fixed magazine. And, the DOJ has admitted that a firearm cannot be permanently altered to not accept a detachable magazine.
- The regulation would deem any fixed magazine rifle with one feature prohibited by Penal Code section 12276.1 that could be retrofitted with a detachable magazine an "*assault weapon*." There are many of these rifles in California. These could include SKS type rifles, DSArms FN-FAL series rifles, and any rifle for which an after market "*detachable magazine*" retrofit kit is available. Even the Remington 7400 series and Browning BAR hunting rifles would be at risk. Consider a BAR with a muzzle brake BOSS system.
- People were misled to believe that by putting a fixed magazine of their rifle they were in compliance with the law.
- People were not told they needed to register these guns as "*assault weapons*" and the registration period has now expired.

- It is unclear what the term "*action*" means. Is it the receiver, the trigger group, or what?
- The DOJ has already stated that the phrase "*capacity to accept*" is clear.
- The DOJ has already stated that the courts should decide what "*capacity to accept*" means.
- The proposed amendment affects small businesses by making criminals out of law abiding purchasers of firearms who relied upon the DOJ's previous interpretations and their dealer's assurances that firearms purchased by the public were lawful.
- It is unclear what the term "*device*" means, because it has not been defined.
- It is unclear what the term "*irreversible*" means since anything can be reversed with time and tools, even the approved methods of modification.
- The inclusion of the phrase "*removed, reversed, or disengaged, without alteration to the magazine well*" limits the allowable modifications to the four modifications listed in subdivision (3) despite the inclusion of the unrestricted language "*for example*" used in subdivision (3). This is also true despite the fact that the four proposed approved "*examples*" are reversible and conflicts with the alleged intent of the newly proposed regulation.
- The proposed amendment exceeds the scope of the stated purposes of the regulation, which was to "*define a sixth term, 'capacity to accept a detachable magazine', as meaning 'capable of accommodating a detachable magazine, but shall not be construed to include a firearm that has been permanently altered so that it cannot accommodate a detachable magazine.'*"

The short version is that DOJ, once again, wants to redefine "assault weapon" based on a confusing and very loose interpretation of how we define "detachable magazine". Gun owners with currently legal firearms can find themselves in court or imprisoned with their firearms confiscated because a local DA decides that "permanent" means that a, you pick the gun, is a "detachable magazine" gun because it can be modified to accept a detachable magazine and therefore is an "assault weapon"!

There is no "test" beyond the words or phrases "action", "irreversible", "device", "capacity to accept", "*removed, reversed, or disengaged, without alteration to the magazine well*", and the list goes on - which are undefined and completely open to interpretation. DOJ must be held accountable and forced to go through the courts or the legislature if they want to re-write the law and criminalize entirely new groups of firearms.

Per our counsel this definition places the El Cajon Gun Exchange at risk. Definitions should be black and white vice shades of gray and this one is so gray that even DOJ personnel refuse to nail it down – *and it's their definition!* I define that as outrageous! Please let me know what action your office takes in this matter.

Best Regards,

Ron Godwin
Vice President, El Cajon Gun Exchange

Cc: Assemblyman Jay LaSuer, Senator Dennis Hollingsworth