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

Re: Proposed Amendment to § 978.20 of Division 1, Title 11 of the California Code of Regulations (CCR)

Dear Mr. Amador:

The Sporting Arms and Ammunition Manufacturers' Institute, Inc. ("SAAMI") appreciates the opportunity to offer further comment on a proposed amendment to Section 978.20 of Division 1, Title 11 of the CCR to add a subsection (f) defining "capacity to accept a detachable magazine."

The proposed subsection (f) reads as follows:

(f) "capacity to accept a detachable magazine" means *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. (emphasis supplied.)

SAAMI is concerned the proposed definition is overbroad and unduly vague and will create a situation where thousands of legally owned, semi-automatic rifles with fixed magazines will become illegal "assault weapons" overnight.

SAAMI is the technical and standard-setting nonprofit trade association of the nation's leading manufacturers of sporting firearms, ammunition and components. Since 1926, SAAMI has been actively engaged in developing and publishing voluntary product standards related to firearm and ammunition quality and safety. The U.S. military, the Federal Bureau of Investigation, and many Federal, State and local law enforcement agencies require that their firearms and ammunition be manufactured to SAAMI standards. SAAMI is an American National Standards Institute ("ANSI") accredited standards developer. SAAMI is proud of its long history of supporting law enforcement in its efforts to reduce the criminal misuse of firearms.

Since the passage of the original legislation (SB 23) in 2000, California law has recognized an "assault weapon" as "a semiautomatic, center fire rifle that has the **capacity to accept** a detachable magazine and also has one other of certain enumerated cosmetic features.

The phrase "capacity to accept" has been interpreted since the law's enactment to mean a rifle (receiver) as *originally manufactured* into which a detachable magazine could be inserted. In other words, if the rifle is not mechanically modified (after original manufacture) to accept a detachable magazine, the firearm is legal under California law. By altering the definition of "capacity to accept a detachable magazine" to mean "capable of accommodating a detachable magazine," the amendment makes clear that any firearm that could someday be mechanically altered to accept (accommodate) a detachable magazine will be considered an "assault weapon." But virtually every, if not in fact all, semi-automatic rifle(s) with a fixed magazine *could be* mechanically altered and modified *after being originally manufactured* to be capable of accepting (accommodating) a detachable magazine. Therefore, thousands of currently legal firearms would, by virtue of this newly added definition, be rendered illegal under California law *even if they were never in fact so altered*. Thousands of law-abiding Californians own and enjoy semi-automatic rifles in a safe and responsible manner for hunting, shooting sports, self defense and collection, which would now be contraband because of this proposed definition.

In the Department's Initial Statement of Reasons, the Department analogizes the proposed subsection (f) to Penal Code § 12276.1(d)(2) that bans semi-automatic center fire rifle having a "fixed magazine with the capacity to accept more than 10 rounds." The Department's reliance upon this Penal Code section is unpersuasive because the capacity at issue in that Penal Code section relates to the magazine itself, not what the firearm (receiver) is capable of accommodating. Cf. Penal Code § 12020(c)(25) ("large capacity magazine" means any *ammunition feeding device* with the capacity to accept...) (emphasis supplied).

SAAMI is opposed to the proposed amendment to add subsection (f) to Section 978.20 of Division 1, Title 11 of the CCR.

We believe the Department can address its concerns underlying this regulatory action more quickly and effectively through an educational outreach effort to firearms dealers and consumers.

Sincerely,



Lawrence G. Keane

CC: K. Lynch (via fax and email)